

EXHIBIT 3

FORCE MAJEURE
5-19-2020

The purpose of this communication is to memorialize that since at least April 21, 2020, University representatives have been regularly meeting with Akron-AAUP representatives to discuss and show evidence of the need for FORCE MAJEURE, and that the University of Akron has invoked the provisions of Article 15, Section 12 due to the COVID-19 pandemic virus crisis. Circumstances caused by this pandemic have rendered it impossible or unfeasible to implement the provisions and procedures set forth in Article 15, so FORCE MAJEURE will be utilized to make necessary reductions in force of bargaining unit faculty.

**2020 COVID-19 CONTRACT NEGOTIATIONS BETWEEN THE UNIVERSITY OF
AKRON AND THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,
THE UNIVERSITY OF AKRON CHAPTER (AKRON-AAUP)**

Set out below is UA’s first formal contract proposals with respect to modifying provisions and incorporating new provisions to the Collective Bargaining Agreement (CBA) between the parties pursuant to Article 33, Section 3. These modifications and new provisions would be made to Article 16, Section 1 (Compensation), Article 17, Section 1 (Benefits) D (Health and Dental Contributions), Article 17, Section 1 (Benefits) E (Retiree Spouse and Dependent Healthcare) and Article 17, Section 9 (Furlough Days) – New Language. Set out below are the aforementioned proposed changes:

ARTICLE 16, SECTION 1 (COMPENSATION)

All BUF who have a base annual salary of \$50,000 or more will have their salaries reduced in accordance with the tiered percentage pay reductions set out below and effective July 1, 2020:

<u>Base Annual Salary Tier</u>	<u>Percent Pay Reduction</u>
\$50,000 - \$99,999	5%
\$100,000 - \$149,999	6.5%
\$150,000 - \$199,999	8%
\$200,000+	10%

ARTICLE 17, SECTION 1 (BENEFITS) (D)

UA’s proposal is to achieve an overall 10% increase in bargaining unit faculty contributions for all health and dental insurance provided effective January 1, 2021. How this increase in contributions is achieved is up for discussion.

**ARTICLE 17, SECTION 1 (BENEFITS) E (RETIREE SPOUSE AND
DEPENDENT HEALTHCARE COVERAGE)**

UA's proposal is to eliminate Article 17, Section (E) from the Agreement effective January 1, 2021.

ARTICLE 17, SECTION 9 (FURLOUGH DAYS) - NEW LANGUAGE

A furlough is an unpaid leave of absence from work for a specified period of time. Employees are not permitted to engage in work when taking furlough time. All BUF may be subject to a furlough unless the faculty position is fully supported by an outside funding resource (e.g., grant funded). Positions partially funded by an outside funding source may still be subject to furlough.

If, after consultation with the Board of Trustees (BOT), the President of the University of Akron (President) reasonably believes, a furlough is necessary, a furlough may be implemented. UA shall, as soon as practical before the furlough implementation date, notify all BUF subject to furlough of its intent to implement mandatory furloughs to achieve spending reductions necessitated by institutional budget deficits. Such notice shall include the nature and extent of furloughs and the method of implementation. Furlough days shall be scheduled at a time most operationally feasible to the college, department or unit. Furlough days shall not be scheduled during a time when a faculty member is required to teach, except in the event of a major UA crisis as determined by the President or the President's designee. Furloughs may be scheduled on a continuous, intermittent or staggered basis based on the BUF's base annual salary.

Paid time off or any accrued paid leave which would negate necessary budget reductions may not be utilized during a furlough. However, vacation and sick leave will continue to accrue but will not accrue for FMLA credit.

Healthcare, dental, vision and life insurance benefits will not be affected by a furlough. However, retirement contributions by the BUF and UA will be affected by a furlough since contributions are based on actual earnings. BUF remain responsible for making all employee contributions while on furlough, including but not limited to, health care, dental, vision, flexible spending accounts, 403(B) and 457(B) contributions, as well as all other miscellaneous authorized deductions.

Effective July 1, 2020, all BUF who make \$50,000 or more per year will be subject to the following number of furlough days for fiscal year 2020-2021:

<u>Base Annual Salary</u>	<u>9-month faculty</u>	<u>12-month faculty</u>
\$50,000 - \$99,999	9	11
\$100,000 - \$149,999	11	15
\$150,000 - \$199,999	15	20
\$200,000+	21	28