
CUNY Adjunct Alert

Vol. 2, No. 4

December 1998

Produced by *CUNY Adjuncts Unite!*

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PSC Seeks to Obstruct GSUC Student Activists; or, The Taylor Laws Work Both Ways

As some of you probably know, several of the adjunct organizing efforts in CUNY have come under the close scrutiny of the Powers That Be. On several occasions over the past several years potential violations of New York State's Taylor Laws (§209-a)--in particular the "Improper Employer Practices"--have been cited in attempts to curtail certain adjunct organizing activities by GSUC students, in particular, attempts to recruit adjuncts into the union. Now, finally, the official accusations have arrived. Last month the PSC notified CUNY, who notified the GSUC, that certain activities of the Doctoral Students' Council (DSC)--in particular their Adjunct Project--violate the law. In the letter received by the GSUC, this newsletter, *Adjunct Alert*, was mentioned specifically as violating the Taylor Law. In response to these charges, we thought this might be a good time to set the record straight on a few points.

The DSC Adjunct Project, founded in 1994, is an activity of the DSC, established to advocate on behalf of, disseminate information to, and educate the GSUC student adjunct on issues pertaining to their academic employment. Unlike *CAU!*, with whom it is occasionally confused, the Adjunct Project is not a political organization. Although there has, at times, been ideological sympathy between *CAU!* and the Adjunct Project, and even an occasional overlap of personnel, they are independent of one another, and are distinct in their purposes and conceptualization.

Adjunct Alert, as the masthead has always stated, is the product of *CAU!*, an independent coalition of CUNY part-timers, founded in 1997. *CAU!* is not an organization of CUNY, and therefore does not fall under the purview of the Taylor Laws which concern only the relationships between the union and CUNY (or its official agents, such as the DSC). The Adjunct Project does come under the purview of the Taylor Laws, but has never violated those laws.

Through all of these implicit (and now explicit) legal threats, however, one salient point that seems to have been neglected is that the Taylor Laws work both ways, governing what the union must and must not do, as well. In fact, the second paragraph of §209-a concerns "Improper Employee Organization Practices" and, in excerpt, reads as follows:

It shall be an improper practice for an employer organization or its agents deliberately (a) to interfere with, restrain or coerce public employees in the exercise or the rights granted in section two hundred two, or to cause, or attempt to cause, a public employer to do so; . . . (c) to breach its duty of fair representation to public employees under this article.

Perhaps it's time we examine the real source of possible Taylor Law violations: those who have worked hard in recent years to "interfere with . . . the exercise" of employee rights. Paragraph one of §209-a prevents employers from discriminating "against [certain] employees [e.g. adjuncts] for the purpose of . . . discouraging membership" in the PSC. For obvious reasons, §209-a doesn't explicitly prohibit the union from engaging in that same discrimination. After all, what union would attempt to prevent the members of its bargaining unit from joining the union? And yet, by attempting to prevent *CAU!* from encouraging adjuncts to join; by allowing a shortage of yellow application cards just prior to the December 1 enrollment deadline for voting eligibility; by refusing to release those yellow cards in quantity to adjunct organizers attempting to recruit new members; by refusing to respond to letters and calls from adjuncts; by continually failing to provide adjuncts with a decent contract; by negotiating across-the-board percentage salary increases which widen the gaps between the ranks, making adjuncts relatively worse off than before; by failing to ensure job security for part-timers; by refusing to recruit new members (i.e. adjuncts) in any meaningful way; by refusing to establish and maintain adequate records of part-time faculty; by refusing to address adjunct issues in any meaningful way; and by its discriminatory practice of selective enforcement of Agency Fee, isn't it the PSC that is violating the Taylor Laws?

UAW Backs UC Academic Labor Strike

Graduate and undergraduate students employed throughout the University of California system are planning a strike this fall, according to the Association of Graduate Student Employees (ASE)/United Auto Workers Local 2165 in

Berkeley. Although the exact dates are being kept secret, by the time you read this a simultaneous strike at all eight UC campuses may have occurred, unless the University

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This issue of *Adjunct Alert* was produced by Eric Marshall, Marcia Newfield and Alex Vitale. Back issues of *Adjunct Alert* may be found at our website.

UC Strike cont'd

administration drastically changes its attitude.

