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

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

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

CUNY: Tackle the real salary problem
Our salaries are too low, and management’s proposals accept the continued underfunding of CUNY. Management should value our work and bring real money to the table.
Yes to a CCE for adjuncts

Do the right thing

@ I am writing to express my strong support for the Certification of Continuous Employment (CCE) for adjunct faculty being proposed by the PSC/CUNY in the current round of negotiations. This measure would offer job security for our long-serving (and long-suffering) adjuncts, protecting them against the semester-to-semester grind that saps their morale and undermines their sense of place within CUNY. For students, and for full-time faculty, the added stability in course offerings and personnel can only be a plus.

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

Hester Eisenstein
Queens College & Grad Center

Stronger action needed

@ I was glad to see the article in the last Clarion about global warming. This emerging disaster will surely destroy or badly damage most non-New York City residents’ lives if something isn’t done very soon to slow it. But more is needed than educating others or taking individual (and even CUNY-wide) conservation measures. We need to treat Bush’s refusal to properly address this question as part of his defense of corporate America against the rest of us. If the PSC can join coalitions and send delegations to protests against the war in Iraq, it should certainly take even more vigorous action on this issue. Our whole future is at stake.

Gregory Darling
John Jay College

The right thing

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

Gregory Darling
John Jay College

The right thing

More on 457 Plan

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

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

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

Assistance provided by the plan’s account executives and HELPLINE representatives to plan participants is totally objective because they are salaried employees and receive no commission payments based on participant enrollments, investments, selections, the amount of salary that participants defer, or other factors. Assistance is available to all participants and is helpful to the employees that PSC has provided this new employee benefit.

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Union persistence wins equity in pensions

By ELLEN BALLENSEN
Brona Community College

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

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

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

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

PERSISTENCE

PSC members welcomed the news. “This is a union victory at a time when there aren’t always union victories,” said Neil Smith, distinguished professor of anthropology and geography at the Graduate Center. “It shows that if you persist, you can get reasonable results.”

Noting that CUNY salaries are lower than those at many other institutions, Smith said that the financial boost for those “who have been committed to CUNY for 10 years or more is right and justified.”

Walter Dufresne, an adjunct at City Tech, was one of hundreds of PSC members who contacted the governor to urge him to sign the bill. He took action even though he is not a TIAA-CREF participant. “One of the great roles played by any union is mutual aid among the members,” said Dufresne. “Helping full-time TIAA-CREF get fair treatment makes perfect sense to me. It’s one more CUNY inequity that’s fallen by the wayside, which helps all of us, including adjuncts who want pay equity.”

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

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

When McCall and other newly-elected PSC leaders took office in 2000, Albany had just approved pension reform legislation for all public employees in New York City and State, with one glaring exception: CUNY and SUNY employees in the Optional Retirement Plan, which includes defined-contribution plans such as TIAA-CREF. Suddenly these university employees were at a significant disadvantage compared to their colleagues in TRS, a traditional defined benefit pension plan. But when New York created the Optional Retirement Plan (ORP) for public college employees in 1984, the legislature was clear that those who chose the ORP should get the same treatment as their colleagues in TRS.

So the new PSC officers immediately began working to rectify this inequity. They reached out to United University Professions, the union that represents faculty and professional staff at SUNY’s four-year colleges and to union locals at community colleges upstate, and New York State United Teachers (NYSUT) made the reform part of its legislative agenda. This year it became NYSUT’s top priority. The unions won support not only from the CUNY administration and TIAA-CREF, but still faced a difficult path before the bill became law this year.

PSC members e-mailed, telephoned and met with lawmakers.

City College President El-Wise Noisette was in daily contact with the governor’s chief of staff. “The governor was clearly feeling intense pressure to sign the pension bill was finally approved by both the Assembly and State Senate – only to be vetoed by Governor Pataki.”

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

VETO PRESSURE

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

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

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

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

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

**SOLIDARITY**

By PATRICK LLOYD
Kingsborough CC

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

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

**VIOLATIONS**

In many ways, these violations of faculty rights paralleled what happened to K-12 teachers in New Orleans public schools. Nearly 5,000 teachers were abruptly fired, then required to apply to get their old jobs back once a few schools began to reopen. Today no public school in New Orleans has yet to open.

