

# Clarion

NEWSPAPER OF THE PROFESSIONAL STAFF CONGRESS / CITY UNIVERSITY OF NEW YORK



SEPTEMBER 2007

# UNION

# WINS

# PENSION

# EQUITY

Governor Elliot Spitzer signed the PSC-initiated bill for pension equity into law on August 15. The victory, which comes after seven years of lobbying by the PSC and its state affiliate, NYSUT, will provide TIAA-CREF and other Optional Retirement Plan participants with parity with members of TRS (Teachers' Retirement System). Come April, New York State will begin taking over employees' mandatory contributions for those who have been members for at least 10 years. **PAGE 3**

## BUILDING FOR A CONTRACT



### Fall focus: Organizing

PSC starts the semester with a full complement of contract campaign events.

**PAGES 6 & 7**

## ANOTHER WIN

### CUNY must pay HEOs compensatory time

An arbitrator ruled that CUNY cannot regularly schedule HEOs to work more than the contractually mandated limit of 35 hours. If required to work more than 35 hours, they must get compensatory time. **PAGES 9 & 12**



## UNION SUMMER

### PSC activists help rebuild New Orleans

PSC volunteers joined others from AFT, working to restore New Orleans one school and one home at a time. Four sat down with *Clarion* to share their impressions of the city, two years since Katrina hit. **PAGE 5**



## SALARY SLIDE

### CUNY: Tackle the real salary problem

Our salaries are too low, and management's proposals accept the continued underfunding of CUNY. Management should value our work and bring real money to the table. **PAGE 11**

## CALENDAR

**SUNDAY, SEPTEMBER 8:** 10 am / New York labor movement honors 9/11 workers with an event demanding support for their medical care and monitoring and compensation. Sponsored by the NY Central Labor Council and NYS AFL-CIO, the rally is on West Broadway between Vesey and Barclay Streets.

**MONDAY, SEPTEMBER 10:** Deadline for HEO-CLT Professional Development Fund applications. Forms and information are available at [www.psc-cuny.org/HeoCLTProfDev.htm](http://www.psc-cuny.org/HeoCLTProfDev.htm). Remember, applications must be approved before any funds are spent. Contact Linda Slifkin at (212) 354-1252 or [lslifkin@psccmail.org](mailto:lslifkin@psccmail.org).

**SATURDAY, SEPTEMBER 15:** 9:30 am – 12:30 pm / PSC International Committee meeting. For location, contact Renate Bridenthal at (212) 662-0934 or [RBridenthal@juno.com](mailto:RBridenthal@juno.com).

**THURSDAY, SEPTEMBER 20:** 5:30 – 7 pm / PSC honors the members who volunteered in New Orleans with the AFT this summer. All welcome – those who volunteered, and those who want to hear what it was like. In the PSC Union Hall, 61 Broadway, 16th floor. ID required to enter building. For info, contact Amanda DeJesus Magalhaes at (212) 354-1252 or [adejesus@psccmail.org](mailto:adejesus@psccmail.org). No RSVPs.

**FRIDAY, SEPTEMBER 28:** 6 pm / Labor Goes to the Movies shows Jean Renoir's *Grand Illusion*. This year's series is devoted to the theme of War and Cinema. In the PSC Union Hall. For more info, contact Dania Rajendra at (212) 354-1252 or [drajendra@psccmail.org](mailto:drajendra@psccmail.org). No RSVPs.

**MONDAY, OCTOBER 1:** 11 am – 12:30 pm / Retirees Chapter discussion with Clarissa Gilbert Weiss, PSC director of pension and Welfare Fund benefits on minimum distribution requirements. In the PSC Union Hall. Contact Linda Slifkin.

**MONDAY, OCTOBER 1:** 1–3 pm / Retirees Chapter business meeting, with PSC President Barbara Bowen on the State of the Union. In the PSC Union Hall. Coffee and dessert provided. Contact Linda Slifkin.

**FRIDAY, OCTOBER 5:** 12 pm / The CUNY Academy's Higher Education Seminar sponsors a talk by David Lavin and Paul Attewell on their new book, *Passing the Torch*, a study on the first students to attend CUNY and their children. At the CUNY Graduate Center.

**FRIDAY, OCTOBER 12:** 5:30 pm / Learn about the ongoing union and community struggle for democracy in Oaxaca, Mexico. Program features two Mexican teacher union leaders. Light Oaxacan dinner served at 5:30. In the PSC Union Hall. For more info, call Jean Anyon at (212) 817-8277.

**FRIDAY, OCTOBER 12:** 4 pm / Part-time Personnel Committee meeting. At the PSC office, 61 Broadway, 15th floor. Contact Marcia Newfield at (212) 354-1252 or [mnewfield@psccmail.org](mailto:mnewfield@psccmail.org).



## LETTERS TO THE EDITOR

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

# Yes to a CCE for adjuncts

● President Barbara Bowen's recent article in *Clarion*, "Union Proposes CCE for Adjuncts," was very inspiring. As a teacher who has been adjuncting for seventeen years, I wholeheartedly support her and the union's efforts in this direction.

Gregory Darling  
John Jay College

## Do the right thing

● I am writing to express my strong support for the Certificate of Continuous Employment (CCE) for adjunct faculty being proposed by the PSC/CUNY in the current round of negotiations.

This measure would offer job security for our long-serving (and long-suffering) adjuncts, protecting them against the semester-to-semester grind that saps their morale and undermines their sense of place within CUNY. For students, and for full-time faculty, the added stability in course offerings and personnel can only be a plus.

Of course a return to a majority full-time faculty would be the ideal long-term solution. But as an interim measure the CCE is a giant step forward.

Hester Eisenstein  
Queens College & Grad Center

## Stronger action needed

● I was glad to see the article in the last *Clarion* about global warming.

This emerging disaster will surely destroy or badly damage most non-wealthy New Yorkers' lives if something isn't done very soon to slow it. But more is needed than educating others or taking individual (and even CUNY-wide) conservation measures.

We need to treat Bush's refusal to properly address this question as part of his defense of corporate America against the rest of us. If the PSC can join coalitions and send delegations to protests against the war in Iraq, it should certainly take even more vigorous action on this issue. Our whole future is at stake.

Bob Lapides  
BMCC

## Anne Neal and ACTA – 1

● In *Clarion's* article on the appointment of Anne Neal to a federal panel on higher education, the authors voice concern that the organization she heads, the American Council of Trustees and Alumni, promotes a conservative agenda. They note that Neal co-authored an ACTA report which charged that "college and university faculty have been the weak link in America's response to the [9/11] attack."

However, even conservatives get it right sometimes. Unfortunately, one need only attend a meeting of the Middle East Studies Association (MESA) to learn how right they are in this case.

Our colleagues in Middle Eastern Studies have totally failed to help us understand developments of recent decades. Blinded by their prejudices, they have made fundamental errors in assessing the aims and spread of Islamism. Dogmatic pieties and demands for conformity made Islamist violence beyond the bounds of approved research. The response to acts of violence was a denunciation of our own ignorance and bias, contributing to our complacency about terrorism.

A sad but inescapable truth is that the academic establishment has been part of the problem in our response to the 9/11 attacks. We have failed to educate a generation of students at a time when a balanced understanding has become crucial to America.

Philip Goldberg  
College of Staten Island (emeritus)

## Anne Neal and ACTA – 2

● The story on Anne Neal and the American Council of Trustees and Alumni (Summer 2007 *Clarion*) describes her as an 'ideologue.' If by 'ideologue' one means a person with a principled point of view, then she is an ideologue, but no more and no less than are the members of the PSC leadership. However, I think the authors of the article intended this to be a derogatory characterization; does the same evaluation apply to the PSC leadership?

In any case, I am surprised by the hostility to Neal since her views appear to have lots in common with the PSC. For example, she is quoted as saying: "accreditation has not served to ensure quality." This is, obviously, her major objection to the current system. But many of the PSC's proposals in the same issue indicate many failures in quality in CUNY, especially the large number of adjuncts in teaching positions and the general lack of resources. Does the PSC claim that, in the case of CUNY, accreditation has worked to ensure quality?

Charles Landesman  
Hunter College & Graduate Center  
(emeritus)

*Clarion* editor Peter Hogness responds: *An ideologue is not just someone with a point of view – it is one who applies those views in ways that are inflexible or dogmatic.*

*A basic function of accreditation is to distinguish the genuine university from the diploma mill. Neal says that such distinctions should be left up to the unregulated market; she wants an institution like CUNY and a fly-by-night operation like the University of Esoterica to have equal access to federal student aid.*

*But while she calls for abolishing accreditation, Neal has been happy*

*to sit on a federal panel that oversees it – where she has tried to use the accreditation process to impose her political views. The PSC has many opinions about the changes needed to improve both learning and working conditions at CUNY and other American universities. But the union has worked for those changes through collective bargaining and political action – not by distorting the accreditation process.*

In response to Philip Goldberg: *The Bush administration responded to 9/11 by invading Iraq. Most scholars of Middle Eastern history, politics and culture warned that this invasion would become a disaster, and they have not been proven wrong. As in any field of academic study, there are fierce debates within Middle Eastern studies. But it seems odd to conclude that scholars in this area have been listened to too much.*

## More on 457 Plan

● The New York State Deferred Compensation Plan is pleased that CUNY is a participating employer and appreciates the recognition PSC has provided this new employee benefit [the "457 Plan"]. The plan's purpose is to help public employees achieve their retirement savings goals with quality investments, educational programs and related services.

The Summer *Clarion* article stated that the plan "is run on a for-profit basis." This is not the case. The plan is a New York State-sponsored employee benefit established by the State Finance Law. The governor, Senate Majority Leader and Assembly Speaker appoint the board that is responsible for all plan policies and selection of investment offerings.

The board employs a private firm as an administrative service agency (ASA) to provide ministerial administrative functions, such as record-keeping, quarterly statements and educational materials, plan account executives and HELPLINE representatives, and website maintenance. The board selected the ASA after a public Request for Proposals process to assure optimal service at the most reasonable price.

Assistance provided by the plan's account executives and HELPLINE representatives to plan participants is totally objective because they are salaried employees and receive no commission payments based on participant enrollments, investment selections, the amount of salary that participants defer, or other factors.

I hope that this information is helpful to the employees that PSC represents.

Edward Lilly  
Executive Director  
NYS Deferred Compensation Plan

## Day care workers organize



Up to 30,000 NYC home day care providers will vote on joining a union this month and next. The workers, organizing with the UFT and ACORN, won the right to organize in May. At present the workers receive no benefits.

Gary Schlichter

# Union persistence wins equity in pensions

By ELLEN BALLEISEN  
Bronx Community College

Seven years of union advocacy paid off on August 15, when Governor Spitzer signed a PSC-backed pension equity bill into law. "This is a major victory for us – and it's a victory for public higher education in New York," said PSC President Barbara Bowen. "It was union members, organized as a political force, who won it."

