

# Clarion

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AUGUST 2021



Dave Sanders

## WINNING A SAFE REOPENING

The union won a big victory by forcing CUNY to delay its August reopening. But there are more battles for the health and safety of our CUNY community. Above, BCC Chapter Chair Yasmin Edwards speaks at a safety rally. **PAGES 2-3**



### GRAD CENTER Union wins for GC members

PSC enforces the contract.

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### BARGAINING

## New RF contract on the table

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PSC members sound the alarm as the city shifts management of retiree's Medicare coverage to the private sector. Retirees seek transparency and fairness.

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Scholars and activists from across CUNY offer views on a Delegate Assembly resolution passed in June regarding the Israeli-Palestinian conflict.

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# Union, faculty, students speak out on reopening

By CLARION STAFF

As CUNY prepares for in-person learning this Fall, the union is mobilizing to address unanswered concerns about COVID-19 health procedures and building infrastructure safety at campuses across all five boroughs. At a recent New York City Council hearing in June, faculty, staff and students questioned the readiness of CUNY administration and its plans to keep workers and students safe in the face of COVID-19 and other unknown factors, such as the more contagious Delta variant now responsible for the bulk of new infections in the United States. Read some of the highlights from their testimonies below.

## A gradual return is a safe return

To be safe, our transition back to in-person work needs to be gradual, and it needs to be handled with transparency. We love our students and our mission. That's what gets us going every morning. But we love our families too, so our own health is paramount. Transparency from our administration will not only build confidence among the faculty and staff in the safety of the workplace, it will make safety possible. We will be able to ask informed questions and request remediation of facilities that require it. We will not send our members into unsafe offices, labs or classrooms.

We have taken steps to minimize risks to our members. We developed clear safety standards, so members can follow the science. We negotiated a Remote Work Agreement with CUNY so that staff who can perform their jobs effectively off-site may continue to do so. We negotiated a preoccupancy walk-through protocol, so that PSC representatives can accompany engineers and administrators, checking ventilation and other key indicators. Our Health & Safety Committee has trained nearly 150 members to conduct those walk-throughs with management. And we undertook a campaign to free federal stimulus funds from bureaucracy at the state and university levels, so repairs and upgrades can be completed before we return in large numbers.

Nevertheless, we are concerned because many facilities have suffered from years of neglect and deferred maintenance. CUNY's record in this regard has been uneven and sometimes dismal or even dangerous. Many of us *want* to return to campus, but we need vigilance from the administration, not here and there, but on each campus and in every facility. CUNY must provide our members with accurate data and timely responses to questions and concerns.

**James Davis**  
PSC President

## PSC wants 'safe return'

### Remember our libraries

When CUNY classes moved online in March 2020, the libraries were initially kept open and librarians reported having to bring their own hand soap to work so they could practice proper hygiene as frontline workers. CUNY libraries are high-traffic spaces where students congregate, often in groups, for several hours at a time, and library staff work in close contact with them at service desks.

CUNY library workers often have decades of experience working in these crumbling facilities. There is little faith left in general statements about a building being "safe." We have learned to ask for proof. We want details about how our spaces have been prepared for a mix of vaccinated and unvaccinated individuals to keep our communities safe. We believe that our students deserve the same precautionary measures already in place at other New York City libraries and we want to ensure all CUNY students have equitable resource access regardless of campus affiliation. Some materials are simply not available as e-books, and students often prefer to use print. We must not lose sight of the urgent need to provide safe access to our libraries' print collections.

At my own campus, the Graduate Center, librarians have been working for six months to restart onsite services, but CUNY will not provide the information we need to do it safely. We've asked for details about the ventilation and are told that data is unavailable because the library is closed. How are we supposed to prepare operations in spaces before we know those spaces can be used safely? At every turn, the Graduate Center has told us to wait: to wait for policy from CUNY Central, to wait for new guidance, to wait because they just don't have the information to move forward.

### HVAC ISSUES

Yet after months of denying us this basic information, the Graduate Center suddenly moved to open a student study space in the library and gave librarians just five working days notice. When the PSC Environmental Health & Safety Committee was finally allowed to conduct a walk-through, we were not

given access to any of the shared offices used by library staff. Further, CUNY's representative stated that they were not bound to any HVAC best practice recommendations, and we actually had to argue that COVID-19 is a recognized hazard and that reducing indoor concentrations of the virus is achieved through improved ventilation. We should not have to fight over these simple facts. CUNY repeatedly assures workers that spaces have been checked and are "safe," but will block access to any details or proof that improvements have been made. Where there should be community engagement and transparency, CUNY has opted for secrecy and stalling. It does not have to be this way.

**Roxanne Shirazi**  
Dissertation Research Librarian  
The Graduate Center

## A view from the Bronx

Let me start by providing an example of problems pre-pandemic and during the pandemic that have created deep health and safety concerns at the Bronx Community College (BCC) campus specific to ventilation and COVID-19.

In 2018, Havemeyer Annex was shut down prior to the pandemic after the union highlighted poor ventilation and poor air quality that led to employees getting sick. It was well documented by members of the administration that the air quality was poor in that building, yet it took union involvement to get the building shut down.

Colston Hall was shut down due to poor heating of the pipes, which caused 68 pipes to burst and flood the building in January 2020. In addition, this building is also operating with a system that brings in fresh air that's mixed with the existing air. If working properly, the mixed air is filtered, heated or cooled, but is not the ventilation system recommended by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) for classroom capacities, and thus can be a mixing ground for COVID-19 transmission.

Faculty who worked a full year on the Reoccupancy Committee were asked to volunteer during their 2021 contractual leave, which commenced from June 1–August 23, yet all other non-faculty members of this commit-

tee continue to be compensated. BCC administration claimed the total of \$2,000 needed to pay faculty for services rendered during the summer was not available despite CARES Act funding being set aside for this very reason. This has caused a lack of representation of faculty on the Reoccupancy Committee as it relates to instructional stakeholders returning to work.

### POOR VENTILATION

Currently, due to the 60% in-person mandate by the chancellor, PSC members at BCC are being asked to return to work in buildings that do not have an HVAC system and asked to work with students in these very buildings. Poor ventilation is a breeding ground for the transmission of COVID as any viral particles in the air can linger for days and be a source of infection. An alleged incident at BCC involved an employee who was positive for COVID and who came to work in the absence of sick leave time and infected others, which resulted in the South Hall building being closed for cleaning and disinfection. This building does not have an HVAC system, but has been occupied by employees during the pandemic.

