

# ADJUNCT FACULTY ASSOCIATION

## NEWSLETTER

Vol. I, No. 1

Feb., 1974

### STATEMENT OF EDITORIAL POLICY

The Adjunct Faculty Association newsletter is designed to provide an open forum for the expression of news and opinion by adjunct and other part-time faculty. The only criteria for selection of articles are importance, length, and literacy. Consequently, views expressed in this publication are not necessarily those of the AFA. In selection of articles, preference will be given to signed articles, but anonymous contributions will be considered. Articles should be mailed to Adjunct Faculty Association, Newsletter Committee, Box 1130, Ansonia Station, New York, N.Y. 10023.

Board of editors: Lester Garrett, Howard Negrin, David Allen

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### AFA HOLDS FIRST MEETING

The AFA held its first general membership meeting on Friday, January 25. At this meeting a set of by-laws was adopted. For those of you who received both sets of proposed by-laws, the set adopted was the "alternate version," which gives the general membership meetings the power to govern all AFA policies. These by-laws were adopted with the proviso that amendments may be made by a majority vote at any meeting. The purpose of this change was to allow the general membership to make necessary alterations in the by-laws before adopting a more rigorous procedure for amendment.

The meeting also decided to endorse the six adjuncts who are running for PSC convention delegates. In addition, the question of whether it would be more desirable for adjuncts to form a separate union or to seek representation as a cross-campus unit within the PSC was debated.

The next general membership meeting will be on April 5. An announcement giving the time and place of the meeting will be mailed to members at a later date. In the meantime, all members are invited to attend our Executive Committee meetings (see Calendar, last page). If you do not yet know what the AFA is and does, read the article by Sylvia Barnes on p. 2.

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### AFA FILES COMPLAINT AGAINST PSC

The AFA recently has filed two "improper practice" charges against the Professional Staff Congress (PSC) with the State Public Employees' Relations Board (PERB).

One of these charges accuses the union of having "structured and continued to structure itself so as to deprive adjunct and other part-time faculty members of fair representation within the organization."

The other charge accuses the PSC of bargaining in bad faith with the Board of Higher Education "so as to deprive adjunct faculty members of pre-existing protection against arbitrary discharge; to eliminate adjunct rehiring rights and privileges; to restrict the number of courses that an adjunct faculty member may teach; to reduce the pay of adjunct faculty members relative to full-time faculty members by changing the basis of pay from 'semester hours' to 'contact hours' . . . ."

These complaints have two purposes: Either to force the union to give fair representation to part-time faculty on PSC governing bodies and to negotiate a decent contract for adjuncts. Or to establish with PERB that there is no community of interest between full and part-time faculty, thereby laying the foundations for recognition by PERB of adjuncts as a separate bargaining unit.

By Sylvia Barnes

Over the past five years, the number and proportion of adjuncts and other low paid faculty employed by the City University has been on the increase. This trend can be credited to such well-known factors as a generally expanding student body, the open admissions program, budgetary considerations, and the highest-paid senior faculty in the country.

The ratification of the UFTC (United Federation of College Teachers) contract in 1969 many felt, marked a worsening of the position of adjuncts and part-timers relative to the full-time instructional staff--this despite many part-timers had fought alongside full-time junior faculty for the recognition of this union as their collective bargaining representative.

With the creation of a single bargaining unit for the entire professional staff and the recognition of a single union (the Professional Staff Congress) as collective bargaining representative in 1972, hopes for fair treatment were rekindled. At the same time, it became clear to some adjuncts that, if the new contract (then under negotiation) was to be more favorable to us than had been the previous one, we would have to take an active part in the negotiations. With this in mind, a number of meetings were called, independent of the PSC, by and for adjuncts and part-timers in the Fall of 1972.

Out of these meetings grew an informal organization, with members from several campuses of the City University. It took the name Adjunct and Part-Time Faculty Caucus (sometimes Association). Some participants were union members, some were not. But the organization functioned on a completely autonomous basis. The meetings produced two main results: (1) An executive committee, consisting of all those willing and able to take part, was set up to provide for the continuous activity of the new group; (2) a list of 19 contract demands for adjuncts and part-timers, embodying the basis of our agreement and mutual hopes, was drawn up. The list of demands was circulated on a number of campuses, to the union negotiators and to the Board of Higher Education. Essentially, the group was demanding equal pay and benefits for equal work done.

