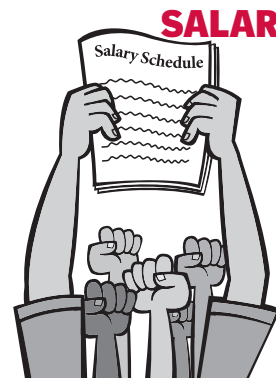


Clarion

NEWSPAPER OF THE PROFESSIONAL STAFF CONGRESS / CITY UNIVERSITY OF NEW YORK



SEPTEMBER 2016

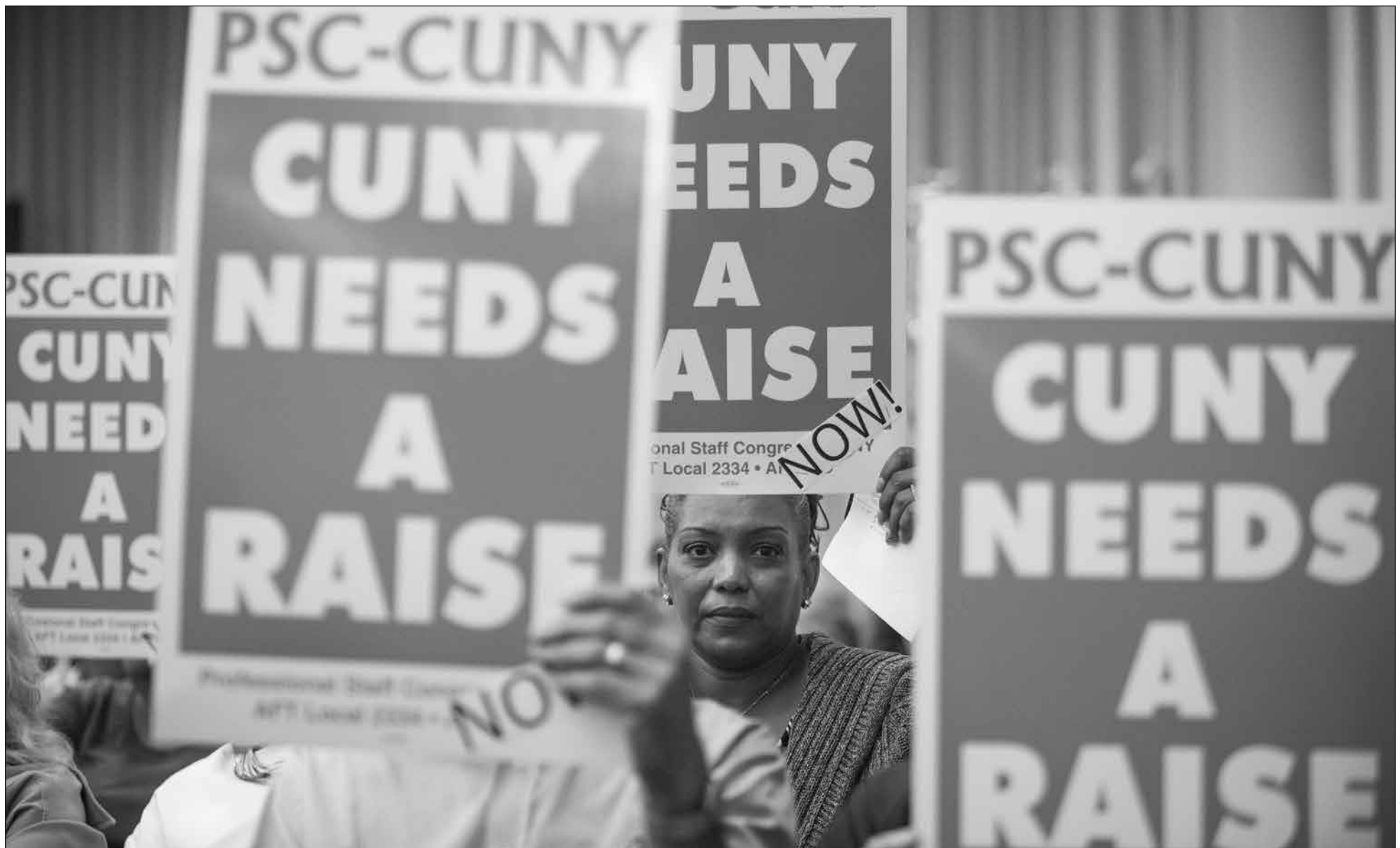


SALARY INCREASES

Dates for increases

The full chart of pay increases, including dates for back pay, are here.

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Dave Sanders

SIX-MONTH WAIT OUTRAGES MEMBERS PSC DEMANDS ACTION ON PAY

PSC members overwhelmingly ratified the union's contract with CUNY this summer, winning back pay, raises and many other new provisions. But while the ratification bonuses are set to be paid in October, members will have to wait until January to see their contract-mandated salary increases and back pay. PSC members of all stripes – full-time

faculty, adjuncts and higher education officers – turned out to a CUNY Board of Trustees hearing at Baruch College September 19 to protest the wait. Many members spoke emotionally about the unnecessary financial bind CUNY and the state are putting them through with this six-month delay.

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CONTRACT

Adjunct appointments

The newly ratified collective bargaining agreement has a new provision securing multiyear appointments for adjunct faculty.

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CHAPTERS

New chapter leaders

A new batch of chapter leaders features a lot of fresh faces, as well as many returning ones, after several chapters completed their elections.

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CAMPUSES

Muslim student anxiety

Students and professors are still waiting for the CUNY administration to address allegations of NYPD surveillance of Muslim students.

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ELECTIONS

Making headway in Albany

The PSC is backing candidates at the state level who can advance a progressive agenda in Albany. PSC members have already put in the footwork.

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LETTERS TO THE EDITOR

WRITE TO: CLARION/PSC, 61 BROADWAY, 15TH FLOOR, NEW YORK, NY 10006. EMAIL: APAUL@PSCMAIL.ORG.

A victory, but not a final one

● In the *Clarion* article on the June 23 Delegate Assembly contract debate and vote (Summer 2016, p. 5) I am quoted accurately but incompletely. The result conveys a distorted idea of my argument. By calling the contract fight the greatest triumph in PSC history I did not mean to suggest an unqualified endorsement of the contract campaign or the terms of the final agreement. I was calling attention to our tentative first steps to take the issue of the right to quality public higher education to

the rest of the labor movement and to the community. We put the issue on the table for working-class New York for the first time. *This* was our triumph. It is an initiative that needs to be sustained and expanded. It needs to be a permanent campaign.

Jim Perlstein,

Co-Chair PSC Solidarity Committee

A note to our readers

● It's an honor and a privilege to come aboard as the new editor of

Clarion and to join the staff of the PSC, a union I've admired in my many years as a labor journalist in New York City.

In addition to being a contributing freelancer for these pages, I was, most recently, the editor of the Unionist, the monthly magazine of Local 371 of District Council 37, the social service employees union in New York City. Before that I was a beat reporter for the Chief-Leader and I have written for outlets such as The Nation, The

Forward, Dissent, The Guardian, Jacobin, VICE News and many others.

I look forward to meeting members and covering all of PSC's campaigns. And I certainly encourage members to call me with story ideas and send letters to the editor. This page has always been a forum for vigorous discussion and debate.

Ari Paul,
Editor
Clarion

Phased retirement: A new way to plan for life after CUNY

Phased retirement at CUNY offers a new way for full-time instructional staff members to move to retirement, and several dozen faculty members have already made the transition. The program, originally agreed to between the PSC and CUNY as a pilot program, is now permanent. The deadline to apply is November 15, 2016.

Full-time faculty who are 65 and older, have at least 15 years of pensionable service and are members of the Optional Retirement Program (mostly TIAA-CREF) are eligible to apply to "phase" for up to three years. Faculty can apply to receive 50 percent of their salary during that time in exchange for continuing 50 percent of their workload, but must irrevocably commit to retiring at the end of the phasing period.

BENEFITS COVERAGE

During the phasing period, faculty receive full health coverage and pension contributions based on their reduced pay. Faculty with accrued sick leave are eligible for Travia leave at full pay during their final semester, but do not have the option to return to full-time CUNY employment. For more information on additional issues the agreement covers, see also psc-cuny.org/clarion/october-2015/phased-retirement-you.

HEOs and CLTs are eligible to phase for up to one year with a 20 percent workload reduction (one day per week) for 80 percent pay, if they meet the same eligibility criteria as a faculty member. They also receive Travia leave at full pay at the end of the phasing period, full health coverage and prorated pension contributions.

TRS EXEMPTION

Full-time employees who belong to TRS are not covered by the program, because reductions in their

pay would directly reduce their retirement benefit.

Agreement between the instructional staff member and his/her department chair/supervisor about what constitutes the 50 percent

workload and how to schedule it over the period is very important. Those wishing to start phased retirement in Fall 2017 must develop a phasing plan with their department chair/supervisor and submit an ap-

plication to their college human resources office by November 15, 2016. The application form is available in the Retirement Benefits section of the CUNY website and on college websites.

PSC marches in Labor Day Parade



PSC Secretary Nivedita Majumdar, second from right, joined PSC members and retirees during the annual Labor Day Parade in Midtown Manhattan September 10. This year, in addition to marching, PSC members lined the parade route to greet other union members and inform people about the need to invest in CUNY.

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GHI meds coverage

There is good news for PSC-CUNY Welfare Fund participants who have GHI-CBP as their basic health insurance. As of July 1, GHI covers preventive medications without a co-pay under the Affordable Care Act (ACA). Preventive medications most commonly prescribed to fund members are contraceptives, but the category also includes vaccines and colonoscopy prep medications. The full ACA list of preventive medications can be found at psccunywf.org.

As of July 1, any preventive medications are free of charge at the pharmacy to those who present a GHI-CBP card along with a doctor's prescription. GHI members will no longer need to use the Welfare Fund CVS Caremark card for this category of drug.

Employees and non-Medicare retirees enrolled in the fund prescription plan may have up to three different cards to use when filling prescriptions. Members should be prepared to present all three cards at the pharmacy if necessary. For most prescriptions, members use the PSC-CUNY Welfare Fund CVS Caremark prescription drug card which can be used at any pharmacy – CVS, Duane Reade, Rite Aid, Walgreens, independent pharmacies and others.

SPECIAL DRUGS

For injectable and chemotherapy prescriptions, members use the NYC PICA Program Express Scripts prescription drug card. Don't have a PICA card? Call 212-306-7464.

For diabetes-related prescriptions and supplies, fund members use their NYC Health Benefits Program basic health insurance card (GHI-CBP, HIP-HMO, Empire EPO, etc.)

As of July 1, GHI-CBP members also use their GHI card for specified preventive medications.

CVS Caremark has familiarized its customer care and retail operations with the change in our coverage for preventive medications. Additionally, CVS notified all of their participating non-CVS Pharmacy locations in the New York area. Call the Welfare Fund at 212-354-5363 if you have questions about whether the changes apply to you.

