

# Clarion

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**IN FULL EFFECT**

## PAID PARENTAL LEAVE

The current contract includes a new benefit: paid parental leave for full-time faculty and professional staff. It took effect on March 20 and is retroactive to July 17, 2008, the date of the contract settlement. To use the retroactive benefit, eligible members must submit an application by May 20, 2009. Full details are inside. Above, Jennifer Mangels, an associate professor of psychology at Baruch and the Graduate Center, and her son Jason. Mangels was part of a committee of union members who organized to win this important victory. **PAGE 8**



**DREAM ACT**

### CUNY students dare to DREAM

Undocumented immigrant youth organize.

**PAGE 10**

**UNION RIGHTS**

### Employee Free Choice Act: why we need it

The loopholes in current US labor law make it difficult to organize a union and negotiate a first contract. Unions are pressing for reform, but corporations are fighting back. **PAGES 2, 6-7**



**BLACKBOARD**

### Semester plagued by computer problems

First the CUNY portal went down during registration. Then it was Blackboard, courseware now commonly used across CUNY. *Clarion* looks at what caused this semester's snafus. **PAGE 5**



**BUDGET**

### State budget settled, focus moves to City

CUNY's budget rose modestly, but only because students will pay more and enrollment (as well as overcrowding) will increase. Now the spotlight shifts to the City. **PAGE 3**

## RF-CUNY & labor law

By PETER HOGNESS

Campus-based employees of the CUNY Research Foundation (RF-CUNY) at LaGuardia, City Tech and the Grad Center say it's time for management to stop dragging its feet in collective bargaining. RF-CUNY's endless delays, they say, are a classic example of why the Employee Free Choice Act (see pages 6-7) is needed.

Research Foundation employees at the Graduate Center started organizing a union in May 2003. "When I saw the flyer saying that people wanted to organize a union, I immediately signed up to join," said Georgina Pierre-Louis, who has worked at the Grad Center for 10 years.

Under the Employee Free Choice Act, Pierre-Louis and other RF-CUNY employees at the Grad Center could have gained union recognition as soon as a majority signed union membership cards. But under existing federal labor law, the process was not so simple.

When Grad Center workers asked for a vote on unionization with the PSC, RF-CUNY's used procedural objections to delay the election until May 2005. Then management filed more objections to prevent counting of the ballots, so the results – in which the PSC won 82% support – weren't released until October 2007.

RF-CUNY employees at LaGuardia and City Tech voted to unionize in 2004 and 2005, by margins of 81% and 88% respectively. Yet RF-CUNY management has failed to conclude a first contract with these groups of workers, while spending more than \$2 million on expensive labor attorneys.

"That money would be enough to give us all a raise of 3% a year," said Julie Sterling, who works at the LaGuardia on an RF-CUNY line. "Instead, at LaGuardia they're offering us raises of 1.25%." In 2006-7, RF-CUNY President Richard Rothbard's salary was increased by 44.6%, from \$175,115 to \$253,251.

The pattern of delays—which includes management regularly reconsidering its own draft language and being unwilling to schedule meetings more than once a week—has dragged out negotiations for a first union contract. If the Employee Free Choice Act were adopted, union members or employers could request binding arbitration if no agreement is reached within 120 days.

"For me, the arbitration provision is almost a bigger deal than signing cards to unionize," said Peter Frase, an RF-CUNY employee who has worked at the Grad Center for two years. "So many unions have trouble getting a first contract – management tries to just grind you down until you give up. We're not going to let that happen." Frase said there should be a limit to how long management can delay after the NLRB has certified that a union has majority support.



LETTERS TO THE EDITOR | WRITE TO: CLARION/PSC, 61 BROADWAY, 15TH FLOOR, NEW YORK, NY 10006. E-MAIL: PHOGNESS@PSCMAIL.ORG. FAX: (212) 302-7815.

# Part-timers: don't delay on joining TRS

● Are you an adjunct or CLIP teacher who has not yet joined the New York City Teachers' Retirement System (TRS)? If you are, I strongly encourage you to enroll immediately.

Governor Paterson, Mayor Bloomberg and many prominent voices in the New York media have recently pushed hard to cut pension benefits for future municipal employees by creating a new "Tier Five" in the pension system. Although union opposition kept Tier Five from being approved with the latest New York State budget, the governor, mayor and others are still complaining loudly about pension costs and asking unions to make concessions.

I don't know if this campaign to worsen public employee pension benefits will succeed. But I do know that anyone who joins TRS right now would remain in the existing Tier Four even if a reduced Tier Five is created in the future. Fortunately, the New York State Constitution prohibits any reduction of an already-existing pension benefit.

I hope that the labor movement can continue to turn back efforts to slash public employee pensions. But if you want an insurance policy,

make sure you sign up for the benefits you are entitled to as a current employee. The time for part-timers to join TRS is now.

To enroll in TRS, you need two forms, an enrollment form and a beneficiary form. You can get these forms from your campus Human Resources office. You will also need proof of birth. If you have any questions, e-mail me at [eballeisen@psc-mail.org](mailto:eballeisen@psc-mail.org).

Ellen Balleisen  
Bronx Community College

## Solidarity with Haitian colleagues

● Eight employees of the National Archives of Haiti have been fired for union organizing, and the secretary general of their union, COSE-ANH (Union of the Employees of the National Archives of Haiti), Jean Bonald Fatal, has asked PSC members and other academic unionists for help.

Moreover the fired unionists have received death threats against themselves and their families, as detailed in a COSE-ANH press release reported in the New York newspaper *Haiti Liberté*, so this appeal for our solidarity is urgent. Eighty percent

of the archives employees have been kept on one-year contracts, since reduced to six months. The union press release denounces the archives management for corruption, nepotism and profiteering, as well as union busting.

Would PSCers please send letters protesting these firings and death threats against unionists to Jean Wilfrid Bertrand, director general of the National Archives of Haiti, at [jwtbertrandarchives@acn2.net](mailto:jwtbertrandarchives@acn2.net)?

Responding to our Haitian colleagues' appeal accords with our union's principles, counters the racist history of US invasion and domination in Haiti, and acknowledges the many Haitian students, faculty and staff at CUNY. Corporations, militaries, universities are globalized; union solidarity too should be international.

Tony O'Brien, Secretary  
PSC International Committee

## Animal rights

● I am writing in reference to the article in the February 2009 *Clarion*, "Why The Union Won At Smithfield."

The article mentions, without comment, that "32,000 hogs" were "killed and cut apart" each day at

Smithfield. It is well documented that these animals have high intelligence and emotional sensitivity; they suffer extreme pain and agony while living in the most unimaginable and brutal conditions before they die an even more miserable and cruel death.

I applaud the victory won by immigrant Latino and African American workers, forced to work for slave wages at a slaughterhouse in a society that does not treat people of color equitably. But hogs have rights, too. The fate of animals should also be considered in rethinking a more responsible and caring agenda for our nation and planet.

Let us think of how our own beloved family cat, dog or bird could also be on that conveyor belt at that factory, crying out into iron space, to no avail, for our mercy.

Lisa Flanzraich  
Queens College

## City budget conversations



City Councilmember David Weprin (right) and PSC Chapter Chairs Lizette Colón (left, Hostos) and Judith Barbanel (right, QCC) listen on April 22 as Henry Skinner of BCC discusses the importance of the City's providing full support for CUNY and its six community colleges during tough economic times. The conversation took place during the PSC's annual CUNY Day legislative breakfast. With CUNY's enrollment soaring, the PSC is urging City Council to restore \$43.6 million in cuts in community college operating aid proposed by the mayor, add back \$15.5 million in funds for innovative programs like the Vallone Scholarships and the Black Male Empowerment Initiative, and invest \$25 million in hiring new full-time faculty and professional staff.

## EOC employees still without a contract

Nine months after the Memorandum of Agreement between PSC and CUNY was signed, there is still no agreement on the terms in the Supplement covering employees at the Educational Opportunity Centers (EOCs) in titles represented by PSC. The union is calling for parity in wage increases and other applicable benefit improvements for employees in EOC titles with equivalent CUNY titles. But after two bargaining sessions, CUNY has not yet agreed or put an economic counter-proposal on the table.

### FRUSTRATED

"We're frustrated," said Bronx EOC Chapter Chair Santiago Villafaña. "Enough is enough."

"They have not even paid the professional development increase to lecturers, which we're entitled to under the old contract," said Brooklyn EOC Chapter Chair Amy Nicholas. "We want our colleagues in the rest of PSC to know we're angry, and we will be calling on them to support our efforts to settle this agreement and see our members paid quickly," she said. Members at the Brooklyn EOC have initiated plans for a University-wide petition drive in support of the EOCs, and other EOC chapters are expected to join them. Nicholas added, "We're going to reach out to our faculty colleagues and ask them to join us in pressing the University for a quick settlement."

# 'We can't take any more cuts'

By JOHN TARLETON

CUNY faculty, students and staff continued to call for greater investment in public higher education as budget hearings were held at four more CUNY campuses in late March and early April. Initiated by the PSC and co-sponsored by AFSCME District Council 37, the New York Public Interest Research Group (NYPIRG) and the University Student Senate, the hearings took place as State budget negotiations raced to a conclusion in Albany (See page 4).

The largest campus hearing to date took place March 26 when 300 people turned out at BMCC. The hearing was attended by City Councilmember Charles Barron, chair of the City Council's Committee on Higher Education. Barron criticized Mayor Bloomberg for committing hundreds of millions of dollars to help bankroll new baseball stadiums for the Yankees and the Mets while many New Yorkers struggle to pay their bills.

## STUDENTS' BACKS

"We cannot allow them to continue to balance the budget on the backs of students and poor, working-class families in this city," Barron said. "We need to let them know that we're not going to sit back this time and allow them to take money out of the pockets of our people."

Seventy-nine percent of BMCC's 22,000 students come from families that earn less than \$40,000 per year. BMCC student Jamell Henderson broke down what his average expenses per semester – tuition (\$1,400), books (\$400+) and subway cards (\$412) – mean for a student of modest income.

"In total you're spending over \$2,200 for one semester, and that's excluding your daily life, your household duties and your parental duties," Henderson said. "How can education be the key, if you're making that key rusty by not allowing us to be able to achieve that higher education and achieve that American dream?"

## IN IT TOGETHER

Testimony from PSC members emphasized that the faculty's working conditions are the students' learning conditions. Charles Post, associate professor of sociology, said that further budget cuts would make it impossible to repair decrepit restrooms or fix heating and cooling systems at BMCC that alternately turn classrooms into sweltering saunas or chilly iceboxes.

