

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD  
AMENDED  
IMPROPER PRACTICE CHARGE

JAN 29 1974

INSTRUCTIONS: - File an original and 4 copies of this charge with the Director of Public Employment Practices and Representation of the New York State Public Employment Relations Board. A copy of this charge must be served upon each respondent and party in interest.

DO NOT WRITE IN THIS SPACE

Case No.

Date Filed (v)

1. CHARGING PARTY

a. Name (If employee organization, give full name, including local name and number):

Adjunct Faculty Association

b. Address (No. & Street, City and ZIP Code): Telephone Number:

c/o David Y. Allen (212) 864-1700  
310 Riverside Drive, Apt. 1002 ext. 1002  
New York, N.Y. 10025

c. Name and title of the representative filing charge:

David Y. Allen, Chairman

d. Name, address and telephone number of attorney or other representative, if any, to whom correspondence is to be directed:

Burton H. Hall (212) 431-9114  
401 Broadway  
New York, N.Y., 10013

2. PUBLIC EMPLOYER OR ITS AGENTS AND/OR EMPLOYEE ORGANIZATION OR ITS AGENTS AGAINST WHOM CHARGE IS BROUGHT

a. Name and Address (No. & Street, City and ZIP Code):

Professional Staff Congress of the City University of New York  
25 West 43rd Street, Suite 620  
New York, N.Y., 10036

b. Telephone Number: (212) 354-1252

DETAILS OF CHARGE

3. Pursuant to Article 14 of the Civil Service Law, as amended (Public Employees' Fair Employment Act), the charging party hereby alleges that the above-named respondent(s) has (have) engaged in or is (are) engaging in an improper practice within the meaning of Section 209-a, subsection 2(a), (b) of said Act, in that (Specify in detail the particular alleged violation, with a complete statement of the facts supporting the charge including names, dates, times, places, etc. Use reverse side and additional sheets, if necessary.)

A. On or about September 25, 1973, and at various times within the four months preceding the filing of the charge, the employee organization has deliberately entered into a collective bargaining agreement with the Board of Higher Education, a public employer, which injures and diminishes the position and rights of adjunct faculty members, as follows:

(i) It sought and obtained elimination of provisions contained in the earlier agreement previously entered into by the organization's predecessor with the public employer, which provisions had limited the employer's power to arbitrarily discharge adjunct faculty members, and by such elimination the employee organization has authorized and permitted the public employer to use in discharging adjunct faculty members the same non-specific criteria that are applicable to untenured full-time faculty members; and by so doing, because of the adjunct faculty members' shorter employment contracts and other employment factors, it has deliberately rendered adjunct faculty members more vulnerable to arbitrary discharge than are other faculty members.

(ii) It sought and obtained elimination of the "waiting list" provision contained in the aforesaid earlier agreement, and thereby eliminated rehiring privileges of adjunct faculty members.

(iii) It deliberately sought, initiated discussions toward, and obtained reater limits and restrictions upon the work load that adjunct faculty members may take on than existed under the aforesaid earlier agreement, limi-

3. (continuation of Details of Charge) tinga each adjunct faculty member to a total workload of the lesser of either (a) two courses or (b) 60% of the department average contact hour workload, and making such limitation and total University-wide in its application.

(iv) By the provisions referred to and described in sub-paragraph (iii) above, the employee organization sought and obtained replacement of the phrase "semester hour" by the phrase "contact hour," thereby reducing the basis by which the pay of adjunct faculty members is computed.

(v) The employee organization sought and obtained a salary rate increase that was and is unfairly unbalanced so as to favor full-time faculty members at the expense of adjunct faculty members, ~~XXXXXX~~ and thereby reduced the salaries of adjunct faculty members relative to full-time faculty members still further than they were reduced by the changes described in sub-paragraphs (iii) and (iv) above.

B. By these and other acts, the employee organization has violated its duty to represent all employees within the bargaining unit fairly and non-discriminatorily, and has failed and refused to negotiate collectively and in good faith with a public employer and has deliberately interfered with, restrained or coerced adjunct faculty members in the exercise of the rights granted in Section 202 of the Act, or has caused or attempted to cause a public employer to do so.

C. This ~~XXXXXX~~ amended statement of charges supersedes the original statement, and restates the allegations therein contained in greater particularity; and a full answer to the charges here set forth may ignore the original statement, except that the date the same was filed shall be deemed the date of filing for this statement. (219)

4. If the charge alleges a violation of Section 209-a.1. (d) or 209-a.2. (b) of the Act, has the charging party notified the Board in writing of the existence of an impasse pursuant to Section 205.2 of the Board's Rules of Procedure?

YES

NO

5. Is the charging party available immediately to participate in a pre-hearing conference and a formal hearing?

YES

NO

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF NEW YORK )

David Y. Allen

, being duly sworn deposes and says, that he is the charging party above named, or its representative, and that he has read the above charge consisting of this and no additional page(s), and is familiar with the facts alleged therein, which facts he knows to be true, except as to those matters alleged on information and belief, which matters he believes to be true.

David Y. Allen  
(Signature)

Subscribed and sworn to before me X Chairman  
(Title)

this 24th day of January, 1974.