While the switch in coverage for certain prescriptions may be cause for confusion at first, the savings GHI members will experience should outweigh the initial inconvenience.

A record turnout for contract vote

By ARI PAUL

With a 94 percent “yes” vote on the ratification of the PSC’s contract with CUNY, it’s fair to say the vote was an overwhelming membership endorsement of the contract members struggled, advocated and, in some cases, were arrested for.

But the vote demonstrates another powerful feature the union can be proud of – an extremely high voter participation rate. Over the course of the contract campaign, the PSC held press conferences, dozens of demonstrations, a strike-authorization vote, lobbying events and two civil disobedience protests that ended in nearly 100 arrests – all of which not only put the union’s struggle front and center in the local media, but helped mobilize rank-and-file members throughout the five boroughs.

RECORD BREAKING

In a dispatch to members on August 3 following the ratification vote, PSC President Barbara Bowen said, “A record-breaking 72 percent of eligible voters participated in the contract ratification vote. The level of engagement is unprecedented in PSC ratification votes; it is a testament to our shared vision of a better university and evidence of your commitment to member-to-member organizing.”

Seventy-two percent is a large participation rate by any measure. PSC activists see their high participation as a result of active rank-and-file unionism built over the last year, but also as an indicator of what kind of momentum the union can bring to contract implementation and local campaigns.

“The high turnout rate is illustrative of the level of activism

Rank-and-file say campaign motivated members



James Davis, PSC chapter chair at Brooklyn College, addresses students and faculty at a contract campaign rally. Davis says the contract struggle politicized members and made them better understand the contract.

around all the campuses and the outreach members did, and the fact the leadership figured out ways to make the struggle more public meant people were seeing their own issues echoed in the news,” said Brooklyn College PSC Chapter Chair James Davis. “That amplified the issue for people who were talking about it in their offices.”

As Davis added, the record turnout means the union is more powerful moving forward.

“The whole contract struggle po-

liticized the membership because people had to find out answers to all kinds of questions of how

contracts get made and how issues within a contract become priorities. Having seen the nuts and bolts of it, on the legislative side and on the internal side, people are better educated and they see the way member-to-member organizing is a key piece to building strength and shifting the political context,” said Davis. “I’m hoping we can build off

that self-education.”

94 percent of members voting approve contract.

Anne Posten, an adjunct lecturer in English at Queens College, said that the impressive participation numbers were the result of “the work that was done all year organizing” that resulted in “a higher understanding of the union’s presence” on campus.

Looking toward the future, Posten said that this energy would help to build bridges between full-time fac-



Anne Posten, an adjunct lecturer at Queens College

ulty and adjuncts, saying, “What I hope is that the ratification and the implementation will build the understanding of what we have achieved together and can continue to build together.”

For Luke Elliott-Negri, the Graduate Center’s PSC chapter chair, the campaign for a just contract reengaged the rank-and-file and allowed for new organizing, including the creation of a new local shop steward and grievance handling system at the Graduate Center. “We had more engagement,” he said. “It’s forced us to do a lot of internal organizing. This is a reflection of that work, that there’s a higher level of cognizance of what the union is.”

Murphy Institute-based Higher Education Assistant Sarah Hughes noted that the strike authorization vote inspired many members to take on a back-to-basics model of individual shop organizing. “The strike authorization was really great practice, making us pair up and make lists of who to visit,” she said. “Laying that kind of groundwork of real base-building and relationship-building, that was a real exciting part,” Hughes said.

RAISING THE STAKES

Hughes, who was arrested during a civil disobedience action outside the governor’s Manhattan office on March 24, said that such a high-profile action against Governor Andrew Cuomo inspired PSC members to get more involved with the contract campaign. It successfully painted the governor as a target who had raised the stakes of the campaign.

Looking forward, she hopes that the high participation in the contract vote translates into more internal organizing over the next year. “We immediately want do new member orientations and training around the next contract campaign,” she said, noting that there are citywide elections next year and gubernatorial election a year after that.

Ratification bonuses to be paid in October

By CLARION STAFF

Just before the Labor Day weekend, CUNY announced that the city and state agreed to pay contractual ratification bonuses in October, and all other increases – higher salary rates and retroactive pay – no later than January.

When asked for more specifics, CUNY reported to PSC that the administration is working to ensure that bonuses will be paid to employees receiving state paychecks (senior colleges and graduate schools) on October 13 and to employees receiving city paychecks (community colleges) on October 21. The precise pay date in January for the salary adjustments and retroactive pay have not yet been determined.

PSC President Barbara Bowen said, “We understand the complexity of the process, but for mem-

Union protests January dates for increases

bers to wait more than six months since the memorandum of agreement (MOA) was signed to receive their increased salary rates is unconscionable.”

Full-time employees represented by PSC who were employed at CUNY on both May 1, 2016 and September 1, 2016 will receive a \$1,000 ratification bonus, as will teaching adjuncts who taught 18 hours or more, as will Continuing Education Teachers who taught 900 hours or more during the 2015-16 academic year and who are teaching during Fall 2016.

CUNY said it would account for a Fall semester start date later than September 1 at certain colleges.

The MOA provided for the following specific bonus amounts for doc-

toral students on the CUNY payroll in Graduate Assistant titles on May 1, 2016 and September 1, 2016: \$750 for a Graduate Assistant A, B or C, and \$500 for a Graduate Assistant D.

OTHER TITLES

For other part-time employees in PSC titles who meet the basic eligibility requirement of working May 1 and September 1, 2016, the formulas for calculating their pro-rata bonus amounts are based on the MOA definition that 24 contact hours shall be deemed full-time and are as follows:

- For Teaching Adjuncts with fewer than 18 teaching hours during 2015-16, the pro rata bonus will be \$42 per teaching hour.*
- For non-Teaching Adjuncts and Adjunct CLTs who work the maximum 225 hours per semes-

ter during 2015-16 for a total of 450 hours (or more), the bonus will be \$500. For those with fewer than 450 hours worked during Fall and Spring 2015-16, the pro rata bonus will be \$1.12 per hour worked.*

- For Continuing Education Teachers (CETs) who work fewer than 900 hours during Fall and Spring 2015-16, the pro rata bonus will be \$1.12 per hour worked.*

*NOTES: 1) Summer session work does not count in the calculation of total hours. 2) For part-time employees who worked in several different titles or on different campuses, the bonus will be calculated based on hours worked in each title and then added together. 3) No employee will receive a ratification bonus of more than \$1,000.

Bowen calls six-month wait ‘unconscionable.’

Members push for timely pay

PSC members came out in force September 19 for CUNY's Board of Trustees hearing at Baruch College in Manhattan.

While members overwhelming ratified a new contract with CUNY, the decision by the state to implement the agreed upon wage increases and back pay this coming January, as opposed to the beginning of the school year, has caused frustration and hardship. In emotional and personal official testimony to the CUNY board, both written and spoken, members made their grievances known.

Isabel de Sena
Adjunct Professor, Hispanic languages and literatures, Queens College

I am a faculty adjunct, and I was very much counting on that money. I have two children, a mortgage to pay and urgently required repairs on my house that need to be done before winter. Given the current news about when we will be paid, I won't be able to take care of this.

Kara Lynn Andersen
Assistant Professor, film studies, Brooklyn College

I wish that I could be at the public hearing of the Board of Trustees in person: I am a single parent to two young children and I cannot afford to pay my babysitter to stay late. Delayed payments mean that I cannot afford to attend after-hours events in my department.

This means I have less contact with my students in spite of already paying for 50 hours a week of childcare – I simply cannot pay for more. I have had to delay needed dental work for myself, and should the delays continue until January 2017, I will need to cut back on not only holiday gifts for my children, but bonuses and tips for the other people in our lives. More significantly, it means that my ability to save money against future needs is severely curtailed.

Rita C. Tobin
Adjunct Assistant Professor, English, Hunter College

No one teaching at CUNY – and no one in the PSC, I'm sure – believed when this contract was negotiated and approved that we would continue to wait for months and months for our money.

CUNY seems incapable of understanding that we teachers are real people with families and bills to pay.

Kate Walter
Lecturer, academic literacy and linguistics, Borough of Manhattan Community College

Unless we get this money in 2016, the delayed raise payment will delay my retirement year or I will retire with less money than expected. Both choices are unacceptable. I'm 67 and want to retire in 2018, with my last three years being 2016, 2017, 2018. When I

Delay is a hardship, members tell trustees



Hunter College Chapter Chair Jeremy Glick, at left, was among the many members speaking out September 19.



Dave Sanders

heard we signed the contract this summer, I assumed we would get the raise money in the Fall semester of 2016. And that still needs to happen. This inexcusable delay is creating hardships and messing up the lives of the hardworking CUNY faculty. We need the raise now, in 2016.

Jeremy Glick
Associate Professor, English, Hunter College

I understand exploitation as the extraction of surplus value from labor, i.e., the payment of workers less than the value produced. Academics, teachers and university personnel voluntarily work above

and beyond their compensation as a matter of principle and commitment. I imagine on some level all workers do. To take advantage of that fact by way of this delay is at best gross negligence, at worst naked contempt...In this climate of faux austerity and war against workers, this body has to command

Adjunct multiyear appointments

By CLARION STAFF

A new contract provision

One of the most dramatic changes negotiated in the new contract is the introduction of three-year appointments for adjuncts who have taught consistently in a single department. The new provision, among the hardest-fought in the contract, is designed to professionalize the treatment of adjuncts and increase continuity among instructors for students. "This is a shift in CUNY culture," said PSC President Barbara Bowen, "and like any cultural shift it will require adjustment. For the first time in CUNY history, eligible adjuncts will have access to appointments with meaningful job security and students will be able to count on having their adjunct professors on campus for more than a semester."

Job security for part-time faculty, who teach more than half the courses at CUNY, was identified as a priority by PSC delegates in 2010 when they approved the union's bargaining agenda for the next round of bargaining. It took until the last night of negotiations, however, to break the University's resistance to changing the structure of adjunct employment. "Management's agenda in this round of bargaining was to introduce more positions with zero job security, including for full-time faculty. The union's was to protect tenure, introduce stability for adjuncts and defend academic quality for students," Bowen said.

The most profound change intro-

duced by the new provision is that all adjuncts who meet the eligibility requirements must be considered for the longer appointment. Just as full-time faculty eligible for tenure must

A major breakthrough for part-time faculty

be considered for tenure if they wish to remain in the department, so adjuncts who qualify must be considered for the longer appointment. To be eligible, an adjunct must have taught at least six contact hours per semester in the same department for at least the 10 most recent consecutive semesters. The three-year appointment will provide the assurance of six contact hours of work per semester (or its equivalent) throughout the three-year period.

THE PROCESS AHEAD

In order to receive the three-year appointment, adjuncts who meet the service requirements must receive a positive recommendation from the department personnel and budget committee (or its equivalent), based on a comprehensive review of the adjunct's performance and the fiscal and programmatic needs of the department. The first round of reviews will be conducted during Spring 2017, and adjunct faculty with positive recommendations and college approval will begin their appointments starting Fall 2017. A negative recommendation will normally mean that the adjunct may not be appointed to teach

in the department after the spring semester, unless there is a recommendation for one year of guidance and then reconsideration.

