

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR AND INDUSTRY  
Pennsylvania Labor Relations Board

----- x  
:  
IN THE MATTER OF THE EMPLOYEES OF : Case No.  
TEMPLE UNIVERSITY : PERA-R-14-400-E  
:  
----- x

Pages 738 through 753

Hearing Room No. 3  
North Office Building  
401 North Street  
Harrisburg, Pennsylvania

Monday, August 10, 2015

Met, pursuant to adjournment, at 9:52 a.m.

BEFORE:

JOHN POZNIAK, Hearing Examiner

APPEARANCES:

MEREDITH C. SWARTZ, Esquire  
SHANNON D. FARMER, Esquire  
Ballard Spahr, LLP  
51st Floor  
1735 Market Street  
Philadelphia, Pennsylvania 19103-7599  
(For Temple University)

AMY L. ROSENBERGER, Esquire  
Willig, Williamson & Davidson  
24th Floor  
1845 Walnut Street  
Philadelphia, Pennsylvania 19103  
(For the Union)

\*\*\*

Commonwealth Reporting Company, Inc.  
700 Lisburn Road  
Camp Hill, Pennsylvania 17011

C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Michael Bognanno	740	748	---	---

E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>Temple</u>		
56 (Michael L. Bognanno résumé)	742	750
57 (4/4/14 memo)	743	750
58 (Stanley McDonald Annual Report of Faculty Achievement)	749	750
59 (Kathleen A. Davis Annual Report of Faculty Achievement)	749	750
60 (Donald Wargo Annual Report of Faculty Achievement)	749	750

Any reproduction of this transcript  
is prohibited without authorization  
by the certifying reporter.

\*\*\*

P R O C E E D I N G S

HEARING EXAMINER POZNIAK: We're on the record in the matter of the employees of Temple University, which is docketed at PERA-R-14-400-E, and this is the sixth day of hearing.

Before we go anywhere, will Temple stipulate that the adjuncts are professional employees under Act 195?

MS. FARMER: Yes.

HEARING EXAMINER POZNIAK: Do you want to call your first witness?

MS. FARMER: Yes. Michael Bognanno.

HEARING EXAMINER POZNIAK: You can sit down. Can you raise your right hand?

Whereupon,

**MICHAEL BOGNANNO**

having been duly sworn, testified as follows:

HEARING EXAMINER POZNIAK: Please state your name.

THE WITNESS: Michael Bognanno.

HEARING EXAMINER POZNIAK: Can you spell that?

THE WITNESS: B-o-g-n-a-n-n-o.

HEARING EXAMINER POZNIAK: Thanks.

**DIRECT EXAMINATION**

BY MS. FARMER:

FORM 2

- 1 Q. Who is your employer?
- 2 A. Temple University.
- 3 Q. How long have you worked for the university?
- 4 A. For 25 years.
- 5 Q. What's your current position?
- 6 A. I'm the Chair of the Economics Department.
- 7 Q. In what college?
- 8 A. In the College of Liberal Arts.
- 9 Q. Were you part of the Economics Department when it was
- 10 part of the Fox School of Business?
- 11 A. Yes, I was.
- 12 Q. How long have you been Chair of the Economics
- 13 Department?
- 14 A. For five years.
- 15 Q. What are your job duties as Chair?
- 16 A. I allocate the department budget. I set the tasks
- 17 for department committees, assign people to the committees.
- 18 I'm responsible for the scheduling of courses and staffing
- 19 those courses. I have a role in evaluating department
- 20 personnel. I submit the hiring requests and am involved in
- 21 department hiring. I deal with student grievances. There's
- 22 a lot of tasks.
- 23 Q. What other positions have you held at Temple over the
- 24 last 25 years?
- 25 A. For one year, I was Academic Director of the

1 Executive MBA program, and I was Director of the Master's  
2 Program in Economics at the Temple University Japan campus,  
3 and I was Director of Economics and Business on the Japan  
4 campus as well.

5 Q. And do you hold a faculty appointment?

6 A. Yes, I do.

7 Q. What is that?

8 A. I'm an Associate Professor in the Economics  
9 Department.

10 Q. Are you tenured?

11 A. Yes.

12 MS. FARMER: This will be 56.

13 (Whereupon, the document was marked as Temple  
14 Exhibit No. 56 for identification.)

15 BY MS. FARMER:

16 Q. I'm showing you what we've marked as Temple Exhibit  
17 56. Can you identify this document, please?

18 A. Yes. This is my résumé.

19 Q. Do you have adjunct faculty teaching in the Economics  
20 Department?

21 A. Yes.

22 Q. Do full-time faculty receive periodic performance  
23 evaluations in your department?

24 A. The untenured tenure-track faculty get an annual  
25 performance review that we have to submit to the CLA Dean's

1 office.

2 Q. Are there also periodic performance evaluations done  
3 of NTTs?

4 A. Yes. The personnel committee in the department and  
5 myself do an annual performance review of NTTs.

6 MS. FARMER: This will be 57.

7 (Whereupon, the document was marked as Temple  
8 Exhibit No. 57 for identification.)

