

Merger

Statements of Dr. Belle Zeller, President, and Dr. Israel Kugler, Deputy President, of the Professional Staff Congress of the City University of New York, before the Board of Higher Education, April 24, 1972.

DR. ZELLER:

Dr. Kugler and I appear before you tonight as the representatives of a new organization, the Professional Staff Congress of the City University of New York, which was formed April 14 by the merger of the United Federation of College Teachers and the Legislative Conference.

We are here on a matter of grave concern to us and to you: steps taken by your representatives that would abrogate the agreements negotiated in 1969 by our organizations and this Board.

First, the Statement on the Professional Obligations of the Faculty, which is on your calendar for tonight, was formulated without the participation or agreement of the collective bargaining representatives. This statement would change the terms and conditions of employment of the instructional staff, a change that can legally take place only through negotiations and not unilaterally.

I am aware that the University Faculty Senate participated actively in formulating that Statement on Professional Obligations. As a member of the Senate, I appreciate its wisdom and its concerns. But both the Senate and this Board must recognize that the Senate is not a collective bargaining representative of our instructional staff and cannot and should not insinuate itself between the duly authorized representatives and this Board.

The Senate's input on this matter does not fulfill the obligation of this Board to negotiate with the duly authorized bargaining bodies.

Secondly, this Board on February 28 rescinded its mandate that student evaluations of faculty be implemented this semester. The Board acted after the Legislative Conference initiated an improper practice charge against the mandate, and the Board acted wisely and in good faith by withdrawing its mandate.

Now, however, a University Dean has instructed the college Presidents to implement a student evaluation system immediately.

The Professional Staff Congress and its predecessor organizations have stated time and again that we favor and appreciate the value of student evaluations, and we intend to initiate such an evaluation system in the next contract. But until such negotiations are carried out and ratified, and without the participation and acquiescence of the collective bargaining representative, such a system may not be implemented.

Now both these problems---student evaluations and professional obligations---can be solved. They can be solved through contract negotiations, and they can be solved immediately---if the Board's representatives were willing to negotiate.

We are eager and willing to negotiate on these and all other matters. We have offered to begin negotiating immediately---either as one unit or, pending the outcome of an election, as two. Thus far, your representatives have refused to do so.

I am here to inform you of the implications of their actions, its effect on the collective bargaining process and on the Board's relations with the instructional staff.

DR. KUGLER:

Our university community has just passed through an important phase of the most

disturbing fiscal crisis affecting CUNY. Together we have worked to effectuate a change in the State Legislature. In line with this the Chancellor called a conference where he presented the unified presence in the form of what he designated as "CUNY United".

On March 29, 1972, the Chancellor on the occasion of a press conference announcing the merger between the Legislative Conference and the United Federation of College Teachers, issued the following public statement:

The merger proposed by the leadership of the Legislative Conference and the United Federation of College Teachers indicates once again that all of us who make up the CUNY community have far more in common than we have in conflict. The university will continue to negotiate in good faith with the faculty's representatives to strengthen our areas of common interest and to serve and enhance quality public higher education in the City of New York. (my emphasis)

When we were two separate organizations, each one represented a part of the Instructional Staff. These two parts add up to the entire Instructional Staff. No other staff organization has come forward to challenge our representation jurisdiction. The existing contracts call for negotiations to have begun six months before their expiration at the end of August, 1972.

The ratification vote by the respective memberships was overwhelming, exceeding 10 to 1. The desire of the staff is for unity in harmony with the Board of Higher Education by-laws' definition of the Instructional Staff and in harmony with the Board's position in 1968, presented by Judge Morris Lasker in its behalf.

We are asking the Board tonight to grant the Professional Staff Congress recognition as the continuing successor organization for the entire Instructional Staff and to get down to negotiate a new contract in good faith.

It is not for the employer to come forth and challenge this proposal. Any challenge must come from within the staff. None has been forthcoming despite a campaign which dates back to the Spring of 1971.

The representatives of the Board have refused any recognition unless it is on the basis of three units. They have refused a consent election unless it's on a three-unit basis. In essence, unless they can have their way, there can be no negotiations until PERB has made a formal decision sometime in the summer when the staff is unavailable. We submit that this flies in the face of the Chancellor's constructive and conciliatory statement. It is entirely unreasonable.

We would be willing to revert to negotiations on the basis of the status quo ante, pending the outcome of the PERB decision, and getting down to immediate negotiations. This has also been refused.

You can play a constructive role tonight by recognizing the PSC-CUNY so that we can go ahead in developing a new contract. If you don't the consequences are not difficult to foresee. You will anger the anxiety-ridden staff and create a wide gulf between them and the Board. We hope you will act with wisdom and foresight and make the Chancellor's statement a reality.
