

Clarion

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



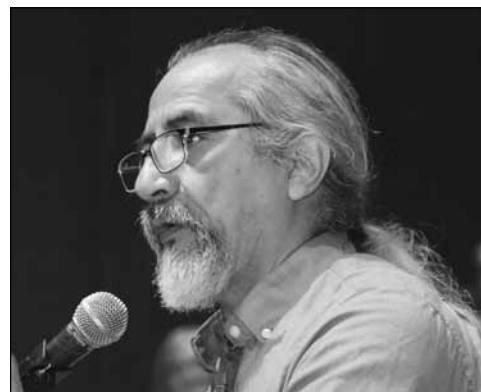
MARCH 2016

DESTINATION ALBANY

Allies on the bus

Students take action

PAGE 3



All photos: Lindsay Beyerstein

CHANCELLOR MILLIKEN, WE DEMAND ACTION!

At a public hearing of the CUNY Board of Trustees on February 16, PSC members, CUNY students and allies called on Chancellor James B. Milliken and the board to wage a public campaign for state funding of the university sys-

tem as legislators deliberate in Albany over a proposed \$485 million cut to the university budget. "Be bold, be courageous..." said Lizette Colón, chair of the PSC's Hostos chapter. "Stop the CUNY disinvestment." **PAGE 4**

VACANCY

Pantaleo resigns from board

After waiting months for Governor Cuomo to appoint a successor, a CUNY trustee – whose term expired in June – finally throws in the towel. **PAGE 7**

UNFORESEEN

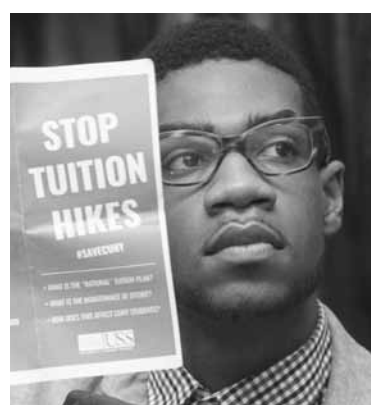
Curtains for Friedrichs?

The sudden death of Justice Antonin Scalia may yield a deadlocked decision on the anti-union case, allowing prior case law to stand. **PAGE 7**

IN THIS TOGETHER

Resistance and advocacy

In actions at John Jay and Brooklyn Colleges, students and faculty join up to protest proposed tuition increases and to call for a fair PSC contract. **PAGE 6**



ELOQUENT OUTRAGE

Literary event of the season

At The Cooper Union on March 20, the PSC will host "CUNY Writers Against Austerity: A Reading in Defense of CUNY" in The Great Hall. **PAGE 8**



LETTERS TO THE EDITOR | WRITE TO: CLARION/PSC, 61 BROADWAY, 15TH FLOOR, NEW YORK, NY 10006. EMAIL: ASTAN@PSCMAIL.ORG.

Strike authorization talks build bonds

● The Graduate Center (GC) PSC Chapter, which includes the School for Professional Studies, is busy! Nearly 50 members are now trained to organize for the strike authorization vote, the majority of whom are having conversations and submitting assessments. Whether or not the leadership calls for strike activity, our chapter will be in a stronger position than it has been in many years because of the expansive, one-on-one organizing we are undertaking.

As evidence both of the severe situation we face and the growing engagement of members in chapter activity, on Thursday, March 3, we had our largest GC meeting to date, with at least 130 in attendance – HEOs, graduate employees, adjuncts, CLTs and full-time faculty. We had lively small-group conversations, discussing in detail how the 3 percent budget cuts the GC absorbed this year have affected our working conditions. PSC President Barbara Bowen attended, providing an overview of the situation in Albany and the work we are doing as a union to build leverage there, and with respect to CUNY management. When President Bowen asked who had signed the strike authorization pledge, nearly every hand was raised: It seems clear that the hunger for efficacious, militant action is growing.

Now that I have had dozens of strike authorization conversations, I am truly enjoying myself. Though the austerity we face is grave, it is great to connect with dozens of fellow members, getting a sense of the solidarity that is possible when we build relationships beyond our immediate spheres of work and study. The organizing we are doing now will make us stronger for years to come.

Luke Elliott-Negri
Graduate Center Chapter Chair

Milliken meets with department chairs

● As chair of the social science department at LaGuardia Community College, along with my fellow chairs from all over CUNY, I was invited to meet with Chancellor James B. Milliken on March 2. The event was sponsored by the CUNY Academy for Humanities. In his opening remarks, the chancellor acknowledged that there were real challenges facing CUNY, particularly the \$485 million cut to the CUNY budget proposed by Governor Andrew Cuomo, and the lack of a settlement of CUNY contracts for the PSC and DC 37.

Although he acknowledged these issues, the chancellor did not sound the alarm that this was a crisis of major proportions. He reported that he had made several trips to Albany to talk with legislators. While most recognize those efforts, the dominant feeling in the room was

that they were not enough. During the question period, the chancellor was asked why he did not launch a more public campaign to achieve these goals. His answer was that he had a “different role to play than the union.” The chairs raised issues about the general state of demoralization and incredulity of faculty and staff about the amount of money proposed by management as CUNY’s economic offer. As one faculty member said, directing his remarks to the chancellor, “How do you think you would feel if you were offered a raise of 6 percent?”

Later that week, as I listened to my college president talk about the crisis of funding and her fears that the yearly trip to Albany with students would not have enough of an impact to achieve more funding, I thought to myself, “Why doesn’t the chancellor ask every single college president to come with him on the same day to Albany?” This would demonstrate the seriousness of the funding and contract crisis. If ever there was a time for bold leadership, this is it.

Lorraine Cohen
LaGuardia Community College

A moving lobby day

● At the February 25 student-faculty-staff Higher Education Action Day in Albany, I lobbied with a team that included students from Borough of Manhattan Community College, City Tech and Baruch. Their commitment to public higher education was impressive, as was their power to tell the human story that hides behind budget numbers.

I’ve been on similar lobbying trips before, so neither that commitment nor that power surprised me. Here’s what did: Out of the blue, with no prompting from me, students talked to legislators and their staff members about the importance of the funding needed for a new PSC contract. They get it. They understand the way in which our lack of a contract threatens the quality of their education, and they understand that our demand for a decent contract is a matter of justice.

Above all, I was moved by the words of a particular student in our group, a young woman who attends City Tech, who spoke with evident distress about the low pay of a beloved professor of hers who, she recently found out, is an adjunct.

We know how effective it is when communicating with legislators for students to put human faces on the CUNY story. What I learned in Albany is that it is just as important, when we speak with students and community members, to put human faces on the PSC story.

Geoff Kurtz
Borough of Manhattan
Community College

Local media and the PSC

● The fight for a contract is a collective battle, but we also have individual means for helping to win a contract. We all need to think of what contacts we may have for local media who can publicize our story. A neglected set of media in this regard is the non-English-language media. Another is very local media – limited access TV, local weeklies, neighborhood-based outlets. The PSC can provide information and photos to help such media outlets develop their stories.