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

At Louisiana State University Health Sciences Center, for example, a “force-majority exigency plan” was adopted by the Board of Supervisors. The plan declared the administration’s right to ignore its own regulations on termination of appointment and gave administrators the right to decide which faculty members would be placed on furlough status (temporary leave without pay leading to eventual termination). Eighty-five faculty members were furloughed, effectively immediately and the administration “paid scant if any deference to tenure rights and length of service,” reported the AAUP committee. Terminated faculty received no severance pay and immediately lost their offices, e-mail accounts and parking permits.

Tulane University’s Board of Administrators put forward a “Plan for Renewal” which restructuring its educational programs. For us the importance of this plan is threefold: the right to make unilateral changes to the educational program; the right to decide which faculty members would be placed on furlough status; and the right to ignore its own tenure protections and shared governance.

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

**Oaxacans resist violence**

By GERARDO RENIQUE
City College

Hundreds of people dressed in black marched through the streets of the historic city of Oaxaca, Mexico, on August 10. They carried candles and flowers as a tribute to José-Jiménez Colmenares, killed exactly a year ago during a peaceful demonstration to support Oaxaca’s teachers’ union and its demand for a change in government.

José’s widow, schoolteacher Florina Jiménez, addressed the crowd outside the city’s cathedral, before a mass in her late husband’s memory.

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

**HISTORIC SHIFT**

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

There was wide public sympathy for Oaxaca’s teachers’ union, known for fighting for what is right only for its members but also for students. Strike demands included free lunches, uniform books for all pupils—a popular stance in one of Mexico’s poorest states. The governor, Ulises Ruiz, had been the focus of growing anger since he took office in a 2004 election that was marked by fraud. Since then his administration has been known for widespread corruption and dozens of political killings.

Oaxaca’s citizens responded to the attack on the teachers with nonviolent protests of more than 300,000 people—the largest in Oaxaca’s history—demanding that Ruiz resign. He did, but his blocks effectively pushed the state government out of the capital. Ruiz had the support of grassroots organizations—this wave of protest were the Populist Assembly of the People of Oaxaca (PAPO)—began to discuss what kind of government should replace Ruiz.

Then came the repression. As the summer of 2006 came to an end, more and more unarmed protestors were killed by paramilitary gunmen. Last fall saw the city’s violent occupation by 4,000 federal police in November, detention of more than 400 activists, and increasing sexual harassment and rape of women in the movement. Ruiz held his own despite the pressure on the defensive, with many activists in hiding to avoid arrest.

My early December, however, members of the teachers’ union staged new demonstrations to demand freedom for the prisoners and the end to the repression. A turning point began on March 8, International Women’s Day. Under the slogan, “The fear is over,” thousands marched to reaffirm that APPO was alive and strong.

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

Ulises Ruiz in office, ignoring devasting reports from Mexican and international human rights groups. In order to push forward with privatization of public education, Calderón has established an alliance with Elba Esther Gordillo, the corrupt head of the PRI-dominated National teachers’ union, SNTE (National Union of Education Workers), who was recently named as its “president for life.”

**SOLIDARITY**

The Oaxacan state branch of the teachers’ union, Section 22, is part of a national caucus in the union that opposes Gordillo’s undemocratic ways. In February, the national union’s support, President Calderón’s government has now given official recognition to Section 22—a new development that is a metaphor for the lack of interest of the followers of Gordillo to undermine the existing Oaxacan union. But while this maneuver has posed new challenges for Section 22, it has reestablished the support of the vast majority of Oaxaca’s educators. Meanwhile APPO has survived and even extended into different regions of the state. Teachers and other participants in APPO will discuss strategy for the future on Sep 8 and 9, when it holds its first general congress since the repression. Like the street protests in the face of federal troops, the meeting is a sign that they are ready to continue their struggle over the long haul.