These safety concerns, amongst others that my colleagues have cited that we cannot highlight in three minutes, continue to pose a serious health and safety risk for students, faculty and staff. Therefore, we collectively recommend the following:

Funding be provided to aid capital projects to install and update HVAC systems in poorly ventilated buildings and buildings that do not meet ASHRAE standards by August 2, 2021, not be opened until they do.

As CUNY has commenced an intensive survey of ventilation on cam-

puses, we ask that these reports be made public to all CUNY employees, especially those who occupy these spaces prior to reoccupancy.

As the chancellor mandated all campuses to push for a 60% in-person return for the Fall, and as CUNY will commence a testing initiative, we look forward to seeing this manifested into fruition at each college. We ask that students, faculty and staff are not asked to return until this testing initiative is fully in place.

**Diane Price Banks**  
Assistant Professor  
Biological Sciences  
Bronx Community College

## Concerns from Brooklyn

We have space and material constraints. We are not wealthy institutions. In addition, not all campuses, and certainly not all departments, can make facilities safe for 60% in-person or hybrid instruction this Fall. Some may be able to reach that target just fine without risking anyone's health, some may not. There shouldn't be pressure to hit an arbitrary across-the-board metric when employee and student health and safety are of paramount concern. Moreover, teaching modality really matters to pedagogy and workload. When administrators mandate changes to the course modality, they are effectively telling instructors to revise their courses. For some this may be a relatively simple matter, but for others it is enormously time consuming.

### BEWARE OF MUTATIONS

The COVID-19 virus is also mutating, and new, more deadly variants are emerging. Many colleagues are concerned about being forced to go back into face-to-face teaching, particularly if there might be another wave of the virus, or some unexpected mutation. In addition to the various unknowns that we face, the concern raised by one of my colleagues, which reflects some of our concerns draws from a news report on CNBC: "In April 2021, Dr. Fauci stated that we know that the vaccines may provide protection for six months, but we do not know exactly for how long. The vaccine has not been around that long to know. What happens if/when the effectiveness of the vaccines 'wears off'? If the vaccines lose their effectiveness, people might not know, until they are sick and actively spreading the

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Diane Price Banks

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# A two-week delay, and fighting ahead

By ARI PAUL

Following weeks of pressure and organizing by PSC members around the university, CUNY delayed its August 2 on-campus reopening date to August 16 for all higher education officers, college laboratory technicians and other staff who have not already returned to work.

In response to the delay, the PSC's principal officers issued statement saying, "Now we have two additional weeks to examine workspaces, and colleges have additional time to address issues requiring remediation." It's an important victory in the union's campaign for a safe return to campus this Fall, but the fight continues.

Jean Grassman, a cochair of the PSC's Environmental Health and Safety Watchdogs, told *Clarion* that many campuses' reluctance to have union-led walk-throughs was an indication that those campuses were simply not ready to reopen.

"We had so many campuses where members were asking their administration for information on ventilation, what classrooms would be open and trying to schedule walk-throughs – it communicated to CUNY Central that 'we're dealing with a lot,'" said Grassman, an industrial hygienist and associate professor at the CUNY School of Public Health. "I am just amazed at what the campus chapters and locations did. They were active, they put pressure on their administration, they asked questions that pointed out the degree to which CUNY was not prepared."

## CAMPUS PRESSURE

Members staged an in-person protest at Hostos Community College July 21, saying that the August 2 reopening date failed to provide enough time for campuses to address safety issues. Craig Bernadini, PSC chapter chair at Hostos, told the crowd that while his chapter was able to conduct walk-throughs, the chapter needed to be able to communicate with members and discuss the chapter's findings with campus administration. "All of that takes time," he

## Union wins health and safety victory



Craig Bernadini (center), PSC chapter chair at Hostos Community College, demanded to speak with the college president about reopening plans after a spirited rally at the Bronx campus.

said, noting that ventilation, elevator maintenance and access to vaccines were other big safety concerns for the chapter.

Kathleen Offenholley, PSC chapter chair at Borough of Manhattan Community College, said that the PSC health and safety team in her chapter has maintained a good working relationship with the BMCC administration about COVID safety. "BMCC is lucky to have such a dedicated PSC team," she said. "They all have gone to watchdog trainings and know what kinds of questions to ask. Their work has been invaluable."

PSC health and safety activists have trained over 200 PSC members to conduct walk-throughs, a right granted to the PSC health and safety team under a July agreement negotiated between PSC President James Davis and CUNY.

Lynne Turner, PSC chapter chair at the Graduate Center said, "I believe that this slow-build capacity-building over the past year deserves much credit for positioning us to be

knowledgeable, vigilant and effective in pressing CUNY and our campus administrations to respect our rights to a responsible return and a safe workplace. Administration claims that our campuses are safe are not sufficient; we need them to be transparent in sharing data and to provide us with sufficient opportunity to inspect with health and safety walk-throughs."

While CUNY had pushed for 60% of classes to return in person, only

46% were scheduled to do so as of mid-June, and this proportion will likely shrink in the coming weeks, as CUNY has issued new guidelines allowing for departments, pending "normal approval by deans and provosts," to assign modalities "attuned to student demand and instructional capacity."

But Grassman believes the union will need to keep fighting in order to ensure a safe return. "The Delta variant is a different virus, we are now in a different pandemic," she said. The union has emphasized a layered approach to safety, and

with Delta, the more caution, the better. "Social distancing and masking will help.... We're at point where to control the virus there needs to be lot of different interventions."

## PERENNIAL ISSUES

There are also safety concerns beyond the pandemic, Grassman noted. Before the pandemic, the PSC Watchdogs were dealing with ventilation, temperature control, mold and pest issues on campuses throughout CUNY. Those issues haven't gone away. "There is the return to locations that have been nearly empty for 16 months," she said. "We have all the infrastructure, the leaks, the HVACs that don't control temperature very well. These were problems before, and they're a bigger problem now that time has passed."