A related means of spreading the word about our just fight is to write letters to the editor. Although it is exceedingly difficult to get a letter

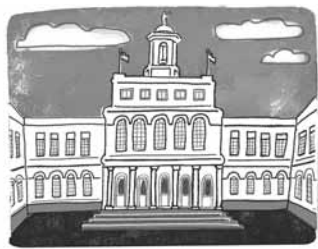
published in *The New York Times*, local and non-English-language media often need material.

In a similar vein, if anyone belongs to a professional, fraternal, civic, religious, or political group, please suggest to the appropriate person that they invite a representative of the PSC as a speaker. In addition to disseminating information to that audience, such an appearance might then be communicated to wider audiences through those organizations’ newsletters. (It is important, of course, to coordinate all such efforts with the PSC communications department.)

We must always keep in mind that our fight for the contract is joined with the fight against tuition increases. Our fight is a fight for the democratic right of all Americans – new and old, rich and poor – to attend college. Our fight is their fight. It makes perfect sense that we ask for help from the communities that CUNY serves so well. So let’s get busy finding ways to spread the news that CUNY employees deserve a contract and CUNY students cannot tolerate an increase in tuition.

Gerald Meyer
Hostos Community College (retired)

CALENDAR



Illustrations: Judd Guitreau

Monday, March 7 – Tuesday, March 8 | NYSUT Committee of 100 Lobby Days / State Capitol, Albany

PSC members join NYSUT educators from across the state to lobby state legislators on important issues, including state funding for K-12 and higher education and legislation impacting union members’ interests, such as job security, pensions and health and safety.



THURSDAY, MARCH 10, 5:00 pm | CUNY Rising march, rally & meeting | Begin outside Governor Cuomo’s Midtown offices / 633 Third Ave. (between 40th and 41st Sts.)
March to Community Church of

New York (40 E. 35th St.) for meeting with community leaders and activists to plan next steps for saving CUNY through adequate funding. RSVP here: <http://tinyurl.com/CUNYrising>

Sunday, March 13, 12:00 noon | USS March in March / City Hall Park, 250 Broadway

The University Student Senate convenes its #SaveCUNY rally outside City Hall, to be followed by a across the Brooklyn Bridge. Elected officials from city and state government will join leaders and activists from advocacy organizations to press for full funding of CUNY.

Tuesday, March 15, 6:00 pm | PSC Legislation Committee / PSC, 61 Broadway, 15th floor

Friday, March 18 – Sunday, March 20 | Somos El Futuro Conference / Empire State Plaza Convention Center, Albany

Hosted by the New York State Puerto Rican and Hispanic Task

Force, the conference convenes lawmakers, academics, business and labor leaders to engage with key issues to address the needs of the Hispanic population in the state.

SUNDAY, MARCH 20, 4:00 pm - 7:00 pm | CUNY Writers Against Austerity: A Reading in Defense of CUNY / The Cooper Union / The Great Hall / 7 East 7th St.

Around 50 writers of poetry, essays and fiction – including best-selling authors and poets – will share their gifts in defense of the university they love, and whose students they educate. (See page 8.)



Friday, April 1 | State budget expected to be finalized

Tuesday, April 12, 6:00 pm | PSC Legislation Committee / PSC, 61 Broadway, 15th Floor

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Students and PSC press lawmakers on budget

By SHOMIAL AHMAD

In the gray of early morning on February 25, more than 200 CUNY students along with PSC members boarded buses to Albany to take part in “Higher Education Action Day,” a coalition effort organized by the PSC, CUNY’s University Student Senate, New York Public Interest Research Group, New York State United Teachers (NYSUT) and United University Professions (UUP). The timing was deliberate: By the end of March, state lawmakers are expected to put the finishing touches on a budget with serious implications for the health of CUNY colleges. Students were primed to flood legislative offices with demands to call off yet another proposed tuition hike at senior colleges, as well as Governor Andrew Cuomo’s planned \$485 million cut to New York State’s allocation for CUNY’s senior colleges.

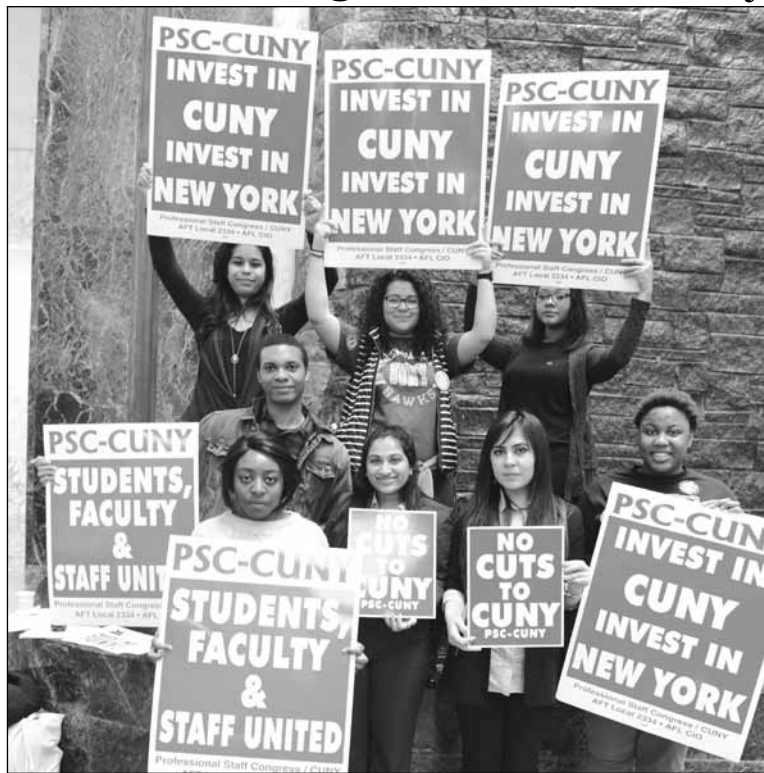
INCREASING TUITION

Iman Abbas, a Hunter College master’s student in nutrition, was up at 4:30 am in order to make the 6:30 am boarding call for the bus that waited near 68th Street on Park Avenue. Abbas is accustomed to skimping on sleep, having paid for her undergraduate education at Hunter College by working full-time, and making a one-and-a-half-hour daily trek from her home in Woodside, Queens, to her 8:00 am job as an accounting assistant at a private school in Sunset Park, Brooklyn. After work at night, she attended classes in Manhattan. On the weekends, she studied.

“I understand the struggle to finance your own education,” Abbas said, while the bus made its way north along Interstate 87. “I just feel like people [shouldn’t] have to go through that. I believe education is a right.”

Since 2011, the price tag of that right has steadily increased thanks to SUNY 2020, a measure passed

CUNY funding at stake in Albany



Hundreds of CUNY and SUNY students traveled to Albany to urge legislators to invest in public higher education.

by the state legislature that allows CUNY and SUNY to increase tuition by \$300 a year. Since the law was enacted, CUNY tuition has increased by a total of \$1,500 – a more than 30 percent increase at senior colleges and a 45 percent spike at community colleges. While the law will sunset this July, the CUNY Board of Trustees overwhelmingly approved a budget request that would allow for another tuition hike at the university’s senior colleges in the coming year (see the December 2015 *Clarion*, “PSC and students resist tuition hikes”). Despite the law’s intent that tuition increases would fund academic programs and services, CUNY students have not seen the

improvements the increases were promised to support. Instead, increased tuition revenues paid for unfunded mandatory costs.

