

Clarion

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



MAY/JUNE 2003



UNION VOTE
RF workers
at Grad Center
want PSC

Research Foundation employees file for a union election.

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PSC PRESENTS DEMANDS

BARGAINING BEGINS

Gary Schachtel

On May 23, the PSC and CUNY management met to begin bargaining for a new University-wide labor contract. The union presented its demands and the two sides discussed ground rules for the negotiations, with the next session set

for June 9. Complete text of the PSC's demands, as unanimously adopted at the May 1 Delegate Assembly, appears in a special four-page pullout in this issue of *Clarion*.

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HEALTH CARE

Becoming my parent's parent

One CUNY faculty member talks about caring for his mother – and the US health care system's lack of support for our aging population.

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Q & A on dental plan

An update and details on the PSC-CUNY Welfare Fund's new dental plan. What's behind the changes, and how to get the most out of the new plan.

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PSC rallies in Albany

Thousands demand an end to cuts in education, and help force an override of Pataki's budget veto. But for CUNY, the result is a mixed bag.

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BENEFITS

Adjuncts and unemployment

Should adjuncts file for unemployment benefits when they have no work during the summer? Cover yourself and check out your options.

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UAPC workers fight unfair treatment

By TOMIO GERON

PSC members at CUNY's University Applications Processing Center (UAPC) are in their fourth month of negotiations with management for a first-time contract. Meanwhile, workers say management has been cracking down on employees in retaliation for their vote to join the PSC in an election last December.

In early January, managers began to demand that workers keep detailed logs of how they spend the work day, including bathroom breaks. One UAPC worker told of being forced to count how many pages she processes each hour, a tedious procedure that she said actually slows down her work.

Other new policies since the election include a change from voluntary to mandatory overtime, putting new restrictions on use of vacation and sick time, and ending the past practice of adjusting workers' schedules so that they could attend classes.

These unilateral changes are illegal, the PSC has charged: under the

Negotiations continue

National Labor Relations Act, an employer cannot change terms and conditions of employment without negotiating with the workers' union. On April 22, the PSC filed an Unfair Labor Practice charge against the CUNY Research Foundation (RF), which manages the UAPC.

Incensed by management's retaliation, UAPC staff have also taken direct action. On January 9, about 50 employees marched into UAPC Executive Director Les Jacobs's office to deliver a letter protesting management's sudden refusal to adjust work schedules to accommodate classes and the new work logs. Jacobs refused to meet with the workers himself, but his representatives claimed that they did not know about the work log requirement. Eventually this practice was stopped, except in one department.

Management has also imposed new quotas on how much work staff

must accomplish every day. "Supervisors are pushing for unreasonable deadlines," one UAPC worker told *Clarion*. Employees have been called for individual meetings with supervisors about their productivity. Supervisors of some departments, such as programming, have required daily meetings with workers to push for higher output.

PRODUCTIVITY

"They want you to increase productivity, yet they don't increase your pay," said Robert Booras of the UAPC international department, noting the lack of cost-of-living increases for virtually all employees. "They're harassing us," he said. "That's why 85% voted yes [to the union]." On April 28, PSC members hand-delivered a letter to management protesting the new productivity quotas, signed by 65 employees.

UAPC managers have also unfairly docked workers' pay, according to the Unfair Labor Practice complaint. Before the union election, employees



Diana Murakhovskaya, Bernadine Kamwanya and Neil Roberts at a recent lunch-time discussion with PSC officers.

were docked 15 minutes of pay if they were 15 minutes late – but now the UAPC takes away one hour of pay for 15 minutes of lateness.

Workers also face new restrictions on how they can take vacation. The UAPC recently changed the maximum consecutive vacation time an employee can take to two weeks. "This is a change in terms and conditions of employment," said Booras. "In the past people could take three consecutive weeks." Many PSC members at the UAPC are immigrants and in the past have used three-week vacations to visit family in Africa, South America or Europe, trips they can afford only every two or more years.

Management has also started requiring doctor's notes for workers who call in sick for just one day. Pre-

viously, a note was required only when workers were sick for three days or more.

Booras, who is also on the PSC negotiating team, said that the unilateral changes are retribution by management for last December's vote. "Definitely, they are a punitive response to the union," he said.

The PSC's Unfair Labor Practice charge has gone to the National Labor Relations Board, which is now collecting information on the case.

Meanwhile, negotiations for a contract continue and the union bargaining team reports slow progress. "It's going well. It's taking a little longer than I expected," said Booras. "This is the first time we're talking to management on equal terms. It's the first time we can influence policies that will affect us."



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.

TRS transfer system must change

● I write to recommend changes in the way the Teachers' Retirement System, the pension system for many of us at CUNY, administers the TDA, ASF, and ITHP programs. The TRS must allow members the flexibility to change future ITHP, ASF, and TDA allocations at any time during the year. Currently a member can only change the allocation of future contributions during specified months, although the change does not go into effect immediately. Such inflexibility does not occur in retirement accounts managed by Fidelity or TIAA-CREF.

The TRS must also allow members more freedom in transferring from one fund to another past contributions and earnings. Currently such a transfer can only be made over the course of a year in one-month steps. This straitjacketing of the member's retirement money has been ridiculed in the civil service newspaper *The Chief* and is a source of discontent among TRS members. The current transfer system is absurdly archaic.

Irvin Schonfeld
City College

No unopposed slates

● It is nearly impossible to successfully run as the *only* independent candidate in an election dominated by the unopposed 25-member New Caucus slate.

Notwithstanding this disability, I chose to run for the position of University-wide Officer and earned the votes of 660 members who selected each candidate separately instead of merely placing a single "X" in the one slate box that appeared at the top of the ballot.

For these votes I am most grateful, especially since they represented approximately 18% of the effective total vote count in this election (or nearly one out of each five votes). It is ironic that I received many more "non-slate" votes than any one of my five New Caucus opponents – in some cases up to twice as many!

While this does not reward me a victory, it does point up the inherent *unfairness* of the unopposed slate vote when it is matched against a single independent candidate.

Based upon this experience, I would propose the elimination of

unopposed slates in future PSC elections whenever there are one or more independent candidates. Such a change in the election rules would encourage more independent candidates and thus lead to a more democratic election.

Louis Alpert
PSC EC member, 2000-2003
BCC

Adjunct unemployment

● As a new adjunct grievance counselor for the PSC, I have heard a lot of calls from adjuncts regarding their eligibility for unemployment insurance (UI) for the summer. Their question turns upon whether an adjunct is considered to be still employed after the Spring semester. The New York State Department of Labor conducts hearings to determine the issue.

The UI hearings between adjuncts and CUNY focus upon the "letter of reappointment" – a letter in the Spring from CUNY reassuring the adjunct of employment (e.g., a course to teach) in the Fall, subject to several conditions (e.g., sufficient

registration). In UI hearings or other tribunals, this is generally referred to as a "letter of reassurance."

Adjuncts who file for UI say this letter is an illusory promise; CUNY says the letter is given in good faith. Sometimes the adjuncts win; sometimes CUNY wins. And sometimes the decision is the result of a default by one party or the other (i.e., a decision based on one party's failure to appear), creating mistaken expectations about the outcome of future UI hearings.

What has been your experience? Write and tell me at Michael@Gregorek.com.

Michael J. Gregorek
City College

Problem of 21st century

● It is amazing how relevant W.E.B. DuBois's *The Souls of Black Folk* still is today, 100 years after its publication as a first-hand observation of African American life in the decades following the Civil War. An April 7 celebration of the book's 100th anniversary, a benefit for TransAfrica Forum hosted by Grad-

uate Center's Center for the Humanities, made clear how "the veil" described by DuBois still lingers over people of color, marking them off from the white skin privilege granted in our "democratic" society.

Actor Jeffrey Wright broke down while reading a passage from "Passing of the First-Born," DuBois' account of the death of his two-year old son, a near-celebration of the child's escape from the veil, from the path of disappointment that had awaited his life. And when Danny Glover, chair of TransAfrica's board, read a passage about endless war still determined by the color line, the audience murmured a quiet recognition. It is, indeed, still the problem of the 21st century.

Glover closed the event with an expression of concern, in the light of the current Iraq war, about possible future attacks on oil-rich countries on the African continent. One might add that the assault of malign neglect inflicted on this continent to date has been at least as deadly.

Renate Bridenthal
Brooklyn College (emerita)

Write to Clarion

Letters should be no more than 150-200 words in length and are subject to editing.

Contract negotiations begin

By TOMIO GERON

The PSC and CUNY management opened negotiations for a new labor contract on May 23. The PSC presented its demands and the two sides discussed ground rules for bargaining.

"Even in a tough fiscal climate, the PSC believes that investment in our professional lives must continue if CUNY is to thrive," said PSC President Barbara Bowen, the union's chief negotiator. "The union seeks to continue the progress we've made in restoring salaries, improving workplace conditions and rebuilding the University. Much more remains to be done, and we are ready for serious and productive negotiations."

RESEARCH AND DISCUSSION

The negotiations follow months of research by PSC negotiators and discussion among union members. The PSC's demands were approved by the Executive Council on March 6 and presented to the Delegate Assembly (DA) two weeks later.

Delegates had a month to review the proposals and made a number of suggestions that were incorporated into the document. With these changes, the demands were adopted by a unanimous vote at the DA's May 1 meeting. (The full text appears in a special pullout section in the center of this issue of *Clarion*.)

The union's demands emphasize the need for more progress toward

PSC presents demands

nationally competitive salaries and outline several ways to address CUNY's heavy teaching load. A number of proposals aim at winning equity for adjuncts, Higher Education Officers (HEOs) and College Lab Technicians (CLTs), library and counseling faculty, and those in Continuing Education and the Educational Opportunity Centers.

Other items address CUNY's pay-

ments to the Welfare Fund, promotions, care for family members, health and safety, intellectual property and more.

PSC members had a chance to discuss the contract proposals directly with the union negotiating team in a May 12 open meeting held at Baruch College. Several members stressed the importance of winning equal treatment for library



Ching-Leou Liu, a library faculty member at Hostos, speaks at the May 12 membership meeting at Baruch.

faculty in reassigned time and summer leave. "I do not yet have tenure," said Miriam Laskin of the Hostos library. "If I had a regular faculty schedule, I would have a lot more time to do my research and publishing. I think this is *crucial* for librarians," she said to strong applause.

Lorraine Cohen, co-chair of the PSC Women's Committee, suggested that such inequities in time and leave may stem in part from gender discrimination. "How many of the library and counseling faculty are women?" Cohen asked. "Does that have anything to do with the fact that these groups have been under attack ever since I came to CUNY?" She invited library and counseling faculty to join the Women's Committee in trying to answer these questions. (To contact the Women's Committee, e-mail Norah Chase at nchase@kbcc.cuny.edu, or call 212-354-1252.)

DISTANCE LEARNING

At the May 1 DA, Greg Dunkel, a HEO at the CUNY Computer Center, linked the demand for protection against excessive workload for HEOs with CUNY's introduction of new educational technology. "This is going to be a key issue, because there will be a major expansion of distance learning in this University," Dunkel said. "This will have a

big effect on HEOs, and I'm speaking as one who works 40 to 50 hours a week."

Agreement on a new contract is not likely to come quickly, given the unsettled condition of both City and State finances. CUNY management's negotiating team is directly accountable to Chancellor Matthew Goldstein and the CUNY Board of Trustees, but any settlement will also need the backing of New York City and State, which provide most of CUNY's funding.

Most other municipal unions have not yet begun to bargain seriously for new contracts. Mayor Bloomberg's demand for \$600 million in concessions and his call for "productivity" to fund wage increases have acted as roadblocks in municipal labor negotiations.

At the May 12 meeting, PSC First Vice President Steve London asked members to get involved in pushing for the best possible contract. "What we're putting on this page is what we believe we deserve and what our members have told us is important," said London. "I can't promise that we will win on every point. But I can promise that we will fight very hard – and if we fight with 20,000 members, then we will walk away with a lot of our demands in the new contract."

The union seeks to restore salaries, improve workplace conditions and rebuild the University.

Grad Center workers want union

By KRISTIN LAWLER

On May 16, CUNY Research Foundation employees who work at the University's Graduate Center filed a request for a union election with the National Labor Relations Board.

A majority of Research Foundation (RF) workers at the Graduate Center have declared their support for the PSC, and organizers expect the upcoming election to be the next victory for RF employees across CUNY who want union representation.

More than 200 people work on Research Foundation lines at the Graduate Center. Most of them do research and administrative support for grant-funded projects of every academic stripe. A significant number work at the Graduate Center on jobs not directly funded by grants. Many are CUNY graduate students.

Tuition reimbursement, job security, and greater leverage in dealing with the Research Foundation top

Majority of RF employees back PSC

the list of demands animating the organizing drive. "We are organizing because a collective voice will make the RF accountable to its workers," says Ron Nerio, a Ph.D. candidate in sociology and a grant-funded employee. "I hope tuition remission is something that we can achieve."

TEMPORARY?

Because grants are limited in duration, all grant-funded employees are considered "temporary" – even those whose grants are renewed regularly or those who work for years in Graduate Center administrative offices. Building protections for this kind of so-called temporary employment is a priority for Grad Center workers – protections such as severance packages, a seniority system that could help those on defunded grants find new jobs, and

cushions to protect benefits between projects.

Many of the RF employees point out that other workers on campus enjoy the rights and protections that come with a union; they say the PSC has always been a positive force at the Graduate Center. "We're excited to be joining the same union that many of our colleagues belong to," says Thurston Domina, a researcher and graduate student in sociology who belongs to the organizing committee. "By joining together, we hope to improve not only the quality of our jobs but also the quality of our research, by improving communication with the RF and negotiating away organizational hurdles."

Frances Fox Piven, distinguished professor of political science at the

Grad Center, put it this way: "All CUNY workers, whether they are graduate students, researchers, or administrators, need and deserve a union to protect their rights in the workplace."