At press time, PSC activists continued walk-throughs to identify and remediate outstanding issues, and the union leadership was deep in negotiations with the University for multiple measures to mitigate the entry and spread of the coronavirus on campuses.

## A partial list of PSC health and safety accomplishments.

- Two-week safety reprieve before in-person reopening the University
- Health and safety standards are benchmarks for addressing reopening issues
- 200+ members trained to conduct facilities walk-throughs
- Preoccupancy walk-throughs conducted at 50+ CUNY locations

## Reopening speak out

Continued from page 2  
virus. What is CUNY's plan if people who were vaccinated are no longer protected?"

A colleague asked whether:

- CUNY can require both faculty, administration, staff and students to be vaccinated before they can come onto the premises;
- there would be equity implications, where the situation would privilege faculty based on tenure status;
- since adjuncts bear the weight of teaching most of the in-person classes, .... [would they be] jeopard-

dizing their employment if they do not want to be vaccinated and/or [would it be] putting them at risk?

Furthermore, there should be COVID testing centers in all CUNY colleges, and we would like to know plans for contact tracing and notification of all concerned in cases of infection, as well as what conditions would precipitate a shutdown.

## Mojúbàolú Olufúnké Okome

Professor  
Political Science  
Brooklyn College

## Demanding full funding for CUNY



The PSC joined student activists and elected officials this summer to demand the city budget include full funding for community colleges. Public Advocate Jumaane Williams and Council Member Antonio Reynoso were among those who joined PSC First Vice President Andrea Vásquez, front left.



# PSC dissents on new retiree health plan

By ARI PAUL

While a majority of member unions of the Municipal Labor Committee (MLC) voted in July to approve privatized administration of Medicare benefits for municipal retirees, the PSC took the lead in pushing for greater transparency and ultimately voted “no” on the grounds that the process was opaque and could lead to further privatization of city worker health-care plans in the name of austerity. PSC was joined by the Doctors Council, New York State Nurses Association, and the Committee of Interns and Residents in opposing the change, which is set to take effect January 1, 2022.

PSC President James Davis said, “Our members are deeply troubled by the MLC’s rush to vote on this proposal. This austerity measure opens the door to further cost-cutting and diminished benefits in future contracts.”

## MEETING MEMBERS

The PSC leadership convened a mass meeting, prior to the MLC vote, on July 13. The online meeting was attended by more than 800 PSC retirees and concerned members. Hundreds of retirees from various unions rallied in Manhattan against the proposal before the vote.

The leadership convened another meeting with retirees on July 27 after the MLC approved the deal, so that retirees could hear from and speak to representatives of the new Anthem Blue Cross-Emblem Health “Alliance.” This meeting drew more than 500 participants.

A statement from Mayor Bill de Blasio’s office explained that New York City and the MLC agreed to “an alliance between Anthem Blue Cross and Emblem Health to provide the NYC Medicare Advantage Plus Program,” which “provides continuity for the majority of employees and retirees who are currently enrolled in the city’s [comprehensive benefits plan] and

## Seeks to support retirees in transition



Retiree activists marching against the proposed change.

Senior Care programs,” replacing “the current Senior Care program, which is a supplement to traditional Medicare, as the program that is free to all retirees.”

The Blue Cross-Emblem Alliance has established a hotline for retiree questions at (833) 325-1190. The NYC Office of Labor Relations has also launched an FAQ page with a plan comparison chart available at [www1.nyc.gov/site/olr/health/retiree/health-retiree-responsibilities-assistance.page](http://www1.nyc.gov/site/olr/health/retiree/health-retiree-responsibilities-assistance.page).

The city has established an “opt-out” period from September 1 to October 15, 2021, for retirees who do not wish to be part of the new program when it takes effect on January 1 of next year. Retirees who elect to stay in traditional Medicare will have to pay a premium. The benefits that PSC retirees receive through the

PSC-CUNY Welfare Fund will not be affected by the shift to the Medicare Advantage Plus Program.

The statement from the mayor’s office asserted, “The [new] plan must follow Medicare rules and provide all benefits provided by Medicare. The plan will not only cover all the traditional Medicare benefits as well as the benefits covered by the Senior Care supplemental plan, but will also add some important new benefits.” The mayor’s office said that fears over loss of coverage were unfounded and that retirees would not lose the health-care services they are currently receiving.

## ACCESS TO CARE

The city and the Blue Cross-Emblem Alliance have assured the MLC unions that retirees will continue to have access to the same doctors

and hospitals they currently use. Specifically, members will have in-network access to all providers in the Emblem and Empire networks in New York, and all Blue Cross-Blue Shield associated networks around the country. These providers, according to the plan, are contractually bound to accept NYC Medicare Advantage Plus members.

The new plan will also pay out-of-network providers who accept Medicare at the Medicare rate. If an out-of-network provider refuses to accept payment from the Medicare Advantage Plus Program, the Alliance says it will reimburse the member at the Medicare rate less copays and coinsurance.

PSC members rallied opposition for months before the MLC vote.

“The position of the chapter was and is that we needed information on the proposed Medicare Advantage plan and transition prior to the MLC vote,” PSC retirees chapter chair Bill Friedheim said in a statement. “At our April meeting, the chapter called for a moratorium on the vote, which became PSC policy when the union’s highest governing body, the Delegate Assembly, voted unanimously at its April 15 meeting to endorse the chapter’s position.”

The switch to Medicare Advantage is the result of a 2018 deal between the MLC and the city to restructure health-care costs for City workers. For Friedheim and other retiree advocates, this latest development has meant that instead of the state seeking new forms of revenue to fund health care, city unions are now managing austerity at the expense of workers and retirees.

The shift to a Medicare Advantage group plan for New York City retirees is part of a national move to privatize the administration of retiree health insurance. The federal Centers for Medicare and Medicaid Services offer subsidies to private health insurance companies to administer Medicare programs. This federal subsidy is the primary source of cost savings that the Alliance is offering the city.

Another problem that the PSC hopes to address is the lack of oversight and accountability by the city for runaway hospital and prescription drug costs.

PSC President Davis added, “Whatever its provisions, a plan to shift the cost-saving burden to union members and municipal employees does not bode well for the future. Higher costs may be demanded of union members down the line. The answer is not privatization; it is to continue labor’s fight for a single-payer, public health-care system and a system for New York that serves municipal workers fairly.”