Colleges will have to keep more careful records of adjuncts' teaching loads than in the past. Initially, the pilot program will create additional administrative work for departments because of the number of reviews that may be required during Spring 2017. But in the long term, it will relieve departments of the need to reappoint certain adjuncts every semester. There are between 1,200 and 2,000 teaching adjuncts eligible for a three-year appointment University-wide.

The new structure is a pilot program, but adjuncts appointed to three-year appointments any time during the five years of the pilot program will remain on the appointment for the full three years. "The PSC and CUNY have a good track record of making pilot programs permanent," Bowen said.

The union expects that College Human Resources Offices will inform departments before the start of the Spring semester which teaching adjuncts are eligible for consideration for a three-year appointment. Those eligible for a three-year appointment do not have to apply, but should make sure they are on the list of eligible adjuncts that HR provides the department.

As a one-time transition, long-serving adjuncts who may have had

the intelligence to realize that if you care about preserving and dignifying the mission of CUNY, faculty is your first line of defense.

Elizabeth Wall-O'Brien
Academic Advisor, Hunter College

"We live in East Harlem...[where] gunfire is a familiar sound – my husband had to duck behind parked cars during a gang fight in broad daylight. Our apartment is filled with mold, roaches and the ceilings are cracked. Not to mention that the building cannot support the use of air conditioning in the summer.

The heat is unbearable at times and my family and I have often gone to the Silberman building [on campus] to seek relief. We are on the verge of losing our apartment because we cannot keep up with the rent. We need to move to a less expensive apartment, farther away, but we cannot afford a move without the retro pay and raise. My daughter is disabled, my husband is a senior citizen and Vietnam Vet and I live in constant fear of losing my roof.

For us, it doesn't even matter that the holidays are coming; we are long past caring. We are accustomed to visiting food banks, collecting cans and bottles for change, and we are accustomed to skipping gifts, etc. Those things are luxuries. I need my well-earned raise and retro pay so I don't end up on the street.

a break in service or taught fewer than six contact hours during a semester in the last five years may be eligible for a two-year appointment, subject to sufficiency of registration and changes in curriculum. Teaching adjuncts who were eligible last spring for a one-year appointment and have taught at least six contact hours in the same department for 14 of the last 18 semesters, excluding summers and including the four most recent semesters, will be eligible for the two-year appointment, for which no performance review by the department is required.

TWO-YEAR ELIGIBILITY

Teaching adjuncts who believe they are eligible for the two-year appointment must submit a Notice of Interest (available on the college website to the college HR Office) by October 17, 2016. They should get a receipt from HR and give a copy of the Notice to their department chair. The college will confirm the adjunct's eligibility and notify the adjunct of her/his two-year appointment by February 1, 2017. The appointment will end with the Spring 2018 semester. Adjuncts on two-year appointments will receive comprehensive reviews for three-year appointments starting Fall 2018.

Adjuncts considering the appointment, or who have other questions, should contact an adjunct grievance counselor at the PSC Office, 212-354-1252.

"The new system of three-year appointments is complicated and it's not perfect, but it is the first crack in the wall of radical job insecurity for half of the teaching workforce. And that's a victory for everyone," Bowen said.

New chapter chairs have big goals

By SHOMIAL AHMAD

As a part of building support for the strike authorization vote, newly elected Higher Education Officer Chapter Chair Andrea Vásquez visited more than a dozen campuses. Through meetings and one-on-one conversations with members, she saw the grassroots backing that the Professional Staff Congress had garnered throughout CUNY.

"I cannot wait to get into the campuses and begin to help build new PSC local leaders," she told *Clarion*. "I believe that the new and experienced delegates who will represent HEOs across the university will be quite a team of leaders."

Vásquez, a member of the PSC's bargaining team and one of the 53 union members who was arrested this past November for civil disobedience outside CUNY headquarters, was one of many new chapter leaders elected in the PSC local chapter elections last April. Most candidates ran uncontested, although incumbents were challenged in elections at the College of Staten Island (CSI) and Borough of Manhattan Community College (BMCC). With some veteran union activists stepping down, some new leaders assumed local leadership positions. Now that a contract is settled and ratified, the heads of local chapters plan to build on the momentum created in the contract campaign to ensure that the contract is implemented and enforced.

NEW AND OLD

"Our chapter is rich with both seasoned and newly engaged leaders," Geoff Kurtz, the newly elected chapter chair of the Borough of Manhattan Community College, told *Clarion*. "We hope to take the energy that the contract campaign is generating and turn it to campus issues, including a campaign for teaching-load mitigation."

The new chapter heads include activists, scholars and new-media innovators. Kurtz has written widely on national electoral politics. Vásquez, in her roles at the Graduate Center's New Media Lab and the American Social History Project, has helped create digital archives and collaborative multimedia websites. New York City College of Technology Chapter Chair Benjamin Shepard has written about the changing power of public space in his book *The Beach Beneath the Streets: Contesting New York City's Public Spaces*. Also new to their positions are Lehman College Chapter Chair Robert Farrell and Queensborough Community College Chapter Chair Edmund Clingan. The new representatives took office on May 27.

CONTESTED SLATES

At BMCC, all New Caucus candidates were elected and drew between 205 to 240 votes. James Hoff, who ran as an independent for one of the 10 spots representing the

Activists are stepping into leadership roles



Andrea Vásquez, the recently elected HEO chapter chair, looks forward to developing new union activists who will organize around union concerns in her cross-campus chapter.

chapter at the delegate assembly, received 74 votes in his unsuccessful bid.

Elections in every race at the College of Staten Island were contested.

Incumbent CSI Chapter Chair George Emilio Sanchez won reelection despite a challenge by Vasilios Petratos (a former CSI chapter chair). Going forward, Sanchez, who ran on the Brand New Day/New Caucus slate, said he plans to "maximize [the chapter's] efforts to address numerous local issues." Central to building union activism, Sanchez said, is increasing member participation.

"[We need to continue to] create stronger relationships across departments, divisions, schools and the overall campus, so we can all have a visceral understanding of the meaning of solidarity," Sanchez told *Clarion*.

The newly elected leaders will serve three-year terms. Half of the chapters held elections for local leaders this year; the other half will vote in Spring of 2017. Union-wide elections for officers and the Executive Council took place last year and will be held again in the Spring of 2018. Both local officers and union-wide officers serve three-year terms.

Names of those elected are listed below. Those who were reelected are listed in regular type; names of those newly elected are in italics. Complete results are on the PSC website.

Borough of Manhattan Community College: Chair, *Geoffrey Kurtz*; Vice Chair, *Kathleen Offenholley*; Secretary, *Yolanda Medina*; Offi-

cers-at-Large, *Joel Barker, Yakov Genis, Charles Post, Samuel Sackeyfio*; Delegates to the DA, *Geoffrey Kurtz, Thomas Burgess, K.E. Saavik Ford, Erik Freas, W. Craig Hutchison, Robin Isserles, Howard Meltzer, Joyce Moorman, Yolanda Medina, Hemalatha Navaratne, Kathleen Offenholley*; Alternates to the DA, *Deborah Gambis, Andrew Levy, George Stevenson, Meghan Raimundo, Linda Wadas, Brianne Waychoff*; PSC-

CUNY Welfare Advisory Council, *Fabian Balardini, Hyacinth Martin* **Brooklyn Educational Opportunity Center:** Chair, *Felicia Wharton*; Vice Chair, *Angel Calderon*; Secretary, *Irene Dashevsky*; Delegate to the DA, *Felicia Wharton*

Hunter College Campus Schools: Chair, *David Towber*; Vice Chair, *Cristina Moore*; Secretary, *Sylvia Schaindlin*; Officers-at-Large, *Philip Frankel, Barbara Ghnassia, Inna Kruvi, Lee Weinberg*; Delegate to the DA, *David Towber*

Kingsborough Community College: Chair, *Rina Yarmish*; Vice Chair, *Michael Spear*; Secretary, *Mary Dawson*; Officers-at-Large, *Anthony DiLernia, Kevicha Echols, John Mikalopas, Elizabeth Tompkins*; Delegates to the DA, *Rina Yarmish, Susan Aranoff, Scott Cally, Elizabeth Dill, William Rooney, Florence Schneider, Dominic Wetzel*; Alternates to the DA, *John Acosta, Michael Barnhart, Stephen Majewicz, Jacob Segal, Eben Wood*; PSC-CUNY Welfare Advisory Council, *Gordon Bassen, Laxman Kanduri*

Lehman College: Chair, *Robert Farrell*; Vice Chair, *Duane Tanan-*

baum; Secretary, *Rosalind Carey*; Officers-at-Large, *David Hyman, Wingyun Mak, Janette Tilley*; Delegates to the DA, *Robert Farrell, Ayanna Alexander-Street, Diane Auslander, David Hyman, Abigail Mellen*; Alternates to the DA, *Eleanor T. Campbell, Thomas Conroy, Christy Folsom, Jennifer Poggiali*; PSC-CUNY Welfare Advisory Council, *Dana Fenton, Penny Prince*

Medgar Evers College: Chair, *Clinton Crawford*; Vice Chair, *Iola Thompson*; Secretary, *Verna Green*; Delegates to the DA, *Clinton Crawford, Obasegun Awolabi, David Hatchett*; Alternates to the DA, *Verna Green, Iola Thompson*; PSC-CUNY Welfare Advisory Council, *Kamau Chow-Tai, James Gaynor*

New York City College of Technology: Chair, *Benjamin Shepard*; Vice Chair, *Carole Harris*; Secretary, *Teresa Tobin*; Officers-at-Large, *Seymour Blank, Stephen James, Sharon Swacker, Suresh Tewani*; Delegates to the DA, *Benjamin Shepard, Katie Albany, Kyle, Cuordileone, Andrew Douglas, Renata Lansiquot, Angela Loguercio, Sean MacDonald, Joel Mason, Costas Panayotakis, Gerald Van Loon*; Alternates to the DA, *Carole Harris, Stephen James, Laurel Kallen, Patrick O'Halloran, Teresa Tobin, Shauna Vey*; PSC-CUNY Welfare Advisory Council, *Jacqueline Eliot, Albert Sherman*

Queensborough Community College: Chair, *Edmond Clingan*; Vice Chair, *Julian Stark*; Secretary, *Michael Cesarano*; Officers-at-Large, *Susan Jacobowitz, Charles Neuman, Phil Pecorino, Clara Wajngurt*; Delegates to the DA, *Edmund Clingan,*

David Lieberman, Wally Rosenthal, Julian Stark, Michael Cesarano

Retirees: Chair, *William Friedheim*; Vice Chair, *John Hyland*; Secretary, *Eileen Moran*; Officers-at-Large, *Joel Berger, Francine Brewer, Connie Gemson*; Delegates to the DA, *William Friedheim, Jackie DiSalvo, John Hyland, David Kotelchuck, Eileen Moran, Cecelia McCall, Jim Perlstein*; Alternates to the DA, *Miriam Balmuth, Judith Barbanel, Joan Greenbaum, Marva Lilly, Robert Wurman*; PSC-CUNY Welfare Advisory Council, *Irwin Yellowitz*

