

AFT PRESIDENT RANDI WEINGARTEN SPEAKS ABOUT THE ECONOMY AND UNITY AT COUNCIL MEETING

For the first time in the Council history, an AFT National president addressed the Council. At its February 6, 2009 meeting, eighty delegates to the Council meeting and representatives from other AFT New Jersey affiliates welcomed Randi Weingarten. She spoke for nearly a half-hour about key AFT priorities, including the economic stimulus package, the *FACE (Faculty and College Excellence)* campaign and the structure of the AFT in New Jersey and took a few questions from the floor before leaving.



AFT President
Randi Weingarten

President Weingarten's visit coincided with the debate in Congress over President Obama's economic stimulus package. She discussed the massive efforts AFT exerted to have included in the higher education bill funding for both K-12 and an increase in Pell Grants and tax credits for college tuition. She noted that the House of Representatives responded positively to AFT lobbying. (Although the Senate was not as generous, the final version does provide much needed support for student aid in terms of enhanced Pell Grants and tuition tax credits and \$56.6 billion for upgrading college facilities and mitigating state budget cuts.)

Weingarten made it clear that the AFT recognizes the importance of supporting higher education as an integral component to economic recovery and will continue to fight this battle on Capitol Hill.

One issue that must take center stage in any discussion of higher education, she maintained, is the proliferation of adjunct faculty at the expense of full-time tenure track faculty lines. She emphasized that quality higher education requires a workforce that enjoys job security, decent wages and benefits. Faculty have an essential role to play in educating students, in shaping public policy and in defending their

rights as professionals and trade unionists. This role cannot be fulfilled by a contingent workforce. Through the *FACE* campaign, AFT has dedicated itself to restoring the ranks of full-time faculty and increasing the number of full-time tenure track faculty positions throughout higher education. She strongly reinforced the Council's position that qualified adjuncts should have a career path to move into these positions. Those who continue in part-time status should receive proportional salaries, rather than piece work wages, as well as affordable access to health benefits. The future of higher education as well as higher education unionism hangs in the balance.

President Weingarten lauded the New Jersey AFT affiliates for growing to 40,000 members strong, but argued that our strength could be magnified if we are all united under a single state federation. In other states, AFT locals belong to a state federation that represents their interests as a collective entity. In NJ, the New Jersey State Federation of Teachers is comprised of K-12 and county college locals only. The Council, Rutgers AAUP/AFT, the new United Rutgers Administrators, the Health Professionals and Allied Employees and the State Fed work cooperatively through AFT New Jersey, but this body only consists of the 5 elected presidents. Weingarten believes that a re-configured state federation would increase AFT's visibility in New Jersey and give us more political clout in Trenton.

The Council also had the benefit of a presentation by Ed Muir, AFT Associate Director of Research and Information Services. He reviewed the circumstances of the credit and housing crises that led to the current recession and emphasized the severity of New Jersey's fiscal situation. Our projected budget deficit for the next fiscal year may approach \$5 billion and federal aid alone won't solve the problem. Politicians are likely to propose severe cuts in state spending, but this



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WEINGARTEN SPEAKS AT COUNCIL MEETING

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would be counterproductive, he insisted. State spending actually has a multiplier effect on the economy. Recipients of state services and people employed on public works projects will have money to spend in their communities to help keep businesses afloat, which will, in turn, generate much needed sales tax revenue.

Weingarten's and Muir's messages were meant as a call to participate in the AFT campaign, *Fight for America's Future: It's Dollars and Sense*. It is based on the premise that our schools, colleges and universities, our health care and public safety systems and other vital government services must not be sacrificed in this economic crisis. Building on the impact the AFT and its affiliates had in the recent election, the AFT

is now asking us to stand up and be heard with one voice in support of increased investments in public education, infrastructure projects and social programs to assist those in need.

For more information about the *Fight for America's Future* campaign,

go to the Council's website, www.cncjscl.org. Then please contact your local union and ask how you can help.

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AFT's Ed Muir

Developments Regarding Furloughs, Layoffs and Contract Reopeners.

In early January, the Council president received a phone call from the Office of Employee Relations (OER) requesting that the contract be reopened to allow for a suspension of negotiated increases — the 3.5 % across the board and the increment. Our initial response was to ask for supporting documentation. However, when OER's letter arrived on January 9th, it did not contain any details of the State's reopener proposal.

There have been press reports of what the governor had to say about NJ's budget problem but no documentation or meetings with Council leadership. The Council's executive committee met on February 6th, and agreed that our goal is to preserve our contract and retain jobs. This stance was affirmed by the Council at its regular February meeting.

There have been reports in the press about a two day furlough for this fiscal year, which were then followed by news reports of additional furloughs and the need to possibly layoff 7,000 public employees if wage freezes and furloughs were not enacted. It was not until February 20th, that the Council Executive Committee met with representatives of the Office of Employee Relations and the NJ State treasurer. While we were provided general infor-

mation about the fiscal condition of the State for the current fiscal year and information on the potential magnitude of the problem for the 2010 budget year, information was lacking on the specific financial condition of our institutions. There was an extended discussion on the practicality of a two day furlough for our unit, which ended with the State promising to get back to us after evaluating the points we raised.