Compiled by the ominous distortion of these events by much of the media, and their disregard for the voices of those involved in the struggle, Professor Tami Gold of SUNY City College last summer to document the movement through video and independently produced television and radio programs. With the important of the movement rests not only in its political relevance, but in the dignity and resilience shown by Oaxacanos of all walks of life in their pursuit of justice and democracy.
Union summer in New Orleans

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

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

The PSC will host a reception to honor its New Orleans volunteers on September 29 at the PSC office at 5:30 pm; all union members and CUNY students are welcome. (See page 2 for details.)

Cecelia McCall

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

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

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

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

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

MCALL: These housing projects – they were evacuated during Katrina and now they’re being kept empty?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MCALL: That’s right. What does it say though about this country, or this government, that we have to find a way to make this an issue again, to make something they feel is important enough to find the needed resources? Part of it is the denial of the race. The denial that this has profound racial implications is bound up with why the response has been so inadequate.

HEUNG: And why the recovery has been so uneven.

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

That’s the division of race and class.

Action & Reflection

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

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The PSC will host a reception to honor its New Orleans volunteers on September 29 at the PSC office at 5:30 pm; all union members and CUNY students are welcome. (See page 2 for details.)
At City College, Clarion’s Roving Reporter asks:

Why did you sign the contract petition?

**Rembrandt West**
Adjunct Professor
English

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

**Joyce Gelb**
Professor Political Science & Director of Women’s Studies

I think “merit” raises would politicize decision-making around salary, and I think it would be a terrible idea to remove department chairs from the union. Department chairs are part of the department, and that’s a strength of the system.

**Susan Diraimo**
Adjunct Lecturer
English as a Second Language

I’ve been here 43 years, so I’m pretty familiar with how the school runs. When I started here, City College was a very different place because the full-time faculty to adjunct ratio was entirely different, and salaries were competitive with what we care. This University has been strong for years, I could be fired on a whim.

**Stephen Jablonsky**
Professor & Chair
Music Department

Every year the people on the other side of the table have stalled and stalled. I felt that pressure had to be applied. They have to know that we care. This University has been pinched and starved and tortured for 50 years. I’ve been here 43 years, so I’m pretty familiar with how the school runs. When I started here, City College was a very different place because the full-time faculty to adjunct ratio was entirely different, and salaries were competitive with what we care. This University has been strong for years, I could be fired on a whim.

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Fall focus: Member-to-member organizing

By DANA RAJENDRA

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

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

YOU SIGN ON

Since May, more than 3,300 union members have signed the contract petition, affirming their support for the PSC’s proposals. More than 700 have signed in the last six weeks, organizers told Clarion – and there is still time to add your name. Go to the union’s web site, www.psc-cuny.org, and click on “Sign the petition.” The PSC will deliver it to Chancellor Goldstein on September 19, the day the current contract is set to expire.

“CUNY’s demands so far – and we haven’t even seen their economic offer yet – would further erode our ability to teach and support our students,” said Diane Menna, co-chair of the Contract Campaign Organizing Committee (CCOC). “The union’s demands, however, would foster a professional environment in which faculty and staff could properly serve our students and provide the education they deserve.” (A complete list of the contrasting demands, and a PSC analysis, are at www.psc-cuny.org/NewContract.Round.htm.)

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

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

HEOS MEET

Throughout the summer, PSC Secretary Arthurine DeSola and HEOS chapter leaders held meetings with HEOS on almost every campus, developing local networks of activists. “It is a lot at stake for HEOS in this round of negotiations,” DeSola said. “We met to update them on management’s demands and ours, and hear their own stories. We heard a lot about micromanaging and contract violations. Almost everyone who came to a meeting signed the petition and many signed up to organize. Members left energized – and so did we.”

HEOs and other members on campus over the summer hung posters throughout the University to make the contract struggle – and what’s at stake – more visible. “A great university provides the conditions faculty and staff need to work,” it says. “Why not CUNY?” Members can download a copy of the poster from the PSC web site, www.psc-cuny.org, or pick one up from the union office at 61 Broadway, 13th Floor.