Nearly 7,000 workers at CUNY are paid on Research Foundation lines.

In the next few weeks, workers and management will discuss what jobs would be included in the bargaining unit – and thus who gets to vote. Organizers hope this phase will move quickly and that an election will be scheduled in the near future. "The sooner the better," says Hillary Webb, a researcher and union activist. "Research Foundation workers here are ready to be members of the PSC."

Apparently they're not alone. "The PSC has been receiving calls from all over CUNY," says Mary

Ann Carlese, the union's Associate Executive Director. "There are nearly 7,000 CUNY employees paid on Research Foundation lines. They're expressing a lot of interest in having PSC representation and a strong, fair contract."

SHADOW WORK

They deserve it, says PSC President Barbara Bowen. "The RF is part of CUNY's vast 'shadow university,'" Bowen says. "Thousands of unorganized workers do teaching, research, and program development – often exactly the same work as unionized PSC members – but without the protection of a union contract. It's time for this gross inequity to end."

The PSC has represented workers at the RF's central office since 1973. And in a December 2002 election, 85% of RF employees at CUNY's University Applications Processing Center voted to unionize with the PSC.

State budget mixed for CUNY

By TOMIO GERON

While CUNY won some reprieves from the State budget axe in May, the University is still being hit with a drop in State support and a steep tuition increase.

The budget passed by the State Legislature reverses Governor Pataki's proposal to cut community college base aid by \$345 per full-time equivalent student. Because of increased enrollment, this means

Senior colleges cut 12.5%

State support for CUNY's community colleges will rise 3.5% to \$135.9 million, a \$4.6 million increase over the last fiscal year. The final budget also overturns the deep cuts Pataki proposed for the Tuition Assistance Program (TAP), which helps public and private university students statewide.

CUNY's senior colleges, however,

have been cut by \$83.1 million (12.5%) compared to last fiscal year. To close the gap, the Legislature's plan proposes – in effect requires – raising “tuition and other revenue” by \$121.5 million. This means imposing a tuition hike at CUNY senior colleges of up to \$950 per year for in-state residents and nearly \$5,000 for those from out of state.

“We are pleased with the restorations to the community college budget and opportunity programs and TAP,” said PSC Secretary and Legislative Director Cecelia McCall. “However, we are extremely unhappy that there is no restoration to the senior college budget. We do not feel a tuition increase at CUNY is a restoration.”

TUITION HIKE

Even before this increase, New York's public colleges were the 14th most expensive in the country. Over the past nine years, Pataki has proposed \$2.4 billion in cuts to colleges and universities, and CUNY has seen its State support decline by over 40% since 1990. Earlier this

year, a study by researchers at Illinois State University found that New York spends less on public higher education than 46 other states, in proportion to per capita income.

CUNY Chancellor Matthew Goldstein has opposed a \$950 tuition increase as too costly, and has said he will aim for a lower figure. CUNY officials have not commented on whether they will raise tuition at community colleges. A tuition increase for CUNY graduate programs is also possible.

The State budget for CUNY is part of an Assembly-Senate budget passed over Pataki's vocal objections. Unable to reach agreement with the governor on how to cover an \$11.5 billion budget gap, the Legislature crafted a budget of its own. While the governor was willing to increase sales taxes, raise CUNY and SUNY tuition and introduce new forms of gambling, he dug in his heels against any tax increase on upper-income New Yorkers.

Pataki's May 14 veto thus led to the extraordinary sight of Senate

Majority Leader Joe Bruno, a Republican and close Pataki ally, joining with Assembly Speaker Sheldon Silver in an override vote. It was Albany's first override of a budget veto since 1982.

SALES AND INCOME TAX

The Legislature's budget measures include a 0.25% rise in the State sales tax and an income tax surcharge on individuals earning over \$100,000 a year. A total of \$1.9 billion was restored to Medicaid and education funding.

Unions have been active in the campaign to restore funding to State services – rallying in Albany (see facing page), lobbying, and ripping Pataki in television ads. The efforts seem to have made an impact, helping stave off many of the proposed cuts.

Pataki's approval ratings dropped to 37% – almost his lowest ever – as the budget crisis came to a head, according to a Marist College poll in May. Voters said they were against Pataki's handling of budget issues, with 56% opposing his veto and only 26% backing the move.

The adopted budget means a \$950 senior college tuition hike is possible.



PSC members attended a May 3 Albany rally in support of public education funding.

City budget still short

Mayor rebuffs union plan to avoid layoffs

The City budget was still up in the air at the end of May, leaving residents wondering about everything from their children's schools to the local firehouse to the pungent odor of garbage in the summertime.

Mayor Michael Bloomberg has already laid off over 2,000 city workers, including drug addiction counselors, foster care caseworkers, sanitation workers and homeless shelter staff.

Earlier in the month the State Legislature passed a series of measures that will plug \$2.7 billion of the \$3.8 billion hole in the City budget. The package includes a rise in the City's sales tax, a City income tax surcharge for individuals earning over \$100,000, and a State takeover of \$500 million a year in City debt service from the 1970s. The day after he vetoed the State budget, Governor Pataki vetoed the City aid package as “another multi-million-dollar tax grab,” but on May 19 both houses of the Legislature voted for an override.

Bloomberg set aside plans for a “doomsday budget” with layoffs of

10,500 municipal workers, which he said would have been necessary if the State aid had not come through. But Bloomberg moved ahead with over 4,000 layoffs that he insisted were necessary to fill the City's remaining budget gap. Over 2,000 city workers found themselves jobless

on May 17, with the rest slated to be axed in coming weeks.

Bloomberg rejected an appeal from the Municipal Labor Committee (MLC) to “stop the clock” on the layoffs while negotiating over the MLC's cost-saving proposals. The City and the MLC (which includes the PSC) sat down to discuss the union plan on May 15 – but the next day City representatives walked away from the table, and the layoffs went ahead.

MAYOR'S DEMANDS

For months the mayor has demanded \$600 million in immediate money-saving concessions from City unions, including longer work hours, increased health care payments, cuts in vacation days and re-

duced pension benefits for new employees. The MLC countered with its own proposals to save money through early retirement incentives, a stretchout of City pension plan contributions, \$100 million in health

care savings and a \$200 million loan that the *Daily News* said would be “virtually interest-free.”

The City rebuffed the MLC proposals out of hand, claiming that they were worth a mere \$20 million in real savings instead of the \$600 million asserted by the MLC.

But when the MLC proposed that the real value of its plan be assessed by a three-member panel – State Comptroller Alan Hevesi, City Comptroller William Thompson and a third person named by the mayor – City representatives said they weren't interested.



As many as 30,000 people attended an April 29 rally against city budget cuts sponsored by DC 37, the union that is most heavily affected by city layoffs.

Those targeted for the next wave of layoffs include almost 1,000 teacher's aides in the public schools. Two-thirds of teacher's aides are African American or Latino, and the United Federation of Teachers has filed a lawsuit charging that the cut-back plan has a disproportionate impact along racial lines.

CUNY FUNDS

While the drama of the layoffs held center stage, the City Council Higher Education Committee held hearings on Bloomberg's proposed budget for CUNY for the 2003-2004 fiscal year. The mayor has proposed maintaining direct City support for CUNY at its current level of \$124 million, essentially doing the minimum required by the State's “maintenance of effort” law for funding CUNY's community colleges.

However, Bloomberg has once again proposed elimination of the Peter F. Vallone Scholarship Program, which provides \$5.5 million in tuition aid for NYC high school graduates who maintain at least a B average at CUNY. Last year money for the scholarships was restored by the City Council, in large part due to lobbying by PSC members.

The mayor also wants to slash \$124,000 from the Hunter Campus Elementary and High Schools and another \$2.7 million from CUNY's adult literacy efforts and various University administrative costs.

The Council will vote on the budget sometime in June. —TG

May 3 rally in Albany

By CLARION STAFF

On May 3, thousands of people came to Albany to demand support for public education, from pre-K through post-grad. Opposing the deep cuts proposed in Governor Pataki's budget, they filled the plaza in front of the State Capitol.

"Look around you," PSC President Barbara Bowen told protesters. "This is what power looks like! Let's make this the beginning of a people's movement to reverse the history of inadequate and unequal funding of education in this state."

The protest was organized by a broad coalition of teacher unions, local school boards, PTAs, college student clubs and community groups like ACORN and the Campaign for Fiscal Equity. New York State United Teachers (NYSUT), the PSC's state affiliate, played a central role.

UPSTATE & DOWN

"We were all there for the same reason," said Terry Parker, a CLT in the library at LaGuardia Community College. "People from upstate and from downstate, and that was good. It felt like being part of history – you felt lucky to be there." For several students on the LaGuardia bus, it was their first demonstration; they told Parker it made them want to come to more.

Scott Dexter is an assistant professor in computer science at Brooklyn College. When asked why he'd come to Albany, he said, "I'm teaching intro courses this year, and I'd like to see those students come

back. One of my students is on this bus and he's totally TAP. With a tuition increase, it's going to be hard for him to stay in school."

Also on the Brooklyn College bus was Yvonne Armstrong of the NAACP's NY branch. "The Central Labor Council told us about the rally," she said, "and we came for the children in the public schools. In NYC now, the system is in disarray."

Hundreds of buses converged on Albany, including 16 from the PSC. With the demonstration coming at the end of the semester, chapters of

ten found that mobilizing was a challenge. The most successful was probably City Tech, which sent a contingent of 90 people.

ACTIVISTS GET THE CREDIT

"I was stunned when I saw the numbers," said PSC Chapter Chair Bob Cermele. "I wish I could take personal credit, but I can't. We had some very active activists in the continuing ed division who really turned people out."

NYSUT put the entire crowd at 40,000, and it was one of the largest

that many politicians present had ever addressed. The timing was ideal, coming just after the State Legislature had voted for a budget restoring many of Pataki's cuts, but before the governor's veto (see p. 4).

Terry Parker said that the timing and the turnout had a real impact. "When I left Albany, I was wondering if the legislators would follow through on their credo of a veto, because politicians never follow through on their promises," he said. "But they did. I think we got them to do what was right."



The PSC contingent carried signs that read, "Invest in CUNY, Invest in New York."

Battle over rent rules

By MICHAEL MCKEE
Tenants & Neighbors
and PETER HOGNESS

CUNY faculty and staff are caught in the scissors between sub-standard salaries and New York City's sky-high housing prices. The cost of housing in NYC is a key obstacle to recruiting new faculty, and many PSC members are only able to live in the city thanks to rent regulation.

Tenant groups estimate that over 4,500 PSC members live in buildings with rent stabilization or rent control, and State rent laws are due to expire at midnight on June 15.

But a simple renewal of the laws in their current state would mean the continuing phaseout of rent regulation and its eventual demise. Every year more units are removed from rent regulation through various loopholes. If the laws are not strengthened, there will be fewer

Stronger rent laws or none at all?

and fewer regulated tenants – and eventually tenants will not have the political power to renew rent and eviction protections.

SPIRITED RALLY

On May 13 in Albany, tenants from across the state rallied to demand tougher legislation. "We had a spirited rally," said Arlene Geiger, an adjunct at John Jay, who was one of thousands wearing yellow caps that said *Stronger Rent Laws Now!* "It's vital we pass stronger rent laws," said Geiger, "because we're hemorrhaging hundreds of apartments by the year."

The number one goal of tenants, unions and community activists is the repeal of "vacancy decontrol." This has become a way for landlords to take their apartments out

of rent regulation forever, often by subjecting tenants to illegal pressure to move. These units then become unaffordable to most renters.

The pro-tenant coalition also wants the rent laws changed to cover Mitchell-Lama rental buildings first occupied after 1973 and project-based Section 8 buildings, if the landlord opts out of either program. Without these changes, tenants in these buildings can face immediate displacement.

Another loophole, high-income decontrol, kicks in if a regulated rent goes over \$2,000 and tenants earn above a certain threshold. It has resulted in the decontrol of very few apartments, but creates enor-

mous fear among tenants. It does nothing to increase the supply of affordable housing, but rather results in rents that only rich people can afford. Short of repeal, tenant groups want this provision modified and adjusted for inflation, with elderly and disabled tenants exempted.

Today rent increases for building-wide Major Capital Improvements are permanent and compounded with base rent. This can mean staggering run-ups of rents in just a few years, helping landlords jack up the rent to the \$2,000 decontrol threshold. Bills now in the Legislature would change these into temporary rent surcharges.

Tom Waters of Tenants & Neighbors urged PSC members to call their legislators before June 15. "Tell them a simple renewal of current laws is unacceptable," he said. "Even pro-tenant legislators need to hear this." For an update, check with Tenants & Neighbors at tenantsandneighbors.org or (212) 608-4320, or Met Council on Housing at www.metcouncil.net or (212) 979-0611.

Simple renewal would mean a phaseout of rent regulations.

CUNY IN BRIEF

Labor board upholds PSC's right to represent

The PSC recently settled two Public Employment Relations Board charges against the Manhattan Educational Opportunity Center (MEOC) and Hostos Community College. In both cases, the PSC stated that management had illegally attempted to intimidate PSC members while they were representing other workers. When the Director of the MEOC spoke to PSC Chapter Chair Gene Plunkett about a grievance the PSC had filed, she threatened to close evening classes at the MEOC, which would result in 10 employees losing their jobs. She also directed personal insults at Plunkett. In the other case, Ralph Ranald, a grievance counselor, was representing Hostos faculty in a grievance hearing when Franklin Perez, representing the Hostos administration, personally insulted Ranald and Chapter Chair Norma Peña de Llorenz and threatened to terminate Ranald's sick leave. In signing the agreements, CUNY recognizes the PSC's right under the Taylor Law to vigorously represent its members in grievances and to engage in protected activity.

