

# Clarion

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



JANUARY 2006



**FACULTY RIGHTS**

## Big court win

Legal support for shared governance.

**PAGE 11**



Gary Schlichter

### WELFARE FUND IS KEY

# PSC SAYS: SETTLE IT NOW!

In November, the PSC reached a tentative framework with CUNY for a new contract agreement. But in December, progress on the final elements was slow, and the union pressed management to finalize the deal. (Above, Iris DeLutro and Steve Trimboli in a bargaining team meeting.) **PAGE 3**

#### HEALTH CARE

### Why are drug prices so high?

Big pharmaceutical companies blame research costs for the high price of drugs. But their numbers don't add up. **PAGE 9**

#### UFS SURVEY

### Campus dissatisfaction

The University Faculty Senate surveyed full-time faculty across CUNY – and for some campuses, the results are startling. **PAGE 5**

#### NYU STRIKE

### The fight continues

NYU graduate assistants vowed to stay strong and on strike into the Spring semester, despite President Sexton's threats. **PAGE 7**



#### BENEFITS

### Combining P/T pensions

Many CUNY adjuncts are already in a non-CUNY pension plan. Make sure you get pension credit for the work you do at CUNY. **PAGE 8**



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.

# Serious... about a settlement?

● *An open letter to the Chancellor –*

Dear Chancellor Goldstein:

You might remember me: I'm the architectural photographer who sent you, twice, the handsome color photographic print of the interior of Mason Hall at Baruch College.

You might remember me: I'm the adjunct assistant professor who quips on Senate Forum that CUNY's negotiating stance is such as to make you guilty of violating the Taylor Law injunction against inducing public employees to strike.

Or you might not remember me: I'm the teacher at City Tech who,

in a typical month, steps carefully around the puddled water in the hallway outside of my classroom. I'm the teacher who, in a typical semester, steps carefully around the water dripping from the ceiling in the hallway outside of my classroom. I'm the teacher who, in a typical year, breathes gingerly the smell of raw human sewage from the leak in the drain pipes in the hallway outside of my classroom.

You say you're serious about wanting a settlement, but the evidence suggests otherwise. I believe you're serious about *not* offering us real raises, or preventing erosion of

our benefits. I disagree with this tactic. And I won't settle for it. I'd rather strike than accept an awful settlement.

Sincerely,  
Walter Dufresne  
City Tech

## No blank check for war

● As someone who feels strongly about ending the war in Iraq, I have been most disappointed with the votes and actions of our NY Senators, Hillary Clinton and Chuck Schumer. They have both followed the Bush line and consistently voted

for the war, while trying to hide their Republican-esque politics on foreign policy.

But a challenger in the Democratic Party Senate primary, with strong anti-war and pro-labor politics, is shining a light on the views of Hillary Clinton as she runs for reelection in November 2006. Jonathan Tasini is providing both a prod to Hillary and a real choice.

Tasini, former president of the National Writers' Union and an anti-war activist, is serious about his campaign. While the war in Iraq is his main focus, he is also challenging Hillary on her support

of miserable trade agreements like NAFTA and her failure to support universal health care. (For more information, see [www.tasinifornewyork.org](http://www.tasinifornewyork.org).)

Hillary Clinton has not come through on any of the issues that are absolutely central to me: the war, labor rights, health care. I, for one, plan to follow the candidacy of Jonathan Tasini – not primarily because he has a chance to win, but because his campaign can create pressure on the issues I think are most important.

Nancy Romer  
Brooklyn College

# Five arrested at Hunter protest

By ELLEN BALLEISEN  
Bronx Community College

Five demonstrators protesting US treatment of prisoners in Iraq and the military base at Guantanamo were arrested by Hunter College security officers on October 18. One protester said that he was punched in the testicles while being arrested – a charge denied by Hunter officials, but supported by a student witness.

The demonstrators belong to an organization called The World Can't Wait which opposes the war in Iraq, torture and other Bush Administration policies. The group posted a video of the protest and initial arrests on its website. The video shows the demonstrators in orange jumpsuits, black hoods and leashes around their necks. Four kneel on the floor near the college cafeteria while one stands and shouts at people passing by, "You've grown accustomed to the torture! You have not done enough to stop the torture!"

## TORTURE

Three and a half minutes into the tape, a security officer approaches the protest. One demonstrator shouts at him, "Admit to your crimes! You live in a country of torturers! You stand silent!" Three security officers then tackle and handcuff the protesters, who appear to be resisting them.

Mark Tinkleman, a protester and Hunter student who was arrested, said that during the scuffle, one secu-

## School officials say they lacked a permit

rity officer yelled to another to break the arm of a demonstrator who was trying to avoid being handcuffed.

Shortly after the arrests, Hunter Director of Public Safety Lou Mader told the Associated Press that the demonstration was in a "permit only" space and did not have a permit. The Hunter Communications Office told *Clarion* that Mader and Associate Dean of Students Michael Escott "asked the protesters many times to lower their voices and leave the premises, which the protesters refused to do."

Tinkleman said he never heard a warning and that he did not see Dean Escott until security officers had begun handcuffing the protesters. He acknowledged that his group lacked a permit to occupy the space near the cafeteria, but said, "People shouldn't have to have a permit to protest torture." A Hunter spokesperson told *Clarion* that had the protesters been quieter this would not have been enough; a permit would also be required.

## PLENTY OF ROOM

Hunter's Communications Office also stated that the arrests were necessary because the protesters were "obstructing the walkway." The video, however, shows plenty of room around them during the protest and only a small number of people watching, while others walk past without a problem. A much larger crowd gathers after the arrests begin, but people are still shown passing through the area.

Another protester, Joey Speel, told *Clarion* that while he was arrest-

ed, "one cop had my hands and one cop had my feet," and "the one who had my feet pulled back and punched me in the testicles."

The alleged punch is not visible on the website video, but a Hunter student who asked to remain anonymous confirmed Speel's account. The student, who was not involved in the protest and said she does not know the demonstrators, was in the cafeteria when she heard a commotion outside. She told *Clarion* she saw a security officer straddling a handcuffed demonstrator, who was visibly in pain. She said that when she urged the officer to stop, he became angry, "turned around and basically took his anger out on this victim and basically punched him in the balls."

## PROCEDURES

Via e-mail, Hunter's Communications Office told *Clarion* that "the Office of Public Safety knows of no such allegation and no complaint has been filed with Hunter. All proper procedures were followed by Hunter security guards in defusing a disruptive and potentially threatening situation for our students."

Tinkleman and Speel said they had been previously arrested at Hunter in similar anti-torture protests. They added that earlier in October they had seen a theater group doing a loud presentation about sperm in a similar public space at Hunter, and that the actors said they had no permit.

Speel and two other protesters are not affiliated with CUNY, but that does not appear to have been a factor in the decision to make the ar-

rests. Speel turned down an offer of adjournment in contemplation of dismissal (ACD); Tinkleman said other arrestees either accepted the ACD or, as in his case, had charges dismissed.

## FAITH TARNISHED

However, Tinkleman has received a written warning from Hunter College stating that "this type of behavior will not be tolerated in the future," since it could

have "provoked or encouraged physical violence." Similar actions could lead to his expulsion, the letter states.

The student witness who spoke to *Clarion* sees the issue differently. Security officers "took it out of proportion and they were extremely violent," she said. "This totally tarnishes my faith and respect for the security at Hunter College. I do not feel safe with these security guards."

Fernando Braga contributed reporting for this article.



On November 22 the New York Coalition for Immigrants' Rights rallied to oppose the "REAL ID" Act, which denies drivers' licenses to undocumented immigrants. Hundreds of union members and community activists and several elected officials gathered outside Governor George Pataki's Midtown office in the rainy cold to demand he protect immigrants' rights.

## Write to Clarion

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

# Contract movement slows

By PETER HOGNESS

November saw continued movement toward a contract agreement between the PSC and CUNY – but in December, the union voiced concern that the pace of progress had slowed and that crucial elements of a deal were not yet in place.

“We will not accept a contract that does not stabilize the Welfare Fund,” warned PSC President Barbara Bowen in a letter on December 15. “We negotiated in good faith at the bargaining table, and reached a tentative framework with CUNY. It’s time to finalize that conceptual agreement and add to it the necessary support for the Welfare Fund.”

Bowen called on union members to write to Chancellor Matthew Goldstein and tell him that CUNY must “substantially increase its contributions” to the PSC/CUNY Welfare Fund. “Health benefits are a major part of the compensation for our work,” a union statement declared. “We cannot agree to a contract that does not protect them.”

## PREVIOUS PROGRESS

By late November, the PSC and CUNY management had defined the broad strokes of a possible contract settlement on most key points. “Discussions have largely moved to the level of the City and State,” Bowen reported to members on December 2, “where we are seeking approval for the tentative agreements we reached with CUNY management and support for the full economic package we need.”

But none of the understandings between union and management could be firm until all basic points were settled, and adequate financing for the Welfare Fund remained a difficult issue. “At this stage the work is primarily conversation – often many times a day – with CUNY management, the City and the State, to try to hammer out a settlement,” Bowen wrote to members on December 2.

## DEADLINE WAS GOOD

Movement in negotiations had begun with management’s response to the PSC’s November 3 deadline for substantial progress at the table, as the union considered a membership referendum on job action if contract talks were stalled. In combination with the UFT contract agreement, the deadline changed the dynamics at the bargaining table.

“We have seen throughout these negotiations that every time we stepped up the pressure, things have happened at the table,” said PSC bargaining team member Iris DeLutro. “Setting a deadline was good for the process – it lent an urgency to the talks that moved them forward.”

Bowen credited members’ ac-

## Pressing to secure deal with CUNY, City, State



Members send their message to the Board of Trustees on November 28.

tions – particularly October picket lines and the record turnout at the September 29 membership meeting – with the progress that followed at the table. “The momentum you developed [in] the public spaces of the mass meeting or campus protests...fueled six weeks of intense negotiations,” she said. “Doors that had been closed for three years opened during the two weeks after the mass meeting.”

But as November turned into December, the pace of progress began to slow. In part, said union negotiators, this was due to the complexity of contract negotiations at CUNY.