For employees who have been members of TIAA-CREF or similar plans for at least 10 years, the new law means that they will no longer have to make the mandatory employee contribution toward their pension. Instead, this cost will be paid by the State and City. A similar reform was approved in 2000 for those in the Teachers' Retirement System (TRS) – but TIAA-CREF participants were left out.

"It was a heart-stopper right up to the end," said Steve London, PSC first vice president and legislative representative. "The governor was under pressure to veto, but the broad coalition supporting our legislation prevailed. Our state affiliate, New York State United Teachers, was particularly effective in winning Governor Spitzer's signature."

Those covered by the new law currently pay an employee pension contribution of either 1.5% or 3% of their salaries, depending on when they were hired. The new benefit will be phased in over three years: beginning next April, the employer will pick up 1% in each of the next three years until they pay the entire amount. In effect, the result will be an increase in take-home pay of up to 3%.

## PERSISTENCE

PSC members welcomed the news. "This is a union victory at a time when there aren't always union victories," said Neil Smith, distinguished professor of anthropology and geography at the Graduate Center. "It shows that if you persist, you can get reasonable results." Noting that CUNY's salaries are lower than those at many other institutions, Smith said that the financial boost for those "who have been committed to CUNY for 10 years or more is right and justified."

Walter Dufresne, an adjunct at City Tech, was one of hundreds of PSC members who contacted the governor to urge him to sign the bill. He took action even though he is not a TIAA-CREF participant. "One of the great roles played by any union is mutual aid among the members," said Dufresne. "Helping full-timers in TIAA-CREF get fair treatment makes perfect sense to me. It's one more CUNY inequity that's

## Last-minute member pressure



City College Chapter Chair Susan DiRaimo and City Tech Chapter Chair Bob Cermele lobbied Assemblywoman Audrey Pheffer of Queens.

fallen by the wayside, which helps all of us, including adjuncts who want pay equity."

The former chair of the PSC Legislative Committee, Cecelia McCall, led PSC members in many lobbying trips to Albany in support of the reform. With Bowen and London, she coordinated this year's grassroots push to win legislative approval. "It was a never-ending, never-stopping, long-standing commitment from many, many people" that finally led to success, McCall told *Clarion*. This year more than a thousand PSC members sent messages to Albany to urge that the bill be passed.

"It was an obvious inequity, but it took incredible persistence to get it passed," said Bob Cermele, PSC chapter chair at City Tech. "And it would never have happened without all of our lobbying. They probably would not have noticed the issue if we had not been up there. It's clear that if you *don't* lobby, you'll never get anything!"

When McCall and other newly-elected PSC leaders took office in 2000, Albany had just approved pension reform legislation for all public employees in New York City and State, with one glaring exception: CUNY and SUNY employees in the Optional Retirement Plan, which includes defined-contribution plans such as TIAA-CREF. Suddenly these university employees were at a significant disadvantage compared to their colleagues in TRS, a traditional defined-benefit pension plan.

But when New York created the Optional Retirement Plan (ORP) for

public college employees in 1964, the legislature was clear that those who chose the ORP should get the same treatment as their colleagues in TRS.

So the new PSC officers immediately began working to rectify this inequity. They reached out to United University Professions, the union

that represents faculty and professional staff at SUNY's four-year colleges and to union locals at community colleges upstate, and New York State United Teachers (NYSUT) made the re-

form part of its legislative agenda. This year it became NYSUT's top priority. The unions won support from both the CUNY administration and TIAA-CREF, but still faced a difficult path before the bill became law this year.

## 3-ACT DRAMA

London described the union lobbying efforts as a drama in three acts. At first, he said, "there was the expectation of quick passage [of a pension equity bill] in 2001, only to be undone by the events of 9/11." Political support for the bill had been secured, but the fiscal impact of the attack pushed those agreements aside.

Next came several years in which the State faced large deficits and budgets were often not settled until months after the legal deadline. London said that union activism and coalition-building were crucial in keeping hope alive for pension equity during these years of "bad budgets," from 2002 to 2005. In 2006 the pension bill was finally approved by

both the Assembly and State Senate – only to be vetoed by Governor Pataki.

So the PSC geared up for Act Three, which turned out to be a cliffhanger. While the bill easily passed the Assembly, its fate in the State Senate was uncertain – and it would be decided in the Senate's last vote of the legislative session. PSC members didn't just sit back and wait: McCall coordinated a wave of calls by PSC members living in the districts of key State Senators, and this grassroots pressure helped win passage of the bill for a second time.

## VETO PRESSURE

The legislation then went to Governor Spitzer, who came under strong pressure from officials in New York City and upstate counties to veto the measure. The PSC rank-and-file again made sure the union's voice was heard: in just a few days, 658 members called the governor's hotline to urge him to sign the bill. Bowen was in daily contact with elected officials, the governor's office, coalition partners and NYSUT legislative staff.

"The governor was clearly feeling the heat from both sides and waited until the eleventh hour to decide," London said. "In the end he did the right thing, showing his respect for higher education and the constituents who elected him."

Currently ORP participants hired before September 1992 contribute 1.5% of their gross pay to their pensions; those hired on or after September 1992 contribute 3%. Starting next April, the State and City will jointly pick up 1% in each of the next three years. (For those currently paying 1.5%, this means that 1% will be picked up in April 2008, and the remaining 0.5% in 2009.) After the phase-in, ORP members will see their contributions go from 3% to 0% as soon as they have been ORP members for 10 years. The new law is not retroactive.

Many details of implementation must be addressed between now and next April, and *Clarion* will report on these as they are worked out.

"With this legislation, New York State has erased an inequity for employees in higher education that has existed since 2000," said Bowen. "The new law is an investment – both symbolic and very real – in the future of public higher education. By making CUNY and SUNY positions more competitive nationally, it will help to draw and keep the best of the current generation of scholars, teachers and professionals in public higher education. Our students deserve nothing less."

## CUNY IN BRIEF

### New prez for CSI

The CUNY Board of Trustees approved Dr. Tomás Morales as the new president of the College of Staten Island on June 25. Morales had been provost and vice president of academic affairs at California State Polytechnic University in Pomona, California.

Morales, 53, was born in Puerto Rico and grew up in the South Bronx. He earned his bachelor's degree from SUNY New Paltz and his master's and doctorate from SUNY Albany, and went on to work at CCNY for seven years as vice president of student affairs and dean of students.

"Public higher education – specifically CUNY and SUNY – opened the door to opportunity for me and members of my family," he said after his appointment.

Former President Marlene Springer retired after 13 years at CSI. She agreed to stay an extra two months after the search process seemed to be heading toward a non-academic candidate, the *Staten Island Advance* reported.

### Free tuition gets notice

Cooper Union won a spot in *Newsweek's* college ranking last month for its free tuition policy. Called the "25 Hottest Universities," the magazine singled out Cooper Union for "Hottest for Free Tuition." Queens College – the only CUNY school to get a nod – won "Hottest for First-Generation Students." The article notes that parents of 38% of QC students did not go to college.

Ironically, Queens, like all other CUNY colleges, boasted a free tuition policy until 1976, the first year students of color comprised the majority of CUNY's entering classes. *Newsweek* noted that "The school's biggest claim to fame is the several generations of lawyers, doctors and other professionals who could not afford the Ives and say Queens changed their lives" – something more first-generation students might be able to say if tuition were still free.

### Credit cards & student fees

CUNY is phasing in a policy of charging fees to students who pay their tuition with credit cards. The amount of the fee itself depends on a number of factors, including how many credits a student takes, in which borough she lives and her matriculation status.

The fee does not apply to students who pay by any other method. CUNY began phasing in the policy at College of Staten Island. CSI's Bursar's Office called the fees charged by CUNY's vendor, EDS, "prohibitively expensive" in a document on its web site, and a spokesperson told the *Staten Island Advance* that CSI spends \$200,000 – \$250,000 a year on fees.

# New Orleans colleges censured

By **PATRICK LLOYD**  
Kingsborough CC

To the people of New Orleans, Hurricane Katrina was a tragedy that forever changed their lives. But to some university administrators, Katrina provided a once-in-a-lifetime opportunity to make unilateral changes to their colleges.

At the annual meeting of the American Association of University Professors (AAUP) in June, PSC delegates heard how the disaster of Katrina was followed by attacks on shared governance at several New Orleans universities. After 18 months of research, an AAUP special committee reported a pattern of abuses against faculty at five institutions. The annual meeting voted to censure administrations at four of the schools and deferred action on a fifth until next year.

## VIOLATIONS

In many ways, these violations of faculty rights parallel what happened to K-12 teachers in New Orleans's public schools. Nearly 5,000

## AAUP slams firings

teachers were abruptly fired, then required to apply to get their old jobs back once a few schools began to reopen. Today no public school in New Orleans has a union contract.

In case after case at New Orleans universities, the AAUP committee found that administrators took advantage of a tragedy to promote their own agendas. "At best, these cases showed a profound disrespect for the faculty and staff whose careers were jeopardized," said James Davis, a PSC delegate from Brooklyn College. "In some cases, though, the violations seemed downright opportunistic, with the disarray following Katrina furnishing a pretext for firing people and restructuring programs."

At Louisiana State University Health Sciences Center, for example, a "force-majeure exigency plan" was adopted by the Board of Supervisors. The plan declared the admin-

istration's right to ignore its own regulations on termination of appointment and gave administrators the right to decide which faculty members would be placed on furlough status (temporary leave without pay leading to eventual termination). Eighty-five faculty members were furloughed, effective immediately – and the administration "paid scant if any deference to tenure rights and length of service," reported the AAUP committee. Terminated faculty received no severance pay and immediately lost their offices, e-mail accounts and parking permits.

Yet LSU already had a plan for dealing with financial exigency. In this pre-Katrina plan, dismissals were to be initiated only after alternate means of alleviating the financial crisis had been explored. Seniority was to be an essential factor in any terminations, and faculty

**'Downright opportunistic' says a PSC member.**

had a right to transfer to any vacant positions for which they were qualified. All these provisions were ignored in the post-Katrina plan.

At Southern University of New Orleans (SUNO), 55 faculty members were placed on furlough and the administration announced sweeping changes to SUNO's academic programs. Programs were eliminated in history, political science, English, mathematics, physics and 14 other subjects, and replaced with seven new programs such as business entrepreneurship or medical records administration. The AAUP committee said it was "alarm[ed] that such fundamental changes in the educational program were enacted without faculty involvement and consultation."

## OVERRODE OBLIGATIONS

Tulane University's Board of Administrators put forward a "Plan for Renewal" which restructured its educational focus, discontinuing both programs and entire departments. Faculty had rejected parts of the plan before Katrina. About 200 fac-

ulty members were notified of release, with little weight given to tenure status.

Similar abuses of due process, tenure protections and shared governance were reported at the University of New Orleans (UNO) and Loyola University New Orleans. After receiving the special committee's report, AAUP delegates voted to censure the administrations of UNO, SUNO, Loyola and Tulane. For LSU's Health Sciences Center, where the committee found that reinstatements had meant "some amelioration of the damage inflicted by the furloughs," delegates postponed action until 2008.