Award nixed

Dean Kristin Booth Glen of the CUNY School of Law rejected students' selection of Lynne Stewart to receive the school's Public Interest Lawyer of the Year Award at graduation. In an e-mail to students, Glen argued that the school's funding could be threatened by the choice of Stewart, who has been indicted on federal charges of aiding terrorism while representing Sheikh Omar Abdel Rahman, now serving a life sentence for plotting to bomb the United Nations. Many civil liberties lawyers have criticized Stewart's indictment as an attack on the ability of attorneys to represent unpopular clients. The *NY Law Journal* reported that in a later meeting with students, Glen said conversations with CUNY Trustees had led her to be concerned that the law school might even be shut down. After a petition from 73 students did not change Glen's mind, graduates honored Stewart in a private ceremony.

Mayor vs. welfare bill

Mayor Bloomberg filed a lawsuit challenging the legality of a City Council welfare-education bill passed last month. The bill, Intro 93-A, would allow people receiving public assistance easier access to training and education, including courses at CUNY. The lawsuit, filed in State Supreme Court on May 8, argues that the bill usurps control from the Human Resources commission and conflicts with state and federal laws.

Library funding gap

By **BONNIE R. NELSON**
John Jay
and **PETER HOGNESS**

CUNY libraries are funded at less than half of the national average and less than a third of the average for New York State, according to data from the National Center for Educational Statistics. Libraries at CUNY also get significantly less money than those at SUNY, on average receiving about two-thirds as much per student.

For all CUNY campuses, including the Graduate Center, mean library expenditure per full time equivalent student (FTE) was \$261 for Fiscal Year 2000. The average figure for all SUNY campuses was \$403, while the national average for all academic institutions was \$528. The average for all colleges and universities in New York State was much higher – \$876 per FTE.¹

What this means for CUNY library users is unavailable books and journals, insufficient staff and a lack of development of electronic resources. “I haven’t been able to buy any sociology books for two years,” said Richard Uttich, chief of public services at the City College library. “We did not have enough money to buy both the books and journals

CUNY facilities get much less

that we need. We chose to keep our journals, because the articles are more current.” Last year, he said, the CCNY library spent about \$750,000 on print and electronic journals and about \$50,000 on books. None of the book money came from tax-levy funds.

Faced with such financial pressures, there are no good decisions. “Sometimes CUNY libraries have stopped subscribing to periodicals,” said Susan O’Malley, chair of the University Faculty Senate. “So if you go to the Hunter library, for example, there’ll be a whole set of

years for which something is not available because they couldn’t keep up the subscription.”

“Information is a necessity, not a luxury,”

commented Susan Vaughn, the University’s director of electronic collection development. For CUNY to be a “major player” in academic research, she said, it must have well-funded libraries. Without them, CUNY’s faculty and students simply cannot do their work.

Average library spending for CUNY’s senior colleges and the Graduate Center was \$297 per FTE, less than half of the \$674 average at

SUNY’s 4-year liberal arts colleges (such as SUNY-Old Westbury) and doctoral institutions (such as SUNY-Buffalo). In other words, libraries at these CUNY schools got 44% as much money per student as their upstate and suburban counterparts.

The Graduate Center library had the highest FTE expenditure within CUNY, at \$485. But this is still less than half of the \$1,052 average for doctoral institutions at SUNY, and only 53% of the national average for doctorate-granting institutions.²

DISCREPANCY

The discrepancy between CUNY’s community colleges and those outside NYC is not as severe, but is still pronounced – library spending per FTE was \$160 at CUNY’s two-year schools, about 70% of the amount for SUNY community colleges in the US as a whole (\$227). But CUNY’s community college faculty do far more research than those at two-year schools nationally and many more of them hold Ph.D.s; thus, this understates the shortfall for CUNY’s community colleges.

There are differences among CUNY schools as well. Senior colleges range from City Tech (\$147) and

John Jay (\$179) at the bottom to CCNY (\$455) and Lehman (\$407) at the top. Community colleges at CUNY range from BMCC’s average of \$114 to LaGuardia’s \$216. All, however, are still far below comparable averages for SUNY or for the US as a whole.

“What’s happened is that when college presidents don’t have enough money, they often take it out of the libraries and give them less than the year before,” said UFS Chair O’Malley. “One of the things we’d like to do is get library funding in the capital budget.”

PSC Secretary Cecelia McCall told *Clarion*, “The data show that both CUNY and SUNY are underfunded in this area. This is one more example of a crucial need that is being shortchanged by budget cuts in

public higher education.” McCall noted that, “Local decisions on library funding are clearly being influenced by the size of the pie.”

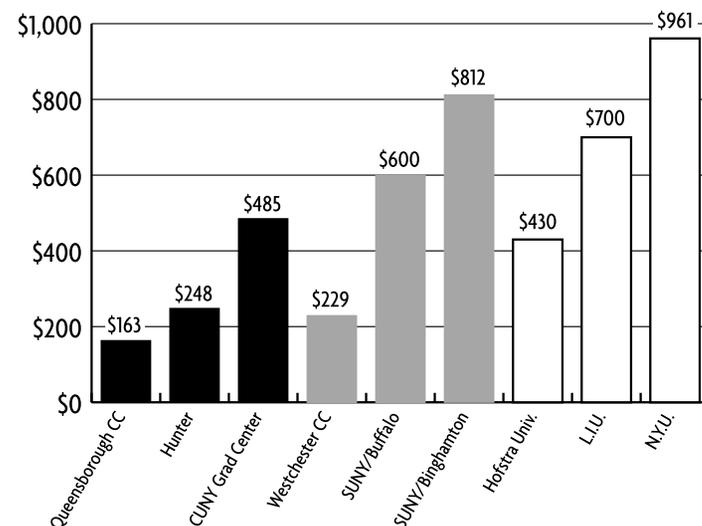
¹ Expenditure per FTE includes spending on books, serials and electronic resources, staff and equipment. CUNY averages do not include Brooklyn College, Hostos or BCC, for which data were unavailable. All figures based on data for FY2000, the most recent available from NCES, through the Academic Library Peer Analysis Tool, available on the Web at nces.ed.gov/surveys/libraries/.

² NCES survey data reported by libraries do not usually include library resources purchased by separately funded state or local consortia. Thus the \$793,118 of electronic resources purchased centrally for all CUNY libraries in 2002/2003 is not included. If it were, it would add \$5.24 to the mean FTE expenditure for CUNY as a whole.

³ If SUNY’s two Health Science Centers are excluded, the SUNY doctoral average is \$753, still far above the average for the CUNY Grad Center (GC).

For CUNY, the combined average for senior colleges and the GC is probably a better measure of resources available to graduate programs. Many of CUNY’s 31 doctoral programs are based on senior college campuses and rely on their library resources.

Library expenditures per FTE student



Source: National Center for Educational Statistics, data for FY2000.

“Mr. CLT” and the formation of the PSC

By **HILARY RUSS**

In the late 1960s, Harold Wilson grabbed CUNY Legislative Conference Chair Belle Zeller and practically pinned her up against a wall. “Look what we’re making!” he demanded, brandishing a list of the low salaries that he and fellow College Laboratory Technicians earned and comparing it to what professors were bringing in. “We can’t live on this money!”

That’s how retired CLT Ezra Seltzer recalls it, and the incident sticks in his mind both because Wilson and Zeller were friendly and because Wilson almost never raised his voice.

HARD-NOSED GENTLEMAN

Zeller was not one to shrink from an argument – but she had to concede that Wilson had a point. The Legislative Conference, one of two groups that later merged to form the PSC, made the issue a priority, and Seltzer says the beleaguered technicians won a hefty pay increase. It was this kind of well-timed tenacity that helped an otherwise gentlemanly, private man play a pivotal role in the history of the PSC.

Harold Wilson remembered

Wilson was 90 years old when he died April 9 from heart failure in Bergenfield, NJ, where he had lived for some 30 years. “I think his system was just plain worn out,”

OUR HISTORY

lamented his 58-year-old son Paul, a retired CLT from Baruch who now works part-time in the biology department at City Tech. Besides being a devoted father, says Paul, Harold Wilson was “a confidant and a role model and a good friend.”

Born in the shipbuilding town of Barrow-in-Furness, England, Wilson witnessed German dirigibles float overhead on spying and bombing missions in WWI. During a prolonged economic depression in the early 1920’s, his parents moved the family to the United States. His father was a union man who worked on the Independent (IND) subway line in New York. Harold eventually became a chemistry lab technician at the campus that later became Baruch, setting up and breaking

down laboratories and preparing lecture hall demonstrations.

Wilson’s contributions to the union were singular. In the 1950s, the Legislative Conference (LC) pressed for higher salaries and pensions on behalf of full-time faculty at the four “city colleges” – Brooklyn, City, Hunter and Queens. Not everyone believed that non-classroom professionals such as technicians should be included at the bargaining table, but to Wilson this was essential. In the mid-1950s, “Harold was the basic force behind the founding of the first CLT chapter,” recalls Irwin Yellowitz, chair of the PSC Retirees Chapter and president of the NY Labor History Association. Wilson headed the LC’s section for CLTs, originally called College Science Associates, until 1972.

A SINGLE UNION

That year the LC merged with an AFT local, the United Federation of College Teachers, to form the PSC. Even then, the University and many employees opposed bringing CLTs and other non-teaching instruction-

al staff into the same union as faculty. Management called CLTs “bottle-washers,” according to former PSC President Irwin Polishook.

Once again, says Yellowitz, “Harold Wilson was the one who argued that they should be together to form a much stronger union.” Wilson became the PSC’s vice president for cross-campus units, where he represented all non-faculty professional staff. “He did a lot for everybody,” notes Seltzer, “but he loved us best.” Wilson was “Mister CLT,” says Bob Wurman, a recently retired CLT from Queens.



Harold Wilson (right) with Ezra Seltzer

Wilson “had a silver tongue, and never shied away from a confrontation,” recalls retired CLT Ray Keywork. “He instilled in a lot of people a deep loyalty.”

Colleagues remember Wilson as a steadfast and diplomatic negotiator. At the bargaining table, “he would hold onto certain principles, but he was flexible in terms of strategy and tactics,” says Yellowitz. He also helped form the PSC’s first health and safety committee. “We got calls from all over the country [asking] how they could organize safety and health,” remembers CLT Chapter Secretary Randy Smith.

In fact, Wilson’s efforts stretched beyond CUNY. In the 1970s, he was sent to California with Zeller to organize the Cal State system for the AFT. The National Education Association had a strong foothold and proved hard to beat; in the end the AFT lost the election. But Wilson and Zeller “were magnificent out there,” Seltzer says. “It was a long shot, and they made the election close. Nobody thought they had a chance.”

Wilson remained active at the PSC until he retired in the mid-1980s. “He loved the work,” recalls Seltzer. “Not only was Harold a great speaker, he wrote – memos, reports, letters – to so many people, and he did it almost alone.” Wilson played a crucial and sometimes unacknowledged role, Seltzer says: “Without him, we would have been lost.”

Contract Special

THE PROFESSIONAL STAFF CONGRESS / CITY UNIVERSITY OF NEW YORK

MAY/JUNE 2003

A new bargaining agenda: 2003

With these demands for collective bargaining, the PSC inaugurates its new campaign to restore the University – and our own lives as CUNY faculty and staff – through the contract. The last round of collective bargaining saw a conceptual breakthrough: the idea that the contract could be an instrument for rebuilding the University. Now the union seeks to further that breakthrough and usher in other long-term improvements, while also addressing growing areas of crisis in our professional lives.

You'll see familiar subjects in the seventy demands that follow – salary increases, competitive workloads, equity for part-timers, improved grievance procedures – and the union's commitment to them remains intense. Fair salaries are the keystone of the contract, and the current demands seek to continue the restoration of CUNY salaries begun in the last agreement. CUNY has historically attracted some of the best scholars in the country, drawn by its vibrancy, mission and location. If this history is to continue, our contracts must continue to undo the salary erosion of past decades.

But there are also new emphases in the proposals below. For the last six months, the negotiating team has been listening to members as you have spoken in various forums about your most urgent needs. Several new concerns emerged from the membership survey, including a focus on job security, an urgency about preserving professional autonomy, a strong vote for added benefits funding. All of those areas are reflected here. Members also spoke about the need to consolidate the gains of the last contract and extend them to groups for whom they were not achieved last time. You'll see evidence of that approach in several of the demands below.

SALARIES AND MORE

Two themes dominated your responses to the question of the next contract: first, support for the approach the union took last time – combining across-the-board salary increases with equity adjustments and structural change; second, a growing sense of alarm about the absence of professional conditions

at CUNY that are routine at comparable universities. The negotiating team heard your concerns, and, as a result, this new set of demands gives special attention to issues

Consider these demands a personal invitation to join the effort to win the conditions we need.

such as the right to paid leave to care for a new child or other family member, the health and safety of our workplaces, the dangerous decline in students' access to counselors, the provision of tuition waivers for employees and their families. The demands also develop a blueprint for achieving a competitive workload – including reduced class size and real sabbaticals – and propose a fair approach to faculty and staff rights to their own intellectual property.

As you read through the demands, you'll see that they are organized by contractual area rather than by constituency; the demands for any one group, such as HEOs or full-time faculty, appear in several sections. You may also feel that some of the demands are only the beginning of a longer discussion of an issue; keep in mind that behind each of these demands are hours of

research and elaboration by the negotiating team, on which we will draw at the bargaining table.

This list is shorter and more focused than the one we took to the previous round of negotiations, but still transformative for the University. In approving this set of demands, the union's Delegate Assembly made a commitment to a serious agenda for bargaining, one that balances the urgent concerns of many parts of our membership. We approach this set of negotiations as a *union*, in which our ability to represent the entire membership creates our greatest source of strength.