While public school teachers bargain directly with the City, and transit workers negotiate with a State authority, a PSC-CUNY contract agreement involves both the City and State, as well as CUNY management. In this round of contract bargaining, the City and the State each developed different patterns, and “they are both very invested in maintaining those patterns,” Bowen told the December 15 Delegate Assembly. The PSC has refused to agree to lower salaries for new hires or lower benefits for all.

## LONG OVERDUE

In a November 28 letter to the Board of Trustees, Bowen had noted that “the Chancellor’s Office and members of the Board of Trustees have worked hard in recent weeks to assist in bringing contract negotiations to a close.” Nonetheless, she stressed, “we still have no contract.” In fact, she wrote, PSC members had been working under an expired contract for 1,124 days, and had not received

a raise for more than four years. “A fair settlement is long overdue,” she concluded, and called on trustees to “redouble their efforts” to conclude a deal.

## WELFARE FUND

By mid-December, the union was taking a sharper tone. In her December 15 statement, Bowen acknowledged that finalizing an agreement was “a complex process, one that is both political and technical – but there is no excuse for taking this long.”

Union negotiators expressed particular concern that, while there were tentative understandings with management on pay hikes and advances in equity and working conditions, the issue of enhanced contributions to the Welfare Fund had still not been resolved. They stressed that the PSC could not accept any settlement that did not solve the Fund’s financial crisis. “It is outrageous to expect us to continue working at CUNY without adequate benefits,” Bowen said.

“Years of inadequate support by the University have left the Fund with a growing structural deficit,” noted a PSC statement on the union’s website. “If CUNY management does not substantially increase its contributions in this round of bargaining, the Welfare Fund will be forced to enact dramatic cuts in benefits or increases in costs. This would be intolerable.”

Continued inadequate funding would endanger CUNY’s ability to provide a quality education, the union added, because the University “cannot hope to recruit and retain a strong academic workforce if CUNY offers substandard benefits.”

The PSC appealed to members to sign this statement and add their

own stories of how they had been personally affected by the shortfall in Welfare Fund finances. The result was more than 1,600 faxes sent to Goldstein’s office on December 18 and 19, just before *Clarion* went to press.

At press time, union negotiators said that issues affecting CUNY’s Educational Opportunity Centers and the Hunter Campus Schools also remained unresolved. “There have been constant sessions and side meetings on those topics,” Bowen told delegates on December 15.

In addition to the fax mobilization in mid-December, a PSC delegation

attended the November 28 meeting of the Board of Trustees to prod them to conclude a contract agreement. About 15 union members held up brightly colored signs reading “1,124 Days: Settle Now!”

PSC activists said they came to impart a sense of urgency to the trustees. Bob Cermele, chapter chair at City Tech, told *Clarion* that he had participated in most of the union’s previous actions at Board meetings and didn’t want to miss this one. “I think it’s important to raise the Board’s awareness about our contract issues,” he said. “If we weren’t there, they would be unaware of how the members feel.”

## CUNY MUST PAY

With the Board of Trustees scheduled to endorse the Chancellor’s proposal for perpetual annual increases in tuition, Cermele and others said they had also come to reiterate the union’s position that money for fair raises and decent health benefits should not come from tuition hikes.

The PSC has argued that increasing CUNY’s reliance on tuition will let the State Legislature off the hook for the funding of public higher education (see “CUNY in Brief,” page 5).

Students have been generally sympathetic to the PSC’s contract demands, and have cited the union’s opposition to tuition hikes as one of the reasons for their support.

As *Clarion* went to press at the end of CUNY’s exam period, the City, State and CUNY management were holding a series of contract discussions; results were not yet known. Bowen urged members to check the union website ([www.psc-cuny.org](http://www.psc-cuny.org)) in January for news or appeals for further action.

## HIGHER ED IN BRIEF

### Aid yanked

*The New York Times* reported that the for-profit Interboro Institute, one of the fastest-growing colleges in the state, violated NYS regulations for student financial aid eligibility. Comptroller Alan Hevesi’s office released an audit showing the violations and barred the school from receiving \$903,150 in state aid.

Interboro offers mainly lower-cost career-oriented courses to mostly African-American and Latino students. It offers a high school equivalency diploma and two-year college degree in 16 months with financial aid and job placement.

But all admitted students must pass tests and prove they are progressing to a college degree (taking more than remedial courses) in order to qualify for financial aid,

and Interboro’s students have been failing both the tests and the classes, the state found.

### Presidents vs. tenure

A *Chronicle of Higher Education* survey showed most presidents would axe tenure if given the chance. Some 53% thought the system should be replaced with long-term contracts.

The survey also found that presidents with teaching experience were more supportive of tenure, and “in general, a president’s immersion in the academic side of university life seemed to be an indicator of whether or not a president valued tenure.” Also, presidents of institutions that grant PhDs and presidents of secular colleges were less likely to oppose tenure.

The story cited the AFT’s and AAUP’s stands in defense of tenure. It also pointed to Florida Gulf Coast University, at which 95% of faculty work under long-term contracts with no tenure.

# School of Professional Studies to offer undergrad degree—online

By LENORE BEAKY  
and PETER HOGNESS

Amid intensifying controversy over its planning, curricular design and administrative arrangements, CUNY seems determined to roll out the University's first all-online baccalaureate degree in September 2006, as part of CUNY's School of Professional Studies (SPS).

Much faculty criticism is related to the new program's link to SPS. "CUNY appears to be rushing in a new, totally online degree program through SPS, which was created as a continuing education program," said Susan O'Malley, chair of the University Faculty Senate. "SPS has only an adjunct faculty and little in the way of faculty governance."

The "CUNY Online Baccalaureate" (OLBA) will begin with 300 students who stopped attending college while in good academic standing and had earned at least 30 credits. The OLBA "is intended to help working adults return to college and complete their degrees," according to the letter of intent defining the proposal.

The letter says that "the heart of the targeted audience" is the 64,000 former CUNY students who left the University in good standing over the last six years. It cites work and family responsibilities as the main reasons they left, and promises that "online instruction can eliminate the scheduling difficulties that have defeated so many students."

CUNY currently offers between 100 and 200 courses that are completely online, according to George Otte, CUNY's Director of Instructional Technology. But the OLBA would be its first completely online degree. All OLBA students would major in "Communication and Culture."

## ALL ONLINE

The degree would be granted by SPS – and the uncertainties and disagreements swirling around the degree echo those that accompanied the establishment of the school in 2003. At that time, the University Faculty Senate and the PSC were both critical of the fact that the new school was launched with no full-time faculty and no departmental structure. Through the OLBA proposal, CUNY Central Administration is pressing for SPS to issue undergraduate degrees – something it had promised would never happen, according to UFS leaders.

SPS was first proposed as a continuing education venture, with no mention that it would grant degrees of any kind. "They brought in the issue of degrees only a few days before the proposal went to the Board of Trustees," said O'Malley, adding that this sparked deep concern among faculty. "We were given as-

## Centralized initiative draws fire



Susan O'Malley chairs the University Faculty Senate.

urances from the chancellor that there would be no undergraduate degrees granted by SPS, only very specialized master's degrees that none of the campuses were offering," O'Malley said.

Full-time faculty participating in the OLBA program would hold "joint appointments," primarily developing and overseeing curriculum and instruction. The mechanism and status of these joint appointments is unclear. They would teach perhaps one course a year, on an overload basis. The rest of the courses would be taught by the program's adjunct faculty.

A brief one-page description of the OLBA program distributed October 26 suggested that "as the program grows," it would move beyond relying on joint appointments and would hire full-time faculty specifically to teach in the OLBA. But the 20-page letter of intent that followed did not mention this prospect.

Concerns about the placement of the OLBA program in SPS, the role of full-time faculty, and governance issues were the focus of a sometimes heated debate this Fall, intertwined with questions and debates about the pros and cons of online education itself. Faculty governance bodies have been sharply critical of the process through which the proposal has advanced.

On November 18, the Council of Faculty Governance Leaders unanimously urged "that no University-wide degree program should go forward unless passed by the University Faculty Senate." On December 6, a

UFS plenary declared that the Senate "cannot with confidence support the proposal as outlined in [this] document," referring to the one-page OLBA program description.

The UFS has also declined to name its three members for the OLBA curriculum committee, citing concerns about the academic rigor and clarity of the OLBA proposal, as well as what UFS leaders have called the limited number of people involved in its planning.

But these concerns and objections do not appear likely to slow the process down. On November 30, the SPS governing committee voted to establish the OLBA Curriculum Committee, without UFS representatives. And on December 12, the SPS board approved the program's letter of intent.

These moves continued the rapid pace of the proposal so far. The June 2005 report of CUNY's new Steering Committee for Online Resources and Education (SCORE) recommended the establishment of an online degree program. At a UFS meeting in September, Executive Vice Chancellor Selma Botman "announced that this degree would be housed in SPS and would begin next September," former UFS Chair Sandi Cooper wrote in a later discussion on the UFS listserv, Senate Forum. "That was the first moment that the Senate had ever heard of this project, and the meeting's entire agenda was derailed as people flocked to the microphone to ask questions."

At the September UFS meeting, Botman was asked why the OLBA program needed to be housed within SPS. She answered that "a single campus didn't seem able to deliver the number of courses needed for this degree."

After she was criticized for not consulting with the UFS or the PSC before presenting the OLBA project as "a fait accompli," Botman responded, "The School of Professional Studies is a unit that I think can host the degree. That is what I think should happen. In terms of the content of the degree, the courses that we will offer, we are inviting faculty to participate and to help us develop this."

In tandem with the debate on decision-making on the OLBA program, there has been a lively discussion on the advantages and drawbacks of online instruction, and of best practices within it. CUNY faculty with experience in online instruction have often been enthusiastic about its use. Many say that it leads to more and deeper interaction with students – particularly those too shy to speak much in a face-to-face class.

But some faculty members have questioned whether a degree program offered entirely through online instruction is the best approach. "Most online degree programs require an in-person component," said Joan Greenbaum, professor of computer information systems and PSC chapter chair at LaGuardia. "Studies have shown that this is important for acquainting students with each other. Indeed, at the low end of the scale, even the University of Phoenix requires weekly in-person seminars."