As Fall semester began, veteran union activists said that management’s failure to make a financial offer meant it would be almost impossible to settle a new contract before the current one expires on September 19. (See the story below.) In response, the PSC has begun planning for a mass membership meeting on October 30 to share the latest news from negotiations and discuss how to win the kind of contract that members deserve. Like the PSC mass meeting held in Fall 2005, it will take place in the historic Great Hall at Cooper Union.

MY FIVE

In tandem with the CUNY-wide events on September 19 and October 30, the Organizing Committee will be holding on-campus connections in support of a good contract. A key building block is the union’s “My Five” network, in which members volunteer to stay in touch with five colleagues and keep them informed and involved. This fall there will be training sessions for potential “My Five” volunteers – once a month starting in October, before each meeting of the union’s Delegate Assembly. If you’d like to be a "My Five" volunteer, call the union office at (212) 254-1352.

“Activists on my campus are making plans to hit the ground running – to organize people into the contract campaign and beyond,” said LaGuardia Chapter Chair Lorraine Cohen, who is also on the CCOC. She told Clarion that the committee’s efforts to connect the PSC’s CUNY-wide demands to local campus conditions have been particularly useful. “Participating has helped me think more positively and more creatively about organizing,” she told Clarion.

Bargaining team members will visit campuses early in the semester to report on the summer’s work and enlist support for the Fall’s ambitious agenda, said PSC Treasurer Mike Fabricant. “On campus, members are discussing our contract demands and management’s demands with greater fluency – and we are working to organize and build the power of the union,” said Fabricant, who also co-chairs the CCOC.

“Working together for a better University is largely what it means to live inside a union. We’ve had many more people join us – and we invite everyone to get involved.”

Still no money offer from CUNY

Current contract expires Sept. 19

By PETER HOGNESS

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

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

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

TIME AT ISSUE

The August 2 bargaining session began with PSC President Barbara Bowen reminding management representatives that it would already be difficult to settle the contract on time if CUNY presented an economic proposal at that day’s session. Further delay, she said, is unacceptable. But at the next session, on August 28, management again came to the table without money.

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

Under New York State law, if there is no agreement on a new contract by the current contract’s end, the old agreement remain in effect until a settlement is reached.

In contrast to the lack of movement on economic issues, the two sides have had a series of productive discussions on some noneconomic questions, union negotiators told Clarion. Issues under discussion have included union proposals on health and safety and creation of a “bank” for sharing sick days, and CUNY proposals on the grievance process.

The PSC’s idea for a collective bank of sick days would be something new at CUNY: it would allow employees to donate some of their sick days each year for use by other employees with special needs. How such a plan might work at CUNY wasn’t clear, but PSC negotiators said they are encouraged that CUNY has, for the first time, shown a willingness to discuss the idea.

In July and mid-August, the two sides held informal meetings and technical discussions to clarify details and explore how agreement might be reached on specific issues. Formal bargaining sessions were held on August 2 and 26, and more are being scheduled for September.

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

OBSERVERS ENCOURAGED

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

If you would like to observe a bargaining session this Fall, contact Amanda DeJesus Magalhaes at adejesus@pscmail.org or (212) 354-1532.
An educator & an activist

By DANA RA JENDRA

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

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

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

9/11 FALLOUT

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

The 9/11 tragedy exacerbated the already severe shortage of space at BMCC, and the chapter has fought what Young calls “a protracted campaign” to get office and classroom space for the students. “I’m fighting for that, but we have tangible results,” she says.

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

Developing Leaders

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

In some ways, Young said, her work as a chapter chair is a natural extension of her own interests as a teacher and an activist. “I am always interested in teaching my students they can change themselves, their lives, the world, and I feel the same way about us as workers.” Her union work, she said, “links me to the larger world – the budget, or the political conditions of the city – and makes me feel connected to the issues of the day in a hands-on way. I am a teacher and I’m involved in the real world.” That combination, she said, “is a good model for my students,” who are “sometimes skeptical about political engagement.”

