



## The PSC takes a strike vote

### The union's first contract

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(This is an expanded version of a section of an article that appeared on page four of the March 2005 *CLARION* under the headline "Learning from history – Academic labor action.")

In 1973 the PSC won its first contract only after the membership voted to authorize a strike. The strike proposal, which passed by a 4-to-1 margin, capped a year of negotiation and confrontation between the new union and the Board of Higher Education (BHE), the predecessor of the CUNY Board of Trustees.

Bargaining for the first PSC contract began in June 1972, but management did not make a salary proposal until September – when it demanded the elimination of salary increments. The union called this unacceptable, and a week later 300 members protested outside BHE headquarters on East 80<sup>th</sup> Street. The head of the University Student Senate joined the picket line, declaring USS support for union demands to limit class size.

PSC members from across CUNY turned out for a mass meeting on October 5 at the Marc Ballroom in Union Square. According to the October 1972 *Clarion*, UFT President Albert Shanker "received a rousing response when he told the audience of more than a thousand that the Board will never respect them...unless the instructional staff at some time show they are militant enough and united enough to go on strike." Teachers, Shanker said, "must earn their dignity by their actions."

On October 12, the PSC's Delegate Assembly voted to hold a membership referendum on adopting a general policy of "No Contract, No Work." This came in the midst of an unsuccessful mediation effort, which ended October 28 and was followed by a lengthy fact-finding process. PSC President Belle Zeller decried the Board's demands for "salary freezes, increased workload, more 'productivity.'"

The referendum was conducted by mail in December, and on January 3 the votes were counted: "No Contract, No Work" was approved by a vote of 3,836 to 577. This vote was a statement of policy, not a specific authorization a strike, and the union began to prepare for what might come next. On January 18, the PSC created a Job Action Committee, and *Clarion* appealed to members to contribute to a PSC Defense Fund.

The consequences of any strike would be serious, for both the union and its members. New York's Taylor Law, then six years old, prohibited strikes by public employees. Its stiff penalties included the loss of two days' pay for each day of a walkout, and huge fines against the union that could eat up its entire treasury. Union leaders who broke the Taylor Law had been thrown in jail.

In an op-ed in the January *Clarion*, PSC member Moise Ohana of Brooklyn College expressed his concern that "the faculty [may not be] strong enough and ready to pay the price of a successful job action...if we do not seriously prepare ourselves for battle." Ohana wrote that "right now, and unfortunately, union activity at the department level is generally conspicuous by its absence. We do receive some literature, but literature alone never gets people to become militant." In the coming semester, he wrote, "We have to generate, at the department level, that kind of communicative enthusiasm for the cause that sparks only from group activity and personal involvement."

"What is driving us – a responsible, professional group of City employees – to the brink of a strike?" asked Belle Zeller in a talk at the City Club of New York in December. The problem, she said, was "the dead end of the Taylor Law" – the fact that the law imposed no pressure on CUNY management to reach a fair settlement. "Rather than encouraging good-faith bargaining, the law discourages it," she said.

"Any [work] stoppage would be illegal," Chancellor Robert Kibbee told the Board in January, "and I, for one, do not believe that such a stoppage is probable during the period in which we are simply presenting our position to the fact-finders." What might happen once the fact-finders issue their report, he wrote, "is another matter, with which we are not yet faced."

In the 1960s, elementary and high school teachers had shown that they were willing to strike. So had many other City employees, including social workers and those in transit and sanitation – it was part of the climate of public-sector labor relations. College professors and other academics at City University were something of an unknown quantity, but Kibbee's statement to the Board suggests that he saw a strike later in the year as a real possibility.

In the face of continued stonewalling by management, PSC Deputy President Israel Kugler wrote in February that "the only possible way for the PSC to avoid a job action is to prepare for it." The union organized informational pickets across CUNY during the Spring, starting at Brooklyn College and Baruch on February 15 and ending in mid-May at York. Eight City Council members joined PSC members on the picket line, as did many students. At John Jay, 4,700 students signed a petition urging that CUNY start to bargain in good faith; student government at Brooklyn and the student paper at York took the same position.

On April 25, the PSC Delegate Assembly voted 49-19 to hold another membership referendum. Members would be asked to authorize a strike beginning October 1, 1973, if no contract was in place by that time. When a management whispering campaign tried to portray the PSC as hobbled by “dissension,” Arnold Cantor, the union’s executive director, replied, “Yes, there has been debate....We have sweated through – and fought out – some tough and unique problems.” He declined to apologize: “We plead guilty to democracy.”

The union prepared both for the referendum and for what might follow. “An emergency meeting of American Federation of Teachers regional staff representatives will be held May 12-13 to map tentative plans for strike assistance,” *Clarion* reported in May. The National Education Association, it added, “will assign up to ten staff members to an orientation conference in June to prepare a PSC strike structure.”

On May 25, the fact-finding panel issued its unanimous recommendations, and the PSC agreed to accept them as the basis for a settlement. CUNY management refused to do so, and a June 9 *New York Times* editorial criticized its stance as an “assault on the stability of the fact-finding process.”

PSC members voted on the strike proposal through a mail ballot that was sent out in June. On July 8, the results were announced: a strike was authorized by a vote of 3,904 to 1,023.

Negotiations resumed on July 11 – “this time in earnest,” according to *Clarion*, with management suddenly willing to accept the fact-finding report as the basis for a settlement. By July 19 the two sides had agreed on a tentative contract, later ratified by a 7-to-1 margin. PSC President Belle Zeller was clear about what had produced management’s change of heart: “the settlement was reached only after we decided to strike if no agreement were negotiated.”