After Jon Corzine was sworn in as our Governor, I was asked to serve on the Governor’s Higher Education Transition Policy Group, which was charged to submit a higher education report and policy recommendations to the Governor that could be implemented in the first sixty days of his term. (See related article on page 5) This was done; however, many of our concerns were outside of the scope of the Transition Policy Group’s mission.

After over a decade without any Higher Education Committee in the New Jersey legislature, the 2006 New Jersey Assembly leadership reinstated such a committee. At its first two meetings this committee heard testimony from the outgoing Executive Director of the Commission of Higher Education Jeanne Oswald, from Rutgers President McCormick and TESC’s President Pruitt who represented the New Jersey President’s Council. The Presidents’ Council is a 50 member board encompassing New Jersey’s public, private, and community colleges and universities. Assemblyman Patrick Diegnan (D-18), Chairperson of the Committee publicly expressed a desire for the Committee to hear from the faculty unions the State Colleges/Universities to obtain our views on the current problems facing our institutions.

On March 6, 2006, along with Rutgers AAUP/AFT President Lisa Klein, NJ AAUP President Judith Johnston and a representative from NJEA, I testified in detail on the critical problems we face as faculty and staff of the nine State colleges/universities and as citizens of New Jersey. I also had the opportunity to present to the Committee the Council’s recommendations to help solve these problems.

The salient points of my testimony follow below:

**The reality we face** — the Boards of Trustees and the presidents of our institutions of public higher education have more to say about the direction of higher education in the State than does the Legislature, the Commission of Higher Education and the faculty and staff. We, the higher education unions, should be a part of the solution to the current problems we face in higher education in New Jersey.

**The current defects in governance structures** — it is painfully apparent to us that the current higher education structure needs not just greater, but also better oversight from Trenton and direct participation of higher education unions on the Boards of Trustees.

**Empire building and ethics scandals** — since the abolition of the Department of Higher Education, State colleges and universities have operated more like independent empires rather than components of a statewide system of public higher education. There is excessive spending on administrative salaries and perks, haphazard construction with...
significant cost overruns and the accumulation of excessive debt. Recently publicized ethics scandals involving one or more of the senior public institutions have damaged the reputation of public higher education in our State.

Boards’ lack of transparency — the Boards of Trustees routinely evade the spirit of the Open Public Meetings Act under the guise of committees or sub-committees that meet in closed session. The public has the right to attend open sessions, but it currently has no right to speak. There have even been attempts to prevent our Locals from speaking despite our contractual language guaranteed this right. Senator Martin (R-26) has sponsored S-1219, which proposes to revise the Open Public Meetings Act to provide a much greater role for the public (including us.). We sorely need this legislation.

Union Representatives on the Boards — the Boards’ powers are unregulated and they exercise them unwisely. Board appointees frequently do not know the institutions they are empowered to govern. Employee representatives chosen by the campus unions could and should play a constructive role in governance. We have much to offer because we are closer to the actual situation on campuses than are the current Board members.

Other problems we face:
- colleges/universities increasing dependence on adjunct faculty as a highly skilled but extremely low paid workforce. The use of adjunct faculty is growing at a rate far higher than that of full time faculty. At Kean University, adjunct faculty outnumber full time faculty almost three to one and are teaching half of the credit courses offered.
- insufficient salary funding following contract negotiations
- mounting tuition and fee increases making public higher education inaccessible to lower and moderate income students
- the institutions must put a high priority on completing deferred maintenance programs before taking on additional capital expansion projects

“We believe that public higher education in this state is under-funded and would like to see a dedicated stable source of funding.”

Here is the legislation required to reform public higher education in NJ to make it more responsible, accessible and employee-friendly

A-1207- (Diegnan (D-18)) would mandate that adjunct faculty receive pay and benefits proportional to that of full-time faculty

A-2750- (Diegnan (D-18) and Mayer (D-4) and S-1563, (Senator Asselta (R-1)) would expand every State college and university Board of Trustees by adding two union representatives chosen by the campus unions. The Council considers these bills to be our foremost legislative priority.

