

Clarion

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



MAY 2004

MAY 24

What's happening on May 24? The CUNY Board of Trustees is meeting at Baruch College, and faculty and staff are rallying outside at 3:30 pm to demand a good contract. This is your opportunity to tell management that we need more than a bare-bones agreement. If CUNY is to be the university that our students deserve, we need increased salaries, Welfare Fund restorations, greater equity and improvements in the quality of our working lives. If you care, you'll be there: Monday, May 24, 3:30 pm on East 25th Street between Lexington and Third Avenues.

PAGES 7, 11



CONTRACT Why I'm coming on May 24

Many reasons to demand a good contract

PAGE 7

BENEFITS

New transit benefit to start this Fall

This Fall you'll be able to pay for mass transit with pre-tax dollars – which could save \$200-\$300 per year. Express buses are included.

PAGE 9

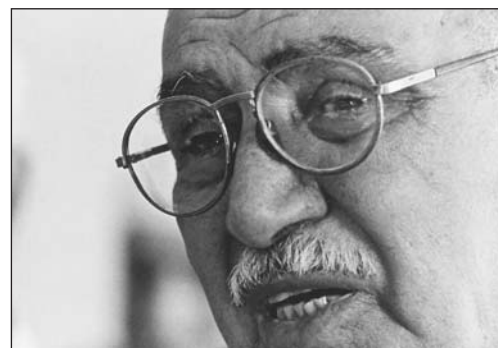


RESEARCH FOUNDATION

Workers at UAPC demand fairness

Workers at CUNY's University Application Processing Center are facing layoffs and loss of pay and benefits. They're demanding that management give them a fair shake.

PAGE 3



IRAQ

Poverty, privatization and profit

Iraqi trade unionists have a proud history and a difficult present. As they fight rising poverty, they risk arrest by US troops.

PAGE 10

HIGHER ED IN BRIEF

Columbia grad students strike

Columbia University graduate students represented by GSEU-UAW Local 2110 went on strike April 19 to demand union recognition from the university. The teaching and research assistants had voted on the question of unionization in March 2002 – over 80% of 1,900 eligible voters cast ballots. But Columbia challenged the vote with the National Labor Relations Board and refused to count the ballots. The GSEU therefore held their own vote, overseen by State Senate Majority Leader David A. Paterson, in which a majority of graduate employees voted to unionize. Grad employees argue that they are an integral part of the work of teaching and research and should have a say in their salary and benefits, disciplinary procedures, and health and safety. As *Clarion* went to press, the strike was continuing into its third week.

NYU adjuncts get contract

NYU adjunct instructors reached a tentative deal with the university in the early morning hours of April 21, narrowly avoiding a strike. The deal, which lasts until 2010, gives annual 3% raises over the life of the contract. The majority of adjuncts will also have the opportunity for NYU-subsidized health care. For seniority, qualifying adjuncts who teach for six semesters would receive “adequate notice” of whether they will be teaching, as well as yearly contracts. There were no paid office hours or guaranteed office space in the deal, though NYU agreed to meet with the union, ACT-UAW, regularly to address space issues. “When we began to organize our union we had nothing,” said Cheryl Fleisher, NYU adjunct and temporary UAW organizer. “This is just an incredible accomplishment. Furthermore it’s an incredible platform for growth.” NYU adjuncts are voting on the proposed agreement, and votes will be counted May 15-16.

Don't censor scholars

The National Coalition Against Censorship has come out against a bill in Congress that would create government political oversight of federally-funded programs in international area studies. The House of Representatives passed the International Studies in Higher Education Act of 2003, H.R. 3077, and the Senate is now considering the bill, which would establish a board to monitor such programs to curb supposed bias against US foreign policy. The NCAC warned of the bill's threat to academic freedom.



LETTERS TO THE EDITOR | WRITE TO: CLARION/PSC, 25 W. 43RD STREET, FIFTH FLOOR, NEW YORK, NY 10036.
E-MAIL: PHOGNESS@PSCMAIL.ORG. FAX: 212-302-7815.

Are adjuncts truly valued at CUNY?

● In my department at QCC, Basic Skills, I have watched the slow but sure elimination of adjuncts as new full-time faculty are hired. Adjuncts with 20 years of successful service are being cut back from two classes to one or none each semester. This is done, in part, to eliminate the need to give office hour compensation to these same adjuncts.

As the QCC Senate representative for adjunct faculty, I wrote to President Marti about my concern for my fellow adjuncts. My letter was referred to QCC Chief Operating Officer Howard Lapidus, whose response is telling: “While I can assure you that the service that has been rendered by long-term adjuncts such as yourself has been a valued part of the instruction provided at the college, I do not believe there is any way to minimize the impact [on adjuncts] that the hiring of full-time faculty represents.”

The 8,000 adjunct faculty at CUNY have provided a valued service with “no job security, substandard health insurance, no disability insurance and without the ability to accumulate sick days,” as stated in the April *Clarion*. Now it seems we can be praised but eliminated! I think Professor Emeritus Ranis said it correctly: adjuncts are disparaged by the University on a daily basis.

Robert Fredericks
QCC

Kudos for Russo

● It is with some sadness that I read in the last *Clarion* that Nick Russo has retired from the PSC. Nick is a truly generous and caring person who really made life better for all of the professional staff here in the University. I hope that he will be hearing thanks from the many of those who he so wisely counseled over the years, as he takes his well-earned retirement.

I'd also like to commend *Clarion* for bringing to our attention Nick's role in fighting for human rights as a founder of the Lambda Legal Defense and Education Fund and his role in Democratic politics. I'm honored to have had him as our advocate, and feel that I owe him a great debt for his advice and help over the years.

John Gallagher
BMCC

Shrinking freedom

● Barbara Bowen's column in the March *Clarion*, on the issue of the tenure clock, was thoughtful and thought-provoking.

Bowen notes that the track to tenure is a time of “very limited job security... during which we feel compelled to accept every ‘volunteer’ assignment.” It is a “time during which we experience more manage-

rial control and feel less than fully protected by academic freedom, ...feel[ing] silenced by the lack of job security.”

Seven years of self-censorship can be so habit-forming as to generate a life-long addiction to going along to get along. If it is true that the institution of tenure is “a response to persecution of academics for unpopular political views,” then academic freedom is for all practical purposes not very real for the untenured. As the article “Excellent’ Adjunct Fired” makes clear, academic freedom is non-existent for those not even allowed on the tenure treadmill.

Just 35% of faculty nationwide are in tenured or tenure-track positions. What will become of academic freedom as the academy becomes overwhelmingly made up of untenured and migrant laborers?

Martin Morand
Former Executive Director
Association of Pennsylvania State
College and University Faculties

Unprotected by Guardian

● I am writing about the benefits offered by the new dental plan, Guardian DentalGuard Preferred, and I must take issue with the rosy picture painted by Lawrence J. Kaplan in his letter in the March 2004 *Clarion*. Compared with earlier dental plans, there has been a really enormous decline in benefits paid for the more expensive procedures, and it is those procedures that do very painful damage to our pocketbooks. I can refer, just as an example, to charges for endodontics (root canal therapy) and posts and crowns. (In a specific case, a crown costs \$623 and Guardian pays \$38.) The decimation of dental benefits is, no doubt, something we are now becoming aware of, and I urge members to report their own experiences to the *Clarion*, the Welfare Fund trustees and union officials.

We all know that the Welfare Fund was running a serious deficit (principally because of rising prescription drug costs) and that substantial economies were necessary. But I believe that members are beginning to realize that to have put the brunt of the savings on dental benefits was unfair and unwise. We should seek a more equitable distribution of the pain.

Elliott Mendelson
Queens & Grad Center (emeritus)

Steve London, PSC First Vice President, responds:

Thank you for your letter. Please remember that the Welfare Fund benefits are funded by CUNY as the employer, and the City and State as

funding sources. We must win a greater amount of funding during this round of contact negotiations, and for that we need your support. I hope you will send a similar letter to the Chancellor or the Chair of the CUNY Board of Trustees, telling them of your needs and demanding that they provide adequate funding.

The current arrangement of benefits came from an extensive membership discussion. You may be right that people may now want a different distribution of benefits. We will always entertain such proposals and your letter may start this discussion. However, I hope you understand that our previous dental plan was very unfair in its distribution of benefits and was unsustainable. Now that restructuring has taken place, it is my hope that we will be able to gain increased funding and enhance the dental benefit without cutting elsewhere.

Hostos library is open

● Re. your March news brief, “Students denied Hostos library access”:

CUNY students with current and validated IDs are indeed given access to the Hostos library. While there may have been a new Hostos security officer who was not clear about access policies and thus denied a student access to our library, this would be an aberration. The real problem is inconsistencies with various methods of student ID validation at CUNY colleges: not all campuses validate their IDs with a sticker, so it may be hard to determine if an ID is current or not. The problem could be eliminated if CUNY Administration were to adopt a single CUNY-wide ID card based on a single employee/student database to enable the use of card swipes at library entry points.

We see students from all over CUNY at our library all the time. They tell us that they come to the Hostos library because Hostos is convenient to their homes; they like the hours and ambience; and they like the quality of help they get from the library faculty. Further, the Hostos library is also open to the public by appointment. They can call our circulation desk in advance to make an appointment.

Miriam Laskin, Jose Díaz, Angel Falcón, Jean Boggs, William Casari
Hostos Library

Clarion is hiring

Clarion will be hiring a new Assistant Editor. The PSC is also seeking applicants for Organizer and other positions. For more details, see www.psc-cuny.org.



City College professor Bill Crain, left, joins poet Louis Reyes Rivera at an April 22 event at City College to commemorate the 35th anniversary of open admissions. In 1969, Rivera and other Latino and black students led a strike at CCNY that spurred CUNY to open its doors to every high school graduate in the city.

Lisa Quiñones

UAPC workers fight for jobs & rights

By **MAGGIE DICKINSON**

Dozens of workers at CUNY's University Application Processing Center are about to lose their jobs, dozens more could lose years of seniority – and all of them are mad about it. “There is overwhelming dissatisfaction with the way we are being treated,” said UAPC worker Julio Medina. “Years of loyalty are being repaid with a slap in the face.”

Eighty-five percent of UAPC employees are currently paid by the CUNY Research Foundation (RF). After losing a grant from the NYC Department of Education that funds UAPC, the University has decided to transfer two-thirds of these workers to the CUNY payroll; the rest will be left to an uncertain future.

WALKOUT?

RF management has made little effort to find positions for the 35 UAPC employees who will be left without a job, and it has cancelled three bargaining sessions scheduled to discuss these issues. After the April 22 bargaining session was can-

celled, workers took a strike vote and gave the PSC bargaining team the authority to call a walkout.

Seventy-five workers are slated to be placed on the CUNY payroll by September 1 – but in an apparent attempt to minimize costs, most workers would lose their seniority and many would be placed in temporary and provisional entry-level positions. Skilled veteran workers with many years of service would be demoted to the status of new hires on probation.

LOSING RETIREMENT

“I am less than one year away from retirement age,” said admissions evaluator Connie Berkey. “I am going to lose all my retirement benefits. On top of that, they have the audacity to place me on a provisional entry-level position after 17 years of service.” Yet Berkey would be doing exactly the same job she has done for years, without any break in service.

When UAPC negotiating team representatives and PSC leaders met with CUNY management on April 21 to discuss CUNY's plans for the



Workers at UAPC, which is located at Kingsborough, demonstrated on April 1.