**Retirees worry about health coverage.**

# DA approves proposed RF contract

By ARI PAUL

PSC delegates at a Special Delegate Assembly on July 29 approved a tentative contract with the CUNY RF that includes three 2% annual raises, additional equity raises for the lowest-paid workers, health benefits for some part-time workers and new anti-bullying language. The agreement now goes to Research Foundation members for a ratification vote.

A statement from PSC organizers said, “One of the primary goals of the bargaining team was to win equity provisions for the part-time

## Member-led bargaining

staff covered by the agreement. We were able to secure language that extends dental benefits and flex spending and pretax transit benefits to part-timers for the first time, as well as to get higher percentage wage increases for the lowest-earning workers. Of the approximately 450 bargaining unit members, 219 currently earn less than \$20 per hour. Of these, 99 earn less than \$16 per hour. While any one currently earning \$20 or more

per hour would receive an annual increase of 2% if the memorandum of agreement is ratified, workers making less than \$20 per hour would receive an annual increase of \$.60 per hour, or 3–4% per hour depending on their current hourly rate.”

**Several gains for RF members**

The contract resulted from months of member-led organizing at the Research Foundation – a private entity that primarily manages outside grants received by CUNY faculty – to demand equity increases

and other benefits. RF members on the bargaining team successfully persisted in pressing their case to RF management, which had shown resistance to the demand for equity increases throughout the spring.

## THE TEAM

The bargaining team included union-level staffers Renee Lasher (Director of Contract Administration), Deirdre Brill (Organizing Director) and Brian Graf (Organizing Coordinator). Members on the committee included RF Chapter Chair Antonica James (City Tech), delegate Lori Rothstein (Graduate

Center), Lena Hayes (LaGuardia), Tom Trocco (LaGuardia), Donna Capobianco (City Tech) and Teddy Cruz (City Tech).

The organizers’ statement said, “One of the other goals of the bargaining team was to make it easier for members to control their schedule and use of annual leave. This was an issue of major concern in our bargaining survey results. We were able to secure language that made it possible for both full- and part-timers to initiate more flexible work schedules. We were also able to get management to withdraw a

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# Union wins on doctoral tuition waiver

By ARI PAUL

In a major enforcement victory of its collective bargaining agreement, the PSC has secured thousands of dollars in unpaid tuition waivers for dozens of Graduate Center workers in a recent arbitration win.

As PSC Legal Director Peter Zwiebach told *Clarion*, under the contract reached in the Fall of 2019, doctoral students employed in a PSC-covered title were to “receive up to four semesters of tuition waiver at the resident in-state rate once they [had] completed 10 semesters of enrollment in a doctoral program.” But Zwiebach explained, “CUNY refused to apply the waiver to anyone who was not in their sixth or seventh year of enrollment. This effectively removed the benefit from many graduate student workers who had completed 10 semesters of enrollment and who were employed by CUNY.”

## THE UNION'S CASE

The union grieved what it claimed was a contract violation, and in June, arbitrator Gayle Gavin said, “According to the union, the language of the MOA [memorandum of agreement] clearly provides that up to four additional semesters of graduate employee tuition waivers should have commenced with the start of the Spring 2020 semester for those graduate students who are employed in a job title covered by Article 1 of the parties collective bargaining agreement and who have completed ten semesters in a doctoral program,” and that the contract requires the “Graduate Center to waive tuition at the lowest rate on the Graduate Center tuition schedule for the four additional semesters and the waiver language contemplates that these

## Grad Center chapter wins arbitration victory



Dave Sanders

Ivana Đurović said she was optimistic that the union would prevail in the case.

four semesters will normally, but not always, be for Years 6 and 7 of enrollment.”

## LANGUAGE IS CLEAR

The arbitrator’s decision and award continued, “The Union indicated that CUNY has failed to grant tuition waivers to graduate employees who are beyond Year 6 and 7 of enrollment, as well as to graduate employees who have completed more than ten semesters in a doctoral program.”

CUNY argued that the waivers were not part of employment. The arbitrator’s decision said that administration believed that waivers, “like all scholarship opportunities, are discretionary and are associated with student status, progress and evaluation as a student, as opposed to employee status,” and thus “do not constitute ‘wages.’”

Gavin sided with the union saying, “[T]he fact of the matter is that the parties included the Tuition Waiver

language in their [MOA].... “The tuition waiver also provides a type of compensation to those graduate em-

## Defending doctoral students' rights

ployees who meet the criteria specified under the provision, and employment in a title recognized under Article 1 of the parties’ collective bargaining agreement is a primary criterion. Employee compensation is at the very heart of the terms and conditions of employment that parties codify in collective bargaining agreements.”

Gavin’s decision directs CUNY to “provide tuition waivers or provide a monetary payment equal to the Doctor of Philosophy Level 3 Resident rate to those graduate employees who as of the Spring of 2020 semester had completed at least ten semesters of enrollment in a Doctor of Philosophy program and who are employed in a title recognized under Article I of the parties’ collective bargaining agreement but were denied tuition waivers for up to four additional semesters.”

## CONFIDENT

Ivana Đurović, a chapter activist who handled the initial grievance, said she wasn’t surprised that the union prevailed because the PSC’s case was so clear.

“All the evidence we needed was in the language of the contract, and as a theoretical linguist, I was finally in a position to put my science to work,” she told *Clarion* about beginning the grievance process. “A provision of the new contract states that graduate workers are eligible for the tuition remission ‘up to four additional semesters’ after semester 10. If the intention had been to limit this to only those in years six and seven, the contract would state so, but it doesn’t. It says ‘normally, years six and seven.’”

Đurović, added that she considered the decision a victory for the entire union, not just the members who will receive a payout.

“This shows how important it is to enforce our collective bargaining agreement, because it can protect us, but only to the extent we are willing to protect the agreement itself,” she said. “This victory means a refund for potentially thousands of dollars. But for all of us, this victory means that the contract language is as powerful as we make it.”

## DA approves proposed RF contract

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demand limiting the amount of annual leave carryover from one year to the next.”