S-397 – (Asselta (R-1)) would require the Senate Budget and Appropriations Committee to approve bonuses proposed by State college/university Boards of Trustees.

A-2006 – Assemblyman (Cryan (D-20)) would prohibit State college/university presidents from holding outsideside employment.

S-189 – (Doria (D-31)) would require Boards of Trustees to submit minutes of their meetings to the Governor and invests the Governor with final say over any board actions.

S-549 – (Senators Smith (D-17) and Martin (R-26)) would require every State college/university to submit minutes of their meetings to the Governor and invests the Governor with final say over any board actions.

S-1349 – (Turner (D-15)) would expand every State college/university Board of Trustees to include two union representatives.

A-1831 – (Greenstein (D-14)) and S-178, (Doria, (D-31), would establish a Higher Education Master Plan Commission to examine a number of critical issues affecting higher education in New Jersey, including governance matters.

A-875 – (Stanley (D-28)) and S-1349, (Turner (D-15)) would create a HOPE scholarship program in New Jersey.

A-858 – (Stanley (D-28)) S-1435, (Turner (D-15) and S-394, (Martin (R-26) all propose to expand the TAG pro-
Ridgefield Park Decision - an albatross around our necks!

by Debra Davis

On August 12, 1978, NJ Supreme Court Justice Morris Pashman rendered an opinion now known to all public sector unions as the Ridgefield Park decision. Indeed, Ridgefield Park changed the scope of collective bargaining in New Jersey’s public sector and for nearly thirty years, this court decision has been an albatross around the necks of the public sector unions.

The Case

The parties to this seminal case were the Ridgefield Park Education Association and the Ridgefield Park Board of Education. The global issue in Ridgefield Park was what were the legitimate subjects of public sector collective bargaining. The specific question was whether or not teacher transfers in K-12 were mandatorily negotiable. Even though the Association’s collective bargaining agreement included a provision that governed teacher transfers and reassignments, the State argued that the local Board of Education exceeded its authority by agreeing to that provision; it argued that it limited management’s prerogative to make assignments.

The State contended that there were but two types of subjects: mandatory and illegal. Mandatory subjects refer to items such as wages, hours and other items that intimately and directly effect the welfare of the public employee — and illegal subjects refer to all other subjects such as hiring policies, the allocation of assignments, transfers, performance evaluation and retention criteria, class room size, layoffs, seniority, chairperson qualifications, standards for teaching effectiveness and so on.

Prior to the Ridgefield Park decision, the Public Employment Relations Commission (PERC) recognized that permissible items existed and that public employers and public sector unions could negotiate over them on a voluntary basis as in private sector labor. In addition, PERC held that disputes involving permissive items in the collective bargaining agreement could be resolved by binding arbitration if the matter at hand, was indeed, arbitrable under the agreement. Before Ridgefield Park went to the Courts, there were several scope determinations in which PERC ruled that “so long as no specific statutes [were] violated …negotiation and arbitration of permissive matters [were] acceptable” (4NJPER, 4164, 1978). In fact, PERC noted that the 1974 Public Employer-Employee Relations Act was supposed to have expanded the scope of negotiable issues in the public sector.

Past to Present

When Ridgefield Park was in litigation, the public sector unions assiduously defended the existence of permissible subjects of bargaining. In the October 1978 COLLEGE VOICE, former New Jersey State Federation of Teachers president Frank A. Fiorito commented that the driving force behind Ridgefield Park was the State’s belief that public employers were more responsible than were employee organizations. Why? Because employee organizations were interested only in their members’ welfare while the public employer represented the public interest. Fiorito rightly noted that local teachers’ associations should have the choice to negotiate those items that best ensure fairness and equity in their own school systems. The teacher transfer language, he insisted, was not an imposition on management’s prerogative to direct the workforce, but rather, the language merely put a burden on management to act responsibly and not arbitrarily and capriciously — in other words, management should be required to provide valid reasons for the decisions it makes that impact its workforce.