After much discussion the group decided that the best policy would be to attempt to work with and through the PSC. It had been argued that adjuncts had lost out on the previous contract because so few of them were union members when compared to full-timers. If, therefore, more adjuncts were to join the union their influence would be greater and they would be rewarded with a more favorable contract. If adjuncts and part-timers stood by the union, and exerted some pressure, the union would stand by them. For these reasons, the group decided to encourage all adjuncts and part-time faculty members to join the PSC in order to ensure better treatment in the new contract. With this in mind, members of the group proposed to the union that it lower adjunct dues, in order to make such membership more feasible financially. In the fall of 1972 we circulated a petition requesting these lower dues. The group distributed a leaflet in early 1973 urging adjuncts to join the union so as to be able to participate in the imminent elections and in policy formation. Although the number of adjunct members in the PSC did rise somewhat, the hoped-for improvements were not forthcoming.

The union did respond to our pressures by creating the position of Vice-President for Part-Time Personnel, now filled by Bill Leicht, himself an adjunct. An advisory committee and a newsletter were also set up by the PSC.

The adjunct Caucus also requested adjunct representation in the collective bargaining sessions then in progress between the BHE and the PSC, but was turned down on the grounds that the request came too late to be honored.

When the proposed contract was circulated for consideration by the faculty, it became more and more clear that the union representatives had not been bargaining with our interests in mind. A number of groups and factions--including the Adjunct Caucus--opposed the ratification of this contract. Despite its many shortcomings, however, the contract was overwhelmingly approved in the Fall of 1973.

The tremendous step backward for adjuncts which this contract represents, has convinced us that more than an informal pressure group is necessary if our situation is to be improved significantly. At an open meeting it was therefore decided to form a dues-paying membership association dedicated to the improvement of the position of all part-timers. It is our intention to take whatever actions are possible and necessary toward that end.

THE BHE LOOKS OUT FOR OUR FUTURE: ADJUNCTS AND SOCIAL SECURITY

By David Allen

Most adjuncts are now aware that we are no longer eligible for Social Security coverage. There is, however, considerable confusion as to why adjuncts lost this coverage, and concerning the possible benefits and payments to which we are still entitled. This confusion is understandable in view of the failure of the Board of Higher Education to publicize these matters. After an extensive investigation, we believe we have come up with most of the answers to the questions adjuncts have been asking about Social Security.

Until January 1, 1973, all adjuncts were covered by Social Security. This meant that a sum of money-averaging about \$25 per paycheck- was deducted from the salary of adjuncts, and that the University contributed an equal amount to the Social Security fund on a matching basis. This money was to be used to provide adjuncts with the standard Social Security retirement, accident, disability, and life insurance benefits.

Unfortunately, the University, in one of its many economy moves at the expense of adjuncts, managed to persuade the Social Security Administration that adjuncts should no longer be covered by Social Security. We have been told that this was done by redefining adjuncts as "consultants," who do not have to be paid Social Security. This means, incidentally, that adjuncts are now entitled to the tax benefits of consultants, which include deductions for travel expenses to and from work.

The ruling of the Social Security Administration was that any adjunct hired prior to January 1, 1971, should remain on Social Security. Any adjunct hired after that date was to be removed from the Social Security system effective January, 1973.

This ruling was a great windfall for the Board of Higher Education. It means that for all practical purposes the BHE no longer has to contribute to a retirement fund for adjuncts. In a memorandum dated January 2, 1973, Vice Chancellor Newton urged Business Managers to enforce the new ruling, "inasmuch as there are considerable financial costs to be incurred by the University if Social Security coverage is inadvertantly given to ineligible employees." It is true that since January 1, 1971, adjuncts have been eligible for membership in the Teachers' Retirement System (TRS). However, few adjuncts have opted to join the system which is not mandatory like Social Security; and the fact that adjuncts are eligible has not been publicized by the University.