Sabrina Persaud’s family history tells the story of the state’s disinvestment in CUNY. A sophomore at Hunter College, Persaud’s tuition is currently \$6,330 per year, the annual cost for full-time tuition at CUNY’s senior colleges. (Community college tuition for full-time students is \$4,800 per year.) But when Persaud’s brother attended LaGuardia Community College and Lehman College five or so years ago, his tuition was significantly less than what CUNY students pay now. In the 1980s, when her mother attended Borough of

‘I believe education is a right.’

Manhattan Community College, she paid \$90 for three credits. “That’d be \$450 for five classes,” Persaud noted, bringing her mother’s yearly tuition bill to \$900.

Initially, Persaud was “on the fence” about making the Albany trip, she said, given her full course schedule on Thursdays. But when she realized that various obligations would keep her friends from joining the group, she said she felt the need to represent their concerns in addition to her own. She talked to her friends about their own challenges and took notes on facts and figures. Their personal stories, Persaud said, were “in her head” as she gazed through the bus window. One friend, she said, works three jobs to pay for her tuition.

CONNECTING WITH LAWMAKERS

Rory O’Brien, a junior majoring in history at Hunter College, had a dual purpose in his first trip to Albany. “I’m here because I’m concerned about tuition and CUNY,” O’Brien said. “And,” he added, “I want to understand how basic interaction works with lawmakers and their constituents.” Prior to the trip, he explained, he looked over the biographies of state lawmakers, studied budget numbers and read up on recent developments on Politico New York.

Since 2008, CUNY and SUNY have lost \$1.5 billion in state funding. For the past six years, CUNY faculty and staff have been working without a raise, and a significant hurdle to reaching a fair contract settlement is the lack of adequate CUNY funding in the state budget. In his executive budget, released in January, Cuomo included \$240 million for back pay in any contract settlement, even as he cut funding for CUNY’s senior colleges by nearly a half-billion dollars. (The budget requires final approval by the state legislature.) In December, the governor vetoed a “maintenance of effort” bill that would have funded mandatory increases at CUNY, such as utility costs and raises for university employees.

Danielle Lucchese, in her final year in a disability studies master’s program at the School of Professional Studies, planned to press the human connection in her visits to lawmakers. “One of the things I realize is that these politicians are

people, too,” she said. “Yeah, they have power, but they have family and friends who would be affected by these policies.” While she will have graduated before any successful lobbying yields results, Lucchese said she was making the case for CUNY funding on behalf of her friends, her cousins and students at other campuses. It’s important to “be gutsy,” she added, and “say what you have to say.”

After a two-and-a-half-hour bus ride, Lucchese joined hundreds of other students in the State’s Legislative Office Building to listen to other



Deborah Glick, chair of the NYS Assembly’s Higher Education Committee

advocates press the importance of their cause. More than 400 CUNY and SUNY students turned out; they would later break into groups that, in total, would meet with around 100 individual lawmakers and their staffs. Holding signs that read “FREEZE TUITION” and “No CUTS TO CUNY,” students joined PSC officers and members in chants led by PSC President Barbara Bowen.

THE TIME IS NOW

“Students, faculty, staff unite, same struggle, same fight,” they cried. “You have power – use that today,” Bowen told the crowd. “Speak to the legislators. Yes, you’ll be informed. And yes, you’ll be rigorous, but you’ll also be strong.”

Deborah Glick, chair of the New York State Assembly’s Higher Education Committee, welcomed the students to the capital.

“Public higher education is the future of the state, and we need to invest in our future,” Glick said, stressing the looming deadline for finalizing the budget. “The rubber’s meeting the road right now.”

President Bowen testifies for funding

By ADELE M. STAN

PSC President Barbara Bowen appealed to state legislators to provide adequate funding for CUNY in testimony delivered to the joint hearing of the New York State Senate Finance Committee and the Assembly Ways and Means Committee in Albany on February 8.

“The debate in Albany should be about whether the governor and the legislature will prioritize quality education for a half-million mostly black and brown, mostly low-income students,” Bowen told lawmakers. At issue, she said, is “a long-term pattern in disinvestment in CUNY, which has grown measurably worse while Governor [Andrew] Cuomo has been in office.”

Among the many funding issues addressed by Bowen, who

was accompanied by PSC First Vice President Mike Fabricant, was a \$485 million cut to CUNY senior college funding put forward in the governor’s executive budget, which Cuomo characterized as a “cost-shift” to the city of New York. The legislature ultimately decides the allocations in the state budget – which is expected to be finalized by April 1 – and Bowen called on legislators to nix the cut to CUNY, which, in his testimony, Chancellor James B. Milliken said could force the closure of some colleges unless New York City government could make up the difference.

“The real question should not be whether the city should be paying more for senior colleges – it shouldn’t – but, rather, why the state is paying less,” Bowen said.

While expressing approval of the \$240 million in the governor’s budget for funding of retroactive raises once CUNY settles its contracts with unions, Bowen noted that the amount falls short of what is needed. She also reiterated the PSC’s opposition to funding CUNY through the constant implementation of tuition hikes.

In March 2 hearings on Mayor Bill de Blasio’s executive budget, Bowen offered testimony before the City Council’s Higher Education Committee, calling on the council to make increased investment in CUNY a priority in the city’s advocacy on the state budget. Even if the issue of the governor’s proposed “cost-shift” is resolved, she said, the city must call for a final budget that includes increased investment and funding for the PSC contract.

Drastic cut proposed



CUNY students rode a bus to Albany to lobby state lawmakers as part of Higher Education Action Day on February 25.

Public action demanded of trustees

By ADELE M. STAN

In a darkened auditorium at the New York City College of Technology, PSC members and allies addressed CUNY Chancellor James B. Milliken and the Board of Trustees, calling on officials to wage a public campaign for state funding of the university system. The February 16 forum at the Brooklyn campus was one in a series of public hearings conducted by the board in each of the city's boroughs.

Milliken, in his opening remarks, made it clear that he was feeling the pressure applied by the PSC, students and New York community groups to make a concerted effort to secure adequate funding from the state. Governor Andrew Cuomo's executive budget, released on January 13, cuts \$485 million from the state allocation for CUNY, even as it offers \$240 million for the settlement of back pay due CUNY employees, who have not seen a raise in more than six years. (CUNY's contract with the PSC expired in 2010; contracts with DC 37 locals expired in 2009.) At present, the state legislature is hammering out a final budget, and PSC officers, members and allies are calling on lawmakers to ensure that CUNY receives the funding it needs (see page 3, "Students and PSC press lawmakers").

"A strong CUNY is vital to the future of the state and those New Yorkers who need opportunity the most," Milliken said. "To serve them and the state well it's essential that the investment in CUNY be stable, secure and adequate, and that, in my mind, is the discussion we should be having today." He noted that the majority of CUNY's 500,000 students are people of color, half of them from

Members and allies pressure chancellor



All photos on pages 4 and 5: Lindsey Beyersstein

low-income families. He also called on the state to do its part. But PSC President Barbara Bowen is not convinced, given the chancellor's apparent reluctance to join with the PSC in raising public awareness of disinvestment in CUNY funding by the state. When adjusted for inflation, funding is down 17 percent per full-time equivalent (FTE) student since 2008.