While there is no question that the State itself is experiencing extremely serious budgetary problems, the Council does not agree that the State's only recourse is to dig itself out of this crisis on the backs of its employees or that the nine State colleges and universities do not have the resources to get through this fiscal year. We remain adamant — "Honor Our Contract" — no furlough or layoffs.

The federal stimulus bill was finally passed with some hope of relief for higher education, but unfortunately the governor made an apparent decision to apply the minimum amount of State and stimulus funds to NJ public colleges and universities. It appears that the philosophy of the administration is that higher education should suffer cuts in the 2010 budget, which

is an unbalanced approach that does a disservice to the young people of this State.

State appropriations for senior public institutions of higher education were cut by \$63.2 million in the FY 2009 budget and according to the Governor's new FY 2010 budget they will suffer an additional \$31.8 million cut (excluding \$30.9 million additional spending specifically allocated for the hospital at UMDNJ). This is a continuation of a long term trend of under funding for New Jersey's public higher education.

To mitigate our State's fiscal crisis, the federal government is providing New Jersey with over \$1.3 billion from its State Fiscal Stabilization fund. It is our understanding that 82% of this amount, i.e. over \$1 billion, is earmarked for public education, including both K-12 and higher education. How much of this money will go to public higher education is unclear in Governor Corzine's budget. The only line items in the Higher Education budget that are funded by Federal State Fiscal Stabilization program are Tuition Grants, which are being increased by \$32.7 million and possibly the \$30.9 million to UMDNJ mentioned above. At the

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President's Report Nicholas C. Yovnello

Our State's budget was in crisis before the current severe recession and now we must deal with a compounded budgetary problem. Initially it seemed that there might be a silver lining during this economic crisis — the Federal stimulus package. The House version contained significant funds for public higher education. Unfortunately, the Senate Republicans considered higher education a frill and severely limited its funding. Only modest funds for public higher education have been provided, in addition to a discretionary sum that could be used for any segment of education.

In good times or bad times one thing remains constant about NJ budgets — higher education remains underfunded. (See "**Flunking Out in New Jersey: NJ's Support for Higher Ed. Falls Short**" at www.cnjscl.org.)

Governor Corzine's budget is a disappointment. Not only because it continues the under funding trend, but also because it appears his proposed budget may not even comply with the Federal stimulus guidelines required to qualify for federal funds. The Council raised this point at a recent meeting with Jane Oates, Executive Director of New Jersey's Commission on Higher Education, who indicated that the stimulus criteria might be reexamined.

Unfortunately, it appears that this administration is committed to minimally funding higher education despite the fact that demand for higher education increases when there is a downturn in the economy. High school gradu-



ates delay their entry into the labor market by seeking additional education or vocational training. Displaced workers go back to school to earn degrees, certifications or advanced training to improve their prospect of landing new employment.

At some point, NJ's political leaders must deal with the structural problem — the lack of a dedicated source of funds for public higher education. Until that happens, New Jersey will remain near the bottom of the list of states in funding for public higher education. If the politicians are truly thinking about the future of NJ's economy and ways to stimulate our State's economy, now is the time to meet the operational needs of NJ's higher educational institutions and secure a dedicated funding source.

Some politicians of both parties and some newspaper editorials are hawking an anti-stimulus campaign. That campaign lays some of the blame for the current economic problems on public employees and attempts to pit us against beleaguered private sector employees. Instead of working to improve the economy for all working people, our detractors are trying to manipulate public opinion by attacking our jobs, salaries and benefits. We believe in job protection and creation in the private sector to help revive the economy and see no conflict between that goal and the maintenance of a strong public sector.

higher education requires the legislature's attention. Due to the severity of the economic recession, student enrollments in our State colleges and universities have risen and will continue to rise. High school graduates who might otherwise enter the job market; high school graduates and college students in private or out-of-state colleges seeking a more affordable education; laid off members of the work force seeking new skills and training — thousands of

The Obama administration is attempting to spend its way out of the recession in good Keynesian fashion, while it seems NJ's politicians are, with the encouragement of the press, attempting to extend and deepen the State's economic crisis at our expense.

Wage freezes and furloughs are now on the table and we are told they are essential in order to avoid the layoff of 7,000 state employees. The twelve furlough days proposed by the Governor amount to a pay cut of over 4%, one that many of our members can ill afford.

Our answer to the politicians is to "Honor Our Contract." We do not accept that the only choices available to the politicians in Trenton are to abrogate our contract, impose furloughs and/or layoff employees. Management salaries can be trimmed and the entire managerial workforce can be reduced by eliminating unnecessary positions. So-called temporary employees hired by the state in non-union positions could be eliminated. Corporate tax loopholes should be closed and oil companies like Exxon that have enjoyed super profits should be required to pay more in taxes. Borrowing is yet another option, if that is what it takes to keep people employed until the economy gets back on track.

The Governor's budget should be revised. It is time to adopt policies that stimulate the public *and* private sectors of this State. If these steps are not taken, we will be experiencing the same problems when the fiscal 2011 budget is proposed, even if the national economy responds positively to the Obama stimulus packages.