UAPC, union representatives objected to several elements of CUNY's plan. Refusing to credit converted UAPC employees with seniority for the years they have spent processing CUNY applications was insulting, union representatives said. “This is a

demotion,” they told Executive Vice Chancellor Allen Dobrin. “You're offering us less than we have now.” At *Clarion* press time, negotiations with CUNY were continuing.

“CUNY is hiring these workers because they know how to do the job,

so you need to show them some respect,” said PSC President Barbara Bowen. “They should not be treated as new employees by CUNY. They should get credit for their years of service at UAPC, and be able to carry over their leave accruals.”

SEVERANCE

According to CUNY's plan, only 20% of the UAPC positions converted to CUNY lines would be in PSC-represented positions. “These workers are experienced, perform complex work, interact with students and should be put in PSC titles,” Bowen objected.

Particularly disturbing to many workers is the fact that the RF made only a minimal offer on severance pay for terminated employees, though the PSC bargaining team presented its proposal on these issues months ago in contract talks.

“In thirty years, we did a damn good job for CUNY,” said Mary Jane Brown, a union bargaining team member and freshman admissions evaluator. “These offers are like a smack in the face.”

PSC chapter elections held

By **PETER HOGNESS**

In April, 16 PSC chapters elected local leadership for a three-year term. All races were uncontested.

Those elected included local chapter officers, delegates and alternates to the PSC Delegate Assembly and members of the PSC-CUNY Welfare Fund Advisory Council. Ballots were mailed out on April 1 and tallied on April 22.

Many new names & faces

A total of 2,531 out of 7,958 eligible voters cast ballots, a participation rate of 32%. Turnout ranged from a high of 43% for the Retirees Chapter to a low of 21% at the Brooklyn EOC. Among campus chapters, the highest turnout was 38% at Kingsborough; the lowest was 25% at CSI.

PSC elections are staggered on a three-year cycle. Approximately half the chapters hold elections one year, the other half votes the year after, and union-wide elections are held the year after that.

A list of those elected follow; the names of those who are new to these positions are in italics.

Spring 2004 Chapter Election Results

Bronx EOC: Chairperson, Santiago Villafane; Delegate To The DA, Santiago Villafane.

Brooklyn EOC: Chairperson, Amy Nicholas; Vice Chairperson, *Joan H. Grant-Boyd*; Officers At Large, *Malgorzata Powietrzynska*, *Yaw Vilmar*; Delegate To The DA, Amy Nicholas; Alternate To The DA, *Eva Delsarte*.

College Of Staten Island: Chairperson, Vasilios Petratos; Vice Chairperson, Roslyn Bologh; Secretary, Frank Battaglia; Officers At Large, *Sarah Benesch*, *Shah Jayman*, *Judith Kupper-Smith*, *Francois Ngolet*; Delegates To The DA, Vasilios Petratos, *Rima Blair*, *Harry Cason*; Alternates To The DA, *Sherman Heller*, *Roberta Klibaner*, *Stephen Stearns*; PSC-CUNY Welfare Fund Advisory Council, *Ralph Giordano*, Vasilios Petratos.

Hunter Campus Schools: Chairperson, David Towber; Vice Chairperson, *Glenn Kissack*; Secretary, *Lee Weinberg*; Officers At Large, *Helen Creedon*, *Sylvia Schaindlin*, *Michael Stratechuk*, *David Tomes*; Delegate To The DA, David Towber.

Higher Education Officers: Chairperson, Jean Weisman; Vice Chairperson, *Marc Ward*; Secretary, *Ann Batiuk*; Officers At Large, *Sheriann Grant Fordham*, *Janet Leslie-Pierre*, *Diane Warmesley*, *Dion Pincus*; Delegates To The DA, *Jean Weisman*, *Steve Barrera*, *Ann Batiuk*, *Audrey Berman*, *Frederick Brodzinski*, *Arthurine DeSola*, *Jewel Escobar Trowers*, *Ralph Giordano*, *Wayne Harewood*, *Nick Irons*, *Michael Neal*, *Carina Quintian*, *John Rosa*, *Jose Santana*, *Deborah Strachan*, *Miriam Thompson*, *Marc Ward*, *Vera Weekes*; Alternates To DA, *Lois Barnett*, *Iris DeLutro*, *Donna Gill*, *Everett Harrigan*, *Jennifer Lee*.

Kingsborough Community College: Chair-

person, *Rina Yarmish*; Vice Chairperson, *Theodore Markus*; Secretary, *John Lin*; Officers At Large, *Leonard Green*, *Joseph Consolo*, *Donald Hume*, *William Winter*; Delegates To The DA, *Rina Yarmish*, *Gregory Aizen*, *Michael Barnhart*, *Arnold Perlmutter*, *Silvea Thomas*; Alternates To DA, *Susan Aranoff*, *Clifford Hesse*, *Alfonso J. Garcia-Osuna*, *Ronald Forman*; PSC-CUNY Welfare Fund Advisory Council, *Richard Staum*, *Rina Yarmish*.

Lehman College: Chairperson, *Helene Silverman*; Vice Chairperson, *Manfred Philipp*; Secretary, *Duane Tanenbaum*; Officers At Large, *Stuart Chen-Hayes*, *Catherine Alicia Georges*, *Orhan Kayaalp*, *Nancy Maldonado*; Delegates To The DA, *Helene Silverman*, *Bruce Byland*, *John Mineka*, *Manfred Philipp*; Alternates To DA, *Eric Stuart Calyo*, *Wayne Halliday*, *Liesl Jones*, *Ruby Phillips*; PSC-CUNY Welfare Fund Advisory Council, *Alice Akan*, *John Mineka*.

Manhattan Community College: Chairperson, *Jane Young*; Vice Chairperson, *William Friedheim*; Secretary, *Kathlene McDonald*; Officers At Large, *James Blake*, *Ruth Herz*, *Emmanuel Pizana*, *Cynthia Wiseman*; Delegates To The DA, *Jane Young*, *Nkechi Agwu*, *William Friedheim*, *Ron Hayduk*, *Joyce Moorman*, *Segundo Pantoja*, *Mike Vozick*; Alternates To The DA, *Sheila Cohen*, *Beryl Duncan-Wilson*, *Penny Lewis*, *Charles Post*, *Howard Prince*; PSC-CUNY Welfare Fund Advisory Council, *Avor Cave*, *Marcia Newfield*.

Manhattan EOC: Chairperson, *Joseph Bonelli*; Vice Chairperson, *Samuel Paul*; Officers At Large, *Dorthula Atkinson*, *Catherine Clark-Nelson*, *Joan Macafity*, *Evelyn McCatty*; Delegate To The DA, *Joseph Bonelli*; Alternate To DA, *Karen Berry*.

Medgar Evers: Chairperson, *Edward J. Catapane*; Vice Chairperson, *Mohsin Patwary*; Secretary, *John Flowers*; Officers At Large, *Delridge Hunter*, *Joyce Siler*, *Earlean Smiley*, *Mary Umolu*; Delegate To The DA, *Edward Catapane*; Alternate To DA, *Mohsin Patwary*; PSC-CUNY Welfare Fund Advisory Council, *Darius Movasseghi*.

New York City College Of Technology: Chairperson, *Robert Cermele*; Vice Chairperson, *Sharon Swacker*; Secretary, *Mary O'Riordan*; Officers At Large, *Steven Gerardi*, *Joel Greenstein*, *Brian Keener*, *Steve Panford*; Delegates To The DA, *Robert Cermele*, *Mary Alice Browne*, *Kyle Cuordileone*, *Patricia Rudden*, *Wendy Scribner*, *Teresa Tobin*; Alternates To The DA, *Stanley Carroll*, *Barry Keating*, *Joan Levinson*, *Jef-*

frey Siegel; PSC-CUNY Welfare Fund Advisory Council, *Mary Alice Browne*, *Jewel Escobar*.

Queens EOC: Chairperson, *Facia White*; Vice Chairperson, *David Hooks, Jr.*; Officers At Large, *Angelo Fernandez*, *Sherwin Hunte*, *Donna McFarlane*; Delegate To The DA, *Facia White*; Alternate To The DA, *Nathan Williams*.

Queensborough Community College: Chairperson, *Jacob Appleman*; Vice Chairperson, *Philip Pecorino*; Secretary, *JoAnn Wein*; Officers At Large, *Wilma Anthony*, *Peter Bales*, *Anthony Koliros*, *Norton Reid*; Delegates To DA, *Jacob Appleman*, *Elyn Feldman*, *Philip Pecorino*, *JoAnn Wein*, *Paul Weiss*; Alternates To DA, *Devin Feldman*, *Kenneth Golden*, *Jeffrey Hest*, *Elaine Della Vecchia*; PSC-CUNY Welfare Fund Advisory Council, *Tom Gerson*, *David Klarberg*.

Registrars: Chairperson, *Fred Matcovsky*; Delegate To DA, *Fred Matcovsky*.

Research Foundation: Chairperson, *Anthony Dixon*; Vice Chairperson, *Antoinette Morizio*; Secretary, *Dawn Sievers*; Delegate To DA, *Anthony Dixon*.

Retirees Chapter: Chairperson, *Irwin Yellowitz*; Vice Chairperson, *Jacob Judd*; Secretary, *Mary Bryce-Jennings*; Officers At Large, *Francine Brewer*, *Theodore Gottesman*, *Martin Kaplan*, *Jane Moore*; Delegates To DA, *Irwin Yellowitz*, *Ed Alterman*, *Elva Christy*, *Peter Jonas*; Alternates To DA, *Alvin Bachman*, *Judith Bronfman*, *James Perlstein*, *Ezra Seltzer*; PSC-CUNY Welfare Fund Advisory Council, *Irwin Yellowitz*.

Contract enforcement and you

By PETER HOGNESS

On April 16 and 17, about 60 people attended a PSC conference on "Fighting for Our Rights: The Grievance Process & Contract Enforcement." One of those attending was Nkechi Agwu, professor of math at BMCC; Clarion spoke with her afterwards.

Q What did you learn that you think others on your campus would be interested to know?

A One thing is the importance of time. If you think you have a grievance, time is of the essence. Sometimes you can lose a case just because you waited too long to file.

If a member thinks the contract is being violated, they should find out their options as soon as possible. They can talk to their local campus grievance officer, or phone the main PSC office directly.

Another thing we discussed is that contract enforcement is not just about grievances. It also includes education and political action. It starts before you even get to a grievance, it starts with the type of contract you have in the first place.

Q Have you been in a union before?

Clarion talks with Nkechi Agwu



Nkechi Agwu and her son with the PSC contingent on Labor Day

A No, this is my first. But I've always been in organizations. While I was in graduate school, at Syracuse, I was president of the international students' organization, and I was also a graduate senator. But we didn't have a union.

Q What part of the conference was especially useful to you, as someone training to be a new grievance counselor?

A The Saturday workshop I went to talked about arbitration and precedents. They summarized what happens at Step One of the grievance process, the college level, and Step Two, the University level. If it's still not resolved, the PSC has a Grievance Policy Committee that decides whether to take it to arbitration.

We discussed what the Grievance Policy Committee has to consider when it decides whether to take a case to arbitration – strengths and weaknesses of a case, what kind of precedent it could set if we win or lose. Then we went through a list of past arbitration cases, and discussed what issues had led to their being won or lost.

Q This fall there are plans for local campus-based meetings on contract enforcement, with a focus similar to the meeting you attended. Who do you think should go?

A It's a very important kind of conference for anybody who can find the time. It's very helpful, in terms of knowing more about the contract – what your rights are, what types of things can be the subject of a grievance, when to file an individual grievance or when you can have a class action.