CONTRACT A PRIORITY?

As he has in the past, Milliken named the settlement of CUNY's contract with the PSC – now in mediation after CUNY declared an impasse in negotiations (see page 5) – as his highest priority, along with the settlement of contracts with other CUNY employees.

"We have heard over and over and over that the contract is your priority," she said, during the public-comment session that followed Milliken's remarks. "If it is a priority then why do we not see an all-out public campaign?"

"There is no question that some board members and managers are working hard to secure necessary funding for CUNY," said PSC First Vice President Mike Fabricant during the public comment portion of the program. "Although that is necessary, it is simply not sufficient."

'STEP IT UP!'

As she held a graph showing the trendline of the state's disinvestment in CUNY, PSC Treasurer Sharon Persinger called on Board members to increase their efforts to

secure state funding.

"Step it up," she said. "You have a state legislator, you have a state senator. Have you called that person? Have you written a letter? This university is your responsibility; that's what the manual for general policy of the board says – that you are responsible to see that the university is adequately funded."

Persinger, who earned her doctorate at the Graduate Center, noted that, for her, the battle for CUNY's future is personal.

'PUBLIC RELATIONS FANTASY'

As others did during the course of the hearing, Fabricant made note of CUNY's MTA advertising campaign, widely posted in the subways, in which the university is touted as a great value (accomplished faculty and comparatively low tuition), while individual star students and boutique programs are promoted.

"This combination of willful denial and PR fantasy about the state of the university ... undermines any effective public defense of the university," Fabricant said.

In his opening statement, Milliken appeared to be speaking of PSC President Barbara Bowen when he said, "There are some who wish I would not talk about [CUNY as the] best value" among the region's universities. Bowen has been critical of the marketing strategy in both written statements and at union events, saying that the "value" represented by CUNY comes on the backs of its

faculty, staff and students. Focusing only on consumer value, Bowen has said, subtly undermines CUNY's "intellectual ambitiousness."

"I think that recognition is not a statement about cost, it's a recognition of CUNY's high quality at a reasonable price," the chancellor said. "And our faculty are, of course, responsible for that outstanding quality."

PUBLIC ADVOCATE WEIGHS IN

Representing New York City Public Advocate Letitia James, Legislative Counsel Jason Fuhrman read a statement that expressed alarm at the governor's proposal to cut nearly a half-billion dollars in state funding for CUNY. And while he acknowledged the \$240 million the executive budget included for back pay in contract settlements with CUNY employees, what is really needed is an additional \$100 million in order to make a fair settlement on that score, he said. "The real cost of wage equity is \$350 million, and that's what we should be paying," he said. Speaking for James, he added, "I am extremely troubled by the long-term disinvestment CUNY has experienced over the last eight years."

PSC Secretary Nivedita Majumdar highlighted the difficulties posed by CUNY's low wages, when compared with the institutions of higher education with which it competes for talent, and how low pay affects the lives of faculty members and the students they serve. She told of a faculty member who took a roommate in her studio apartment in order to make her rent, and noted the crumbling buildings in which many teach.

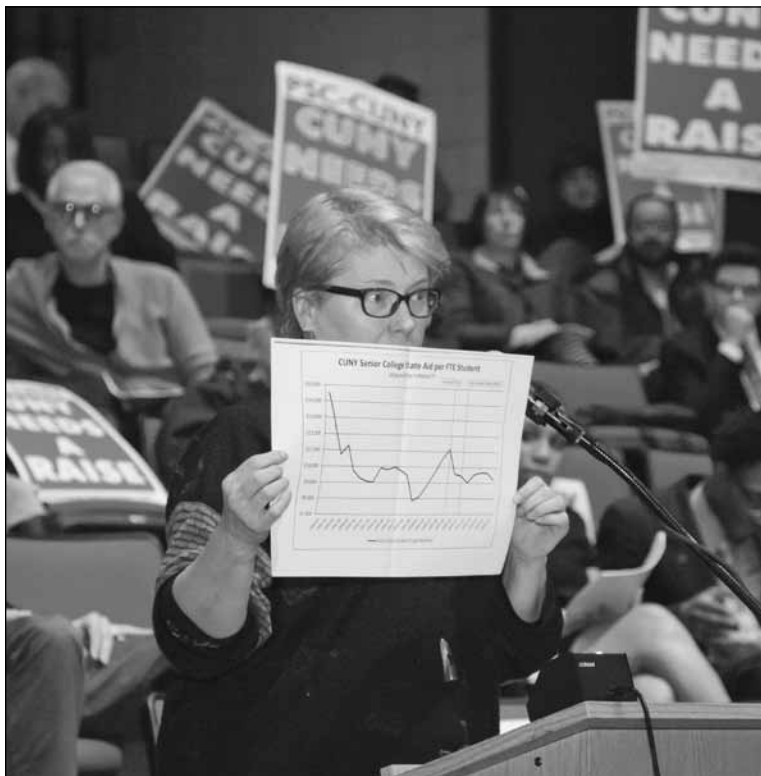
"How are we as educators supposed to provide [students] with the education that is their one shot to a better life when we are struggling with uncompetitive salaries and debilitating work conditions?" she asked.

FIRST IN HIS FAMILY

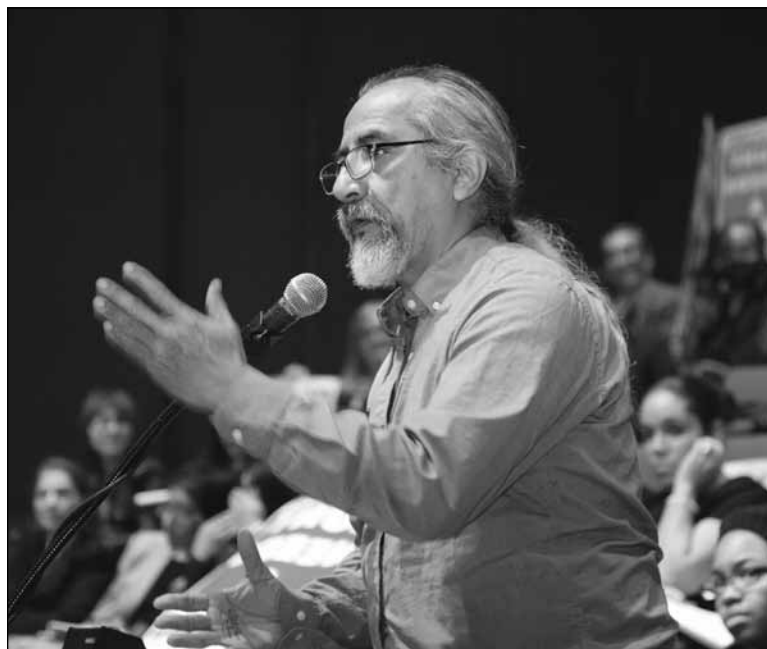
Eddie Tavares, a sociology student at Brooklyn College, is the first in his family to attend college. As a student in the SEEK (Search for Education, Elevation and Knowledge) program, Tavares told board members that he saw the state's disinvestment as a threat to the program, which provides students from low-income families with college preparation they may not have received in high school. He added that he saw the inadequate level of state funding as evidence of the widening gap of income and opportunity inequality.