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Developments

(Cont. from previous page)

same time our State's K-12 sector is receiving an additional \$9 billion in federal aid from two separate Federal stimulus funds.

Simply put, we believe that once again public higher education is being shortchanged. Without minimizing the importance of adequate funding of the pre K-12 sector, the plight of public

these people are flocking or will flock to our state colleges and universities, taxing their already strained resources.

Under these circumstances, it is essential that public higher education receive its fair share of the federal stimulus funds — especially since the American Federation of Teachers successfully lobbied congress to include higher education in the education portion. This requires the hiring and retention of more full-time faculty, the creation of

The Council's 35th Anniversary of our First Contract

As the College Council celebrates the 35th anniversary of its first contract, we recall our origins and the people who made it possible. Our history is worthy of commemoration. The early days of organizing AFT locals was a time of militant battles with the State, tough bargaining and hard won Agreements.

Before 1965, many State college faculty belonged to the New Jersey Education Association's higher education affiliate ANJSCF – the Association of New Jersey State College Faculty (ANJSCF). However, faculty at William Paterson and Jersey City State College who were interested in affiliating with organized labor but were dissatisfied with ANJSCF's ability to promote their interests, set up AFT locals. This set the stage for the formation of the Council as independent AFT locals under the auspices of the New Jersey State Federation of Teachers.

The historical backdrop behind our organizing efforts were AFT led strikes in the K-12 sector. In response to these and other strikes, the New Jersey Employer-Employee Relations Act was passed in 1968, establishing for the first time the right of public employees in New Jersey to bargain collectively and establishing the Public Employment Relations Commission (PERC) to enforce this right.

In 1969, the year after PERC was established, we were the petitioner in the very first case that it heard. "PERC No.1", as it is called, concerned the representation of employees at the State colleges. At that time, PERC directed that separate representation elections be held on these campuses: Trenton, Glassboro, Newark (now Kean), Montclair, Paterson and Jersey City.

As a result of those elections, NJEA won collective bargaining rights on five of the six campuses. (Stockton, Ramapo, and Edison had not yet been established and at Jersey City State College, there was a run-off election because AAUP had been on the ballot. Eventually, AFT lost the Jersey City runoff election.) Then, unbeknownst to campus leadership, ANJSCF and the Governor's Office agreed to consolidate negotiations, despite the PERC decision, and signed a contract covering all the colleges in 1970.

In response to this backdoor agreement, the Paterson State Federation of College Teachers and the Jersey City State Federation of College Teachers filed petitions with PERC challenging the consolidation of bargaining and requesting certification as public employee representatives on their separate campuses. PERC then proceeded to hold hearings to



1974 Strike - Trenton

re-determine the appropriate unit or units for the representation of State college faculty.

The two AFT locals wanted separate bargaining units on each campus. The State and ANJSCF argued that a single local would be appropriate for all the colleges because a single entity, the Department of Higher Education, oversaw the state colleges.

While the hearings dragged on for two years, ANJSCF failed to notify the State of its intent to negotiate a successor agreement, so when the 1970 contract expired, it was automatically renewed, much to the dismay of the many

of its members.

Disgusted with the lack of local autonomy in ANJSCF and with its failure to meet the deadline for reopening negotiations, the Montclair local voted to disaffiliate with NJEA and become an AFT local. In 1972, new AFT locals were organized at Stockton and Ramapo. With dynamic locals at five of the eight campuses, AFT decided to "go for broke" and withdrew its opposition to a statewide bargaining unit, knowing that concerns peculiar to a single campus could be addressed through local negotiations.

An election was set for December 1972. At the same time, the AFT locals organized the Council to represent them in the election and in subsequent bargaining. Among the Council founders were Marco Lacatena of Montclair, Donald Silberman and Robert Arey of Jersey City, Tom Wirth and Ralph Bean of Stockton, Irwin Nack of Paterson, Joe Le May of Ramapo, and Wil Stern and Rena Rogge of Kean. Bob Arey was



1974 Strike - Trenton - Glassboro State AFT President Rose Glassberg in center front



Strike Workshop Meetings 1974

elected as the first Council president. A massive organizing campaign ensued and when the ballots were counted, the Council had defeated ANJSCF after receiving an absolute majority of all votes cast by a single vote. PERC certified the Council as bargaining agent for State college employees on February 23, 1973.

When the Council was certified, it was quite small with only 417 members in eight locals. Two of the locals had fewer than twenty members because they had been established just before the election. Organizing efforts continued, centering on membership recruitment, the development of demands, and support for the bargaining team, which began negotiating with the State of New Jersey soon after certification. At this time, the Council had no staff of its own so in September 1973, Bob Arey resigned as Council president to become its first full-time staff representative. Marco Lacatena replaced him as president. The Council set up shop in the New Jersey State Federation of Teachers office, which was located on Morris Avenue in Union. Less than a year later, the Council moved its offices to 420 Chestnut Street in Union.