WITHIN REACH

No one would deny that the current (politically created) fiscal climate makes this a difficult time to open negotiations. But a solution to the budget constraints is within reach, if City Hall and Albany have the political will to restore revenue lost through billions of dollars of tax cuts over the last few years. The PSC joins unions around the state in insisting that public employees not take the brunt of fiscal shortfalls we did not create. Investing in the PSC contract is investing in the

future of the city and the state. Every dollar invested in CUNY generates significantly increased income for New Yorkers – to say nothing of the immeasurable increase through education in the quality of people's lives.

The PSC is seeking a contract that will consolidate and extend the rebuilding of CUNY begun with the last agreement. Put another way, we are trying to create the conditions in which it is possible to do the work we love. Consider these demands a personal invitation to become part of the effort to win the conditions we need. To press a serious agenda for change in the toughest fiscal climate in a generation, we will need to develop a new concept of member participation. It won't be enough to offer support from the sidelines, or certainly to sit back and wait for "the union" to bring home a raise. What's called for is a real change of the culture of the University so that we realize and exert our considerable power. Imagine a campus where no one considered themselves exempt from union work – then you'll have a sense of the transformation we need.

– Barbara Bowen
for the negotiating team

PROFESSIONAL STAFF CONGRESS/CUNY 2003 DEMANDS FOR SUCCESSOR AGREEMENT

RECOGNITION AND NON-DISCRIMINATION

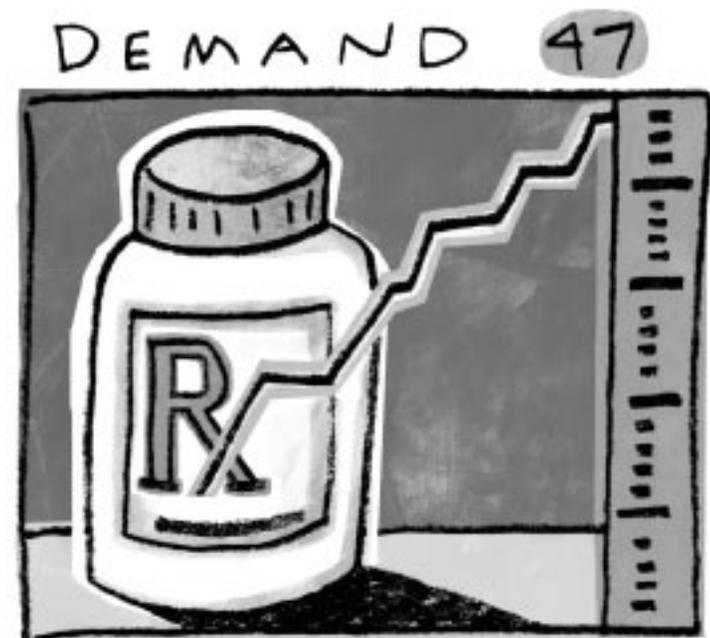
1. All employees who perform functions that are the same as or similar to those in the bargaining unit shall be included in the bargaining unit, regardless of the funding source for their positions.
2. All computer titles within an academic or instructional area of the University shall be presumed to be included in the PSC bargaining unit. All computer titles within an administrative area shall be presumed to be included in the bargaining unit if the majority of the job responsibilities are instructional in nature or support the instructional activities of the University.
3. CUNY Health and Safety Officers and all other CUNY employees who perform health and safety functions

shall be included in the PSC bargaining unit.

4. The exemption of Continuing Education titles from certain articles of the Agreement, including but not limited to Articles 20 and 21, shall be discontinued.
5. Amend Article 8.1 ("Non-Discrimination") to include "armed service veteran status, including service in the Vietnam War and the Gulf War."
6. A labor/management committee shall be formed to develop a proposal to increase the racial, gender and ethnic diversity at all levels of the faculty and staff, and to provide a comparison of salaries of bargaining unit members by race, gender and ethnicity. The committee will be provided with modest funding to support necessary research by CUNY scholars in this area. The committee

will be charged with presenting a plan and a timeline for achieving faculty/staff diversity comparable to CUNY's student diversity.

7. The titles in the CLT series shall be renamed to reflect the changed scope of these employees' work: Technical Associate, Senior Technical Associate, Chief Technical Associate.
8. Under the definition of Continuing Education programs, Article 1 in the Continuing Education Agreement, the word "typically" shall be deleted, and replaced by the following: "Employees in the Continuing Education Teacher title who teach non-credit-bearing remedial or ESL instructional programs shall be placed at the appropriate salary step in the Lecturer or Assistant Professor title."



All illustrations Contract Special: Jud Guitteau

PSC-CUNY RELATIONS

9. Article 2 of the Agreement shall be amended to provide for management's duty to negotiate with the PSC and for enforcement of this duty under Article 20.

10. The amount of reassigned time allocated to the Professional Staff Congress for enforcement of the contract shall be increased to 250 hours per semester.

SALARY

11. Salaries must be comprehensively lifted – for all titles and all ranks – so the University regains its salary competitiveness with other major universities regionally and nationwide. Historic inequities of salary must also be addressed. All members of the bargaining unit, including bargaining unit members employed at the Educational Opportunity Centers and in Continuing Education series titles, shall receive a substantial *per annum* across-the-board salary increase.

12. Part-time instructional staff shall be paid on the basis of parity with comparable full-time instructional staff.

13. Amend Article 24: The five-year step and the seven-year step shall be converted to one-year steps and one new step shall be added to the top of each full-time salary schedule.

14. Lecturers and EOC Lecturers shall be placed on the Assistant Professor salary scale at the appropriate step, and subsequent to

the enactment of this provision the Lecturer Doctoral and EOC Lecturer Doctoral schedule shall be eliminated.

15. Higher Education Officers shall not be expected or required to work in excess of 35 hours per week. Overtime for Higher Education Officers shall be compensated at the rate of time-and-a-half for any work in excess of 35 hours a week.

16. All non-classroom instructional staff members shall receive differential pay for all work performed on weekends and evenings.

17. Annual salary and salary steps equal to that of Lecturers shall be established for continuing education teachers teaching in programs such as CLIP.

18. The Settlement Agreement of June 25, 2002 on salaries in excess of base salary shall be amended to provide for election by faculty and Higher Education Officers respectively of the pool of faculty and Higher Education Officers at each campus from which the *ad hoc* committees are appointed; it shall also be amended to provide for open reporting of the recommendations of the ad hoc committees.

19. The period between salary steps for part-time faculty shall be reduced from three years to one year, and the value of each step shall be substantially increased. Service University-wide shall be included when computing movement in scale.

20. It shall be the responsibility of the University to inform part-time faculty [, within one week of the beginning of the semester,] of the rank and salary at which they are being paid at each campus on which they are employed. In the event a salary adjustment is called for, such salary adjustment shall be retroactive to the date of employment.

21. Salary parity for all Educational Opportunity Centers with comparable CUNY titles shall be maintained.

JOB SECURITY

22. There shall be no layoffs during the course of this agreement.

23. There shall be no use of Substitutes beyond the contractually stated uses.

24. Higher Education Officers and College Laboratory Technicians shall be eligible for promotion according to the following procedures:

a) The Higher Education Office series shall be established as a promotional series, such that employees demonstrate through preparation of a portfolio or meeting performance criteria their eligibility for a higher title. After five years of service in the Assistant to HEO title, employees shall be matured automatically to the title Higher Education Assistant.

b) The College Laboratory Technician series shall be re-es-



tablished as a promotional series using standard instructional staff promotional procedures. The Bylaw provision stating that the CLT title is a non-teaching title shall be observed. The criteria for promotion for Chief CLT shall be amended in order to make possible promotion to Chief CLT at the community colleges. Article 22.2 shall be amended to expand promotional opportunities for CLTs.

26. A seniority/hiring preference system for part-time instructional staff, in both classroom and non-classroom titles, shall be introduced. A seniority/hiring preference system for Continuing Education Teachers who are eligible for benefits shall be introduced.

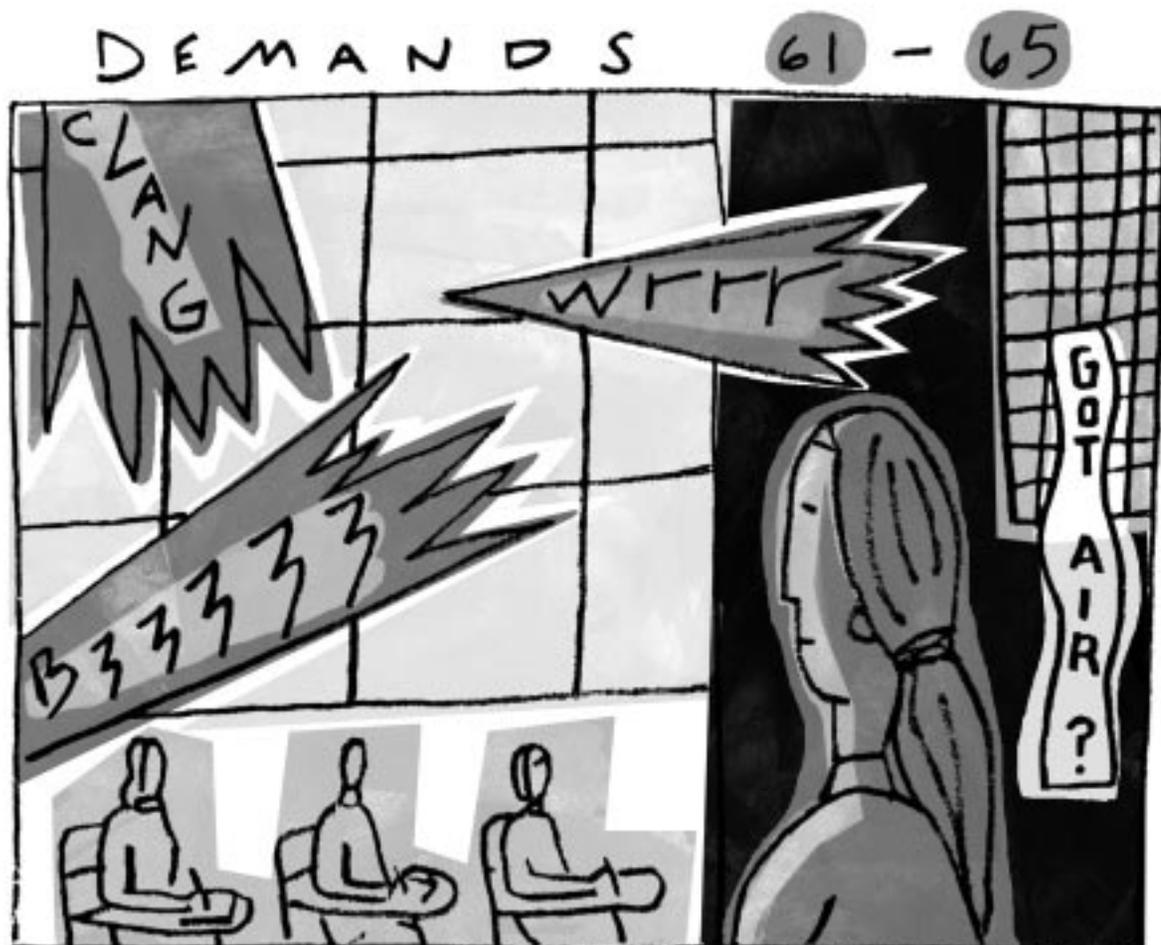
27. A labor/management committee shall be formed to develop a plan during the course of negotiations for movement of part-time faculty into new full-time faculty positions.

28. There shall be no loss of eligibility for benefits for members of the bargaining unit who move from a part-time title to any other CUNY title, regardless of the source of funds for the position, or who interrupt service in a part-time title to accept a Substitute position.

29. Part-time faculty at the Educational Opportunity Centers shall receive one-year appointments on the same terms as were negotiated for other part-time faculty and shall be paid for professional or office hours on the same basis as other part-time faculty at CUNY.

WORKLOAD

30. Teaching loads throughout the University shall be made comparable to those at other major public universities. As a first step in this process, the undergraduate contact teaching hour load shall be reduced by three hours per year at both community and senior colleges.



25. Job security for Higher Education Officers and College Laboratory Technicians shall be provided through the following provisions:

a) HEOs shall receive one-year notice of retrenchment.

b) A Certificate of Continuous Administrative Service shall be granted under Article 13.3b to HEOs for University-wide service, cumulative in all HEO series titles held by the employee. Time served in Substitute titles shall be included for HEOs when computing 13.3.b status and for CLTs when computing tenure.

c) The schedule for reappointment for employees in the HEO series title shall be amended to provide for one one-year reappointment and one two-year reappointment after the initial appointment, as a pre-requisite for 13.3b status.

d) Delete the first paragraph of Article 13.12.a and all of 13.12.b.

31. The contact teaching hour workload at New York City College of Technology shall be reduced to achieve parity with all other senior colleges.

32. All Library faculty, regardless of when hired, shall be placed on the full-time teaching faculty calendar.

33. All faculty Counselors, regardless of when hired, shall be restored to the full-time teaching faculty calendar.

34. All untenured Library and Counseling faculty shall be assigned one semester of reassigned time for scholarly and/or creative work during their first three annual appointments.

35. The Workload Settlement Agreement Article 3.b, which allows colleges that had a practice of contact hour multiples for specified courses during the 1981-82 academic year to continue such practices, shall be deleted.

36. The provision for a professional hour negotiated in the last collective bargaining agreement shall be amended so that eligibility may be reached by service University-wide.

37. Workload for courses employing new media, known variously as educational technology and distance learning, shall be governed by the workload provisions of this Agreement. The increased workload – for all members of the bargaining unit – arising from instruction in these media shall be supported by the University and fully compensated. Such support and compensation shall include but not be limited to: extra workload credit, smaller class size, and agreements on staffing levels for support and technical employees. Instructors shall retain control of the mode of instruction employed in their courses.

38. Academic departments shall have the authority to set class and section size limits. A report on class size throughout CUNY, for every class and section on every campus, shall be provided to the PSC. A labor/management committee shall be established to monitor compliance with class and section size limits specified by academic departments.