It is worth noting that at the time Fiorito penned his 1978 VOICE article, the Senate introduced legislation (S-1414) that would have amended the State bargaining law to restore the “so-called” permissive subjects; its successful passage would have corrected the Court’s deplorable decision. Fiorito’s VOICE piece ended with an appeal to readers to support S-1414.

What does all this mean to us in 2006? Put another way, how many times have you heard the phrase “it’s management’s prerogative” when a college/university administration has denied your reappointment, promotion, tenure or any other pathway to career advancement? Do you get frustrated when management unilaterally decides to change or institute a procedure or policy that affects your employment conditions (as Kean University recently did when it unilaterally changed its professional staff evaluation forms)? Do you hate it when your union is effectively powerless to make a demand to negotiate on issues that the State declares to be permissive and therefore illegal? Too often public employers abuse managerial prerogative and use it as an excuse rather than as a sound reason to support their decisions.

Yes, it’s true that Council staff representatives are very creative when it comes to finding ways to get around the brick wall that surrounds the so called unassailable concept of “management prerogative” in order to protect members’ contractual rights — but it is not easy.

Nearly thirty years after Ridgefield Park, your Union and the Council are asking you to support bills A-2752, (Van Drew (D-1)) and S-1584 ( Asselta (R-1)), which would expand the scope of collective bargaining for public employees.
warranted intervention of government into academic decision making.”

ABOR is the brainchild of conservative activist David Horowitz, who is achieving some notoriety this month with the publication of his book, The Professors: The 101 Most Dangerous Academics in America.” Horowitz is on a crusade to eradicate what he alleges is liberal bias from the college classroom. ABOR has been the primary weapon of his attack.

The AFL-CIO resolution calls ABOR the “misnamed” Academic Bill of Rights. “Like so many of these conservative creations, the name is about as accurate as ‘paycheck protection’ or ‘Taxpayers Bill of Rights,’” says William Scheuerman, AFT vice president and president of the United University Professions/AFT/AAUP, which represents faculty and staff at the State University of New York.

As the AFL-CIO resolution notes, ABOR would “provide for government monitoring of curriculum, including reading materials in the classroom, to ensure that right-wing ideas are given more prominence; monitoring of faculty hiring practices to ensure that more conservative faculty members are hired; and an easing of longstanding procedures to protect faculty members from unsubstantiated student complaints.”

It has been introduced in 24 state legislatures, but passage of the bill by entire legislative bodies is proving a tough sell. Just last week, a bipartisan vote of 15-18 in the South Dakota senate killed the bill.

The U.S. system of higher education continues to be the envy of the world due largely to the free exchange of ideas and viewpoints in the classroom, points out Lawrence Estrada, an associate professor at Western Washington University. At the end of February, WWU faculty became the newest AFL-CIO higher education affiliate when they voted to be represented by Unit-
Seven years ago, beginning in the Whitman administration, the State decided that the pension system was so flush it no longer had to make pension contributions. These contributions were just resumed a few months ago. Whitman also engineered the refinancing of the pension system, which resulted in massive debt, huge taxes cuts for the wealthy that effectively starved the State of essential revenues. Thanks to her machinations, the various State pension systems are now $12.1 billion in the red.

The good news is that Governor Corzine is committed to fully funding the State’s pension obligation. The bad news is that former Acting Governor Codey’s Benefits Review Task Force has recommended increasing the retirement age from 55 to 60 and basing pensions on the highest five years of earnings, instead of the current three.

On the health benefits front, the same Task Force recommends that all employees and retirees covered by the State begin to pay something, most likely 5% of their health benefits premium. It also proposes to merge the Traditional and NJ PLUS health plans into a single Preferred Provider Organization (PPO). The Council will resolutely resist higher co-pays and fight to preserve the Traditional Plan for those who prefer to remain in it.