Nearly one year after certification without a contract and in the face of resistance from the State to the Council's bargaining demands, a strike deadline was set for February 1974. The strike mobilization was more elaborate and sophisticated than any previously seen among public employees in New Jersey. With the strike deadline looming, agreement was finally reached at the eleventh hour. *This first contract was an historic one, with the State agreeing to binding arbitration for the first time and the Council winning guarantees of faculty governance and academic freedom that were among the best in the nation. (Pre Ridgefield Park)*



Signing 1st State-Union Agreement

Top photo - Council President Marco Lacatena (right)

Bottom photo - Council Staff Rep Bob Arey (right)

In fall 1974, Bob Arey returned to the classroom and Tom Wirth, who had served as the first president of the Stockton AFT Local and then as an AFT national staff representative, took over as the Council's sole full-time staff representative.

The contract negotiated in 1974 was set to expire in July of 1976. It contained a clause permitting the reopening of negotiations on salaries and benefits. In November 1974, negotiations on the re-opener stalled, and the Council mounted its first strike. It began on November 18 and lasted 10 days. Unprecedented in higher education, the strike caused uproars in both the local and national print media.

Meanwhile, the NJEA did not take kindly to its 1973 loss of bargaining rights. It hoped that the 1974 strike would give it an edge when the next opportunity to challenge the AFT

Council's 35th Anniversary *(Continued)*

came around. Pursuant to PERC procedures, the NJEA challenged the Union in October 1975. The Council successfully withstood the challenge by an 86-vote margin out of 3000 votes. Leading the Council at the time were key founders: Marco Lacatena (Montclair), President, Ralph Bean (Stockton), Vice-President, Barbara Pettit (Trenton), Secretary, Wil Stern (Kean), Treasurer and Phil Malloy (Trenton), Legislative Representative.

A second Agreement was concluded in the spring of 1976, and a salary and fringe benefit reopener negotiated in June 1977. The settlement was well received and was ratified by an overwhelming 20 to 1 margin with about 1500 votes cast. New items in the 1977-1979 contract included dental and eye care programs. It maintained the 24-credit workload, saved 250 jobs, provided for a 5% across-the-board salary increase in each year and restored increments (which had been suspended in the previous agreement in exchange for a higher salary increase). In July 1977, negotiations were concluded with the implementation of A-328, the bill that mandated post-tenure review.

A membership drive and the good will generated by the reopener Agreement saw the Council's membership in-



Marco Lacatena speaking at Statehouse rally

crease from 1,204 in September 1977 to 1,440 in 1978. In fact, the Council grew faster than other unions in the AFT. Thus, when the NJEA challenged the Council for bargaining rights in 1978, it again went down to defeat.

The Council was also successful because it aggressively assumed the responsibilities of a bargaining agent. It was active in filing grievances and it pursued many of them to arbitration, thus enhancing and clarifying key items of the contract and making it clear that the Union was not to be trifled with. In fact, those early decisions established precedents we still rely on today. The Council also became active on the legislative front, working hard to combat the effects of the 1970 change in librarian status from faculty to non-faculty and to achieve job security for professional staff. The Council was instrumental in passing a 1974 revision in the PERC law, which gave the agency jurisdiction over unfair practices. The Council was, from the beginning, very involved in education issues, such as tuition costs and higher education budgets, providing members, for the first time, with an effective political voice in Trenton.

All these activities and the need for aggressive recruitment had in the meantime led to the addition of a second staff representative, Tony Marino, in 1976. Tony was also from the Stockton Local. He worked extensively on membership recruitment and political activity while Tom Wirth's everyday assignments focused on contract administration and negotiations. Two years later, Council staff personnel changed again. Tony Marino left and Mark Scheinbaum replaced him, but left after a year. During the 1980 bargaining election, Barbara Hoerner of Glassboro State came on board to work in the campaign and then stayed on as the Council's second staff representative until she retired in 2003.



Council President Marco Lacatena addressing 1976 protest rally in Trenton



Trenton 1976 higher ed protest rally



Council's 35th Anniversary *(Continued)*

There was another strike mounted in March 1979, which lasted 1½ days and decidedly brought negotiations to a successful conclusion. The AFT staff reps assigned to help considered it the best-organized higher education strike they had ever seen. Its success was largely due to the hard work of local leaders, who held strike preparation workshops, coordinated strike preparation activities and obtained AFT National assistance.

No further strikes have occurred since then. However, unit members have routinely been mobilized when the contract is about to expire. In several cases, settlements were reached at the last minute, with strikes being called off the morning they were to begin.

While the resulting 1979-1981 contract produced a 7% across the board increase and many other benefits, it was implemented without the State's signature because there was a fundamental disagreement over the interpretations of what had been agreed to on the issue of "merit." Even though the agreement contained increases in sabbatical, career development money, and more promotions, the fact that the State refused to sign the Agreement gave impetus to another NJEA challenge to the Council's bargaining rights in the fall of 1980. It was a hard fought campaign, but again the Council prevailed, this time by 291 votes.