Otte, who has led development of the OLBA proposal, disputed the idea that research results favor such "blended" classes. "What's certainly true is that there's a lot of blending going on, largely because it's more comfortable for faculty relatively new to online instruction to dabble with it than to jump in," he told *Clarion*.

When done right, online education is labor-intensive.

## WEAK STRUCTURE

But O'Malley said that the weak governance structure of SPS makes it unclear who would decide on class size limits within the OLBA. "Right now it's not clear who makes that decision," she told *Clarion*.

The need for strong counseling and advising services for students in an online degree program has been emphasized by many faculty members, including both members of OLBA advisory groups and critics of the proposal. The latter have noted that there are no counselors in the OLBA advisory group on student and faculty support services.

Accompanied by many unanswered questions, the OLBA proposal is rapidly moving forward towards implementation in Fall 2006. A comment period of at least 30 days is to follow the December 12 approval of the letter of intent. Next comes development of a more detailed degree proposal, which will be considered by the CUNY

trustees' Committee on Academic Program, Planning and Research; the Board of Trustees; and the NY State Education Department.

The unusual speed with which the OLBA proposal is moving forward becomes clear when one compares its development with the long gestation that is about to give birth to the new CUNY School of Journalism, also scheduled to open in September 2006. Following some years of discussion among faculty and administrators, launching a School of Journalism was one of the topics of a May 2003 UFS conference on the integrated university, and planning has continued since then.

With so many sprawling questions to discuss in a compressed time frame, UFS leaders are calling for a slower pace to allow for more thorough discussion. Stefan Baumrin of the UFS Executive Committee put it this way on Senate Forum: "It is not online education itself that is to blame...for the level of confusion, but the rush to do in weeks what needs years, and to do it in the face of considerable resistance."

# Big disparities in UFS survey

By DANIA RAJENDRA

The results of the University Faculty Senate survey of full-time CUNY faculty are in, and survey coordinator Dean Savage says that one thing stands out. "The real message of this survey is that there are astonishing differences by campus," said Savage, who chairs the sociology department at Queens College. "It's quite spectacular."

On many questions, Savage told *Clarion*, it was not uncommon to see the share of respondents who were very or somewhat satisfied range from 80% at one campus down to 20% at another.

Baruch was the campus that showed the most widespread satisfaction: on 83% of the survey's 47 questions, its responses were above the CUNY-wide mean. Dissatisfaction was widest at Medgar Evers and City College – on both of these campuses, only 17% of questions drew responses above the CUNY mean.

## DISCONTENT

Results often showed a large number of campuses bunched in the middle, and a relatively high level of discontent CUNY-wide. On half of the questions, 40% or more said they were very or somewhat dissatisfied.

"CUNY-wide, the overall level of satisfaction was especially low for faculty influence on college policies, effectiveness of shared governance, access to information about the budget, support for intellectual life, and enforcement of health and safety regulations," said PSC First Vice President Steve London.

UFS Chair Susan O'Malley said she hoped CUNY administrators would look to the survey results to identify and promote best practices within CUNY. "We're thinking about doing a UFS conference on this in the Spring," O'Malley said. "It's important to understand why one college does so well on a certain topic, while at another college the level of satisfaction is 60 points less." For example, on the effectiveness of shared governance, satisfaction ranged from a high of 69% at Queensborough to a low of 12% at City College.

The survey results have been most thoroughly analyzed for the questions on "college culture," O'Malley said. On a majority of CUNY campuses, the faculty were mainly dissatisfied with their influence over college policies and with the effectiveness of shared governance. On respect for faculty shown by college administration, discontent outweighed satisfaction on sev-

## How satisfied are you?

en campuses: CCNY, Medgar Evers, LaGuardia, BMCC, John Jay, York and Hunter. (Except for John Jay and York, the same colleges were also in the bottom seven on shared governance and faculty influence on college policy. The survey was conducted before York's new president took office.)

## NO RESPECT

At City College, 73% of respondents said they were dissatisfied with the level of respect shown to faculty by the CCNY administration. "If you look at the way that City scored, you'll notice a whole series of items on the relationship between faculty and the administration," said George Brandon, acting

it is a devaluing of the work that they're dedicated to."

PSC chapter chair Jay Appleman credits Queensborough President Eduardo Martí with much of the faculty satisfaction on his campus. "We have a good administrator who is working cooperatively with us, not against us. It's more of a relationship of equals, and that's an extremely important factor." He noted that Martí is himself a former CUNY faculty member who worked for years as a professor of biology at BMCC.

Full-time faculty at Queensborough were almost as broadly satisfied as those at Baruch: on 76% of

may not have a lot of money at CUNY, but it's still possible to treat the faculty with respect." At QCC, 83% of respondents expressed satisfaction with the level of respect from college administrators, while at CCNY the picture was almost the reverse – 73% were dissatisfied.

Tami Gold, PSC chapter chair at Hunter, said that these issues were important not only to faculty, but also to students. "When you have a workforce that feels valued and feels that it's part of a community, then people work better," she told *Clarion*. "If you have people rushing to get home at the end of the day because they don't like being here, then it's not an environment which is good for our mission – which is to educate our students. These statistics need to be taken seriously."

The survey was distributed to 6,200 full-time faculty, and more than 2,000 forms were returned. Survey forms were also distributed to several hundred adjunct faculty in a pilot study, Savage told *Clarion*, but the response rate was low. Since the overall study was "exploratory" and the first such UFS effort, he said, there was no provision for follow-up work to increase the response rate and therefore the full survey focused on full-time faculty. But part-timers should be included in future research, Savage said: "They're the majority of the people who teach [at CUNY], and they need to have a voice, too."

These statistics need to be taken seriously."

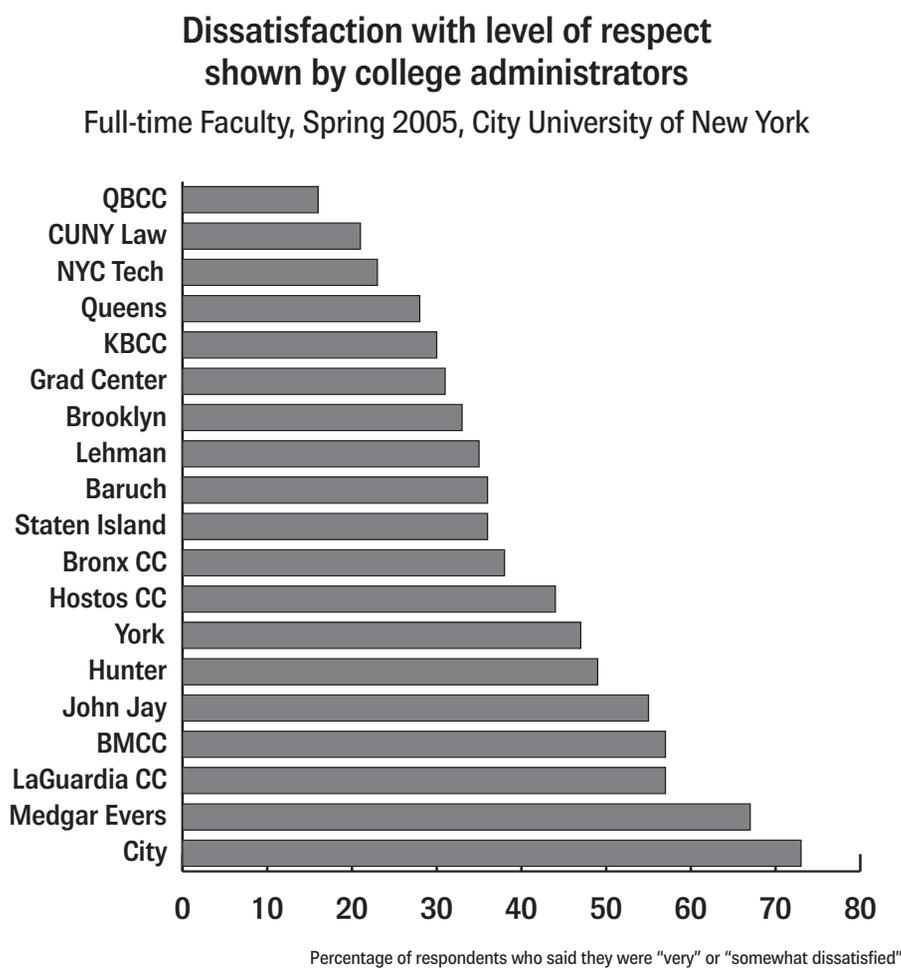
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## ANALYSIS CONTINUES

Much of the data is still being analyzed, Savage said, including response rate by college. "However, with such huge percentage differences, I can't imagine that even if we had an 80% response rate that it would eliminate the very large campus-by-campus differentials," he said.

O'Malley noted that many of the questions came from an existing national study, and that the UFS plans to repeat its survey every two years. Thus, she said, CUNY's results can be compared to those other universities and also analyzed over time.

"Administrators in general are not evaluated in such a public way," said Savage. "Now they have been evaluated by a significant number of their full-time faculty, and evaluated in a forum that is quite public. Some, but not all, of them will be paying attention." He paused. "Man, how can there be such big differences? A lot of this stuff is free – you just have to be nice!"



chair. "Some of this, I think, relates to the way the provost's office has gotten a lot more power than it used to have. I was at a labor-management meeting once, [where] it became apparent that the provost thought nobody else cared about faculty governance, that the idea was passé."

## NATIONAL TRENDS

The problems at CCNY reflect national trends, Brandon said. "There's the corporate thrust in university management," he said, which affects how decisions are made. "There's a generalized pressure on state-funded colleges and universities, which leads towards viewing education and knowledge as commodities. People sense that, and for many of them

the questions, they expressed more satisfaction than the CUNY-wide mean. But the sources of satisfaction at the two colleges were notably different.