## MISTRUST

"However cumbersome faculty consultation may at times be," the committee concluded, "the importance and value of such participation become even greater in exigent times than in more tranquil times.... An institution cannot be rebuilt on mistrust – or worse, on a broadly shared sense of betrayal." The AAUP said it will monitor the situation and continue to work for the rights of the affected faculties.

Text of the special report can be found at [www.aaup.org/AAUP/protect/academicfreedom/investrep/2007/katrina.htm](http://www.aaup.org/AAUP/protect/academicfreedom/investrep/2007/katrina.htm).

# Oaxacans resist violence

By **GERARDO RENIQUE**  
City College

Hundreds of people dressed in black marched through the streets of the historic city of Oaxaca, Mexico, on August 10. They carried candles and flowers as a tribute to José Jiménez Colmenares, killed exactly a year ago during a peaceful demonstration to support Oaxaca's teachers' union and its demand for a change in government. José's widow, schoolteacher Florina Jiménez, addressed the crowd outside the city's cathedral, before a mass in her late husband's memory.

When José Jiménez was killed by nine shots from paramilitary gunmen serving Oaxaca's state government, he became the first of 27 people killed during last year's democratic insurgency. It began with a teachers' strike in May 2006, but was transformed into a broader political movement after teachers were savagely attacked by state police one month into the walkout.

## HISTORIC SHIFT

As a scholar of Latin American society and politics, and a longtime visitor to the state of Oaxaca, this movement has offered me an opportunity to witness a phenomenon of historic consequences.

There was wide public sympathy for Oaxaca's teachers' union, known for fighting not only for its members but also for students. Strike demands included free lunches, uniforms and books for all pupils – a popular stance in one of Mexico's poorest states. The governor, Ulises Ruiz,

## An eyewitness report from Mexico

had been the focus of growing anger since he took office in a 2004 election that was marked by fraud. Since then his administration had become known for widespread corruption and dozens of political killings.

Oaxaca's citizens responded to the attack on the teachers with nonviolent protests of more than 300,000 people – the largest in Oaxaca's history – demanding that Ruiz resign. Human blockades effectively pushed the state government out of the capitol, and a new alliance of grassroots organizations – the Popular Assembly of the Peoples of Oaxaca (APPO) – began to discuss what kind of government should replace Ruiz.

Then came the repression. As the summer of 2006 came to an end, more and more unarmed protesters were killed by paramilitary gunmen. Last fall saw the city's violent occupation by 4,000 federal police in November, detention of more than 400 activists, and increasing sexual harassment and rape of women in the movement. All this put the democratic alliance on the defensive, with many activists in hiding to avoid arrest.

By early December, however, members of the teachers' union staged new demonstrations to demand freedom for the prisoners and the end to military occupation. A turning point came on March 8, International Women's Day. Under the slogan, "The fear is over," thousands marched to reaffirm that APPO was alive and strong.

Hundreds of organizations, from labor unions to indigenous peoples' federations to artists' collectives coalesced to form APPO. Its resiliency has been due in large part to its broad-based, non-hierarchical and communitarian approach to organizing. Drawing on traditions of Oaxaca's indigenous communities, APPO's notion of democracy is founded on people's ability to speak to each other and emphasizes direct grassroots participation. For most of the Oaxaqueños I interviewed this summer, this newly found freedom of expression, and the power associated with it, has been a main incentive for participating in the movement and remaining active in the struggle.

It is a mode of political participation that contrasts drastically with the authoritarian and paternalistic practices of Mexico's Institutional Revolutionary Party (PRI), which has ruled Oaxaca without interruption for more than 70 years. In 2000, the PRI lost control of Mexico's national government for the first time since 1930. But in Oaxaca it has managed – through fraud and intimidation – to hold onto power.

Since 2000, Mexico's presidency has been held by the right-wing National Action Party (PAN) – most recently with President Fernando Calderón's victory in last year's disputed elections. Since then, the PRI and the PAN have forged an alliance to further open the country to privatization and "free-trade" deals, and in Oaxaca they have united to keep



At the march on Aug. 10: photos of activists imprisoned for non-violent protest.

Ulises Ruiz in office, ignoring devastating reports from Mexican and international human rights groups.

In order to push forward with privatization of public education, Calderón has established an alliance with Elba Esther Gordillo, the corrupt head of the PRI-dominated national teachers' union, SNTE (National Union of Education Workers), who was recently named as its "president for life."

## SUPPORT SUSTAINED

The Oaxacan state branch of the teachers' union, Section 22, is part of a national caucus in the union that opposes Gordillo's undemocratic ways. In exchange for the national union's support, President Calderón's government has now given official recognition to Section 59 – a new state branch for Oaxaca, created by followers of Gordillo to undermine the existing Oaxacan union. But while this maneuver has posed new challenges for Section 22, it has retained the support of the vast major-

ity of Oaxaca's educators.

Meanwhile APPO has survived and even extended into different regions of the state. Teachers and other participants in APPO will discuss strategy for the future on September 8 and 9, when it holds its first general congress since the repression. Like the street protests in the face of federal troops, the meeting is a sign that they are ready to continue their struggle over the long haul.

Compelled by the ominous distortion of these events by much of the media, and their disregard for the voices of those involved in the struggle, Professor Tami Gold of Hunter and I have worked since last summer to document the movement through video and independently produced television and radio programs. For us the importance of this movement rests not only in its political relevance, but in the dignity and resilience shown by Oaxaqueños of all walks of life in their pursuit of justice and democracy.

# Union Summer in New Orleans

About 80 members of the American Federation of Teachers (AFT), the PSC's national affiliate, went to New Orleans this summer to volunteer in reconstruction work that is still badly needed, two years after Hurricane Katrina. PSC members from several CUNY campuses took part in the "Union Summer" project, which was proposed to the AFT Executive Council by PSC President Barbara Bowen.

In August Clarion spoke with four PSC members about their experience, and this article is adapted from that discussion. Irvin Heard is a lecturer in physics at John Jay College; Marina Heung is associate professor of English at Baruch; Cecelia McCall, former secretary of the PSC, is associate professor emerita of English from Baruch; Pdraig O Donoghue is recruitment coordinator at the Joseph Murphy Institute Center for Workers Education.

The PSC will host a reception to honor its New Orleans volunteers on September 20 at the PSC office at 5:30 pm; all union members and CUNY students are welcome. (See page 2 for details.)



Cecelia McCall

**CECELIA MCCALL:** Irvin, you're from New Orleans. What was it like going back?

**IRVIN HEARD:** The number one thing was just going back home and seeing whole neighborhoods that have been completely destroyed. They're not there anymore – communities where people once lived. Those people have been displaced, and that was very troubling. It was all very painful just to see the city as it was.

I can remember that New Orleans always did have a large poor community. And when I say 'poor,' what we're talking about is working-class people. But they're getting substandard wages and many found themselves in the housing projects permanently. And there's been a definite attempt to eliminate those people from the community.

I look at the Lafitte housing development, the St. Bernard housing development, these were all closed.

## Action & Reflection

Now, many years ago, when I was a student at Southern University in New Orleans, we used to have demonstrations at the Iberville housing development trying to keep the place open – it was threatened because it was on prime real estate. And it seemed as if what happened here, after Katrina, was that some people had a golden opportunity and they simply took advantage of it.

**MCCALL:** These housing projects – they were evacuated during Katrina and now they're being kept empty?

**HEARD:** Yes. For instance, the Lafitte project sits across the street from one of the most well-known restaurants in New Orleans, Dookey Chase. It's fenced off, maybe some shingles have blown off the roof – but the buildings are sturdy and standing, and they're vacant. I mean, there's no good reason why they cannot be reoccupied by poor people.

But I was very impressed by the work that the [AFT] group as a whole did. I think that was one of the things that lifted my spirit, to see people coming in, and doing the type of things that needed to be done.

**PADRAIG O DONOGHUE:** I found the work with Habitat for Humanity the most rewarding. Physically working, sweating – it was hot out there. But I loved it. There's something great about going home tired and looking back and seeing that there's a little bit of something that you did.

**MCCALL:** I felt when I was there that New Orleans needed us. They needed help, and they needed to see us there.

I was very happy to be in New Orleans because, as you say, I could look back and think, 'I did that.' I did that strip of painting, or I helped put that window in. I was there as a witness, and I did something that was needed. And that helped me as well.

**MARINA HEUNG:** I taught at the University of New Orleans for 11 years before I came to CUNY, and I'm very glad I didn't just go back as a tourist. The two weeks that I spent down there were very meaningful, and I really liked the work that my group did.

But even though I was very glad I went, I came back depressed. Because I felt like it was not enough. I thought, 'OK, I did some work. I can enumerate the names of the people whose homes I worked on, that was really nice.' But there really needs to be a much larger mobilization. The group I worked with, ACORN, is doing very good

work – but it's not enough. There needs to be a much larger effort.

**O DONOGHUE:** It's unbelievable, two years down the line. There are just thousands and thousands of acres of vacant houses with nobody living there. Still unrepaired. There's nobody living in huge stretches – it just was mind-boggling.

The work we did was great, but the magnitude of the problem isn't being answered, and this disturbed me. We're talking decades, if it's going to be like this. And what are those decades going to do to the people who've been displaced?

**HEARD:** The volunteer mobilization is inspiring. I met people from all across the country – California, Montana, Wisconsin, a lot of New Yorkers. But there is a gap between individual effort and where the ultimate responsibility lies, which is with the government. And the government has not come around.

### Questions of race, class and the role of a union

**MCCALL:** That was certainly my feeling. When I came back, I was left with the image of individuals, working on their own homes – but surrounded by other houses that were empty, dilapidated and in need of the same kind of care and reconstruction. It just seems to me that there isn't any real political leadership.

**HEUNG:** And who is going to speak for the people who are still displaced? If you're not there, you can't speak. I think that is a fundamental political problem.

**HEARD:** So who is going to begin to raise those kinds of questions? You don't often hear political candidates talking about New Orleans. You have all these forums and debates – why is it that this is being ignored? Given that the candidates have this type of exposure, we need someone there who will raise those questions.

**MCCALL:** That is something that AFT could do because AFT and all the unions, you know they're deciding where to throw their support. That really does sound like something AFT could do, to get it back on the radar screen.

**O DONOGHUE:** We're talking about over a million members – that's a lot of voters.

**MCCALL:** That's right. What does it say though about this country, or this government, though, that we have to find a way to make this an issue again, to make this something they feel is important enough to find the needed resources?

Part of it is the denial of race. The



Irving Heard (left) and Pdraig O Donoghue

denial that this has profound racial implications is bound up with why the response has been so inadequate.

**HEARD:** Exactly.

**HEUNG:** And why the recovery has been so uneven.

So much of the whole city was flooded, all the way uptown. But if you drive, say from City Park to Tulane, a lot of these neighborhoods are back. Why? Because those people had the financial resources to rebuild. And now many neighborhoods look completely normal. Things are growing, the streets are clean, there's no debris. It's quite beautiful in spots. And if that's all you saw, you'd have a very sanitized version of New Orleans. That's the division of race and class.