"If we want to keep you in school and lower the attrition rates, then we have to find ways to make the academic and professional lives of the faculty and staff here less stressful," said PSC Vice President for Community Colleges Anne Friedman, a professor at BMCC. "This is not a time to cut the budget, but to increase it."

## New spending priorities urged at campus hearings



Lisa Quiñones

Queensborough students joined the March 19 hearing at Queens College.

At Bronx Community College, faculty, students and staff poured out their concerns about budget cuts and tuition hikes at an April 2 campus budget hearing that drew 80 people.

"We can't take any more cuts. It's like shaving a pig to the bone," said Frances Villar, a member of BCC's student government association and a mother of two small children.

Sue Moss, who teaches in BCC's physical education and wellness department, said BCC's students were being shortchanged by the school's lack of full-time faculty. BCC has 9,117 students and 271 full-time faculty, a 34:1 ratio.

"There's an immediate negative impact on student performance when there are not enough full-time faculty," Moss said. "The part-time faculty are often not available to help. They can't afford to be."

Senior CLT Lourdes Rosario helps to set up laboratories in BCC's biology department. She said the underfunding of CUNY already disadvantages its science faculty and students: "Sometimes we don't have enough models of things like hearts and lungs."

The Baruch College budget hearing on March 19 was attended by City Councilmember Inez Dickens, a policy aide to State Senator Liz Krueger and a contingent of Hunter College students. Those who testified said that budget cuts would only make CUNY's current problems worse.

Frank Cioffi, director of Baruch's writing program, described how in the past two years Baruch's English department has gone from 55

full-time faculty and 60 adjuncts to 40 full-time faculty and 65 adjuncts. "That kind of narrow fiscal thinking is driving too many changes in higher education," Cioffi said.

Baruch College senior Jonathan Garcia works an overnight job and then goes to school when he gets off work. He said a \$600 per year tuition increase could have a devastating impact.

"Even the slightest increase in tuition" would have an impact on students who are already stretched thin, Garcia said. "Just hearing about that frightened me, because I'm not even sure if I can come to college. There are students just like me...saying, 'I'll take a year off from school.' But what are the odds that they will come back?"

"These hikes are going to kick out students. It's a fact," said Alexis Stafford, a Hunter student who will graduate this summer after going to school part-time for 10 years. "I'm living my dream going to school. I love CUNY. I want to see the funds reinstated."

For her part, Dickens said that she supported some increase in taxes on the wealthy in order to fund public higher education. "The higher income people are not going to flee from New York City," Dickens said.

## BROKE

The Queens College budget hearing, also held March 19, drew 250, many of whom expressed alarm at the state of CUNY and the larger economy.

"I'm broke as it is and now you're going to eliminate my bus route, the Q74, and increase my tuition?" asked Queens College junior Branden Doyle.

big to fail," Bowen told *Clarion*. "Why isn't higher education too big to fail? It's failing if public colleges are starved of funds and tuition is out of reach for students."

The discrepancy between the government's response to the woes of the financial industry and to their own struggles was on many people's minds as they testified before a panel that included City Councilmember Tony Avella, aides to City Councilmembers James Gennaro and John Liu and Assemblymember Grace Ming.

## INVEST IN CUNY

"We are the future of this country," said Marisol Rodriguez, one of 50 students from Queensborough Community College who traveled to the hearing together on a bus. "How do they expect the country to grow if they won't take a chance on us?" she said of political leaders. "This country should fund education instead of AIG bonuses."

"We're all in this together," Joseph Perry of DC 37 told the hearing. "When they bail out the people who started this, they can bail us out also." Perry said the number of laborers in his department has steadily declined from 22 to 12, even as the student population has increased.

Carl Lindskoog, a graduate teaching fellow at QCC, posed a question for New York political leaders: "Do you serve regular New Yorkers like us, who rely on CUNY and SUNY? Or do you serve the rich?"

## SQUEEZED

As a graduate student, Lindskoog told *Clarion*, he could be caught in a vise, squeezed between higher tuition and lower public spending. "I might need to pick up a class or two," he said. "But what happens if classes I was hoping to teach aren't available due to budget cuts?"

Asking the same basic question – whom do you serve? – a dozen students and faculty from Brooklyn College protested outside Brooklyn State Senator Carl Krueger's district office on April 2. Krueger is one of three conservative Democratic State Senators who had opposed increasing State revenues by making New York's income tax more progressive. Alex Vitale, associate professor of sociology, said the group passed out 500 leaflets while speaking with passers-by.

"Speaking directly with voters was the most satisfying part," Vitale said. "A lot of people were surprised to hear that he has not been supportive of Brooklyn College."

The fight for fair taxation and adequate public revenue is an ongoing battle, and the focus now shifts to City Hall. At the BCC budget hearing, James Freeman, an associate professor of social science, said, "The problem isn't lack of money. It's a lack of will. The City's budget is \$55 billion and you all should get more of it."



Pat Arnov

Nelson Reynoso, member of the BCC PSC Executive Committee.

Tiffany Brown, also a junior at QC, described how her father's stroke last fall had forced her to take out an unsubsidized student loan of \$2,000 to cover this semester's tuition. The loan has an initial interest rate of 5%, but she must begin repaying it at the end of this semester or face escalating interest rates in the future.

"I can feel the pain that a lot of students are going to feel in the fall," Brown said, "because of tuition hikes."

PSC President Barbara Bowen emphasized that spending on public higher education is essential to New York's economic recovery. "We keep hearing that the banks have to be bailed out – to the tune of \$800 billion – because they're 'too

# State budget settlement

By PETER HOGNESS

The State budget adopted in Albany on April 3 had good news for CUNY and mixed news for its student. Thanks to federal stimulus funds and a labor-supported policy shift to a more progressive State tax structure, many of the deepest cuts proposed by Governor David Paterson were reversed by the Legislature. Gubernatorial proposals to freeze State employees' wages, impose a five-day pay lag and establish a new pension tier were not supported by the Legislature.

But the stimulus funds and modest tax changes did not match the large drop in State revenue. Not all the proposed cuts to CUNY were restored, and Albany imposed a tuition hike on the University's struggling students.

Governor Paterson had called for a reduction of \$65 million in State support for CUNY senior colleges. He also sought to slash State aid to community colleges by \$270 per full-time equivalent student (FTE), and to cut Tuition Assistance Program (TAP) funding by \$47 million through punitive changes to eligibility rules.

## HIDDEN TAX HIKE

The final budget reduced State senior college funding by \$45 million, after a restoration of \$20 million. The community college aid formula was unchanged after Albany used \$18.3 million from the federal economic stimulus bill to avoid the \$270 per-FTE reduction in Paterson's budget proposal. Changes and cuts to TAP were not approved.

Senior college tuition was increased by \$600 per year. But the cut in State operating aid means that only a portion of this money will stay with CUNY; the net result

## CUNY not included in layoffs

is that CUNY students is being used to close the State revenue gap. According to CUNY's budget office, 80% of the tuition increase will not stay with the University.

"The State budget forc[ed] SUNY and CUNY to turn over to the general treasury the lion's share of any tuition hike," noted an editorial in the *Daily News*, which slammed the tuition increase as "a hidden tax hike" on students and their families.

## SOME WINS

Enrollment at CUNY is soaring, and the combination of tuition money plus public funding is expected to leave senior colleges with 3.9% more than last year to cover their growing operating costs. However, the share of those costs covered by

public funds will decrease.

"Given the economic conditions, we had some important victories," said PSC First Vice President Steve London. "Restoration of community college aid and TAP funding, partial-restoration of senior college aid, and defeating the governor's proposals to freeze State workers' wages and put in a new pension tier were important wins." The big disappointment for CUNY, said London, was the tuition increase. "Taking more and more money from students who already face economic hardship is not a sustainable approach to CUNY's future."

With 2010 shaping up as another grim budget year, PSC President Barbara Bowen said that the State

must again consider progressive revenue options. "The State would have \$20 billion more in revenue in this year's budget alone – eliminating all need for discussion of budget cuts – if it had simply restored the income lost to the tax cuts enacted between 1994 and 2005," Bowen testified at a hearing of the Assembly Committee on Higher Education. The main benefit of those tax cuts, she noted, went to the wealthiest New Yorkers.

Paterson had sought large givebacks from State employee unions, seeking the creation of a Tier 5 in the State pension system that would reduce benefits to employees hired in the future. He also pushed hard for reopening State worker labor contracts, to roll back a 3% wage increase due this year and to impose other concessions. PSC members employed

at senior colleges were included in the governor's original workforce proposals.

The Tier 5 proposal was strongly opposed by public-sector unions, including the PSC and its statewide affiliate New York State United Teachers, and the scheme died in the Legislature. "The creation of a Tier 5 will not provide any real savings in the short term and will prevent [us] from attracting the next generation of educators," said Assemblymember Joan Millman, one of many who opposed the idea as short-sighted.

## Tuition hike goes into State coffers

State worker unions warned that any unilateral action on raises or other contract provisions would be illegal, and they declined to reopen bargaining on existing agreements. In response, Paterson announced plans to lay off 8,900 State employees – exactly the kind of cutback that economists warn will make New York's recession worse. State unions shot back with an aggressive advertising campaign, seeking to rally the public against the job eliminations.

While strongly supporting State workers' opposition to concession bargaining, the PSC had also insisted that because CUNY is "a separate and distinct corporate body" from the State, there was no legal basis for including City University employees in such discussions. In the end the governor did not ask the PSC for concessions, and when Paterson laid out his layoff plans, CUNY was not included. The *Albany Times-Union* reported that this was because it is an agency "beyond the governor's direct control."

The PSC reiterated its support for State unions after the layoff plan was announced. "Public employees throughout the state are part of the solution to economic hard times," said Bowen. "They are not the problem." The PSC will continue to advocate for progressive revenue reform, she said – not only for CUNY, but "for all public workers and public services across New York."



State Assembly Speaker Sheldon Silver appears with Governor David Paterson during a community event in Chinatown last spring. The two men, along with State Senate Majority Leader Malcolm Smith, recently forged a compromise budget that included a \$4 billion tax hike for the state's wealthiest residents and a \$45 million cut in senior college funding.

Bryan Smith/NY Daily News

# PSCers need rent regulation reform

By BENNETT BAUMER

In the 1970s, Glenn Petersen rented an apartment in Manhattan when he took a faculty position at Baruch. While the apartment was far from his idea of a dream home, he was able to live in the same borough where he worked. Today, Manhattan rents have climbed so high that new CUNY faculty usually find them out of reach.