At Baruch, the five issues where satisfaction was the highest above the CUNY mean were classroom space, office space, restrooms, audio-visual equipment and maintenance of physical plants. At Queensborough, the top five were shared governance, respect shown to faculty, support for intellectual life, enforcement of health and safety regulations – and parking. QCC actually fared poorly on office space and class size, scoring below the CUNY mean.

Results from a number of questions pointed to an important conclusion, commented Savage: "You

## CUNY IN BRIEF

### Grove's gift

Andrew S. Grove, City College alum and a founder of Intel, will donate \$26 million to his *alma mater*, the largest donation in the college's history. Grove's gift comes after annual donations of nearly \$100,000 to City's chemical engineering program over the last six years, *The New York Times* reported.

CCNY will use the money to improve infrastructure and support to gifted engineering faculty and students, as well as fund new research initiatives and interdisciplinary programs.

Chancellor Matthew Goldstein hailed the gift as a vote of confidence in public higher education.

### Malo sentenced, will appeal

On December 13, Hostos Community College student Miguel Malo was sentenced to three years' probation, 30 days of community service, an anger management course, and a \$120 fine in Bronx Criminal Court. Malo was arrested at a Hostos demonstration for holding up a sign protesting cuts to the school's ESL program in 2001.

Supporters called the punishment "unusually harsh," but noted that the Bronx District Attorney's office had been seeking jail time. Judge Catherine Bartlett said she considered the letters sent by Malo supporters in rejecting that request. "Miguel is not behind bars today. This is a direct result of the mobilization of support at Hostos and other CUNY campuses," supporters said. The PSC Delegate Assembly and the CUNY Faculty Senate both passed resolutions of support.

Malo, who has maintained his innocence and earlier rejected a plea bargain, announced his intention to appeal.

### Trustees vote to index tuition

Over the objections of the PSC and dozens of protesting students and faculty, the Board of Trustees unanimously endorsed Chancellor Matthew Goldstein's plan to tie tuition increases to inflation.

Under Goldstein's plan, tuition will go up every year, but not faster than the Higher Education Price Index, an aggregate increase in the costs associated with running a university. The PSC argues that the plan lets the State Legislature off the hook and that increasing reliance on tuition has meant a net decrease in operating funds.

The student representative, Lehman student Carlos Sierra, abstained, but all other trustees voted to approve the plan.

The PSC members there noted that the union opposes any increase in tuition, and that salary increases for PSC members should come from sources other than increased tuition.

# TWU strikes

By DANIA RAJENDRA

As *Clarion* went to press, Transit Workers Union Local 100 had shut down the City's mass transit systems on the union's longstanding principle of "no contract, no work." The 34,000 members walked off the job on December 20 after rejecting the MTA's concessionary contract demands. It was first time in 25 years that the union has gone on strike, and the outcome will affect the balance of power in municipal labor relations for years to come.

Unions across the city, rallied in the cold evening before the strike began. "This is an attack on all workers, and it's not a coincidence that it's an attack on a union with a membership largely made up of people of color," PSC President Barbara Bowen told the rally.

## RALLY

The rally – thousands of workers from dozens of unions – came after a week of intense organizing. On December 12, Central Labor Council President Brian McLaughlin called for a solidarity fund of \$1.5 million – one dollar for every union member in the City.

On Thursday, December 15, as the initial strike deadline loomed, New York City union leaders held a press conference to announce their support. 1199/SEIU president Dennis Rivera and police union head

Patrick Lynch told the MTA it was long past time to come to the table with a reasonable offer. UFT president Randi Weingarten called it "a fight for fairness."

## FIGHT FOR ALL

They stressed the importance of the TWU's stand for all New York City workers who face demands for concessions – and PSC activists agreed. At the December 15 Delegate Assembly, some delegates sported red kerchiefs emblazoned with the TWU logo. The body passed a resolution of solidarity, noting both unions face "fundamentally the same" issues at the bargaining table.

The Taxi Workers Alliance, a union of 7,000 yellow cab drivers, urged its members to stay at home. "We're not going to scab for the city," organizer Bhairavi Desai told news outlets on December 11.

Transit workers said they could not accept the MTA's demands that new workers pay steep health care premiums and a new lower pension tier. TWU President Roger Toussaint said MTA's concession demands would "put a lock and key on the middle class" for future generations. "We will not sell out the unborn," he vowed.

Deals that slash benefits and/or wages for new employees, known as "two-tier" contracts have become common in the recent round of negotiations in NYC. Two-tier contacts



Transit workers and supporters stood together on December 19.

often cause huge internal rifts, weakening unions in the future.

MTA leaders claim big deficits, but the agency ended the year with a \$1 billion surplus, after battering its own credibility throughout 2005. In February, the authority tried to sell off its West Side railyard to the Jets for a meager \$300 million – after Cablevision had offered them nearly twice that sum. In April, the State Comptroller announced that the MTA had kept two different sets of books. Just weeks before the initial strike deadline, the MTA poured money into half-price holiday discounts for weekend fares only – a gift for shoppers and tourists perhaps, but no help to workday commuters.

The MTA does face large debt payments over the next few years – be-

cause New York State has given weak funding to mass transit and told the agency to borrow heavily instead. Essentially, Albany made tax cuts for the wealthy a higher priority than paying for buses and subways. The TWU maintains that its members should not be the ones to pay for this financial mismanagement.

## DEFIANT

All this fed into the TWU's decision to strike despite the stiff penalties of the Taylor Law, which include fines of two days pay for every day on strike.

CUNY campuses remained open, though PSC President Barbara Bowen had asked Chancellor Matthew Goldstein to consider closing in light of the disruption during the exam period.

Several college websites posted absence policies that violated the union contract, but withdrew them after the PSC objected.

CUNY faculty must make up any classes missed, and workers unable to get to their campus may take the day from their annual leave, as a deduction in pay, or as a sick day, in which case management should not ask for medical documentation.

As the strike unfolded, many PSC members joined transit workers on picket lines around the City. "The TWU is trying to create a bulwark for all of us who are affected by the downward spiral of concessionary bargaining in wages and benefits," said retiree Steve Leberstein. "We owe them our support."

# Bowen elected to labor council

In January, PSC President Barbara Bowen begins a term as a trustee of the New York City Central Labor Council.

Bowen was elected to the position in an October vote by CLC affiliates. As a trustee, she will sit on the executive board and oversee the finances of the council and its programs.

## RECOGNITION

"Barbara's election is important in three ways," commented John Hyland, the PSC's treasurer and co-chair of the union's Solidarity Committee. "First, it's a recognition of her leadership and the growing visibility of the PSC in the labor movement. Second, it's an opportunity to project the PSC's voice and vision within labor." That includes promoting support for public higher education, Hyland said – particularly for CUNY's role as the primary university for New York's working class. "Third," he added, "it is a step in the direction of a more diverse labor leadership, which in turn will strengthen the union movement." Of the CLC executive board's 40 members, only six are women, and 10 are people of color.

## CLC priorities: NYU, TWU

Bowen is also an executive board member of the Municipal Labor Committee, which brings together City workers. But only the CLC aims to unite unions that represent workers of all kinds – public and private, professional and non-professional, service and industrial. Its basic goal is to get all these different unions to act in solidarity.

The New York City CLC is the largest in the country, representing some 1.5 million members in nearly 400 unions. It is a body of the AFL-CIO, and affiliated with the New York State branch of the national federation.

## JOBS WITH JUSTICE

In recent decades, CLCs across the country faltered in connecting the labor movement and the community, leading progressive activists to fill the void with alternate organizations such as Jobs with Justice. In the 1990s, many unions increased their focus on new member organizing, and some CLCs became homes for more active solidarity campaigns.

One often-touted example is the Los Angeles County Federation of Labor, which has been highly successful in building community-labor partnerships. Under the leadership of the late Miguel Contreras, L.A.'s labor council created activist non-profits, and provided space and resources for joint community and union organizing efforts.

The New York City CLC is currently working to coordinate other unions' support of striking graduate assistants at New York University, which CLC Director of Public Policy Ed Ott called "the most important strike in 25 years." Picket lines at NYU have swelled with contingents from a wide range of unions, including garment workers, transit workers, construction workers and many more.

Also, CLC President Brian McLaughlin called for a "solidarity fund" to support the TWU as a way for the labor movement to tell transit workers that "your struggle is our struggle."

## CLC coordinates solidarity and politics among New York unions.

Political issues are another key concern for CLCs around the country. When two Congressional Representatives from NYC voted in favor of the NAFTA-style Central American Free Trade Agreement, the CLC spoke out in protest. The Council led the effort to pass campaign finance legisla-

tion that would preserve New York unions' freedom to be active in City elections. And the council has used its contacts with key political players to help the PSC in its fight for a fair contract.

## POLITICAL

When it comes to electoral action, the role of CLCs is determined by the political priorities of their affiliated unions. In New York City, the CLC endorsed Democrat Mark Green in 2001 but backed Republican incumbent Michael Bloomberg in 2005.

The NYC CLC's political profile has been raised by the fact that its president, Brian McLaughlin, is also a member of the State Assembly. McLaughlin is the third CLC president since its founding in 1959. Like his two predecessors, he was an

electrician and a member of IBEW Local 3, reflecting the powerful voice that building trades unions have historically had within the council.

Central labor councils across the country were hit hard by the split in the US labor movement in July. When some of the largest unions left the AFL-CIO to form a new labor federation, Change to Win (CTW), AFL-CIO President John Sweeney told all Central Labor Councils to kick out any union that had quit the national federation. But after loud protests from many local labor activists, the AFL-CIO reversed course and agreed to allow CTW locals to remain in their CLCs.

The New York CLC was one of those that emphasized the importance of local unity in the wake of the national split, announcing that its annual Labor Day Parade would be led by unions affiliated with Change to Win. Today a dozen members of its executive board come from CTW unions. — DR

## Strike fund

Support striking NYU graduate assistants: Make your check out to "UAW Local 2110 Strike Fund" and mail it to: Strike Fund, c/o New York City Central Labor Council, 31 West 15th Street, New York, New York 10011.

# Battle of wills in strike at NYU



Peter Hogness

By PETER HOGNESS  
and LETICIA TAYLOR

## Walkout continues into Spring semester

Hundreds of unionists supported NYU strikers at a rally on December 2. The PSC contingent is visible on the left.