39. Class size has an impact on the workload of teaching faculty. As a result, the University has an obligation to compensate faculty if their classes exceed specified departmental limits on size. In the event class size exceeds departmental size limits, the instructor shall receive one additional contact hour credit toward the instructor's teaching workload for each five students above the departmental limit.

40. Article 25.3 shall be amended to provide as an entitlement for all instructional staff members of the permanent instructional staff and all teachers and counselors at the Hunter Campus Schools: fellowship leaves for a full year at full salary.

41. There shall be increased availability of reassigned time for full-time faculty, including for scholarly work, creative work, contributions to the university and the profession. The workload agreement provision giving discretion in allocation of reassigned time to college presidents shall be amended.

42. The instructional staff at the Hunter College Campus Schools (including those on unpaid leave) shall be eligible for assignment to share a full-time position with another staff member and shall be entitled to full health and welfare benefits, seniority and pension credit, and pro-rata salary, including vacation pay and sick leave.

TIME AND LEAVE

43. All non-teaching instructional staff personnel shall earn annual leave at the same rate as personnel hired before September 1, 1987. The maximum accrual of annual leave days for non-teaching instructional staff members shall be increased.

44. Holiday pay at the rate of time-and-a-half shall be paid to non-teaching instructional staff who work on paid holidays, and such employees shall earn one additional day of paid leave for each holiday worked.

45. Article 14.8 shall be amended to provide for sick leave for both teaching and non-teaching adjuncts. Teaching part-time instructional staff shall earn sick days at the rate of one day for every contact teaching hour per semester. Non-teaching part-time instructional staff shall earn sick days at the rate of one day for every 3 hours per week of work during a semester. Part-time instructional staff, both teaching and non-teaching, shall be eligible to accrue up to 80 sick days. Teaching and non-teaching adjuncts shall be provided with short-term disability coverage through the NYS Insurance Fund.

46. A promotional scale and sabbatical provision shall be introduced for EOC instructional staff, using proposals developed by the labor/management committee formed through the last collective bargaining agreement.

HEALTH, WELFARE AND QUALITY OF LIFE

47. There shall be a substantial increase in contributions to the PSC/CUNY Welfare Fund for all active and retired members of the bargaining unit, including employees at the Educational Opportunity Centers.



48. Part-time instructional staff members shall be included in the New York City Health Benefits Program.

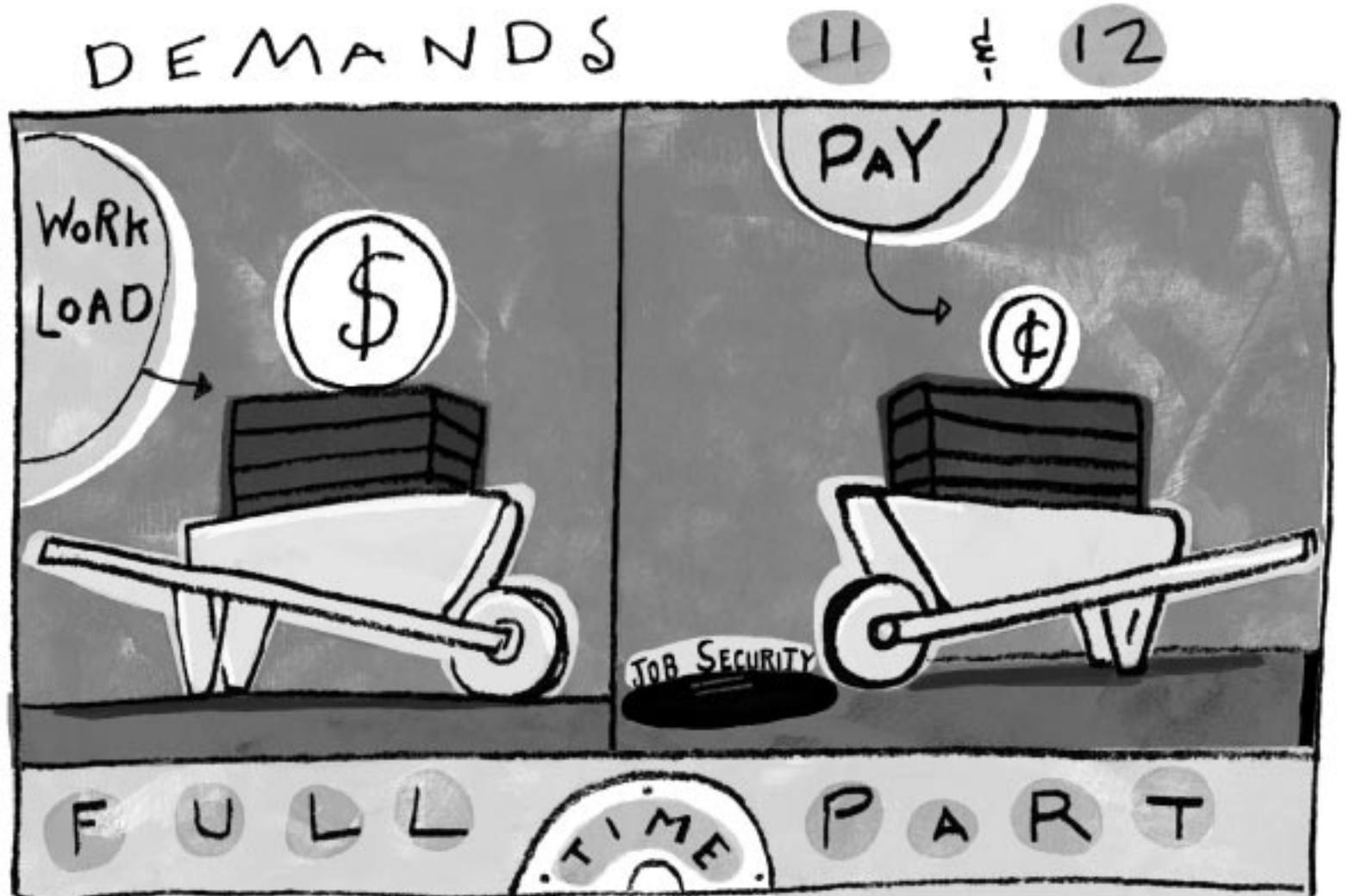
49. Graduate assistants shall receive health insurance.

50. Under certain conditions, employees shall have the opportunity to bank sick days to meet special needs of others in the bargaining unit or to convert sick days to support wellness and preventive health measures for themselves.

51. Tuition shall be waived for CUNY graduate students who are

employed by the University and for immediate family members and domestic partners of members of the bargaining unit. The provision for tuition waivers for part-time instructional staff shall be amended so that certain current restrictions are lifted and access to tuition remission for part-time instructional staff is increased. The provision for tuition waivers for full-time instructional staff shall be amended to include summer sessions.

52. The University shall establish childcare services at each campus for members of the bargaining unit and shall subsidize these services with a graduated fee schedule.



53. Family Medical Leave shall not run concurrently with sick leave; and the University shall establish full-paid three-month leave for the introduction of a new child into the household.

54. The professional development of part-time faculty shall be supported by the University.

55. The University shall recognize the right of all members of the bargaining unit to have access to all CUNY college campuses.

56. Part-time members of the instructional staff shall be entitled to adequate office space and equipment (including, but not limited to a desk, chair, phone, filing cabinets, computers with internet access and a University email account), and shall have access to and be listed in public directories for voicemail and email. Employees in the Continuing Education series shall have library privileges at the campus on which they work and shall be entitled to access to campus facilities on the same basis as other members of the bargaining unit.

57. The University shall reimburse all eligible EOC retirees and their spouses for the costs of Medicare Part B.

58. The requirement that retirees enrolled in the Optional Retirement Programs must retain 33 percent of the accumulation in TIAA-CREF shall be modified.

59. Amend Article 5 of the Continuing Education Agreement to establish eligibility for the New York City Health Benefits Program for employees who teach at least 15 hours per week for at least 30

weeks per year. The provisions for sick leave accrual and longevity pay negotiated in the last collective bargaining agreement shall be extended to employees who teach at least 15 hours per week for at least 30 weeks per year.

60. Instructional staff at the Hunter College Campus Schools shall be eligible for unpaid leaves of absence for a period of one year for advanced studies, travel, community service or other purposes mutually agreed upon. Such leave shall not be considered a break in service for any purpose; seniority and pension credit shall accrue during such leave.

Public employees should not pay for fiscal shortfalls we did not create.

SAFETY AND HEALTH

61. The University shall provide heating and ventilation that meets or exceeds the standards recommended by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE); the University shall also comply with the highest appropriate standards of workplace sanitation, access to safe drinking water, cleanliness, temperature, light and noise control.

62. In order to ensure that construction, renovation and repair do not interfere with the working and learning environment, the University shall inform employees in advance of the nature and projected duration of construction projects, and shall ensure that all construction contracts (with DASNY and/or sub-contractors) include implementation of appropriate standards to isolate the construction area. Campus-based Environmen-

tal Health and Safety personnel shall have the right to stop construction temporarily if hazards and noise violations interfere with working conditions.

63. The University shall provide a workplace that meets City and State requirements for fire safety and emergency evacuation, including but not limited to room and area occupancy limits.

64. Add to Article 39.1: "The cooperative PSC-CUNY health and safety mechanism shall meet within ten days of the filing of the health and safety grievance. In no more than 10 days after the first meeting, the committee shall provide a resolution of the grievance; in no more than 10 days after the resolution is reached, the University shall implement the remedy. If either of these time limits is not met, the PSC may proceed with the grievance."

65. In recognition of the critical importance of counseling for health and safety throughout the University, the University shall provide the PSC with a report on the ratio of faculty Counselors to students at every CUNY campus. A labor/management committee shall be formed and shall issue a report on staffing needs for faculty Counselors at CUNY.

INTELLECTUAL PROPERTY AND EDUCATIONAL TECHNOLOGY

66. It shall be presumed that all intellectual property that is either a copyrightable or a patentable creation and/or invention by a member of the bargaining unit shall be owned by the creator unless limit-



ed by provisions negotiated with and agreed to by the Professional Staff Congress.

67. All terms within the context of University employment apportioning the share of proceeds from intellectual property to anyone other than the creator(s) shall be negotiated with and agreed to by the PSC.

68. All disputes arising from the application of the terms negotiated by the parties regarding intellectual property and educational technology shall be subject to the dispute resolution procedures of Article 20 of the Agreement.

REAPPOINTMENT, GRIEVANCE AND ARBITRATION

69. The procedures on presidential appeals shall be amended:

a) Add to Article 9.10 and to Article 9.12: "Whenever an appeal is submitted to the President under this Article, the President must respond within ten calendar days of the receipt of the appeal."

b) Add a new section to Article 9 (after 9.10): "The employee shall have the right to submit a rebuttal to the President's reasons within 30 calendar days of the employee's receipt of said reasons; the rebuttal shall become part of the employee's file."

c) Part-time instructional staff shall have the right to receive reasons for a denial of reappointment or promotion.

d) HEOs shall be entitled to Presidential reasons in the case of a denial of reappointment, beginning with the first reappointment.

70. The grievance procedure shall be amended:

a) Add to Article 20.4: "Any

grievance not responded to in accordance with time limits specified herein shall be deemed sustained by the University."

b) Delete the bar to grievance rights under 18.2(d) and 18.3(d).

c) Expand time limits for initiating grievances at Step One and Step Two of the grievance procedure to one hundred eighty (180) calendar days.

d) Add to Article 20.5(c)(2): "Payment for multiple position teaching shall not be deducted from back-pay awards." Amend Article 20.5(c)(2) to include CCAS.

71. Amend Article 21 on Disciplinary Actions:

a) Employees shall be informed in writing of their right to union representation prior to any meeting that may lead to the initiation of disciplinary action.

b) Delete Article 21.12 (on procedures in the case of conviction of a felony) to conform with State law.

c) Amend Article 21.8 (b)(4) to remove the restriction on the arbitrator's considering, in the context of a disciplinary proceeding, alleged violations of the collective bargaining agreement and CUNY Bylaws or written policies.

d) The Sexual Harassment Procedure shall be modified to ensure due process and protections consistent with Articles 20 and 21 and to ensure strict confidentiality.

The Professional Staff Congress reserves the right to amend or supplement these demands during collective bargaining.

Approved unanimously by the PSC Delegate Assembly, May 1, 2003.



New Caucus reelected to lead PSC

By TOMIO GERON

The New Caucus swept the April election for leadership of the Professional Staff Congress. It was unopposed by any other slate, in the first union-wide voting since the New Caucus (NC) won a close contest in 2000.

The PSC's four executive officers – President Barbara Bowen, First Vice President Steve London, Secretary Cecelia McCall and Treasurer John Hyland – were each reelected with about 87% of the total vote. The election was conducted by mail, with ballots counted on April 24 by the American Arbitration Association.

Recent constitutional changes expanded the PSC Executive Council (EC) by four seats, to create more equitable representation for different types of workers in the union. For the first time, elections were held for three new Officers for Part-time Personnel and an additional Cross-Campus Officer.

First vote for new Executive Council posts

"In the next three years we will face many new challenges, both in the political arena and at the bargaining table," said McCall. "This expanded leadership will mean broader representation for newly organized PSC members. It will help build an even stronger union that is now recognized as a voice for the public sector."

NON-SLATE CANDIDATE

Lou Alpert, a professor of mathematics at Bronx Community College, ran as an individual for University-wide Officer but was not elected, receiving about 18% of the vote. "I thought it was important for an independent candidate to be represented in this election," Alpert said. "A democratic union needs to have a line-by-line choice, not just a slate." Alpert had served as a PSC Community College Officer since

2000, when he was elected on the New Caucus ticket.