Now the chair of sociology and anthropology at Baruch College, Petersen struggles to attract potential hires from outside the city. Candidates "are always asking about subsidized housing and we just roll our eyes," he told *Clarion*. "It's common knowledge on our campus" that potential hires often reject offers from CUNY because of NYC's sky-high housing costs, Petersen said.

## Affordable housing hard to find

Dean Savage, former sociology chair at Queens, said he has seen housing prices take a different kind of educational toll. Junior faculty tend to spend less time on campus and with students, he said, because they live in far-flung areas of the city. "The younger faculty are increasingly finding it difficult to live a reasonable distance from campus," Savage said. "It's too expensive to live further in."

## CRAMPED

"When I lived in Buffalo, I had a really nice apartment, two bedrooms and a fireplace," said a PSC member at Queensborough Community College who asked to remain anonymous. "Where I'm living now is almost like a dorm room!" When

her roommate left New York City – in large part due to housing costs – she moved to a studio and had to pay higher rent. "I started building up credit card debt, which I'd never done before," she told *Clarion*.

A major factor in the growth in NYC's housing costs has been the weakening of rent regulation, which each year covers fewer units. This year a coalition of housing advocates and tenant groups have launched a reform campaign to make New York City more affordable.

Top priority for housing advocates is a bill to repeal vacancy decontrol – the process by which a landlord can deregulate a rent-stabilized apartment when there is a vacancy and the rent surpasses \$2,000 per month. Thus a landlord

has an economic incentive to evict a tenant and after the regulated tenant vacates, the sky is the limit for rent once the unit is decontrolled.

## LANDLORD LOBBY

The bill to repeal vacancy decontrol, S2237A, has 24 co-sponsors and would stop the slow phase-out of rent-regulated apartments, the largest source of affordable housing in the city.

The bill would also regulate apartments that were deregulated after 1997 if their rent is below \$5,000 per month. Since becoming law in the 1990s, over 100,000 affordable apartments have been deregulated, according to Tenants and Neighbors, a housing rights advocacy organization.

With Democrats now holding a slender 32 to 30 majority in the State Senate, housing and tenant

groups are pressing for change. But they are up against a well-financed landlord lobby that is opposing all efforts to repeal vacancy decontrol. According to *The New York Times*, a group of "major real estate developers, lobbyists and limited liability corporations," in anticipation of the Democratic takeover of the State Senate, contributed more than \$750,000 to Democratic State Senate candidates for the 2008 election. That is 15 times more than the landlord lobby gave in 2006 and may be just enough cash to quell some Democratic support.

"When you've got 32 Democrats and you need 32 votes, one member can hold you up," said Michael McKee of the Tenants Political Action Committee. But rent reform advocates vow to hold legislators' feet to the fire – and if they succeed, CUNY employees and academic departments stand to benefit.

For more information, see [www.tenantsandneighbors.org](http://www.tenantsandneighbors.org) or [www.housinghereandnow.org](http://www.housinghereandnow.org).

# Blackboard breakdown

By JOHN TARLETON

For Jean Weisman, an academic advisor at CCNY's Center for Worker Education, the crash of the CUNY portal during the first week of the semester meant scrambling to save students from being de-registered because they were unable to pay for their classes.

Brooklyn College junior Hana Quinn-Feit said the early semester failings of the Blackboard 8 instructional software made it hard for her to get into the flow of her classes or decide if there were any courses she ought to drop.

For Julia Rodas, an assistant professor of English at BCC, the final straw occurred when Blackboard went completely out of service from March 10 to 13. The crash disrupted her preparation for midterms and her tightly packed schedule.

"We get all these messages written in an authoritarian tone telling us to use the technology and then you go with the program and you get kicked in the rear," Rodas said.

This semester a number of separate computer problems at CUNY converged, causing repeated service disruptions for thousands of frustrated faculty, staff and students. The persistent problems with Blackboard gravely wounded CUNY's ambitious, eight-year drive to promote use of online instructional technology.

"What we had this semester was an absolute nightmare, and we cannot afford to have that again," said Manfred Kuechler, a professor of sociology at Hunter, and the college's acting associate provost for instructional technology.

## FIRST PROBLEMS

Trouble started before the semester began. In January, the central air conditioning was out for longer than expected during repairs to the water tower at the building at 555 West 57th Street, where CIS leases a floor to house its mainframe computers. The portable air conditioning units that CIS had stationed in the data center were not enough to prevent temperatures from soaring, according to Greg Dunkel, a senior Unix system administrator who works at West 57th Street. The heat caused many computers to abruptly shut down, after which the CUNY portal site was disrupted during the first week of the semester.

With the CUNY portal down, Weisman said 20% of the 700 students at the Worker Education Center were unable to register for classes because they were required to write checks instead of paying with their credit cards.

"So many of our students can't afford to write a check. They use the credit card as a loan," said Weisman, who chairs PSC's HEO chapter.

As the portal problems were being solved, the problems with Blackboard came on full force.

CUNY began the semester with high expectations for Blackboard as all but two campuses (LaGuardia

## Centralization plan backfires



Hunter College sociology professor Manfred Kuechler chairs a subcommittee that deals with Blackboard issues. "This semester was an absolute nightmare," he said.

and Medgar Evers) upgraded from Blackboard 6.3 to Blackboard 8. Under the new system, it would now be possible for students to easily enroll in classes at more than one campus and Blackboard support services would be fully concentrated at one location.

Increased centralization left CUNY vulnerable to a series of calamities that its office of Computing and Information Services (CIS) had not fully anticipated.

Blackboard 8 had never been used at a university close to the size of CUNY, where it has 130,000 users, including 8,000 faculty members. When the semester started, Blackboard buckled under this load, which peaked at 35,000 users every three hours during peak activity. Sporadic Blackboard service during the first few weeks of the semester meant many students could not submit their assignments, take quizzes or stay in contact with their instructors.

## "INADEQUATE"

According to CUNY Chief Information Officer Brian Cohen, Blackboard was plagued by two problems during the early part of the semester. First, it had a poor load configuration that had not been fully stress-tested as the company had promised. Second, an added feature designed by a separate company malfunctioned and dragged down the system. These problems were eventually resolved by CIS and Blackboard's support team. Cohen was blunt about the Blackboard company's initial sloppiness. "CIS believes that load/performance testing performed by the vendor in our existing environment prior to implementation was inadequate," he said.

Blackboard's early semester trou-

bles turned out to only be a prelude to the systemic collapse that Blackboard experienced from March 10 to 13, due to a bug in the interaction between the Sun Microsystems operating software and Blackboard files. CIS had no backup system in place, leaving CUNY students and instructors cut off from their online hub while technical staff at West 57th Street and high-level engineers from Sun raced to solve the problem.

The March meltdown was "like being locked out of the building," said George Otte, associate dean for academic affairs at the School of Professional Studies, which houses CUNY's Online Baccalaureate Program. Otte, who is also CUNY's Director of Academic Technology, added that it remains to be seen how the Blackboard problem will affect CUNY's retention of the 700 students in the program, which conducts all its coursework through Blackboard.

Rodas said the March 10 to 13 service disruption thwarted her ability to post her grading format in advance of midterms. Later, when service was restored, she faced a backlog of work that kept her up until early morning for several nights in a row.

"When the system goes down, it has a huge impact on the students, but it also affects our ability to teach effectively as well as our quality of life," Rodas said.

CIS is now developing a disaster recovery system for Blackboard.

Nerves were frayed when the Blackboard Subcommittee of CUNY's Committee on Academic Technology met on March 10. Participants told *Clarion* that during heated discussions, Cohen said subcommittee members should have heeded his warnings about

the risks involved in migrating to Blackboard 8.

In an e-mail to colleagues the next day, Blackboard Subcommittee member Kenneth Lord called Cohen's statements "revisionist history." Lord, a computer science lecturer and assistant to the provost for educational technology at Queens College, later told *Clarion*, "It was my impression that the CUNY schools were all expected to go to Blackboard this spring. That was our thinking all along. And Brian Cohen's statement about, 'Oh, he shouldn't have let us all do it' - it surprised me."

Kuechler, who chairs the Blackboard Subcommittee, said it and the Committee on Academic Technology had discussed their reservations last fall about Blackboard 8 and whether it had been adequately tested by the company, which dominates the market for college courseware. In conjunction with CIS, he said they decided to push on.

"Sometimes you take a risk and something bad happens," he said. "We weren't totally blindsided. We were all aware we were taking a risk," Kuechler said, noting that Blackboard 6.3 had deficiencies as well.

Cohen did not respond to questions from *Clarion* about his recommendations on the migration to Blackboard 8.

At a recent labor-management meeting with the chancellor, PSC officers discussed the broad range of issues raised by the Blackboard failures. "First, we all agreed on the superlative job of the front-line staff at 57th Street in their response to the crisis," said Steve London, PSC first vice president. "PSC members in computer operations worked into the wee hours of the morning to deal with the multiple crises. Also, we made it clear to management that faculty should not be held accountable in student or peer teaching evaluations for Blackboard's collapse."

While CUNY has deepened its relationship with Blackboard in re-



Jean Weisman, academic advisor

cent years, some faculty members have actively developed alternatives to Blackboard's closed proprietary software regime.

"I didn't like Blackboard because it was like a box," says Lilia Melani, an English professor at Brooklyn College. "All of the individuality of professors would be wiped out by the structure of Blackboard." Having taught herself HTML, Melani built her own website. "It looks like me. It represents my aesthetic and how I want to connect ideas and information," she said.

Fabio Carasi, a professor of modern languages at Brooklyn College who is also a strong proponent of open-source software, said, "We are not dependent on the concept of the mainframe with stations that are hooked up to it. It's a really obsolete concept." He added, "You don't have to depend on one entity to give you everything."

## UNEQUAL RESOURCES

Others, however, defend Blackboard's usefulness. Kimon Keramidis, who taught as an adjunct in the Online Baccalaureate Program from 2006 to 2008, said he enjoys working with Blackboard when it functions properly and that it has enough add-on features to be able to customize the site to his liking.

"There's something to be said for the simplicity of the log-ins and interface," he added.

Moving away from the integrated CUNY-wide model provided by Blackboard would place more responsibility on each campus to maintain its own online staff and equipment. And while this would reduce the possibility of the kind of systemic failure that occurred earlier this semester, it would also lead to unequal service for campuses that have fewer resources.

"Most of the senior colleges are held back," Kuechler said. "But if we are one University, then this is what comes with it - the leveling of the haves and have-nots.... How much do you believe in a unified CUNY?"