## MAKING HISTORY

In a joint statement, James and Rothstein said, “This is the first completely renegotiated contract in the history of the units, the two previous contracts being extensions of the original. We are confident that the demands were thoroughly prepared, researched and bargained. While we were not able to achieve all of our demands during this bargaining cycle, the new contract demonstrates that progress towards equity in compensation, benefits and workplace policies is possible through member engagement and pressure.”

Rothstein said in an email to the Delegate Assembly, “Negotiations began in late March and the con-

tract expired on June 30. The bargaining team met numerous times to strategize between sessions and we reported to the membership and asked for feedback as negotiations progressed. A member sign-on letter was crucial in pushing management to an actual equity increase – albeit a smaller one than we hoped for. We intend that it should set a precedent.”

Rothstein hailed the contract as “a step toward equity, yes for dental insurance for additional members, yes for gains towards flexible scheduling, yes for broader access to pretax accounts, and yes for an anti-bullying working group, so that next time around we may actually have anti-bullying language and procedures management will agree to.”

The contract ratification comes after months of intense negotiations between the PSC and the RF.



Dave Sanders

Research Foundation Delegate Lori Rothstein hailed gains, which include raises, health benefits, and the establishment of an anti-bullying working group among other benefits for RF members in the newly proposed contract.



# Responses on Israel and Palestine

By CLARION STAFF

*The Delegate Assembly approved a Resolution in Support of the Palestinian People on June 10 (psc-cuny.org/resolutions-2021). The PSC's International Committee, Anti-Racism Committee and Academic Freedom Committee cosponsored the first version of a resolution on the topic in May. The Executive Council reviewed this resolution, voted against it and proposed a substitute, also circulated to delegates prior to the June 10 meeting. During the Delegate Assembly, four motions were made to amend the substitute resolution, three of which succeeded. The resolution was approved as amended: 84 in favor, 34 opposed, 43 did not vote. Since then, hundreds of members have contacted the PSC to express their views on the resolution, more than any in recent years. Some have been positive, but the vast majority have been critical. This letters forum, which includes unsolicited letters and solicited statements, reflects some of these views. By illustrating the thoughtfulness and the depth of feeling members bring to these issues, this forum seeks to model an open dialogue.*

## PRINCIPAL OFFICERS STATE POSITION

We respect and appreciate the deeply held feelings that members have expressed on all sides of the resolution on Israel and Palestine. It is because, where they are engaged, PSC members disagree so sharply, that we opposed the original resolution forwarded by committees to the Delegate Assembly, and that we also voted against the resolution that passed. We each found the resolution as adopted problematic for our own reasons, but together we believe that any position the union develops on Israel and Palestine should be preceded by conversation among the members in our chapters. To our minds, such discussion would not only take up *what* any union position should be, but also *whether* our union should take a position on an issue that polarizes large numbers of members and that we have relatively little ability to influence.

Since the resolution passed, we have heard from hundreds of members and dozens of them have resigned. Our conviction about the priority of chapter discussions before a controversial vote has only grown. Over many years of fighting to make CUNY a better place to study and work, the PSC has engaged deeply with issues of social justice and human rights. We reject the opposition between “bread-and-butter” issues and social policy, but we feel that such campaigns should unify and strengthen the union. Pressing challenges are in front of us that demand maximal solidarity and campaigns that build our power. Engaging the contentious issues of

Israel and Palestine should not detract from that work.

The committees and the Delegate Assembly adhered to the PSC constitution and policy on resolutions. But the process that led to the June 10 resolution reveals a need, in our view, to modify our policy and practices regarding resolutions to enhance member engagement and affirm the representative role of the delegates. We are determined, as principal officers, to keep our union focused and resilient in order to reach our common goals. The PSC has advocated tenaciously for quality public higher education and social justice. As we recover from the pandemic and head toward another round of contract negotiations, our challenges are greater than ever, and we need all of us in the fight.

**JAMES DAVIS, President; ANDREA VÁSQUEZ, First Vice President; FELICIA WHARTON, Treasurer; PENNY LEWIS, Secretary**

## WEAKENS THE UNION

The Israeli-Palestinian conflict draws fiery passions from many corners. These debates tend to be long, heated and rarely get settled quietly. This is why we are dismayed that the PSC has initiated the debate, especially after campuses have cleared out for the summer. Why is our labor union meddling in divisive Middle Eastern politics?

This issue is brought up at the precise moment when our union needs solidarity. We should be unifying to fight to receive our previously negotiated raises, to ensure safe working conditions and to prepare for our next contract. Instead, we are debating the Israeli-Palestinian conflict.

The resolution is (conceivably unintentionally) steeped in antisemitic tropes. By delegitimizing the existence of Israel as a nation-state, this motion sends a clear signal to all members.

Over the past five years, the PSC has addressed only one other foreign policy issue: a statement in support of China which opposed a U.S. policy of a “Cold War” against China. This despite China’s well-documented human rights abuses. This Israel-Palestine resolution was written and passed without campus-wide consultations and stands out as being distinctly different from every other resolution passed by our union.

This motion compels us to debate Middle Eastern politics. These debates don’t end quickly quietly or with consensus. It’s a land mine. The union is unwise to touch it, especially without more consensus and a more carefully worded resolution. In the Fall we will be continuing our advocacy. We will continue to voice our serious disagreement with the content and the process by which this resolution was passed. We will also advo-

## Debating the Delegate Assembly resolution



cate against the rise of antisemitism within American society.

**LISA AMOWITZ, MAIDA LANDAU, MARY JO BEN-NUN, and RONI BEN-NUN, Art and Music; LAURENCE BRENNER, TERESA FISHER, JEFFREY WISOTSKY, JOSHUA HALBERSTAM, ELLEN MARENECK, and DEBRA GONSHER, Communication Arts and Sciences; ELIZABETH CAHN, JANET HELLER, NIGEL THOMAS, and ELYSE GRUTTADAURIA, Health, Physical Education and Recreation; RANDI SHANE, Social Sciences; SETH OFFENBACH, History; HOWARD CLAMPMAN, Business and Information Systems; ANTHONY WEAVER, Mathematics and Computer Science; KATHLEEN URDA, English Bronx Community College**

## YES, IT'S APARTHEID

It is extremely significant that Israel was accused of being an apartheid state earlier this year by two leading human rights organizations, Israel’s B’Tselem and Human Rights Watch. What exactly do these organizations mean when they use the term apartheid? Both draw on the Rome Statute of the International Criminal Court (1998), which criminalizes inhumane acts committed in the context of, and to maintain, “an institutionalized regime of systematic oppression and domination by one racial group over any other racial group.” The prohibition of apartheid has assumed the status not simply of international customary law, but of a peremptory rule of international law (a *jus cogens* norm), a status that obliges states and other international organizations to cooperate in order to end serious breaches of such norms. Given these obligations to intervene in situations that constitute apartheid, the question of whether Israel is an

apartheid state is of critical political importance.