So I think that for any rank-and-file union member, it would be very educational.

Q You mentioned education before as part of contract enforcement. Could you say a little more about what that means?

A A lot of the issues we discussed at the conference are things members may not be aware of, because often people only read the contract when they know they have a problem. But sometimes that is too late. If you don't know what your rights are, you won't be able to defend them.

We need to do a lot in terms of empowering our members through education. Maybe there should be a section on a regular basis in *Clarion*, on contract rights – because people do read *Clarion*.

Q We have had articles in the paper on contract rights, but

mainly on things that are new.

A I think the standing things also need to be talked about, especially now that we have a lot of new faculty. To them, *everything* is new!

There's a lot that can be done in terms of contract education. The campus meetings they are planning for the fall will be good for the membership. And if they have another new faculty workshop, like they had in March at Baruch, they could have a panel dealing with contract rights. Particularly the new faculty would find this useful, because most are not aware of what the contract says.

Q Anything else you'd like to add?

A The last thing I want to talk about is the importance of support for the grievance process in our contract negotiations. The current demands by management really go to the heart of it.

For example, management wants to change the contract so that a delay in a grievance of over three months would mean a worker would lose it completely – regardless of who or what led to the delay. This would give them a real incentive for dragging their feet!

In fact, management is the cause of most of the delays by far – they miss the time limits again and again. We need to change the contract to make sure that the time limits are more strictly enforced.

PSC suffers setback at New York labor board

By STEVE LONDON
PSC First Vice President

The three-person New York State Public Relations Employment Board (PERB) has overturned its Regional Director's decision that CUNY must negotiate with the PSC over key aspects of CUNY's intellectual property policy. The PSC has appealed PERB's decision to the courts.

PERB's decision is not about intellectual property per se. Rather, the March 26 ruling concerns the interpretation of Article 2, a management rights clause in the PSC-CUNY contract. The State Board found in favor of CUNY's argument that language in Article 2 waives the PSC's right to demand to bargain over terms and conditions of employment not already contained in the contract, even though these would otherwise be considered mandatory subjects of bargaining.

FIRST DECISION

Last July, PERB Regional Director and Administrative Law Judge Philip Maier issued an initial deci-

Decision appealed to courts

sion in favor of the union, ruling against CUNY on two grounds. First, Judge Maier determined that CUNY's intellectual property policy did contain mandatory subjects of bargaining, on compensation and on dispute resolution procedures.

Second, he rejected CUNY's claim that Article 2 of the PSC-CUNY contract waived the PSC's right to bargain on these subjects. Judge Maier ruled that after the expiration date of the contract, and in negotiations for a successor agreement, CUNY must negotiate with the PSC over mandatory subjects of bargaining, including those mandatory subjects in CUNY's intellectual property policy.

In rejecting CUNY's interpretation of Article 2, Judge Maier recognized "the right to bargain concerning terms and conditions of employment" to be a "strong and sweeping policy of the State." He concluded that it was not demonstrated "that

the PSC intended to relinquish its rights to bargain over mandatory subjects of bargaining contained in the intellectual property policy in perpetuity."

In its appeal, CUNY did not challenge Judge Maier's ruling that intellectual property contains mandatory subjects of bargaining, and PERB did not reverse on those grounds. Instead, PERB upheld CUNY's interpretation of the management rights clause and said that until that clause is changed, CUNY may unilaterally impose terms and conditions of employment as long as they are not in conflict with provisions of the existing contract.

The PSC's appeal of this decision minces few words. "Disregarding over 20 years of precedent, and flouting the Legislature's express intent that collective bargaining should be encouraged, PERB has inexplicably, and for all practical pur-

poses permanently, repealed the legal obligation of CUNY to bargain with its employees' representative concerning a range of critically important issues," the union states. "This wholesale nullification of State law is ostensibly premised upon a passage from the parties' original collective bargaining agreement which merely states that the governing bodies of CUNY shall continue to perform their legally prescribed functions. According to PERB, this vague clause is a waiver of PSC's fundamental statutorily protected rights *even after the contract expires*. PERB's bizarre interpretation of [the Taylor Law] subverts legislative intent, and must be annulled in favor of the decision by [Judge Maier]."

ANTI-LABOR RULING

This anti-labor ruling was made by the three-member State Board, which is now composed entirely of Pataki appointees. The PSC's recourse is to appeal this decision to the New York State Supreme Court; the union's request to overturn the PERB ruling will be decided by Justice Herman Cahn.

Even if PERB is upheld on appeal, there is nothing in PERB's decision to stop CUNY from bargaining with the PSC over intellectual property policy. The PSC has demands on the table concerning union members' right to own and control their creative work; it will continue to press

for these demands, as CUNY's current policies do not adequately protect members' intellectual property. And without contractual protections there will be uncertainty about the future, since any aspect of CUNY's intellectual property policy could then be changed on the say-so of the Board of Trustees.

Adjunct unemployment insurance

Summer is fast approaching, which means many part-time instructors at CUNY will be out of work. So can you get unemployment insurance? If you received a letter of non-reappointment, it should be no problem. If you did not, it could be more complicated. For full information, read Marcia Newfield's article from the May/June 2003 issue (p. 9) of *Clarion* at www.psc-cuny.org/communications.htm. The PSC is pushing for the State to change the law that makes it hard for part-time academic workers to collect unemployment insurance. You can help by going to the ACT NOW page of the PSC Web site at www.psc-cuny.org and sending a fax to politicians in Albany.

DC 37 contract settlement

By TOMIO GERON

District Council 37, NYC's largest public employee union, reached an agreement on a new contract with the City on April 20. A ratification vote will be conducted by mail from May 10 to June 1.

The deal covers the period 7/1/02 – 6/30/05, and provides a one-time \$1,000 cash payment in the first year, a 3% salary increase in the second and at least a 2% raise in the third. New hires would be paid 15% less than their jobs' normal minimum rates for the first two years of employment starting July 2004.

A key issue in the negotiations was Mayor Michael Bloomberg's often-repeated position that all salary increases must be self-funded and that he would give no retroactive raises. "The mayor has been quite clear that there will be no collective bargaining increases unless they have been funded through productivity," Labor Commissioner James Hanley said in January 2003.

CITY DELIGHTED

Although Bloomberg retreated from this stand in the pay provisions for the first two years of the settlement, City officials were delighted that the wage increase in the third year would be funded by the cuts in pay and benefits for new hires, which they termed "productivity increases." DC 37 members will get an additional 1% pay increase in the third year only if the union and City agree on further "productivity initiatives."

"We have delivered the best possible contract we could for our members," said DC 37 Executive Director Lillian Roberts. "We have achieved a fair contract that provides fair wage increases." DC 37 members currently earn an average of about \$29,000 a year.

State workers also reach agreements



On April 20, District Council 37 Executive Director Lillian Roberts (center), joined Mayor Michael Bloomberg (left of Roberts), DC 37 President Veronica Montgomery-Costa (right of Roberts) and other DC 37 local presidents and administration officials to announce the just-concluded contract agreement for the union's 121,000 members.

The City has a tradition of "pattern bargaining," in which the first union to settle sets the outline for subsequent agreements. Bloomberg hopes to impose terms of the DC 37 settlement on other municipal unions, particularly the funding of salary increases through concessions. But this year there will be more resistance than usual to accepting this first agreement as a pattern.

"It is hard to see how many of these provisions could be applied to the Department of Education," said UFT President Randi Weingarten, arguing that cuts in teachers' starting pay would hurt the schools. "It took a significant increase in starting salaries in the fall of 2002 to enable the city – for the first time in years – to attract enough certified teachers for our classrooms." The UFT has requested that the Public Employment Relations Board declare an impasse in its bargaining, which could result in

the appointment of a state mediator.

"The terms of this contract settlement would work against the ongoing restoration of CUNY after many years of underfunding," said John Hyland, PSC treasurer and chair of the union's Solidarity Committee. "The current hiring of full-time faculty and staff would be weakened by a two-tiered system. We reject the City's austerity framework for this round of negotiations and refuse the diminution of professional salaries and working conditions for the University that educates NYC's working people."

Uniformed unions likewise rejected the idea of lower starting pay. "With a lack of competitive NYPD salaries," said Pat Lynch, president of the police union, "it is clear that this type of settlement will not serve the best interest of the City of New York." The PBA has also filed for an impasse declaration.

Third-year raises funded by "productivity increases"

Other leaders were less diplomatic. Under City law, some benefit cuts that DC 37 negotiated are binding for smaller unions in mayoral agencies under the "City-wide" working conditions contract. "You can sell out your unborn, but don't sell out my unborn without giving me a say in it," United Probation Officers Association President Dominic Coluccio told the *New York Times*. (These terms do not apply to DC 37 members at CUNY, who negotiate separately on working conditions.)

STATE OF LABOR

According to one DC 37 local president, the April 20 deal speaks to the state of the labor movement as a whole. "This contract is a direct consequence of the weakness of the labor movement nationwide and in the city of New York," said Ray Markey, head of Local 1930 at the NY Public Library. "The reluctance of unions to work together allowed the weakest union – that's us – to go first."

But Markey said he felt this contract was the best that DC 37 could get under current circumstances. "It was with great reluctance that I voted for it," he said, calling the settlement "a disaster for the labor movement in the city of New York."

New hires in DC 37 are already paid about 7% less for their first year on the job under a provision established in the early 1990s. The settlement would change this to 15% for the first two years.

New workers would also receive two fewer sick days for the first five years of employment, earn vacation days more slowly, and permanently lose an annual floating holiday. Extra pay for night-shift hours would also be reduced.

Meanwhile, several unions reached agreements with New York State in March. CSEA Local 1000, which represents 70,000 State employees, agreed to a four-year settlement with a one-time payment of \$800 in the first year and 2.5%, 2.75% and 3% salary increases in subsequent years. The \$800 would be added to base salary at the contract's end; none of the salary increases are funded by concessions elsewhere. Some health plan co-pays and deductibles would rise, with no major changes in coverage.

A four-year agreement with United University Professions of SUNY includes the same \$800 cash payment in the first year, with \$800 added to base pay at the contract's end. Beyond this, base pay would rise by at least 9.5% over four years, with additional funding for discretionary salary increases. Changes to health coverage include slightly increased co-pays for doctor's visits, a new prescription drug formulary and increased supplemental contributions to the union benefit fund.

State budget logjam

By TOMIO GERON

The State budget is stuck in Albany gridlock once again – and intense negotiations over public school funding are making it even harder for the key players to come to an agreement.

At issue is the court order in the landmark Campaign for Fiscal Equity lawsuit. Last June New York's highest court upheld a trial court ruling that the State did not give New York City's public schools enough funding to provide all pupils with "a sound, basic education," as required by the State constitution.

But the court did not detail how

PSC opposes CUNY cuts

much the State must pay, and Albany's leaders – Governor George Pataki, Assembly Speaker Sheldon Silver and Senate Majority Leader Joe Bruno – have been at odds over both the amount and how to pay it.

DEADLINE

The court set a July 30 deadline for the State to create an adequate educational funding plan, but Albany's politicians do not appear to be close to a deal. Silver has reportedly proposed a figure somewhere between \$7 and \$11 billion,

while a Pataki-appointed commission called for a \$2.5 to \$5.6 billion increase.

The governor has not publicly backed any amount beyond the \$2 billion that he proposed in January, to be raised through new forms of legalized gambling. At the end of April, Bruno said an agreement may prove impossible and that the court may have to impose its own solution.