As Fall semester came to a close at NYU, striking graduate assistants vowed to hang tough in the face of management threats to blacklist strikers from future employment.

"The strike has been massively disruptive Fall semester – and it will disrupt Spring semester, too, unless NYU comes to the table," said Michael Palm, chair of Graduate Student Organizing Committee (GSOC).

### STRIKE CONTINUES

NYU President John Sexton had set a deadline of December 5 – later extended to December 7 – for strikers to return to work. If they did not, he said, they would lose their teaching assignments and stipends for the next two semesters. But the deadline came and went, and GSOC refused to call off the strike. "We foresaw

this ultimatum," said third-year sociology PhD student Owen Whooley as he walked a picket line. "We're here to stay."

Several academic unions are urging their members not to be used as scab labor by NYU in the coming semester. "Part-timers, most prone to be approached by offers to scab, realize that our strength as workers is in collective action," said Marcia Newfield, PSC Vice President for Part-time Personnel. "This strike can be a turning point for higher education unions across NYC." Besides the PSC, graduate workers' unions at Columbia and Rutgers have also urged members not to scab at NYU.

The dispute centers on NYU's refusal to recognize or bargain with

the union, with which it had previously signed a contract that expired in August 2005. In 2004, however, a Republican-dominated National Labor Relations

Board ruled that graduate students are not workers protected by federal labor law. The Board held that graduate students' labor is simply

part of their own education – even when it has little relation to their own field of study. (The ruling did not affect graduate employees at public institutions such as CUNY.)

### RECOGNITION

The strike at NYU began November 9, in response to NYU's repeated refusals to negotiate. "None of us want to picket, but we will," George

Tomlinson, a teaching assistant in the history department, told *Clarion* in December. "It's the only way to resolve this."

The day after the December 7 deadline, NYU officials claimed that three-quarters of roughly 1,000 graduate assistants were working. (NYU had not previously admitted that even one-quarter of its graduate assistants were on strike.) GSOC disputed this figure, and said the strike remained strong enough to prevent business as usual.

"There are still hundreds of graduate assistants on strike," Palm said on December 14. "NYU was hoping that everyone would come back in time to do this semester's grading, and avoid disruptions Spring semester – but that didn't happen," he said.

The strength of the strike appears to vary widely by department. *Inside Higher Ed* reported that the six out of 20 graduate assistants in mathematics who had gone on strike in November had all returned to work. But in other departments the strike remained solid, and in nine departments – all in humanities and social sciences – full-time faculty have voted not to cooperate with administration sanctions.

### SOLID SUPPORT

Close to 100 international students signed a letter to Sexton, saying that they opposed his "antagonizing, intimidating and outrageous threats." They accused him of exploiting their vulnerability, since student visas can limit the ability to work outside NYU. The letter said some signers would return to work under protest, others would remain on strike, but all of them support GSOC's demands.

Gordon Lafer, a professor of labor studies at the University of Oregon

**We are here to stay, says graduate union.**

## LABOR IN BRIEF

### Detectives reject contract

On December 1, the NYPD detectives' union rejected the City's offer of raises of 17% over four years. The members of the Detectives Endowment Association (DEA) voted down the deal by 111 votes and were the first city union to do so on Mayor Michael Bloomberg's watch, *Newsday* reported. The tentative contract involved a longer work week and slower salary increases for new hires, following the pattern of "productivity increases" from new workers set by the PBA arbitration in June.

"I cannot impress upon you enough the magnitude and the im-

pact a 5% concession has on the rank of detective and on negotiations," DEA President Michael Palladino wrote in a letter to members, warning that another "no" vote would mean arbitration, where prospects also looked dim. Other uniformed union leaders told the *Chief* that they were disappointed that the DEA had voted down the deal, as they did not expect they could do better for their own members in light of the PBA pattern. Negotiations had not resumed at press time.

### 32BJ vs. Sotheby's

In November, Sotheby's auctioned work by the Mexican painter Diego Rivera, known for his strong participation in workers' struggles and other leftist causes. His art often portrayed the dignity of

work, and especially Mexican workers, as well as the beauty of collective action.

The art may be lovely, but the auction house continues its contract with ugly anti-worker cleaning company Planned Building Services, over the protests of building service workers in SEIU 32BJ. Members, dressed in costumes, protested Sotheby's at the auction on November 16.

The union is targeting Sotheby's because 32BJ members worked hard to raise standards for building services workers on the Upper East Side. PBS has been fighting its workers over their right to unionize for years. In an uncharacteristic move, the National Labor Relations Board slapped PBS with a federal contempt suit and a hefty fine structure for future infractions.

## Adjunct pension issues

# If you're in another retirement system...

By ELLEN BALLEISEN  
PSC Pension Counselor

Last year's *Clarion* article on adjunct pensions sparked the most phone calls of any story in years. CUNY has not always done a good job of providing its part-time employees with pension information, and this article clearly filled an important gap. "Adjunct Pensions: A Surprising Return" answers most basic questions on the subject and is available on the web. (See page 9 of the February 2004 *Clarion* at [www.psc-cuny.org/communications.htm](http://www.psc-cuny.org/communications.htm).)

But when it comes to pension advice for adjuncts, one size doesn't fit all. CUNY adjunct service is pensionable through the New York City Teachers' Retirement System (TRS). However, many CUNY adjuncts already belong to another New York public pension system, and they need to take specific steps to make sure they get the maximum benefit at retirement. Most can still get pension credit for their CUNY teaching, but the details vary. Below is information for adjuncts in several categories:

● **Faculty and staff who have already retired from CUNY, SUNY, the Department of Education or any other New York City or State agency** and are now working as CUNY adjuncts cannot get additional pension credit for their post-retirement teaching. But they may open a supplemental retirement account with TIAA-CREF or HRC and deposit a percentage of their CUNY pay into this account via payroll de-

duction. There are no matching funds from the employer.

● **Teachers and supervisors in the New York City Department of Education** are already members of the New York City TRS. CUNY adjunct service makes DOE employees eligible for "multiple employment membership," which will increase the salary base TRS uses to calculate their pensions. The specifics of multiple employment membership are different for each TRS tier. For information about your tier, contact me at [eballeisen@psccmail.org](mailto:eballeisen@psccmail.org) or 212-354-1252.

Before retiring from the NYC DOE, employees need to request a record of service from the Human Resources department of the CUNY school where they work. This document should be attached to the TRS retirement application.

● **CUNY full-time faculty and staff who also work as adjuncts** get salary base credit for their adjunct teaching automatically if their adjunct work is at their home campus. Full-timers who teach extra courses on other CUNY campuses also are entitled to salary base credit but must take the initiative to give the HR office at their second campus their pension number.

● **New York State employees in the New York State Employees' Retirement System and the New York State Teachers' Retirement System** may join the New York City TRS in order to get pension credit for their CUNY adjunct teaching. They must be vested in both pension systems before retirement and must retire from the City and State



Carolina Arentsen

on the same day. At retirement, both pensions will be combined under the New York State pension system. To make this happen, an ad-

## YOUR BENEFITS

adjunct must take the initiative to request the transfer to the State.

● **Full-time SUNY employees in TIAA-CREF** may join the New York City TRS to get credit for their CUNY adjunct work. They must retire from CUNY and SUNY on the same day. They will receive separate pension checks from TIAA-CREF and from TRS.

● **Adjuncts with vested TIAA-CREF pensions from prior full-time CUNY or SUNY work** may join the New York City TRS as long as they have not yet begun receiving pension payments from TIAA-CREF. (This group includes adjuncts who previously had substitute full-

time lines and adjuncts who once had permanent full-time CUNY or SUNY positions but left these jobs before retiring.) They cannot take distributions from their TIAA-CREF CUNY or SUNY pension until they take retirement under TRS.

Adjuncts with vested TIAA-CREF pensions from private employers or public employers outside New York State may join the New York City TRS with no restrictions.

● **CUNY adjuncts who are also SUNY adjuncts** may join the New York City TRS to get pension credit for their CUNY work and either the New York State TRS or TIAA-CREF to get credit for their SUNY work. They must retire from CUNY and SUNY on the same day, and those who belong to both the New York State and New York City TRS will have both pensions combined at retirement.

● **New York City employees in the New York City Employees'**

**Retirement System and the Board of Education Retirement System** are not eligible to join the New York City TRS and therefore cannot get pension credit for their adjunct teaching. However, they may deposit a percentage of their CUNY pay into a supplemental retirement account with TIAA-CREF or with HRC.

● **Adjuncts who join the New York City TRS and later get a job that makes them eligible for a different New York City or State pension plan** may transfer their TRS accounts into the pension system that covers their new position. Alternatively, those eligible for a different New York City pension plan may choose to stay in TRS as transfer contributors.

*Adjuncts with further questions about their pension status can contact Ellen Balleisen at [eballeisen@psccmail.org](mailto:eballeisen@psccmail.org) or 212-354-1252.*

## PROFESSIONAL STAFF CONGRESS/CUNY NOTICE OF NOMINATIONS AND ELECTIONS — SPRING 2006

### PSC GENERAL OFFICERS

Term of Office: 3 Years

President, First Vice President, Secretary, Treasurer, 5 University-wide Officers.

Vice President, Senior Colleges, and 3 Senior College Officers.

Vice President, Community Colleges, and 3 Community College Officers.

Vice President, Cross Campus Chapters, and 3 Cross Campus Officers.

Vice President, Part-Time Instructional Staff, and 3 Part-Time Instructional Staff Officers.

### NYSUT AND AFT CONVENTION DELEGATES

Term of Office: 3 years

100 Convention Delegate Positions

### ELECTION SCHEDULE:

1. Nominating petitions will be obtainable upon request from chapter chairpersons or from Ms. Barbara Gabriel, coordinator of administrative services, at the PSC office from January 26 to March 1, 2006.

2. Petitions must be received at the Professional Staff Congress, 25 West 43rd Street, 5th Floor, New York, NY 10036 by 5 pm, March 1, 2006.