RIF or "Reduction in Force" controversy reared its ugly head in 1981. The Board of Higher Education attempted to enact new regulations that would reduce the notice given to tenured faculty and professional staff on multi-year contracts in the event that layoffs were necessary. The State-Union agreement provided —and still provides— that tenured faculty receive two semesters written notice of a layoff and professional staff on multi-year were receive written notice of not less than 180 days. The proposed regulations provided for 45-day notice for both groups. The Council waged a huge campaign to defeat the "regs." Members attended BHE meetings in droves and also flooded the BHE Chair's mailbox with anti-reg postcards. As expected, the BHE ignored the faculty and the Union and adopted the regulations. Council's requests for negotiations were also rebuffed. Eventually, the matter found its way to the NJ Supreme Court, which ruled against the Council. Nonetheless, to this day, a RIF has never been implemented.

Negotiations for the next contract included a strike vote in April. They ended with a 14- hour session in October 1981. The Council beat back some of the more outrageous demands of the college presidents: no increments and one-shot merit awards. The 1981-1983 Agreement proved to be very

rich. Salary increases were 6% retroactive to July 1, 1981, followed by 4% in January 1982 and 7% in July 1982. There were also improvements in benefits and an increase in the number of sabbaticals.

The 1980s also saw the enactment of the "agency fee," or representation fee in lieu of dues. The Legislature determined that this fee should not be greater than 85% of regular membership dues, fees and assessments. Passage of this change to the New Jersey Employer-Employee Relations Act took away much of the financial incentive that kept unit members from joining. Subsequent membership campaigns resulted in large increases in union membership.

In 1982, the Council successfully added professional staff at Thomas Edison State College to the bargaining unit after it collected a sufficient showing of interest. With the addition of Edison, the Council now represented employees at all the state colleges/universities. Unit members who had worked at Edison for several years prior to unionization reaped an immediate benefit — they became eligible for 3, 4, and 5 year multi-year contracts. In addition, the Union pursued a grievance that led to employees receiving credit for prior service.



Glassboro (now Rowan) University AFT Local President Rose Glassberg addressing a meeting of the Department of Higher Education in 1983

The growing size and responsibilities of the Union led to a decision to hire a third staff representative. That third slot was first assumed by Mickey Diener and then by John DiNicola. Tom Wirth was promoted to senior staff representative. The addition of another staff member permitted specialization both in terms of the campuses serviced and other duties such as helping members with health benefits problems, working with professional staff and librarians and coordinating political action activities.

In the mid to late 1980s, the relationship between the Council and the State became strained over the Board's creation of new generic titles to define the duties of professional staff. Prior to this change, professional staff worked in around 150 functional titles. With the change, the number of titles covering unit members was reduced to a mere 12. The title system, in the long run, proved quite advantageous to management as the boundaries of the titles were very vague and management tried to assign professional staff to lower titles where possible. Such a system also made it difficult for employees to assert they were doing out-of-title work.

In 1986, the Council filed a petition with PERC seeking to represent part-time employees at the colleges/universities.



1993 Demonstration in Trenton -Ralph Edelbach (TCNJ AFT President 2nd from right)



1993 Demonstration in Trenton - Current Council president Nicholas Yovnelllo flanked by past presidents Marco Lacatena, left and Don Silberman, right

An election was held by mail and, on June 3, 1987, the Council was declared the representative of this new group of unit members.

A major change for unit members came in 1987 with the implementation of the State College Autonomy Law. Unit members were deemed 'unclassified' and removed from the jurisdiction of the Department of Civil Service. The Council's repeated requests for negotiations over these changes were summarily rebuffed. The regulations crafted at that time did not last long; they expired when Governor Whitman abolished the BHE in 1994. Many of the state colleges/universities incorporated them into their policies. In any case, where the regulations addressed terms and conditions of employment, the Union was able to negotiate their impact on unit members.

In 1988, when DiNicola left, the Council hired Bennett Muraskin, formerly of the Newark office of the National Labor Relations Board, as the third staff representative.

Negotiations began in October 1988 for a new agreement to take effect on July 1, 1989. Progress was slow and a strike deadline was set for February, which set the stage for a new Agreement that included the addition of steps 10 and 11 for faculty, step 10 for professional staff and a two range upgrade in the titles held by teachers at A. Harry Moore, Kean and Glassboro). Terms and conditions of employment that were formerly in Civil Service regulations were negotiated into the Agreement. The Union quashed the State's demands for an Assistant Professor II title and "differential salaries." As for the salary package, Star Ledger Education Reporter Bob Braun termed it "the richest ever."

Between 1989 and 1992, Council Staff Representative Tom Wirth collaborated with Carol Frances of Frances and Associates on a report titled, "Management of Decline or Bridge to the Future: Preparing the New Jersey State Colleges for the 1990's." This was the first of several reports on problems facing public higher education in New Jersey. Wirth and Frances followed up with another study, "New Jersey State College Tuition Policy" in 1992. The first report discussed the history of fiscal policy, funding priorities and the adverse impact of funding on achievement of educational goals. It found that the BHE's planning and fiscal policies worked against the State's achieving its stated goals of affordability and access. The second report concluded that New Jersey had a poor record of providing access to higher education for its citizens. It demonstrated that the State was spending far more on prisons than on higher education and that tuition would continue to escalate if the State's priorities were not changed.