Marina Heung

**MCCALL:** Yes, because those neighborhoods had the resources.

**HEUNG:** So it's deceptive. You drive through certain parts of the city, and you think, 'Oh this was flooded? You would never know it.' But in fact all those people have rebuilt in two years and they're back to normal. They just have nicer cars than they used to.

**O DONOGHUE:** A real danger is that many of the devastated neighborhoods are on prime real estate, which could be easily taken

advantage of by developers. I think the AFT and PSC should work towards creating a passage home for those who lived there. Just be relentless about trying to get those neighborhoods back.

We met one particular lady, an African American lady who had moved back to the Lower Ninth Ward. Just months before Katrina she had become a homeowner – a homeowner at the age of 24, and she said that with such pride. And then this happened. But she's back and she needs to be supported.

She came outside with her kids, and they said their school was gone. But they're going to another school, they're figuring it out.

I'd like to know what can be done as a union, what can the AFT and PSC do to advocate for people like this woman who has done it all herself and moved back in despite the odds. To support people like her, who have the ambition and the will to do that but not necessarily the pathway.

**MCCALL:** I think we need to fight for a new mindset in this country. 'Taxes' has been made into a bad word, but that's where the money comes from for projects like rebuilding New Orleans.

There are too many people who've been sold this idea that taxes are the worst thing. That I should keep my money in my pocket, and I'm not going to contribute money that will go to anybody else.

We have to change the conversation, bring it back to where it used to be prior to this crusade to starve the government, keep the money for yourself and forget everybody else.

People need to remember that if we're going to be a nation that survives, we have to be working for and with one another. We have to take care of each other.

And we have to have a conversation on race. We have to stop denying the fact that people have been devastated in this country and were devastated recently because of no other reason than that they were brown and black. And poor.

**HEARD:** I think you said it all.

At City College, *Clarion's* Roving Reporter asks:

# Why did you sign the contract petition?



Heather Appel

**STEPHEN JABLONSKY**  
Professor & Chair  
Music Department

Every year the people on the other side of the table have stalled and stalled. I felt that pressure had to be applied. They have to know that we care. This University has been pinched and starved and tortured for 30 years.

I've been here 43 years, so I'm pretty familiar with how the school runs. When I started here, City College was a very different place because the full-time faculty to adjunct ratio was entirely different, and salaries were competitive with institutions elsewhere. Salaries have incrementally depreciated with time.

How do we hire people to come to the college when they can make a hell of a lot more if they go elsewhere? We are so off the mark now that it makes it very difficult to compete in hiring.



Heather Appel

**GENIECE PACIFICI-ELEJALDE**  
HEO Assistant  
School of Bio-Medical Education

As a professional, the most important thing to me would be advancement for professional staff. There should be a clear path to promotion.

A policy that doesn't provide that is a problem because it discriminates against women and against minority employees. I've been here a very long time and I'm still an Assistant to HEO. My workload has increased – but that's not reflected in decisions about who gets promoted.

Professional advancement is definitely not something we see around here, and that's my main concern. After that, it's the workload. I think it's unevenly distributed. They expect you to do more and more within a nine to five day, and that's very unfair. I support the faculty on their demands, too. We're all overworked – we need more staff in general.



Gary Schlichter

**SUSAN DIRAIMO**  
Adjunct Lecturer  
English as a Second Language

I signed because that's the only way to move management forward, if they see all of us united for a good contract.

They classify me as a part-timer, but I'm really a full-time worker with part-time pay. I've been an adjunct since 1981, and I don't get family health benefits. I only get benefits as a single person, so I'm spending \$600 a month to cover my kids. We feel that management needs to commit to getting us on the City health plan, like every other municipal employee who's part-time, so that adjuncts can get coverage for our families.

A non-monetary issue is that management won't agree to any kind of seniority system for adjuncts. Even though I've been here since 1981, I could be fired on a whim. So the main issues for us are seniority, pay raises and health insurance.



Heather Appel

**JOYCE GELB**  
Professor Political Science &  
Director of Women's Studies

I think "merit" raises would politicize decision-making around salary, and I think it would be a terrible idea to remove department chairs from the union. Department chairs are part of the department, and that's a strength of the system. To remove chairs from the union is absolutely the wrong way to go. We don't want them to be management; we want them to continue to be faculty.

I like the union's proposal to enhance the top salary steps. I think CUNY faculty salaries are too low to be competitive. We used to be among the highest in the country, but that was decades ago. Now our pay is basically not competitive.

Finally, there's the Family and Medical Leave Act. Under federal law, it's unpaid. CUNY doesn't provide paid family leave, and it should.



Heather Appel

**WILLIAM LANCE HUNT**  
Adjunct Lecturer  
English Department

As an adjunct, I have no clue from semester to semester whether or what I'll be teaching, so that makes it hard to plan. For a lot of adjuncts, this is how they make a living, but we have no real job security. There's something called a Certificate of Continuous Employment, or CCE, for lecturers – and we're pushing to get that for adjuncts after seven years.

Originally, adjuncts were adjuncts – they taught things nobody else could teach. Now we're casual labor – "Hey, we need you, come in," or "Nah, we don't need you this semester." It's hard to know what's coming next.

With the PSC, it's nice to know you have somebody looking out for you. There's somebody keeping track of everything – I couldn't possibly do it on my own. If I wasn't a member of a union, I'd have no idea what's going on.

*Interviews by Heather Appel*

## NYS labor law strengthened

By **MARIYA GLUZMAN**  
Brooklyn College

### Your right to a union rep

Legislation approved in Albany this summer restores an important right for public employees, one which had been undermined by a court ruling earlier this year. The new law guarantees New York public employees the right to have a union representative with them during any investigatory meeting that may result in disciplinary action.

Since this right is also significantly protected by the PSC contract, the new law's effect on CUNY employees will not be dramatic. But it does clarify their rights in certain ways and puts such protections on a stronger legal foundation.

The right to have a union representative present when a meeting might lead to discipline was established for workers in the private sector in 1975,

in a Supreme Court ruling in the case of *National Labor Relations Board vs. Weingarten, Inc.* (No relation to Randi Weingarten, current president of the UFT.) In recent years, decisions by New York's Public Employment Relations Board (PERB) extended these "Weingarten rights" to public employees in New York State – until that framework was struck down in a state court ruling last February.

#### STRUCK DOWN

In that 4-2 decision, the state's highest court concluded that, contrary to previous PERB decisions, under New York law public employees do not in fact have such rights, unless otherwise specified in the union's collective bargaining agreement or in an agency policy.

In the wake of the decision, Chief Judge Judith Kaye, one of two dissenting justices on the six-judge

panel, told the civil service newspaper *The Chief* that she feared the ruling would "foster dissonance" between the State's public workers and their employers. In her written opinion, Kaye invited the State legislature to revise the law.

Last year a bill to revise New York's Public Employees Fair Employment Act (also known as the Taylor Law) along these lines was passed by both the Assembly and State Senate, but was vetoed by Governor Pataki. This year, after a push from the New York State AFL-CIO, the legislation was passed once

again in June and signed into law by Governor Spitzer.

Article 21 of the PSC-CUNY contract provides that a member of the bargaining unit is entitled to be accompanied by a union representative

#### Same rights to representation as private-sector workers

during a disciplinary proceeding. Cynthia Campos, the PSC's contract enforcement coordinator, said that the new law affirms that CUNY faculty and staff have that right not only in formal hearings but also less formal discussions where discipline may result.

"Our members are frequently called into a meeting without knowing what it could lead to," Campos said. Information obtained in an informal meeting can be used against a member if management later decides to take disciplinary action. "The new law

affirms our members' rights in these less clear-cut cases," said Campos. "A chapter grievance counselor can accompany a member to any meeting about any complaint and provide assistance." A union representative's function is not only to bear witness, but to also assist and advise the employees they represent.

#### ASSIST & ADVISE

It is the responsibility of the employee to request a union representative if they think one may be needed. CUNY faculty and staff should know, said Campos, that if an administrator or a supervisor asks to meet with you, whether formally or informally, you can assert your right to have a union representative present without any repercussions. If necessary, the meeting can be postponed until a union representative can join the employee. Management cannot retaliate against an employee for requesting a representative and it cannot deny the employee such representation – that's a violation of State law.

# Fall focus: Member-to-member organizing

By DANIA RAJENDRA

After a busy summer, the PSC's contract campaign started the new semester with a focus on old-fashioned, person-to-person organizing. The biggest of several events being planned for the Fall is a mass membership meeting, on October 30 at Cooper Union.

As *Clarion* went to press at the start of the semester, management still had not made a financial offer (see below). "To get a fair contract will require pressure from the whole political force of CUNY faculty and staff," said PSC President Barbara Bowen. "That's why we're asking every member to join the effort in some way."

## YOU SIGN ON

Since May, more than 3,300 union members have signed the contract petition, affirming their support for the PSC's proposals. More than 700 have signed in the last six weeks, organizers told *Clarion* – and there is still time to add your name. (Just go to the union's web site, [www.psc-cuny.org](http://www.psc-cuny.org), and click on "Sign the petition.") The PSC will deliver it to Chancellor Goldstein on September 19, the day the current contract is set to expire.

"CUNY's demands so far – and we haven't even seen their economic offer yet – would further erode our ability to teach and support our students," said Diane Menna, co-chair of the Contract Campaign Organizing Committee (CCOC). "The union's demands, however, would foster a professional environment in which faculty and staff could properly serve our students and provide the education they deserve." (A complete list of the contrasting de-

## Petitions, meetings and more

mands, and a PSC analysis, are at [www.psc-cuny.org/NewContractRound.htm](http://www.psc-cuny.org/NewContractRound.htm).)

The gulf between the PSC's and CUNY management's ideas for the University's future will be at the center of "Our CUNY vs. Their CUNY" – a different kind of contract protest set for September 19. The PSC invited artistic submissions in a variety of media – from poetry to theatre to visual arts – and will showcase the results on September 19 at 6:00 pm the PSC's Union Hall (61 Broadway, 16th floor).

"The September 19 event will be entertaining, but it's not just entertainment," said the CCOC's Rebecca Hill, assistant professor of social science at BMCC. "Many of us don't know much about the creative work that our colleagues do. We're a union of academics – and this is a way of bringing together the work many of us do in our actual jobs and the work of the union."

## HEOS MEET

Throughout the summer, PSC Secretary Arthurine DeSola and HEO chapter leaders held meetings with HEOs on almost every campus, developing local networks of activists. "A lot is at stake for HEOs in this round of negotiations," DeSola said. "We met to update them on management's demands and ours, and hear their own stories. We heard a lot about micromanaging and contract violations. Almost everyone who came to a meeting signed the petition

and many signed up to organize. Members left energized – and so did we."