Higher Education Officers: Chair, *Andrea Vásquez*; Vice Chair, *Janet Winter*; Secretary, *Berkis Cruz-Eusebio*; Officers-at-Large, *Lawrence Bosket, Wayne Harewood*; Delegates to the DA, *Andrea Vásquez, Takiyah Ali, Anthony Andrews, Cynthia Bink, Shakia Brown, Arthur Ben Chitty, Diane Colón, Berkis Cruz-Eusebio, Iris DeLutro, Zee Dempster, Myrlene Dieudonne, Michele Doney, Megan Elias, John Gallagher, Sherrian Grant Fordham, Diana Hamilton, Sarah Hughes, Nick Irons, Philippe Marius, Graciano Matos, George Muchita, Keith Okrosy, Victoria O'Shea, Geniece Pacifici-Elejaldé, Gogie Padilla, Carrie Roberts, Albert Robinson, Michele Stewart, Paul Washington, Michael Weisenfeld, Kristin Wilson, Janet Winter*; Alternates to the DA, *Valerie Brown, Deborah Charles, Sharon Hawkins, Paul Hiller, Arielle Shinder*

College of Staten Island: Chair, *George Sanchez*; Vice Chair, *John Lawrence*; Secretary, *Carol Hartman*; Officers-at-Large, *Catherine Lavender, Carol DeMeo, Sherman Heller, David Loncle*; Delegates to the DA, *George Sanchez, Joe Frusci, Cary Karacas, John Lawrence, Elizabeth Pete, Ruth Silverberg, Nelly Tournaki*; Alternates to the DA, *Jonathan Cope, Michael Batson, Jillian Baez, William Smith, Linda Revenson*; PSC-CUNY Welfare Advisory Council, *Donna Scimeca, Philippe Marius*

Health benefit transfers

The 2016 Fall transfer periods for the health benefits program are as follows:

- Active employees: October 11, 2016 – November 11, 2016, effective first full pay cycle in January 2017.

- Retirees: November 1, 2016 – November 30, 2016, effective January 2017.

- Flexible Spending Accounts Program: September 19, 2016 – November 30, 2016, effective January 1, 2017.

The new contract’s salary schedules

Increases are coming

Below are the salary schedules negotiated under the new union contract for all CUNY titles in the PSC’s bargaining unit. The contract was ratified this summer. For the full terms of the agreement, see the summer issue of *Clarion* or visit our website.

SALARY SCHEDULES 2010-2017 PSC/CUNY COLLECTIVE BARGAINING AGREEMENT							3/19/10	4/20/12	4/20/13	4/20/14	4/20/15	4/20/16	4/20/17		
							LECTURER, cont.								
	10/20/09	4/20/12	4/20/13	4/20/14	4/20/15	4/20/16	4/20/17	58,011	58,591	59,177	60,656	61,869	63,106	64,053	
								59,893	60,492	61,097	62,624	63,876	65,154	66,131	
								61,775	62,393	63,017	64,592	65,884	67,202	68,210	
								63,661	64,298	64,941	66,565	67,896	69,254	70,293	
\$	68,803	69,491	70,186	71,941	73,380	74,848	75,971	65,545	66,200	66,862	68,534	69,905	71,303	72,373	
	71,521	72,236	72,958	74,782	76,278	77,804	78,971	67,431	68,105	68,786	70,506	71,916	73,354	74,454	
	74,346	75,089	75,840	77,736	79,291	80,877	82,090	70,088	70,789	71,497	73,284	74,750	76,245	77,389	
	76,944	77,713	78,490	80,452	82,061	83,702	84,958	74,907	75,656	76,413	78,323	79,889	81,487	82,709	
	79,242	80,034	80,834	82,855	84,512	86,202	87,495								
	82,299	83,122	83,953	86,052	87,773	89,528	90,871	10/20/09	4/20/12	4/20/13	4/20/14	4/20/15	4/20/16	4/20/17	
	85,356	86,210	87,072	89,249	91,034	92,855	94,248								
	88,418	89,302	90,195	92,450	94,299	96,185	97,628	LECTURER DOCTORAL SCHEDULE							
	91,511	92,426	93,350	95,684	97,598	99,550	101,043	\$	45,329	45,782	46,240	47,396	48,344	49,311	50,051
	94,606	95,552	96,508	98,921	100,899	102,917	104,461		47,106	47,577	48,053	49,254	50,239	51,244	52,013
	98,431	99,415	100,409	102,919	104,977	107,077	108,683		48,954	49,444	49,938	51,186	52,210	53,254	54,053
	102,253	103,276	104,309	106,917	109,055	111,236	112,905		51,622	52,138	52,659	53,975	55,055	56,156	56,998
	106,071	107,132	108,203	110,908	113,126	115,389	117,120		53,985	54,525	55,070	56,447	57,576	58,728	59,609
	109,087	110,178	111,280	114,062	116,343	118,670	120,450		55,864	56,423	56,987	58,412	59,580	60,772	61,684
	116,364	117,528	118,703	121,671	124,104	126,586	128,485		58,537	59,122	59,713	61,206	62,430	63,679	64,634
									60,418	61,022	61,632	63,173	64,436	65,725	66,711
\$	55,602	56,158	56,720	58,138	59,301	60,487	61,394		62,306	62,929	63,558	65,147	66,450	67,779	68,796
	57,790	58,368	58,952	60,426	61,635	62,868	63,811		64,186	64,828	65,476	67,113	68,455	69,824	70,871
	60,067	60,668	61,275	62,807	64,063	65,344	66,324		66,067	66,728	67,395	69,080	70,462	71,871	72,949
	62,665	63,292	63,925	65,523	66,833	68,170	69,193		67,955	68,635	69,321	71,054	72,475	73,925	75,034
	64,956	65,606	66,262	67,919	69,277	70,663	71,723		69,838	70,536	71,241	73,022	74,482	75,972	77,112
	68,024	68,704	69,391	71,126	72,549	74,000	75,110		71,725	72,442	73,166	74,995	76,495	78,025	79,195
	71,073	71,784	72,502	74,315	75,801	77,317	78,477		74,384	75,128	75,879	77,776	79,332	80,919	82,133
	74,133	74,874	75,623	77,514	79,064	80,645	81,855		79,360	80,154	80,956	82,980	84,640	86,333	87,628
	76,689	77,456	78,231	80,187	81,791	83,427	84,678	3/19/10	4/20/12	4/20/13	4/20/14	4/20/15	4/20/16	4/20/17	
	79,242	80,034	80,834	82,855	84,512	86,202	87,495								
	82,299	83,122	83,953	86,052	87,773	89,528	90,871								
	85,356	86,210	87,072	89,249	91,034	92,855	94,248								
	88,418	89,302	90,195	92,450	94,299	96,185	97,628	\$	41,435	41,849	42,267	43,324	44,190	45,074	45,750
	90,756	91,664	92,581	94,896	96,794	98,730	100,211	to							
	96,635	97,601	98,577	101,041	103,062	105,123	106,700	\$	116,364	117,528	118,703	121,671	124,104	126,586	128,485
			</												

10/20/09 4/20/12 4/20/13 4/20/14 4/20/15 4/20/16 4/20/17

CHIEF COLLEGE LABORATORY TECHNICIAN, cont.						
\$ 69,904	70,603	71,309	73,092	74,554	76,045	77,186
72,863	73,592	74,328	76,186	77,710	79,264	80,453
74,943	75,692	76,449	78,360	79,927	81,526	82,749
79,340	80,133	80,934	82,957	84,616	86,308	87,603

SENIOR COLLEGE LABORATORY TECHNICIAN						
\$ 44,020	44,460	44,905	46,028	46,949	47,888	48,606
45,584	46,040	46,500	47,663	48,616	49,588	50,332
47,210	47,682	48,159	49,363	50,350	51,357	52,127
49,147	49,638	50,134	51,387	52,415	53,463	54,265
50,826	51,334	51,847	53,143	54,206	55,290	56,119
53,122	53,653	54,190	55,545	56,656	57,789	58,656
54,608	55,154	55,706	57,099	58,241	59,406	60,297
56,091	56,652	57,219	58,649	59,822	61,018	61,933
57,581	58,157	58,739	60,207	61,411	62,639	63,579
59,063	59,654	60,251	61,757	62,992	64,252	65,216
60,544	61,149	61,760	63,304	64,570	65,861	66,849
61,776	62,394	63,018	64,593	65,885	67,203	68,211
64,905	65,554	66,210	67,865	69,222	70,606	71,665

COLLEGE LABORATORY TECHNICIAN						
\$ 36,795	37,163	37,535	38,473	39,242	40,027	40,627
38,058	38,439	38,823	39,794	40,590	41,402	42,023
39,375	39,769	40,167	41,171	41,994	42,834	43,477
40,938	41,347	41,760	42,804	43,660	44,533	45,201
42,302	42,725	43,152	44,231	45,116	46,018	46,708
44,156	44,598	45,044	46,170	47,093	48,035	48,756
45,347	45,800	46,258	47,414	48,362	49,329	50,069
46,531	46,996	47,466	48,653	49,626	50,619	51,378
47,721	48,198	48,680	49,897	50,895	51,913	52,692
48,909	49,398	49,892	51,139	52,162	53,205	54,003
50,393	50,897	51,406	52,691	53,745	54,820	55,642
51,876	52,395	52,919	54,242	55,327	56,434	57,281
53,362	53,896	54,435	55,796	56,912	58,050	58,921
54,848	55,396	55,950	57,349	58,496	59,666	60,561
56,004	56,564	57,130	58,558	59,729	60,924	61,838
58,877	59,466	60,061	61,563	62,794	64,050	65,011

ADJUNCT CHIEF COLLEGE LABORATORY TECHNICIAN						
\$ 36.68	37.05	37.42	38.36	39.13	39.91	40.51
38.16	38.54	38.93	39.90	40.70	41.51	42.13
39.68	40.08	40.48	41.49	42.32	43.17	43.82
44.30	44.74	45.19	46.32	47.25	48.20	48.92
50.67	51.18	51.69	52.98	54.04	55.12	55.95

ADJUNCT SENIOR COLLEGE LABORATORY TECHNICIAN						
\$ 31.57	31.89	32.21	33.02	33.68	34.35	34.87
32.84	33.17	33.50	34.34	35.03	35.73	36.27
34.13	34.47	34.81	35.68	36.39	37.12	37.68
36.89	37.26	37.63	38.57	39.34	40.13	40.73
41.89	42.31	42.73	43.80	44.68	45.57	46.25