These reports were widely distributed to State legislators, to members of the BHE, to students and the press. A great deal of attention was paid to them and they enhanced Council's reputation as a union whose positions were well researched and cogently presented.

Higher education regulations had for years capped promotions to the ranks of Associate and Full Professor. In 1990, the BHE's adopted new promotion regulations that continued the caps. Colleges could ask for exceptions, but these were difficult to obtain.

Housing programs are not usually the subject of union campaigns. One exception was Trenton State's massive house buying program of 1989-90 that especially favored a few administrators. This, and the prospect of layoffs, led to an uproar that culminated in the faculty censuring the college president.

The 1990's also saw the Council tracking the salaries of management and publishing exposes of management "bloat." For example, the February 1991 edition of the VOICE noted that Stockton's management payroll had increased by 88% in three years and that Edison's increased 35% in less than two years. Jersey City State had the highest average

management salary of any of the State colleges. Management was making out very well in a year when budget woes forced large cuts, hiring freezes and massive take-backs.

In 1993, after serving for 20 years as President, Marcoantonio Lacatena retired. As his successor, Donald Silberman, Council Executive Vice-President and former Local Union President at Jersey City State/NJCU noted, Marco "won respect for the Union by leading us safely through nine contract negotiations, most of them during one fiscal crisis or the other." Silberman also noted that the strikes that took place under Marco's leadership gave the Union "strike credibility which did not have to be used, but which provided us the leverage needed when we were up against seemingly overwhelming forces in seemingly impossible circumstances." He praised Marco's attention to educational issues and progressive stands on access and tuition. (VOICE, July, 1993)

1994 was the year in which Governor Whitman tried to topple collective bargaining in higher education. Using the Higher Ed Restructuring Act, Whitman created a Commission on Higher Education Task Force to investigate collective bargaining in State colleges/universities. The Task Force put forward the idea of splitting up the Council's bargaining unit. Campus unions—CWA, IFPTE and the Council—united to mobilize large numbers of employees to attend the BHE meeting at which the Task Force's ideas were discussed. A number of campuses staged rallies the week before the meeting to publicize the unions' opposition to any break-up. As a result of the unions' combined efforts, the Governor abandoned her attempt to break-up the unit. Ultimately, the Commission issued its final report recommending the continuation of a statewide unit.

The good news in 1994 for our Librarians was the upward reclassification of their titles by two salary ranges. Assisted by a former Director of the New Jersey Division of Classification and Compensation in the Department of Personnel, Council staff and the librarians issued a study that persuaded the BHE that librarians were woefully underclassified and should get a two-range salary increase.

The librarians' upgrade occurred just in time, because the BHE did not survive the year. On March 15, 1994, Governor Whitman threw New Jersey higher education into turmoil by announcing that she intended to abolish the BHE, and get rid of the Chancellor and the Department of Higher Education. Replacing these would be a "coordinating council," of college presidents, a "commission on higher education" and the Department of Treasury. Opposition to the plan, though strong, was not enough to stop the Governor's steamroller. Too many presidents were silent, lest they antagonize the likely victor. Whitman claimed that wiping out the BHE and its bureaucracy would generate significant savings. Unfortunately, time proved that without the BHE, those savings were illusionary. Individual colleges and universities em-



1993 Protest in Trenton

barked on reckless spending programs while the institutions as a whole no longer had a strong advocate for higher education to speak for them in Trenton.

In 1995, negotiations began for a new agreement. In spring, the unit authorized a strike by a 9-1 one margin after the State's offer of zero-zero-zero was put on the table. The Locals went all out in strike preparations in the early fall. A tentative 4-year agreement was finally reached in February 1996. There was no increase in pay in the first year of the

agreement and a \$250 bonus in the second with a 3% increase in the third year and a 3.25% increase in the fourth. For the first time, public employees had to pay part of their health insurance premium: those in the Traditional Plan had to pay the difference between what the State paid for the Traditional Plan and the cost for the managed care plans. The HMOS and NJPLUS were not affected. This change launched numerous battles over health care costs. In response, the Union increased its political activity to exert some control over the State's drive to pass its higher premium costs on to employees, raise co-pays and deductibles and limit coverage.

The Council fared better in preserving existing contractual rights: Career Development funding was maintained, the right to binding arbitration of nonrenewal of multiyear contracts was preserved, the threat to remove department chairs from the unit was quashed and prior consent for outside employment was turned back.

Later in 1995, the Council initiated its campaign to organize State college/university adjunct faculty. The Council filed a petition to represent them with PERC in February, 1996. Sixty percent of the approximately 2,700 adjunct faculty signed cards requesting Council representation. The State responded by arguing the Council had no right to represent them because they were "independent contractors" and started a campaign of delaying tactics, forcing legal action by the Council. Finally, in a February/March 1997 mail ballot election, adjuncts overwhelmingly chose the Council for their collective bargaining representation. The Union immediately began negotiations for the first adjunct agreement. Except at Montclair and Kean, where two separate adjunct locals were formed, adjunct faculty were integrated into the full-time/part-time campus locals.