A good model can have an impact. A few months ago, one of Young’s students, Jesús Urbaez, spoke at a City Hall press conference about City funding for CUNY’s budget. “New Yorkers like me need the CUNY system,” Urbaez told reporters. “CUNY is the only way I can afford the opportunity, and one and a half years after she was hired, Dean Eisner gave her one course. Soon she moved into a full-time teaching post and earned tenure as an instructor. “Those were the days,” she said wistfully.

In the 1970s and into the 1980s, Young began a doctorate, got divorced, raised her daughter, re-established two brownstones in Park Slope, wrote as a freelance journalist for the Village Voice and New York Magazine and was an active feminist. “I was in two conscious-ness raising groups – and I marched a lot,” she said. “It was a strong form of activism. The feeling that we were making changes in our own lives.” She also met her life partner, Phil Eggers, who was the two-time mayor of Jersey City.

ONE AT A TIME

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

In 2000, Young took on her first leadership role in the PSC, when BMCC Chapter invited her to work as a liaison with the bargaining team. She shared the job with another interested member, and her involve-ment, she said, “was a lot.” She ran for the chapter chair again in 2001, and she was elected as chapter chair.

Collaboration

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

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

While being chapter chair has been – and continues to be – a lot of hands-on work and a major challenge (“there are too many hands on too many tasks!”), Young says it’s also a job she’s thronged on. “I struggled myself for many years, so I’m very sympa-thetic to someone who is in need of anything,” she explained. “It’s re-warding because I’m helping to change the lives of the people I work with for the better, and I can see the results.”
What does the arbitration decision on overtime mean for HEOs?

By STEVE LONDON
Chair, PSC Contract Enforcement Committee

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

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

- HEOs cannot be regularly assigned to work more than 35 hours in a week.
- If required or assigned to work more than 35 hours in a week, members will be entitled to an equal amount of compensatory time.
- If a HEO is required to work more than 35 hours in a week, the HEO should follow the supervisor’s instructions, keep track of overtime hours and then immediately contact the PSC.
- If a HEO is routinely required to work over 35 hours per week, the PSC will immediately keep the hours in a week.
- If a HEO is entitled, under federal law, to overtime pay for time worked beyond 40 hours per week, it is against federal law for CUNY to offer any form of compensation other than time-and-a-half pay for the hours worked beyond 40. Contact the PSC immediately if you are working more than 40 hours and not being properly compensated.

What to expect in your paycheck

By CLARISSA STAFF

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

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

Most teaching adjuncts are not paid biweekly, but instead receive nine paychecks per semester, starting September 9, 2007. The average, or “blended,” hourly rate paid for Fall 2007 will take into account the pay increase due partway through the semester on September 19. Since this “blended” rate combines the lower rate for the period before September 19 with the higher rate for the rest of the semester, it will be lower than the $18.97 rate that is in Article 24 of the contract. (Note that the formula at Kingsborough Community College is a bit different because their semester starts later than other colleges.)

Effective after the last Fall semester, adjuncts may be paid $18.97 per hour. This will be in effect for all teaching adjuncts. Teaching adjuncts at LaGuardia Community College are paid biweekly and so will not be paid the “blended” rate. For teaching adjuncts at LaGuardia – as well as for non-teaching adjuncts and Continuing Education Teachers (including CLIP) – the September 19, 2007, increase will take effect on that day. At Clari ssan press time, the union had not yet received information from CUNY on the dates when these increases will actually be reflected in paychecks.

Higher ED In Brief

Sociologist kept out of US

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

If you have questions about how any of these points apply to your own situation or to report violations of the 35-hour work week, please contact Cynthia Campos, PSC coordinator of contract administration, at ccampos@pscmail.org or (212) 353-1352.

Correction on the 457 Plan

The Summer 2007 Clarion article describing CUNY’s new tax-deferred savings option, the New York State Deferred Compensation Plan (known as “the 457 Plan”), stated incorrectly that withdrawals can be made only after age 59. In fact, withdrawals are allowed from the 457 Plan after the participant retires. Employer contributions are always available regardless of age and without penalty.

Similarly, the article indicated that withdrawals for unforeseeable emergencies, under the 457 Plan’s hardship provisions, are limited to those aged 59 or younger. Such emergency withdrawals are available during employment under strict rules – but age is not a factor.