It appears there is not much that can be done to change these rulings. However, it should be realized that because of the confusion surrounding the cutoff, many adjuncts are eligible for payments or benefits of which they are not aware.

First, any adjunct who had Social Security deducted from his pay after January 1, 1973, is entitled to have that money returned to him. This can be arranged by filling out the appropriate form at the Bursar's office on your local campus.

In addition, any adjunct who was hired prior to January 1, 1971, is still eligible for Social Security. On a number of campuses these adjuncts were removed from Social Security by the local business office. These adjuncts can, if they wish, request to be reinstated. If they are not reinstated they have grounds for filing a grievance.

At present adjuncts are not eligible to apply for the return of money deducted from their 1971 and 1972 paychecks. This money is still in the Social Security fund and it is still matched by equal payments from the University. If the University should receive back its matching payments, then adjuncts will be eligible to have their share returned also. If the University then refuses to return this money, we will ask the union to file a grievance.

Finally, it should be noted that adjuncts who were graduate students during 1971 and 1972 are, for a reason unrelated to the University's cutoff, entitled to request the retroactive repayment of whatever money was deducted from their pay for Social Security. In order to obtain this money you should request the appropriate forms from your local Bursar's office.

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WHAT A DIFFERENCE A WORD MAKES: ADJUNCTS SCHEDULED FOR PAY CUT

By Observer

The contract which the FSC signed with the BHE this fall states that adjunct faculty shall be paid for "contact hours" rather than "semester hours", as had previously been the case.

The meaning of this provision is that adjunct salaries will no longer be calculated by assuming a semester to be 15 weeks long, and then multiplying the number of hours taught each week by 15 to obtain the total number of hours for which an instructor is paid during the semester. Instead, days on which classes do not meet - for example holidays such as Washington's Birthday - will be subtracted from the total of adjunct teaching hours. Thus, depending upon the calendar followed on each individual campus, the number of class days each semester will be between one week and one and a half weeks less than the full 15 weeks. This ruling will enable the City University to pay adjunct faculty about 9% less than they would have been paid on the basis of "semester hours". The ground for this change was prepared by the BHE's degradation of the status of adjuncts by re-defining them as "consultants" (see article on Social Security).

The BHE has stated that this new policy will be enforced starting at the beginning of this semester (see the BHE's "Guidelines and Procedures,

Instructional Staff for the CUNY Contract Administration", October 1973, p. 4). Several campuses had already instituted the new procedures last semester. Some of these campuses have adopted the practice of allowing adjuncts to "make-up" classes lost because of holidays. This places the adjunct in the embarrassing position of trying to explain to his students why other instructors i.e. full-time instructors are not requiring that hours lost because of holidays be made up. Is the adjunct expected to devise some fanciful story; or is he to frankly admit that this "make-up" is being done not because of its presumed educational value, but because he needs the money? The situation is quite ludicrous. We would be interested in learning the practices followed on the various individual campuses. Write to the Adjunct Faculty Association, Box 1130, Ansonia Station, New York, N.Y. 10023.

The new redefinition of the status of adjuncts could also prepare the way for further reductions in salary. One such reduction could result from paying adjuncts only for the 50 minutes in which they are actually in the classroom rather than the full hour for which they are now paid. While Vice-Chancellor David Newton, in a meeting with several members of the AFA, specifically denied any intention of carrying the new policy that far, the PSC newsletter Clarion, in its edition of December 12, 1973, stated that such a practice would be instituted. It is gratifying to learn that the PSC leadership now considers this interpretation of the term "contact hours" unwarranted, and urges any adjunct who discovers that he is being paid at five-sixths of the hourly rate, that is for 50 minutes, to contact the union. We would urge those so affected to also write to the Legal Committee of the AFA at the above address.

The PSC has claimed that the substitution of "contact hours" for "semester hours" was slipped into the contract by the BHE without the knowledge or consent of the union. One wonders how this could have been possible since the PSC went over the contract repeatedly with a team of labor lawyers. At best, if it is an illustration of the neglect of adjunct interests which characterizes the union.