3. A candidate or his/her designee may inspect the list of eligible voters at the American Arbitration Association offices at 1633 Broadway – 10th Floor, on March 27, 2006, between the hours of 9:00 am – 5:00 pm

4. Ballots will be mailed to members by the American Arbitration Association on Monday, April 3, 2006.

Anyone who does not receive a ballot by April 10, 2006 should call the American Arbitration Association at 800-529-5218 for a duplicate ballot.

5. All ballots received by the American Arbitration Association by 5 pm on Monday, April 24, 2006, will be included in the count.

6. Ballots will be counted on Tuesday, April 25, 2006, at 10 am at the American Arbitration Association offices, 1633 Broadway – basement.

### ELIGIBILITY TO SERVE:

Members shall be permitted to hold a position as a general officer (serving on the Executive Council) who have been members in good standing of the Professional Staff Congress for at least one (1) year prior to the close of nominations, March 1, 2006.

### ELIGIBILITY TO VOTE:

All members shall be permitted to vote in this election who have been members in good standing for at least four (4) months prior to the mailing of the ballots, April 3, 2006.

### NOMINATIONS PROCEDURE:

1. Nominations shall be by written petition signed by no less than fifty (50) members of the appropriate constituency in good standing.

2. Slate nominations shall be permitted.

### SLATE REGULATIONS:

A slate of candidates will be recognized if it consists of candidates for twenty-five percent or more of the officers to be elected, and if it submits, prior to the close of nominations: (1) a listing of caucus officers, all of

whom must be members in good standing, including the person designated to authorize nominees for that caucus' slate and the members of the caucus Committee on Vacancies, which, unless otherwise designated, shall be the caucus nominating committee authorized to replace any candidate on the slate whose name is withdrawn no later than 7 days prior to the mailing of the ballots; and (2) a nominating petition including the printed name, signature, department and college of each petitioner and, for each candidate running on the slate, his/her signature, as well as the printed name, department, college and position being sought. The candidate's signature on the slate petition shall constitute that candidate's acceptance of the slate designation.

### ELECTION RULES:

A copy of the Rules Governing All General and Chapter Elections is available for inspection by all eligible voters from Ms. Barbara Gabriel, Coordinator of Administrative Services, at the PSC central office. Relevant sections are summarized below:

1. All voting must be on an official ballot. Write-in votes are permitted. The intent of the voter must be clear, whether the name of the candidate is written, printed or typed. In order for a write-in vote to be considered valid, the candidate must meet the same eligibility requirements as a regular candidate. A write-in candidate must receive at least 10 or 10 percent (10%) of the total votes cast in the election, whichever is less, to be elected. Write-in candidates who are elected must submit written acceptance of office to the Elections Committee within ten days of the notification of election results.

2. Each candidate, or a representative designated in writing, is entitled to observe the counting of the ballots.

3. The March issue of *Clarion* will carry biographies and/or statements by the candidates for general officers. Each candidate for general officer will be allotted 200 words. Slates of candidates for general officer may pool their allotment of words in whatever fashion they choose. The deadline for typed copy is 5 pm, March 1, 2006. For information on existing *Clarion* photos, contact the editor. Candidates for delegates to the NYSUT and AFT conventions will be listed, but they will not receive further space.

Candidates for general officers may purchase not more than one-half page of advertising space in the March issue of *Clarion*. Slates may purchase not more than one page of advertising space in the March issue of *Clarion*. The deadline for camera-ready mechanicals or an equivalent digital file is 5 pm, March 1, 2006. (Note: It would be helpful to *Clarion* if candidates can give newspaper staff advance notice of their intention to submit statements or advertisements, by February 14, 2006, or as soon as possible thereafter.) Space limitations preclude an offer of space to candidates for delegates to the NYSUT and AFT conventions.

All candidates may mail literature at their own expense through Century Direct, 30-00 47th Avenue, Long Island City, NY 11101-3415, the PSC mailing house. The PSC computer service will provide Century Direct with home-addressed labels of the membership, or will provide candidates with college-addressed labels of the membership at cost. The computer service must have five (5) days of advance notice to provide these labels.

# Drug prices & research

By FRANCINE BREWER

The pharmaceutical industry claims that high drug prices in the US are necessary to pay for the research and development (R&D) of new and often life-saving medicines. If American consumers paid the same low prices charged in Canada and Europe, where drug costs are regulated, the industry could not afford to pay for new discoveries – or so says PhRMA, the Pharmaceutical Research and Manufacturers of America.

Asking a few basic questions can help us evaluate PhRMA's claim.

## HOW MUCH DOES A NEW DRUG COST?

PhRMA contends that it costs about \$800 million to produce a new drug. That number comes from the Tufts Center for the Study of Drug Development – which is mainly funded by the drug industry. But this estimate is highly inflated.

The Tufts Center itself says that the actual cash outlay for R&D of a new drug is about \$400 million. But it says it must double that amount to account for the “opportunity cost of capital” – that is, the amount that could have been gained by spending nothing on research and putting the \$400 million into the stock market or other investments instead.

But \$400 million is still too high because it is a pre-tax figure. Since a large share of drug companies' research expenses are tax-deductible, the actual cost to industry is about \$240 million. This figure, however, only applies to a subgroup of drugs that are the most costly to develop.

The Tufts Center looked only at “self-originated new chemical enti-

## It's the marketing, not the research costs

ties,” or NCEs – drugs that contain a new active ingredient. Of new drugs approved by the FDA from 1989 through 2000, only 35% were NCEs. The other 65% were based on active ingredients that were already on the market, and these “me-too” drugs are far cheaper to develop.

What's more, not all NCEs are “self-originated,” meaning that they were developed entirely by a drug company's own research staff. Many, if not most, important new drugs are developed with the help of public money. A National Institutes of Health study of the five best-selling drugs in 1995 found that most of the research to discover them was conducted with government funds. But none of the drugs in the Tufts Center study received any government support.

According to Public Citizen, a more accurate estimate of the R&D costs for the average drug would be \$110 million. While this is admittedly a lot of money, it is nowhere near the \$800 million

per new drug that PhRMA claims.

## HOW MUCH MONEY DO DRUG COMPANIES SPEND ON R&D FOR TRULY NEW MEDICATIONS?

Drug sales in the US generated about \$210 billion in 2004. Pharmaceutical companies spent about \$30



Carolina Arentsen

billion or 14% of that money on R&D. About half of that R&D money is spent on “me-too” or “copy-cat” drugs. In order to get a share of the sales of big-selling medications, other pharmaceutical companies invest in research to produce their own similar drug. Developing “me-too” drugs is less risky, because the market for them is known, and the research involves fewer dead ends.

For example, the lucrative market for cholesterol-lowering drugs has spurred many companies to develop their own version. As a result, there are now six major

drugs prescribed to lower cholesterol: Lipitor, Zocor, Pravachol, Crestor, Lescol and Mevacor (now a generic).

Pharmaceutical companies even imitate themselves with “me-too” drugs, in order to maintain the higher profits that come with patent protection. When a drug's patent is about to expire, the company that produced it will often develop a modified version – one that is just different enough to secure a patent.

Prilosec, a heartburn medication that was one of the best-selling drugs in the world, lost its patent protection in 2002. To replace it, AstraZenica developed Nexium, relentlessly marketed as “the purple pill.” Research costs for such “me-too” drugs are lower, and the profits can be high. Nexium came on the market with a price almost six times as high as the now-generic Prilosec.

The truth is that only about 7% of the money generated by US drug sales goes toward creating new, truly innovative drugs.

## HOW MUCH DO DRUG COMPANIES SPEND ON MARKETING DRUGS?

The largest single item in the budgets of US pharmaceutical companies is the cost of marketing their drugs. The average amount spent is 31% of annual revenues, or about \$65 billion. “Marketing” includes the growing amount spent on direct-to-consumer advertising.

It includes free samples and sales pitches to doctors in their offices, carried out by an army of sales reps. (In 2001 there was about one drug sales rep for every eight physicians in the US.) Marketing includes advertising in medical journals and “educational” meetings for physicians.

This last point needs some elaboration. “Education for doctors” sounds like a public service – but when it's part of drug company marketing, its purpose is not to serve the public but to serve the bottom line.

Doctors are required to participate in continuing medical education to maintain their licenses. Pharmaceutical companies pay for 60-70% of the various educational programs offered to doctors, which are held at hospitals, resorts, etc. Drug manufacturers often contract with private, for-profit companies to plan the courses, select the speakers and organize the meeting. A number of companies in the medical education business are owned by advertising agencies. It is thus no surprise that many “medical education” sessions effectively promote the drugs produced by the companies that pay the bills.

Comparing the \$15 billion that the pharmaceutical industry spends on R&D for innovative drugs with the \$65 billion they spend on marketing gives us some perspective on the industry's claim that high drug prices are required to fund research.

Another bit of perspective is provided by the scale of drug industry profits. According to *Fortune* magazine, the pharmaceutical industry has had the highest profit rate of any industry in the US in every year since 1982. As a percentage of sales, drug company profits have been three times as high as the average for other industries in the Fortune 500 over that time.

If PhRMA were to say that the drug industry needs high prices in order to pay for expensive marketing, which is needed to maintain its huge profits, the public would be outraged. This illustrates why public education is so important to the cause of health care reform: the more Americans know the facts, the more we can make regulation of drug costs – and Canada-style prices – a real political possibility.

Francine Brewer is chair of the PSC Health Care Reform Committee and a member of the Retirees Chapter Executive Committee. She can be reached at [frangail@earthlink.net](mailto:frangail@earthlink.net). Much of the information in this article is from *The Truth About the Drug Companies* by Dr. Marcia Angell, former editor of the *New England Journal of Medicine*.

## CALENDAR

**NOVEMBER 3 – JANUARY 30 / Activism and Repression: The Struggle for Free Speech at CCNY, 1931-42.** Exhibit of photographs, graphics, cartoons and posters of student and faculty activism in the Great Depression, and the ensuing repression that led to dismissal of more than 50 staff and faculty. At Baruch College Library, 24th Street and Lexington Ave. Contact Carol Smith, [carolsmith63@msn.com](mailto:carolsmith63@msn.com).

