

Locals Ramp up Campus Protests over Stalled Contract Negotiations

The Council's collective bargaining agreements for our full-time/part-time and adjunct faculty units expired on June 30, 2011, and since then both units have been working without a contract. Negotiations have been ongoing since May between the Council and the Governor's Office of Employee Relations, but no significant progress has been made. In and of itself, this is not unusual. However, the State has raised the ante to an unprecedented level by refusing to pay normal increments during successor agreement negotiations and by discontinuing the Sabbatical Leave and Career Development programs. The Council is challenging these actions at the Public Employment Relations Commission (PERC), but legal actions alone are insufficient. The bargaining demands from the presidents of our institutions are so draconian that we cannot agree to them. Our locals have responded to this challenge by staging protests and taking other actions on their respective campuses.



Over 150 members of the Stockton Federation of Teachers were joined by students and staff throughout the day as they united to send the message: "Invest in higher education".

Richard Stockton College

The Stockton Federation of Teachers (SFT) held a "We Are Stockton" rally on campus on October 17, 2011, over the deplorable status of contract negotiations. They were joined by CWA members who are also in contract negotiations with the State that had gone nowhere.

SFT activists staffed a table outside the new Campus Center, passing out "We Are Stockton" buttons and soliciting signatures for a petition to the college president. A banner in front of the table carried the message, "Tell President Saatkamp to support college workers to protect your education." The SFT then led a march of faculty, staff and students across the campus to the president's office.

Union leaders denounced the state college/university presidents for going along with the State's decision to suspend sabbaticals, tuition reimbursement and career development programs while negotiations are underway for a new contract. SFT President Tim Haresign asserted that these measures would ultimately hurt students.

Addressing the issue of rising tuition costs, former SFT President Michal McGarvey countered the claim that employee salaries and benefits are to blame by pointing out State support for public higher education has declined sharply in recent years. In fact, data show that State aid covered 58% of the State college operating costs in 1990, but that share has



Stockton Faculty, Students, and Staff march outside the President's office.

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Stockton dance students perform an impromptu dance at the We Are Stockton rally.

plummeted to less than 20% today. As a direct consequence, tuition and fees have more than doubled in the past 10 years.

The SFT rally was covered by the *Atlantic City Press*.

Inspired by their colleagues at Ramapo College, on November 29, the SFT voted overwhelmingly to stop participating in open houses as well as in other promotional events in protest over the State's failure to negotiate in good faith. The resolution provides specific examples of bad faith bargaining, including "the withholding of contractually agreed upon step increases, the withholding of sabbaticals, the withholding of CDC (Career Development) funds and the



One of eight marches through campus that took place throughout the day at the We Are Stockton Rally.

withholding of professional development tuition reimbursements." It affirms that faculty and staff do not believe they can, in good conscience, actively market an institution that shows "callous disregard for the well being of its employees and their ability to deliver the highest quality education to

our students." In the event that management forces program coordinators and staff to participate in recruitment events, the SFT prepared a statement to be read to prospective students and their families that outlines their objections to participating in promoting the College:

"You should know that the administration is forcing faculty to be at this event through threat of disciplinary action. In the past we have willingly come to these events to encourage students to consider attending the College. Recently, the actions and spending priorities of the College have caused us to conclude that the education of the students is not the highest priority of this administration. As faculty members our highest obligation is to speak honestly, and as such, we must tell prospective students that we have serious concerns about the commitments of this institution to the education of its students. We'd be happy to answer any questions you may have about why we feel this way."

On December 7, the SFT took its case to the College Board of Trustees, which refused to take a position on the grounds that it has no influence over the negotiations because they are being conducted by the State. This ignores the fact that the state college/university presidents are all represented on the State's bargaining team.

Montclair State University



One of Local 1904's solidarity walk groups.