The outcome will have a major impact on the shape of the State

budget, which is overdue. This year Albany missed the April 1 deadline for the 20th year in a row.

CITY CUTS PROPOSED

Pataki's January budget proposal includes an additional \$28.6 million in CUNY senior college funding – but this is \$18.6 million short of the amount needed to pay for mandatory increases in benefits and energy costs. The Pataki plan calls for cuts to the operating budgets of nine senior colleges, and proposes reducing base aid to CUNY community colleges by 5% per full-time equivalent student from \$2,300 to \$2,185, restructuring the Tuition Assistance Program and cutting funds for both SEEK and College Discovery.

At the City level, Mayor Michael Bloomberg's executive budget proposal would slash City support for CUNY and CUNY students by more

than \$17 million. This includes a \$5.4 million reduction for community colleges, elimination of the \$5.5 million Peter Vallone Scholarships, and axing the \$4.5 million "safety net" program for community college students affected by last summer's tuition hike, plus a \$124,000 budget cut for the Hunter College Campus Schools.

PRESSURE

"PSC members must maintain a high level of pressure on Albany," said Cecelia McCall, PSC secretary and legislative coordinator. "It is unconscionable that CUNY has sustained a reduction of close to half a billion dollars in State support in the last decade." McCall urged union members to contact their representatives in both the State Legislature and City Council, by sending a fax from the ACT Now page of the PSC Web site (www.psc-cuny.org).

Public school funding a hot topic

PSC at NYSUT meet

By TOMIO GERON

The PSC was a strong presence at this year's Representative Assembly of New York State United Teachers, with delegates adopting a range of PSC-sponsored resolutions. And NYSUT turned out in support of the PSC and its other NYC affiliates: over 2,000 delegates marched in solidarity with contract demands by the PSC, UFT and United College Employees at FIT.

NYSUT is New York's statewide education union, encompassing faculty and staff from kindergarten through grad school, and the Representative Assembly (RA) is its annual policy-making convention. At this year's RA, held March 25-27, the PSC had a particular impact on issues of public higher education, with delegates adopting eight PSC resolutions.

MODEL BILL

The most important of these was a measure that calls on NYSUT to draft "omnibus model legislation" on public higher education in New York State. This is crucial to develop a comprehensive plan for investment in CUNY and SUNY, said PSC Executive Council member Michael Fabricant.

The proposal, which received

Higher education in focus

strong support from other NYSUT locals, will address a range of issues: the composition of boards of trustees, ratio of full-time to part-time faculty, adjunct equity, outsourcing of academic work, academic freedom, health benefits and student access to college.

By spelling out what kind of public higher education New York really needs, Fabricant explained, the model legislation will "orient legislators to the range of needs that exist and will gradually sign them on to the kind of structural change and investment that needs to occur." The goal, he added, is to counter "the initiatives [that have led] to disinvestment in public higher education."

The RA also acted on two PSC resolutions on part-time faculty. The first endorsed the AAUP and the AFT statements on contingent labor, which call for equity in pay and benefits and participation in both union and college life. The second resolution, which calls on NYSUT to draft legislation to address inequities for contingent faculty at public colleges, was forwarded to the NYSUT Board of Directors for review.

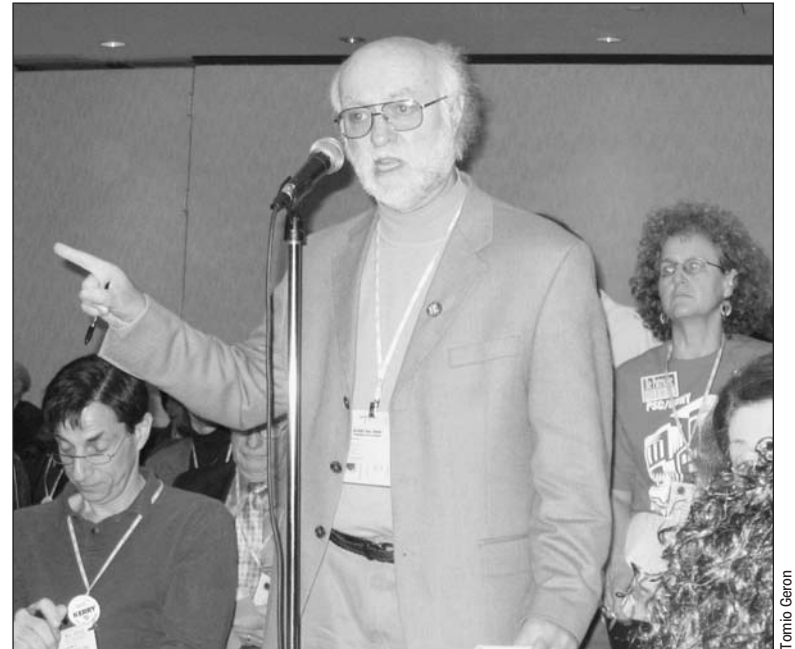
PSC Executive Council member Diane Menna said that support for adjunct equity had grown stronger since last year's RA. "I think raising the issue has made a difference," Menna said. "There's much more public attention on the lives of part-time faculty."

PATRIOT ACT

Delegates also passed a PSC resolution opposing the USA PATRIOT Act's restrictions on civil liberties. However, the resolution's statement of opposition to PATRIOT II, a follow-up bill drafted by the Bush administration, was removed by an amendment that passed by a rare show of hands, after a voice vote was too close to call. Another PSC proposal, opposing the war and occupation in Iraq, provoked heated debate but did not pass; delegates instead approved a resolution that did not indicate opposition to the war.

Two PSC resolutions were approved by the Civil and Human Rights Committee and passed by the RA. One called for NYSUT to encourage discussion of the war in Iraq within NYSUT locals and at schools and campuses; the other supported Colombian teacher unionists, who have been targeted

Drafting legislation for real change



Bill Friedheim, of BMCC, makes a point at the NYSUT Civil and Human Rights Committee. At right is Nancy Romer, Brooklyn College.

for violence by paramilitary death squads.

UNEMPLOYMENT

PSC resolutions calling for the repeal of the Rockefeller Drug Laws and bolstering the NYS unemployment insurance trust fund were both adopted. A measure calling for NYSUT support of the PSC position for free tuition at CUNY did not pass, but delegates did back a PSC proposal to endorse state legislation that would bar CUNY or SUNY from rejecting applicants based solely on their scores on standardized tests such as the SAT.

A highlight of the RA was the delegates' march and rally in support of the PSC, UFT and United College Employees at FIT, all currently in contract talks. PSC President Barbara Bowen, UFT President Randi Weingarten and UCE President Lou Stollar each spoke at the rally, thanking NYSUT members for speaking out for their fellow teachers.

"I think everyone needs to make a living wage," said Rochester teacher Tom Arena. "We had the support of NYSUT last year [on our contract], so we're here in support of fellow NYSUT members to do the same for them."

Building alliances for justice

By TOMIO GERON

When you ask Lorraine Cohen about being named a NYSUT Higher Education Member of the Year, the response is characteristic.

"I am deeply honored by this award," she says, and then quickly moves on to a topic with which she's more comfortable: "It was an opportunity to talk about the issues."

COLLEGE ACCESS

In her speech accepting the award at NYSUT's annual meeting in April, Cohen focused on an issue that's particularly close to her heart: the challenges facing women on welfare. "As a result of the welfare reform act of 1996 and the introduction of workfare, thousands of students [were] pushed out of CUNY," she said. "20,000 students had 'disappeared.'"

As a way to reduce either poverty or the number of people on public assistance, Cohen thought this was completely backward. A professor of sociology at LaGuardia Community College, she cites "studies around the country showing that education, and higher education in particular, is the way to permanently get people

PSC's Lorraine Cohen

off of welfare."

In 2002, Cohen brought the issue to the PSC Women's Committee, which she co-chairs, and soon the committee had joined the Coalition for Access to Training and Education. CATE was working to change City law so that people on welfare could count college study as part of their "work requirement" – and Cohen and other Women's Committee activists rolled up their sleeves and joined the campaign.

Brenda Stewart of Families United for Racial and Economic Equality (FUREE) says that for Cohen, no task was too big or too small: "Whatever I asked her to do, she was really willing and able," says Stewart – "M.C., lobbyist, or chef." The latter refers to Cohen's work on the barbecue grill at a celebration of CATE's legislative victory. Intro 93, the reform measure backed by CATE, passed the New York City Council by a wide margin in 2003, though it still faces legal challenges

by Mayor Michael Bloomberg.

Cohen has a special interest in those who would benefit from the new law; she has taught many women on welfare in her classes at LaGuardia. She taught in the COPE program for about five years, working with people – mostly women – on public assistance. "I never forgot these women," says Cohen, who not only taught in the program but gave the graduation speech one year. "The program was incredibly successful."

STEREOTYPES

Particularly upsetting to Cohen are public perceptions and media depictions of women on welfare – most of whom, she says, are extremely hard-working. "I'm just enraged by the stereotypes because they are so inadequate and so wrong," she explains. "They're brutal and vicious and completely misunderstand the deeper causes of poverty."

Cohen has witnessed the effect that education can have on women,



Lorraine Cohen with the PSC contingent at the March 20 anti-war rally.

many of whom are single parents struggling with childcare, health problems or abusive relationships. "Education is a transformative experience. It's not just skills, it gives you a sense of self that you wouldn't

get from too many other places," she says. "These women showed they have the discipline to study and to do well in their courses. It was very empowering for them."

Cohen has been an activist since her days in college at SUNY Potsdam. She was expelled from Ohio State for her part in anti-war and anti-racist protests while studying for a master's degree; she later got her Ph.D. at the CUNY Graduate Center. Cohen is now a delegate to the PSC Delegate Assembly and a member of LaGuardia's chapter executive committee.

ORGANIZING TASKS

She says the Women's Committee is now working on a number of projects, including monitoring federal legislation on welfare, and a plan to get CUNY to do more recruitment of students on public assistance.

Cohen's stubborn persistence on Intro 93 is an example of the kind of nuts-and-bolts work that it takes to build durable alliances between unions and community groups – and she thinks support for community organizing is essential to labor's future.

"Building a movement for social justice helps to build the power of the labor movement," she explains. "By uniting with a broader group of social actors, we can get the power and the strength we need to win."

On May 24 at 3:30 pm, PSC members will rally for a new contract outside the Trustees' meeting at Baruch college.

Union members tell our Roving Reporter

Why I'm coming on May 24



Peter Hogness

DONNA GILL
HEO Assistant
Hunter College

Money for the Welfare Fund and the restoration of benefits – that's a major issue. I feel it's important to go so that 80th Street will know there are people out there who are concerned about the contract.

To see people out there in great numbers is what I think makes a difference when it comes down to negotiations. If they don't see anyone, they think that no one is interested and that they can just do whatever they want.

Eightieth Street is planning to take away certain things from us. Taking away what we've already gained is really not something I feel CUNY should do.



Tomio Geron

GERALD MARKOWITZ
Distinguished Professor of History
John Jay and Graduate Center

We need a good turnout to show the Legislature and the Trustees that we are united behind our leadership in the effort to create the kind of university we can be proud of. It's so critical that adequate salaries be provided for faculty, both old and new.

One issue I'm concerned about is health and safety. There is a chance in this contract for us to put real teeth into contract provisions that will address issues such as air quality. [At John Jay] for 20 years we've had students and professors and staff working in classrooms and offices where there is no air movement, or are alternately too hot or too cold. It is really impossible for someone to either learn or do a day's work in these conditions.