The Unity Caucus, which held the leadership of the PSC until 2000, has stopped functioning, according to Cross-Campus Officer Steve Trimboli. A College Lab Technician, Trimboli was twice elected on the Unity Caucus slate but this year ran as a New Caucus candidate. "I was happy to switch because the leadership that was here did a lot of wonderful things," he said. Trimboli noted that some chapter leaders who had been part of the Unity Caucus won reelection to local posts in 2001 and 2002.

Ballots were returned by 27% of members in the cross-campus units and senior college chapters, by 34% in the community college chapters and by 43% of retiree members.

Complete results are available on the PSC Web site, at www.psc-cuny.org.

The EC now has eight new members, all NC candidates, and they each aim to add their perspective to the EC.

The PSC Executive Council has eight new members.

"My main goal would be to push on diversity in the University," said Robert Carter, a newly elected University-wide Officer, who worked on affirmative action issues at CUNY before he became an assistant professor of Sociology at Hunter College. Carter also hopes to "build the union membership and find innovative ways to make members more active."

Vincent Tirelli, a new Officer for Part-time Personnel and an adjunct lecturer at Brooklyn College, told *Clarion*, "It's very historic that we

have these three new part-time faculty officer positions. I'm excited to be a part of that."

Vera Weekes, a new Cross-Campus Officer and a Higher Education Officer (HEO) at Medgar Evers College, hopes to energize HEO and CLT involvement in the union. "Our hope is we can empower our members to take control of whatever situation they're in," she said.

NEW FACES

Other new faces on the EC are University-wide Officer Jonathan Buchsbaum, Officers for Part-time Personnel Susan DiRaimo and Diane Menna, Community College Officers Andrew McInerney and Shirley Rausher and Cross-Campus Officer Arthurine DeSola.

Officers reelected to the EC include Stanley Aronowitz, Bob Cermele, Janice Cline, Iris DeLutro, Mike Fabricant, Samuel Farrell, Anne Friedman, Susan O'Malley, Marcia Newfield, Nancy Romer and Sheldon Weinbaum.

NYSUT annual policy meeting

PSC delegates made their presence felt among the thousands of educators attending the annual meeting of New York State United Teachers (NYSUT) on April 3 through 5 in Washington, D.C.

The meeting of NYSUT's Representative Assembly (RA), the group's governing body, adopted 13 out of 15 resolutions proposed by the PSC. Resolutions passed at the RA set the political agenda of NYSUT, one of the largest unions in the state.

A PSC proposal on unemployment insurance for part-time faculty won strong backing from delegates to the RA (see p. 9). In the crowded room where the Higher Education Committee met, "there was great enthusiasm for the PSC resolutions on part-time academic labor," said Marcia Newfield, PSC vice president for part-time personnel. "I was surprised that we got so much support." Delegates also voted to create a NYSUT Committee on Part-Time Labor, to press for fair treatment and pay equity for adjuncts.

The RA passed a PSC proposal on pension equity, supporting legislative action to provide some form of cost-of-living allowance (COLA) for those in TIAA-CREF and other plans in the Optional Retirement System. In addition, they voted to support legislation to include CUNY employees in the Transit-Chek program (see p. 12).

Delegates backed a PSC resolution that commits NYSUT to lobby for funding to address the shortages

Most PSC resolutions pass



PSC delegates at the NYSUT Higher Education Committee meeting: (back, l to r) Bob Cermele, Janice Cline, (front l to r) Marcia Newfield and Steve London.

of both full-time College Lab Technicians (CLTs) and technical equipment at CUNY. Also approved was a call for legislation on indoor air quality, which would require 20 cubic feet per minute per person of fresh air in all school and college classrooms, laboratories and work areas.

The PSC's delegates supported a resolution on the protection of intellectual and academic freedom, which calls for careful scrutiny of the provisions of the USA-PATRIOT Act and Homeland Security Act. The resolution, submitted by the

United University Professions of SUNY, also calls for NYSUT to promote legislation that will protect the "free and open pursuit of information and knowledge in a teaching and learning environment."

REPARATIONS DEBATE

A PSC resolution supporting Rep. John Conyers's bill (HR 40) to establish a commission to study reparations for the enslavement of African Americans sparked a lively debate. Opponents contended that the issue would be divisive, something they said NYSUT could not afford during

the current budget crisis. "My first feeling was I was doubtful it was going to get out of committee," said PSC Executive Council member Samuel Farrell, one of the authors of the proposal.

But delegates from the UFT and other locals spoke in favor of the idea, and it ultimately passed by a wide margin. Supporters argued that the history of slavery still has a profound impact on America today, and that this legacy must be better understood.

"I was very glad to see that a mixture of people came to defend the resolution," said Farrell. He noted that the measure does not take a position for or against reparations, which probably helped it to pass. A study "will not take away the hurt and damage of slavery," Farrell said, "but it makes the story be told."

The PSC also sought to pass a resolution on another charged issue – the war with Iraq. "The resolution called for NYSUT to discuss the war as part of understanding what we're facing in terms of budget cuts," said PSC Executive Council member Nancy Romer, "and also to consider its effect in terms of limits on civil liberties." At a PSC-sponsored forum, scores of delegates signed up to form an anti-war group within NYSUT.

Because the US attack on Iraq had begun just two weeks before the RA met, it was not possible to submit this resolution through the normal process. President Barbara Bowen therefore had to introduce

the resolution from the floor of the RA as a "special order of business." With no discussion, a vote on whether to consider the resolution was called, and it lost by a wide margin.

MIXED SCORE ON TESTING

The PSC also submitted two resolutions on testing, one of which was adopted.

The first proposal urged that NYSUT oppose the "dominance" of standardized testing in determining a student's future in education. "Many teachers feel that they're stifled and can't be creative anymore," said Susan DiRaimo, co-chair of the PSC's Open Access Committee. "Teachers want to speak up against this and how it's shaping the curriculum."

After a vigorous discussion, that resolution was defeated in committee. Opponents objected to the term "dominance" and argued that NYSUT has already said that tests shouldn't be the one determining factor in areas like college admissions. But the proposal touched a chord; several delegates from other locals spoke out to support it on the floor of the RA, even though it was not up for a vote.

The second, more limited resolution called for NYSUT to study standardized tests and monitor the misuse of high-stakes tests. This passed by a wide margin in committee and on the floor of the RA.

Other PSC resolutions approved by the RA called for continued monitoring of the effects of ending remediation at CUNY's senior colleges; an independent nominating panel for CUNY and SUNY trustee appointments; and progressive taxation measures for NY State. **-TG**

Q&A on dental plan changes

By STEVE LONDON

PSC First Vice President and
Welfare Fund Executive Officer

How to get the most out of the new plan

Recent changes in dental and other benefits stem from a simple fact: the Welfare Fund has run an operating deficit for 11 out of the last 14 years and the deficits have been getting worse. Consequently, Fund reserves are running out at an alarming rate and unless benefit change is instituted, the Fund will go broke.

Even though we won millions of dollars more for the Welfare Fund in the last contract, prescription drug and other benefit costs have skyrocketed. In this environment, pouring more money into the Fund without changing our benefit structure will not solve the Fund's financial problems.

Members wanted us to maintain the same prescription drug benefit for both retirees and active members. Because this is expensive, we had to cut \$1.5 million out of the \$4 million we spent on dental benefits last year. There is no way to do this without causing hardship for some.

Cutting benefits is never easy. I can assure you that the Trustees agonize over these decisions and nothing was done without much discus-

sion and concern for the impact on members. Below are answers to some of the most common questions about changes in the dental plan.

Q What if my dentist doesn't participate in Guardian?

A First, check the Guardian Web site to see if your dentist is a member (www.guardianmarketing.com/pscunyc). If not, talk to your dentist about participating. You can sponsor him/her for Guardian membership, using forms available on the Guardian Web site.

Q I took a look at the schedule of payments and it seems like we basically lost our dental benefit, didn't we?

A No. Many members misunderstand the dental coverage because they look only at the amount the Fund reimburses for each procedure. If you use a Guardian dentist, you will get a substantial discount BEFORE the Fund's subsidy is applied.

Some PPOs offer even lower prices. However, more dentists belong to PPOs that pay them more for each procedure. The Trustees had to balance access (the number of dentists in a PPO's panel) with members' out-of-pocket costs. Guardian provided the best mix of

YOUR BENEFITS

these two factors: access and out-of-pocket cost.

Also important is that Guardian has a good national reputation for the quality of dentists in its panel.

The third largest national PPO, Guardian has over 6,000 participating dentists in the metropolitan area and 64,000 nationwide. Unlike the SIDS panel, which totaled only 1,300 nationally and less than 1,000 locally, Guardian will provide our members with broad access to quality dentists at a substantial discount.

Q Why did the Trustees put so little subsidy on expensive procedures?

A First, Guardian advised us to put most of our limited resources into prevention, because that will have the best long-term payoff. Second, given other choices we have made, we don't have enough resources to provide a substantial benefit for defraying the cost of expensive procedures for all of our members. Preventive services

will cost all members very little, and for the 80% of Fund members who used non-participating dentists for expensive procedures in the old plan, out-of-pocket costs should not be substantially higher.

Q I am one of those 20% who used a SIDS dentist for expensive procedures. My dental costs will skyrocket. Why didn't the Trustees consider my circumstance?

A Over the years, our dental benefit structure developed in an uneven way. It is true that 20% of our members were using a disproportionate amount of the dental benefit and getting a good deal. At the same time, many members complained bitterly about the old dental plan and the limited number of participating dentists. In fact, during

our membership meetings last fall, many members commented that our dental plan was worthless and should be ended altogether.

The Trustees were in a difficult position, because we had to cut over a third of the dental benefit's funding and still try to fashion a dental plan that meets some of our members' needs. By expanding the panel of participating dentists, the Trustees, for the first time in years, are providing a dental benefit that reasonably allows all members the opportunity to participate in an equal quality benefit. The discount plan limits the expense and provides some relief at the high end.

Q Will I now have to use a Guardian dentist to get a benefit from this plan?

A No. You can still go out-of-network, but the benefit you receive will depend on the procedure. For preventive care, the benefit exceeds the out-of-network subsidy under the old dental plan. For more expensive procedures, the out-of-network benefit is minimal.

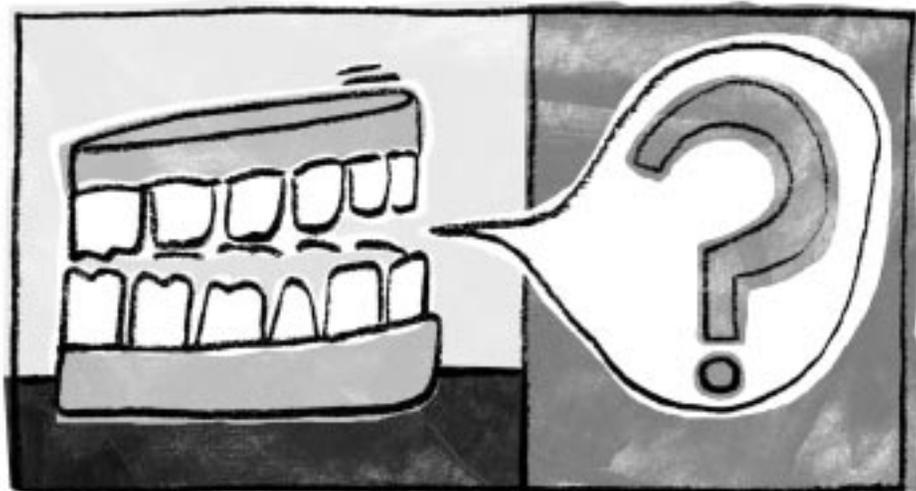
Q Aren't retirees being disadvantaged by this plan since they have more expensive procedures than younger, active members?

A Benefits should be seen as a whole. Unlike other teacher's unions (e.g., the UFT and UUP), the PSC/CUNY Welfare Fund provides the same benefit structure for both retirees and actives. The prescription drug benefit, the most expensive benefit provided by the Fund, goes disproportionately to the retirees. Other benefits, such as CIGNA major medical coverage, also go disproportionately to older members.

Q How is the Welfare Fund funded? Does the money come from dues?

A The Welfare Fund derives its revenue almost exclusively from CUNY in amounts negotiated with the PSC and between the Municipal Labor Committee and the City of New York. In FY 2002, employer contributions totaled over \$21 million. The last contract increased annual employer contributions by \$4.3 million and added one-time contributions of an equal amount. The PSC also successfully negotiated with CUNY to retire a \$2.8 million Fund liability.

The PSC and the Welfare Fund are separate legal entities and derive their operating revenues from different sources. No PSC dues money is paid to the Welfare Fund.



tion and concern for the impact on members. Below are answers to some of the most common questions about changes in the dental plan.

Q How does the new plan work?

A Guardian provides the Fund's membership with access to its panel of dentists, who have agreed to provide their services at a discount. This is called a Preferred Provider Organization (PPO).

Q How are Guardian dentists' prices established?

A Guardian negotiates with each dentist to set prices for each procedure. The discounts and resulting prices of Guardian dentists do vary. They vary most by location; within a given zip code the

Q Is there a deductible under the new dental plan?

A No, there is no deductible.

Q Why did the Trustees choose Guardian?

A We considered three factors: access, cost and quality. Today, dentists charge different prices for the same procedure. For example; if you walk in off the street and are not part of any dental plan, you may be charged \$1,000 for a crown. This is the "usual and customary fee."

If you are a member of a PPO, the dentist will charge you less for the very same procedure. The Delta Dental PPO tends to be the most expensive (a crown may cost a Delta member \$900), while Guardian costs less (a crown may cost \$800).