AFT Local 1904 has organized regular lunch time Solidarity Walks across the campus. Every Wednesday since September 26, 2011, at 12:30 PM, rain or shine, AFT activists assemble and follow a mile-long route that takes them past academic buildings, the Student Center and the office of President Susan Cole. There is no mistaking the group as they all wear AFT t-shirts or fleece pullovers. Typically, there are between 15 and 30 participants, including students and members of other campus unions, such as our adjunct faculty Local 6025 and CWA Local 1031.

According to Local 1904 Internal Vice President Jennifer Higgins, "It's a show of unity. The purpose is to let the wider campus community know we are here and to engage them in conversation about unionism and the current state of affairs on campus. It also provides members an opportunity to talk with one another and with officers about questions or concerns."

At the beginning of its 11th Solidarity Walk, VP Higgins stressed that "Members should not lessen their value by standing by silently as the administration suspends and seeks to eliminate professional development programs such as Sabbatical Leaves, Tuition Reimbursement and the Career

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Development program. These programs not only benefit an employee's professional growth, but ultimately benefit the University by having faculty, professional staff and librarians that can better prepare the students we serve."

She also urged members not to allow the administration to take advantage of their professionalism by volunteering for extra assignments that are not already part of their duties. "Existing employees should not be run into the ground under the guise of doing more with less. We do not serve our students by operating this way nor do we help ourselves." In response to those who are resigned to give away our hard fought benefits, she declared that "the time is now for working people, whether they work in the public or private sector, to stand together and demand a fair deal."

Local 1904's Solidarity Walks have been covered by the *Montclarion*, the student newspaper, in a feature article aptly titled, "Campus Labor Unions Show Solidarity—Walks on Campus Increase Visibility."

AFT Local 1904 President Rich Wolfson commented that "Participation has been growing since we started the walks. As an augment to the walks we have instituted a "Stand Up And Step Out" campaign encouraging those who cannot walk to wear blue on Wednesday. This semester we will continue with our monthly newsletters and eBlasts as appropriate to keep the lines of communications open to our members with current and accurate information."

In related news, on October 12, 2011, faculty and students from Montclair traveled to Zuccotti Park to deliver the unanimous resolution that the Local passed at its General Union Meeting to the organizers of the Occupy Wall Street encampment in support of their efforts. Aside from adding the Local's name to the list of supporters, activists also delivered AFT T-shirts and clean dry socks.

New Jersey City University

AFT Local 1839 organized a midday rally on November 14, 2011. Wearing buttons that read "99%," AFTers, students and members of other campus unions--CWA Local 1031 and IFPTE Local 195 picketed on Kennedy Boulevard outside Hepburn Hall, the University administration building. The demonstrators condemned State cuts to higher education, the high cost of student loans and tuition increases. They demanded the restoration of a "millionaire's tax" on those in the highest income bracket to raise revenue for public higher education. Picket signs carried by the demonstrators delivered potent messages including "Banks Get Bailed Out, Education Gets Sold Out," "Tax the Rich, Save Our Schools," "An Attack On Teachers Is An Attack on Students" and "Support Students, Reinstatement the Millionaires Tax." Students expressed concerns over rising tuition and course cancellations and larger class size brought on by budget cuts.

Bill Calathes, Council delegate and Executive Vice President of Local 1839 said, "This informational picketing was an unprecedented display of the NJCU community" in reac-



NJCU Local 1839 picketing

tion to the State's underfunding of public higher education and the failure of the NJCU administration to take a strong stand against it. In a separate interview, Calathes commented that "AFT folks have been down in Trenton all summer long, along with students — I didn't even see one administrator there. The students have a right to know what the administration has done in their relationship to the State to lobby and advocate for this campus." The rally was covered by Hudson County's largest newspaper, *The Jersey Journal* and the student newspaper, *The Gothic Times*.



At a follow up rally on December 6, the Local protested the University's decision to cut classes, increase class size and shrink the number of adjunct faculty. Chants included "No Canceled Classes" and "Don't Fire Adjuncts."