As a white South African, I benefited substantially from the oppression of the country’s Black majority. Now, living in the United States, a country which is a major funder of Israel’s apartheid policies, I cannot stand by idly. This is why I support the call of Palestinian civil society organizations for nonviolent policies of Boycott, Divestment and Sanctions against Israeli institutions. And it is why I support the PSC resolution in support of the Palestinian people.

**ASHLEY DAWSON  
Professor, English  
College of Staten Island  
The Graduate Center**

## CAMPS TO CAMPUS

My parents were survivors of Auschwitz. I know antisemitism when I see it, despite [the union’s] tepid denouncement of such added to the resolution as an afterthought. The one-sided manifesto fails to mention Hamas, an organization with no other goal than the destruction of Israel. Whether one agrees or disagrees with some of Israel’s policies (and I strongly support a two-state solution), Boycott, Divestment and Sanctions is undeniably a blueprint for dismantling the only democratic nation in the region.

It is abundantly clear that the rising chorus of BDS support has brought on an epidemic of antisemitic violence. I never dreamed I would feel unsafe on my own campus in the heart of New York City. I cannot financially support a union that is at odds with my security and that of my Jewish colleagues and students. If the PSC is willing in the future to spend all of its time, energy and our money on working and advocating for improved faculty salaries and benefits, I will gladly rejoin. At the present time, you do not represent me.

**STEVE GREENBAUM  
Distinguished Professor, Physics  
Hunter College**

## NO OPEN DEBATE

This resolution was passed with no indication that the PSC was debating it and with no invitation for broader discussion among PSC members. We only learned of it from the new PSC president after the resolution was passed. It is clear that this resolution does not adequately represent PSC membership.

As teachers and scholars of Jewish Studies, we consider the right to academic freedom – the ability to engage in intellectual debate, research and exploration without fear of retaliation – to be fundamental to all of our endeavors. The resolution argues for the right to criticize the State of Israel and calls for discussions at the chapter level regarding whether to adopt the demands of the Boycott, Divestment and Sanctions movement. In doing so, the PSC appeals to freedom of speech only to silence it by advancing a movement that explicitly advocates for academic boycott of Israeli academics and those employed by Israeli institutions. This is the opposite of academic freedom and the fundamental tenets of free speech. Peace and justice are born out of dialogue, discussion, conversation and mutual understanding.

Hate crimes are being documented at historic highs in this country and globally. These are generated in large part by a rise in heated rhetoric that leads to violence against people for their religious, ethnic, national, racial or gender identities. There has been a documented rise in antisemitic attacks that frequently correlate to anti-Israel rhetoric. These forms of violence are unacceptable.

It is the responsibility of the PSC, which represents a diverse array of faculty, to ensure that all are valued. This resolution fails to do this.

**More than three dozen  
Jewish Studies faculty  
members from  
around CUNY  
Continued to page 7**



# Israel, Palestine

Continued from page 6

## WE CAN'T BE SILENT

As a Jewish American, I've long felt the obligation to speak out against atrocities being committed in my name and with my tax dollars on behalf of Palestinians. As such, I was deeply moved by the decision of the Delegate Assembly members to pass this resolution, and I know many other PSC members are as well. By taking this action, we join a growing number of trade unionists and people of conscience around the world standing in solidarity with Palestinians who engaged in a general strike under tremendously difficult circumstances. For members who wish there had been more discussion of the resolution prior to the vote, I hope our union will take the opportunity to not only look for ways to communicate more effectively with members but to more deeply engage members in decision-making and political work of all kinds.

During the time I've been involved in the PSC, I've been proud that we're a progressive union with a social movement vision. We know that the well-being of our members and our students depends not only on our salary and benefits, but on being part of larger movements fighting against racism and police violence and for fully funded public education and a more equitable, just and livable city. Because of this vision, members who care passionately about Medicare for All, a Green New Deal or electing a more progressive city council, can all find a home for their activism within the union. I see this resolution as a continuation and expansion of this work and look forward to the discussions and work it will enable.

**LAURA TANENBAUM**  
Professor, English  
LaGuardia Community College

## NOT BASED ON FACTS

There is no mention in [the resolution] that Hamas began launching rockets at Israeli cities, destroying buildings and killing residents. The wording in the resolution purports the untrue notion that Israel escalated violence out of blue.

The irony is that Hamas, a terrorist organization that works both against Israel and its own people, deliberately provokes Israel, not the other way around. That is why a great number of the rockets hit their own neighborhoods and why Hamas installs rocket launchers in their schools, hospitals and residential areas. Why doesn't PSC condemn Hamas for preying on their own people?

Whether or not the League of Nations was wrong to decide that Palestine should become the Jewish homeland, the effect of that decision is that the hundreds of thousands of Jews who arrived in Palestine from the time the mandate was created in 1922 until the

birth of the State of Israel in 1948, were pursuant to the international law that existed at the time. They came not as colonials or to take land away from other people, but to fulfill the decision of the League of Nations that Jews should be encouraged to settle in Palestine.

The Arabs who fought against the Jewish settlers and refugees may have thought of themselves as protecting their own country from invaders, but according to international law it was not their country (and it never had been in the past) and they were fighting against the existing law. In fact, there has never been any "Palestinian land" anywhere because there has never been a Palestinian country.

As for "apartheid," 25% of Israel's population are Arabs; there are Arabs in the Knesset (parliament). The heads of Palestinian government are treated at Israeli hospitals, since Israeli hospitals do not discriminate with regard to medical care.

I was born and raised in the former Soviet Union, where systemic antisemitism flourished. After my family left our home country, Israel welcomed us, and I lived there happily for 10 years. I then moved to the United States, where I have lived for the past 20 years. Recently, I have seen antisemitism in this country. Jews have been attacked across the states by means of beating, stabbing and shooting. If you truly condemn antisemitism, this resolution is of no help. It is only provoking more violence against us.