9 MS. ROSENBERGER: Shannon, before you ask any  
10 questions, can you give me a minute to review this?

11 MS. FARMER: Sure.

12 (Pause.)

13 MS. ROSENBERGER: Okay.

14 BY MS. FARMER:

15 Q. I'm showing you what we've marked as Temple Exhibit  
16 57. Is this an example of an evaluation done for an NTT?

17 A. Yes, it is.

18 Q. And is this for Professor Wargo?

19 A. Yes.

20 Q. Do you know if Mr. Wargo holds any position on the  
21 executive committee of TAUP?

22 A. I believe, yes, he does.

23 Q. Does the Economics Department have committees that  
24 help with governance?

25 A. Yes.

1 Q. Are these committees important to the operation and  
2 governance of the department?

3 A. They are.

4 Q. Do you have an undergraduate affairs committee?

5 A. Yes, we do.

6 Q. What's the purpose of that committee?

7 A. They review the undergraduate program. They have a  
8 role in the grievance procedure should a grievance be raised  
9 by an undergraduate student. They've been tasked with  
10 coming up with ideas for how to increase the number of  
11 economics majors. They respond to the requests by the  
12 colleges where the Economics Department has a major to  
13 perform roles in the accreditation process.

14 Q. Are there any adjuncts that serve on this committee?

15 A. No.

16 Q. Has there ever been an adjunct on the undergraduate  
17 affairs committee in your tenure at Temple?

18 A. No.

19 Q. Are there adjuncts serving on any departmental  
20 committees in the Economics Department?

21 A. No, there are not.

22 Q. Have there ever been adjuncts who served on  
23 departmental committees when economics was in the Fox School  
24 of Business?

25 A. Not to my recollection.

1 Q. And while the Economics Department has been in CLA,  
2 have there ever been adjuncts who served on any departmental  
3 committees?

4 A. No.

5 Q. Do you have regular departmental meetings?

6 A. Yes, we do.

7 Q. How frequently?

8 A. Approximately twice a semester.

9 Q. What happens at those meetings?

10 A. The main role is exchange of information. Everyone  
11 gets together. We talk about the priorities of the  
12 department for the year, what the tasks of all the  
13 committees are, the state of the budget. We have the  
14 Committee Chairs give reports on what actions are taking  
15 place in their committees. Occasionally we vote on  
16 something. A few years ago, we revised the promotion and  
17 tenure standards in the department, and that was discussed  
18 in the department.

19 So it's largely informational, but occasionally we  
20 have a vote and we also put things up for discussion.

21 Q. Are there decisions that are made about curriculum  
22 and course offerings?

23 A. There could be.

24 Q. Are there decisions about faculty recruiting?

25 A. Yes. We discuss recruiting. It's more broad-brush,



1 because we have a specific hiring committee that makes  
2 selections. There's also an executive committee where the  
3 strategy with regards to hiring is discussed more so than  
4 what takes place at the department meeting.

5 Q. Under RCM, are there decisions made about how to  
6 deploy revenue for the department?

7 A. The revenue deployment to some extent could be  
8 discussed at the department meeting, but I view that more as  
9 my job to make those decisions with consultation. It's not  
10 like something that they would vote on in a department  
11 meeting, but it's something that could be discussed.

12 Q. Do full-time faculty attend these meetings?

13 A. Yes, they do.

14 Q. Does that include NTTs?

15 A. Yes, it does.

16 Q. Is there a secretary?

17 A. There has been a secretary.

18 Q. Who is that currently?

19 A. Dr. Tucker Taylor has served as department secretary.

20 Q. And what role does he hold within the department?

21 A. He was an NTT until 2012, and then he has become --  
22 he's now an adjunct professor.

23 Q. How did it come about that he acts as the secretary?

24 A. He had served in that role when he was an NTT, and  
25 when he became an adjunct, he continued to take minutes at

1 the department meetings as secretary.

2 Q. Is that something that he's required to do?

3 A. No.

4 Q. Is it something he's compensated for doing?

5 A. No.

6 Q. Does he get a vote if there are votes taken on things  
7 at the department meetings?

8 A. He does not vote.

9 Q. Does he serve on any committees?

10 A. No.

11 Q. Are adjuncts invited to the department meetings?

12 A. They're not invited.

13 Q. And was that the case when the Economics Department  
14 was in the Fox School of Business?

15 A. Yes.

16 Q. Are full-time faculty in your department involved in  
17 research?

18 A. Yes, they are.

19 Q. And are they expected to participate in research?

20 A. They're expected to, and their course load and their  
21 merit pay, if they're not doing research, it has a bearing  
22 on their course load and their merit pay.

23 Q. Are adjuncts expected to participate in research?

24 A. There's no expectation of it. The primary  
25 expectation is that they do a good job in the classroom.

1 Q. And are adjuncts expected to perform any service to  
2 the department?

3 A. No. They have no service obligation.

4 MS. FARMER: I have no further questions.

5 **CROSS-EXAMINATION**

6 BY MS. ROSENBERGER:

7 Q. Good morning.

8 A. Hi.

9 Q. My name is Amy Rosenberger. I represent TAOP. NTT  
10 faculty aren't expected to engage in research, are they, in  
11 your department?