ADJUNCT COLLEGE LABORATORY TECHNICIAN						
\$ 25.60	25.86	26.12	26.77	27.31	27.86	28.28
26.60	26.87	27.14	27.82	28.38	28.95	29.38
27.69	27.97	28.25	28.96	29.54	30.13	30.58
31.35	31.66	31.98	32.78	33.44	34.11	34.62
37.02	37.39	37.76	38.70	39.47	40.26	40.86

ADJUNCT LECTURER						
\$ 64.84	65.49	66.14	67.79	69.15	70.53	71.59
67.42	68.09	68.77	70.49	71.90	73.34	74.44
70.15	70.85	71.56	73.35	74.82	76.32	77.46
73.28	74.01	74.75	76.62	78.15	79.71	80.91
80.70	81.51	82.33	84.39	86.08	87.80	89.12

ADJUNCT ASSISTANT PROFESSOR						
\$ 73.53	74.27	75.01	76.89	78.43	80.00	81.20
76.48	77.24	78.01	79.96	81.56	83.19	84.44
79.54	80.34	81.14	83.17	84.83	86.53	87.83
87.29	88.16	89.04	91.27	93.10	94.96	96.38

ADJUNCT ASSOCIATE PROFESSOR						
\$ 79.29	80.08	80.88	82.90	84.56	86.25	87.54
82.47	83.29	84.12	86.22	87.94	89.70	91.05
85.78	86.64	87.51	89.70	91.49	93.32	94.72
88.94	89.83	90.73	93.00	94.86	96.76	98.21
97.16	98.13	99.11	101.59	103.62	105.69	107.28

ADJUNCT PROFESSOR						
\$ 87.94	88.82	89.71	91.95	93.79	95.67	97.11
91.46	92.37	93.29	95.62	97.53	99.48	100.97
95.12	96.07	97.03	99.46	101.45	103.48	105.03
98.27	99.25	100.24	102.75	104.81	106.91	108.51
107.04	108.11	109.19	111.92	114.16	116.44	118.19

NON-TEACHING ADJUNCT I AND II						
\$ 38.91	39.30	39.69	40.68	41.49	42.32	42.95
40.45	40.85	41.26	42.29	43.14	44.00	44.66
42.09	42.51	42.94	44.01	44.89	45.79	46.48
43.98	44.42	44.86	45.98	46.90	47.84	48.56
48.41	48.89	49.38	50.61	51.62	52.65	53.44

NON-TEACHING ADJUNCT III						
\$ 44.12	44.56	45.01	46.14	47.06	48.00	48.72
45.90	46.36	46.82	47.99	48.95	49.93	50.68
47.73	48.21	48.69	49.91	50.91	51.93	52.71
52.37	52.89	53.42	54.76	55.86	56.98	57.83

NON-TEACHING ADJUNCT IV						
\$ 47.58	48.06	48.54	49.75	50.75	51.77	52.55
49.49	49.98	50.48	51.74	52.77	53.83	54.64
51.47	51.98	52.50	53.81	54.89	55.99	56.83
53.36	53.89	54.43	55.79	56.91	58.05	58.92
58.30	58.88	59.47	60.96	62.18	63.42	64.37

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NON-TEACHING ADJUNCT V						
\$ 52.76	53.29	53.82	55.17	56.27	57.40	58.26
54.87	55.42	55.97	57.37	58.52	59.69	60.59
57.07	57.64	58.22	59.68	60.87	62.09	63.02
58.96	59.55	60.15	61.65	62.88	64.14	65.10
64.23	64.87	65.52	67.16	68.50	69.87	70.92

MEDICAL SERIES						
Medical Professor (Basic Sciences)						
\$ 89,210	90,102	91,003	93,278	95,144	97,047	98,503
\$ 127,303	128,576	129,862	133,109	135,771	138,486	140,563
Assoc. Medical Professor (Basic Sciences)						
\$ 74,924	75,673	76,430	78,341	79,908	81,506	82,729
\$ 111,861	112,980	114,110	116,963	119,302	121,688	123,513
Asst. Medical Professor (Basic Sciences)						
\$ 60,644	61,250	61,863	63,410	64,678	65,972	66,962
\$ 96,414	97,378	98,352	100,811	102,827	104,884	106,457

Medical Professor (Clinical)						
\$ 114,911	116,060	117,221	120,152	122,555	125,006	126,881
\$ 170,555	172,261	173,984	178,334	181,901	185,539	188,322
Assoc. Medical Professor (Clinical)						
\$ 100,632	101,638	102,654	105,220	107,324	109,470	111,112
\$ 142,751	144,179	145,621	149,262	152,247	155,292	157,621
Asst. Medical Professor (Clinical)						
\$ 89,210	90,102	91,003	93,278	95,144	97,047	98,503
\$ 127,306	128,579	129,865	133,112	135,774	138,489	140,566
Adj. Asst. Medical Professor (Clinical)						
\$ 186.89	188.76	190.65	195.42	199.33	203.32	206.37
194.37	196.31	198.27	203.23	207.29	211.44	214.61
202.14	204.16	206.20	211.36	215.59	219.90	223.20
217.55	219.73	221.93	227.48	232.03	236.67	240.22
233.02	235.35	237.70	243.64	248.51	253.48	257.28

Adj. Assoc. Medical Professor (Clinical)						
\$ 218.24	220.42	222.62	228.19	232.75	237.41	240.97
227.00	229.27	231.56	237.35	242.10	246.94	250.64
236.06	238.42	240.80	246.82	251.76	256.80	260.65
251.52	254.04	256.58	262.99	268.25	273.62	277.72
266.98	269.65	272.35	279.16	284.74	290.43	294.79

Adj. Medical Professor (Clinical)						
\$ 249.67	252.17	254.69	261.06	266.28	271.61	275.68
259.66	262.26	264.88	271.50	276.93	282.47	286.71
270.05	272.75	275.48	282.37	288.02	293.78	298.19
288.58	291.47	294.38	301.74	307.77	313.93	318.64
310.11	313.21	316.34	324.25	330.74	337.35	342.41
Adj. Asst. Medical Professor (Basic Sciences)						
\$ 115.54	116.70	117.87	120.82	123.24	125.70	127.59
120.17	121.37	122.58	125.64	128.15	130.71	132.67
124.97	126.22	127.48	130.67	133.28	135.95	137.99
143.10	144.53	145.98	149.63	152.62	155.67	158.01
155.82	157.38	158.95	162.92	166.18	169.50	172.04

Adj. Assoc. Medical Professor (Basic Sciences)							
\$	146.92	148.39	149.87	153.62	156.69	159.82	162.22
	152.80	154.33	155.87	159.77	162.97	166.23	168.72
	158.91	160.50	162.11	166.16	169.48	172.87	175.46
	174.34	176.08	177.84	182.29	185.94	189.66	192.50
	189.82	191.72	193.64	198.48	202.45	206.50	209.60

Making CUNY free again

By BOB HENNELLY

Across the country the rising costs of college and the heavy student loan debt burden already carried by the millennial generation are shaping up to be defining issues for the 2016 election.

In his final State of the Union address, President Barack Obama called for community colleges to become “as free and universal in America as high school.”

While nationally thought to be novel initiative in American policy, free and truly affordable college tuition was part of the proud core of CUNY’s mission with the founding of the Free Academy, CUNY’s earliest iteration in 1847.

While over the years qualifying for free tuition did involve merit based criteria, maintaining tuition affordability was a top priority, but the 1975 fiscal crisis changed things. Budget cuts and of ever-escalating tuition followed.

‘DOABLE’ BILL

Enter City Councilmember Inez Barron, chair of the Council’s Higher Education Committee. As part of a growing national interest in tuition-free college, she is pushing for the restoration of CUNY’s free tuition policy with the establishment of a task force of 13 members that will include both students and faculty to bring the proposal to life.

Introducing the bill June 16 to the Council, Barron told *Clarion* that current political developments had her optimistic that the restoration of free tuition was doable.

“If the people come together and make demands and consistently press and mobilize they can make it happen,” she said. “I think we see an example of that with the pushback [in response to] when the Governor tried to force the city” to assume hundreds of millions of dollars in operating costs.

Barron added, “We said, ‘No you can’t do that,’ and there was an organized push. The power still is with the people.”

For Barron, restoring CUNY’s free tuition policy is personal. “I would not have gone to college,” she said. “My parents couldn’t afford to pay. I was a pretty good student and I got accepted at other institutions, but they were private and I didn’t get a scholarship.”

MORE FACULTY

PSC First Vice President Michael Fabricant testified at the hearing that a return to free tuition was only part of what needed to happen to shift investment into the CUNY system, which, he said, “means increasing the number of full-time faculty, improving advisement, expanding student support services.”

Specifically, Fabricant addressed the difficulty that any reduction in tuition for CUNY would mean having to find other ways of bringing in revenue. He asked the panel to ana-

Council to explore possibilities

lyze “existing and potential sources of revenue that could provide resources beyond replacing tuition given the University’s serious and long-term underfunding.”

“If every dime of CUNY’s tuition revenue were to be replaced with federal funding or money from some other source, CUNY would still be drastically underresourced. There would still be a shortage of full-time faculty,” he said.

MINORITY NEEDS

In an era of rising income inequality, that’s particularly pronounced for working-class households and communities of color, where access to a free college education would be transformational, according to testimony by Mallory Nugent, senior policy analyst for the Federation of Protestant Welfare Agencies.

Nugent told the council panel that education was the key factor in economic stability and upper mobility, especially for low-income students.

“Without a college degree a child born in the bottom fifth of the income distribution has a 45 percent chance of remaining there, and only a 5 percent chance of reaching the top fifth,” Nugent said. “When that same child earns a college degree their chances of making it to the top nearly quadruples and their chance of making it out of the bottom increase by 50 percent.”

Harold Stolper, senior economist for the Community Service Society of New York, testified that over the last few years a four-year college degree has increasingly been beyond the reach of New York City’s poorest families.

“If we look at the neediest students coming from families with less than in \$30,000 income, who are federal aid applicants, their net price, tuition minus aid, has gone up more than 50 percent at four-year colleges in the past five years, but only 10 percent at two-year colleges” he said. “At the same time, the enrollment has sort of worked in the other direction with these students enrolling at much higher numbers at the two-year colleges.”

As a consequence of these recent tuition pricing trends, the poorest college applicants are increasingly opting for two-year colleges, a move that saves money in the short run but holds back the lifetime earning potential they’d have with a four-year degree, Stolper said.

‘NEEDIEST STUDENTS’

“We have concerns about these neediest students being shifted to two-year colleges where, in some cases, they are less likely to succeed,” he said. “We want to make sure that affordability policy ensures that the neediest New Yorkers

are not steered to two-year colleges if they are, in fact, capable of succeeding at four-year colleges.”

The current cost burdens are noticeable. As *The New York Times* reported in May, “The share of CUNY’s \$3.2 billion budget that comes from tuition has climbed to 45 percent, up from 20 percent in 1989. In the last five years, tuition at its four-year colleges has risen by \$300 per year to \$6,330 for New York State residents. Undergraduates must also pay an extra \$280 a year, at least, in fees. It is a daunting burden for students, more than half of whom report family incomes below \$30,000, according to school data.”