"It is why, more than ever, we need to secure the future of these programs, reinvest – not divest – in public colleges and fairly compensate not just deans and presidents but also our talented professors and college staff," said Tavares. Public education and programs such as SEEK "help balance the scales."

George Emilio Sanchez, chair of the PSC chapter at the College of Staten Island, made an impas-



PSC Treasurer Sharon Persinger presents a graph showing a trendline in the state's disinvestment in CUNY.



George Emilio Sanchez, CSI chapter chair, invites board members to spend a day with him at his college.

sioned plea to Milliken and board members. “Please, I would do anything to have any one of you sitting in front of me, just come with me,” he said. “I invite you to come to my college; spend a day with me. I want you to come to my classroom and see where these students study. They get an unbelievable education. Why? Because of the people who are in the classrooms with them. ... [W]e – you and I – all believe in the same thing. We believe in the endeavor of public education. But evidently the state doesn’t, and the city is questionable. We need to work together. How can we do this together? I’ve asked you before, Chancellor Milliken: Let’s go together. Let’s get the college presidents and let’s get the union [to appeal to Albany] together. Because we’re getting hammered by the state, and no one’s winning here.”

‘BE BOLD’

Iris DeLutro, a higher education officer (HEO) at the Murphy Institute and the PSC’s vice president for cross-campus chapters, described herself as a product of the CUNY system, having obtained both her graduate and undergraduate degrees at Queens College. Now entering her 32nd year of employment at CUNY, DeLutro spoke of the changes she’s seen because of dwindling budgets. In some offices that were once staffed by five HEOs, the number is down to three or fewer “because people retire and they’re not replaced.” She urged the board to wage a “very public campaign” for adequate funding from the state. Along the same lines, Lizette Colón, chair of the PSC chapter at Hostos Community College, implored the chancellor and board members to prevail especially on Governor Cuomo, noting that the state posted a surplus in the current fiscal year. “Be bold, be courageous and don’t impose a tuition increase for our students,” Colón said. “Stop the CUNY disinvestment.”

STUDENT ALLIES

Hercules Reid, Student Government president of City Tech, where he studies architecture and technology, also appealed to the chancellor and the board not to raise

tuition yet another year, as CUNY proposed in its budget request, noting that 97 percent of City Tech students work for pay – the highest percentage of any of the CUNY colleges, he said. Following the lead of the University Student Senate, the City Tech Student Government passed a resolution that paired the call for a tuition freeze with one for a fair settlement of the PSC contract, and circulated a petition that garnered “hundreds of signatures,” Reid said. “We found that the students are vastly opposed to the increased tuition, but are also supportive of insuring a fair contract for our faculty and staff and of reforming the state’s TAP (tuition assistance program) to meet the needs of the changing student demographic at CUNY.”

Speaking for college laboratory technicians (CLTs), PSC Chapter Chair Albert Sherman reminded the board of the toll taken on his colleagues by management’s failure to make an adequate economic offer to the union. “There are CLTs throughout CUNY who cannot even pay their rent on the salaries that they are making,” Sherman said. “I’m not even talking about

Contract mediation begins

By CLARION STAFF

Bargaining teams for the PSC and CUNY management met on March 8, marking the resumption of contract negotiations, this time in the presence of a mediator appointed by the New York State Public Employment Relations Board (PERB). The PSC agreed to enter mediation as part of its ongoing multifaceted attempt to reach an agreement with CUNY management, which declared an impasse in negotiations with the PSC – despite making only a single economic offer in the six years since the PSC contract expired, and management’s refusal to respond to the union’s counterproposal to that economic offer.

The mediation proceedings are governed by the New York State Public Employees Fair Employ-

ment Act, known as the Taylor Law. On January 29, 2016, PERB appointed Kim Moore-Ward, regional director of PERB’s Brooklyn office and a PERB administrative law judge, to mediate contract talks between the two parties.

If mediation does not resolve the collective negotiations, PERB may then appoint a fact-finding board, which has the power to make public recommendations for the resolution of the contract.

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THE CUNY TEAM

Adjunct and PSC member Marcia Newfield took a direct approach, reminding Milliken that they had chatted during a PSC picket in

Impasse resolution process underway

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2015: “When the students understand that a lot of the people that teach them are really poor because they’re teaching three or four courses and make \$26,000 – when the students learn that they get very upset. And in some ways it feels like a devaluation of education. And I mentioned that to you when we did our little walk together and you said you knew, you understood and that it’s as if we’re all helpless together in this. Well, are we? That’s the question.”

She noted her own history, pursuing her education during the civil rights movement. “Somehow we need to mobilize the city to say CUNY is our team,” she said. Investment in public education is critical to a fair and robust democracy, she argued.

“[Do] we want a public that doesn’t know anything and votes for what? Votes for people who insult other people, votes for people who want to perpetuate prejudice and racism? Is that what we want? That’s what we’ll get if we keep going on this path.”

lic, nonbinding recommendations for the resolution of the contract.

FACT-FINDING

After the fact-finding board makes its report – which can take as long as a year – if the impasse continues, PERB has the authority to take steps it deems appropriate to resolve the dispute. These may include additional recommendations to those made in the fact-finding report, or providing voluntary arbitration for the parties. In the unlikely event that deliberations reach the stage of fact-finding and either CUNY or the PSC does not accept the recommendations of the fact-finding board, its report would be submitted to the CUNY Board of Trustees, which may take further action to reach an agreement.

‘CUNY Rising’ gets loud

A coalition of community groups, religious leaders, student organizations and labor unions gathered on March 10 outside Governor Andrew Cuomo’s Midtown offices to demand full investment in the colleges of the City University of New York. Beginning with a rally that commenced as this issue of *Clarion* went to press, members of the coalition called CUNY Rising planned to march to the Community Church of New York for a meeting at which next steps would be determined.

CUOMO, FUND CUNY!

Under the Cuomo administration, said PSC First Vice President Mike Fabricant, state disinvestment in CUNY has become markedly worse. (In his most recent executive budget, the governor proposed a cut of \$485 million to the budget for CUNY senior colleges.) “For CUNY’s half-million students – the majority of them from communities of color, and many from low-income families – the governor’s attack on CUNY is an attack on them,” Fabricant said.

The CUNY Rising coalition includes a roster of 24 affiliated organizations, including the PSC, CUNY University Student Senate, NYPIRG, the Alliance for Quality Education, Make the Road New York, the Greater New York Labor-Religion Coalition, New York Communities for Change, the Federation of Protestant Welfare Agencies, the Hispanic Federation, District Council 37 of the American Federation of State, County and Municipal Employees (AFSCME) and many others. “In this coalition, we find the representatives of all the people who really make New York work,” Fabricant said. “The governor must answer to them.”



(right) Amanda Marmol, student government secretary at City Tech, listens to faculty, staff and students deliver testimony.

Students rally against tuition hike, support PSC

By ARI PAUL

A nascent but militant group of John Jay College of Criminal Justice students is linking demands for a tuition freeze and a revamping of the campus curriculum to the PSC's struggle for a new contract. And the administration is taking notice.