**GALINA OKSMAN**  
Adjunct Assistant Professor  
Science Department, BMCC

## UNFAIR AND WRONG

Those activists who have imposed this resolution on our union had to know how divisive it would be; they had to know that there are Israeli students and faculty at the university who, however opposed to Israeli policies they might be (and all whom I know personally are passionately opposed to them), will feel threatened and alienated by this resolution. They had to know that in a climate of mounting antisemitism and antisemitic violence, a text of this kind could only be fuel to a very nasty fire. They had to know all of that, and they didn't care.

This resolution is a gross breach of that responsibility, not caring at all how many constituents it alienates. And this at a time when we face so many other crises on so many fronts, not only with budgetary issues but with core questions of democracy and academic freedom in the United States. This is why the resolution must be repealed.

**BENJAMIN HETT**  
Professor, History  
Hunter College  
The Graduate Center

## A CUNY ISSUE

Several PSC members have questioned the relevance of the resolution and of future chapter discussions on Boycott, Divestment and Sanctions to our union and to CUNY more generally. The answer is simple:

1. Our government provides Israel with \$3.8 billion a year in military aid in addition to political and diplomatic support. CUNY itself invests heavily in companies that aid the violent Israeli occupation, as do the labor organizations that the PSC is affiliated with, the AFT and AFL-CIO, which own Israeli bonds totaling \$5 billion dollars. The issue of Palestine is thus an important one for us as U.S. tax payers, as CUNY workers and as union members.

2. The community that CUNY serves and is embedded in is extremely international both in terms of demographics as well as outlook. The Palestinian struggle for self-determination has an iconic status internationally (and particularly in the Global South) as a movement for self-determination by a colonized people in the face of unending injustice, oppression and dispossession. The Palestinian cause is also supported by domestic social justice movements such as Black Lives Matter and the Red Nation as an Indigenous rights movement against settler colonialism. Palestine is thus a CUNY issue because of the very nature of the community we serve.

3. It is important to note that NYC Muslims represent 22% of the U.S. Muslim population, and the metro area has the largest concentration of people of Arab and Middle Eastern origin. It is specifically home to the largest Palestinian population in the United States, which is reflected in our student body. Palestine is thus a CUNY issue simply because many of our students are Palestinian refugees.

4. The CUNY administration has itself made Palestine a CUNY issue. For years, it has tolerated and facilitated the surveillance and harassment by pro-Israel individuals and organizations of anyone (and particularly Palestinian, Muslim, Arab and other people of color) teaching about, speaking out on, or organizing around Palestinian rights and liberation. The case of Nerdeen Kiswani, a CUNY alum and current CUNY Law student is instructive, but only the most egregious and well-known of these cases.

**CORINNA MULLIN**  
Adjunct Assistant Professor,  
Political Science  
John Jay College  
**SAADIA TOOR**  
Associate Professor, Sociology  
College of Staten Island

## AN UNEQUAL PLACE

The PSC Resolution in Support of the Palestinian People is a small but important step for Palestinians like myself who work in the CUNY system, demonstrating that the union

hears our calls for justice and takes them seriously, something that U.S. universities themselves have a track record of avoiding, if not obstructing outright. The Palestinian side of my family is from Nazareth, one of the few major urban centers not militarily targeted by Zionist militias in the Nakba of 1948. By 1952, nascent Israeli institutions – like the military government, which applied only to Palestinian locales, including Nazareth – were producing the key practices and documents that would shape material and political relations for the decades to come.

The Israeli Citizenship Law granted citizenship, not nationality to Palestinians who remained. Israeli citizenship and nationality are bifurcated. Israel defines nationality through ethnic descriptors, such as 'Jewish,' 'Arab' and 'Druze.' Aside from rights like voting in national elections and a passport, many of the most substantial rights are conferred through nationality. Complementing our exclusion from national rights in Israel, more than 65 laws exclude Palestinian citizens from equal access in myriad ways. While Palestinians with Israeli citizenship like myself hold the most freedom of movement and rights along the spectrum of Palestinian subjects under Israeli rule, these rights are categorically inferior to the rights automatically conferred on Jewish Israeli citizens. This is why Palestinians welcomed the late arrival of leading international and Israeli human rights organizations now describing Israeli rule over Palestinians as apartheid, an analysis pioneered by Palestinians.

**THAYER HASTINGS**  
Graduate Assistant, Anthropology  
The Graduate Center

## GOOD STANCE

I am happily excited that my union is finally supporting the Palestinian people. I've been anguishing over the abuse of the Palestinians for many years and was dismayed that CUNY did nothing. There was a time when the word Palestine was banned from the media and banned in general discourse. A few years ago certain textbook publishers had been persuaded to eliminate Palestine from maps showing the region in ancient times.

**CATHY SANTORE**  
Professor, Art History  
City Tech

## WHY ISRAEL?

Throughout the world there are terrible injustices being perpetuated by nations. Why have we chosen to target Israel? As you say, antisemitism is not equated with criticism of Israel. But when only a Jewish nation is boycotted for its actions, then that is antisemitism. Let's either see some resolutions also condemning other nations or stop declaring boycotts of nations altogether.

**CHRISTINA SORMANI**  
Professor, Mathematics  
Lehman College

## DISTURBING

I cannot imagine such a deeply nuanced, sociopolitical, emotionally-laden resolution being adopted by the Delegate Assembly without the canvassed opinions of PSC CUNYs membership, including retirees. I am disturbed and feel demeaned, being co-opted as supportive of this resolution by so few of PSC CUNY members on behalf of its vastly larger membership. Whether I agree or disagree with the resolution is not the issue. It is the unwarranted and unethical usurpation of the general membership's consensus for the purpose of advancing the Delegate Assembly's agenda.

**WARREN PAGE**  
Professor, Mathematics (retired)  
Baruch College  
City Tech

## A MIXED BAG

I both voted for the resolution, yet I'm disappointed by it. While I support Israel's right to exist and to defend itself, I truly believe the Israeli occupation and related policies are ultimately driving the conflict.