“[College is a] key factor in economic stability.”

But experts told the City Council that free tuition was a solution to only part of the puzzle for low-income students to succeed and graduate. Carmel Martin of the Center for American Progress, a left-leaning Washington, D.C., think tank, said that for the poorest students, covering living expenses by working can lead to them dropping out.

“Even someone with low or no tuition may still struggle,” she said. “If they cannot cover living expenses like rent, food, transportation or childcare or they may have to work so many hours to pay for these costs that they fall behind in the classroom, which drives our low college completion rates.”

Recent Brooklyn College computer science graduate John McFarland asked the council to consider adding additional students to the blue ribbon panel.

“Like many New York City residents, I come from a single parent, low-income home,” he said. “My mother struggled to put a roof over my head and often had to sell her jewelry to make ends meet. When I was 17 I dropped out of high school and got my GED.”

In an emotional speech, he said he was headed on “a downward spiral in crime that eventually leads to incarceration,” but that his “mother fought to make sure that didn’t happen.”

“Thanks to CUNY, I had access to affordable education that gave me opportunities I wouldn’t have had otherwise. Now, as a graduate I can say with certainty that CUNY saved my life,” McFarland said.

A REVENUE MAKER

For Councilmember Ben Kallos, a State University of New York graduate, a return to free tuition for the CUNY system would be the most effective economic development tool the city could use. By boosting lifetime earnings for generations of current and future New Yorkers, he argued, those people would see their lifetime earnings soar. For the city, this would increase tax revenue – a win-win situation, he said.

“Rather than rezoning New York

PSC points on ‘free CUNY’

From Union First Vice President Mike Fabricant’s testimony:

● “What will happen, however, if community colleges become free and senior colleges do not? One possible result is that many more students will opt for taking their first two years ‘tuition free’ and overwhelm the capacity at the community colleges...”

● “[Students] who live outside the city could move here to attend CUNY. How many more full-time faculty and staff would need to be hired to accommodate a potential influx of students?”

● “[A]ny city program of free tuition would benefit by first covering the portion of tuition of low and moderate-income students that is not covered by Federal Pell Grants or state TAP financial aid.”

City from affordable housing and manufacturing into luxury development, we could double city, state and federal income collection by simply funding CUNY education through free tuition,” Kallos said.

Calculating that the city would see immediate returns on investment within three years, he added. “For an initial investment of \$22,922, the 40-year payoff, if someone stays in the city, is about \$346,398. That’s a return on investment of about 15 times, which is better than you will see with any hedge fund.”

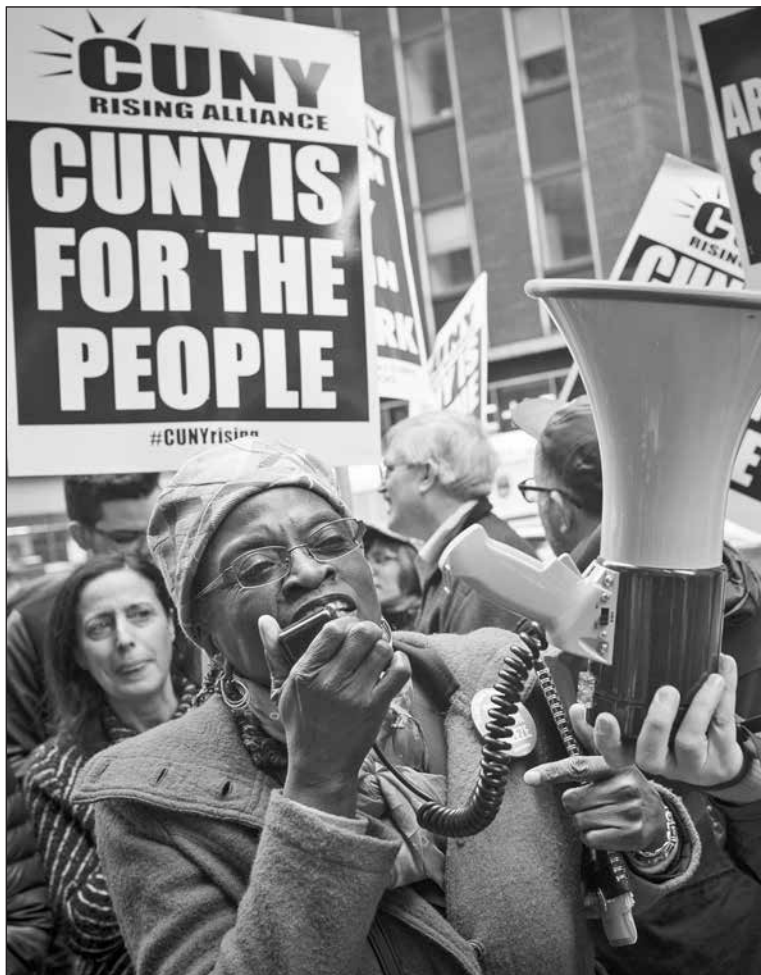
ASSOCIATED COSTS

According to testimony from CUNY officials, \$1.5 billion, or 45 percent of CUNY’s \$3.2 billion operating revenue, currently comes from student tuition, a portion that has been increasing over time. \$784 million comes out of students’ pockets, with the remaining balance coming in the form of government aid and grants.

Restoration of free tuition would cost close to \$800 million, according to Katherine Abata, CUNY’s budget director. Currently one fifth of CUNY’s graduates leave school with, on average, between \$12,000 and \$14,000 in debt.

“We would expect enrollment to grow if tuition was eliminated,” said James Murphy, CUNY’s dean for enrollment management. “However, over the last eight years, CUNY’s enrollment has increased by 30,000 students. We don’t currently have the faculty or the space to increase enrollment any further.”

But Stephen Brier, PSC member and professor of history at the Graduate Center, testified that current conditions were already unacceptable. He said, “We will only bring CUNY back to its earlier educational glories if we not only reinstitute free tuition, but also directly confront the neoliberal attacks on higher education.”



City Councilmember Inez Barron addresses the crowd during a contract campaign rally this past Spring. Barron, a Hunter college graduate, is pushing for a restoration in CUNY’s free tuition policy.

Muslims want answers on surveillance

By SHOMIAL AHMAD

Many Muslim students like Hunter College senior Neghena Hamidi have returned to campus under a shroud of unease. A confluence of recent events have not only raised tensions, but have had students like her wondering: When will CUNY address revelations about the surveillance of Muslim students at Brooklyn College?

A COMPLEX AFFAIR

In March 2016, CUNY Chancellor James B. Milliken retained two outside attorneys to look into alleged incidents of anti-Semitism on CUNY campuses. After a thorough investigation, CUNY released the team's report September 9, which did not find evidence of "unchecked anti-Semitism." The report called it "a mistake" to blame a Students for Justice for Palestine chapter for "any act of anti-Semitism on any CUNY campus" as some students had alleged.

"As they also note, CUNY leaders have promptly and strongly condemned speech – even when legally protected – that is hateful, discriminatory, and anti-Semitic," wrote CUNY Chancellor James B. Milliken in a cover letter introducing the 24-page report. "And in those cases where speech and conduct violate law or University policy, the University will continue to respond with appropriate action."

As some students have pointed out, CUNY was quick to launch an investigation looking into alleged anti-Semitic incidents, but it has yet to release a public statement regarding the apparent years-long surveillance by an undercover NYPD detective of Muslim students at Brooklyn College.

As a result, many in CUNY's Muslim community feel their concerns aren't valued. And this is all happening at critical time. The *New York Times* reported late last year that cases of anti-Muslim attacks and harassment have surged in recent years.

Between the 15th anniversary of 9/11, the recent bombing in Chelsea and the constant Islamophobia coming out of Donald Trump's presidential campaign, tensions are running high for students like Hamidi. She said her parents tell her to be more cautious, more low key. They tell her not to stay out too late or cover her hair with a hat instead of a scarf, and they've advised her to tone down her political opinions on social media. Like any typical college student, she both listens and ignores her parents' concerns. "I can't keep a low profile because if all parents are telling their children to do so, then who's going to be able to represent our community...if we keep on acting out of fear?" she asked.

CUNY, like many institutions, is not immune from anti-Muslim incidents. The report on anti-Semitism also states that the University has seen its share of Islamophobia, including the defacement of a study abroad poster featuring a female

Students say CUNY should take action



Dave Sanders

Hunter College senior Neghena Hamidi, center, and College of Staten Island graduate Nerdeen Kiswani, right, talked about feeling nervous during their daily lives on campus and elsewhere.

student who was president of a Students for Justice for Palestine chapter. (The female student was wearing a hijab.) Muslim students also talk about the fear of being surveilled on campus, not knowing whom to trust or what opinions they can safely express in class or in student groups.

Last year, *Gothamist* reported on the years-long police surveillance of Muslim students at Brooklyn College. The piece detailed the work of an undercover NYPD detective who had "converted" to Islam at an Islamic Society (ISO) event on campus and went on to edge her way into the private lives of many of the female members of Brooklyn College's ISO, attending bridal showers and social trips.

After the story broke, around 500 CUNY faculty, staff, students and alumni signed a November 4, 2015 letter to Milliken, demanding that he "work to end the New York Police Department's apparent practice of sending spies to monitor Muslims at CUNY institutions." As of publication, CUNY hasn't issued a statement about the four-year surveillance of Muslim students at Brooklyn College and has not responded to *Clarion's* request for comment.

SILENCE FROM ADMINISTRATION

To Jeanne Theoharis, a distinguished professor in political science at Brooklyn College and one of the faculty members who signed the protest letter to Milliken, the lack of public condemnation over the incident from CUNY administration

is troubling. Theoharis said that there is a danger in thinking that Islamophobia is just saying "nasty" things about Muslims. In fact, she insisted, it is far more systemic and based on people's reluctance to fight intolerance.

'Islamophobia also looks like people remaining silent.'

"Islamophobia also looks like people remaining silent. To me that silence is really dangerous," Theoharis said. "You have an undercover cop on your campus for four years and the leaders of that institution do not say that did us harm. [That] sends a message that we don't care that much."

Theoharis, who taught some of the students who knew the undercover cop, said students felt more vulnerable after news of the surveillance broke. In an article for the online news site *The Intercept*, Theoharis wrote, "[Students] report repeated panic attacks, pervasive apprehension and trouble concentrating." The constant surveillance, one student told Theoharis, sent the message that "you will never belong, my children will never belong."

News about spying on Muslim students is nothing new. The Associated Press published a series of reports in 2011 documenting NYPD spying in Muslim communities, for which the wire service won a Pulitzer Prize. The reports documented surveillance at many colleges in the Northeast, including six CUNY campuses. Ramzi Kassem, a CUNY Law associate professor, told the Associated Press in 2011 that undercover officers may have violated a 1992 memorandum of understand-

ing between CUNY and the NYPD, which states that in non-emergency situations police "shall enter upon CUNY campuses, buildings and other property only upon the request or approval of a CUNY official."