HEOs and other members on campus over the summer hung posters throughout the University to make the contract struggle – and what's at stake – more visible. "A great university provides the conditions faculty and staff need to work," it says. "Why not CUNY?" Members can download a copy of the poster from the PSC web site, [www.psc-cuny.org](http://www.psc-cuny.org), or pick one up from the union office at 61 Broadway, 15th floor.

As Fall semester began, veteran union activists said that management's failure to make a financial offer meant it would be almost impossible to settle a new contract before the current one expires on September 19. (See the story below.) In response, the PSC has be-

**A good contract means a better CUNY, say PSC leaders.**

gun planning for a mass membership meeting on October 30 – to share the latest news from negotiations and discuss how to win the kind of contract that members deserve. Like the PSC mass meeting held in Fall 2005, it will take place in the historic Great Hall at Cooper Union.

## MY FIVE

In tandem with the CUNY-wide events on September 19 and October 30, the Organizing Committee will be building on-campus connections in support of a good contract. A key building block is the union's "My Five" network, in which members volunteer to stay in touch with five colleagues and keep them informed and involved. This fall there will be training sessions for potential "My Five" volunteers – once a month starting in October, before each meeting of the union's Delegate Assembly. If you'd like to be a "My Five" volunteer, call the union office at (212) 254-1252.

"Activists on my campus are making plans to hit the ground run-

ning – to organize people into the contract campaign and beyond," said LaGuardia Chapter Chair Lorraine Cohen, who is also on the CCOC. She told *Clarion* that the committee's efforts to connect the PSC's CUNY-wide demands to local campus conditions have been particularly useful. "Participating has helped me think more positively and more creatively about organizing," she told *Clarion*.

Bargaining team members will visit campuses early in the semester to report on the summer's work and enlist support for the Fall's ambitious agenda, said PSC Treasurer Mike Fabricant. "On campus, members are discussing our contract demands and management's demands with greater fluency – and we are working to organize and build the power of the union," said Fabricant, who also co-chairs the CCOC. "Working together for a better University is largely what it means to live inside a union. We've had many more people join us – and we invite everyone to get involved."



From left: Lorraine Cohen (LaGuardia), Rebecca Hill (BMCC), Bill Friedheim (BMCC), Costas Panayotakis (City Tech), Donna Gill (Hunter), Alex Vitale (Brooklyn) and Jonathan Buchsbaum (Queens) of the union's Contract Campaign Organizing Committee.

# Still no money offer from CUNY

## Current contract expires Sept. 19

By PETER HOGNESS

Representatives of the PSC and CUNY management held discussions on a new contract in July and August, making progress on some noneconomic issues. But as *Clarion* went to press at the start of September, management had still made no economic offer.

Since bargaining began on February 7, CUNY negotiators pledged to strive for a settlement before the current contract expires on September 19. But at this late date, with no financial proposal on the table, that now appears almost impossible.

"The PSC bargaining team has told management that the failure to offer any money for a new contract signals profound disrespect for the faculty and staff," union negotiators said in an August 13 statement. "Taking our needs seriously means working with the City and State to make sure there is an offer on the table."

## TIME AT ISSUE

The August 2 bargaining session began with PSC President Barbara Bowen reminding management representatives that it would already be difficult to settle the contract on time if CUNY presented an econom-

ic proposal at that day's session. Further delay, she said, is unacceptable. But at the next session, on August 28, management again came to the table without money.

CUNY negotiators have said that they cannot make an economic proposal until there is more progress in New York State's negotiations with its unions. PSC representatives said this was further evidence that "pattern bargaining" doesn't work for the University and urged management to work with the City and State for a financial offer that meets the special needs of the public University.

Under New York State law, if there is no agreement on a new contract by September 19, terms of the old agreement remain in effect until a settlement is reached.

In contrast to the lack of movement on economic issues, the two sides have had a series of produc-

tive discussions on some noneconomic questions, union negotiators told *Clarion*. Issues under discussion have included union proposals on health and safety and creation of a "bank" for sharing sick days, and CUNY proposals on the grievance process.

The PSC's idea for a collective bank of sick days would be something new at CUNY: it would allow employees to donate some of their sick days each year for use by other employees with special needs. How such a plan might work is still under discussion, but PSC negotiators said they are encouraged that CUNY has, for the first time, shown a willingness to discuss the idea.

In July and mid-August, the two sides held informal meetings and technical discussions to clarify details and explore how agreement might be reached on specific issues.

Formal bargaining sessions were held on August 2 and 28, and more are being scheduled for September.

More than a dozen PSC members attended bargaining sessions as observers this summer, as did dozens of others during the Spring semester.

## OBSERVERS ENCOURAGED

"I would encourage everyone to attend a session as an observer," said Manfred Philipp, chair of the University Faculty Senate, who observed negotiations on August 2. "It's very helpful in understanding both the process and the issues. I was highly impressed by how Barbara and Steve and other union representatives handled themselves – the session was very productive and very professional."

If you would like to observe a bargaining session this Fall, contact Amanda DeJesus Magalhaes at [adejesus@psccmail.org](mailto:adejesus@psccmail.org) or (212) 354-1252.

## PSC hires new organizer

The PSC's new organizing coordinator, Nick Cruz, is a veteran organizer with the AFT. His activism started in the classroom, while he worked as a special education teacher in Texas, and his career has taken Cruz from Texas to Puerto Rico to New Jersey – and finally back home to New York, when he started at the PSC this August.

During nearly a decade in the Air Force, Cruz was stationed in Alaska, Hawaii and Japan; when he returned to civilian life, he landed in San Antonio. "It was something to get used to, being from Brooklyn," he recalled with a laugh. "But after all that traveling, it was good to be back on the mainland." His union activism started when, as a special education teacher, his principal scheduled him and his special education colleagues to eat lunch and take their breaks with their students.

### PIED PIPER

"I was like the Pied Piper, with all my students behind me, following me around wherever I went," he said. "We had no breaks." His principal hadn't violated the contract maliciously – she just didn't know the rules. His local union president, James Howard, encouraged him to speak up: "He told me to file a grievance, and I had to ask, 'what is that?'"

With help from Howard, Cruz organized his information and presented his case to the superintendent, who decided the grievance in Cruz's favor. "That's when I saw the power of the union," Cruz told *Clarion*. "Not only did I get \$4,000, but all the special education teachers got raises, and we all got new schedules. It was a big deal – it was on the news. I was proud, not just for myself but for all of us."

### BACK IN BROOKLYN

From there, a union career was born. Cruz has organized in the tough "right-to-work" climate of South Texas, as well as in Puerto Rico and at Rutgers University. In the campaign at Rutgers, administrative assistants won representation this spring after a difficult, year-and-a-half-long battle.

Now Cruz is back in Brooklyn, and already in full swing at the PSC. "I'm working with the HEO chapter to start, but my responsibilities include organizing new members and encouraging existing members to become more active. I tell members at the beginning of a campaign, 'You're going to evolve from the person you are now into someone who raises flags, who stands up against injustice.'"

–DR

# An educator & an activist

By DANIA RAJENDRA

This Spring, New York State United Teachers cited BMCC Chapter Chair Jane Young as "Higher Education Member of the Year" – and colleagues say it is well-deserved. At 67 and a third-term chapter chair, Young came to union activism later in her career, but she has tackled it with energy.

She's had to. Only 10 days after she first took office, 9/11 happened. Borough of Manhattan Community College, just blocks from the World Trade Center, was the CUNY campus that was hardest hit. "Suddenly I was really at the hub of everything," Young recalled. "The first thing I did was write a long letter to the faculty, consoling them." Then she and other activists sprang into action to protect PSC members' health.

"We brought in NYCOSH [New York Committee for Occupational Safety and Health], to assess the effects of 9/11 on students and faculty, both psychologically and physically," she explained. The union pressed for independent testing of the effects on BMCC's indoor environment – and when results showed that lead had accumulated in the college's ventilation system, the union worked to ensure that the entire system would be cleaned.

### 9/11 FALLOUT

Young and other members at BMCC have continued to work with NYCOSH and neighborhood groups on safety issues in the demolition and replacement of Fiterman Hall, a BMCC building that was contaminated and damaged beyond repair by the 9/11 attack.

The 9/11 tragedy exacerbated the already severe shortage of space at BMCC, and the chapter has fought what Young calls "a protracted campaign" to get office and classroom space expanded. "We're still working on that, but we have had tangible results," she says.

Under Young's leadership, the chapter has won several gains in facilities problems, including replacements for elevators and escalators that were constantly broken and the promise of a new heating and cooling system. On the personnel side, she said, the PSC at BMCC has successfully "pushed the administration to dramatically increase the number of sabbaticals and promotions."

### DEVELOPING LEADERS

Now in her third term, Young is focused on developing chapter leaders among younger and newer faculty and staff.

In some ways, Young said, her work as a chapter chair is a natural extension of her own interests as a teacher and an activist: "I am always telling my students they can change themselves, their lives, the world,

## Jane Young, "member of the year"



Jane Young demonstrated for a fair contract on Rector Street in 2006.

and I feel the same way about us as workers." Her union work, she said, "links me to the larger world – the budget, or the political conditions of the city – and makes me feel connected to the issues of the day in a hands-on way. I'm a teacher and I'm involved in the real world." That combination, she said, "is a good model for my students," who are often "skeptical about political engagement."

A good model can have an impact. A few months ago, one of Young's students, Jesús Urbaz, spoke at a City Hall press conference about City funding for CUNY's budget. "New Yorkers like me need the CUNY system," Urbaz told reporters. "CUNY is the only way I can afford a college education." And then, to Young's surprise, he went on to praise her class and thank her for helping him to have the confidence to speak out in public.

Young always had an interest in teaching. "My sister and I used to take turns playing 'teacher' when I

was a little kid," she recalled. Not surprisingly, they both went on to become teachers as adults. "It's in the family," she said with a smile – two of her aunts were also educators.

A native New Yorker, Young's first two years of college were spent at Bard, the school that had offered her the largest scholarship. After her father died, she returned to City College to finish her BA and won a graduate fellowship to Harvard, where she earned an MA in English literature.

### AMBITIOUS

"When I was growing up," Young said, "there were not too many jobs open to women, besides secretary, nurse, or teacher. But I was ambitious. I had a lot of drive."

She first went to work as a copy editor, but it left her bored – and that's when she began to look for a job in education. Young began her CUNY career in 1966 as an administrative assistant at BMCC, but she had her sights set on teaching English from the beginning. She asked for the opportunity, and one and a

half years after she was hired, Dean Eric James gave her one course. Soon she moved into a full-time teaching post and earned tenure as an instructor. "Those were the days," she said with a laugh.

In the 1970s and into the '80s, Young began a doctorate, got divorced, raised her daughter, rehatted two brownstones in Park Slope, wrote as a freelance journalist for the *Village Voice* and *New York Magazine* and was an active feminist. "I was in two consciousness raising groups – and I marched a lot," she said. "It was a strong form of activism. We made some amazing changes in our own lives." She also met her life partner, Phil Eggers, when the two shared an office as deputy department chairs.