Last October, the eight campus locals received a big boost in morale when Steven Yokich, president of UAW, announced that UAW would pay them strike benefits should they be forced to walk off their jobs this winter. Ricardo Ochoa, president of the UC-Berkeley local explained that, "people were concerned about losing pay when they're already living close to the line . . . When we were told we'd have access to the strike fund, it gave us all more courage and our organizing effort more momentum."

Over 9,000 graduate students are employed, including TA's, readers, tutors, and associates, throughout the UC system. With over half of them participating, the decision to authorize a strike received 87% support. For years these workers have been trying to get the university to recognize their campus associations and bargain a contract providing better pay and benefits, and basic workplace rights. The university has consistently maintained the position that they are all students who just earn a little money on the side, and are not workers at all; they have refused to recognize the associations, despite a number of work stoppages on various campuses.

Student employees won an important legal victory last year when the Public Employees Relations Board (PERB), which administers the state's Higher Ed Employee Relations Act, held that the 500 graduate student workers on the UC-San Diego campus were employees within the law. The PERB rejected a university appeal of the balloting, which again claimed that the student employees were not covered by the law. Despite the rejection, the university sent a letter to the union saying that it would bargain for some of the student workers, but not others. In Los Angeles, an administrative law judge also ruled that graduate student employees are covered by the act. UC is appealing this decision as well. "UC is acting as though the law just doesn't apply to them, and people are angry at their arrogance," says Ochoa. "We've just had enough."

The Bay Area Chapter of Scholars, Activists, and Writers for Social Justice (SAWSJ) are circulating a petition to support the employees and help pressure the university in bargaining. For information contact Ellen Starbird (aanz@sirius.com).

Come to the Next Meeting of *CUNY Adjuncts Unite!*

Friday, Dec. 18th @ 3pm
Room 400 25 W 43rd St

next Friday meetings: Jan. 8 & Feb. 5

CAU! Petition FAQ's

Q: Won't this proposal undermine the strength of the union by adding people who are only temporary and part-time?

A: No. The size of the union has been shrinking dramatically over the past 15 years. As a result, the union's clout in Albany and at City Hall has been declining. By adding adjuncts to the union, its membership would swell to well over 10,000. Also, by adding more members we would increase the dues base of the union (even with a substantial reduction in part-timer dues), providing

more resources for lobbying and other political activities. Finally, including adjuncts in the union would help overcome the deep divisions that currently exist within the faculty which makes us more vulnerable to outside attacks.

Q: If all the adjuncts joined the union wouldn't they have a majority, and therefore take over the union?

A: Not likely. In UUP (the SUNY faculty union), which enforces Agency Fee for adjuncts, for example, only about 60% are members. Although that number would likely be much higher in CUNY, it is improbable that adjuncts would comprise much more than 50% of the PSC. Even so, it would mean that the various political factions within the union would have to compete for the adjuncts' votes and include the adjuncts in their discussions.

Q: Isn't it wrong to force adjuncts to pay against their will?

A: No. It's wrong to enforce the legal and contractual provision of Agency Fee selectively. Full-timers have two choices: dues or fees. Part-timers should have the same choices. Agency Fee enforcement induces people to join the union. Membership gives them a voice and a vote. Adjuncts should have this inducement.

Q: But aren't dues too high for many adjuncts to afford?

A: Yes. Let's lower them. With more adjuncts voting in PSC affairs it seems likely that this would happen.

Q: Why should adjuncts' dues be based on a percentage of their income, but not full-timers' dues?

A: We agree. Full-timers dues should be based on a percentage of their income as well. UUP and many other unions do this. But that isn't really the concern of CAU! or this referendum.

Q: Perhaps adjuncts shouldn't even be part of the PSC; why don't they go form their own union?

A: This would be a lose-lose situation. As has been discussed in previous *Adjunct Alerts*, leaving the PSC would be a long, and major undertaking leaving adjuncts without representation for years. For full-timers, this would further reduce the already dwindled PSC membership rolls, further weakening the union by smaller numbers, and more limited perspective. It would also pit the two unions against one another in competition for resources.

Q: How do we know that this is really what adjuncts want?

A: Good question. In fact, we don't. The hundred or so adjuncts who have been part of this referendum campaign represent a wide range of CUNY adjuncts. But there is really only one equitable way to find out: get adjuncts into the union, give them a voice, then hear what they want. If they don't want Agency Fee, they'll say so. Making the decision for them, "in their best interest," is discriminating against them. It is undemocratic and immoral.

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