12 A. No. They get rewarded if they do, but there's no  
13 obligation for research.

14 Q. And, in fact, their appointment letters specifically  
15 say that there's no obligation for research; right?

16 A. I believe so.

17 MS. ROSENBERGER: Can I just take a minute?

18 HEARING EXAMINER POZNIAK: Off the record.

19 (Recess.)

20 HEARING EXAMINER POZNIAK: We're back on.

21 BY MS. ROSENBERGER:

22 Q. You talked about the various committees in the  
23 department.

24 A. Yes.

25 Q. Are there any that NTT faculty cannot participate in?

1 A. Yes. There are some committees NTTs do not serve on.  
2 They don't serve on the executive committee. They do not  
3 serve on the P&T committee, promotion and tenure committee.  
4 They do not serve on the personnel committee.

5 Q. How about the hiring committee?

6 A. No. They don't serve on the hiring committee.

7 (Pause.)

8 MS. ROSENBERGER: That's all I have.

9 MS. FARMER: No questions.

10 HEARING EXAMINER POZNIAK: You can step down.

11 (Witness excused.)

12 MS. FARMER: Could we just have a minute off  
13 the record?

14 HEARING EXAMINER POZNIAK: Sure. We're off.

15 (Recess.)

16 HEARING EXAMINER POZNIAK: Back on the  
17 record.

18 I've been handed Temple 58, 59 and 60, which  
19 look like Annual Report of Faculty Achievement documents for  
20 three different individuals. They will be marked for the  
21 record.

22 (Whereupon, the documents were marked as  
23 Temple Exhibits Nos. 58, 59 and 60 for  
24 identification.)

25 HEARING EXAMINER POZNIAK: Do you want to

1 move for Temple 56 through 60 then?

2 MS. FARMER: Yes, please.

3 HEARING EXAMINER POZNIAK: Any objection?

4 MS. ROSENBERGER: No.

5 HEARING EXAMINER POZNIAK: Temple 56 through  
6 60 are admitted.

7 (Whereupon, the documents marked as Temple  
8 Exhibits Nos. 56 through 60 were received in  
9 evidence.)

10 MS. ROSENBERGER: I did move for admission of  
11 my remaining ones last time, didn't I?

12 HEARING EXAMINER POZNIAK: I think so. Let's  
13 go off.

14 (Discussion off the record.)

15 HEARING EXAMINER POZNIAK: We're back on.

16 The parties have an additional stipulation  
17 they want to submit?

18 MS. ROSENBERGER: I wouldn't refer to it as  
19 stipulation. It's not factual, but we have an agreed-upon  
20 statement.

21 HEARING EXAMINER POZNIAK: Okay.

22 MS. ROSENBERGER: Temple has presented  
23 witnesses who testified about the university and a variety  
24 of schools, colleges and departments. Temple is prepared to  
25 present additional witnesses who will provide consistent.

1 testimony about other schools, colleges and departments.  
2 Temple will dispense with calling additional witnesses from  
3 different schools/departments who would provide that  
4 testimony.

5 In turn, TAUP will not argue that Temple did  
6 not put on witnesses from enough schools and/or departments  
7 to provide evidence to support Temple's position about the  
8 respective roles of tenure/tenure track, NTT and adjuncts.  
9 However, TAUP reserves its right to advance any other  
10 arguments concerning the roles of full-time and adjunct  
11 faculty or any other issue in this matter, including, but  
12 not limited to, arguing that the evidence presented by  
13 Temple is not determinative of the issues presented in this  
14 matter, that any or all of Temple's evidence should not be  
15 credited and/or that the roles of full-time and adjunct  
16 faculty are not uniform among all departments in the TAUP  
17 bargaining unit.

18 HEARING EXAMINER POZNIAK: Is that agreeable,  
19 Ms. Farmer?

20 MS. FARMER: Yes.

21 HEARING EXAMINER POZNIAK: Is there anything  
22 else today?

23 MS. ROSENBERGER: Not from us.

24 MS. FARMER: We rest.

25 HEARING EXAMINER POZNIAK: Off the record.

1 (Discussion off the record.)

2 HEARING EXAMINER POZNIAK: We're back on the  
3 record.

4 We discussed briefs off the record. The  
5 parties do want to submit briefs in support of their  
6 respective positions, and I think the agreement is that  
7 briefs will be due three weeks from the date of receipt of  
8 today's transcript. Is that correct?

9 MS. ROSENBERGER: Yes.

10 MS. FARMER: Yes.

11 HEARING EXAMINER POZNIAK: Is there anything  
12 else today?

13 MS. FARMER: Nothing from us.

14 MS. ROSENBERGER: No.

15 HEARING EXAMINER POZNIAK: Okay. This  
16 hearing is concluded. We're off the record.

17 (Whereupon, at 10:18 a.m., the hearing was  
18 concluded.)

19 \*\*\*  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: Sandra J. Milus  
Sandra J. Milus

\*\*\*

FORM 2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25