### ONE AT A TIME

Young remained an assistant professor until she completed her doctorate in 1995. She did her graduate work "one course at a time" at the NYU School of Education, she explained. "I was a single mom, I didn't have a lot of money, and I didn't want to borrow any. It took me 12 years to do my coursework." Her dissertation, on the stylistic relationship between the novels and stories of D.H. Lawrence and films based on those works, published as a book in 1999, "allowed me to combine two great loves – Lawrence and film." Young became a full professor in 1999.

In 2000, Young took on her first leadership role in the PSC, when BMCC colleagues invited her to work as a liaison with the bargaining team. She shared the job with another interested member, and her involvement grew from there. In 2001, she was elected as chapter chair.

### COLLABORATION

While Young is proud of the chapter's concrete accomplishments since then, she also cherishes the more intangible rewards that are part of the process: "I love the collaborative and truly democratic aspect of the job – working with people to achieve consensus and change."

In Spring 2007, Eggers decided to retire, while Young ran for chapter chair again. But she is thinking about transition and next generation of union activists and leaders. "I've enjoyed my 41 intensely involving years at BMCC, and I have deep affection for my colleagues and students. But I'm not going to be staying forever," she said.

While being chapter chair has been – and continues to be – a lot of hands-on work and a major challenge ("you have to juggle so many tasks!"), Young says it's also a job she's thrived on. "I struggled myself for many years, so I'm very sympathetic to people who struggle with anything," she explained. "It's rewarding because I'm helping to change the lives of the people I work with for the better, and I can see the results."



# What does the arbitration decision on overtime mean for HEOs?

By STEVE LONDON  
Chair, PSC Contract Enforcement Committee

For CUNY employees in the Higher Education Officer series, this summer's arbitration decision on the 35-hour work week (see page 12) is very important.

Below is a summary of the decision's key points.

- HEOs cannot be regularly assigned to work more than 35 hours

in one week. This decision applies to all HEOs.

- If required or assigned to work more than 35 hours in one week, members will be entitled to an equal amount of compensatory time.

- When placed in a situation where a HEO is required to work or must work over 35 hours to complete an assignment, the HEO should follow the supervisor's instructions, keep track of overtime hours and then immediately contact the PSC.

- If a HEO is routinely required to work beyond the 35-hour maximum (for example, during registration, "open house" season, when assigned too much work to complete within 35 hours per week, or when faced with an impending deadline) this is a violation of the arbitration award and must be reported to the PSC.

- If a HEO is entitled, under federal law, to overtime pay for time worked beyond 40 hours per week, it is against federal law for CUNY to

offer any form of compensation other than time-and-a-half pay for the hours worked beyond 40. Contact the PSC immediately if you are working more than 40 hours and not being properly compensated.

If you have questions about how any of these points apply to your own situation or to report violations of the 35-hour work week, please contact Cynthia Campos, PSC coordinator of contract administration, at [ccampos@pscmail.org](mailto:ccampos@pscmail.org) or (212) 353-1252.

## HIGHER ED IN BRIEF

### Sociologist kept out of US

The US State Department refused to act on a visa application from Adam Habib, one of South Africa's most prominent social scientists. Their inaction prevented Habib from delivering a talk to the American Sociological Association (ASA). US authorities have given no reason for the action.

Habib, an authority on civil society and democracy, long held a US visa – his doctorate is from the New School. In October, when Habib's visa was valid, the US refused him entry. On that occasion, Habib said he was questioned for hours about terrorism.

According to *InsideHigherEd.com*, "One of the questions Habib reported being asked was whether he had ever been interrogated before and he replied that he had – when South African security forces during the apartheid era asked him about his speeches against racial discrimination."

Both the ASA and the ACLU have criticized the government action. The two organizations allege Habib was kept out because he is Muslim and he has been critical of US foreign policy.

### House passes College Cost Reduction Act

In July, the House of Representatives passed the College Cost Reduction Act – the biggest public investment in higher education since the GI Bill. The bill's improvements are funded by about \$18 billion in cuts to subsidies for student loan companies.

The bill cuts interest rates on student loans from 6.8% to 3.4% over five years, mandates yearly \$500 increases to the maximum Pell Grant award, offers tuition assistance for students who promise to teach in public schools in poor communities, and begins loan forgiveness for graduates who pursue public service.

# What to expect in your paycheck

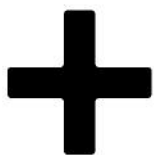
By CLARION STAFF

The final salary increase negotiated in the current PSC-CUNY contract takes effect on September 19, 2007 – the final day of the 2002-2007 agreement. Annual base pay for full-time faculty and staff will increase by \$800, effective as of that date. (As *Clarion* went to press, CUNY had not yet confirmed when this increase would actually be reflected in employees' paychecks.)

Most teaching adjuncts, however, will not see their paychecks change partway through the semester. Instead they will be paid an *average* hourly rate during Fall 2007, so that their rate of pay will be the same rate for all pay periods in the whole semester. They should receive notification from their college about what their rate will be and how it is calculated. (LaGuardia Community College is an exception; see below for details.)

Most teaching adjuncts are not paid biweekly, but instead receive

## Adjuncts & full-timers



Igor Kopelnitsky

nine paychecks per semester, starting September 9, 2007. The average, or "blended," hourly rate paid for

Fall 2007 will take into account the pay increase due partway through the semester, on September 19. Since this "blended" rate combines the lower rate for the period before September

19 with the higher rate for the rest of the semester, it will be lower than the 9/19/07 rate that is shown in Article 24 of the contract. (Note that

the formula at Kingsborough Community College is a bit different because their semester starts later than other colleges.)

Effective after the last Fall semester adjunct pay date (1/3/08), the contractual 9/19/07 hourly rate will be in effect for all teaching adjuncts.

Teaching adjuncts at LaGuardia Community College are paid biweekly and so will not be paid the

"blended" rate. For teaching adjuncts at LaGuardia – as well as for non-teaching adjuncts and Continuing Education Teachers (including CLIP) – the September 19, 2007, increase will take effect on that day. At *Clarion* press time, the union had not yet received information from CUNY on the dates when these increases will actually be reflected in paychecks.

### Teaching adjuncts' rates are different

## Correction on the 457 Plan

The Summer 2007 *Clarion* article describing CUNY's new tax-deferred savings option, the New York State Deferred Compensation Plan (known as "the 457 Plan"), stated incorrectly that withdrawals can be made only after age 59½. In fact, withdrawals are allowed from the 457 Plan after the participant terminates employment, regardless of age and without penalty.

Similarly, the article indicated that withdrawals for unforeseeable emergencies, under the 457 Plan's hardship provisions, are limited to those aged 59½ or younger. Such emergency withdrawals are available during employment under strict rules – but age is not a factor.

The article also reported operating expenses of mutual funds in the plan as 0.10% to 0.35% of assets. The

actual mutual fund operating expenses range from 0.025% to 1.41%. These charges are not in fact "deducted directly from participants' accounts," as the article stated, but are netted out of the daily fund price (Net Asset Value).

The range of 0.10% to 0.35% of assets refers to reimbursements the plan receives from some of the mutual funds as compensation for administrative services (record-keeping, statements, etc.) that the mutual fund company does not perform. All revenues received by the 457 Plan are used to pay administrative expenses of the 457 Plan.

See also Letters, page 2, for a clarification on the role of public and private institutions in administering the plan.

# New full-timers must choose pension now

Remind your new colleagues! Within their first 30 days on the job, new full-time employees must make a **permanent choice** about which pension system they will join: the NYC Teachers Retirement System (a defined-benefit plan) or the Optional Retirement Plan (a defined contribution plan). If you do not select a pension system, you will be automatically enrolled in the NYC Teachers Retirement System.

An article that describes this choice in more detail can be found on page 9 of the September 2005 *Clarion*, available at [www.psc-cuny.org/communications.htm](http://www.psc-cuny.org/communications.htm). The PSC website also has a chart comparing these pension plans, at [www.psc-cuny.org/pension2.htm](http://www.psc-cuny.org/pension2.htm).

Part-timers may enroll in only one plan, TRS, at any point during their careers, but it usually makes economic sense to enroll at the beginning of a CUNY career. More information is available from your college human resources office, or from PSC Director of Pension and Welfare Benefits

Clarissa Gilbert Weiss. (Weiss can be reached at [cweiss@pscmail.org](mailto:cweiss@pscmail.org), or (212) 354-1252.)

An easy way to pass on this information, and introduce a new colleague to the union, is to give them this copy of *Clarion*. If you'd like another, just call (212) 354-1252.

## HEO Handbook available

Are you a PSC member in the HEO series? That stands for "Higher Education Officer" – the members who administer student services, direct programs, and work in registrar's, bursar's and president's offices – among many other jobs. Now HEOs have their own handbook on the rules and provisions in the PSC-CUNY contract that are particular to them. Copies are available from the union office – to get one, call Adrienne DeRoss at (212) 354-1252.

## CORPORATE ETHICS

## TIAA-CREF and social responsibility

By NEIL WOLLMAN, DENNIS BRUTUS &amp; JAIME LAGUNEZ

**T**IAA-CREF has become one of the most important pension funds in the world, with stock and other assets of more than \$400 billion. Because many members of the academic community are the final owners of such stocks, we hope you wish to be better informed about the actions taken by corporations managed by the fund.

Working together, academics can create opportunities for our money to be invested in ways that are beneficial to our generation and those to come.

It is unfortunate that some companies in TIAA-CREF portfolios, in their pursuit of higher earnings, have been willing to engage in activities that damage the health of consumers, compromise the quality of life for thousands, or promote the violation of human, civil and labor rights. Disturbed by such abuse, concerned college personnel and a coalition of advocacy groups (Make TIAA-CREF Ethical) have been pressing for change.

## PERSISTENCE

Our coalition and its predecessors have been persistent and have had some success. We lobbied for five years before TIAA-CREF created its first socially responsible fund, and have since won various improvements to that fund. Our organizing also led TIAA-CREF to dramatically increase community

investment (in low-income areas) and to begin some shareholder advocacy on issues of social responsibility. Such progress occurred only because so many people made their voices heard – and we are asking you to do so again.

In April, New York State United Teachers (NYSUT) adopted a PSC-sponsored resolution on TIAA-CREF and issues of social responsibility, and in May the American Federation of Teachers (AFT) did so as well. Both resolutions urge the fund to strengthen the criteria used by its existing Social Choice Account and to hold corporations such as Wal-Mart, Nike and Coca-Cola accountable on issues of human rights.

TIAA-CREF's Social Choice Account was created to provide participants with an option for socially responsible investing. Currently, it excludes companies that derive their revenue from tobacco, firearms, gambling, military weaponry or have interests in nuclear power plants – but its criteria on workers' rights are weaker. The PSC, NY-SUT and the AFT have all urged TIAA-CREF "to refine its Social Choice Account" by excluding companies "that conduct anti-union intimidation campaigns, refuse to bargain collectively, do not pay a living wage and don't offer minimal health and retirement benefits."