At a lunchtime rally in the college's main atrium on February 4, students from the Social Justice Project (SJP) and PSC members said that their nonviolent, nondisruptive rally was met with intensified security at the 59th Street entrance; at one point a security guard attempted to bar a BuzzFeed reporter from witnessing the events.

UNITING STUDENTS AND FACULTY

SJP activist and John Jay junior Naomi Haber said that the campaign against the \$300-per-year increase in tuition – in force over the past five years, and proposed again for 2016-17 – was directly tied to the injustice of CUNY's denying the faculty a fair collective bargaining agreement for six years. "Most of the students are working at least one job," she said, adding that this put the same kind of strain on students as low-paid adjuncts who have to "juggle several jobs at once, leaving them tired and not being able to give your all when you're in the classroom."

Activists connect fair pay to fair fees

"This is really an extraordinary moment in which students have come together to join the tuition issues and the costs of attending this university with the lack of a contract for faculty for the last six years," said PSC First Vice President Mike Fabricant in a February 5 interview. "Students and faculty are beginning to understand that their fates are joined to the policies of state disinvestment and that our work is to force the state to change course."

Activists in both the SJP and the PSC noted that it is easy for management to pit students against faculty, especially when administrators claim a need for tuition hikes in order to settle the PSC contract – but during the rally they noted that their struggle came from the same place: state divestment in the CUNY system.

In a performance piece during the rally, an undergraduate portrayed an adjunct who, in order to continue teaching, made personal sacrifices, taking on second and third jobs. Like their colleagues in the full-time faculty, as well as staff who are higher education officers, college laboratory technicians and all other CUNY employees, adjuncts have not seen a

raise in six years, even as the cost of living has increased. PSC activists noted that in the same fashion, the incremental tuition increases in the so-called "rational tuition plan," enacted in 2011 as part of the SUNY 2020 legislation, are an attack on CUNY's working-class student body.

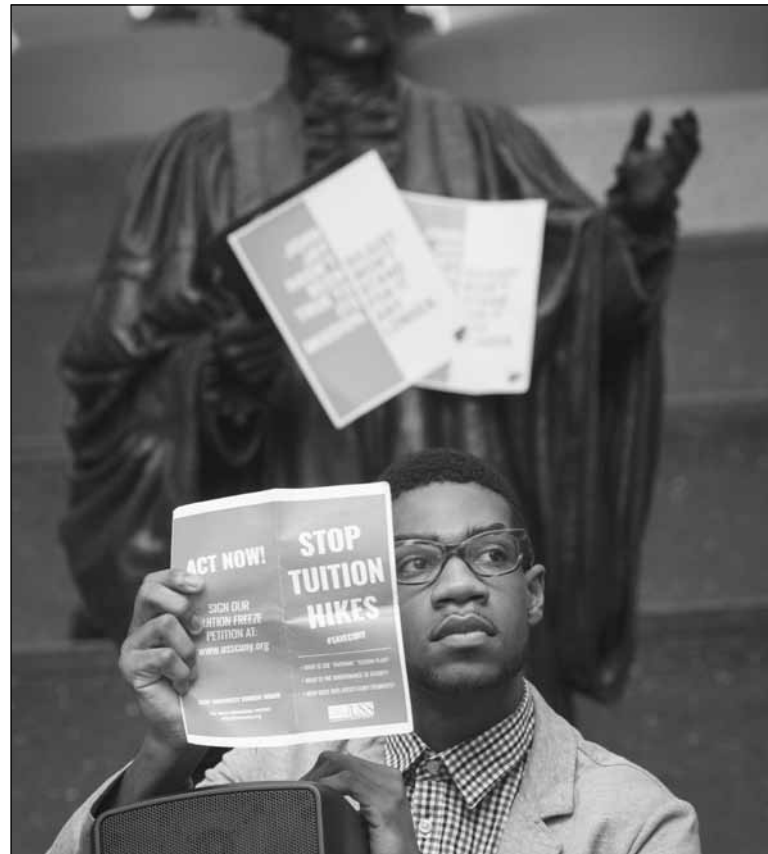
Having exhausted the program of tuition increases included in the 2011 law, CUNY has asked for a one-year extension of the escalation scheme at senior colleges.

"The vast majority of our students are either working part-time or full-time. Money that they earn is not extra money; that's money that they are living on," said Gerald Markowitz, a distinguished professor of history at John Jay and the CUNY Graduate Center. "These are students who frequently are paying their own tuition, so any tuition increase is a burden to them."

Another year of tuition increases is possible.

BROADER STRUGGLES

SJP has also called on the John Jay administrators to take a more active role in addressing issues of justice in the city beyond the realm of how criminal cases are handled to examine structural issues of social injustice, such as over-policing. SJP leaders



Dave Sanders

also want to change the name of the school to the Frederick Douglass College of Justice, noting that John Jay, one of the nation's founders and an

anti-slavery advocate was nonetheless a slaveholder. "It's more than just a name; it's a change in culture," said John Jay senior Ayesha Hakim.

Students, faculty march on Brooklyn College

By ARI PAUL

As dozens of students and PSC members marched through the cafeteria in Boylan Hall at Brooklyn College on March 1, the message echoing off the walls was clear: "No!" to tuition increases, and "Yes!" to a new, just contract for faculty and staff.

"We find that when we speak to students, it's very clear there are shared budget struggles," said PSC Chapter Chair James Davis, a professor of English and department chair.

AUSTERITY POLITICS

With the PSC openly discussing a strike authorization vote, chapters are reaching out to students to build student solidarity, mainly on grounds that the lack of pay increases for faculty and other CUNY employees is intertwined with threats to quality education and rising costs borne by students. Both stem from the steady trend of state disinvestment in CUNY, which has continued under the administration of Governor Andrew Cuomo.

In his most recent executive budget, Cuomo cut \$485 million from the state's allocation to CUNY for senior college funding, calling for the cost to be shifted onto the city. The budget is set to be finalized by April 1, if not before, and the PSC and its allies are prevailing upon legislators to increase – not

Tuition freeze and fair contract lead demands



Students and PSC members at Brooklyn College marched to demand an end to tuition hikes and a fair PSC-CUNY contract.

decrease – the state's funding of CUNY, which has declined 17 percent in real dollars per full-time-equivalent student at CUNY's senior colleges since 2008. Linked to the reduced state allocation is a set-aside of \$240 million for back pay once contracts are settled – the PSC contract expired in 2010; others in 2009 – that is still not enough to cover the six years of missed raises endured by all CUNY employees.

"It's self-imposed austerity politics" by the governor, explained so-

ciologist Alex Vitale, the PSC vice president for senior colleges. "He is a neoliberal, austerity politician. His campaign was backed by hedge funds. He's doing their bidding."

But in that problem, Vitale saw leverage. Politically, Cuomo paints himself as both a fiscal conservative and social progressive whose power rests in the ability to properly manage the state government. Further, almost the entirety of his political support comes from downstate.

Faculty and staff taking action against Cuomo's austerity plan CUNY-wide would sully his image as an effective manager,

'[Cuomo] is a neoliberal, austerity politician.'

Vitale says, as well as stir up discontent against him downstate where he needs to maintain support. And pitting himself against the city's public college system ruins any message that says

he's a socially conscious progressive. While student turnout for the march suggested a good start to-

ward forming alliances, members realize that building solidarity with students is a difficult task. As their classmates participated in the action, many others simply took photos of it with their phones.