The College of New Jersey

AFT Local 2364 is circulating a petition to President Gitenstein expressing its dismay over her support for the State's onerous contract proposals and asking her to publicly disavow them. In this regard, the petition specifically cites the State's proposals to eliminate sabbaticals and career development programs, to freeze salaries for the life of the contract and to abolish increments after June 2015. Local 2364 President Ralph Edelbach reported that there has been an overwhelmingly positive response to the petition from full-time faculty and librarians.

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Ramapo College



Ramapo Rally Crowd (photo by Daniel O'Leary)

On October 17, 2011, AFT Local 2274 organized a rally to protest the State's posture in contract negotiations. Its purpose was to educate the campus community on the fact that faculty, librarians and professional staff have been working without a contract since July 1, 2011, and to send a message to Ramapo president Peter Mercer and the Office of Employee Relations to bargain in good faith.

Speaking to a crowd of AFT unionists and students, former Local President Wayne Hayes urged faculty to abstain from participation of open houses and other recruitment events. "This is our Gandhian moment," he said. "Let us seize it." Irene Kuchta, the current Local President, explained that the State's termination of the



Former Local 2274 Pres. Wayne Hayes addressing rally (photo by Daniel O'Leary)



Local 2274 Pres. Irene Kuchta addressing rally (photo by Daniel O'Leary)

sabbatical program will hurt students because faculty use the sabbaticals to update their scholarship, which they then introduce to the classroom." Kathleen Shannon, Vice President for adjunct faculty, addressed the issue of adjunct pay, commenting, "For four classes a year, it totals a little over \$19,000...That's how I live such a lavish lifestyle."

On November 9, 2011, the Executive Board of Local 2274 took the bold step of asking its members for the authorization to strike "if the State of New Jersey refuses to bargain in good faith and an acceptable agreement is not reached by March 1, 2012." Pursuant to a secret ballot election, the Ramapo rank and file approved this measure by a 2:1 margin.

William Paterson University



Local 1796 Rally (photo by Chriss Williams)

Faculty and students, led by Local 1796, marched through the campus on October 17, 2011, demanding a new contract. AFT banners, signs and T-shirts declared "Together We Can Make a Difference," "Bargain in Good Faith" and "We are William Paterson University." Stopping directly in front of President Waldron's office, the crowd chanted, "Negotiate Fairly, Negotiate Now!" Local 1796 President Sue Tardi delivered the message that solidarity within the union ranks and its allies in the campus community is the key to success.

The Local also held a Legislative Breakfast for state legislatures in districts near WPU and briefed them on the dismal state of contract negotiations with the State. In sum, Local 1796 is taking a unified stance in support of quality education, top-down accountability and our right to a fair contract based upon collaborative negotiations.

On December 20, 2011, Local 1796 held a general and Executive Board meeting where Council Executive Director



Local 1796 General Membership Meeting on December 20, 2011 (photo by Chriss Williams)

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Steve Young provided a status update on contract negotiations. Citing the Governor's and University Presidents' regressive posture in contract negotiations, and as a means of demonstrating their strong concerns regarding higher education in the State of New Jersey and the lack of top-down accountability, the membership recommend that henceforth AFT unit members stop participating in the following:

- Voluntary participation in Open House
- Voluntary participation in recruitment
- Voluntary participation in assessment
- Voluntary participation in University Core Curriculum course development
- Voluntary participation in developmental advisement
- Voluntary participation in registration
- Voluntary participation in department committees*
- Voluntary participation in college committees*
- Voluntary participation in University committees*

*Excludes personnel committees (retention and tenure, promotion, range adjustment, and performance-based promotion) and Search Committees, Union Committees and Councils, and Senate Councils.

The Local also crafted an "Implementation" document that mirrors that of the Stockton Federation of Teacher's statement cited on page 2.



Local 1796 Rally outside of President's Office. (photo by Chriss Williams)

SOLIDARITY SHOULD NOT BE
JUST A WORD.

