RF-CUNY needs to come clean

By NANCY ROMER

o CUNY researcher likes it when overhead fees are taken off grants by the Research Foundation. Depending on the grant, whether it’s a service project or basic research grant, anywhere between 8% and 54% can be taken off the bottom line. While we sometimes wonder if the percentages are really justified, we understand that there are real overhead expenses that must be met. No one questions the fact that it costs money to provide heat and electricity for the space we use, or to handle a payroll for grant-based employees.

However, the CUNY Research Foundation (RF) is spending our hard-earned money on another type of “overhead” that is unnecessary and wasteful – and which could ultimately interfere with our ability to conduct research and get our work. A few million dollars of money taken from our grants has been spent on the services of Nixon Peabody, a union-busting law firm. This law firm is not working in the interests of our grants.

While the Research Foundation has its own house of Legal Affairs, Nixon Peabody provides a different kind of expertise: its experience in fighting unions. As the firm’s website explains, Nixon Peabody offers “union-avoidance training” and strategic advice on how to defeat union organizing tactics. “Our attorneys have successfully helped employers of all sizes resist unionization efforts,” the site declares.

HOW MUCH?

The CUNY Research Foundation has spent well over $2 million on Nixon Peabody’s anti-union services, at an annual cost that has run between $300,000 and $600,000. These figures are based on the RF’s annual federal Form 990 – but that data does not include any spending since June 2008. The RF refuses to disclose how much it has paid Nixon Peabody since that time – even though it will eventually have to make these figures public, as required by federal law.

The RF’s secretive attitude about this spending is at odds with the values that cUi bono? From my own experience as a principal investigator working with large grants over many years, I know the difference it can make to work with experienced staff on grant administration. Fighting to keep RF wages and benefits low is a classic example of “penny wise, pound foolish.” We want to keep our best people continuing to work on our grants and we want to create the positive working conditions for them to stay.

Moreover, the RF’s anti-union policy is part of a broader trend in US society. Rising corporate hostility towards unions and weak labor laws have produced a paradox: Opinion surveys show that most working Americans would like to belong to a union, but over the last generation unionization rates and working-class wages have both declined. That’s been bad for our country – and right now the Research Foundation is part of the problem.

RF CENTRAL OFFICE

The RF itself has made a choice to fight the union and company will fight, while I make my point. A strong anti-union stance by the RF doesn't help get any research or grant work done.

So who does benefit from the RF taking a hard-line in labor relations? A few years ago there was a cartoon reproduced in a publication of the Institute for Southern Studies. It was crudely drawn, reproduced from a local union leaflet that showed a sharp-eyed lawyer pushing a list of anti-union demands across the negotiation table. His thought balloon says, “Ha ha! Now the union and company will fight, while I make $300 per hour!”

CUI BONO?

The cartoon is coarse, but it makes a useful point. A strong anti-union stance by the RF may not be in the interest of CUNY researchers, or of the University as a whole. But it is clearly in the interest of Nixon Peabody’s billable hours.

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RF itself receives grants for job development and workforce training, with the goals of helping to create more good-paying jobs in NYC, and helping more New Yorkers to get them. But RF management is putting its thumb on the other side of the scale, trying to keep wages low while living costs rise. In the current contract talks between the RF and its Central Office employees, it is clear who is being reasonable and who is not. The median annual salary of RF Central Office employees is $46,000. Their last contract included a significant increase in employee contributions to health insurance premiums, from 11% to 17%, though wages barely kept up with inflation. In the current long-running contract bargaining, RF management began by offering annual increases of 0% to 1.0%, and it has increased that offer slowly, in small increments only when put under pressure by employee organizing. (See page 8.)

Our grant money wasted on union busters.

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