Davis noted that in the PSC's outreach to students, it is critical to explain how labor conditions for faculty and staff affect learning conditions. For example, he said, the lack of a contract settlement combined with the general cuts have made it hard for the entire CUNY system to attract and retain top academic talent.

"We're losing good people, and not getting them in the first place," he said.

"We need more support, we need to go into the classes," said Zee Diallo, a second-year student majoring in television and radio, who participated in the march. "We need 30,000 people."

'KEEP ORGANIZING'

Davis said it was imperative to keep organizing as the state goes through its budget planning process, which he admitted was deeply affected by the constant fighting between Governor Cuomo and New York City Mayor Bill de Blasio.

"We're refusing to be pawns in a chess game," Davis said, before adding that chess was more sophisticated than the current fight between the executives of city and state. "It's a petty, schoolyard squabble."

MAJORITY DECISION ON ANTI-UNION CASE UNLIKELY

Scalia's death may change *Friedrichs* outcome

By MOSHE Z. MARVIT
Working In These Times

Conservatives had a great plan in motion to decimate unions. If Justice Antonin Scalia hadn't died in his sleep, they almost certainly would have pulled it off.

First, they got the Court to rule their way in 2014's *Harris v. Quinn*, which targeted home health-care unions. Like "right to work" laws, the case sought to gut unions' funding and diminish solidarity by saying that union members can't be required to pay dues. The Court agreed, holding that the First Amendment does not allow the collection of "fair share" fees from home health-care workers employed by organizations funded by the state. The decision, written by Justice Samuel Alito and signed by the Court's four other conservatives, also not-so-subtly invited further attacks on the funding and membership of unions.

SCALIA A CRITICAL VOTE

Next came *Friedrichs v. California Teachers Association*, which sought to expand *Harris* to impose a "right-to-work" scheme on all public-sector employees. The conservative Center for Individual Rights (CIR) rushed *Friedrichs* to the Supreme Court by essentially conceding at every lower court that under current law, it should lose. *Friedrichs* could only win if the Supreme Court overturned 39 years of precedent that dates back to the 1977 *Abood v. Detroit Board of Education* decision.

When the Court accepted *Friedrichs*, there was some hope that Justice Scalia might provide the critical vote to save public-sector unions. This was not because Scalia had any great love for labor – he did not – but because he understood the basic economic theory of free-riders: Just like any other enterprise, it can be difficult for a union to get its members to pay dues when they can get all the benefits of the contract for free. Scalia had said as much in a 1991 concurrence-dissent, and many were hoping that he would exercise consistency with *Friedrichs*.

However, the oral arguments on *Friedrichs* in January destroyed any such illusions. Justice Scalia, never coy about his beliefs, made it clear that he now believed that fair share fees should be eliminated. Though it's often difficult to divine the Court's final decision from oral arguments, it seemed plain after the *Friedrichs* arguments that labor would lose.

PLAN OF ATTACK

Accordingly, labor was scrambling to figure out how best to run a union in a post-*Friedrichs* world. Meanwhile, conservatives already had a plan in the works to expand what they saw as a certain win.

Last month, in a little-noticed case called *D'Agostino v. Baker*, the National Right to Work Legal Defense Foundation lost at the First Circuit in its attempt to argue that the First Amendment does not allow exclusive representation of home health-care workers. This case sought to expand the *Harris* holding by arguing that the First Amendment



Drew Angerer/Getty Images

Outside the Supreme Court, the flag flies at half-staff to honor the passing of Justice Antonin Scalia on February 13, 2016.

prohibits home health-care unions not only from collecting fees from workers who don't want to pay, but also from bargaining on behalf of any worker who doesn't opt to be a member.

Former Supreme Court Justice David Souter wrote the decision for the First Circuit in *D'Agostino*, relying heavily on *Abood* and its progeny. If history is any indication, National Right to Work was planning on appealing this case to the Supreme Court. The case provided a glimpse of what the likely post-*Friedrichs* plan of attack would have been: After you win on the dues front, go after membership.

POSSIBLE OUTCOMES

In addition, other cases, such as *Bain v. CTA*, that attacked the membership rights of unions but had been thrown out by lower courts, were likely to reappear.

However, on Presidents' Day weekend it was reported that Justice Scalia had been found dead. With his absence from the Court, conservative plans to attack union dues and membership through Supreme Court challenges may have dissolved for now.

If President Barack Obama can get a new justice confirmed by a Republican-controlled Senate and that justice is permitted to take part in *Friedrichs*, then the case will likely be decided 5-4 in favor of labor. If Republican leaders make good on their vow to thwart any nomination by Obama, or the new justice does not take part in *Friedrichs* – either because the Court decides not to set it for rehearing or the justice must recuse herself – then all indications are that the case will be decided 4-4. In the event of such a tie, the lower court ruling is upheld – in this instance, the 9th Circuit's dismissal of the case.

When the Supreme Court ties 4-4, no precedent is set. Anyone in labor worried about that outcome in *Friedrichs* can rest

a bit easier, remembering that no precedent is needed here. *Abood* created the precedent in 1977, and *Friedrichs* was a shameless ideological ploy to overturn that longstanding precedent. In *Friedrichs*, the CIR did not present the Supreme Court with the typical grounds for review: either a "circuit split," where lower courts issued conflicting decisions, or proof that circumstances had changed so significantly since *Abood* that the Supreme Court needed to reconsider its ruling. (Justice Stephen Breyer pointed to the absurdity of the Court overruling good case law for no good reason when he asked in oral arguments whether the Court should also revisit its landmark 1803 decision in *Marbury v. Madison*, which helped set the very terms of judicial review.)

Therefore, unlike other cases on the Court's docket, if *Friedrichs* goes away quietly, it will stay gone until there is another conservative majority.

OTHER ANTI-LABOR CASES

Without a *Friedrichs* decision that bans fair share fees, it is unlikely the Supreme Court would accept *D'Agostino*, and even less likely that it would decide against labor in such a case. Other cases attacking the membership rules of unions on specious constitutional grounds are similarly unlikely to make it to the Supreme Court. With Justice Scalia's unexpected death, conservatives will have to go back to attacking labor the old-fashioned way: at the state and federal legislatures.

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Moshe Z. Marvit is an attorney and fellow with The Century Foundation and the co-author (with Richard Kahlenberg) of the book *Why Labor Organizing Should Be a Civil Right*.

Conservative legal strategy thwarted

HIGHER ED IN BRIEF

Anti-union trustee resigns

Peter Pantaleo, who served more than seven years on the CUNY Board of Trustees, resigned this February after waiting months for Governor Andrew Cuomo to nominate his successor. His term expired in June of last year.

"I tried to follow the tradition of staying on the board until the governor appoints somebody," Pantaleo told Conor Skelding of Politico New York. "The press of my law practice was such that I really could not do that any longer."

Pantaleo is general counsel for the American division of the management-side employment law firm DLA Piper LLP. He has represented major Las Vegas casinos in anti-union efforts, and in May 1998, he co-authored a *Gaming Law Review and Economics* article describing strategies for "lessening the power" of the Hotel Employees and Restaurant Employees Union, according to a March 25, 2013, blog post on the website of the PSC chapter at Brooklyn College.