**MONDAY, JANUARY 9: 12:30 pm / Retirees Luncheon,** featuring Joshua B. Freeman, on the current state of the labor movement. At the Graduate Center, rooms 9404-9405. Registration required, contact Linda Slifkin, 212-354-1252 or [lslifkin@psccmail.org](mailto:lslifkin@psccmail.org).

**MONDAY, JANUARY 9: 6:00 pm / HEO-CLT Professional Development Fund Committee meeting.** Committee meets to review applications for professional development grants. Applications will be reviewed on the first Monday of each month through June. Contact Linda Slifkin, 212-354-1252 or [lslifkin@psccmail.org](mailto:lslifkin@psccmail.org).

**SATURDAY, JANUARY 21: 1:00 pm / Labor Goes to the Movies – La Commune** is about the 1871 socialist uprising of the Parisian population against a centralized and militaristic government, in a “breaking news” presentation. The featured speaker is Joan Scott of Princeton University. At 99 Hudson Street, 6th Floor. No RSVPs. Contact Dania Rajendra, [drajendra@psccmail.org](mailto:drajendra@psccmail.org).



**SATURDAY, JANUARY 28: 9:30 pm / International Committee meeting.** Contact Renate Bridenthal for information and location, [RBriden1@juno.com](mailto:RBriden1@juno.com).

## Credit union to move – but not far

The PSC/CUNY Federal Credit Union will be closed Friday, January 13 to move to its new location – on a different floor of the same building. The Credit Union will remain closed on Monday, January 16 in observance of Martin Luther King Day; it will reopen Tuesday, January 17, on the third floor of 25 West 43rd Street, in Room 311.

Credit Union members should note that telephone and online banking may be unavailable during the move. See [www.psccunfcu.org](http://www.psccunfcu.org) for further details.



Hunter PSC

On December 8, the Hunter PSC chapter held a “Poetry Jam” featuring members' own poetry, prose and performance. Above is Larry Shore, professor of Film and Media Studies, showing a little-known talent.

## POETRY

## Three by Jan Heller Levi

### Eve Speaks

Once I was in Eden and I walked, blithely,  
out of it.

How was I to know?

There seemed another Eden,  
just next door. It looked familiar,  
and I was tired of the new.

All day he strolled around with his name-tags  
Glitter turned specific, but I craved  
the blobbiness of things,  
the inexact borders,  
the possibility that this could also be

that. Of course I was an idiot. I'd run back  
now, if I could, bear his painless  
children, even call the girl *If Only*,  
the boy, *I Told You So*.

Instead of living in this okay crowded world,  
I'd make all my mistakes in Paradise.

Is that possible?

Is it?

I didn't even see the gate.

Then the gate closed.

### That was the Spring

I told the poetry students: avoid the abstract and generalizations,  
and then had to go back and cross out the abstract,  
and then had to go back and cross out generalizations,  
then had to go back and cross out  
and

from *Found Poems from Capital, Volume 1*

### Page 375, or Why We Don't Have Solar Energy

It was partly the want of streams  
with a good fall on them,

and partly their battles  
with superabundance of water in other respects  
that compelled the Dutch

to resort to wind as a motive power.

The wind-mill itself  
they got from Germany, where its invention

was the origin  
of a petty squabble between  
the nobles, the priests, and the emperor

as to which of those three  
the wind "belonged."

*Jan Heller Levi is an assistant professor of English at Hunter College. "Eve Speaks" is from her most recent book, Skyspeak (Louisiana State University Press). "Page 375, or Why We Don't Have Solar Energy" was originally published in Gobshite Quarterly, issue 8/9. "That was the Spring" is previously unpublished.*

## OUR RIGHTS

# Academic governance and collective bargaining

By IRWIN YELLOWITZ  
Chair, PSC Retirees Chapter

Opponents of collective bargaining in higher education have argued that unionization would destroy the entire system of academic governance, replacing it with contractual rules that supersede collegiality, peer judgment and the faculty's role in senates, councils and committees. In fact, this is a myth, no matter how loudly and fiercely repeated.

The record shows that academic unions respect established and functioning systems of governance, and actually enhance them. As academic managers have sought to bring corporate methods into the academy, shared governance has often been undermined. Unions have defended faculty members' right to a voice in university decisions, and have played an important role in strengthening academic governance systems.

#### UNIONS & GOVERNANCE

The experience of unionization in the City University of New York (CUNY) illustrates these points.

When collective bargaining began in CUNY in 1969, a well-established and functional system of academic governance already existed. It included faculty senates and councils at the individual colleges within the system, significant authority by faculty over curriculum and related matters, peer review, election of department chairpersons, and a newly established CUNY-wide University Faculty Senate (established by the administration to try to head off support for collective bargaining among faculty).

However, the governance system itself was subject to change at any time by the administration. The union in CUNY respected the role of faculty in governance, and added to it by use of the contract. Beyond this, the union defended the entire academic governance system from attack by administrators.

In its first contract with CUNY, the PSC fought to guarantee academic governance, which it considered part of the past practice of the University.

This became an issue in non-binding fact-finding by a state board. The report of the fact-finders supported the union on this point, but the University rejected it, and refused to sign a contract with such a provision. Administrators were not prepared to give up their ability to change governance structures. The union had to give up on this item to get a contract, but clearly the PSC's purpose was to protect academic governance, not replace it. And the contract does allow the union to defend academic governance in another way: if management violates CUNY's Bylaws, a union member may challenge this by filing a grievance.

#### PROTECTIONS

In 1973, the CUNY administration adopted a tenure quota: no department could have more than 50% of its members tenured without special justification from the college president. The University Faculty Senate and other faculty bodies objected that would violate the concept of peer review and was therefore inimical to quality, but they were powerless to block this step by the administration.

The PSC, however, had access to resources that faculty bodies lacked, and it carried out a strong campaign against the tenure quota. The union reached out to academe nationwide and ultimately to the general community. With the help of its affiliates in the labor movement, the PSC made the tenure quota a public issue, which led to considerable criticism of the CUNY administration. In addition, the PSC organized a highly successful boycott of the CUNY Chancellor by governance bodies. This had tremendous symbolic impact. Within six months, CUNY rescinded the tenure quota. Again the union had defended a basic element of academic governance.

#### PEER REVIEW

The union has further fortified the governance structure of peer review through a contract that provides for fair observation and evaluation of faculty, but still leaves to colleagues

their traditional right to recommend reappointment, tenure and promotion. The contract aims to prevent abuses, not to replace peer review.

The PSC also has defended the right of faculty to elect their chairperson, a right that goes back to 1938. Since 1969, CUNY has demanded that chairs be withdrawn from the bargaining unit, which would pave the way for chairs to be appointed by administrators. This is an issue in the current contract negotiations, with the union still refusing to yield.

Finally, the union contract from its inception has sustained academic freedom – clearly one of the major functions of academic governance. It does so both through the contract's explicit commitment to academic freedom, and in its legally enforceable guarantees of due process.

Clearly there have been differences over specific issues, as one would expect in any academic setting. However, these do not diminish the basic support the union has given to the system of academic governance.

#### OVERLAP

This complementary relationship between the union and academic governance has arisen from policy, not personality. Certainly, there has been some overlapping of leadership. For example, the current chair of the University Faculty Senate is also a member of the PSC's Executive Council. Some department chairs and leaders of faculty governance bodies at the various campuses also have been union officers. Yet this overlap is a minor factor in the union's respect for academic governance.

More important is the matter of culture. Union leaders in CUNY have been, in the main, successful academics. Union leaders regard the union as a powerful tool not only to enhance a governance system they respect, but also to maximize the role faculty and staff can play in their total professional lives. Thus the union and academic governance are complementary, and each has gained from the success of the other.

## Unions fortify faculty governance

### Clarion JANUARY 2006

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## OUR RIGHTS

# Top NY court strengthens faculty governance rights

By STEVE LONDON  
PSC First Vice President

A recent New York State Court of Appeals ruling in *Perez v. CUNY* repairs setbacks to faculty governance rights dating back to the mid-1990s and strengthens faculty policy-making rights under existing CUNY bylaws. In a decision concerning the New York State Open Meetings Law and Freedom of Information Law, the state's highest court held that the Hostos Community College Senate and its

rejection of CUNY's claim that the Hostos College Senate was merely "advisory" to the Board of Trustees is integral to the Court's findings in this case.

## 'SOLE LEGISLATIVE BODY'

The court found that the CUNY Board of Trustees' Bylaws delegate board authority to faculty, organized in college-based faculty councils, to formulate policy relating to such matters as admission and retention of students, curriculum and granting of degrees. The court ruled the Hostos Senate, acting under this Bylaw authority "...is ex-

Open Meetings Law and Freedom of Information Law, the public has the right to observe public officials, attend meetings, listen to debate, and have the information leading to making public policy.

Having formally delegated its authority to the faculty, the board cannot simply formulate public policy outside of the process it has set up and the public has come to, and is entitled to, expect.

In terms of a division of power, the Court adopted a model analogous to the division of powers between legislative and executive branches of government. The legislature formulates policy and the executive has the power to accept or veto. Although under existing board bylaws faculty councils have no right to override a board veto, neither does the board have the exclusive right to formulate policy.

The court's reading of CUNY's bylaws supports what could be characterized as a strong consultative relationship for faculty bodies in the shared governance of CUNY. To avoid stalemate, academic policy in CUNY must arise from a two-way dialogue between bylaw-designated faculty bodies and administration where the parties truly deliberate together to reach shared goals.

*Perez v. CUNY* repairs the legal framework arising out of the 1995 *Polishook v. Reynolds* lawsuit which supported CUNY's claim that faculty governance bodies are merely advisory to the board (see box). This weak form of participation in the decision-making process, expressly rejected by the Court, undermines meaningful shared governance.

## CONTESTED TERRAIN

In addition to the *Perez* decision, faculty governance rights are supported by the collective bargaining agreement between the PSC and CUNY through peer review processes, due process protections, and elected department chairs as part of the bargaining unit. Also, through the contract, management's violation of the University's bylaws relating to the terms and conditions of employment can be grieved; including violations of bylaws on the duties and responsibilities of faculty to formulate academic policy for consideration by the trustees.