The surveillance ramps up Muslim students' anxieties, says Moustafa Bayoumi, a professor of English at Brooklyn College who has written extensively about the Muslim American experience in the wake of 9/11.

"It's quite evident that [some Muslim students] feel like their abilities to think through controversial questions publicly, which is what you do on a university campus, were being hampered by the questions of surveillance around them solely because of their Muslim-ness hovering over their bodies," he said.

FREE SPEECH ISSUE

Several Muslim students told *Clarion* that they are careful about what they say and who they say it to. They start questioning their friends and mistrusting newcomers. They've seen the Muslim student organizations on their campuses shy away from talking about politics.

"Every time this stuff happens, I feel like it sets us back years," Nerdeen Kiswani, a recent graduate of the College of Staten Island told *Clarion*.

Kiswani, a Muslim student who was active in Students for Justice for Palestine, says the surveillance deters students from joining groups, including the Muslim Student Association and Students for the Justice for Palestine. "We don't want people to be afraid to say what they believe in and to exercise their First Amendment free speech rights," she said.

Larry Morgan, welfare director, retiring

By SHOMIAL AHMAD

In his more than four-decade-long career with the city's biggest unions, Larry Morgan, the soon-to-be-retiring executive director of the PSC-CUNY Welfare Fund, built big things around health administration for tens of thousands of union members. He helped set up the first prepaid group practice at a city hospital, where thousands of unionized city workers could go for their medical and surgical needs. For home care workers, he ran health education programs on medical issues facing union members. And during his 12-year tenure at the PSC-CUNY Welfare Fund, Morgan managed the fund that provides dental, prescription, optical benefits and other supplemental health benefits to more than 36,000 members, including PSC members and CUNY managers.

WELCOME, COSTA

Morgan is retiring at the end of the September. After a nationwide search for Morgan's replacement, the PSC-CUNY Welfare Fund Board of Trustees recently approved his successor, Donna Costa, the fund's current associate director. She will assume her new role in October.

"Donna is dedicated, talented and proactive," Morgan said, adding that he was happy that the board recognized Costa's work. "She appreciates the complexity of health benefits and has a commitment toward membership services."

A BIG PICTURE APPROACH

Morgan, who began directing the fund in 2004, has always taken a whole-picture approach to his job, which has meant both assessing the fine details of benefit plans and evaluating if a provider is the best possible option for the whole group. His number one goal, he said, is "to enhance the health of our membership." For Morgan, who has a bachelor's degree in industrial engineering from Cornell University, getting the job done meant creating internal and external structures to best streamline the fund's ability to serve its members. Over the years, he recruited a dedicated staff with the necessary skills and a commitment to member services. Under his leadership, the fund began holding annual conferences with benefits officers at all 24 CUNY campuses in order to see what kinds of issues members were encountering. Under his watch, the fund created a website where members can quickly view their benefits details.

On the financial end, the fund monitors its relationships with providers on a regular basis, so it can do budget projections. This forward-looking approach means that the fund can alert members of changes and assess what's best for most members.

Continued on page 10

Door opens for more grad union organizing

By ARI PAUL

“Graduate students can unionize at private colleges,” the *Wall Street Journal* reported. “Graduate students are employees,” according to the National Labor Relations Board, said a headline from the National Public Radio website. A headline from *Law360*, whose staff had just overwhelmingly voted to unionize, said that the new NLRB ruling “blurs [the] line between students [and] employees.”

Last August, a long-anticipated decision by the NLRB recognized private-sector graduate student teaching assistants and researchers as employees, thus enabling them to form employer-recognized unions. The news thrilled labor activists. Mainstream media picked up the story, but headlines broadcasting the victory for “graduate students” rather than “employees” reveal a fundamental misunderstanding of the discussion that has brought the academic labor movement to its victorious moment.

THE OLD RULING

In debates over whether private universities should recognize graduate employee labor organizations, the anti-union opposition has often resorted to the notion that graduate students are just that – students, and that the work they perform in classrooms with undergraduates or the research they perform for full-time faculty is not real labor but rather educational training for their future academic work. This was, in fact, the argument the NLRB ruled in the 2004 *Brown* decision the board recently overturned.

NLRB says grads are workers



Graduate unionists at Cornell University celebrated the ruling.

Academic unions have rejected that viewpoint, and the majority of the NLRB panel tossed out the previous decision’s argument that collective bargaining between student workers and the university would “improperly intrude into the educational process.” The board wrote, “Thus, we hold today that student assistants who have a common-law employment relationship with their university are statutory employees under the [National Labor Relations Act]. We will apply that standard to student assistants, including assistants engaged in research funded by external grants.”

Graduate employee labor organizations have often said they are not looking to unionize graduate students in their educational capacity, but in the role of performing labor for the university for which they are being compensated, as an undergraduate who works part-time in the campus library or in a dining hall would be. The idea that this labor shouldn’t be treated as traditional labor and rather as training for a future job runs afoul of the notion that many jobs include some kind of training for the future.

The NLRB ruling has special resonance in New York City. New York University graduate employees had

fought for years for recognition since the *Brown* decision relieved the administration of responsibility to bargain, although in December 2013 the union won a recognition vote the university allowed outside of the normal NLRB process, thanks in large part to worker and community pressure on the NYU administration. And the case that brought about the overturning of the *Brown* decision came to graduate employee labor groups based at Columbia University and the New School.

Travis Sweatte, a PhD student in sociology at the Graduate Center who had organized with the Graduate Student Organizing Committee while getting his master’s at NYU, said that operating under the *Brown* regime taught rank-and-file workers how to organize in a grassroots fashion. “It was just graduate workers going to each department in the college and literally going to people sitting in a lounge and studying there, asking them if they had a moment to talk about the union, about the problems that they are dealing with and explaining how unionization can help them,” he said.

GRASSROOTS ORGANIZING

Sweatte said he hoped to bring that grassroots organizing structure to the Graduate Center. “Our main idea is getting the constituency in the PSC that has been represented but feel as if they are not a main part of the PSC to build a self-sustaining organizational structure,” he said.

Academic labor activists and observers believe the ruling will lead to a wave of energized organizing nationwide.

INCREASED UNIONIZATION

“It is likely that we will see a large increase in unionizing efforts by teaching and research assistants on private-sector campuses, now that those efforts are protected under federal labor law,” said William Albert, executive director of the National Center for the Study of Collective Bargaining in Higher Education and the Professions at Hunter College. “Without those statutory protections, unionization of teaching and research assistants is only possible through voluntary recognition by the institution.”

Albert believes that most colleges and universities around the country will accept the ruling and not interfere in organizing campaigns. “Some institutions might try to challenge the ruling,” he said. “Such legal challenges are unlikely to be successful.”

The bigger issue for academic labor in this new environment is publicizing how valuable the work these individuals do is for colleges and universities. “The truth is, graduate workers are the glue that holds higher education institutions together,” said American Federation of Teachers President Randi Weingarten after the decision came out. “Without their labor, classes wouldn’t get taught, exams wouldn’t get graded and office hours wouldn’t be held.”

LIU faculty victory against lockout

Long Island University faculty declared victory on September 14 after the university ended its 12-day lockout at the Brooklyn campus. The lockout prompted LIU students, local officials and other unions, including the PSC, to join the faculty protests.

The agreement to end the lockout extends the expired contract until May 31, 2017, giving the union and the administration more time to secure a new collective bargaining agreement that addresses the union’s demands to provide salaries on par with those for faculty at LIU’s other campuses and not to introduce a lower salary for newly-hired adjuncts. LIU’s Brooklyn campus enrolls a far greater proportion of students of color than its Long Island campus, a difference that many faculty cited as a factor in the wage disparity.

Long Island University Faculty Federation (LIUFF) President Jessica Rosenberg said in a statement, “The whole LIU Brooklyn community, and the larger labor community of New York City, the state and the nation, came together to tell the administration to end this lockout. After 12 days



PSC members stood in solidarity with Long Island University faculty, who were locked out of the Brooklyn campus for 12 days.

of intransigence, the LIU administration discovered that denying students the education they deserve is never a successful strategy.”

Students who joined faculty on the protest lines expressed outrage at the idea of unqualified replacement teachers, many of whom were administrators, leading courses. Many observers called the administration’s action unprecedented, as

lockouts are prevalent in the industrial sector but not in the university setting, where a lockout of faculty ultimately also means the withholding of promised educational services to students.

LIUFF struck for six days at the beginning of the Fall semester in 2011, which ultimately achieved higher wage increases than the university had initially offered.

Welfare director, retiring

Continued from page 9

“[Healthcare] is a complex, convoluted patchwork, and the more we can do to help people understand the connections between the various components, the better off they’re going to be,” Morgan said.

STRONG LEADERSHIP AHEAD

Morgan said he had faith that Donna Costa, the new executive director of the fund, will continue to build on the progress made. Costa has been working for the fund for nearly 12 years, beginning as a consultant and ultimately serving as associate director, a position that she has held for more than five years. Costa came to the fund with a background in finance and financial management, and early on in her career, she worked in the office of an orthopedic surgeon, where she dealt with the day-to-day needs of patients. From working on audits of large companies to handling patients’ claims, Costa said she’s able to see the needs of the whole group and balance it with individual obstacles that people are encountering with their benefits providers.

“I don’t like to see somebody not getting what they’re entitled to,” Costa said. “I’m very satisfied when I can actually solve the problem and help the person,” she added.

Costa was instrumental in creating a centralized database that stores member information in one place, from where it can be immediately transferred to a patient’s relevant providers. It gives the fund the ability to enroll members in benefits on a daily basis. Before the database, information was scattered and entered multiple times manually. It used to take more than a week for a member to enroll with a provider for a benefit they were eligible to receive; now, it takes days.

In the coming months as executive director, Costa hopes to continue the progress the fund has built, and is looking forward to enhancing some benefits. She knows this work can’t be done alone. Making sure members are getting the most out of their benefits, Costa said, is a team effort.

“The staff here is very dedicated,” Costa said. “We do an awful lot, and we work together to get things done.”

An election with potentially big outcomes

By SHOMIAL AHMAD

As the American Federation of Teachers and many other national unions organize to elect Hillary Clinton president, the PSC is also working to reshape the New York state legislature and the composition of the state's congressional delegation.

The PSC is backing candidates at the state and national level who have shown support for funding public higher education and have been supporters of organized labor in a time of increased fiscal austerity. PSC members have been on the street and working phone banks with the goal of electing pro-union candidates.

MONEY FOR HIGHER ED

"We need to stop the starvation of public higher education," PSC First Vice President Michael Fabricant told *Clarion*. Fabricant noted that union members' repeated meetings with elected leaders last spring, in the face of devastating cuts, made the need to invest in CUNY not a distant policy issue for state lawmakers, but a pressing issue affecting many of their constituents. "We need to involve more and more union members in the work of building the political power of the union, which is the best hope for creating state investment that ensures quality and accessibility [for our students]."

Mobilizing members with CUNY students and allies, the union ultimately helped stave off a plan to shrink the state's allocation to CUNY by nearly half a billion dollars.