Other proposals are aimed at controlling the cost of prescription drugs by increasing the use of generics and appointing a State Pharmacy Benefits Manager.

The news could be worse. The State will not move towards a defined contribution pension plan and it does not propose a two-tiered health benefits system that would disadvantage new employees. Further, it recognizes that health benefits are negotiable; thus, it merely seeks to set the parameters for the next round of negotiations. Still, the handwriting is on the wall. With the State once again facing a multi-billion dollar budget deficit, some politicians will inevitably scapegoat public employees by trying to balance the budget at our expense.

Some changes in the pension system may be long overdue. Highly paid political appointees often abuse the system by arranging for major end-of-career salary hikes. Proposed reforms would terminate this practice as well eliminate double dipping by requiring employees to designate a single job for pension purposes and by setting a $5000 threshold for pension credits. Yet, even well-intentioned proposals have their pitfalls. The Council will carefully scrutinize any bills or administrative rule changes that may adversely affect adjunct faculty who work at multiple institutions.

The answer to any draconian efforts to reduce our pensions or health benefits must be loud and clear: we did not create the problem and should not have to pay to fix it. We earned our benefits and intend to keep them.

The NJ AFL-CIO Public Employee Committee, which includes the AAUP, the HPAE, the CWA and every other public employee union in the state, with the support of the NJ AFL-CIO leadership, is fully committed to protecting our pensions and health benefits. The first step will be a postcard campaign directed to State legislators urging them not to touch our pensions or health benefits. Please be prepared to do your part.

NOTE: PERS and TPAF members would be affected by the proposed changes in the pension systems. Members of defined contribution plans, such as TIAA-CREF are not, but if the State gets away with cutting the defined benefit plan, the defined contribution plans could be next. For example, the State could move to reduce its contribution. This is why we are asking our entire membership to stand united in defense of our benefits!

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HIGHER EDUCATION TRANSITION POLICY GROUP SUBMITS REPORT TO GOVERNOR CORZINE

Former AFT member appointed as Senior Policy Advisor on higher education and Executive Director of the Commission on Higher Education

With the participation of Council President and AFT-NJ Chairperson Nicholas Yovnello, NJ State Conference of AAUP President Judith Johnston, Dr. George Pruitt, President of Thomas Edison State College and Dr. Barbara Gitenstein, President of The College of New Jersey among 18 others, the Higher Education Transition team submitted a report to Governor Corzine on January 10, 2006.

Governor Corzine almost immediately acted on its first recommendation by appointing a senior policy advisor on higher education issues. He selected Jane Oates, who has served as Senator Edward Kennedy’s chief higher education advisor for the past eight years and lead advisor for the Senate Democratic Caucus on higher education policy. Before joining Senator Kennedy’s staff, Ms. Oates taught in the Boston and Philadelphia public school systems, where she was an AFT member.

On March 2, 2006, Jane Oates became the Executive Director of the Commission on Higher Education, replacing Jeanne Oswald, who will remain with the Commission in another capacity. Oates’ dual roles as senior policy advisor to the Governor on higher education and Executive Director of the CHE conclusively demonstrate that she will play a major role in shaping the direction of higher education in New Jersey.

Ms. Oates is widely viewed as one of the most influential higher education policy makers in the country and will undoubtedly hit the ground running in

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fter a nearly two week whirlwind of moving activities in early February, the Council office is settled in and back to the business of representing its members at its new digs on Morris Avenue. The new office is spacious, clean and professional — and for those readers who have been to the Chestnut Street building, you know that moving to the new office was long overdue.