Noting that open-source courseware has "significantly matured" in recent years, Otte said CUNY is looking to launch an open-source pilot project in conjunction with campuses and faculty who would want to give it a try. Kuechler also supports exploring open-source alternatives, while acknowledging it will not be easy to find another system that can eventually operate on the kind of campus-wide scale that CUNY is seeking.

"The cost to switch to another learning system would be enormous," Kuechler said. But he added, "We need to start looking into other systems so they don't think they can take us for granted."

"That's the box CIS put CUNY in," said Stephen Brier, the CUNY Graduate Center's senior academic technology officer, "and it's a very difficult box to get out of."

Whatever solutions emerge, LaGuardia English professor Lenore Beaky said it is essential that CUNY get it right.

"We now depend on these technologies," she said. "The University encouraged us to use them. So they have to work properly."

## If today's union election rules applied to political office...

There's a big election coming in your town. The mayor, who's been in office forever, is being challenged by a reform candidate. Here's how things would turn out if political elections had to follow the same rules as today's workplace votes on union representation:

### What if:

**1)** The police chief – who's also the mayor's campaign manager – knocks at your door and says he needs to talk to you *now*. He drives you to a meeting where you're forced to stay for several hours and listen to attacks on the mayor's opposition.

**2)** You're interested in what the challenger has to say and decide to go hear him speak. On the way, you notice you're being followed by a police car.

**3)** You get a letter from the governor warning that if the challenger is elected, state aid for your local schools will be slashed. Your sister is fired from the town library after she wore a button supporting the challenger. Her boss says it's because she used her computer to send a personal e-mail – a rule never enforced against anyone else.

**4)** The city's police officers are assigned to watch groups of citizens, identify who they are voting for and report to the mayor. They may approach you on the street, at work or in the grocery store to discuss your views on the election.

**5)** On Election Day, the mayor and his supporters are inside the polling place all day, watching who comes and what kind of button they're wearing. They can stop and talk to you on your way in and out. But the challenger's supporters are only allowed to be at the entrance to the parking lot, where people drive by at 30 mph.

### Is this really so different from:

**1)** Your supervisor pulls you aside and says it's best that you don't support the union. You're forced to attend company meetings that go on for hours, with managers and supervisors badmouthing the union. Of course, no one from the union is allowed to attend.

**2)** You go to a union organizing committee meeting and discover that your supervisor is following you – after work hours.

**3)** The company threatens to shut down or impose layoffs if you and your co-workers support the union. Worse, the company fires union supporters, while claiming they were discharged for other reasons. Both are illegal, but happen all the time.

**4)** Supervisors are given the responsibility of determining the views of every employee. They call them into one-on-one meetings and even ride along with them in company vehicles, letting employees know they are closely scrutinized.

**5)** Voting is held on company property, and supervisors and managers are everywhere, trying to influence your vote.

Adapted from [www.cwa-union.org/efca](http://www.cwa-union.org/efca).

## Singing the same old song

**Let's play a game!** Below are six quotations from conservative politicians, business representatives and others opposed to making it easier to organize a union. Three of them are from the 1930s and were aimed at the Wagner Act, the signature labor legislation of the New Deal. The other three are about today's Employee Free Choice Act, currently being debated in Congress. Can you guess which are from which century? Answers at the bottom.

**1.** "Specifically, the provisions of the bill will operate to provoke and encourage labor disputes, rather than diminish them... Its real effect will be to serve as a vehicle for the advancement of the selfish interests of minority labor organizations."

**2.** "Unions want it because it would make it easier to recruit dues-paying members, not because it would somehow defend workers' right to choose freely to unionize."

**3.** "To support labor in this objective by enacting this bill would permanently close the door to recovery."

**4.** "The act is a poison pill for our ailing economy, which is why every major business organization from every industry sector has come out in strong opposition to it."

**5.** "My general criticism of the... bill is not so much that it supports unionization as that it will in operation result in enforced unionization."

**6.** "Labor unions are supposed to protect workers' rights, yet union bosses want Congress to pass a law that actually robs workers of their democratic right... through a forced unionization process."

### ANSWERS:

- 1.** Walter Harnischfeger, National Association of Manufacturers, March 21, 1935  
**2.** Heritage Foundation, April 23, 2007  
**3.** Guy Harrison, National Publishers Association, March 29, 1935  
**4.** Brian Worth, Coalition for a Democratic Workplace, February 25, 2009  
**5.** J.M. Larkin, Bethlehem Steel, April 5, 1935  
**6.** Senator Orrin Hatch, June 26, 2007

Adapted from [labornerd.blogspot.com/2009/03/always-singin-same-old-song.html](http://labornerd.blogspot.com/2009/03/always-singin-same-old-song.html)

# Unions rally to save the Employee Free Choice Act

By JOHN TARLETON

In April, the labor movement stepped up its campaign to win congressional support for the Employee Free Choice Act (EFCA), which would make it easier to form unions. Unions are pushing back against attacks on the bill from business interests, which have dimmed its chances. Most observers think that labor would have to make major compromises to get any reform measure through Congress this year.

During Congress's recess in mid-April, the AFL-CIO and Change to Win labor federations launched a joint blitz to rally support for the legislation, including:

- A heavy two-week rotation of ads on cable news networks.
- Placing billboard ads in Washington, DC, and 10 key states.
- Holding more than 300 events in towns and cities across the country, with rallies, vigils and house parties mobilizing the bill's supporters.

"People on the ground are telling their elected representatives to pass this legislation," said Noreen Nielsen, a spokesperson for Change to Win.

The stepped-up campaigning for the Employee Free Choice Act follows months of vitriolic attacks on the bill by a coalition of leading business groups, including the US Chamber of Commerce, the National Association of Manufacturers and the Business Roundtable, which have vowed to spend as much as \$200 million to defeat the measure.

Ads from the anti-labor Center for Union Facts have warned that the Act is "brought to you by the union 'leaders' who helped bankrupt steel, auto and airline companies." A TV ad from the same group sounds the alarm: "Harassment! Politics! Forced dues! Find out how unions affect you..."

In a conference call organized last October by Bank of America, Home Depot co-founder Bernie Marcus went even further. "This is the demise of a civilization," said Marcus. "This is how a civilization disappears."

### FAIRWEATHER FRIENDS

The corporate crusade against the Act has been having an impact.

Senator Mary Landrieu of Louisiana, who co-sponsored the Employee Free Choice Act in 2007 when it had no chance of becoming law, has announced she needs more time to study the legislation – which has not changed – before she decides how she will vote.

On April 6 Blanche Lincoln of Arkansas became the first Democratic senator to come out against

## Confronting corporate attacks

the Act. The largest employer in her state, Wal-Mart, is fiercely opposed to the measure and recently hired Lincoln's former chief-of-staff to lobby against it.

Lincoln had not co-sponsored the bill but was previously seen as a supporter. In the last Congress, she voted to end debate on the measure and bring it to a vote. Now she says she would support a Republican-led filibuster to kill the bill.

On March 24 Arlen Specter of Pennsylvania announced a similar shift in his position. In 2007 Specter

had been the only Republican to vote to end debate on the Act. This time around, Specter and Lincoln both cited the declining economy as a reason not to support EFCA, echoing arguments raised by business groups.

But Ross Eisenbrey, a policy analyst at the Washington, DC-based Economic Policy Institute, told *Clarion* that history teaches a different lesson. Eisenbrey noted that the original National Labor Relations Act "passed in 1935 during the middle of the Great Depression, and it worked. There was a huge amount



Roberto Sanchez and Maria Carmona helped lead a 16-year union organizing effort at the Smithfield pork plant in Tarheel, North Carolina.

## EFCA provides worker

The percentage of the workforce that is unionized dwindled from a high of 35% in the mid-1950s to just 12% in 2007. Yet a 2006 survey found that 58% percent of non-managerial working Americans would like to join a union if they could.

What explains the gap between those two figures?

While the flight of US industries overseas has eliminated many traditional union jobs, labor advocates also point to employers' increasingly aggressive drive to exploit loopholes in existing labor law, dragging out the election process so they can fire or intimidate union supporters and thereby tilt the playing field in their favor.

This is illegal – but employer violations have been on the rise. In 2007 union supporters were illegally fired in 30% of union elections, according to a study of federal data by the Center for Economic and Policy Research.

In addition to firings, management uses a range of other tactics, legal and illegal, to stack the deck. Kate Bronfenbrenner of Cornell

University's Institute of Labor Relations found that in half of union drives she studied, employers threatened plant closings or layoffs if the union were to win. More than 90% of employers forced employees to attend anti-union meetings.

### COERCIVE ELECTIONS

The penalties for employer infractions are weak, and complaints can take years to get resolved. In any case, without videotaping an employer's every move, the rules will always be difficult to enforce. In a workplace with no union grievance procedure, it's all too easy to fire a pro-union worker on false charges – and that worker is then out on the street while the union election takes place. "We can't have a secret-ballot election that's worth anything when it's taking place under highly repressive conditions," said labor activist and scholar Bill Fletcher Jr., a visiting professor at Brooklyn College in 2007.

There is another way to organize a union under federal labor law – majority sign-up or "card-check."

# he e Act

of organizing, and we built the greatest middle class in history.”

Eisenbrey emphasized that passing the Employee Free Choice Act would also be a victory for public-sector unions like the PSC. “You need to not be an island of good benefits in a world of bad benefits,” he said. “Public sector union employees usually have secure pensions and good wages and vacation. Many private sector employees do not.” If private-sector workers see public workers’ benefits as a privilege that they could never achieve themselves, Eisenbrey said, they are less likely to defend public workers when the latter come under attack.

More immediately, EFCA’s passage could help CUNY Research Foundation workers win a first contract (see page 2).

## LABOR’S BIG OPPORTUNITY

Labor advocates believe that if the Employee Free Choice Act became law, it could lead to a wave of unionization in low-wage industries and add millions of workers to union rolls. Along with raising wages, this would expand organized labor’s political influence, making it more possible to pass pro-worker legislation on issues like health care.

Corporate opponents of the Act agree, and they have been worried about the implications. “If it passes, I think it would be a wholesale change in the political power struc-



These six women were forced to wait more than a decade to receive back pay from Taylor Machine Products, a Detroit-based company that fired them for union organizing.

ture in this country,” said Rick Ber- man of the Center for Union Facts.

“It’s a real ‘Which side are you on?’ moment for politicians,” commented Jane Slaughter of *Labor Notes*, a magazine for labor activists. “You can’t say you believe in unions and not support EFCA.”

With business making headway in Congress, Slaughter thinks the labor movement should raise the stakes by targeting anti-union companies and politicians with protests, boycotts and civil disobedience. “We need to do something dramatic to make clear how important this is,” she said.