Faculty rights in shared governance at CUNY have been contested terrain for at least 35 years (see page 10). Even with the *Perez* decision, governance rights will be advanced only if faculty assert their rights and organize effectively to act on them. Now, armed with the *Perez* decision and the panoply of contractual protections (including the right to file grievances if faculty rights are violated), it is incumbent on faculty leadership to act to protect those rights.

The PSC will work actively to advance faculty governance rights and respond to violations.

explicitly imbued with the power to formulate new policy recommendations and review existing policies....Under CUNY's comprehensive university governance scheme, the college senate is the sole legislative body on campus authorized to send proposals to the CUNY Board of Trustees...."

## DIVISION OF POWERS

While the court recognized the college president's right to approve policies passed by the senate and the CUNY Board's "formal power to veto recommendations," the court found against CUNY's claim that the Senate was only an advisory body. The court reasoned that the Senate, a legislative body, is carrying out a civic function and doing the public's business. Under the

## Student lawsuit wins a victory for openness – and for faculty

## *Polishook v. Reynolds*

The most recent round of fighting over faculty governance rights originated in the context of the budget cuts and increasing centralization of CUNY administration in the 1990s.

In early 1995, the CUNY Board of Trustees declared a state of financial exigency. In June 1995, the board adopted an Academic Policy Resolution authorizing retrenchment of faculty, abolition and consolidation of academic departments and a "Long Range Planning Resolution" authorizing changes in admissions, curriculum and degree requirements for CUNY students.

A few months later, a lawsuit against CUNY was filed by Irwin Polishook, president of the PSC, Sandi Cooper, chair of the University Faculty Senate, and other governance leaders, alleging violations of CUNY's Retrenchment guidelines, board bylaws and board-approved governance plans.

## REVERSAL

In April, 1996, Supreme Court Justice Schlesinger vacated both of the Trustees' resolutions and directed the Board "to readdress these issues in conformity with the written and established Guidelines and Bylaws of the University." Schlesinger found that as a matter of fact, financial exigency did not exist and the CUNY BoT had improperly delegated authority to the Chancellor and college presidents to make financial exigency decisions, and thereby abrogated its legal responsibility.

In December, the Appellate Division, First Department, reversed Schlesinger's decision except for that portion that vacated paragraph 27 of the Long Range Planning Resolution, which reduced credit requirements for CUNY degrees, saying the resolution "lacked a rational basis."

In its ruling, the Appellate Division adopted a "good faith" standard of review that supercedes a university's obligation to comply with internal rules. "The decision also nullified all university rules that mandate faculty participation in academic policy decisions" in light of "the board's ultimate statutory authority to govern and administer the university" (from the PSC's appeal to the New York State Court of Appeals).

## REPAIRED

The case was appealed to the New York State Court of Appeals but before the case was heard, a settlement was reached among the parties in November 1997. The settlement provided for a compromise on the reduction of credits, reducing degree credits to 60 for an AA or 120 for a BA, while allowing for exceptions. The settlement also restated the Board's authority to govern the University under education law and reaffirmed the faculty's Article 8.6 rights to formulate academic policy and Article 8.13 establishment of the University Faculty Senate and its responsibilities.

While the settlement agreement formally reaffirmed Articles 8.6 and 8.13, CUNY management treated the faculty's authority to "formulate policy..." as merely advisory to the board's ultimate authority. Given the appellate court's decision in *Polishook*, legal challenges to this interpretation proved difficult.

*Perez v. CUNY* repairs and advances the legal framework derived from the *Polishook* case and gives added weight to the responsibility of faculty councils and of the University Faculty Senate for formulating academic policy.

-SL



Carolina Arentsen

executive committee are "public bodies" and "public agencies" that are responsible for "governmental functions."

The lawsuit was filed because Chong Kim, a Hunter College student, was denied entrance in May 2001 to a college Senate meeting where college curriculum changes were made by secret ballot. In September of the same year, Aneudis Perez, a Hostos Community College student, was denied entrance to a college senate executive committee meeting as he tried to deliver a petition. The students were represented by attorney Ronald McGuire.

This is an important victory for open and democratic processes at CUNY, and the students and McGuire are to be commended for pursuing this case.

Another significant outcome of the *Perez* ruling is that faculty governance rights were advanced by the court's interpretation of the shared governance framework embedded in CUNY's bylaws. The court's

## STATE BUDGET

# Back to the future for tax fairness

By FRANK MAURO

New York State has made some good changes in its personal income tax over the last 30 years, such as creating tax brackets for married couples that are double the single brackets, thus eliminating the bulk of the so-called “marriage penalty.”

But two changes have taken us in the wrong direction: the flattening of the state’s graduated rate structure, and the virtual gutting of the personal exemption. These shifts have reduced taxes on incomes at the top – by billions – while increasing taxes for those in the middle and below.

## LESS TAXES

If those two changes had not been made, and rates and exemptions had been adjusted for inflation, New York State today would have almost \$8 billion more in revenue – and 19 of 20 New Yorkers would be paying less in taxes.

In 1972, New York State had a personal income tax with 14 brackets, ranging from a low of 2% to a high of 15%. Since then, the state government has moved the income tax much closer to a flat tax.

The lowest rate in the old structure was 2%, but that rate and the 3% rate have now been eliminated. At the other end of the spectrum, even more rates and brackets have been eliminated. The 15%, 14%, 13%, 12%, 11%, 10%, 9%, 8%, and 7% brackets are all gone.

Instead of 14 brackets, New York now has five – but all five of these rates are between 4%, the current lowest rate, and 6.85%, the current highest rate. (Two temporary brackets of 7.25% and 7.7% were enacted in 2003 but they were set to expire at the end of 2005.)

The current bracket structure could be described as one that “soaks the working class.” A single person reaches the top 6.85% rate with taxable income of \$20,000. A married couple is in the top bracket when its taxable income is \$40,000 or more.



The State Legislature must act to provide New York with new revenues – and more equity.

To address the impact of eliminating the bottom two brackets, New York has adopted a state earned income tax credit. This helps the lowest-income working families, which is good. But it does not address the impact of the bracket squeeze of the last 30 years on moderate-income families.

Middle-class and lower-income taxpayers have also been hurt by the virtual gutting of the value of New York’s personal exemption.

In 1972, New York’s personal exemption for all taxpayers (including both members of married couples) and each of their dependents was \$625. In 2005 dollars, that \$625 figure would be \$3,000.

## VIRTUAL GUTTING

But Albany chose to go in a very different direction. In fact, New York no longer has a personal exemption for taxpayers – and the exemption for dependents has been stuck at \$1,000 since 1988.

Over this same period, the federal

government’s personal exemption has increased from \$1,950 to \$3,200. That means that a married couple with two children gets exemptions of \$12,800 when calculating their federal income tax but only \$2,000 when calculating their state income tax.

Instead of shifting taxes from the rich to the middle class, New York could have kept its old tax structure but stretched out the brackets each year to reflect the effect of changes in the cost of living and done the same with the personal exemption.

Under this alternative approach, 95% of New Yorkers would be paying less in state income taxes than they do now and the state would be collecting an estimated \$7.7 billion more in tax revenue each year.

That sounds impossible, but it’s true – because incomes have grown so much at the top end and so little in the middle and below.

A family of four with income of \$50,000 is now paying about \$1,000 more in state income taxes each

## Add tax brackets for top incomes

year than it would be paying if New York State had indexed its tax brackets and its personal exemption for inflation rather than doing what it did. The biggest losers are families earning about \$150,000, who are paying about \$2,500 more.

At the other end of the spectrum are the big winners. A family earning \$500,000 is now paying \$22,000 a year less than it would be paying if New York had indexed its tax brackets and its personal exemption for inflation, rather than cutting brackets from the top and bottom. Those with incomes of \$2 million save about \$145,000.

## UNFAIR

Not only is New York’s current tax system unfair – it also can’t get the job done. For years, New York State has underfunded important public needs like higher education, and those services have deteriorated as a result. In 2006, Albany faces an additional challenge: finding a legitimate statewide solution to the NYS

Court of Appeals decision in the Campaign for Fiscal Equity case. The court held that the state constitution requires that all elementary and secondary schools have the resources necessary to provide all of their children with a sound basic education.

Improving educational opportunities so that they meet this standard is essential to the future of the state’s economy and to New Yorkers’ quality of life, but doing so will require billions of dollars in new spending. Some state leaders say that this money can come from “natural growth” in state revenues as the state’s economy grows. While there is such natural growth, it basically covers the increasing cost of current services, including the current level of educational services. This is not enough.

## INSUFFICIENT

So how can we meet this challenge without putting higher education and other important state priorities in jeopardy? As a start, the governor can stop recommending additional tax cuts. He can also dedicate all the revenue from his gambling initiatives to education, not just the revenue from the video lottery terminals (VLTs); and he can work to close more of the state’s corporate loopholes. But those steps will only get us part way to a balanced budget.

And New York needs a budget that is balanced economically and socially, not just fiscally. By moving in the direction of a tax system based on the 1972 rates, brackets, and personal exemptions – adjusted for changes in the cost of living – the Governor and the Legislature can do the rest of the job while making New York’s tax system much fairer.

*Frank Mauro is executive director of the Fiscal Policy Institute, which focuses on budget and related public policy issues in New York State. The New York State United Teachers supports the FPI’s proposal to restore the 1972 tax brackets at rates adjusted for inflation.*

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## 15-MINUTE ACTIVIST

# Contract updates

This January, check in often at [www.psc-cuny.org](http://www.psc-cuny.org). Contract news or contract actions – such as faxing Chancellor Goldstein, calling the Governor’s officer, or e-mailing the Mayor – will be posted as soon as possible. The website is a great way to stay in touch and participate in the contract

campaign even if you’re off-campus.

Also on the PSC website is the union’s Katrina Fund. The PSC is asking members to support Dillard University, a historically black institution that was particularly hard-hit by the storm. Go to [www.psc-cuny.org/DillardFund.htm](http://www.psc-cuny.org/DillardFund.htm).