The Whitman Administration attacks on the Council continued in 1997. Once again, Whitman proposed legislation to break up the Council's bargaining unit. The Council undertook a massive effort to persuade the State that a break up would be ill advised. It mobilized the NJ AFL-CIO, NJ Citizen Action, AFT National and a host of others to oppose such legislation. Then, Whitman proposed cuts in State higher education funding, compounding years of underfunding of higher under her administration. 1997 also saw legislative breakfasts, letter writing campaigns, and testimony before legislative committees to try to secure more money to fund negotiated salary increases. The Union was partially successful. It got the Legislature to pump \$20 million back into the budget for higher education. Whitman also mounted an attack on tenure via a "Flexibility and Productivity Audit," that included, among other proposals, suggestions that the probationary period for tenure be lengthened to 7 years and that new mechanisms for post-tenure faculty review be implemented. The Council mounted a vigorous effort to defeat the proposal and, as a result, it was defeated.

In July 1997, Nicholas Yovnello, Assistant Director of the Library at Rowan, and President of Rowan Local 2373, as-

sumed the Presidency of the Council. Under his leadership, the Council took an even more active role in politics. That year, the Council, seeking a greater presence in Trenton, hired Dr. Peter Guzzo of TTP Government Relations as our lobbyist.

In spring 1998, the Governing Boards Association, a special interest group composed of the college/university Presidents and members of the campus Boards of Trustees, resurrected the idea of breaking up the Council's bargaining unit. According to Assembly Bill-2252, the bargaining unit would be broken into nine components with bargaining occurring on each campus of the State college/university system. The bargaining agent for each campus would be selected in a new election. The Council successfully headed off the State's attempt at undermining a collective bargaining system that had worked well for over twenty years.

The Council stepped up its emphasis on political action by sponsoring events such as a Lobby Day at which the Council, the NJSFT and HPAE (which had come together as AFTNJ), met with over 30 legislators to discuss collective bargaining and political issues. A broad COPE and membership campaign was launched in the fall as negotiations for another agreement got under way. The Council began to work more actively addressing health care issues. It actively sought legislation to provide health benefits for adjunct faculty and part-timers and to get representatives of State employee unions on the Health Benefits Commission, which, by statute, governed the State Health Benefits Program.

Negotiations for a new contract began in October 1998. This was the first time the Council was simultaneously negotiating two contracts: one for the full-time/ part-time unit and another for the adjunct unit.

Due to the lack of progress, the Council held strike workshops and took a vote in September. Shortly after the vote, a tentative agreement was reached. New contract language provided for Range Adjustments for faculty and a program of Performance Based Promotions for professional staff.

Adjunct faculty received an increase in compensation of \$25 per credit for each semester, which raised their compensation over the life of the agreement by more than 40% over the four years of the Agreement.

Significant staff changes occurred in 2000. After 26 years with the Council, Tom Wirth retired. His work was split between a new staff representative, Debra Davis and Barbara Hoerner, who was promoted to Senior Staff Representative. Debra took over the desk top production of the *VOICE* and created the Council's first website, www.cnjscl.org.

In 2003, the Council was, once again, negotiating a new contract against a background of fiscal crisis. Negotiations started slowly, but were



Tom Wirth

Council's 35th Anniversary (Continued)

concluded well before the start of the fall 2003 semester. The full-time/part-time bargaining team achieved notable gains that included the addition of a 12th step in the last year of the contract and new language on Intellectual Property and On-line Courses. The most notable gains for adjunct faculty included the beginnings of seniority system with the addition of extra pay per credit for adjuncts with more than 15 semesters of service. Once again, adjunct faculty saw their compensation increase by a hefty percentage: 35.7%. Away from the table, the Council moved closer to achieving health benefits for adjuncts: the Governor signed the bill permitting adjunct faculty to participate in the State Health Benefits Plan.

Just prior to the start of negotiations, the Council hired Steve Young, former International President of the American Federation of Musicians, as Managing Staff Representative. He replaced Senior Staff Representative Barbara Hoerner when she retired in December 2003. Among the many organizational efficiencies that Steve initiated were modernizing the desktop production of the *VOICE* and fine tuning the web foundation Debra Davis created in 2000, turning it into an AFT award winning website.

2004 brought important changes to the Council's daily operations. Recognizing the critical need to boost adjunct faculty membership to 50% in order to implement the agency fee clause in the contract, the Council, with National's financial assistance, hired Mark Heter as an Adjunct Membership Recruitment Coordinator. Mark streamlined adjunct recruitment methods and created an adjunct recruitment manual which made the coordinated efforts between the Council and the locals more efficient. We achieved the 50% base in 2008, just in time to report our membership numbers to the State. Mark has since been made a full-time staff representative and continues to work on adjunct recruitment and other adjunct faculty issues.