Bill Fletcher Jr., former educa- tion director of the AFL-CIO, ar-

gues that the pro-Employee Free Choice Act campaign should focus more on mobilizing grassroots support for labor law reform. “This is about more than ad buys on television,” said Fletcher, co-author of *Solidarity Divided: The Crisis in Organized Labor and a New Path toward Social Justice*. “To move a piece of legislation, you need to do some door knocking.”

In the meantime, EFCA support- ers are working to prevent further Democratic defections while hop- ing that they can pick up a couple of votes from Republican senators like Olympia Snowe (Maine) and Lisa Murkowski (Alaska), who have said that labor laws need to

be reformed. They also note that both Specter and Lincoln said they were opposed to the Employee Free Choice Act in its current form but would be open to a revised version.

If a compromise were to take shape, Eisenbrey thinks the bill could well lose two key provisions – letting workers decide to form a union when a major- ity sign membership cards and mandatory arbitration of a first contract if an em- ployer refuses to bargain in good faith. Shortening the time before an election is held could give employ- ers less chance to retaliate against union supporters, and penalties for violating labor laws could be in- creased. Many labor analysts are skeptical, however, that increased fines would have much effect on management behavior.

“If a company will spend \$2 mil- lion on anti-union consultants, it will pay \$2 million in fines to stop a union,” said Eisenbrey.

“Until the penalties actually in- clude jail time, none of this really matters to the corporate leaders,” wrote Jonathan Tasini, executive director of the Labor Research As- sociation. “All the financial hits are just a cost of doing business.”

On March 22, the CEOs of Star- bucks, Whole Foods and Costco re- leased a “compromise” plan – which was promptly rejected by Employee Free Choice Act supporters. “It was not a compromise,” said Josh Gold- stein, a spokesperson for American Rights at Work. “It was a proposal written by CEOs for CEOs.”

## DRAWING THE LINE

The three companies’ plan would not make it easier for workers to form a union by signing member- ship cards, nor does it offer arbitra- tion when management stonewalls on bargaining a first contract. It does call for somewhat stiffer pen- alties for labor law violations and quicker elections, but it would also

make it easier for employers to de- certify unions.

It is unclear whether the net ef- fect would be to reduce obstacles to unionization – but one of the plan’s sponsors made clear that this was not the goal. “That so few companies are unionized is [because] workers aren’t choosing to have labor repre- sentation,” Whole Foods CEO John Mackey told the *Washington Post*. “I don’t feel things are worse off for labor to- day.” If the Employee Free Choice Act passes, he warned, “You will see unionization sweep

across the United States.... I do not think it would be a good thing.”

The Capitol Hill newsletter *Roll Call* reported that a key sponsor of EFCA, Sen. Tom Harkin, has begun talks with “a handful of moderate Republicans” on the scope of a possi- ble compromise. “Democratic aides said that should a compromise be reached, it will likely end up some- where between [EFCA] as it’s cur- rently written” and the Starbucks/ Whole Foods/Costco plan.

Looking ahead, Eisenbrey said that EFCA supporters may need to focus on picking up Republican- held Senate seats in blue states in 2010, in order to build a filibuster- proof Senate supermajority for an- other push in 2011. However, Tasini of the Labor Research Association argues that Republicans should not be the only targets.

“This is where a line must be drawn,” he wrote on his blog March 10. “Democratic senators who block or undercut the Employee Free Choice Act should face well-funded primary challenges.”

Back in Washington, Noreen Neilsen of Change to Win insists that EFCA will prevail.

“We’re confident that major labor law reform will pass in 2009,” she said. “It’s too early to start talking about primaries.”

To get involved see [americanrightsatwork.org](http://americanrightsatwork.org).

# s fair and free alternative

In this case, employers recognize a union when a majority of employ- ees sign membership cards.

Under current US law, if workers present the employer with member- ship cards signed by a majority of the workforce, the employer can recognize the union right away – or insist on an election run by the National Labor Relations Board (NLRB). The choice is up to the employer.

Majority sign-up has long been common in Can- ada, and at one time it was the most common path to unionization in the US. After the National Labor Relations Act passed in 1935, it was the most common way for workers to organize, and that remained the case for decades. According to labor historian Steve Early, it was in the 1970s that corporations more often began to insist on representation elections under NLRB rules. This sparked the growth of a multibil- lion dollar industry of anti-union consulting firms that advised com- panies how to fight unionization

without getting caught breaking the law.

Faced with a broken election sys- tem, unions are pushing to expand workers’ options. The Employee Free Choice Act, now before Congress, would leave the choice of majority sign-up or election to the workers, not the employer.

Critically, the Employee Free Choice Act would also create a procedure for mandatory arbitration of a first contract if an employer refuses to bargain in good faith. Forty- four percent of newly formed unions are unable to achieve a first contract with employers, according to John-Paul Ferguson, a former World Bank analyst who is now a doctoral student at MIT.

Corporations are fighting to keep labor law unchanged. With unions enjoying their highest levels of pub- lic support in years, business groups have tried to shift the discussion away from whether unions should be so hard to organize. Instead, busi- ness leaders portray themselves as defenders of “the secret ballot.”

But in practice, there is very little secrecy in today’s NLRB elections. “There has been no such thing as a secret ballot for the 20 years I’ve been studying [union] elections,” Bronfenbrenner told a columnist for the *Wall Street Journal*. “Em- ployers know exactly which way an employee is going to vote.”

## WORKPLACE DEMOCRACY

Many observers have noted the irony in businesses’ sudden concern for their employees’ rights. Nearly 600 employers’ organizations, from the Alabama Restaurant Asso- ciation to the US Chamber of Com- merce, have formed the “Coalition for a Democratic Workplace” to op- pose labor law reform.

For a more honest measure of corporate concern for workplace democracy, look to the words of Wal-Mart CEO Lee Scott last Oc- tober, when a financial analyst asked him about the Employee Free Choice Act. “We like driving the car,” responded Scott, “and we’re not going to give the steering wheel to anybody but us.” – JT & PH

**Majority sign-up offers another way to unionize.**

# FAQs on paid parental leave

After months of detailed talks, the union and CUNY reached agreement on the Paid Parental Leave benefit on March 19. The benefit went into effect immediately and is retroactive to July 17, 2008, the date the Memorandum of Agreement was signed for the current contract.

## 1. Who is entitled to paid parental leave?

All full-time employees covered by the 2007-10 Collective Bargaining Agreement with at least one year of full-time service at CUNY are eligible. The service need not be in your current title; for instance, three years spent in a HEO assistant title before becoming a HEO associate would count, as would a year spent in a Substitute faculty title immediately before being appointed as an Assistant Professor. (New faculty who have completed two semesters of service and become parents during the summer may appeal for an exception to the one-year requirement.)

## 2. What does the benefit provide?

It provides for eight weeks of continuous leave, with full pay and benefits, to care for a newborn child or a newly adopted child, who may be up to five years of age at the time of adoption.

## 3. I had a baby last fall; is there a retroactive benefit?

Yes – **but you must act by May 20 to apply for it.** Eligible employees (as outlined above) who became parents between July 17, 2008, and March 20, 2009, are entitled to a retroactive benefit unless they have already received an equitable benefit from their college. **To receive the benefit retroactively you must contact the PSC and submit an application form by May 20, 2009.** The retroactive benefit may include one or a combination of the following: eight weeks of leave, eight weeks of salary, an appropriate course release, or restoration of annual leave used for parental leave. Applications for retroactive benefits will be reviewed on a case-by-case basis, and final notice of the benefit provided will be given by July 31, 2009. You can print an application form at [www.psc-cuny.org](http://www.psc-cuny.org).

## 4. I am single and planning to adopt; am I eligible?

Yes, assuming you meet the other eligibility requirements. The benefit applies to biological and adoptive parents, mothers and fathers, married and single parents, and parents in both traditional and non-traditional families.

## 5. My wife is having a baby next week; is the parental leave available now?

Yes. The new benefit was effective immediately upon signing the letter of agreement about the policy, on March 20, 2009. The funds to support parental leave, however,



From left (adults only): Amy Chazkel, Premilla Nadasen, Emma Wong, Hester Eisenstein, Karen Strassler, Julie George & Alyson Cole.

are available for this contract only; the policy will “sunset” at the end of the current contract, on October 19, 2010, unless CUNY and the PSC agree otherwise. The union leadership seeks to make the benefit permanent in future negotiations.

## 6. My domestic partner and I are both CUNY faculty, and we are expecting a child; are we both entitled to parental leave?

Yes. If both parents meet the eligibility requirements, then both are entitled to paid parental leave, for a total of 16 weeks of leave. The one exception is the rare case where both parents are faculty in the same department. In that case, the total leave for the two parents will be 14 weeks, rather than 16, and the parents must take the leave consecutively – unless the college president allows simultaneous leave.

## 7. This sounds like a great benefit. How were we able to achieve it, especially during a recession?

Organizing for this benefit began with groups of courageous members taking action on their campuses to advocate for family and parental leave. In 2007 the union formed a University-wide committee to work on the issue and coordinated a year of actions – everything from sending Valentine’s Day cards to CUNY Chancellor Goldstein (“Stop Breaking Our Hearts”) to appearing on television to bringing newborn babies to a bargaining session. The PSC leadership announced that parental leave was a contract bargaining priority and then negotiated hard to make it work. In the process, we formed a real partnership with management on the issue and worked together to identify the funds, gain approval from the State and design the implementation.

## 8. How do I notify the college that I plan to take parental leave?

You must give notice of your intention to take parental leave to your department chair or unit head either 90 calendar days before the proposed date of the leave or whenever you have knowledge of the impending birth or adoption – whichever is *later*. For instance, if you learn about an adoption just weeks before it is to take place, you are still entitled to the leave immediately following the adoption, but you must notify the college as soon as you know. And parents expecting a birth or adoption in the first 90 days since the March implementation date obviously cannot give 90 days’ notice; you are still eligible – just notify your college human resource department immediately of your intention to take the leave. The PSC and CUNY are developing a uniform application and approval form for parental leave on all campuses; in the meantime, go to your college’s Human Resources office and ask for the procedure on your campus.

## 9. When do I take the leave?

The eight weeks of continuous leave must, in general, be taken immediately upon the birth or adoption or, for mothers who give birth, immediately upon expiration of any temporary disability leave (“sick leave”) you have taken to recover from childbirth. Let’s say you are a professional staff member, the birth mother, and your baby is born June 1. You would normally take six weeks of sick leave (if you had accrued this much time), with your sick leave ending in mid-July. You would then take eight weeks of parental leave, taking you to mid-September at full pay. To take another example: you are a faculty member and about to be a father, with the baby’s birth date on October 1. You would take the leave during the eight weeks immediately

following October 1, roughly through the end of November.