IT IS OUR ACTIONS THAT GIVE IT
TRUE MEANING.

Negotiations resume this month so please continue to spread the bitter truth to your colleagues, especially those who think their administration is their friend. Talk to your Presidents. They are the ones who are behind many of these demands, and if they claim they are not, then they can urge the State to drop them. Start thinking of what it will take to get a decent contract. Your local and the Council want to hear from you.

Rowan University



Rowan employees demonstrating outside administrative offices.

Local 2373 joined with other university unions in a lunch time march on the campus from Rowan Hall to Bunce Hall, chanting along the way. At a brief rally, Local 2373 President Karen Siefring condemned the State for repudiating critical terms of the Agreement while actively in negotiations in violation of State law. She called on the Rowan administration to "show they care about their... faculty, staff and students by respecting the contracts in place." Vice-President Lori Block declared that the State's proposals "undermine the ability of our State college and universities to deliver high-quality education to students at time when the State continues to cut funding".



Council President and assistant director of Rowan's library Nicholas Yovnelo also addressed the crowd. He declared "We are marching to call on our University to treat workers fairly and respect the current contract while we negotiate a new one. The proposals being put forward in negotiations would seriously undermine higher education in New Jersey and students will suffer." He also called for campus protests to continue. - • -

All of these actions must intensify if we expect to convince the State and your college/university presidents to bargain in good faith.

COUNCIL LEGAL ACTIONS AND CHALLENGES TO DIVISION OF PENSION & BENEFITS

As many of you know, the State (with the full support of your college/university presidents) has unleashed an unprecedented attack on your collective bargaining rights. Three of its most egregious acts are the discontinuation of regular salary increments (steps), sabbatical leave and the career development program. The State falsely claims that the expiration of the full-time Agreement relieves it of the obligation to continue these benefits. The Council is challenging these attacks in the legal arena.

With respect to the discontinuation of the sabbatical leave program, on October 27, 2011, the Council filed an unfair practice charge along with an application for interim relief (essentially, an injunction) with the Public Employment Relations Commission (PERC). PERC rejected the application for interim relief, but this is not the end of the matter. The underlying unfair practice charge will be processed and we expect that PERC will eventually conduct a full evidentiary hearing.

With respect to the failure to pay regular increments, the Council filed an unfair practice charge with PERC on August 25, 2011. PERC held a conference on this matter in December and is now considering the issuance of a complaint, which will send the case to hearing. A few weeks earlier, the Council filed a grievance over the State's refusal to pay regular increments based on the language of the expired contract. After haggling with the State on procedural matters, we finally convinced it to hold a Step One hearing, which will be held in January 2012. In all likelihood the grievance will be appealed to arbitration for a final and binding decision.

Finally, the Council filed an unfair practice charge over the State's refusal to continue the Career Development Program that provides faculty access to career development funds.

On related matters, the Council is contending with the Division of Pensions and Benefits regarding the pension rights of adjunct faculty and the right of full-time retired faculty to participate in a Transition to Retirement Program and to teach as adjuncts after retirement.

In fall 2010, the Division of Pensions sent a memo to the State colleges/universities notifying them that adjunct faculty who work at more than one campus will lose their membership in PERS if they have a break in service as short as "one reporting period" unless the adjunct "is on an ap-

proved leave of absence." This policy completely overturns longstanding legal precedent that defines a break in service as "more than two consecutive years," and ignores the fact that adjuncts are not even eligible for leaves of absences. By our estimate, approximately 900 adjunct faculty in our unit who teach only one semester per year at multiple campuses are affected.

The Council also learned of a new Division of Pension and Benefits policy that bars retired faculty from becoming an adjunct at our institutions. Its rationale is that retirees collecting pension benefits through the ABP are not permitted to continue employment in an APB-eligible position. The Council argued that State law clearly stipulates that any person receiving a pension from a State of New Jersey retirement system is ineligible to participate in the ABP. In this instance, the Division of Pensions agrees that retired faculty can return to employment as adjunct faculty, but those faculty who retire at age 59 or younger cannot receive the employer's contribution of their retirement distribution until they reach age 60.