In early 2006, the Council moved into attractive, professional offices on Morris Avenue in Union after having spent more than thirty years on Chestnut Street. The move was long overdue. (*VOICE*, March 2006)

The 2007 negotiations started in early spring and by August both contracts — Full-Time/PT and Adjunct Faculty — were overwhelmingly ratified. The new contract includes substantial salary gains. Unlike the past four contracts that contained wage salary freezes, the new contract has increases of 34% over the four-year Agreement. Other significant achievements were increases in both the compensation and number of sabbatical leaves, a unit-wide tuition reimbursement program for children, spouses and civil union partners, a unit-wide transition to retirement program, range adjustments for librarians and instructors, flex-time for

professional staff and the requirement to negotiate a performance based promotion procedure for professional staff at institutions without one in place.

The adjunct faculty agreement contained considerable gains in salary — a \$250 increase per credit hour on the base rate salary during the life of the Agreement, ending at \$1,200 in year four. Other gains included an increase in the compensation rate for cancelled classes and broader employee rights.



New Council office conference room

Sadly, we lost two of our founding members. In 2004, we lost Donald Silberman (NJCU), a founding member of the Council, Council president from 1993-1997 and JCSC/NJCU local president. He was a life-long unionist and a passionate advocate for adjunct faculty. Under his watch, the Council mounted a successful organizing campaign to bring adjunct

faculty into the 'strong arms of the union.'

In 2008, the Council's first president and first staff representative Bob Arey (NJCU) passed away. Bob was a driving force in negotiating the Council's first contract in 1974 and he was the only staff representative to have signed a State-Union Agreement. Bob served as his local's president and was, until the last, a dedicated Council delegate, negotiator and a 'gentle voice of reason' in turbulent times.

As this *VOICE* goes to press, the Council, along with its sister public sector unions, are navigating in uncharted waters as we deal with the worst fiscal crisis in New Jersey's history. We are gearing up to do battle with the State over wage freezes, involuntary furloughs and possible layoffs — and worst of all — a hostile public opinion about State employees in general. These are hard times indeed, but the Council — your Union — remains strong and with your support will live up to its proud history of aggressively and diligently working to protect your rights.

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State Health Benefits Commission AON DEPENDENT AUDIT UPDATE

As many of you know, the State Health Benefits Commission (SHBC) is conducting a required audit of all public employees regarding eligibility coverage for dependents. Reportedly, the letter went out to 25,000 State employees as a first batch. When we became aware of this, the Council subsequently demanded that the State negotiate over deadlines and the ways in which data was being collected. Council representatives and other public employee unions subsequently met with the State to voice their concerns and obtain more information.

- We stated that there should be a period of time to educate members concerning the qualifications for a dependent and to allow members to voluntarily remove any ineligible dependents.
- We questioned the need for all of the documents requested. The state will research the need for all documents and respond back to the unions.
- We questioned the need for the Division of Pensions and Benefits to retain copies of all documents submitted particularly in an electronic format. We are expecting a response on this issue.
- We asked for copies of the agreement between the State and Aon relating to security procedures. The State is to provide this to the unions.

Here's what we now know thus far based on this meeting. The data already submitted was scanned but the originals will be destroyed. The scanned documents will be forwarded to the Division and the Division will redact SS#s from the data. The State reiterated that Social Security

numbers are NOT needed and should be blacked out of any documents submitted. Likewise, no financial information is needed. Go to this link for more information: <http://www.state.nj.us/treasury/pensions/healthbenefitsauditfinal.pdf>.

The audit is mandatory and will eventually be done on all public employees. However, the State assured the unions that all future communications regarding the audit will be on Division of Pension and Benefits letterhead and will be less strident and demanding. As of this publishing date, we learned that a new letter with a March 20, 2009 submission deadline has already gone out to some State employees. If you have received it and not yet complied, please do so. If you have not yet received the new letter, you will shortly.

Finally, Fred Beaver, Director of the Division of Pensions and Benefits, stated that any member who believes that a dependent is improperly proposed for termination has a right to file an appeal, which will be heard by the State Health Benefit Commission. Beaver indicated that prior to action on the appeal by the Commission, the dependent in question will not be terminated.

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**NOT A MEMBER YET?
BECOME INVOLVED!**

Make **your** voice heard in the workplace by joining the union today. Occupational Liability Insurance comes with membership! Visit your local office for a membership card or visit the council's website (www.cnjscl.org) for membership information.

Developments

(Cont. from page 3)

new courses and programs geared to the demands of the job market, repairing existing and outdated facilities, the expansion of financial aid and the improvement of student advisement and job placement services.

We are working to convince legislators to not only restore funds but also to increase funding by tapping into State stimulus monies available for higher education. The Council has joined oth-

er public employee unions to lobby for preserving our contracts, retaining jobs and no furloughs. A responsible State government should not put public sector employees in harm's way.

If there is no budgetary relief and the State insists on demanding contractual relief, furloughs and layoffs, we will demand that each of our institutions provide their audited budgets for the past several years, including an accounting of all its revenue streams and assets. We are convinced that by revamping

their spending priorities and accessing non-state funds they can get through fiscal year 2010.

It is critical that you attend your Local's meetings to keep abreast of the latest and most accurate information on the budget, that you support your Local's lobbying efforts and other activities we will be asking of you to save our contract and jobs. The Council's website at www.cnjscl.org is also a good source of current information.

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