The article also reported operating expenses of mutual funds in the plan as 0.16% to 0.35% of assets. The actual mutual fund operating expenses range from 0.025% to 1.41%. These charges are not in fact “deducted directly from participants’ accounts,” as the article stated, but are netted out of the daily fund price (Net Asset Value).

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

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

New full-timers must choose pension now

Clarissa Gilbert Weiss. (Weiss can be reached at cweiss@pscmail.org, or (212) 353-1352.)

An easy way to pass on this information, and introduce a new colleague to the union, is to give them this copy of Clarion. If you’d like another, just call (212) 353-1352.

HEO Handbook available

Are you a PSC member in the HEO series? That stands for “Higher Education Officer” – the members who administer student services, direct programs, and work in registrar’s, bursar’s and president’s offices – among many other jobs.

Now HEOs have their own handbook on the rules and provisions in the PSC-CUNY contract that are particular to them. Copies are available from the union office – to get one, call Adrienne DeRos at (212) 353-1352.

House passes College Cost Reduction Act

In July, the House of Representatives passed the College Cost Reduction Act – the biggest public investment in higher education since the GI Bill. The bill’s improvements are funded by about $16 billion in cuts to subsidies for student loan companies.

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

What is the arbitrator’s decision on overtime for HEOs?
By NEIL WOLLMAN, DENNIS BRUTUS & JAIME LAGUNEZ

TIAA-CREF and social responsibility

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

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

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

PERSISTENCE

Our coalition and its predecessors have been persistent and have had some success. We lobbied for five years before TIAA-CREF created its first socially responsible fund, and have since won various improvements to that fund. Our organization also led TIAA-CREF to dramatically increase community investment (in low-income areas) and to begin some shareholder advocacy on issues of social responsibility. Such progress occurred only because so many people made their voices heard – and we are asking you to do so again.

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

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

The PSC, NYSTU and AFT have also asked TIAA-CREF to be more active as a shareholder and strengthen its oversight of corporate conduct. In this oversight work, it’s particularly important that TIAA-CREF include labor rights.

GREATER INFLUENCE

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

(a) to press Nike to improve its wage scales and collective bargaining agreements in other countries – and to be more forthcoming with information about them;
(b) to urge Coca-Cola to end complicity with human rights abuses in its Colombia plants and end its usurpation of water resources, particularly in India and other poverty-stricken nations;
(c) to insist that Wal-Mart amend its policies that allow abusive labor practices and promote urban sprawl.

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

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

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

Learn more and act

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

A call to action for workers’ rights

POEMS

Four by Ben Lerner

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

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

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

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

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

CUNY’s real agenda on salaries

By BARBARA BOWEN
PSC President

This has been an exceptional summer for the PSC. The union is receiving widespread notice for the new public equity bill enacted in a political climate that is notoriously hostile to pension bargaining. It is also the case that led to an arbitration decision outlawing CUNY’s long-standing practice of overtime work without compensation. That’s a good record for one summer.

But of course it was not one summer; it was seven years of work on the pension bill and nearly as long on HEO overtime. The secret in both cases was your participation. When 6,500 of you contacted the governor’s office within a few days after I sent out a message asking for calls, you were acting as an organized political force. Creating that force is the most powerful thing a union can do.

DISRESPECT

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

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

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

Even though some progress has been made in negotiations this summer on non-economic issues, the union obviously cannot move toward settlement without a financial offer. Despite management’s pressure about wanting to settle this contract promptly and their public declarations of respect for the faculty, the failure to offer any money shows just the opposite – disrespect. The PSC bargaining team understands that CUNY operates in the double context of both the City and the State, and that the State has yet to move on any of the contracts it negotiates with statewide unions. But where is the voice in the CUNY central administration with the political courage to insist on a fair offer for CUNY faculty and staff? In the past few months, the California State system settled a contract for its faculty with a 21% increase over four years, and now Rutgers has offered its full-time faculty 18% and its part-time faculty 30% over four years. All we have from CUNY officially is silence.