Lisa Quiñones

HELENE SPIERMAN
Continuing Education Teacher
Queensborough Community College

The last time the union sent out a questionnaire, I decided I had to do something. So I'm showing up! We've got to change City University. CUNY used to be one of highest payers, but now it's one of the lowest. City University has been mistreating non-tenure-track faculty at least since the 1970s.

I teach in continuing education, so I have no status whatsoever. There are no health benefits for a continuing education teacher unless you teach 20 hours or more in a week – and for most, that's impossible.

That's outrageous, to depend on people's teaching but not give them any benefits. We've got to lower the bar for how many hours you need to qualify for health benefits.



Lisa Quiñones

SHARON UTAKIS
Assistant Professor of English
Bronx Community College

I'm coming because I don't think we're getting the benefits we deserve. We need to have more support for childcare. They have it for students, which is great, but we need it for faculty, too. My husband wound up taking days off from work to stay home. Sometimes I stay home in the day while he goes to work. I have strange schedules, and sometimes it's very hard to balance.

Real, paid maternity leave is even more important than childcare. We only have sick days now. I ended up just taking unpaid leave for a semester so I could stay home with my son, Nicholas.



Lisa Quiñones

ROOPALI MUKHERJEE
Assistant Professor of Media Studies
Queens College

I'm coming to show solidarity. We have a strong union and we've had some recent successes, like the research time for new faculty. Right now is an important moment, when we could go forward or back.

It would be easy to rest on one's laurels, to assume that the union will just take care of things. But the rank and file needs to keep the pressure on.

Management is being somewhat audacious, if you look at what they say in negotiations or how they handled this issue of the tenure clock. After the union's gains in the last contract, they are trying to push back. But we also have an opportunity. This is the time, man! Now is the time to push for us to achieve more.

Tenure debate update

By PETER HOGNESS

CUNY management's proposal to lengthen the tenure clock from five years to seven years has been discussed at a slower pace in recent weeks. There is still no sign that the State Legislature is prepared to support the idea.

On April 28, the Faculty Council at BMCC passed a resolution against the proposal. Faculty governance bodies at Bronx CC and York have also come out against the seven-year plan.

"To be fair to this University, and to the candidate, we must give people more time to complete their work," Chancellor Matthew Goldstein declared at a University Faculty Senate conference on April 23. But a broad reduction in teaching loads is not the way to do this, Gold-

stein contended: "While reducing the teaching load by three to six hours is a wonderful ideal to strive for, and something that I would support, the fact is that it is dead on arrival," he said, arguing that it would simply cost too much.

"More time" and "longer tenure clock" are not the same

"We live in a post-tenure university," said Larry Hanley, editor of the AAUP's *Academe*. "Tenured or tenure-track faculty are now the smallest portion of the academic workforce." The fact that tenure is increasingly "abnormal" gives rise to certain distortions within the university, Hanley said, such as "the idea that tenure is a rare and rarifying gift rather than an indispensable condition for academic activity."

"More time" and "a longer tenure clock" are not the same

thing, argued PSC President Barbara Bowen. What junior faculty need, she said, is not more years in which they are still too busy, but more time within a given week. CUNY must not "substitute the illusion of investment for real investment," she said. "To have two more years without the protections of academic freedom is not an investment."

RESOURCES NEEDED

Junior faculty "are overwhelmingly against this proposal, unless it's preceded by additional resources," said David Kazanjian, associate professor of English at Queens.

In his own conversations with over 100 new faculty, he said, "the few who have voiced support, without exception, are those who already work under conditions that many of us would like to have: 2-2 teaching loads, research startup money, even childcare. Let's struggle to get more resources first. Then we'll talk about time to tenure."

CUNY IN BRIEF

No way, Beaufait

Faculty at New York City College of Technology are incensed over President Fred Beaufait's rejection of the March election of a department chair. Stanley Carroll, a professor in the Business Department, was elected by a vote of 8-0, with one blank ballot. Yet Beaufait told the Business Department faculty that he would not certify Carroll and that he would terminate Carroll as department chair immediately. CUNY Bylaws clearly state that department chairs are elected by the faculty and the college president has the power to approve the chair. Only in exceptional cases are chairs not approved. There are only two known cases of a department chair being rejected in the past 40 years at CUNY. The PSC Chapter at City

Tech passed a vote of no confidence in Beaufait, and the PSC Delegate Assembly also passed a resolution condemning Beaufait's violation of CUNY's Bylaws.

New Malo trial to start

The University Faculty Senate and the Hostos College Senate both passed resolutions in April calling for charges against Hostos student Miguel Malo to be dropped. Supporters of Malo have also delivered a petition with about 1,000 signatures to the Bronx District Attorney demanding that charges be dropped. Malo, arrested after he held up a sign protesting college policies, faces a new trial date starting in May. Malo's previous trial, for allegedly assaulting a campus police officer in August 2001, ended in a mistrial in December, 2003. Malo was protesting against fees for English language classes and cuts in courses taught in Spanish. Malo's new lawyer is the activist Lynne Stewart.

The PSC budget and our members' interests

By **JOHN HYLAND**
PSC Treasurer

The annual audit of the PSC finances, presented at right, is both a review of the union's accounts and an indication of a solid financial foundation for our activities with and for the membership.

This commentary aims to clarify the meaning of the budget beyond the more technical accounting categories, by describing the types of activities on which the PSC's money is spent. It is based on the categories used in the monthly financial reports to the union's Delegate Assembly. (The PSC is funded separately and operates separately from the Welfare Fund and the Credit Union.)

GOALS

The PSC budget reflects the union's history, organizational situation, and strategic decisions. Our goal is to increase PSC power to advance the interests of workers we represent, in salaries, benefits and working conditions (which are also our students' learning conditions). All our activities, and therefore all our expenses, are focused on this goal.

In 2000, the PSC had 9,800 members; in 2004, we have 14,900. This growth has in many ways made us stronger; it also means that the PSC's budget must meet an increased demand for union services.

A key category of expenses is mobilization and outreach: ultimately, our union's power depends on membership participation. Included in this category are organizing new members, legislative activity, community relations, *Clarion*, committee work, and budget and contract campaigns. Ten percent of the PSC budget is in this category, but this figure can be misleading. In fact, our paid staff, equipment and office space and our affiliates are all essential to our mobilization and outreach efforts.

Human resources account for 29% of the PSC's budget. We have 15 professional staff (including 4 organizers) and 11 support staff, who work on contract enforcement, benefits, organizing, membership services, communication and finances.

A third category of expenses (11%) goes to operations: space, equipment, supplies, services, and insurance. These expenses are essential resources for servicing and mobilizing our members, for the organizational life of the PSC, providing the infrastructure for the "bread and butter" activities of the PSC.

A fourth category of expenses is dues to our national affiliates (American Federation of Teachers and the American Association of University Professors), state affiliate (New York State United Teachers) and city affiliates (Central Labor Council and Municipal Labor Committee). These links help us influence federal, state and city budgets, which deeply shape the resources available to CUNY and therefore to our members. Initially, 48% goes to affiliate dues – but after deductions for reimbursements and services from NYSUT and AFT, a net of 36% of our budget goes to affiliates.

We also have legal costs: 2% of our budget goes to lawyers who help us win grievances and arbitrations, or pursue issues such as intellectual property or labor relations violations at New York's Public Employment Relations Board or the National Labor Relations Board.

Over three-quarters of the PSC's budget is essentially fixed costs: human resources, space and equipment, affiliate dues. These costs, of course, reflect certain decisions or conclusions: that our members benefit from having a central office with staff providing member services, and that national and state affiliates are in our interest. We have more immediate discretion in the areas of membership mobilization and organizing and legal services.

MOBILIZING

As the audit indicates, the PSC operated with a \$229,894 deficit in fiscal year 2002-2003. The union has occasionally run deficits in the past; the 2002-2003 deficit was largely due to the high level of activity to counter the massive cuts in CUNY's budget proposed by Governor Pataki. The PSC has also had many years of surplus, enabling reserves to rise to \$4,928,372. As of 3/31/04 this year's operating budget has a surplus of \$19,000.

We continually struggle with the mutual relationship of union goals and the best use of our resources. We want you, the membership, to be clear about the financial situation of your union; the elected Executive Council and Delegate Assembly and the Finance Committee all want your input.

For the past two years, the Finance Committee has held open meetings on the annual PSC budget before it is voted on by the DA in the Fall, a practice which will continue in Fall '04. And at any time you can reach me with your comments at Jhyland@pscmail.org.

PROFESSIONAL STAFF CONGRESS/CUNY

FINANCIAL STATEMENTS AND AUDITOR'S REPORT

AUGUST 31, 2003

TABLE OF CONTENTS

Independent Auditor's Report

Exhibit
A – Balance Sheet
B – Statement of Activities
C – Statement of Cash Flows

Notes to Financial Statements

Independent Auditor's Report

Board of Directors
Professional Staff Congress/CUNY

We have audited the accompanying balance sheet of Professional Staff Congress/CUNY as of August 31, 2003, and the related statements of activities and cash flows for the year then ended. These financial statements are the responsibility of the organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Professional Staff Congress/CUNY as of August 31, 2003, and the changes in its net assets and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Loeb & Troper

November 21, 2003

PROFESSIONAL STAFF CONGRESS/CUNY NOTES TO FINANCIAL STATEMENTS AUGUST 31, 2003

NOTE 1 - NATURE OF ORGANIZATION

Professional Staff Congress/CUNY (PSC/CUNY) was created by a merger of the Legislative Conference of The City University of New York and the United Federation of College Teachers. It was created to be the collective bargaining representative of the instructional staff of the City University of New York.

PSC/CUNY is a not-for-profit organization exempt from federal income tax under Section 501(c)(5) of the Internal Revenue Code. PSC/CUNY's primary source of revenues is membership dues.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of accounting - The financial statements are prepared on the accrual basis.

Fixed assets - Fixed assets are recorded at cost. Depreciation is recorded on the straight-line method over the estimated useful lives of the assets. Leasehold improvements are amortized over the life of the lease on the straight-line method.

Use of estimates - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements. Estimates also affect the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Cash and cash equivalents - For financial statement purposes, the organization counts all liquid debt instruments with maturity at the time of purchase of three months or less to be cash equivalents.

Functional allocation of expenses - The costs of providing services have been summarized on a functional basis. Accordingly, certain costs have been allocated between the program and supporting services benefited.

NOTE 3 - FIXED ASSETS

Equipment	\$ 299,263	5 years
Leasehold improvements	446,648	5-10 years
Furniture and fixtures	205,349	5-7 years
Construction in progress	9,041	
	<u>960,301</u>	

Accumulated depreciation and amortization	(892,144)
	<u>\$68,157</u>

NOTE 4 - LEASE

PSC/CUNY rents space for its administrative office. The rent is pursuant to a lease that expires on September 30, 2006. The lease includes provisions for escalations and utility charges.

Rent expense for the year ended August 31, 2003 was \$532,796.

Minimum payments required under the lease are as follows:

2004	\$447,168
2005	447,168
2006	447,168
2007	37,264

PSC/CUNY rents out a portion of its premises to an affiliated organization. Total rental income for the year was \$157,681.

NOTE 5 - PENSION PLANS

Clerical and support staff are covered by a non-contributory defined contribution pension plan administered by Local 153 - OPEIU. For the year ended August 31, 2003, the contributions to these plans amounted to \$150,723.