## 10. If I am a faculty member and I return from leave at the end of November, will I resume teaching at that late point in the semester?

You may either return to teaching or take on administrative duties, as assigned by the department chair. The department chair is required to consult with you, and after consulting with you, has the discretion to make your assignment.

## 11. Are there any provisions for taking the leave before a birth or adoption?

Yes. Birth mothers may take parental leave (or part of the leave) prior to the birth of the child when leave is necessary for medical reasons and the mother has not accrued enough sick leave to cover that period. Parents who are adopting may also take parental leave (or a portion of the leave) prior to the adoption, if needed to fulfill the legal requirements for adoption.

## 12. How does the faculty annual leave period affect the scheduling of paid parental leave?

As a full-time faculty member, you are expected to be available for assignment even when classes are not in session – except during summer annual leave. That means that parental leave can occur during late December and January, but not during the summer annual leave. If your baby is born during the summer annual leave period, your parental leave would begin on the first day of the Fall semester or, if you are the birth mother, on the first day after the end of any post-childbirth sick leave – whichever is later. If your parental leave starts between December 15 and the beginning of the Spring semester, you may request

the option of taking a one-course reduction in the Spring semester rather than completing your parental leave. And if your parental leave occurs in the Spring semester and you cannot complete the eight weeks before the end of the term, you are entitled to take the balance of the leave the following Fall, although every effort should be made to minimize disruption to students. The policy is not intended to result in a faculty member’s being on leave from teaching for two semesters.

## 13. What should I do if taking parental leave immediately upon the birth of my child would not work well – either for me or for my department?

Don’t despair; you may be able to work out a schedule that works both for you and your department or program. Start by having a conversation with your department chair or supervisor, and if a mutually agreeable solution can be found, propose it to your college’s Human Resources office. If the college is supportive, an alternative schedule can most likely be approved.

## 14. How will parental leave affect my tenure clock or my progress toward 13.3b?

The norm will be for parental leave, like other paid leaves, to count toward tenure, a Certificate of Continuous Employment (CCE) or a Certificate of Continual Administrative Service (“13.3b”). Think of this as the “default position”: if you do nothing, the time spent on parental leave will be treated as if you were working, and your tenure clock or other job security “clocks” will proceed without interruption. If, however, you want the time *not* to count, you must notify the college in writing within 90 days of the birth or adoption, and your decision will be irrevocable. In that case, the time on parental leave will “bridge” the service before and after, but will not, in itself, count as service. For untenured faculty, the result will be a year’s delay in the tenure decision.

## 15. Can I use the parental leave to care for my elderly parents or to care for a seriously ill child who is not newborn or newly adopted?

No. Many members have asked us this, and the union’s initial demand in bargaining was for family leave, not just parental leave. We were able to achieve one step toward family leave: you may now use up to three sick days annually for the care of a family member. But the union would still like to achieve a broader leave provision that reflects the needs of all of our members.

## 16. I have more questions; whom should I contact to discuss them?

We would be happy to help you at the union office. Call Clarissa Weiss at (212) 354-1252.



# New law will reduce COBRA premiums for some

One of the provisions of the American Recovery and Reinvestment Act of 2009 (ARRA) signed into law on February 17 by President Obama is relief on COBRA premiums for a specifically defined group of people. COBRA is the law, in effect since 1986, that allows persons who lose their health coverage owing to a "COBRA event" (job loss, reduction of hours, death of covered employee, divorce, etc.) to buy the same coverage at cost, plus 2%. The new law allows anyone who lost coverage due to "involuntary termination" on or after September 1, 2008, to purchase insurance coverage at only 35% of the usual COBRA premium, for up to nine months.

## SHORTCOMING

While all other COBRA rates and rules remain unchanged, ARRA defines workers who were fired or

laid off as "assistance eligible individuals" who are therefore entitled to the premium reduction. In order

## YOUR BENEFITS

to reach people who may have decided that the standard COBRA rates were unaffordable, the law mandates a "look-back" to September 1, 2008, and requires that another opportunity to enroll be offered to them. Coverage will then initiate in March 2009 or later.

A major shortcoming of the legislation as it affects CUNY employees is a specific prohibition against extending the COBRA premium reduction to those who lose their health insurance due to reduction of hours. This excludes many if not most adjuncts who lose their insurance for a term or more when a class

is not offered and their hours drop below the required amount. Those affected may still purchase COBRA coverage but not at reduced rates.

The New York City Health Benefits Program – with CUNY following their lead – recently sent a mailing to all individuals whom they determined to be affected by the new law. The mailing included a letter, a summary of the relevant provisions and an application that must be certified by the former employer to the effect that the applicant is "assistance eligible." This means that the college Human Resources or Payroll Department must verify the date and nature of the job termination. The letter from CUNY also mentioned the PSC-CUNY Welfare Fund, which will enroll eligible members once the appropriate conditions of

termination are established.

The PSC-CUNY Welfare Fund is separately sending notices to all adjuncts whose loss of employment may qualify as "involuntary termination" if their hours dropped to zero and they received a notice of non-reappointment.

As the law has just been enacted, regulations from the US Department of Labor and the Internal Revenue Service took some time to promulgate. Employers, insurance carriers and Welfare Funds are proceeding cautiously because they are required to "front-end" the premium reduction and will only be subsidized by the federal government for situations that comply with all terms and definitions.

More information is available online at [pscunywf.org](http://pscunywf.org).

## Another opportunity to enroll in COBRA.

## CALENDAR

**MONDAY, MAY 4: 9:00-10:00 am** / PSC Open Access Committee meeting. Meeting will be held near 99th Street & Broadway; for location or other information please e-mail Susan DiRaimo at [sdrec@aol.com](mailto:sdrec@aol.com).

**MONDAY, MAY 4: 1:00 pm** / Retirees Chapter meeting. PSC Union Hall, 61 Broadway, 16th floor. Featured speaker will be Peter Marcuse, on "The Gentrification of New York." All PSC members welcome; please bring photo ID to enter the building. For more information, contact Jack Judd, [jjudd@optonline.net](mailto:jjudd@optonline.net).

**THURSDAY, MAY 7: 5:30-8:00 pm** / United Steelworkers President Leo Gerard, co-chair of the AFL-CIO Health Care Policy Committee, will speak on "Labor's Stake in Health Care for All." Co-sponsored by Cornell Institute of Labor Relations, Rekindling Reform and area unions. For more information, call (212) 340-2827 or e-mail [jp424@cornell.edu](mailto:jp424@cornell.edu). At SEIU Local 32BJ, 101 6th Avenue (one block north of Canal Street). Subway A/C/E or 1/2/3 to Canal.

**FRIDAY, MAY 8: 4:00 pm** / First Fridays meeting of the PSC Part-Time Personnel Committee. In the PSC Union Hall, 61 Broadway, 16th floor. For more information contact Marcia Newfield at [mnewfield@psmail.org](mailto:mnewfield@psmail.org).

**TUESDAY, MAY 12: 6:00 pm** / PSC Women's Committee meeting. At the PSC office, 61 Broadway, 15th floor. For more information, contact Norah Chase, [nchase391@aol.com](mailto:nchase391@aol.com).

**SATURDAY, MAY 23: 9:30 am to 12:00** / PSC International Committee meeting, near Riverside Drive and 116th Street. For location or other information, contact Renate Bridenthal at [rbriden1@juno.com](mailto:rbriden1@juno.com).

**THROUGH JUNE 9** / Exhibition of 75 WPA prints from the Great Depression, many never exhibited before. At the Godwin-Ternbach Museum, Queens College. Celebrating the success of public art, the exhibit is selected from the museum's collection of over 300 WPA prints by artists such as Stuart Davis, O. Louis Guglielmi, Isaac Soyer, Louis Lozowick, Ida Abelman, Mabel Dwight and Chain Gross.

**FRIDAY MAY 8: 6:00 pm** / Labor Goes to the Movies shows *The Watermelon Woman*. Smart, sexy and funny, this 1996 film by Cheryl Dunye explores the fault lines of gender and multi-culturalism through the story of a young black woman. The protagonist is working on a documentary about an obscure 1930s-era black actress who had a white lesbian lover – and she happens to fall in love with a very cute white woman herself! PSC Union Hall, 61 Broadway, 16th Fl. For more information, contact Albert Muñoz, [amunoz@psmail.org](mailto:amunoz@psmail.org).

# Research Committee deadline is May 15

The PSC-CUNY Research Award Program needs faculty members to coordinate grants in their area of expertise. You can volunteer to join the University Committee on Research Awards (UCRA) or nominate colleagues. **The closing date has been extended to May 15.**

The UCRA is looking for faculty in the following areas:

- anthropology
- chemistry
- computer science
- creative writing and English
- education
- health sciences
- health and human services
- sociology

## CRITERIA FOR SELECTION

The UCRA looks at the following:

1. evidence of continuing involvement in scholarships;
2. experience in receiving and administering grants and fellowships;
3. representation from a variety of CUNY colleges.

For information on how to volunteer, nominate a colleague or about the committee, see [www.cunyufs.org/UCRA-CALL2008-09.pdf](http://www.cunyufs.org/UCRA-CALL2008-09.pdf) or call the UFS at (212) 794-5538. In-service allotment is available to faculty performing this service (\$6,000 over the three-year term).

Nominees should forward a CV, including grants and fellowships received and research undertaken to: the Research Committee, University Faculty Senate, 535 E. 80th St., New York, NY 10075. Or e-mail this information to Stasia Pasela at [stasia@mail.cuny.edu](mailto:stasia@mail.cuny.edu). Closing date is May 15.



The PSC's Pre-Retirement Conference is always well attended.

# Annual PSC Pre-Retirement Conference

The annual PSC Pre-Retirement Conference will be held on Wednesday, June 17, 2009, from 9 am to 4 pm at the CUNY Graduate Center. This conference is designed for

members who are about five years away from retirement. The conference will feature speakers on financial planning, health benefits and taxes. If you wish

to attend, please return the form below. Breakfast and lunch will be provided. If you would like to request kosher food, please send a note with your registration.

## PSC PRE-RETIREMENT CONFERENCE

I will attend the PSC Pre-Retirement Conference. Enclosed is \$\_\_\_\_\_ in registration fees for \_\_\_\_\_ places at \$30 each.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Retirement System \_\_\_\_\_

College \_\_\_\_\_ Date of original CUNY employment \_\_\_\_\_

Make checks payable to The Professional Staff Congress and return them by June 8, 2009 to:

Clarissa Gilbert Weiss, PSC/CUNY, 61 Broadway, 15th floor, NY, NY 10006.