RADICAL & REGRESSIVE

CUNY salaries, once among the highest in the country, have lost up to 40% of their buying power since the 1970s. Management’s response, however, is not to take a principled stand and demand the money we need. Instead, they have proposed a sleight-of-hand that appears to promise more money but would actually mean less. CUNY is dead serious about this demand, and we need to be equally serious in our response. Management’s salary demand is radical and regressive: for all full-time faculty and most professional staff (the major exception is college laboratory technicians), they want to eliminate annual salary steps. CUNY would then take the money that used to go to step increases and give absolute discretion to the college president to provide – or not provide – increases within a range for each title. This is not “merit pay”; this is redistribution from the many to the few. Along with this proposal, management has also proposed a revival of the hugely unpopular “lump-sum performance awards” – a program rejected by the faculty and staff after it proved a disaster in the 1996 contract.

EXPLOITATIVE

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

Appealing to ideals of merit, CUNY is attempting to sell a proposal that, for the vast majority of us, would mean less money, not more. In place of a step increase of around 3.5% to 4% every year for all who are progressing through the steps, most of us would see a much smaller increment or no increment at all. A few would get raises of $5,000, $10,000 or whatever the president wanted to give. Do the math: the more money you take away from current faculty and staff, the more you have to distribute to a few. I have no doubt that those who would receive larger increments deserve higher salaries than they currently earn – but the point is that we all deserve fairness and decent compensation. This is the strong bargaining position the CUNY’s real agenda on salaries

A fake solution to our low salary woes

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Decision on 35-hour week

By DANA RAJENDRA

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

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

MULTI-PLEDGED

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

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

His colleague Robert Bandelt, who encouraged the others to come forward, told Clarion, “CUNY management’s position was, ‘You’ll work until we tell you that you may go home. But don’t expect to get paid or get time back!’ Now, it’s been adjudicated that our time is pre-

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

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

FIGHT CONTINUES

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

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

In rejecting the part of the union’s case that sought straight-pay compensation, Edelman noted that the contract does specify overtime rates for certain categories of instruction- nal staff (including College Laborato- ry Technicians, instructors and assistant and associate professors in library departments, non-classroom staff performing counseling assignments, and others listed in Section 24.7 of the current contract). Because the contract doesn’t state an overtime rate for HEOs in gener-

al, he declined to require overtime pay for HEOs and said such pay is a subject for bargaining.

“The PSC has tried to bargain for overtime rates, but CUNY has consistently rejected those demands,” Bowen said. “Instead, management has sought to take advantage of HEOs’ professionalism and dedica-

tion. Management knows that regis-

trars, financial aid counselors, and other HEOs want to do whatever it takes to serve our students. CUNY has abused that dedication – and now that abuse has to stop.”

“In my 18 years at La-

Guardia, I have never refused to work beyond my regular schedule. I have worked on week-

ends, until midnight, sometimes without any food or transportation,” noted Persaud. “We do it for our students — to help our students become productive citizens in NYC.

“We’re starting registra-

tion on Monday,” Bandelt told Clarion in late August. “But this year, it won’t be come an abyss where time you lost with your family will just be gone. And I’ll get the bonus of getting paid if my particular work week should go over 40 hours,” he said.

“We wouldn’t have that if it weren’t for the union. The HEOs here were fed up, but without the union, it would have gone on forever.”

“People from all over the college are praising us and telling us we’re heroes,” said Persaud. “But I don’t see it that way. Any time there is an absence of fairness and equal treat-

ment, it will compel people to come forward.”

OVER TIME

When the separate federal lawsuit was settled last May, CUNY agreed to pay back pay to seven Assistants to HEO and two HEO Assistants time-and-a-half for time required to work beyond 40 hours, as required by the FLSA. Many other HEO-series employees are also covered by the FLSA; determining whether a given job is covered depends on an analy-

sis of its specific responsibilities. (For more on the FLSA lawsuit, see the May Clarion at www.psc-cuny.org/ communications.htm.)

HEOs who are required to work more than 35 hours per week should contact Coordinator of Contract En-

forcement Cynthia Campos at 212 354-1252.

See “What the decision means” on page 9.