PSC/CUNY also sponsors a defined benefit pension plan covering all employees who are over the age of twenty-one and have completed one year of service, except those covered above. All contributions are made by PSC/CUNY. No participant contributions are required under the plan.

The following table summarizes the benefit obligations, fair value of assets, funded status and accrued benefit costs as of August 31, 2003 and employer contributions, benefits paid and net periodic pension costs for the year then ended:

Benefit obligation	\$(1,093,509)
Fair value of plan assets	<u>1,187,769</u>
Funded status	<u>\$94,260</u>
Prepaid pension benefit cost recognized in the balance sheet	<u>\$194,970</u>
Benefits paid	<u>\$24,733</u>
Net periodic pension cost	<u>\$100,550</u>
Weighted average assumptions as of August 31, 2003:	
Discount rate	6.5%
Expected return on plan assets	7.0%
Rate of compensation increase	4.0%

NOTE 6 - FUNCTIONAL EXPENSES

Professional Staff Congress/CUNY provides collective bargaining and other union-related services to its members. Expenses related to these programs are:

Programs	\$9,156,370
Management and general	<u>487,362</u>
	<u>\$9,643,732</u>

NOTE 7 - LOANS PAYABLE

Professional Staff Congress/CUNY borrowed \$26,095 in order to purchase computers. These loans are interest-free. The balance at August 31, 2003 of \$7,627 is due in equal monthly installments of \$545 until paid off.

NOTE 8 - CONCENTRATIONS

Financial instruments which potentially subject the Company to a concentration of credit risk are cash and cash equivalents with major financial institutions in excess of FDIC insurance limits. These financial institutions have strong credit ratings and management believes that credit risk related to these accounts is minimal.

EXHIBIT A PROFESSIONAL STAFF CONGRESS/CUNY BALANCE SHEET AUGUST 31, 2003

ASSETS	
Cash and cash equivalents	\$1,583,629
Certificates of deposit	3,831,618
Accounts receivable	90,662
Dues receivable	597,568
Prepaid pension (Note 5)	194,970
Other prepaid expenses	10,165
Fixed assets (net of accumulated depreciation and amortization of \$892,144) (Note 3)	68,157
Total assets	\$6,376,769
LIABILITIES AND NET ASSETS	
Due to New York State United Teachers, Inc.	\$478,964
Accounts payable	495,616
Accrued fringe benefits	370,960
Other accrued expenses	95,230
Loans payable (Note 7)	7,627
Total liabilities	1,448,397
Net assets - unrestricted (Exhibit B)	4,928,372
Total liabilities and net assets	\$6,376,769

See independent auditor's report.
The accompanying notes are an integral part of these statements.

EXHIBIT B PROFESSIONAL STAFF CONGRESS/CUNY STATEMENT OF ACTIVITIES YEAR ENDED AUGUST 31, 2003

Revenues	
Membership dues	\$7,640,470
Subsidies from affiliates - New York State United Teachers, Inc.	1,376,936
Interest and dividends	167,115
Rental income (Note 4)	229,317
Total revenues	9,413,838
Expenses	
Salaries	2,128,302
Fringe benefits	701,631
Depreciation and amortization	27,893
Dues to affiliated organizations	4,540,925
Conferences and meetings	137,006
Occupancy (Note 4)	748,793
Repairs and maintenance	141,830
Office supplies, printing and publishing	229,166
Postage and delivery	76,382
Professional fees	384,822
Contract and budget expense	287,554
Insurance	20,314
Other expenses	219,114
Total expenses (Note 6)	9,643,732
Change in net assets (Exhibit C)	(229,894)
Net assets - beginning of year	5,158,266
Net assets - end of year (Exhibit A)	\$4,928,372

See independent auditor's report.
The accompanying notes are an integral part of these statements.

EXHIBIT C PROFESSIONAL STAFF CONGRESS/CUNY STATEMENT OF CASH FLOWS YEAR ENDED AUGUST 31, 2003

Cash flows from operating activities	
Change in net assets (Exhibit B)	\$(229,894)
Adjustments to reconcile change in net assets to net cash used by operating activities	
Depreciation and amortization	27,893
(Increase) decrease in assets	
Accounts receivable	(90,662)
Dues receivable	67,306
Prepaid pension	(6,777)
Increase (decrease) in liabilities	
Due to New York State United Teachers and American Federation of Teachers	(508,269)
Accounts payable	442,126
Accrued fringe benefits	70,921
Other accrued expenses	(16,875)
Net cash used by operating activities	(244,231)
Cash flows from investing activities	
Purchase of fixed assets	(6,997)
Purchase of certificates of deposit	(464,045)
Net cash used by investing activities	(471,042)
Cash flows from financing activities	
Principal payments of loans	(6,653)
Net decrease in cash and cash equivalents	(721,926)
Cash and cash equivalents - beginning of year	2,305,555
Cash and cash equivalents - end of year	\$1,583,629

See independent auditor's report.
The accompanying notes are an integral part of these statements.

Veterans save on prescription drugs

By TOMIO GERON

CUNY employees and retirees who are veterans of the armed services have the opportunity to save money on medical benefits through the Department of Veterans Affairs.

With the rapid rise in prescription drug prices, there are significant savings to be had through VA benefits, especially for drug costs.

Howard Reznikoff, a member of the PSC Retirees Chapter, estimates that he saves about \$500 per year by buying his prescription drugs through the VA. Prices vary depending on your location and income level, but Reznikoff, who lives near Albany, pays \$7 per month for each prescription drug he gets.

DOCTOR

In order to receive the benefit, he has to see his VA doctor at least once per year. (He also sees his own primary care doctor separately.) Seeing a VA primary care doctor costs a \$15 co-pay, while a specialist visit costs \$50. Reznikoff gets his VA medications by mail-order, which is fine with him since they are long-term maintenance drugs.

"Actives and retirees should know about it," says Reznikoff, who retired from Kingsborough in 1995.

Another option for PSC members

"I'm saving a lot of money. It's saving the Welfare Fund money also, so it's a good deal all around."

To keep its own costs down, the VA uses its large market share to

YOUR BENEFITS

demand price reductions from big pharmaceutical companies. The VA purchases its drugs at prices over 40% lower than those charged by retail drugstores in the US – sometimes at prices even lower than those charged in Canada.

The VA's approach has been cited as a model of one way that government action can bring down drug prices. Yet the Bush Administration's prescription drug plan for seniors specifically bans Medicare from using the government's buying power in this way. The Medicare bill passed last year relies on private insurers to negotiate drug prices, ensuring that prices will stay high.

While the VA system has a reputation for being bureaucratic, Reznikoff is very happy with the service at the VA hospital in Al-

bany. "In Albany, they're terrific," he says.

Bernard Seeley, a veteran who lives in Manhattan and has been retired for a number of years, just signed up for VA health benefits.

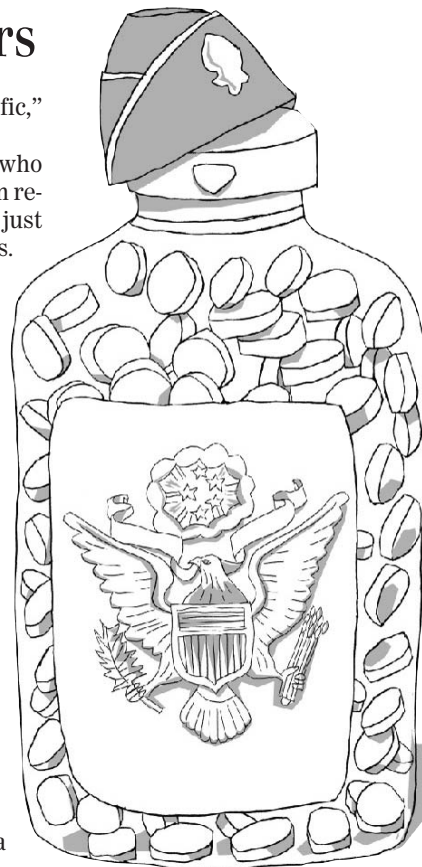
He has not used the benefits yet, but found enrolling simple. "Just show up with a discharge," Seeley says. "That was it."

JUST IN CASE

He is not sure he'll need the benefits, but says, "I applied to have it just in case. I have it as a backup."

Last summer the VA announced that veterans who enrolled before July 25, 2003 and are waiting to see their VA doctor can receive medications that were prescribed by a private physician. Normally, patients would have to be seen by a VA doctor before its program would cover the cost of a prescription.

Available medical benefits can vary depending on a vet's type of service. To sign up, all you have to do is bring your discharge document



www.hintstudio.com

to a local VA hospital. For more information, call 877-222-VETS or go to www1.va.gov/health-benefits/.

CALENDAR

MONDAY, MAY 21 / 4 – 6 pm: "Another University is Possible: CUNY and the future of *Brown v. Board of Education*." Special forum on the 50th Anniversary of *Brown* with Derrick Bell, Visiting Professor of Law, NYU, and author of *Silent Covenants: Brown vs. Board of Education and the Elusive Quest for Racial Justice* (Oxford, 2004). Responses by scholars, labor activists and community organizers. Sponsored by the PSC. At the CUNY Graduate Center, Baisley Powell Elebash Recital Hall, 34th Street and 5th Avenue. Seating limited, RSVP required. To RSVP or for more information, call 212-354-1252.

FRIDAY, MAY 24 / 3:30 - 5:30 pm: PSC mass contract rally at the CUNY Board of Trustees meeting. Voice your support for salary increases for all faculty and staff, Welfare Fund restorations, and equity and improved working conditions. At Baruch College, East 25th Street between Lexington & Third Avenues. For more information call Mary Ann Carlese at 212-354-1252, or e-mail mcarlese@pscmail.org.

FRIDAY, JUNE 4 / 9 am – 4 pm: PSC Pre-Retirement Conference. At the CUNY Graduate Center. Call Linda Slifkin at 212-354-1252 for more information. See below.

THURSDAY, JUNE 10 – 12: "How Class Works." Conference will explore how class shapes public policy, lives and life chances. Sponsored by the Center for Study of Working Class Life. Speakers include Walden Bello, Medea Benjamin, Congressman David Bonior and Adolph Reed. Presentations from Argentina, Brazil, Italy, Thailand, Trinidad, and the UK. Registration required; cost : \$87.50-\$175 for full conference, \$43.75-\$87.50 for one day. For information or to register call 631-632-6320 or go to www.workingclass.sunysb.edu.

WEDNESDAY, JUNE 16: Council of Municipal Retiree Organizations of New York City (COMRO) 3rd Annual End of Year Luncheon. Honoring: Jane Moore, Vincent Navarro and Sheldon Waxenberg. At John Jay College, 445 W. 59th Street at 10th Ave., Faculty Dining Room, 2nd Floor. \$25. Send check with your name, address and phone number to Jack Judd, 8 Collyer Dr., Ossining, New York, 10562.

Transit benefit begins this fall

The way is clear for a new transit benefit for CUNY employees to begin this fall, allowing faculty and staff to save money by paying for public transit with pre-tax dollars. CUNY central administration says they plan to start the program at the beginning of the fall semester.

The optional benefit, known as a TransitBenefit Transportation Spending Account, will be provided through a special debit card. The debit card, from JPMorgan Chase, cannot itself be used on subways or buses, but rather can be used to purchase a MetroCard at MetroCard vending machines.