# Students mobilize for DREAM

By JOHN TARLETON

After studying forensic psychology at John Jay College for the past seven years, Karla could be making \$30 to \$40 per hour in her chosen field. Instead, Karla, 25, pursues her master's degree by day and toils by night as a waitress paid off the books at a Mexican restaurant in Brooklyn. She hopes Congress will finally pass the DREAM Act this year to provide an education-based path to citizenship for her and hundreds of thousands of other young people who were brought to the US as immigrant children by their undocumented parents.

"I have to study," said Karla, who came to the US from Mexico with her mother when she was eight and has no close family ties in her native country. Otherwise, she said, "I have nothing else to look forward to except waitressing for the rest of my life."

## A DREAM DEFERRED

Introduced in every session of Congress since 2001, the Development, Relief and Education for Alien Minors (DREAM) Act was narrowly defeated by a Senate filibuster in 2007. The proposed legislation would cover undocumented students, who, like Karla, came to the United States before turning 16, have not yet turned 30, and have lived here for at least five years. Conditional legal status would be made available to students meeting these criteria who have completed high school, received a Graduate Equivalency Diploma (GED) or have been admitted to an institution of higher education. That status will be valid for up to six years. During that time, if the student receives a college degree, completes two years of a four-year college program or serves two years in the military, he or she can obtain permanent residence.

"The positive impact in our community would be terrific," said Monica Trujillo, an assistant professor of biology at Queensborough Community College. "These are the ones who, against all odds, are in college. If we can get them a job that pays them according to the level at which they are educated, they would be terrific workers."

Close to 75,000 undocumented young people graduate from US high schools annually, but only a small percentage go on to college. A 2006 study by the Migration Policy Institute estimated that 360,000 young people aged 18 to 24 would be immediately eligible for conditional status under the DREAM Act. The institute projected that an additional 715,000 unauthorized youth between ages five and 17 would become eligible under the proposed legislation in the future.

A 2006 report by Charles Barron, chair of the City Council Committee on Higher Education, estimated that 6,500 of about 80,000 immigrant students enrolled at CUNY were

## Their future in the balance



Past and present CUNY students rallied outside of Sen. Chuck Schumer's mid-Manhattan office March 26 in support of the DREAM Act.

undocumented. Marisol Ramos, a core member of the New York State Youth Leadership Council (NYSYLC), believes this estimate is probably low and that 10,000 to 20,000 undocumented youth may be currently enrolled at CUNY.

## IN-STATE RATES

Thanks to a successful campaign waged in 2001 by immigrant organizations and the PSC, undocumented college students are eligible for in-state tuition at public colleges in New York. But they still face many hurdles, including lack of access to financial aid, ongoing fear of deportation and bleak job prospects when they graduate.

"This is definitely a marker for this generation," said Ramos, 24, a 2006 graduate of Hunter College. "We are being defined by this inequity."

"It's in CUNY's best interest to support the DREAM Act," said Donna Gill, a long-time financial aid officer at Hunter. "With the

DREAM Act, these students will be eligible for financial aid, which would be advantageous to CUNY."

Determined to change the situation, young "Dreamers" from NYSYLC, like Karla and Marisol Ramos, have been engaged in a whirlwind of activities this spring. They have met with elected representatives and college presidents and gathered thousands of signed cards and petitions. When the DREAM Act was introduced in the current session of Congress on March 26, they rallied outside Sen. Chuck Schumer's Manhattan office in multi-hued caps and gowns.

On April 2 DREAM Act supporters received a boost when New York's rookie senator, Kirsten Gillibrand, signed on as a co-sponsor of the legislation, shifting away from the anti-immigrant stance she had previously taken as an upstate member of Congress.

"There was a unified message from various groups that the DREAM Act is a key part of immigration reform

and it was essential that she support it," said Walter Barrientos, another core member of NYSYLC. Barrientos, a graduate of Baruch, took part in meetings that a number of immigrant rights groups held with Gillibrand shortly after she was appointed to the Senate in January.

## NY DELEGATION

Other New York City area members of Congress who have co-sponsored the bill include Schumer, as well as Representatives Gary Ackerman (Queens), Eliot Engel (Bronx/Westchester) and Carolyn McCarthy (Nassau County). Much of the rest of the local delegation is expected to eventually sign on as DREAM Act co-sponsors.

One prominent hold-out has been Brooklyn congressperson Nydia Velazquez, chair of the Congressional Hispanic Caucus, who would like to see the DREAM Act bundled into a comprehensive package of immigration reform.

NYSYLC is also working to gain the support of Rep. Michael McMahon of Staten Island, a freshman Democrat in a traditionally Republican district. On April 3, five NYSYLC members met with a McMahon aide. "He said McMahon wasn't aware of the DREAM Act, but thought he would support something like it," said another member of the group.

NYSYLC, which is largely made up of past and present CUNY students, has also been training local students to become more effective advocates for their cause. In February they held a day-long training session for about 40 local college and high school students. The training provided an in-depth history of the DREAM Act and an opportunity to share skills and strategies for coalition building and effectively communicating their message.

"It was brilliant. It was great to witness," said Joel Kuszai, an assistant professor of English. "This is their civil rights movement. This is the moment to stand up." Kuszai is working with students at QCC to launch a newspaper by and for undocumented youth.

With a large immigrant student population, QCC has seen the most active DREAM Act organizing of any CUNY campus. Students tabled for the Act on March 25 and hold biweekly informational meetings with fellow students who want to learn more about the bill. They are

raising money to charter a bus to go to Washington, DC, to lobby Congress in May. Also in the works are a pro-DREAM Act rock concert tentatively slated for the fall, a film day in which short documentaries about undocumented students would be shown and a play about undocumented students to be performed by QCC drama program students.

For Arancha Borrachero, an assistant professor in QCC's department of foreign languages and literature, working for the passage of the DREAM Act is a continuation of her work as an educator.

"We give the best of ourselves to the students in our classes," Borrachero said. "We teach so our students can become the best people, the best citizens in our society. It would be very fragmentary to support one thing and not another. To be coherent, we need to support the DREAM Act." QCC President Edu-

ardo Marti has also been a vocal DREAM Act supporter.

Ramos said other CUNY campuses with strong DREAM Act organizing include CCNY, Hostos, Hunter and Baruch.

NYSYLC is the New York anchor of United We Dream, a nationwide coalition of youth-led groups organizing to win passage of the Act. It relies heavily on online organizing tools like Facebook, MySpace and Twitter and has a strong presence in as many as a dozen states, with active members in all 50 states.

"Undocumented youth often feel disempowered," Ramos said. "To be part of a national movement is cool."

## 'THIS IS THE YEAR'

Despite past setbacks, advocates believe that this is their year, given the expanded Democratic majorities in both houses of Congress, President Barack Obama's past support for the bill and the willingness of some Republican senators to cross party lines and help provide the 60 votes need to thwart a filibuster.

According to the organizing website [dreamact.info](http://dreamact.info), 53 Senators are considered supporters of the legislation while another 20 are rated as undecided.

"We're getting people signing on who were afraid to before, with the politics of the last administration," Barrientos said. "There is definitely a shift in how this issue is seen."

"This is the year to be active," Ramos added. "If we don't pass this year, it will die off."

For more information, see the website of the New York State Leadership Council at [nysylc.org](http://nysylc.org) or *United We Dream* at [dreamactivist.org](http://dreamactivist.org).

## Clarion MAY 2009

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## DEFENDING PUBLIC HIGHER ED

# French profs on strike

By LAURENCE GIAVARINI &amp; ANNLIESE NEF

For the last three months, faculty in France's national university system have been on strike. The breadth and depth of the movement have come as a surprise to many – it is the longest such protest in France since 1968, in a profession where strikes rarely last longer than a single day.

What has provoked such a strong reaction? Academics from different disciplines, political views and regions are mobilizing against President Sarkozy's "reforms" in higher education and research, which they view as an attack on the public character of France's national universities.

The post-1968 French university system has become a mass system, providing many more people with access to college. While it includes large historic institutions like the Sorbonne, it is particularly the growth of small and midsized universities that has expanded access to higher education. Tuition fees are modest (under 500 euros per year), and the number of students enrolled is high.

This system exists side by side with more elitist institutions such as the state-funded *grandes écoles*, which traditionally produce most of the nation's top government officials and executives. But the national university system has not received funds in proportion to its growth; today it is chronically impoverished. The system has other problems as well, but the French academic world agrees that the current "reforms" are no answer.

## NATIONAL STRIKE

The decrees that sparked the current protests find their root in legislation called the "loi LRU," the "Liberties and Responsibilities of the Universities Act." Hastily passed in August 2007, this act is described by the government as creating "autonomy" for the universities. It gives considerable power to university presidents, especially in matters of hiring and promotion, and establishes a legal framework for corporate-type management of the universities. Under this new system there are few faculty checks to counterbalance the president's new powers: the new model treats the president as essentially a "CEO" of the university. This violates the constitutionally sanctioned independence of faculty and their legal status as civil servants.

Since September 2008 new anger has flared over two decrees. Neither was discussed or negotiated with the university unions; instead, only hand-picked "expert" committees were consulted before the Ministry of Higher Education and Research moved ahead.

The first decree would modify faculty duties by defining them through a "contract" with the university's president. Today both full professors (*professeurs des universités*) and assistant professors (*maîtres de conférences*) are paid to spend half their time on teaching and half on research. Both titles are part of the civil service, with substantial job security and rights and duties defined by law. Under the new contract system, the president would be able, on the basis of evaluations of faculty members' work, to "modulate" or customize their teaching loads. Faculty evaluated as "bad researchers" or "insufficient researchers" would be likely to receive a substantially higher teaching load – which, as a side effect, would



French university faculty have been on strike for three months. Above, a demonstration on April 21.

make it difficult if not impossible to improve their research record.

For nearly all faculty, this would mean increased teaching loads and fewer opportunities for research. It amounts to devaluing teaching as compared to research, and would lead to unequal treatment of civil servants, which is illegal.

All this must also be understood in a context of hiring freezes and cutbacks in employment, with more than 1,000 faculty positions on the chopping block. In the presidential campaign, Sarkozy pledged to replace only half of all civil servants who retire or quit. In the universities, this is a prescription for academic speedup and expanded use of contingent faculty. At the end of 2007, about 20% of French university classes were taught by adjuncts, paid on an hourly basis and hired on contracts that expire at the end of each semester; under Sarkozy's policies, that number is sure to grow.

