



JANUARY 27TH UPDATE

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January 27, 2006

Dear Members, Colleagues and Friends,

Thank you for the patience and support you have shown during this long fight for a fair contract. I write to report to you on the status of negotiations.

On November 14, 2005-three years after the expiration of the last contract-the Professional Staff Congress and CUNY management reached a tentative agreement on a framework for a settlement. Since then, the City and State have been reviewing the settlement prior to giving it their approval. On January 13, 2006-two months after the union and management came to an agreement-CUNY Vice Chancellor Brenda Malone wrote in a letter to me: "the City and State expressed concerns about some items and requested additional information about others." We do not yet have a formal report on those "concerns," but as members, you have waited long enough, and I wanted to write immediately after discussing the contract last night at the union's Delegate Assembly.

The union bargained in good faith. We expected CUNY to do the same. I am writing now to tell you how the "conceptual framework" was reached, the major elements it includes, and how the union plans to respond if we find that CUNY has failed to gain City and State approval for the framework we reached.

CUNY management began to negotiate seriously with the PSC only after we exerted constant membership pressure, including a new level of mobilization as we prepared for a possible referendum on a strike. Remember, it took CUNY 18 months to make any economic offer at all, and that offer was for 1.5% over four years. The intense membership pressure leading up to the September 29, 2005 mass meeting, coupled with a series of contract settlements for other public-employee unions in New York City, pushed CUNY to increase its economic offer in early November. By November 3, the deadline the union had set, the PSC Executive Council determined that we had an acceptable framework for a settlement. Negotiations accelerated in the next two weeks, and we hammered out details of costs and language. It took us two weeks of intense and often heated bargaining sessions, but by November 14 the PSC and management arrived at a framework whose cost was worked out down to hundredths of a decimal point. Each provision, both economic and non-economic, had been discussed in detail; points as fine as contractual language had been settled.

The PSC bargained hard and in good faith. We didn't think the agreement was perfect, but we believed it held true to the principles we had articulated and members had fought for. While the PSC bargaining team is aware of the legal requirement for City and State approval of our contract, we expected CUNY to come to the table each time with the authority to close the deal.

The union identified and organized for three goals in this contract: 1) salary increases of at least 10%; 2) stabilization of the Welfare Fund and a restoration of the dental benefit; and 3) improvements in equity and working conditions. It's a measure of the hostile political climate we face that those relatively modest goals are absurdly difficult to achieve. We also took a strong stand against a contract based on concessions. The PSC refused to sell out "the unborn," as new workers are sometimes called, or to sell out those who might be called "the reborn"-retirees, who depend on the Welfare Fund for prescription drugs. We demanded a principled contract that recognizes the work we do, improves rather than cuts our health benefits, and advances our individual and collective professional lives.

In addition, we pressed for direct assistance from the State of New York to preserve supplemental health benefits through the Welfare Fund. The State provides more than 80% of the government funding for CUNY, and has intervened in the past with other union welfare funds to ensure that benefits are preserved. The PSC leadership has also sought to have the City cover health insurance for part-time instructional staff who meet eligibility requirements, just as the City covers health insurance for other part-time employees.

During the summer of 2005, the context for public employee bargaining in New York began to shift. The police union received an arbitration award that offset higher salaries for current workers with deep salary cuts for new employees, and the UFT settled a contract with the City that included higher salaries as well as "productivity increases" and "reforms" sought by the City. In this context, the PSC negotiating team agreed to consider some proposals management introduced late in the bargaining-as long as they would lead to substantial salary increases and other real advances in working conditions. As part of the conceptual framework, we agreed to support a change in the time to tenure from five years to seven, and to have full-time faculty hold one additional office hour per week-in exchange for salary increases above 12%, a doubling of reassigned time for junior faculty, substantially improved sabbatical pay and other gains.

In addition, we got management's demand to remove department chairs from the union off the table, and we resisted a number of other concessions, such as cuts in holidays for HEOs and CLTs, and the weakening of HEO job security. We moved management off their demand to end annual leave on August 22, and instead agreed on a formula for starting the fall semester up to three weekdays before August 30. Meanwhile, we also won agreement on an array of improvements in equity, including a reduction to 24 hours of the teaching load at New York City Tech, the introduction of paid sick days for non-teaching adjuncts and adjunct CLTs, the restoration of faculty counselor annual leave, a professional development fund for adjuncts, reassigned time for research for junior faculty in Library and Counseling, an increase in the starting pay for CLIP faculty, and the creation of 100 new full-time lines for which only experienced CUNY adjuncts would be eligible to apply.

These are the elements of the framework we negotiated in good faith. I understand that there are major changes here, and issues about which people will take different positions. The union leadership would like to have a much more extensive discussion with the membership of the issue of time to tenure (though the provision we tentatively agreed to would not affect current junior faculty and would also not affect CLTs). The union leadership has taken the position that time to tenure is a subject CUNY had to negotiate with us, not impose unilaterally, and that an increase in the untenured period had to be accompanied by a significant increase in support for research. We would also like to discuss with you the issue of an additional office hour: the negotiating team believed that in the context of a good economic settlement we could support a provision for four office hours a week. I want to emphasize, however, that none of these elements is final. I share them with you because I feel you are entitled to know why this contract has taken so long and what is under discussion.

Of course everything changes if the City and State fail to approve the conceptual framework. We have had several indications that the framework will not be approved. The union negotiating team remains prepared to listen to the presentation by CUNY, the City and the State, but we cannot accept major changes on such issues as office hours and time to tenure if the settlement as whole does not represent a significant advance.

Last night at the Delegate Assembly, PSC leaders unanimously passed a resolution calling on members to demand that CUNY, the City and the State come to the bargaining table immediately and settle a fair contract with the PSC. A bargaining session is currently being scheduled, but we need immediate movement toward a settlement. If CUNY does not deliver on City and State approval for the conceptual framework, the union is fully prepared to take all necessary action to achieve a settlement consistent with our goals.

PSC members have fought hard for three years-too hard to give up under pressure from City and State governments that have demanded ever-increasing concessions from public employees. You have held out because you believe that faculty and staff at New York City's public university are entitled to decent pay and working conditions. That is what the negotiating team is committed to achieving. With your support, I believe we can.

In solidarity,

Barbara Bowen
President