In the 2007 contract negotiations, the Council negotiated a Transition to Retirement Program, codified as Letter of Agreement XV in the Agreement. It allowed faculty who are at least 55 years old to retire and then teach part-time for one academic year at prorated pay while simultaneously collecting retirement benefits. During the summer of 2011, the Division of Pensions and Benefits declared that this program is illegal, thereby nullifying a contractual benefit. The Council, of course, objected to this ruling.

The Council challenged all of these new policies in letters to the Division of Pensions and Benefits beginning on July 26, 2011. In November, the State Treasurer's chief of staff promised us a written response to our memos by the end of December 2011. However, we recently learned that the Governor promoted her to a senior position elsewhere in the administration. As of this writing, we are following up with the new chief of staff at the Treasury Department.

As you can see, the Council is facing many challenges in defending our terms and conditions of employment. We will vigorously pursue remedies in the legal and governmental arenas, but only a galvanized membership can ultimately ensure victory.

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NOW MORE THAN EVER, SIGN UP FOR COPE!

Our governor and his anti-union allies in the State Senate and Assembly constantly attack our contracts, wages, pension and benefits. COPE (Committee for Political Education) funds your union's legislative efforts and supports candidates who support and promote issues important to you and your union. COPE contributions come through

payroll deductions – you set the amount you wish to contribute from your paycheck. COPE funds are needed more now than ever before to support legislators who will protect our bargaining rights and labor's agenda. Without a union-friendly legislature there will be no checks and balances. Ask your local (or call the Council at 908-964-8476) for a COPE card today!

Do You Know Your Rights?

The Council staff report that in the last couple of years, discipline investigations are on the rise on the campuses, which is disturbing under any circumstances. Discipline cases are always a thorny procedural matter for both the employee involved and his/her union representative. There are several subtle and not-so-subtle elements involved in representing members who are being subjected to a discipline investigation, which cannot be covered in this piece. However, the most important element to any discipline matter is that YOU understand your Weingarten rights!

In 1975, the US Supreme Court issued a decision in a case called Weingarten. This decision established the principle that an employee has the right to union representation during an investigatory interview conducted by management. What this means is that when an employee is questioned about alleged misconduct and has a "reasonable fear" that his/her answers may subject him/her to disciplinary action, the employee, upon request, must be provided with a union representative.

The Union recommends that any time an employee is called in to speak with an administrator about some alleged offense, he or she should request union representation, even if only a verbal reprimand is expected. Please remember that that management has no legal obligation to provide a union representative unless the employee requests one. Equally important to keep in mind is that management is required to inform you of the subject of the investigatory interview before the interview begins. This is a contractual right for both full-time/part-time employees and adjunct faculty.

There is also another possible scenario involving an interview: one where management seeks to question an employee, but pledges in advance that no matter what the employee says during the interview, no disciplinary action will be taken against him/her. In this case, the employee also does not have a legal right to a union representative, but we encourage you to request it anyway.

During an investigative interview, your union representative is there to protect you from unfair and arbitrary management conduct and from self-incrimination. These are the things your union representative has a legal right to do:

(1) insist that management inform you of the subject of the interrogation before the interview; for example, missed classes or alleged sexual harassment, insubordination, etc.

(2) meet with you before the interview to find out your side of the story. This should not be a problem, since management at our institutions usually schedules these interviews in advance. However, even if management insists that the interview proceed on the spot, your union representative has the right to take you aside for a brief private interview, where you can be advised on how to respond to expected questions.

(3) once the interview begins, your union representative has the right to interrupt management's questions to clarify the issues or to object to confusing or intimidating tactics.

(4) stop the interview in order to caucus with you for the purpose of giving advice on how to answer questions.