The second new "reform" deals with the training and hiring process for primary and secondary school teachers, changing both the required qualifications and the role of universities in teacher education.

Requiring a master's degree in order to be hired as a teacher, the complex new plan would mean that future teachers spend a year longer as students, yet spend less time studying the subject area in which they will teach. "The *année de stage*, which gave [newly hired] recruits a first year on full pay divided between training and classroom experience, was abolished," explained Mat Pires in the *London Review of Books*. "This changes the beginning of a teaching career from being potentially difficult to potentially unmanageable."

The probable results include a lower quality of training and a large number of teachers on short-term contracts (due to the double hurdle of obtaining a master's degree and passing the national certification exam). This prospect has angered both education faculty and students of education.

Meanwhile, another plan would break up the CNRS (*Centre National de la Recherche Scientifique*, or National Research Center). Currently the CNRS and other national agencies take the lead in research efforts,

and share responsibility for university-based laboratories. Sarkozy's decree would reduce the CNRS to a research council, presumably relocating its researchers, especially in the humanities and social sciences, into the universities.

In the context of Sarkozy's other "reforms," researchers see this plan as a threat to their independence and a profound change in the idea of research itself (with a shift towards applied research and short time horizons). It pursues the same authoritarian policy of personnel reshuffling, against a background of devalued teaching and controlled research. As a result, it has met what *Nature* magazine described as "a wall of opposition" from scientists and others, with thousands of researchers joining or supporting the national strike. "Leading figures in French research have distanced themselves from plans to break up the CNRS," *Nature* reported in February.

While the movement is demanding the immediate withdrawal of the measures discussed above, the rejection of these specific measures is fueled by opposition to the so-called "autonomy" of universities established by the *loi LRU*. The academic community (including faculty and researchers but also students and academic staff) is saying no to the whole approach.

## PERVERSE "AUTONOMY"

The overall direction of the Sarkozy "reforms" is to manage the academic world like a company, where only certain types of knowledge are considered useful, short-term employability serves as the measure of professional training and bureaucratic control of academic activities substitutes for collegial decision-making.

Sarkozy's program aims precisely at undermining the autonomy of university faculty and putting them under management's thumb. Thus the term "autonomy," which the ministry has trumpeted as the core of the reforms, sounds simply perverse.

Even from a budgetary standpoint, the strictly controlled relations between the government and the universities do not allow for "autonomy." But Sarkozy's idea of autonomy does imply a reduction in state

support and increased reliance on private donations. This particularly threatens the future of smaller universities and fields less likely to attract private funds. A protest sign in Marseille put it this way: "Autonomy of the universities = alone in misery."

Protest against the new decrees, after building up during the fall and the winter of 2008, came to a head on February 2, when the National Convention of Universities (*Coordination Nationale des Universités*) gathered at the Sorbonne to call for a national strike.

Participation in the strike has taken a variety of forms. More than half of all faculty stopped holding class. Others held class off-campus, sometimes with a shift in the curriculum to study struggles of social movements. Many faculty members refused to hand in grades from the previous semester's final exams.

## INVENTIVE PROTESTS

In addition to such boycotts of academic duties, an inventive range of protest has kept the movement energized and the government off-balance. Lectures have been organized "outside the walls" – in public transit systems, shopping centers or symbolic locations like the Arc de Triomphe.

When Sarkozy, who is known more for his Rolexes and Ray-Bans than for any great love of learning, ridiculed the idea of studying "old literature" like *La Princesse de Clèves* (written in 1678 and often cited as the first true novel written in French), strikers responded with public readings of the book in town squares across France.

Other symbolic actions have included staging a "Funeral of the University," public trials of Sarkozy and government ministers or auctions of philosophical concepts. In an action dubbed the "Springtime of the Chairs," all chairs were removed from classrooms at several universities and piled together into "protest sculptures," thereby discouraging the holding of classes.

Tens of thousands of people attend huge weekly demonstrations, and there have been building occupations on several campuses. At a couple of schools, university presidents have been blockaded inside administration buildings.

There have been varied approaches to the end of the semester, with each campus making a local decision on how to respond. Some faculty members have refused to grade final exams, while others give and grade exams but refuse to hand in the results. On some campuses, faculty have pushed back exams until June. At a few schools they are considering giving passing grades to all students or giving a grade for the year based on the first semester's work alone.

As the strike grinds into its fourth month, perhaps the best reflection of the mood of French university faculty is "*la ronde infinie des obstinés*" – the endless march of the hardheaded.

Since March 23 academics have staged a constant march around the plaza in front of Paris city hall. Twenty-four hours a day, seven days a week, in the cold rain or the warmth of the sun – the main thing is that it never stops. Strike supporters may stop by for a few minutes or sign up to walk a shift of several hours. It is a perpetual-motion picket line, organized to show that strikers are determined not to give up.

The name of one of the many organizations active in the struggle sums up what French academics think is at stake: *Sauvons l'Université*. "Let's save the University."

*Laurence Giavarini of the University of Burgundy and Annliese Nef of University of Paris IV/Sorbonne are spokespeople for Sauvons l'Université. Translation by François Brunet, University of Paris VII/ Denis Diderot.*

## 'Reforms' devalue teaching, distort research



## UI for adjuncts – write now

Unemployment insurance (UI) for adjuncts is gaining support in Albany. On April 20 the State Senate Labor Committee unanimously passed S4123, a bill that would ensure access to unemployment insurance for contingent faculty who, unlike other workers whose employment is episodic, are not clearly eligible for UI under current State law.

The bill now needs to be passed by the NYS Senate and Assembly – and while it looks promising, part-timers need your support. Tell Albany that faculty adjuncts should have the same rights as other workers. Go to the Act Now site at [www.psc-cuny.org](http://www.psc-cuny.org) and send a letter to your senator and assemblymember.

### ECONOMY & FINANCE

# Obama recovery plan falls short

By JOSEPH STIGLITZ

Some people thought that Barack Obama's election would turn everything around for America. Because it has not, even after the passage of a huge stimulus bill, the presentation of a new program to deal with the underlying housing problem and several plans to stabilize the financial system, some are even beginning to blame Obama and his team.

Obama, however, inherited an economy in freefall and could not possibly have turned things around in the short time since his inauguration. President Bush seemed like a deer caught in the headlights – paralyzed, unable to do almost anything – for months before he left office. It is a relief that the US finally has a president who can act, and what he has been doing will make a big difference.

#### NOT ENOUGH

Unfortunately, what he is doing is not enough. The stimulus package appears big – more than 2% of GDP per year – but one third of it goes to tax cuts. And, with Americans facing a debt overhang, rapidly increasing unemployment (and the worst unemployment compensation system among major industrial countries) and falling asset prices, they are likely to save much of the tax cut.

Almost half of the stimulus simply offsets the contractionary effect of cutbacks at the state level. America's 50 states must maintain balanced budgets. The total shortfalls were estimated at \$150 billion a few months ago; now the number must be much larger – indeed, California alone faces a shortfall of \$40 billion.

Household savings are finally beginning to rise, which is good

for the long-run health of household finances but disastrous for economic growth. Meanwhile, investment and exports are plummeting as well. America's automatic stabilizers – the progressivity of our tax systems, the strength of our welfare system – have been greatly weakened, but they will provide some stimulus, as the expected fiscal deficit soars to 10% of GDP.

#### MARKETS

In short, the stimulus will strengthen America's economy, but it is probably not enough to restore robust growth. This is bad news for the rest of the world, too, for a strong global recovery requires a strong American economy.

The real failings in the Obama recovery program, however, lie not in the stimulus package but in its efforts to revive financial markets. America's failures provide important lessons to countries around the world, which are or will be facing increasing problems with their banks:

- Delaying bank restructuring is costly, in terms of both the eventual bailout costs and the damage to the overall economy in the interim.

- Governments do not like to admit the full costs of the problem, so they give the banking system just enough to survive but not enough to return it to health.

- Confidence is important, but it must rest on sound fundamentals. Policies must not be based on the fiction that good loans were made, and that the business acumen of financial market leaders and regulators will be validated once confidence is restored.

- Bankers can be expected to act in their self-interest on

the basis of incentives. Perverse incentives fuelled excessive risk-taking, and banks that are near collapse but are too big to fail will engage in even more of it. Knowing that the government will pick up the pieces if necessary, they will postpone resolving mortgages and pay out billions in bonuses and dividends.

- Socializing losses while privatizing gains is more worrisome than the consequences of nationalizing banks. American taxpayers are getting an increas-

national debt in the future. One reason we may be getting bad terms is that if we got fair value for our money, we would by now be the dominant shareholder in at least one of the major banks.

- Don't confuse saving bankers and shareholders with saving banks. America could have saved its banks, but let the shareholders go, for far less than it has spent.

- Trickle-down economics almost never works. Throwing money at banks hasn't helped homeowners: foreclosures con-

tinued to persuade hedge funds and other private investors to buy out banks' bad assets. But this will not establish "market prices," as the administration claims. With the government bearing losses, these are distorted prices. Bank losses have already occurred, and their gains must now come at taxpayers' expense. Bringing in hedge funds as third parties will simply increase the cost.

- Better to be forward looking, focusing on reducing the risk of new loans and ensuring that funds create new lending capacity, than backward looking. Bygone are bygones. As a point of reference, \$700 billion provided to a new bank, leveraged 10 to 1, could have financed \$7 trillion of new loans.

#### SOMETHING FROM NOTHING

The era of believing that something can be created out of nothing should be over. Short-sighted responses by politicians – who hope to get by with a deal that is small enough to please taxpayers and large enough to please the banks – will only prolong the problem. An impasse is looming. More money will be needed, but Americans are in no mood to provide it – certainly not on the terms that have been seen so far. The well of money may be running dry, and so, too, may be America's legendary optimism and hope.

*Joseph E. Stiglitz, professor of economics at Columbia University and recipient of the 2001 Nobel Prize in Economics, is co-author of The Three Trillion Dollar War: The True Costs of the Iraq Conflict. Formerly chief economist of the World Bank, he has more recently become known as a critic of "free market fundamentalism."*

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ingly bad deal. In the first round of cash infusions, they got about \$0.67 in assets for every dollar they gave (though the assets were almost surely overvalued, and quickly fell in value). But in the recent cash infusions, it is estimated that Americans are getting \$0.25, or less, for every dollar. Bad terms mean a large

tinued to increase. Letting AIG fail might have hurt some systemically important institutions, but dealing with that would have been better than to gamble upwards of \$150 billion and hope that some of it might stick where it is important.

- Lack of transparency got the US financial system into this trouble. Lack of transparency will not get it out. The Obama administration is promising to pick up losses

## How to fail to recover.