The Council Executive Board’s Building Committee visited several locations before finding the new office space. Managing staff representative Steve Young coordinated all the mind-numbing details of the new lease and move. Young had to find a location for the committee to consider that kept the Council office in the same general vicinity as 420 Chestnut and one that the Council could either move into immediately or at least customize quickly to meet its needs. He successfully did all these things in a commercial real estate market that didn’t have a lot of choices for the size of space the Council required for its offices. After a couple of false starts on buildings that seemed right but for varying reasons could not accommodate the Council’s requirements, the Committee approved the new Morris Avenue space.

Memories and Moving Day

The Council offices had been in the Chestnut Street building for at least thirty years and as one might imagine the office accumulated quite a lot of ‘stuff’. The staff spent weeks before the move sorting through the collection of papers in filing cabinets, drawers full of outdated spare computer parts and just plain old junk in order to pare down to keeping only what was necessary.

After the staff electronically archived import documents, staff rep Bennett Muraskin took charge of going through filing cabinets to see what we could discard. That process was a trip down memory lane for the Council. Often, he would find a letter from the early years and start reminiscing about people, places and important issues that shaped the Council’s character.

The current staff were surprised to learn that the Chestnut Street office was not the only office the Council has occupied. In fact, the move triggered their curiosity about its previous locations. Staff rep Debra Davis contacted Bob Arey (NJCU) to dig deeper into Council history. Bob, as some members may know, was, in 1970, the Council’s first president and its only staff representative. He reminisced about the Council’s barebones beginnings in a second floor space it rented from the NJ State Federation of Teachers. The State Fed provided the Council not only with office space but also with much needed material resources. Interestingly, there were two Morris Avenue offices, both of which the State Fed rented and to which it offered the Council offices — and ironically, the new office is less than a block or two from the old offices. Bob noted that the Council has come full circle from its very humble beginnings to a prominent player in New Jersey’s labor movement.

A Team Effort

Davis and Lyn Feniak, the Council’s senior Administrative Assistant, documented the move in photos to capture the utter chaos that goes with moving an old dirty relic of an office! (See before and after photos). A warm thank you goes to Membership Recruiting Coordinator Mark Heter who graciously offered the use of his pickup truck to haul copious amounts of recyclables to the township dump. He and Bennett Muraskin made numerous runs to the recycling center,
COUNCIL’S OFFICE MOVES

after which Heter humorously noted that we are no longer welcome at the County recycling center!

The entire staff pitched in by packing and moving items that were too valuable to leave to the movers. Anyone who has engaged professional movers knows that even the pros can drop or haphazardly pack up computers and other valuables. On the whole though, between the new-used furniture deliveries, the old items being packaged and shipped and the utter commotion of directing what goes where — all in all, the move went well with only a few minor moving mishaps by the end of the day. Council Treasurer Muroki Mwaura and Council Staff Bookkeeper Carol Itskowitz declared that the cost of moving was money well spent in every way.

About a week after moving day, when a semblance of order took shape, Council President Nick Yovnello celebrated with the staff with a small luncheon in the new conference room. There were sighs of relief that most of the hard work was finished and elated comments about the great new space. For those who attend meetings in the future, they will find that the conference room is large enough to accommodate a meeting of 25 in a more professional and comfortable working environment that is conducive to conducting business — and the best part is that there is an adjoining kitchen/storage area that makes serving snacks and beverages much easier. After all, its hard to get folks to a meeting if there is no food!

Retired senior staff representatives Tom Wirth and Barbara Hoerner visited the new office to share in the celebration after the move. Tom Wirth joined the Council staff when Bob Arey was president and retired in 2000 and Barbara came on board in the 1980s and just recently retired. They both commented that the move was long overdue. They jokingly asked Yovnello and Young why the Council didn’t make this move when they were around to enjoy the new offices – but were equally happy not to have worked on all of the moving details and drudge work! On a serious note however, Barbara and Tom wished the Council good luck in its new space, noting that the new office matches the level of professional representation for which the Council is known statewide.