The PSC, NY-SUT and AFT have also asked TIAA-CREF to be more active as a

## Learn more and act

Text of the AFT resolution is at [www.aft.org/about/resolutions/2007/tiaa-cref.htm](http://www.aft.org/about/resolutions/2007/tiaa-cref.htm). You can express your support by writing to Herbert Allison, CEO of TIAA-CREF, at 730 Third Avenue, New York, NY 10017 (or [Hallison@tiaa-cref.org](mailto:Hallison@tiaa-cref.org)), and to TIAA-CREF trustees ([trustees@tiaa-cref.org](mailto:trustees@tiaa-cref.org)). Urge that TIAA-CREF strengthen the labor rights criteria used by its Social Choice accounts – and adopt an emphasis on labor rights in its corporate oversight. The PSC worked closely with TIAA-CREF on the recent pension equity bill (see page 3), and will continue its dialog with the fund on the full range of pension issues.

shareholder and strengthen its oversight of corporate conduct. In this oversight work, it's particularly important that TIAA-CREF include labor rights.

## GREATER INFLUENCE

Make TIAA-CREF Ethical has asked the fund to take support specific changes at several companies – with a focus on industry leaders, so that the influence of change will be greater. We have asked TIAA-CREF:

(a) to press Nike to improve its wage scales and collective bargaining agreements in other countries – and to be more forthcoming with information about them;

(b) to urge Coca-Cola to end complicity with human rights abuses in its Colombia plants and end its usurpation of water resources, particularly in India and other poverty-stricken nations;

(c) to insist that Wal-Mart amend its poli-

cies that allow abusive labor practices and promote urban sprawl.

It should be emphasized that we are also lobbying for TIAA-CREF investment in projects which raise the quality of life. Here, too, our work has an effect. In July, TIAA-CREF announced a "new target for proactive social investments" in the Social Choice Account, with investments in affordable housing construction and alternative energy – and met with PSC leadership to describe its new plans.

We believe it is possible for members' money to be invested in ways that are not harmful to society – that, instead, can benefit the future of us all.

*Neil Wollman is a leader in Make TIAA-CREF Ethical ([www.maketiaa-crefethical.org](http://www.maketiaa-crefethical.org)) and a senior fellow at Bentley College. Dennis Brutus, a South African poet and activist, is professor emeritus at University of Pittsburgh. Jaime Lagunez is a scientist and activist working for protection of cultural heritage and civil rights in Mexico.*

## A call to action for workers' rights

## POEMS

## Four by Ben Lerner

READING IS IMPORTANT because it makes you look down, an expression of shame. When the page is shifted to a vertical plane, it becomes an advertisement, decree, and/or image of a missing pet or child. We say that texts displayed vertically are addressed to the public, while in fact, by failing to teach us the humility a common life requires, they convene a narcissistic mass. When you window-shop, when you shatter a store window, you see your own image in the glass.

THE AVERAGE READER only perceives the initial and final letters of a word. He only reads the longest and most peculiar words in a sentence, intuiting the remaining language. The average reader often turns two pages at once, without perceiving a breach in narrative. He picks up a book, quickly flips through its pages, and believes it read. Conversely, he often reads unawares, will process and even vocalize a text he believes himself to be composing, while in fact reading skywriting, between the lines, on the wall. In your most intimate moments, my average reader, do you not rely on large cards held beyond the audience's sight? Have you ever applauded without being prompted by an illuminated sign?

AMERICANS HAVE CONQUERED THEIR FEAR of public speaking by abolishing the public. Chief among our exports: wisps of precipitation. Because it receives the impression of your teeth, it is genuine emotion. Compare the streak left on the gemstone with that left on the retina. Confusing the desire to display affection with affection, we applaud the veterans of an imaginary conflict with real victims. An immoderate reverence for tradition guides everything but our reading. I throw my own party and go away.

IF IT HANGS FROM THE WALL, it's a painting. If it rests on the floor, it's a sculpture. If it's very big or very small, it's conceptual. If it forms part of the wall, if it forms part of the floor, it's architecture. If you have to buy a ticket, it's modern. If you are already inside it and you have to pay to get out of it, it's more modern. If you can be inside it without paying, it's a trap. If it moves, it's outmoded. If you have to look up, it's religious. If you have to look down, it's realistic. If it's been sold, it's site-specific. If, in order to see it, you have to pass through a metal detector, it's public.

*Ben Lerner teaches at California College of the Arts. "Reading is important," "The average reader," "Americans have conquered their fear" and "If it hangs from the wall" are from his book *Angle of Yaw*, a 2006 finalist for the National Book Award in poetry. Copyright © 2006 by Ben Lerner. Reprinted with the permission of Copper Canyon Press ([www.coppercanyonpress.org](http://www.coppercanyonpress.org)).*

## COLLECTIVE ACTION

## CUNY's real agenda on salaries

By BARBARA BOWEN  
PSC President

This has been an exceptional summer for the PSC. The union succeeded in getting a pension equity bill enacted in a political climate that is notoriously hostile to pension improvements and made the case that led to an arbitration decision outlawing CUNY's long-standing practice of requiring overtime work without compensation. That's a good record for one summer.

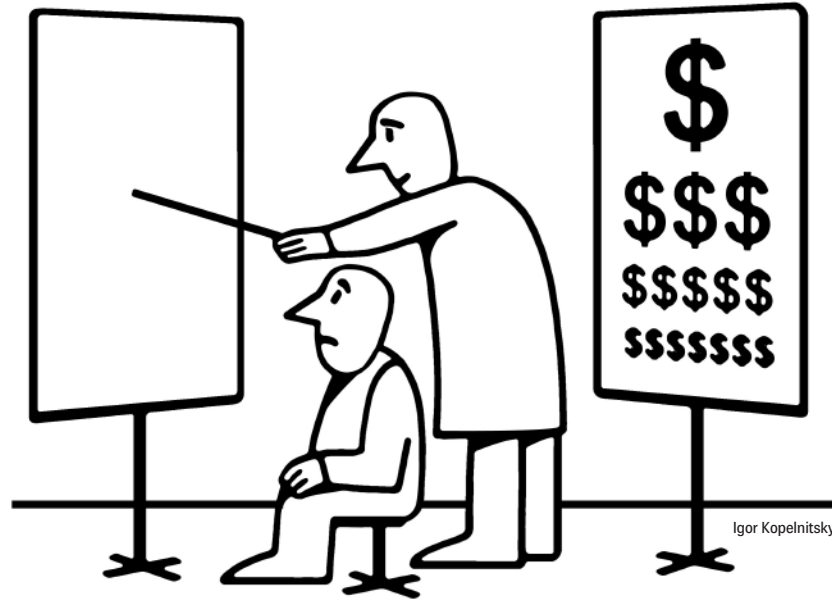
But of course it was not one summer; it was seven years of work on the pension bill and nearly as long on HEO overtime. The secret in both cases was your participation. When 658 of you contacted the governor's office within a few days after I sent out a message asking for calls, you were acting as an organized political force. Creating that force is the most powerful thing a union can do.

## DISRESPECT

Behind the pension bill were literally thousands of hours spent establishing the PSC's credibility with Albany lawmakers, presenting research, and building coalitions with NYSUT and other state higher education unions. The HEO arbitration victory was achieved only after much quiet, patient organizing among HEOs and the development of an aggressive grievance strategy. While it's true that it should not take so much work to achieve such self-evidently fair reforms, it's also true that without a union they would not have been conceivable.

The first lesson I draw from the summer's victories is that we should set our sights high. If we can win pension legislation, why not work for even more ambitious legislation, legislation that would really transform the University? The second lesson is that something within the PSC membership has changed: we are now a union that can be counted on to take action in response to a collective need. The PSC will need the habit of activism this year, because we face a stiff battle on the contract.

An on-time contract is now virtually out of the question, due to CUNY's failure to produce a financial offer. Even if an offer surfaces before the contract expiration date of September 19, it would have to be acceptable if we are to use it as the basis of a settlement. Many of you have been watching the other public-employee unions in the city and noticing that their contracts are being settled on time and without concessions – though sometimes also without increases above the level of inflation. I hear constantly from members that you were hoping for a similarly timely settlement. The PSC bargaining team shared that hope, and we have been working since February to realize it.



Igor Kopelnitsky

Even though some progress has been made in negotiations this summer on non-economic issues, the union obviously cannot move toward settlement without a financial offer. Despite management's protestations about wanting to settle this contract promptly and their public declarations of respect for the faculty, the failure to offer any money shows just the opposite – disrespect. The PSC bargaining team understands that CUNY operates in the double context of both the City and the State, and that the State has yet to move on any of the contracts it negotiates with statewide unions. But where is the voice in the CUNY central administration with the political courage to insist on a fair offer for CUNY faculty and staff? In the past few months, the California State system settled a contract for its faculty with a 21% increase over four years, and now Rutgers has offered its full-time faculty 18% and its part-time faculty 36% over four years. All we have from CUNY officially is silence.

## RADICAL &amp; REGRESSIVE

CUNY salaries, once among the highest in the country, have lost up to 40% of their buying power since the 1970s. Management's response, however, is *not* to take a principled stand and demand the money we need. Instead, they have proposed a sleight-of-hand that appears to promise more money but would actually mean less. CUNY is dead serious about this demand, and we need to be equally serious in our response. Management's salary demand is radical and regressive: for all full-time faculty and most professional staff (the major exception is college laboratory technicians), they want to

eliminate annual salary steps. CUNY would then take the money that used to go to step increases and give absolute discretion to the college president to provide – or not provide – increases within a range for each title. This is *not* "merit pay"; this is redistribution from the many to the few. Along with this proposal, management has also proposed a revival of the hugely unpopular "lump-sum performance awards" – a program rejected by the faculty and staff after it proved a disaster in the 1996 contract.

## EXPLOITATIVE

The cynical thing about CUNY's demand is that it pretends to be about adding money to salaries and is actually about taking money away. Eliminating salary steps is a fake solution to the problem of substandard salaries; it does not involve adding a single new dollar. Instead, it exploits the fact that we are all underpaid and we all are entitled to raises because of the rising cost of living and the measurable effect on our workload of increased enrollment.

Appealing to ideals of merit, CUNY is attempting to sell a proposal that, for the vast majority of us, would mean less money, not more. In place of a step increase of around 3.5% to 4% every year for all who are progressing through the steps, most of us would see a much smaller increment or no increment at all. A few would get raises of \$5,000, \$10,000 or whatever the president wanted to give. Do the math: the more money you take away from current faculty and staff, the more you have to distribute to a few. I have no doubt that those who would receive large increments deserve higher salaries than

they currently earn – but the point is that we *all* deserve more. Given CUNY's unquestioning embrace of the star-system in academia and the chancellor's strategy of marketing the University by investing a lot of money in a few highly visible people and little in the rest of us, we could expect wildly disparate treatment in salary.