LABOR IN BRIEF

NYSUT and UAW agree on organizing

The New York State United Teachers (NYSUT), the PSC's state affiliate, and the United Auto Workers (UAW) have reached agreement on organizing academic employees on New York college campuses. NYSUT and the UAW will now coordinate organizing efforts across the state in hopes of strengthening both unions' campaigns. "Now instead of competing, we'll be cooperating," said NYSUT President Tom Hobart. "It's a win-win for everyone." Last year the UAW and NYSUT/AFT both sought to represent adjuncts at New York University, with UAW eventually winning the election. The UAW and NYSUT will now support each other's organizing campaigns, including at the New School, where the UAW is organizing both full- and part-time faculty, and at the CUNY Research Foundation, where the PSC has a growing campaign (see page 3).

Mental health break

Getting active in social movements is not just good for the world, it's good for your health. According to researchers at the University of Sussex in Britain, people who take part in marches, picketing and direct action can gain a sense of empowerment and confidence that contributes to psychological health. Such emotions were most strongly associated with actions that developed a sense of collective identity, unity and mutual support. The in-depth study of 40 activists found that participation in protest crowds and social movements can result in deep feelings of happiness – and even euphoria.

CALENDAR

WEDNESDAY, JUNE 4 / 6 pm: Forum on "Public Workers and the Right to Strike." Josh Freeman, Jim Pope, Roger Toussaint and Barbara Bowen. At NYC Central Labor Council (CLC), 31 W. 15th Street. Sponsored by the CLC and Progressive Trade Unionists.

TUESDAY, JUNE 10 / 9 – 3 pm: Pre-retirement conference. Please note the new date. At the Graduate Center, 365 5th Ave. Call 212-354-1252.

THURSDAY, JUNE 12 / 6 pm: PSC Women's Committee meeting. At the PSC office, 25 W. 43rd St.

JULY 6-11: New Media Classroom Summer Institute, "Learning to Look: Visual Resources & Multicultural Teaching." Sponsored by the CCNY CWE, and others. Call Nancy Weyandt, (212) 966-4248, x218.

To file or not to file?

Adjuncts and unemployment insurance

By **MARCIA NEWFIELD**
PSC Vice President for Part-Time Personnel

Summer is here and many adjuncts and other part-time instructors are without work. No work means no pay – so can an adjunct collect unemployment compensation?

If you received a letter of non-reappointment, indicating that you will not teach a class in the fall, you should be able to get unemployment insurance (UI) benefits without a problem. You can file a claim over the phone, by calling the Telephone Claim Center at 888-209-8124. Benefits would start two weeks after your claim is filed (check www.labor.state.ny.us for details). If your claim is denied, you have 30 days to ask for a hearing. Meanwhile, *continue to call in weekly and claim your UI benefits*, so that if and when you win the hearing, your benefits will be retroactive.

REAPPOINTMENT

If, on the other hand, you were sent a letter of reappointment, the situation is less clear. CUNY maintains that this letter constitutes “reasonable assurance” of a job in the fall – though the letter acknowledges that that job’s existence is “subject to sufficiency of enrollment, financial availability and curriculum need.” When a new term begins, many adjuncts are told – with little

or no advance notice – that their classes have been cancelled or that they will be replaced by a full-timer or a different part-time instructor.

For adjuncts, the issue of “reasonable assurance” is the question upon which the decision to grant or deny UI benefits will turn. If you got

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a letter of reappointment and file a UI claim, your claim will often be initially denied by the NYS Department of Labor. Jon Bloom, executive director of the Workers Defense League (a nonprofit that advocates for UI claimants), advises people to then request a hearing. This must be done within 30 days of the date of the notice of denial. At the hearing, an administrative law judge (ALJ) will consider whether your letter of reappointment constitutes “reasonable assurance” of a job.

Various ALJs have made different determinations. If your claim is denied by the ALJ, you have a right to appeal that judgment within 20 days; if your claim is upheld, CUNY may appeal. The Appeal Board will either sustain the ALJ’s decision or not. Even if your UI claim is ultimately denied, filing for a hearing may enable you to win retroactive benefits

if you end up without a class for the next semester.

If you are granted UI benefits but this decision is later reversed, will you have to pay the money back? According to a 1998 modification of the UI law, the only reason the Department of Labor can ask a claimant to return monies is if he or she made factually false statements or took benefits in bad faith (e.g., the claimant was working at another job but did not report it).

The Workers Defense League can help you free of charge, with advice, written materials and sometimes representation; they can be reached at 212-627-1931.

TREATED DIFFERENTLY

Why are adjuncts treated differently from other workers who may experience seasonal fluctuations in employment? Current New York State law says that part-time employees of educational institutions cannot collect UI



benefits between academic years or terms “if they have a contract or reasonable assurance of employment in the period immediately following.”

The PSC has been working to change the law so that part-time instructors will be treated like other seasonal workers, without having to win disputes over what constitutes “reasonable assurance.” A union-backed bill is sponsored in the As-

sembly by Susan John, chair of the Assembly Labor Committee (A8190), and in the State Senate by Martin Golden (S5047). NYSUT, the PSC’s state affiliate, voted to support such legislative action at its 2003 Representative Assembly (see p. 7).

LOBBYING

Adjuncts and other PSC members have traveled to Albany to lobby for this change. Through the PSC Web site, you can send a letter urging your representatives in Albany to support

the bill (go to www.psc-cuny.org and click on “ACT NOW”). If you would like to help organize on this issue, contact Marcia Newfield at the PSC office (212-354-1252).

Meanwhile...to file or not to file? That is the question. Whether ’tis nobler in the mind to suffer the slings and arrows of no income, or to face the cruelty of CUNY management sending their lawyers to prevent the Department of Labor’s awarding of unemployment insurance to part-timers who are without work...You’ll have to decide for yourself.

A prescription drug program for seniors?

By **LAWRENCE J. KAPLAN**
PSC Retiree Chapter Chair, 1991-2000

During the past decade, the steady rise in the cost of prescription drugs has been no secret. While 98% of older Americans depend on Medicare, the program does not include a provision essential to seniors – prescription drug coverage. The price for these drugs has been increasing at the rate of 17% to 19% a year, and will soon exceed payments to doctors.

Older Americans spend more out-of-pocket for prescription drugs than the rest of the population. They have more acute and chronic illnesses, use more prescription drugs for treatment and are less likely to have insurance to cover the cost. People 65 and over make up 13% of the population – but purchase 34% of all outpatient prescription drugs and account for 42 cents of every dollar spent on prescription medication.

These figures add up to a crisis, with many seniors forced to choose between paying for food or medi-

Bush plan is no solution

cine. The clamor for government action has pushed even free-market devotees like President Bush to propose some sort of federal program. But the Bush plan would do little to help older Americans and, in important ways, would hurt them.

EXCLUDES MILLIONS

The first version of Bush’s proposal, put forward in January 2001, would exclude millions of moderate-income Americans who earn just above its income limit. It would rule out 25 million people, or about two-thirds of Medicare beneficiaries. The Bush plan also includes a \$6,000 deductible, restricting eligibility to an even smaller group. Average prescription drug expenditures for the top 10% of US purchasers are \$4,800, much less than this proposed deductible.

Bush’s proposals would not curb the exorbitant prices of prescription drugs, or offer universal, affordable coverage. A simpler, more

effective approach would be to expand Medicare benefits to include prescription drugs, just as doctor visits and hospital stays are covered now.

The Alliance for Retired Americans has called for a prescription drug benefit under Medicare that would be voluntary, affordable and would hold down prescription drug costs. Specifically, such a program would include a monthly indexed premium of \$25, a \$100 annual deductible, a 20% co-insurance payment and a \$2,000 cap on out-of-pocket costs. H.R. 1199, a bill supported by the AFL-CIO, embodies this alternative, and the PSC has signed on with a coalition in support of the bill. The AFL-CIO has also urged Congressional action to reduce drug prices, expand the availability of generic drugs, and allow states to reduce drug costs by using the pow-

er of bulk purchasing.

On March 3, 2003, the administration proposed another version of its original plan. People in the traditional Medicare program would receive two kinds of assistance: a discount card that could be used at pharmacies and so-called “catastrophic coverage” as protection against very high drug expenses, perhaps \$4,500 to \$6,000 a year.

Needed: a plan under Medicare that is voluntary, affordable and holds down drug prices.

As in the earlier version, those who want prescription drug coverage would be required to leave Medicare and enroll in a private HMO or other private insurance plan. These groups would set the premiums and also determine prescription costs. Subscribers could be dropped, as has happened repeatedly to millions of Medicare HMO subscribers around the country, if the insurance company feels it is not making enough money.

Those left in the original Medicare program would be the oldest,

the sickest and the least able to pay. As Medicare enrollment would shrink, premiums would have to be increased, coverage would have to be cut, or both. Newt Gingrich once called this strategy a stealthy way to cause Medicare to “wither on the vine.” Those who support this concept think that creating Medicare in 1965 was a bad idea in the first place, and their declared goal of “modernizing” or “privatizing” Medicare would mean an end to the program.

MEDICARE IS KEY

Instead of the Bush plan, Americans should remind officials that what retirees need is an affordable prescription drug program under Medicare. Contact President Bush at 202-456-1414, or at 1600 Pennsylvania Ave., NW, Washington, DC 20500. Members of Congress can be reached at 202-224-3121, or US Senate, Washington, DC 20510 and House of Representatives, Washington, DC 20515.

For the longer term, the U.S. should adopt a single-payer, universal health care program that would eliminate unconscionable drug prices and the outrageous profits of the pharmaceutical industry.

Let’s make our voices heard!

Caring for my mother

On becoming my parent's parent

By **STANLEY ARONOWITZ**
Graduate Center

My mother fell in her apartment, for the second time, on New Year's Day. When she failed to answer her telephone, I called a neighbor – who found her on the floor.

We ordered an ambulance, which took her to NYU Medical Center. The medics determined from her dehydrated condition that she had been there for at least 18 hours and probably fell while attempting to reach the bathroom in the middle of the night.

A week later my mother was transferred to the Rusk Institute, where she spent two weeks resisting rehabilitation therapy. I visited her almost every day and spent much of the time trying to persuade her to cooperate with the therapy, warning (sometimes not so gently) that the price of refusal was long-term, perhaps terminal, dependency. Her greatest fear was that she might have to go to a nursing home so she pretended to cooperate, but when she left the hospital it was clear that she could no longer take care of herself.

About 12% of the US population is over 65, and the number over 75 is growing dramatically. This trend has exposed a huge hole in our social system: in many cases, including my own, people old enough to collect Social Security are grappling with the problem of how to care for their parents. We discover that, except for help offered by some concerned neighbors, we are obliged to manage the situation alone.

ASSISTED LIVING?

At age 89 it is not unusual to need help with the tasks of daily life. But for my mother, who had lived independently for thirty-five years after my father's death, it represented a real setback. My partner Ellen Willis and I suggested "assisted living" arrangements that combine meals and medical care with a private apartment – but my mother has reservations about leaving her home for what she imagines as a black hole. Besides, publicly supported facilities cost at least \$2,500 a month and private facilities charge much more. Given her circumstances, she would be insolvent in about four years.

While no bones were broken, it was apparent to me that her physical condition had deteriorated between her first fall in the summer of 1997, her second at the start of 2003, and now. What I didn't know until I entered her apartment in Penn South, a union-sponsored cooperative housing community in Chelsea, was that she had not cleaned it for months. For about a year she'd suggested a local diner when we met for lunch; she no longer invited me to pick her up at home. While she was able to walk, haltingly, cleaning was beyond her capacity – or will.

After consulting with her neighbor and

her physicians, my partner Ellen and I determined that she needed 24-hour care. Since Medicare would pay only for a home health care worker for three days a week, we hired a full-time caregiver. We hoped my mother would accept therapy at home, a service to which she was entitled under Medicare (though only for 13 weeks). In time, we thought she might resume an independent existence. As it turned out, in denial, she "fired" the home therapist twice.

FIERCELY INDEPENDENT

My mother worked outside the home from her 14th year (when, after her own mother's death, she dropped out of high school), even after marriage and the birth of her only child, until her retirement in 1980 at the age of 67. She stopped work during my first year, and intermittently thereafter, but otherwise worked for the better part of 53 years. She was of a generation of fiercely independent women who, out of choice as well as necessity, insisted on earning their own living and did not want to be dependent on a man. Mom was always a loyal union member. After years working in department stores, she became an office worker in shops organized by District 65/UAW. My mother retired with a small pension which, together with Social Security, was enough to live on. In retirement she swiftly set about to realize her abiding dream: to get a GED and enroll in college. Her first classes were at BMCC, but when I and others at CUNY organized the CCNY Center for Worker Education, she transferred, mostly because she wanted a BA and the program was designed for "older students." She earned her BA in 1987 at the age of 74.

But for the past fifteen years she has had difficulty sustaining vigorous intellectual and physical activity. A painter and violinist, she decided her apartment was too small to accommodate the easel, canvasses and paint supplies and she had simply lost interest in playing music, although she remains a passionate listener. She disdains the senior citizens programs at Penn South as too "basic," but the evening class schedule of most CUNY master's programs discouraged her from enrolling. During the last decade the desire to do anything strenuous gradually disappeared, and she spent her days quietly at home. She said she was lonely, except for the company of her birds and occasional visits from me and her grandchildren. She had a roommate for a time but has lived alone since the mid-1980s.

Since my mother came home from the hospital, together with her full-time caregiver I have become her parent. Ellen and I pay her bills, deal with her medical appointments and pay her caregiver out of her savings account. Once I saw her about every two weeks; now I



Jud Guttau

visit her twice or three times a week.

Now my daily life is suffused by my responsibilities to my mother. Ellen's 89-year-old mother still lives independently, but that could change soon. So the prospect of spending our sabbatical or summer leaves out of state, let alone out of the country, is foreclosed. Both of us have acquired a full-time obsession and a demanding part-time job.

We are impeded in the performance of our "parental" duties by endless bureaucratic hassles. For example, there is no easy way to withdraw funds from Mom's bank account without enduring an interrogation during each transaction. When we attempt to negotiate with creditors on her behalf, their customer service people insist that Mom call and give us permission to represent her. Sometimes we wait for weeks for a response. And I order, obtain and deliver her prescription drugs.