"PSC's persistence in fighting for a contract made a huge impression on the legislators," PSC legislative committee member Cecelia McCall said. "We covered the hall so well. More lawmakers got to know the union and the leadership of the union. Everyone was waiting for the contract to be settled between

PSC members push for endorsed candidates



PSC member Eileen Moran makes phone calls to union members, urging them to vote in the September 13 primaries. PSC members helped Yuh-Line Niou win in her primary contest in the district of ousted Assembly Speaker Sheldon Silver. Many other PSC-backed pro-public education candidates won their primaries as well.

the University and the PSC, and [the legislators] were all ready to approve it."

DEMOCRATIC POWER

The goal for the PSC is to increase the Democratic and progressive presence in the state Senate in order to advance a progressive pro-CUNY and pro-labor agenda. The union plans to build on the momentum of the last year and help push for a comprehensive maintenance-of-effort bill that would ensure that Albany covers the cost of mandatory cost increases, which includes contractual raises, at CUNY and SUNY.

This election has the potential to eat into the Republicans' grip on

the state Senate, as the outcome of key races in Nassau County in Long Island and in the Hudson Valley could give progressive Democrats more power. PSC activists campaigned in hotly contested primary

battles this September, where pro-charter groups were backing various Democratic candidates.

PSC members have participated in get-out-the-vote activities including phone banking. Going into the November 8 election, PSC and its parent union NYSUT will continue to push for candidates who support public education. Some key endorsements in the state and federal races are listed below.

Getting out the vote in important state races

TODD KAMINSKY for State Senate, District 9

(Covering a southern portion of Nassau County, including Long Beach, Lynbrook and Oceanside.)

In a tightly contested race this past spring, Todd Kaminsky was elected to fill the seat left vacant by ex-GOP Senate Leader Dean Skelos, who was convicted on federal corruption charges last year. Kaminsky, a former federal prosecutor, won by less than 1,000 votes against his Republican opponent, personal injury attorney Christopher McGrath. Months later, the two face each other again. Kaminsky has also placed himself as a friend of public education, while McGrath has gotten substantial support from

charter school and other privatization advocates.

ADAM HABER for State Senate, District 7

(Covering Northern Long Island, including Mineola, Port Washington, Floral Park and parts of Hicksville.)

Adam Haber and Republican candidate Elaine Phillips are vying for a Senate seat vacated by Republican incumbent Jack Martin, who is running for a congressional seat. Haber also has the backing of the New York State AFL-CIO and, as a former Roslyn school board member, he has vowed to fight for more investment in public schools and to reform Common Core.

ZEPHYR TEACHOUT for U.S. Congress, NY's 19th Congressional District

(Covering the Hudson Valley and Catskills region.)

Zephyr Teachout, who ran against Andrew Cuomo in the 2014 gubernatorial primary, is vying for the congressional seat vacated by retiring Republican incumbent Rep. Chris Gibson. Teachout, a constitutional law professor at Fordham Law School, is a strong proponent of public education. In 2014, she coauthored the report "Corruption in Education: Hedge Funds and the Takeover of New York's Schools," which education commentator Diane Ravitch described as "powerful," "shocking," and "well-documented."

Teachout has also decried cuts to K-12 education and the crippling student debt that many college graduates carry. On the first week of school, Teachout tweeted to teachers, "Thank you for being there at the heart of our society, caring so passionately about helping children learn and become who they can become, and treating each child as an individual, bringing different challenges and gifts."

Unions beat 'charter' candidates

In the New York state primaries September 13, several labor-backed candidates won their contests despite facing candidates funded by charter school and pro-voucher advocates.

BEATING BIG MONEY

Not only that, these pro-public education candidates won despite being vastly outspent by anti-teacher union forces. Such an outcome speaks volumes about the power of public school advocacy against the power of big money.

"Most notable were the races where we defended our friends from vicious attacks by New Yorkers for Independent Action, a pro-voucher Super PAC, which poured over \$1.5

million into Democratic primaries, intending to unseat our friends," said NYSUT Executive Vice President Andy Pallotta. "[D]espite our Independent Expenditure Committee (the Great Public Schools) being outspent 6:1, all of our friendly incumbents won."

For example, in the sixth Assembly district Phil Ramos beat Giovanni Mata, who had collected \$321,261 in pro-charter money compared to Ramos's \$34,322 from the Fund for Great Public Schools. In the 46th Assembly district Pamela Harris bested Kate Cucco, in the 55th Assembly district Latrice Walker defeated Darlene Mealy and in the 33rd Senate district Gustavo Rivera beat Fer-

nando Cabrera. Cabrera had collected nearly half a million dollars from New Yorkers for Independent Action, while Rivera only had \$47,000 from the Fund for Great Public Schools.

The PSC hopes to build off of these victories in order to advance a pro-CUNY and pro-education agenda in Albany this year.

PSC 2016-2017 budget

Members with questions about the union's proposed budget for the coming year may attend a meeting with PSC Treasurer Sharon Persinger, at 5:00 p.m. on October 13 at PSC headquarters, before the delegate assembly.



Zephyr Teachout is running for the U.S. House of Representatives. A supporter of public education, she has decried school budget cuts and crippling student debt.



15-MINUTE ACTIVIST

Sign up for VOTE-COPE

With presidential and statewide elections this November, the PSC is asking members to donate to VOTE-COPE, the union's political action committee. The voluntary contributions helped elect scores of pro-CUNY and pro-labor state lawmakers who were allies in the union's contract campaign and who advocated to secure the necessary funding for the

union's new collective bargaining agreement.

VOTE-COPE helps elect leaders in City Hall, Albany and Washington, D.C., who understand the need to properly invest in public higher education. To sign up for VOTE-COPE, follow directions in a mailing that will arrive by the end of September.

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UNION VIEWS

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MORE COURT BATTLES LIKELY

Labor still ready to fight anti-union court cases

By ARI PAUL

Last January, public-sector labor activists anxiously stood outside the Supreme Court building in the piercing Washington, D.C., winter winds. Inside, the nine justices heard arguments regarding the fate of government worker unions in the case of *Friedrichs v. California Teachers Association*.

There was hope that morning among the assembled unionists that one of the five conservative justices would break from political motivations and hold that any decision crippling the ability of unions to represent their members was, in fact, an affront to constitutional freedoms. But the news that soon came from the people inside the hearing was bleak. The lawyer for Rebecca Friedrichs, a California teacher who argued that a four-decade precedent requiring agency shop fee payers in a bargaining unit should be overturned, was grinning like a winner. The line of questioning from the five conservative justices strongly suggested that as a majority coalition they believed the basic union protections that cover agency shop workers, such as collective bargaining and benefits, were inherently political, and thus forcing agency shop fees on an individual was a violation of a person's free speech.

A CLOSE CALL

It seemed nearly assured that by June the court would rule the agency shop fee system for public sector unions unconstitutional, enforcing a nationwide right-to-work regime. For public worker unions, including the PSC, that would have meant not only a potentially significant blow to union finances, but would have also put those unions into a perpetual state of signing up new members, and distracting organizers from day-to-day business and other activities. Public-sector unions had spent months planning for the new reality, and editorial pages had already written obituaries for the American labor movement.

Fate intervened. With the death of Justice Antonin Scalia coming before a decision was rendered, *Friedrichs* ended in a 4-4



Zack Lee

deadlock, and the evenly split court eventually denied that the case needed to be reheard again in front a nine-member court, as Friedrichs requested. What had seemed like a signed and sealed victory for the anti-union movement was quickly undone. Had Scalia's sudden death not occurred, unions like the PSC would most likely be spending the days and weeks ahead reworking budgets and making efforts to sign up agency fee payers as full members.

There's no final victory for public-sector labor just yet and it's important for public sector unionists to understand how deeply entrenched the right-to-work litigation movement is.

The movement to eliminate the agency shop fee system dates back to the 1977 *Abood v. Detroit Board of Education* Supreme Court decision, in which all nine justices upheld the right of public-sector unions to charge non-members an agency shop fee to cover "collective bargaining, contract administration and grievance adjustment purposes." Over time, corporate-backed interests have sought to undermine organized labor in a variety of ways, including moving manufacturing overseas and stymieing efforts to organize new

workers in the retail and service sectors. A part of that effort has included moves at the state level to institute "right-to-work laws," eliminating the requirement for agency shop fees. Half of the United States has right-to-work laws at the state level, including the entirety of the traditionally non-union American South and even in union strongholds such as Michigan.

IN THE CROSSHAIRS

But the entirety of the public sector has been the target of the right-to-work movement for years, and central to that campaign is the effort to overturn *Abood*. That movement was partially successful with the 2014 Supreme Court case *Harris v. Quinn*, which undid the agency shop fee requirement only for a narrowly defined set of home health-care workers. As a result, organized labor largely saw *Harris* as a sign of what was to come. With *Friedrichs* looming, it seemed that the court would institute a right-to-work regime nationally for all teachers or even all public-sector employees.

Even without *Friedrichs*, groups like the National Right to Work Legal Defense Foundation and the Center for Individual Rights

continue a legal and legislative campaign.

In fact, here in the state of New York, there is already another lawsuit at the federal level that is meant to travel up to the Supreme Court to attempt, once again, to impose right-to-work on public-sector unions: *Berman v. Public Employees Federation*, in which Zachary Berman, a hearing officer for the Office of Temporary and Disability and Assistance, insists he should be exempted from an agency shop fee. Unionists around the country, especially in New York, will be watching *Berman* closely as it moves through the federal courts, starting with the state's eastern district, where it was filed earlier this year. It will likely not be heard before the court until next year.

A CRIPPLED COURT

The present Supreme Court balance might not make *Berman* seem as ominous as *Friedrichs* did when it was heard, but the stakes are high and the framework is delicate. The upcoming presidential election will determine whether the Supreme Court will be a viable path for the anti-union litigation movement. President Barack Obama's pick to replace Scalia, Merrick Garland, has been widely considered to be fairly pro-labor, as his judicial career has been marked by deferring to National Labor Relations Board decisions that find fault with employers against workers. It also seems unlikely that a moderate who has attracted support from both Democrats and Republicans throughout his career would start his high court tenure by axing a significant and long-standing ruling. His appointment has been blocked by Senate Republicans, who have vowed that only the next president should be able to choose the next Supreme Court justice.

Therefore, the outcome of the presidential election, as well as the future partisan balance of the Senate, will be vital in determining what the Supreme Court will look like. Will there be a restoration of the conservative majority that was ready to impose right-to-work nationwide? Or will the new court be more moderate, with a new justice or set of justices not yet ready to destroy a four-decade-old precedent?

Public-sector unions are still considering the possibility that a union-hostile Supreme Court could impose right-to-work with with a case like *Berman*. Unions are organizing agency shop fee payers and educating them on the benefits of becoming full members. Even without a right-to-work regime, unions can mobilize their rank-and-file if more workers become full members and thus become more involved and take an active role in the labor movement.

Will the new court be more moderate?