The PSC has now filed a Step 2 grievance against this provision. We have talked with several lawyers, and have concluded that legal action would be appropriate if the grievance is lost. Even if the substitution of "contact hours" for "semester hours" holds up in court - which is unlikely - it is probable that adjuncts would have a legal right to retroactive pay for their office hours last fall, for under this new system adjuncts could not be asked to assume such an additional burden without compensation.

We are watching closely to see how the PSC handles this important issue. It will be interesting to see if the union's new professions of goodwill for adjuncts extends so far as to motivate them to undertake an expensive legal action on our behalf. If the PSC fails to take legal action soon, we may file suit ourselves, although this would necessitate extensive fund raising among adjuncts.

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DEPARTMENT OF LABOR EXAMINES SALARIES OF PART-TIMERS

The Wage and Hour Division of the Department of Labor which enforces the provisions of the Equal Pay Act is reconsidering its policy of comparing the salaries of part-time workers only to those of other part-time workers, and of comparing the wages of full-time workers only to those of other full-time workers. If a change is to be made in this policy, it could have important implications for adjuncts, since it could bring federal pressure to bear to end the disproportion between the salaries of full and part-time faculty.

The Department of Labor is inviting comment on this proposed change. We believe it is important that as many adjuncts as possible write to the Department advocating proportional pay for part-timers. Letters should emphasize especially that the disproportionate salaries paid to full and part-time teachers contributes to discrimination against women and minority members. Letters should be addressed to: Morag Simchak, Employment Standards Administration, Department of Labor, Washington, D.C. 20210

## APA INVESTIGATES PSC HANDLING OF GRIEVANCES

As a part of the legal case which the AFA is attempting to establish against the union before PERB (see story on p. 1), we are conducting an inquiry into the PSC's handling of adjunct grievances. If you have or have had a grievance which you believe has not been properly handled by the PSC--especially if it involves deliberate inaction or suppression of evidence by the union--please let us know. Replies will be kept completely confidential, if you wish. Write, giving as many relevant details as possible, to: Adjunct Faculty Association, Legal Committee, Box 1130, Ansonia Station, New York, N.Y. 10023

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## CALENDAR OF EVENTS

Fri., Feb. 8, 4 p.m.--EXECUTIVE COMMITTEE. Room 1625 Graduate Center (33 W. 42nd St.). All invited

Sat., Feb. 23, 2-5 p.m. Meeting of the SECRETARIAL COMMITTEE. Come one and all for a jolly afternoon of addressing envelopes. A rare opportunity to speak on an informal basis with your exalted leadership. The location: Howard Negrin, 14 Washington Place, #3F

Fri., March 1, 4 p.m.--EXECUTIVE COMMITTEE. 1625 Graduate Center

\* Fri., March 22 (eve.)--PARTY. Free for members, non-members \$3.00. A jollification with free food and drink. A chance to meet adjuncts from the far-flung reaches of CUNY.

Fri., March 29, 4 p.m.--EXECUTIVE COMMITTEE. 1625 Graduate Center.

\* Fri., April 5, 4 p.m. [tentative]--GENERAL MEMBERSHIP MEETING

\*We have so far been unable to obtain a room for these events. Members will receive notification of exact time and place as soon as possible. Both will probably be held in the Graduate Center.

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The AFA needs both MONEY and MEMBERS. Without sizeable donations we cannot continue to put out literature, pay for mailings, and pay legal fees. Our strength is directly proportional to the number of our members--and especially active members. Therefore, JOIN NOW and GIVE GENEROUSLY.

For further information concerning the AFA contact: David Allen (Chairman), 310 Riverside Drive, #1002, New York, N.Y. 10025. Phone: 864-1700, ext. 1002 (eves. between 5-12 p.m. best).

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Adjunct Faculty Association  
Box 1130  
Ansonia Station  
New York, N.Y. 10023

I enclose \$3.00 or more for one year's membership. (Make checks payable to "Adjunct Faculty Association.")

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