(5) make a brief statement at the end of the interview to support your case.

(6) insist that management directly provide the Union with a copy of its written decision.

If management proceeds with an investigatory interview, despite your request for union representation, or if it interferes with your union representative's right to participate in the manner described above, it may have committed an unfair practice. Your representative will contact the Council to determine if an unfair practice charge on the local union's behalf is appropriate. In most cases, the Public Employment Relations Commission will likely overturn any discipline that results from such an interview.

As State institutions, our colleges and universities are also bound by a NJ Supreme Court case to conduct "Loudermill hearings" before imposing any disciplinary action. These are the functional equivalent of "Weingarten interviews" inasmuch as the employee is summoned to respond to charges that may result in disciplinary action. In the Council's view, the same rules apply.

Finally, if you are in a meeting with management about non-discipline related matters and the tone of the meeting suddenly takes a negative turn and you believe discipline may result, the Weingarten principle applies.

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Know Your Rights!



You are entitled, upon request, to have a Union representative accompany you during any interviews, if an allegation of misconduct is made against you by your College/University.

The College representative must inform you of the subject or agenda prior to or at the beginning of any interview.

1. Whenever summoned or requested to attend a meeting with a College/University representative, always request the meeting agenda prior to the meeting.
2. Always request that a Union representative accompany you to any interview that has the potential to result in disciplinary action.
3. Always immediately stop and request Union representation if in the process of a meeting you believe disciplinary action may result.
4. **When in doubt, contact your local grievance officer or president!**

AFT Local 4277 at Thomas Edison State College in the News!

With the gloomy report on our contract negotiations (see related article page 1), we are pleased to report on the special efforts by one of our AFT locals to help others. Last September Charlene Martucci, a staff member in the Office of Military and Veteran Education and president of AFT Local 4277 at Thomas Edison State College (TESC) received a package in the mail. In

it, was a framed American flag that was sent from Camp Sayar in Afghanistan in honor of everyone at Thomas Edison State College.

The story began earlier in 2011, when Charlene, who works in the College's Office of Military and Veteran Education, attended the funeral of 26 year old U.S. Army Sgt. Keith Buzinsky of Hamilton Township, the son of a childhood friend. Inspired by the stories she heard at his funeral, and by an email she received from Greg Schaefer, a TESC student who is stationed in Afghanistan, she and other members of the Local began a "Support Our Troops" project, which included sending cards, letters and care packages to the approximately



AFT Local 4277 President Charlene Martucci speaking at the ceremony

8,000 TESC students deployed in the Middle East.

In a special ceremony on November 17, 2011, Charlene proudly presented the Camp Sayar flag to the College. Thomas Edison's president, Dr. George Pruitt accepted the flag on behalf of the college community stating, "We are also proud of the excellent work that Charlene and our

staff are doing to make the Support Our Troops project such a success."

In her remarks, Martucci noted that the generous outpouring from everyone on campus made a huge difference in the lives of the men and women serving in Afghanistan. She also thanked Kathy Griffis and Jen Stark, co-chairs of this committee for doing an excellent job of processing mail and donations, her supervisor Lou Martini and all her colleagues in the Office of Military and Veteran Education for their help and support.

Kudos to Local 4277 for making a difference where it counts!



MEMBER ASSISTANCE SERVICE AVAILABLE

If you need assistance with stress, mental health problems or substance abuse that is affecting your job performance—or if anyone in your family is experiencing similar problems—help is available from Healthcare Assistance with Member Support (HCAMS). If you have one or more of the following problems: Drug and alcohol dependence; Stress related conditions; Sleeplessness; Uncontrollable anger; Difficulties in concentrating; Disciplinary issues relating to health; Adolescent problems;

or Other relationship issues - then don't hesitate to contact HCAM.

This is a free service available to the entire bargaining unit—and yet another good reason to join the UNION.

We encourage you to visit their website at www.hcams.org or call 1-800-828-7826