TAX SAVINGS

The money you choose to put into this program is exempt from federal, state and local taxes, thus low-

Special debit card to debut

ering your overall tax bill. Most CUNY employees will save around \$200 to \$300 per year. (Some will

YOUR BENEFITS

save more, others less – the exact amount depends on both how much you put into the program and your tax rate.)

The program is an enhanced version of the City of New York's original transit benefit. It can be used to pay for transportation on express buses and the currently private bus lines in Queens, as well as the MTA. Faculty and staff will have

four different options for bi-weekly payroll deduction: occasional rider (\$20), frequent rider 1 (\$32.50), frequent rider 2 (\$40), and express bus rider (\$46.15 pre-tax and \$19.85 post-tax). Participants must pay an administrative fee of \$1.80 per month.

There have been several delays in implementing this benefit for CUNY employees. First, because many CUNY employees are paid by New York State, legislation was required to permit the pre-tax deduction. The PSC lobbied successfully to get enabling legislation passed, but further delays arose due to problems in re-programming the State's payroll system. The PSC, in

coalition with other CUNY unions, pressed for action on implementation, and worked to secure the best version of this benefit.

The debit card offers flexibility that allows participants to suspend their contributions for a period of time and resume them later (e.g., during the summer or while on sabbatical), and makes it possible for part-timers who are going on or off payroll to participate.

FULL-TIME OR PART-TIME

"The union made it a principle from the start that this benefit should be available to both part-time and full-time employees," said PSC President Barbara Bowen, noting that CUNY has pledged to work with the union to iron out any difficulties.

Before the new benefit takes effect, faculty and staff will receive more information in the mail about the plan's details and how to enroll. **– TG**

Get ready for retirement

Pre-Retirement Conference: The annual PSC Pre-Retirement Conference will be held on Friday, June 4, 2004, from 9 am to 4 pm at the CUNY Graduate Center. This conference is designed for members who are about five years away from retirement. The confer-

ence will feature speakers on financial planning, health benefits and taxes. If you wish to attend, please return the form at right. Breakfast and lunch will be provided. If you would like kosher food, please send a note with your registration.

Pre-Retirement Conference Coupon

I will attend the PSC Pre-Retirement Conference. Enclosed is \$_____ registration fee for _____ places at \$20 each.

Name _____

Address _____ City _____ State _____ Zip _____

Retirement System _____ College _____ Date of original CUNY employment _____

Make checks payable to Professional Staff Congress and return by May 24, 2004 to: Clarissa Gilbert Weiss, PSC, 25 W. 43rd Street, New York, NY 10036.

IRAQ

Poverty, privatization & profit

By DAVID BACON

Since 1958, July 14 has been Iraq's national day. Last year, under the occupation, it was declared a "Saddam-era holiday," and its celebration banned. Instead, occupation authorities declared, the people of Iraq should celebrate the day of the fall of the Saddam Hussein regime, which is also the day the occupation began. While most Iraqis were glad to see Saddam go, prohibiting the celebration of national day is not just an insult, but a sign of the occupation's true intentions.

For many Iraqis, July 14 recalls their anti-colonial history. 1958 was the year nationalists and radicals threw out the monarchy imposed by the British after World War One. Unions were made legal for the first time. Over the next five years of relative freedom, Iraq began building a nationalized, planned economy, based on its oil wealth. Hundreds of factories were eventually built, making it the most industrialized country in the Middle East. The Iraqi government organized a national healthcare system, and treated education as a right. Women were represented in professions in percentages larger than any other Middle Eastern country. Even after that government was overthrown in 1963 (a coup in which the Central Intelligence Agency played an important role), those reforms were so popular that they were continued under the Ba'athist regime that followed.

A new deepwater port was constructed on the Persian Gulf, Umm Qasr, which became a lynchpin of the economy. From its piers Iraq began to ship the goods from those factories to buyers in other countries throughout the region. The port became a symbol of progress and independence.

WAR BOOTY

Today Umm Qasr has become war booty. It was the first Iraqi enterprise to be turned over, not just to a private owner, but to a foreign one. Even before US troops reached Baghdad, in Washington DC the Bush administration gave the concession for operating the port to Stevedoring Services of America, a politically-connected firm handling cargo around the world. Privatizing Umm Qasr began the transformation of the Iraqi economy – from one based on nationalization and production for an internal, domestic market, to one based on ownership by transnational corporations, sending their profits out of the country. To Iraqis, instead of a symbol of national pride, Umm Qasr now represents a new era of foreign domination.

Following the revolution of 1958, a thousand longshore workers labored on Umm Qasr's docks. Even in the heady days of Arab nationalism, however, they still had no guarantees for their rights and jobs. At first, subcontracting companies were allowed to hire dockers in a daily shapeup. Finally, workers rebelled. After winning recognition for their union, they demanded and won a hiring system under their control, and a daily guaranteed wage, whether or not there was a boat at the dock to load or unload.

Today, those achievements seem like a distant dream. Umm Qasr is an object lesson

in the privatization of Iraq. Its fate will have a profound effect on the degree to which any future Iraqi government will be able to control the country's economy. By the same token, the jobs, the standard of living, and the labor rights of the port's dockworkers are a bellwether for the fate of hundreds of thousands of other workers in what had been state-owned enterprises throughout Iraq's economy.

The free trade ideologues of the Bush administration see the occupation of Iraq as a beachhead into the Middle East and south

Dathar Al-Kashab, manager of Baghdad's Al Daura oil refinery, "and there's no law which permits me to lay him off. But if I put on the hat of privatization, I'll have to fire 1500 workers [of the refinery's 3000]. In America when a company lays people off, there's unemployment insurance, and they won't die from hunger. If I dismiss employees now, I'm killing them and their families."

In 1987, Saddam Hussein issued a law declaring that workers in state-owned enterprises (i.e., most Iraqi workers) had no right to organize unions or bargain. On the Umm

the state leather goods factory in Baghdad explained that "we must change this law that says we don't have the right to a union. If the law doesn't change, we'll change it anyway, like it or not. We are the people."

"Life has gotten much worse," said another, pointing emphatically into the air. "Everything is controlled by the coalition. We don't control anything."

Last fall the Coalition Provisional Authority set a new salary schedule for public employees: Order 30 on Reform of Salaries and Employment Conditions of State Employees lowered the bottom wage rate from \$60 a month to \$40, and eliminated all previous housing, food and family subsidies.

The disaster that is the occupation of Iraq has human costs that go beyond even the explosions, shooting and abuse of prisoners that are now seen nightly on U.S. television screens. The violence of grinding poverty, exacerbated by economic sanctions after the first Gulf War, has been deepened by the US invasion.

While the effects of U.S. policy on daily life go largely unseen in the U.S. media, anyone walking the streets of Baghdad cannot miss them. Children sleep on the sidewalks. Buildings that once housed many of the city's four million residents remain burned-out ruins a year after the occupation started. Rubble fills the broad boulevards that were once the pride of a wealthy country, while sewage still pours into the Tigris River. Those who must depend on it for drinking or cooking continue to get sick.

The violence of poverty is not held to be a violation of human rights in the United States – economic and social rights are not part of the US vocabulary. The accusations made by the US against the regime of Saddam Hussein focus on his violation of the human rights of individuals – the assassination and torture of the regime's enemies, and the prohibition on political activity by individuals who dissented from its policies.

Most popular organizations in Iraq, whether on the left or the right, religious or secular, also make such accusations – against Hussein and, increasingly, against the CPA as well. But Iraqis don't confine the discussion of rights within those limits. For them, the social conditions imposed by the occupation are an abuse of human rights as well.

David Bacon is a labor journalist and photographer. He was in Iraq last fall with a delegation from U.S. Labor Against the War.



Muhsen Mull Ali is an Iraqi union organizer and retired longshore worker. He began working on the Basra docks in 1949, and was imprisoned under both the Iraqi monarchy and Ba'ath Party rule. Today, he says, "Our responsibility is to oppose privatization as much as possible, and fight for the welfare of our workers."

Asia. Their first objective is the transformation of the state-dominated economy of what was once one of the region's wealthiest countries. A free-market Iraq will then set new ground rules for the rest of the area, much as the North American Free Trade Agreement first helped to transform Mexico's economy, and then became a prototype for the Free Trade Area of the Americas.

Iraq's national wealth – factories, refineries, mines, docks, and other industrial facilities – are being readied for sale to foreign companies by the occupation bureaucracy, which treats democracy and the unrestrained free market as the same thing. But how democratic can this be, when Iraqis are not allowed to make these decisions?

LETHAL LAYOFFS

Last fall the Coalition Provisional Authority (CPA) announced plans for a privatization program and issued a decree allowing 100% foreign ownership of businesses (except for oil) and repatriation of profits. The US has promised to return "sovereignty" to an Iraqi government by June 30, but Iraq's interim constitution would bar that government from changing such CPA decrees.

Iraqi workers look at the prospect of privatization with dread. "A worker starting here today has a job for life," explains

Qasr docks and in factories and refineries throughout the country, unions were effectively banned. Today the US occupation authority is still enforcing that 1987 law. This is another gift to prospective new private owners of Iraqi enterprises. If workers there have no legal union and no right to bargain, then privatization and the huge job losses coming with it will face much less organized resistance.

Unemployment in Iraq hovers around 70%, according to the country's new unions. There is no unemployment benefit or welfare system. There is a Union of the Unemployed, which has held marches and demonstrations demanding jobs and benefits. Its leader, Qasim Hadi, has been repeatedly arrested by the occupation troops.

On December 6, US occupation forces arrested eight members of the executive committee of the Iraqi Federation of Trade Unions, and took them into detention. Although they were released the following day, the organization was expelled from the building where they had their offices.

Jassim Mashkoul, director for internal communications for the IFTU, says that "at the beginning, we thought our situation might be better after we got rid of Saddam Hussein. But it hasn't been." Many factory workers are less diplomatic. One worker at

Selling off the wealth of Iraq

Word for word

"Having both houses of Congress Republican-controlled was great. Like in Monopoly, when you get to add hotels."

— A drug industry lobbyist, speaking to *The New York Times* about the \$26 million that the industry spent on the 2002 election.

MAY 24

Five reasons to rally

By **BARBARA BOWEN**
PSC President

What kind of contract we win could depend in large part on how many people come to the PSC's May 24 rally. If you want a better future at CUNY, if you want anything other than an austerity contract – one with no Welfare Fund increases or improvements in working conditions, and only minimal salary increases – you need to be there.

I wish I could talk to each of you individually and explain why I think it's essential for you to make May 24 a priority – whether your main concern is increased salaries, more research time, the needs of a young family, lack of job protections or relief from dental bills. But I hope you will consider this a direct appeal to participate.

May 24 is the strategic moment for a mass show of support. The CUNY Board of Trustees meets on that day at Baruch, and the PSC negotiating team has told their representatives at the bargaining table that we need more than a minimal contract. We need salary increases, restoration of Welfare Fund benefits, and funds for the kind of advances in equity and working conditions we won in the last round. Now is the time for the membership to drive home that message.

AUSTERITY

We're up against Mayor Bloomberg's labor austerity agenda. As contracts with the City and the State have begun to be settled, the Mayor has announced that he aims to hold all the City unions to terms settled with the largest municipal union, AFSCME District Council 37. The DC 37 leadership feels their contract is right for them, but it would not work for us: it reduces salaries for new hires and does not provide funding for the range of improvements that our members – and CUNY – need.

City and State budgets offer no justification for labor austerity: the local economy is rebounding, there is a surplus in the City budget, and State revenues are higher than projected. The CUNY Chancellor and Trustees, if they had the imagination and courage, would seize this moment to reject the austerity argument and advocate for a contract that moves the University forward. On May 24 we will call on them to do just that.