Even those who have reached the top step or the five- or seven-year salary steps would not be well served by management's proposal. There is absolutely no guarantee that a discretionary system would result in raises for all or even most in this position, especially as college presidents face pressure to recruit "stars" from outside the University. A far better approach is the union's proposal for substantially larger top steps in every title and every rank.

In essence, CUNY's proposal acquiesces in a future of permanent scarcity. It is as if management is saying, "Okay, we will never take a stand and insist that the City and State provide enough money to restore all CUNY salaries to competitive levels, so let's create the illusion of adequate salaries by giving extra-high raises to a few (after, of course, taking care of raises for ourselves)."

The danger of the proposal is not just that it appropriates and then redistributes the money that should go to most faculty and staff. The proposal would also be deeply divisive, opening the door to cronyism and manipulation. Divisiveness within departments or offices is in no one's interest but management's. Imagine how the atmosphere in your own department would be poisoned by having to fight with each other over scarce salary resources. And the possibilities for favoritism are obvious. Even if faculty and staff participated in recommendations on salary, the ultimate arbiter would still be the president. Despite every honest intention, presidents could easily end up signaling that loyalty to their agendas is the price of a raise. Would faculty think twice about speaking up on curriculum or policy if they knew the president was deciding on their salary increases? Would HEOs ever have challenged CUNY's abusive overtime requirement if their salary level was dependent on the president? I believe we would, but I also believe that at least some of these people would be made to suffer for it in their salaries.

## RACE &amp; GENDER

And then there is a more subtle form of danger in a proposal of this kind. Like all discretionary pay schemes in a culture still rife with sexism and racism, this one would tend to deepen, not eliminate, existing hierarchies of gender and race. CUNY's faculty and staff is already stratified by race and gender; we cannot sanction a proposal that moves us away from equity and toward favoritism.

The PSC – with CUNY management support – just won pension legislation that was all about equity. We convinced the legislators and the governor that the principle of equity was important enough to warrant a change in the law. Certainly it is important enough to preserve in our own salary system. CUNY should drop its ugly and regressive proposal. An illusory improvement in salaries might be good enough for a marketing campaign and it might be good enough for management. But it's not good enough for us. Come to the table, CUNY, with real money – instead of trying to take away our salary steps.

## A fake solution to our low salary woes

## Clarion SEPTEMBER 2007

Newspaper of the Professional Staff Congress/City University of New York, collective bargaining representative of the CUNY instructional staff. Vol. 36, No. 6. PSC/CUNY is affiliated with the American Association of University Professors, National Education Association, the American Federation of Teachers (Local 2334), AFL-CIO, the New York City Central Labor Council, and New York State United Teachers. Published by PSC/CUNY, 61 Broadway, 15th floor, New York, NY 10006. Telephone: (212) 354-1252. Website: www.psc-cuny.org. E-mail: phogness@psccmail.org. All opinions expressed in these pages are not necessarily those of the PSC.

**PSC OFFICERS:** Barbara Bowen, President; Steven London, First Vice President; Arthurine DeSola, Secretary; Michael Fabricant, Treasurer; Stanley Aronowitz, Jonathan Buchsbaum, Lorraine Cohen, John Pittman, Nancy Romer, University-wide Officers; Robert Cermele, Vice President, Senior Colleges; Kathleen Barker, Marilyn Neimark, Alex Vitale, Senior College Officers; Anne Friedman, Vice President, Community Colleges; Jacob Appleman, Lizette Colón, Susan O'Malley, Community College Officers; Iris DeLutro, Vice President, Cross Campus Units; Donna Veronica Gill, Steven Trimboli, Vera Weekes, Cross Campus Officers; Marcia Newfield, Vice President, Part-Time Personnel; Susan DiRaimo, David Hatchett, Diane Menna, Part-Time College Officers; Peter Jonas, James Perlstein, Retiree Officers; Irwin H. Polishook, President Emeritus; Israel Kugler, Deputy President Emeritus; Peter I. Hoberman, Vice President Emeritus, Cross Campus Units.

**STAFF:** Deborah Bell, Executive Director; Faye H. Alladin, Coordinator, Financial Services; Dorothee Benz, Coordinator, Communications; Debra L. Bergen, Director, Contract Administration & University-wide Grievance Officer; Nick Cruz, Coordinator of Organizing; Barbara Gabriel, Coordinator, Office Services and Human Resources; Kate Pfordresher, Coordinator, Research & Public Policy; Diana Rosato, Coordinator, Membership Department; Clarissa Gilbert Weiss, Director, Pension and Welfare Benefits.

Editor: Peter Hogness / Associate Editor: Dania Rajendra / Designer: Margarita Aguilar / Proofreader: Nicole Lisa  
© 2007 Professional Staff Congress/CUNY

# 2nd victory on HEO overtime

By DANIA RAJENDRA

## Decision on 35-hour week

CUNY must grant compensatory time to HEOs who work more than 35 hours in a week, according to an arbitration decision issued on July 19. Since the PSC-CUNY contract states that employees in the Higher Education Officer series (HEOs) have a 35-hour work week, the arbitrator ruled that CUNY is barred from regularly scheduling them to work more than that amount of time.

"The meaning is clear," said Steve London, chair of the PSC's Contract Enforcement Committee. "All HEOs have a 35-hour work week, plain and simple. If HEOs are assigned to work for more than 35 hours, they must receive compensatory time. And if during a week, CUNY nevertheless schedules employees covered by the federal Fair Labor Standards Act (FLSA) to work over 40 hours, they must be paid time-and-a-half for work over 40 hours per week."

### MULTI-PRONGED

Taking the case to arbitration was one part of a multi-pronged effort by the PSC to address overtime issues for HEOs, particularly during registration and other busy times. In May, the union won a legal settlement, based on the federal FLSA, establishing time-and-a-half overtime pay for eligible HEOs in many jobs whenever they worked beyond 40 hours in a week.

"For years I have been scheduled to work beyond my normal working hours and I was told that I am not entitled to any compensation," said Ganga Persaud, a financial counselor and one of the nine PSC members at LaGuardia Community College who filed the grievance in 2005. "It was very frustrating and caused low morale in our department. I believe this is what compelled us to file the grievance," he said.

His colleague Robert Bandelt, who encouraged the others to come

forward, told *Clarion*, "CUNY management's position was, 'You'll work until we tell you that you may go home. But don't expect to get paid or get time back!' Now, it's been adjudicated that our time is pre-



Robert Bandelt

rious. We're kind of equal partners," Bandelt said.

"This is an important victory for HEOs – and for the union, because it puts an end to management's routine violation of the contract," PSC President Barbara Bowen told *Clarion*. "CUNY has to stop expecting ten people to do the work of twenty."

### REGULAR PRACTICE

Arbitrator Howard Edelman wrote that the union contract "bars CUNY from regularly scheduling HEOs at the College more than 35 hours per week" and found that LaGuardia management's practice of scheduling HEOs for an additional five hours per week on eight occasions annually, during registration

periods, violated the contract. "Accordingly, CUNY is directed to grant HEOs time off during registration periods so that they do not work in excess of 35 hours."

In the arbitration, the union had sought straight pay compensation rather than comp time, but Edelman rejected that remedy. "It would have been nice to have the option of time or money – but the way it was we had neither, and now we have something," Bandelt said.

### FIGHT CONTINUES

HEO leaders vowed to continue fighting. "The arbitration is an important victory, but it is only a step in the struggle for more staff and overtime pay," said HEO Chapter Chair Jean Weisman. "We've been going around to all the campuses to discuss it with HEO members, and people are very happy to see the victory," she added.

"The all-too-common practice of assigning professional staff to work uncompensated overtime during registration periods is unfair and creates many hardships for our members," said PSC Secretary Arthurine DeSola, herself a HEO. "Now, CUNY must stop taking advantage of HEOs for their dedicated service to our students."

In rejecting the part of the union's case that sought straight-pay compensation, Edelman noted that the contract does specify overtime rates for certain categories of instructional staff (including College Laboratory Technicians, instructors and assistant and associate professors in library departments, non-classroom staff performing counseling assignments, and others listed in Section 24.7 of the current contract). Because the contract doesn't state an overtime rate for HEOs in general, he declined to require overtime pay for HEOs and said such pay is a subject for bargaining.

"The PSC has tried to bargain for overtime rates, but CUNY has consistently rejected those demands," Bowen said. "Instead, management has sought to take advantage of HEOs' professionalism and dedication. Management knows that registrars, financial aid counselors and other HEOs want to do whatever it takes to serve our students. CUNY has abused that dedication – and now that abuse has to stop."

"In my 18 years at LaGuardia, I have never refused to work beyond my regular schedule. I have worked on weekends, until midnight, sometimes without any food or transportation," noted Persaud. "We do it for our students – to help our students become productive citizens in NYC."



Ganga Persaud

Having said that, I believe that our efforts deserve some form of compensation."

The arbitrator's decision has many ramifications, and its application to the varying current practices that exist for HEOs performing work beyond 35 hours will require

member participation and careful consideration of individual circumstances. (See page 9 for more on what the decision means.) In the meantime, Bandelt, Persaud and their colleagues were back at work at registration – but with a little more fairness.

### CUNY must give comp time for overtime hours 36-40

"We're starting registration on Monday," Bandelt told *Clarion* in late August. "But this year, it won't become an abyss where time you lost with your family will just be gone. And I'll get the bonus of getting paid if my particular work week should go over 40 hours," he said. "We wouldn't have that if it weren't for the union. The HEOs here were fed up, but without the union, it would have gone on forever."

"People from all over the college are praising us and telling us we're heroes," said Persaud. "But I don't see it that way. Any time there is an absence of fairness and equal treatment, it will compel people to come forward."

### OVERTIME

When the separate federal lawsuit was settled last May, CUNY agreed to pay back pay to seven Assistants to HEO and two HEO Assistants time-and-a-half for time required to work beyond 40 hours, as required by the FLSA. Many other HEO-series employees are also covered by the FLSA; determining whether a given job is covered depends on an analysis of its specific responsibilities. (For more on the FLSA lawsuit, see the May *Clarion* at [www.pscunyc.org/communications.htm](http://www.pscunyc.org/communications.htm).)

HEOs who are required to work more than 35 hours per week should contact Coordinator of Contract Enforcement Cynthia Campos at (212) 354-1252.

See "What the decision means" on page 9.

Professional Staff Congress/CUNY  
61 Broadway, 15th Floor  
New York, New York 10006

NonProfit Org.  
U.S. Postage  
PAID  
New York, N.Y.  
Permit No. 8049



**15-MINUTE ACTIVIST**

## Sign the petition

On September 19, the day the contract expires, PSC President Barbara Bowen will give CUNY management petitions signed by thousands of PSC members – and you still have time to be among them! Sign the petition by September 19, and encourage your colleagues to do the same. You can sign online at [www.psc-cuny.org](http://www.psc-cuny.org) – click on "Sign the petition!"

We, and our students, deserve better than "doing more with less." Send management the message, sign at [www.psc-cuny.org](http://www.psc-cuny.org) – and do it today.