Council President Nick Yovnello stated, “At last we have a facility the reflects the strength of our membership. The Council can be proud of its office space when hosting its various committee meetings; we can proudly welcome everyone from visiting dignitaries to members who come by to work with staff on grievances and other union matters.

Higher Education Transition Policy Group
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New Jersey. The Council looks forward to working with her.

The Transition Policy Group’s other recommendations include increased State funding for the Tuition Aid Grant (TAG) program, full State funding of the employee salaries as a means of limiting tuition increases, studying the feasibility of a dedicated revenue source for higher education in New Jersey and a bond referendum to approve financing of capital construction on the campuses.

The Report states, “Public opinion polls suggest that New Jersey voters value the return that investment on higher education offers and that they trust the financial savvy of the newly-elected Governor. While many individuals think about college as a personal choice, personally financed with personal rewards, state policy makers recognize both the economic and civic contribution of higher education to the public good. Historically colonial colleges, land-grant colleges, teachers colleges and the post-war grants to veterans have been founded on the reasoning that higher education benefits the whole democratic community. Americans (and New Jerseyans) have embraced the value of higher education for the common good. Now is the time for the state of New Jersey to re-dedicate itself to this historic commitment.”

According to Council President Nick Yovnello, “Even though the Council continues to have many concerns about accountability at our public institutions, this forum was charged to make recommendations that could be implemented in the first sixty days of the new administration. Given the State’s severe budget crisis, the composition of the policy group and the longer term commitment needed to address our needs, it was important to serve on Governor Corzine’s first higher education forum.”
MARCH FOR PEACE, JUSTICE AND DEMOCRACY PLANNED FOR SATURDAY APRIL 29 IN NYC

US Labor Against the War along with other organizations including United for Peace and Justice, the National Organization for Women and RainbowPUSH coalition have called for a demonstration in NYC on April 29 to protest the war in Iraq and call for government funding for job creation, health care, education and other social necessities.

US Labor Against the War includes the Council, the New Jersey Industrial Union Council, New Jersey Labor Against the War, AAUP-AFT at Rutgers and numerous other AFT affiliates including our NYC counterpart, the Professional Staff Congress.

In addition to demanding an immediate end to the US occupation of Iraq, US Labor Against the War asserts that this “war costing hundreds of billions of dollars has siphoned funds from programs to meet human needs—for jobs, health care, housing education...rebuilding the storm-ravaged Gulf, protecting our environment and more...In the name of “spreading freedom,” our own civil liberties are threatened and the right to organize is under siege here while being denied to the workers in Iraq.”

For further information, including the exact time and location of this demonstration, visit www.uslaboragainstwar.org, or www.april29march.org or call 212-868-5545

NJ LABOR CANDIDATES WANTED

10th Annual Labor Candidates School – August 4, 5 & 6

The New Jersey State AFL-CIO has built the best political program in the country, which, since 1997, has made it possible for nearly four hundred rank-and-file union members to win election to public office. Now, union members are aggressively advancing our working families’ organizing and legislative agenda in the State Senate and Assembly, on County Freeholder Boards, in our towns as Mayors, Aldermen, Committee and Council members, Fire Commissioners and as leaders of local school boards.

The Labor Candidates School is the cornerstone of our successful political program. Campaign experts teach both Democratic and Republican candidates important aspects of elections including fund-raising and election law, research, message development, public speaking, media relations, voter contact, volunteer recruitment, targeting and get-out-the-vote strategies.

After securing the support of the Local Union president, participants receive full scholarships from the New Jersey AFL-CIO.

Non-incumbent Labor Candidates are required to attend and graduate from the Labor Candidates School, secure support from their Local Union President or Business Manager, undergo a Central Labor Council review process and a final review of the New Jersey State AFL-CIO before receiving financial and material resources for his/her election campaign.

Together, we look forward to achieving many more Labor Candidate election successes.

For further information, contact John Shea at 609-989-8730 or email him at: cope@njaflcio.org.