If you're not yet convinced, let me offer these five reasons.



PSC members rallied outside a bargaining session to send a message to CUNY negotiators, who were meeting inside with PSC representatives on April 28.

1. Numbers are everything. As academics, we're especially susceptible to the fantasy that the side with the superior arguments and data must prevail. If that's true anywhere, it's not true in collective bargaining. Contracts are won not by argument but by pressure. No matter how eloquent, passionate and prepared we are at the bargaining table – and we are all of these – what speaks is raw power. The pressure you have brought this spring through petitions, phone calls and faxes has made a palpable difference; now we need to intensify that with the rally. Crude as it may sound, CUNY management will be out there counting numbers at the rally; they will assess how serious we are by how many people appear.

2. We need to show the urgency of increased Welfare Fund contributions. After salaries, restoration of Welfare Fund benefits is members' number one priority. We've made it clear at the bargaining table that the WF has to be restored and that the cost of restorations cannot come out of our salary increases – it must be over and above the salary offer. May 24 is our chance to show management how important this issue is to us. Union members have collected thou-

sands of signatures on petitions demanding WF restorations; the petitions will be presented as part of the event. Bring copies of your dental bills, too, and we'll paste them on placards for display. (Remember, the WF is entirely funded by contributions from CUNY as the employer, not by union dues – and CUNY's contributions have failed to keep pace with costs.)

3. We're also fighting for advances in equity and working conditions. A hallmark of the current PSC leadership is the belief that the contract can be an instrument of structural change in the workplace. We proved that was true in the last round of bargaining, when ours was the only contract among City unions to include systematic increases for equity and breakthroughs in working conditions. Along with salary and Welfare Fund increases, we won a semester of reassigned time for junior faculty, office hours for thousands of adjuncts, professional development money for staff, and several other advances. CUNY had never had such provisions before, and the University is already changed by them. This time we're seeking to continue that transformation – with proposals in such areas as workload, childcare, research time

for tenured faculty, tuition waivers, seniority and wage fairness for adjuncts, equity for library faculty, and more.

4. What we're really challenging is a political agenda hostile to educating our students. Why is it assumed that students at Harvard and Yale, Rutgers and Illinois are entitled to faculty with the time to do research and grow professionally, while all CUNY students deserve is harried faculty rushing from one overcrowded class to the next, without research time, real sabbaticals or even chalk? The root cause of our substandard working conditions, professional speed-up and lagging salaries is opposition to educating our students, at least to providing the kind of education privileged students are assumed to require. The opposition is rarely overt, but it appears in the politically-created budget "shortfalls" that have meant a 40% loss in CUNY's public funding since 1990, and in CUNY management's position at the bargaining table that the union's task is to accommodate to scarcity. Their mantra in this round of bargaining is a simplistic version of the austerity argument: "The pie is only so big; you'll have to get everything out of that pie." May 24 is about refusing austerity, expanding the pie. (And don't forget: these same managers had no trouble accepting raises for themselves this fall that will cost the University over \$2 million a year.) To rally for decent salaries and conditions at CUNY is to assert that our students deserve more than an instrumental education. For a university management to demand instead that we accommodate to a culture of scarcity is unforgivable.

5. The rally will be a rich experience in itself. There's a certain joy and release in coming together to support each other. And it certainly feels a lot better to do something to change our conditions than simply to gripe, or tolerate them in silence. As Brooklyn College professor Nancy Romer says, "Don't kvetch, organize!" If you haven't been to a PSC rally before, you may be surprised by how well taken care of you'll be. We have all the necessary permits, and we'll provide water, sunscreen, a live band, glorious tee shirts and literate signs. I want to extend a special invitation to people who are new: rallying with your colleagues from across the University changes your experience of CUNY. Consider coming in a group, with your department, your students or even your family; do something together afterwards. If you need to, take annual leave time or rearrange your schedule in order to be there. It's that important. To win the contract we need means breaking through the politics of labor austerity, contesting the view that our students deserve less because they are not rich, asserting that CUNY should not always be poor. I can't imagine not wanting to be there.

Mobilizing for a better CUNY

Clarion MAY 2004

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The PSC contract rally is Monday, May 24 at 3:30 pm, on East 25th Street between Lexington and Third Aves. For more information, call 212-354-1252.

OUR HISTORY

Brown v. Board and higher education

By ROSCOE C. BROWN, JR.

Few things have changed the United States more than the historic May 17, 1954 United States Supreme Court 9-0 decision, *Brown v. Board of Education*, that outlawed racial segregation in the nation's public schools. While this decision occurred a half-century ago, its ramifications affected the moral and political course of the nation.

Today many are unaware that the legal history of the attack on racial segregation in education actually began in higher education. The 1938 Supreme Court decision to open the University of Missouri Law School to a black plaintiff (*Missouri ex rel. Gaines v. Canada*) was the first of a series of legal challenges by the NAACP to end segregation in education. This strategy resulted in the *Brown* case desegregating public schools.

MAKING CHANGE

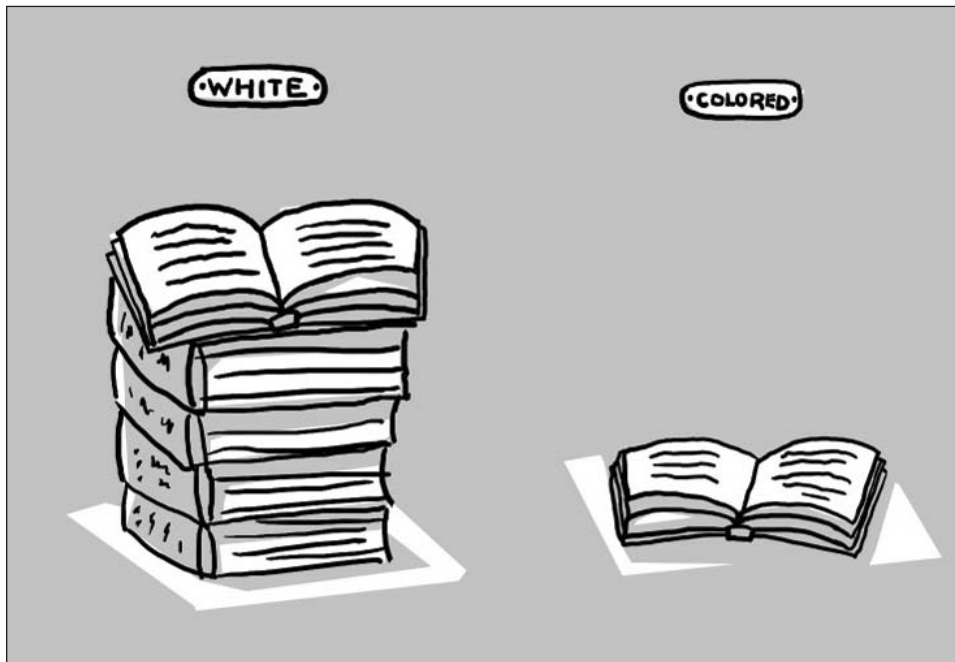
A court order for change is one thing, but enforcing it is quite another. Indeed, it wasn't until 1970 that the southern states began to attempt to fully desegregate the primary and secondary schools, largely because of further court action.

Legal challenges to segregation in state-supported southern colleges and universities also followed in the wake of the *Brown* decision. Some of the key battles of the civil rights movement occurred in higher education, including James Meredith's registration as the first black student at the University of Mississippi in 1962, and Gov. George Wallace's failed effort to keep the University of Alabama all white in 1963.

By the 1980s most southern colleges accepted black students, and affirmative-action recruiting was common in colleges throughout the nation.

INTEGRATION

Yet the dream of racially integrated schools has not been realized. In grades K-12, there are actually *more* black children in racially unbalanced schools *today* than



Fighting for equality in the 21st century

there were in 1954. Why is this? The main reason is that, despite laws prohibiting discrimination in housing, blacks live in neighborhoods that are predominately black, and attend schools that are predominately black. Re-segregation has occurred in schools that were previously integrated because of "white flight" from those neighborhoods, and the schools black students attend are often under-funded, physically inferior, and staffed by inexperienced teachers.

Recently, many states – including New York – have been challenged in the courts to equalize funding for schools in urban, suburban and rural communities. The Campaign for Fiscal Equity lawsuit in New York led the courts to rule that the State Legislature has shortchanged students in New York City, failing to provide "a sound, basic education" throughout the state.

What has happened to blacks in higher education since *Brown*? The picture is not

rosy. A study by United for a Fair Economy found that: "At the current pace...college graduation parity [between black and white students] wouldn't be reached until 2075, more than 200 years after the end of slavery."

There are many reasons for this lack of progress in increasing the number of blacks in college. Among them are the inadequate elementary and secondary education that many black students receive, and the under-funding of public four-year and two-year colleges by state governments.

CUTS BREED INEQUALITY

While the affirmative action efforts of many private colleges are important, public colleges represent the main avenue for black students who are college-bound. Hence, the recent trend of states decreasing funding for public higher education and support programs disproportionately hurts black enrollment.

The decline in public funding for CUNY has occurred as more people of color have attended CUNY institutions. The downward slope in funding began three decades ago, during the City's fiscal crisis just as the open admissions policy was being fully implemented. It is noteworthy that the 50th anniversary of *Brown* coincides with the 35th anniversary of open admissions.

CUNY cannot fulfill the promise of *Brown* or of open admissions without adequate funding. But since the fiscal crisis of the 70s, the picture has only gotten worse: since 1990, State and City support for CUNY have dropped by 40%. Policy changes on remediation have also moved us in the wrong direction.

The challenge for CUNY and for all of higher education is to resist the concept that higher education is only for those who have received a quality education in K-12 schooling and are now ready to participate in "higher learning." It is imperative that the City and State provide adequate funding for educational support programs so that more students of color can complete their education.

COMMUNITY COLLEGES

Adequate funding for the community colleges is particularly important. These colleges are often the path to a degree for students who may not have expected to go to college. Community colleges should not get second-class treatment.

Like the Civil War that ended slavery and the 19th Amendment to the Constitution granting women the right to vote, the *Brown v. Board* decision epitomized the country's basic commitment to equality and equal rights. On the anniversary of the decision, we must ask what is being done to honor that commitment.

Today a college degree is as necessary for economic progress as a high school degree was in 1954. All participants in higher education – students, faculty, administrators, development officers, academic planners and legislators – must redouble their collective efforts so that the promise of *Brown* to provide equal educational opportunity will be realized. The challenge is ours.

Roscoe C. Brown, Jr. is director of the Center for Urban Education Policy at the CUNY Graduate Center. He is also president emeritus of Bronx Community College, former director of the Institute of Afro-American Affairs at NYU, and chair of Friends of CUNY. A graduate of Springfield College, he earned his doctorate from NYU in 1951 after serving as a squadron commander in the 332nd Fighter Group ("Tuskegee Airmen") during World War II.

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ACT NOW to protect CUNY

The City and State budgets are being debated at City Hall and in Albany and cuts to CUNY's budget are once again proposed. But you can help turn that around. Go to the PSC Web site (psc-cuny.org) and click on ACT NOW. There you can send a fax to your representatives and tell them that CUNY

needs more funding, not more cuts. It's easy to do. And we've shown that it works. Already this year, the Mayor dropped his proposed \$5.4 million mid-year cut to CUNY after a wave of hundreds of faxes from PSC members. So log on now – your voice needs to be heard.