Because of certain amendments added, it ended up with unnecessarily controversial language. Furthermore, whatever my own individual convictions, I understand that my primary obligation as a delegate is to faithfully represent my constituency. While it is true that previous resolutions were rarely vetted with membership, clearly this one was different, and greater care should have been taken to consult the body of members.

One of the stated intents when presented was that the resolution should stimulate meaningful discussion and debate regarding the conflict. I'm hopeful that it might be brought back to that purpose, on the understanding, of course, that all perspectives would be welcome and treated with respect.

**ERIK FREAS**  
Assistant Professor  
Middle Eastern History,  
BMCC

Readers of this forum may find the following PSC resolutions useful points of reference.

- Boycott of Israeli Universities (2007)  
<https://tinyurl.com/5e3xrhh7>
- The Tree of Life Synagogue Mass Murders (2018)  
<https://tinyurl.com/edtp7vc>
- Opposing Expansion of U.S. Military Campaigns in a Permanent and Unconditional "War on Terror" (2002)  
<https://tinyurl.com/mb95dsrm>
- In Opposition to the War in Afghanistan (2020)  
<https://tinyurl.com/mj7fnn7r>
- No Cold War With China (2021)  
<https://tinyurl.com/26yhtttz>





## 15-MINUTE ACTIVIST

### JOIN THE WATCHDOGS

Health and safety on CUNY campuses is more important now than ever. With calls to return to in-person work at CUNY campuses, the union's Environmental Health and Safety Committee, also known as the PSC Health & Safety Watchdogs, has trained more than 200 PSC members on how to accompany facilities staff and administrators on preoccupancy walk-throughs. It was through union pressure and intense member involvement that PSC pushed back CUNY's return-to-work date, allowing for better preparedness. To sign up to receive updates on the committee's work, meetings, workshops and trainings, go to [psc-cuny.org/form/join-psc-health-safety-watchdogs](https://psc-cuny.org/form/join-psc-health-safety-watchdogs).

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## UNION VIEWS

Clarion | August 2021

### VIEW FROM BRONX COMMUNITY COLLEGE

# Neoliberal reform, hurts CUNY students

By THE OA RESEARCH GROUP

In July 2020, Tamar Jacoby, head of Opportunity America (OA), a think tank that reenvisioned the American community college system as sites for skills training where students earn micro-credentials rather than traditional degrees, held a virtual conference called "Skills Wanted: CUNY as an Engine of Economic Recovery," attended by the CUNY chancellor, the presidents of Bronx Community and LaGuardia Community colleges and five New York City employment institutes. What the OA's picture of neoliberal reform fails to fully paint is the fact that for institutions like CUNY, this means professors and their teaching could be pushed to the side in favor of more lucrative short-term, training courses, funded by corporations or (potentially) Pell Grants.

#### CUNY'S BOTTOM LINE

Texas State Technical College (TSTC) was offered up as a shining example of this approach in OA's working paper "The Indispensable Institution," cowritten with LaGuardia Community College President Kenneth Adams and others. Under OA's guidance, TSTC's programs were evaluated on student employment outcomes and 13 programs were closed, instructors were "repositioned," and students who wanted "closed majors" – i.e., humanities courses that do not fit discrete job titles like "airline mechanic" or "retail" training – were offered incentives to switch. OA touts that "virtually every decision – about instruction, but also advising and student supports – is now made with an eye to the new bottom line."

As professors at CUNY, we hear students asking, "What's so bad about a job waiting for me after graduation?" OA leverages this thinking to gain more traction at our university. If corporate-designed, workforce-training programs become the path of least resistance because they're fast and free, a majority of community college students can be channeled there.

In this model, what happens to those students who understand the value of a



humanities degree, but who need extra support before matriculating at a four-year college? Bronx Community College (BCC) is a designated minority-serving and Hispanic-serving institution, which means that federal dollars are meant to ensure our students get a liberal arts education. In OA's model, almost all of our students of color would be pushed out of a humanities education, reifying classism and racism in the process.

Jacoby is a former fellow at the Manhattan Institute, a conservative think tank that opposes public-sector unions like the PSC

that advocate for robust funding for CUNY. Can CUNY really risk collaborating with someone with this kind of background? OA defines equality as equal access to job placement programs. But a job is not the only requirement for equality. While BCC students are funneled into a quick micro-credential program, students who can enter directly into a four-year college will be working on complex professional careers. Students who require additional support to succeed in an academic degree would be edged out.

## Devaluing humanities education

OA is already influencing CUNY policy. Last summer, Jacoby, speaking on a podcast said, "OA is independent from CUNY," but nonetheless is "writing a consultant report for CUNY... a road map if [CUNY] want[s] to go in this direction." Just this April, a CUNY-wide email from the chancellor encouraged students to consider programs like CUNY Upskilling (a partnership with Coursera) or the EverUp Micro-Credential Program.

#### CUTS

At BCC, besides the not-so-new practice of borrowing neoliberal rhetoric to talk about education, we are starting to see a number of disturbing decisions. In our English department, the developmental writing coordinators and the ESL writing coordinators were cut, and some contingent faculty were not rehired.

Our writing center was replaced with tutor.com. Across campuses, class size is increasing. This is on top of eliminating remediation classes, entrance exams, and many summer and auxiliary programs designed to help our most academically disadvantaged students. System changes, such as these, can create a void for ideologues to dismantle the traditional humanities education.

The humanities are not just flowery literature and bleeding-heart social services. The humanities teach our students to think critically about our ethical behavior in all professions. It is an important check and balance that allows us to develop Pulitzer Prize-winning programs like the 1619 Project, the Black Lives Matter movement, poems like those of Amanda Gorman or the social programs that fed schoolchildren in Spanish Harlem in the 1970s. The humanities are not a luxury. They are an absolute necessity alongside all other kinds of learning. If we choose to ignore that, we are no different than those who are trying to ban critical race theory studies or the literature of Black and Latinx writers. As professors, it is our duty to teach and enlighten, we most hold the line against those who would change the very fabric of what. We have been charged to do as minority-serving and Hispanic-serving institutions; our students demand it.

*The OA Research Group is a group of concerned faculty and staff based at Bronx Community College. You can contact the group at [opportunity-america-group@googlegroups.com](mailto:opportunity-america-group@googlegroups.com).*