DRUG PLAN

My mother barely qualified for New York State's prescription drug program, with an annual income just slightly below the \$20,000 maximum. Seniors who earn more than the maximum have no prescription drug plan unless their union or employer provides one – and Mom's union discontinued its prescription drug benefit for retirees years ago.

My mother's infirm condition has made me painfully aware that our society has all but forgotten people over 75. Like almost every entitlement except the Social Security pension program, government policy restricts eligibility according to income criteria that require poverty in order to receive benefits; an elderly person must empty her bank account three years in advance in order to qualify for Medicaid. The Medicaid and Medicare programs will not support her with adequate services if she chooses to live in

her own home, except for a few months after leaving the hospital. Most older people with options refuse nursing homes because, with few exceptions, they are holding pens rather than places that afford the opportunity to live a rich life.

As a result of the failure of government to recognize the collective and universal nature of the problems associated with aging, many Americans are forced to accept privatization of caregiving. My mother is spending down her savings on caregiving because the system simply will not sanction full-time or even adequate permanent part-time home care.

Where are the unions in this crisis? While they still favor universal health insurance and defend the pension system, their older members are often abandoned.

At a time when many unions are struggling to maintain hard-won prescription drug and other health benefits, it may be time to take a hard look at adding enriched caregiver benefits to our Medicare system. While any Congressional battle over social welfare is bound to remain uphill for the next period, unions might band together, as they once did, to provide members with low-cost cooperative housing, to introduce this service at the state level and in union contracts. And why not consider union-sponsored assisted-living co-ops? If unions, rather than private companies, were the providers, older people like my mother might feel better about this alternative.

Today millions of people over age 65 have to choose between paying the rent, eating or buying prescription drugs. And let's face it: without their children to supply countless hours of free labor, the system would be even more dysfunctional. We raise our children and it's hard work, but through them we can envision a brighter future. We care for our parents because we love them – and the alternatives are worse for them and, eventually, for us. Almost every day I think, "There but for pure luck go I."

Our society has forgotten people over 75.

CUNY & ALBANY

Behind the news

By **BARBARA BOWEN**
PSC President

Where in the public conversation about the State Legislature's historic budget restorations is there mention of the massive hole this budget punches in CUNY's public funding? From reading what has appeared in the press, with the exception of one *Newsday* op-ed by a CUNY student, you might believe that the entire cut to CUNY had been restored. Not so – unless you think that forcing students to make up for a \$121 million cut is a restoration.

What happened to the operating budget for CUNY's senior colleges is this: although some important restorations were made, state support drops by a staggering 12.5% in a single year, and tuition rises by at least 30% to make up the difference. The trick to maintaining a basically flat budget for CUNY's senior colleges – while gouging the state contribution – was to load the cost onto students. One way of thinking about the politics of the decision is that while Albany rightly refused to tolerate the increase in local property taxes that would have been caused by the drop in K-12 funding, it was willing to tolerate an increase in "higher education taxes" for some of the poorest college students in the country.

A RARE ALLIANCE

Before we examine what this budget will mean for CUNY, I want to make one thing clear: the PSC commends the Legislature for the restorations it did make to higher education, K-12 funding, health care and other areas. The idea that funding for such basic human needs should even be in question in an advanced industrialized country – or anywhere – still strikes me as obscene. But the Legislature did restore deep and debilitating cuts, forging a rare bipartisan alliance in the fiercely partisan climate of Albany and overriding a gubernatorial veto. That is not a trivial accomplishment; it took enormous amounts of political work, by the PSC, by our statewide affiliate NYSUT, and by many other unions and community groups. There hasn't been a successful override of a governor's budget veto in New York State since 1982.

And the adopted budget does restore \$400 million to higher education funding, much of it in areas that affect CUNY. The governor's grotesque proposal of withholding one-third of a student's TAP grant until after graduation was repudiated, as was his plan to cut in

half the financial aid offered by opportunity programs such as SEEK and to reduce by \$345 the per-student support from the state for community colleges. A small addition to CUNY's budget will cover mandatory cost increases. Thousands of PSC members who signed postcards and faxed or called their legislators were critical in bringing these restorations about.

Hard-fought as this battle was, let's remember that it was about restorations, not advances. The Legislature's unprecedented political effort was all in service of undoing cuts; it did not even begin the reinvestment in higher education that would put New York on a par with other states.

As union activists begin an assessment of our legislative strategy, one thing is already clear. A critical factor in the public conversation has been the PSC's *analysis* of the University's funding history. In the last three years we have not only mounted a growing legislative effort, we've also refused to maintain a polite silence about the scandalous pattern of underfunding public higher education in this state. I am convinced that the refusal to collaborate in the fiction that all is well in public higher education is the first step in breaking the pattern of disinvestment in CUNY. That's one reason it's important to tell the truth about the huge bite taken out of CUNY's state funding this year.

This year's budget reduces by 12.5% a state appropriation that has already been slashed for years. In real dollars, CUNY has now lost over 40% of its state support since 1990. Out of a total operating budget for CUNY of \$1.126 billion, only \$580 million, or 51%, will now come from public funding. Student tuition will pay for \$504.7 million, or 45%, with the remainder coming from the city's contribution and other sources. New York's public universities are fast approach-

ing the same level of state support provided to its *private* universities and colleges. One danger of the low level of public funding is that CUNY will be under pressure to increase its reliance on *private* support. Expect to see even more for-profit ventures within the University as the budget squeeze tightens.

LEFT OUT OF TAP

The most immediate danger, of course, is to students. No one knows how many students will be forced to abandon their college education because they cannot afford \$800-\$950 more per year. Nine hundred and fifty dollars may not sound like a lot to legisla-

chances for success in life. Because TAP was designed with a certain kind of student in mind – young, studying full-time, supported by parents – many low-income CUNY students are not eligible for its support. For them, TAP is not the tightly woven safety net many assume it to be.

With higher tuition in place, the CUNY administration will be tempted to step up its campaign to appeal to an increasingly middle-class population of students. It's hard not to see the tuition increase as a body blow to the University's historic mission.

But the real kicker in this budget may not even be the \$950 increase in store for in-state undergraduates: graduate students will also experience increases, and out-of-state students will see their tuition rise by several *thousand* dollars a year. Albany balanced the CUNY senior college budget by requiring the University to collect \$32 million more per year from out-of-state students. The CUNY Board will have to enter into the sick calculus of how high to peg



Jud Guitteu

The truth about the budget restorations

tors in Albany, but when your family's annual income is under \$30,000 – as it is for nearly two-thirds of our students – that amount may well be out of reach. CUNY's poorest students are disproportionately people of color; the tuition increase is a direct, perhaps even a deliberate, assault on their

tuition without losing so many students that the net effect is a financial loss.

Ten percent of CUNY students are from out-of-state; they are largely international, rather than from other parts of the US. In the doctoral programs in the sciences, over 70% of the students are from abroad. Will these programs, some of the most renowned in the University, be able to survive such a shock? What will happen to the large numbers of low-income international students at the community and senior colleges? And will we see a rise in community college tuition for all students, as the Board feels pressure not to allow too big a "price gap" to develop between CUNY's two-year and four-year schools?

The union will be active in all of these debates, but however they are resolved, the nature of the University will have been deeply and insidiously changed by the withdrawal of public funds. If we are to prevail in the long fight to change the history of underfunding CUNY, we need to start with an insistence on the facts.

Clarion MAY/JUNE 2003

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Affirmative action & the university

The following is adapted from the AFL-CIO's "friend of the court" brief in the Supreme Court case Grutter v. Bollinger, a lawsuit challenging affirmative action in admissions at the University of Michigan. AFT Counsel David J. Strom was part of the team that wrote the union brief, which focuses on employment discrimination.

The AFL-CIO is the largest organization of working men and women in the United States, consisting of over 13 million members. Many of these members teach, work and study on the campuses of public universities and colleges. The American Federation of Teachers, for example, represents approximately 125,000 faculty and staff members at universities and colleges and over one million teachers and others in public schools.

The experience of the AFL-CIO teaches that the unique opportunities to interact with people from other races and ethnic groups on a university campus – at the threshold of the workplace – that are fostered by the admissions policies at issue in this case, will have [a] substantial, positive impact on students, making them better citizens in our democracy as well as more productive members of society.

Public universities do not exist solely to convey benefits on individuals, advantaging them in the competitive market. Public universities exist because, as a nation, we believe in the value of education – not only that education makes people more productive as economic actors, but, more fundamentally, that education makes people better citizens of our democracy.

Let us not forget that it was only forty years ago that employers openly discriminated on the basis of race. Lamentably, employment discrimination is not a thing of the past.

[One] indicator of persistent employment discrimination is the gap between the wages earned by African American and White workers. A comprehensive review of the literature concludes, "Such differentials have been remarkably persistent and have actually increased in

AFL-CIO on education and the workplace



Tens of thousands of demonstrators marched in front of the Supreme Court's building on April 1 to defend affirmative action.

the last 15 years among blacks versus whites."¹ Black and Hispanic men earn about two-thirds of what White men earn on an hourly basis and Black and Hispanic women earn slightly over one-half what White women earn.

Some of the racial gap in hourly and yearly earnings can be explained by differences in education, training, experience and other legitimate qualifications, but studies reveal that credentials explain less than half of the gap in male workers' earnings.

Direct evidence of the stubborn persistence of employment discrimination is found in empirical research using testers. [These findings have] recently been confirmed in a study using resumes which were randomly assigned African American or White identified names.

The scholars responded to over 1,300 help-wanted ads, sending almost 5,000 resumes, in each case two high-quality and two low-quality,

one of each drawn at random to receive an African American name and the other a White name. The study found a differential call-back rate of 50% "that can solely be attributed to the name manipulation...[T]hese results imply that a White applicant should expect on average one call-back for every 10 ads she or he applies to; on the other hand, an African American applicant would need to apply to 15 different ads to achieve the same result."² The inescapable conclusion is "that discrimination is an important factor in why African Americans do poorly in the labor market."

While employers seldom acknowledge discrimination, surveys of employer and employee attitudes reveal the prejudices that underlie such unlawful practices. Scholars who study employment discrimination conclude that "[e]mployers seem to possess strong racial...preferences in hiring. These preferences are the consequence of enduring stereotypical beliefs."³ Two scholars of the labor market explain, hiring

"[d]ecisions are often made on limited information – typically, a one-page resume and an interview averaging perhaps twenty minutes. It is therefore not surprising that interviewers' judgments of individuals are influenced by generalizations about the applicant's demographic group that the interviewer may have formed over a lifetime."⁴

UNIQUE OPPORTUNITY

The vast majority of Americans function in segregated settings until they reach college. Thus, higher education presents a unique opportunity and, from the vantage of the workplace, the last opportunity, to foster interaction between diverse individuals. Second, interaction with diverse individuals during higher education is likely to produce positive results due both to students' stage of intellectual, social and moral development and to the unique environment on college campuses.

[As] University of Michigan Psychology Professor Patricia Gurin explained in her expert report, "The long-term pattern of racial separation noted by many social scientists can be broken by diversity experiences in higher education," thereby lessening stereotypes, prejudices and fears as well as the resulting discrimination such separation breeds.

[Research indicates] that contact between groups, under the correct conditions, reduces prejudice. This theory has been tested and validated in countless studies. A survey of the literature reports, "The idea that familiarity breeds positivity has usually been sustained."⁵

Sustained, individual contact with diverse students during higher edu-

cation provokes critical thinking and breaks down stereotypes precisely because it contradicts the "generalizations" [of prejudice] which are formed during earlier, ordinarily segregated stages of life. The empirical research demonstrates not only that students carry the lessons learned from interaction with diverse peers into adulthood, it specifically demonstrates that they carry those lessons into the workplace.

While many factors contribute to this positive relationship between desegregated education and integrated work lives, it is clear that one important factor is the lessening of negative racial stereotypes among both African American and White students. In plain terms, "cross-race contacts in desegregated schools reduce White students' negative racial stereotypes and fears of hostile reactions in interracial situations, [making] these White students as adults...less resistant to Blacks being admitted into coworker...groups." "Whites in desegregated schools frequently show a decrease in their often initially high levels of fear and avoidance of African Americans, and an increasing willingness and ability to work with them."⁶

Three of the principal scholars involved in this research conclude, "We now have considerable evidence that school desegregation is a necessary step to insure equality of economic opportunity to minorities in US society."⁷

- 1) Altonji & Blank, "Race and Gender in the Labor Market," in Ashenfelter & Card, eds., *Handbook of Labor Economics*, 1999.
- 2) Bertrand & Mullainathan, "Are Emily and Brendan More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination," U. of Chicago School of Business Working Paper, 2002.
- 3) Darity & Mason, "Evidence on Discrimination," *J. of Econ Perspectives*, 12, 1998.
- 4) Bendick & Jackson, "Measuring Discrimination," *Review of Black Political Economy*, 23, 1994.
- 5) Sigelman et al., "Making Contact?," *Am. J. Soc.* 101, 1996.
- 6) Braddock & McCartland, "Social Psychological Processes," *J. of Black Studies*, 19, 1989; and Schofield, "Review of Research," in Banks, ed., *Handbook of Research on Multicultural Education*, 1995.
- 7) Braddock et al., "A Long-Term View," *Phi Delta Kappan*, 66, 1984.



15-MINUTE ACTIVIST

Chek it out

The PSC has been pushing for legislation to include CUNY employees in the TransitChek program, which lets you pay for public transit with pre-tax dollars. This can save as much as \$400 per year. Go to the PSC Web site (www.psc-cuny.org) and click on "Act Now" to send a fax to your legislator about this bill. The letter also urges action on unemployment benefits for adjuncts (see p. 9) and pension equity (see p. 7).

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