The board consists of 17 members, including the vacant seat left by Pantaleo's resignation. (As of press time, Cuomo had not named a successor.) Currently three members are serving expired terms, including Board Chair Benno Schmidt, whose term expired in 2013.

Academic union may strike in April

Members of the California Faculty Association, who work in the nation's largest university system, plan to strike in mid-April if an agreement with management is not reached. Union members have been demanding a 5 percent pay raise after years of stagnant salaries with raises that have not kept up with inflation. Management is offering a 2 percent increase. In October, a strike authorization vote was approved by more than 94 percent of members who cast ballots. If members walk off their jobs, it would be the largest strike at a four-year university in American history, according to the *Los Angeles Times*.

AFT resolution on 'Adjunct Action Day'

Adjunct activists have hammered out a draft resolution designating April 25 as "Adjunct Action Day." The resolution will be proposed at the AFT Higher Education Conference, which will convene in Las Vegas from April 1-3. The First Friday Committee of the PSC plans to raise awareness around adjunct issues on April 25.

Major collection donated to prison library

The estate of Manning Marable, a Pulitzer Prize-winning historian and a leading African-American intellectual, donated the late academic's book collection to John Jay's Prison-to-College Pipeline, an initiative at the upstate Otisville Correctional Facility. Marable, who died in April 2011, told his family in one of his passing wishes that he wanted his work to be accessible to incarcerated individuals. He has authored 15 books, including *Malcolm X: A Life of Reinvention* and *How Capitalism Underdeveloped Black America*. Marable was the founding director of African American Studies at Columbia University and directed Columbia's Center for Contemporary Black History. Leith Mullings, his widow, is a distinguished professor of anthropology at the Graduate Center.



15-MINUTE ACTIVIST

Write to your NY state reps

Critical decisions on CUNY funding are being made by state politicians right now. Lawmakers are finalizing the state budget, and everything crucial to CUNY – its faculty, staff and students – is being decided.

At stake is a \$485 million cut to CUNY's senior colleges and another year of possible tuition hikes at the senior colleges. Personal letters to your state

senator and state assembly member – or to the legislators who represent the district where you work – drive home the message that investing an appropriate level of funding for CUNY isn't some distant policy issue but something that affects real opportunities for thousands of their constituents.

The budget is being negotiated now. The time to write is right now: tinyurl.com/write-Albany-now.

Professional Staff Congress/CUNY
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ART & ACTIVISM

Clarion | March 2016

A literary event in defense of CUNY

A reading as large as New York

By SHOMIAL AHMAD

Poets, playwrights, and writers of fiction will share their work at an event titled “CUNY Writers Against Austerity,” on Sunday, March 20, in support of the battle for CUNY funding and a fair contract for members of the PSC. The writers, all of whom teach at the university, will take the stage of The Great Hall of The Cooper Union, a historic space for art, politics and activism.

The reading will take place a little more than a week before state lawmakers are expected to finalize the budget, in which Governor Andrew Cuomo has proposed a \$485 million cut to state funding for CUNY's senior colleges. Funding for the PSC contract is also at stake in the state budget. The PSC and allies are calling for a final budget that includes funding for retroactive raises for CUNY employees and support for salary increases in future years.

ALL-STAR LINEUP

“CUNY has an astonishing roster of important writers – we are at a great moment for the teaching of writing at CUNY,” said PSC President Barbara Bowen, professor of English at Queens College. “It is significant that CUNY's writers want to come together and use their voices against austerity for CUNY and the students we teach. The March 20 reading will be a historic gathering, a marathon reading, an event in the great tradition of empowering the imagination as part of creating political change.”

Some 50 writers will read short excerpts from their work. The program includes such celebrated writers as Peter Carey, the two-time-winning Booker Prize novelist; Meena Alexander, acclaimed international poet; Billy Collins, former United States poet laureate; and Grace Schulman, recipient of the 2016 Frost Medal.

THE UNION OF FACULTY AND STAFF AT THE CITY UNIVERSITY OF NEW YORK PRESENTS:

MARCH 20, 2016
SUNDAY 9:00 AM

CUNY WRITERS
AGAINST
AUSTERITY

A READING
IN DEFENSE
OF CUNY

SALAR ABDOH • AMMIEL ALCALAY • MEENA ALEXANDER
ALLISON AMEND • CATHERINE BARNETT • ADAM BERLIN
NICOLE COOLEY • PETER CAREY • AVA CHIN • BILLY COLLINS
DAVID GROFF • KIMIKO HAHN • ANNE HAYS • CHERYL FISH • TOMÁS GALÁN
AMY KARP • BRIAN KATZ • PAMELA LASKIN • BEN LERNER • JAN HELLER LEVI
ANDREW LEVY • DONNA MASINI • JENNIFER MACKENZIE
CATE MARVIN • ALEXANDER LONG • CHARLES RICE-GONZÁLEZ
EMILY RABOTEAU • MARGUERITE MARIA RIVAS • TYLER RIVENBARK
GEORGE EMILIO SANCHEZ • SAÏD SAYRAFIEZADEH
HAROLD SCHECHTER • JASON SCHNEIDERMAN
GRACE SCHULMAN • SARAH SCHULMAN
ROGER SEDARAT • DIANE SIMMONS
JOANNA SIT • TOM SLEIGH • JOHN TALBIRD
DAVID UNGER • MICHELLE VALLADARES
EBEN WOOD • EVAN ZIMROTH

4 PM - 7 PM
THE COOPER UNION, THE GREAT HALL, 7 EAST 7TH STREET, NY, NY
DOORS OPEN AT 3:30 PM

FREE AND OPEN TO ALL | VOLUNTARY CONTRIBUTIONS WILL BENEFIT THE PSC MILITANCY FUND.

PROFESSIONAL STAFF CONGRESS/CUNY | 212-354-1252 | WWW.PSC-CUNY.ORG | CONTACT: ICHENG@PSCMAIL.ORG

Poet Kimiko Hahn, a distinguished professor at Queens College, has taken the lead in organizing the event, where, she says, faculty, staff, and the greater New York City community – CUNY students, their families, their neighbors – will have the opportunity to come together to raise a “collective voice” in support of CUNY and the dedication of union members who make CUNY work.

A ‘COLLECTIVE VOICE’

“We teach the children of small shop owners, police officers, office and factory workers, wait-staff, first generation immigrants, first-generation college [students], and [others],” Hahn, who plans to read a love poem on The Great Hall stage, told *Clarion*. “CUNY professors are the guides of hope for many middle- and working-class families.”

The PSC literary event speaks to a particular moment in a specific place – higher education funding at CUNY – but it also raises concerns about broader trends that have national significance: divestment in public higher education and the sidelining of institutions that give opportunity to those born into low-income and working-class families, and communities of color.

AT THE GREAT HALL

The venue for “CUNY Writers Against Austerity” carries its own significance; the walls of The Great Hall, a historic venue of national importance, reverberate with the voices of some of the nation's foremost advocates for social justice. The lecture hall still in use there today was used by Frederick Douglass and Harriet Beecher Stowe; Abraham Lincoln and Mark Twain delivered addresses from its stage. The National Association for the Advancement of Colored People (NAACP) convened its first public meeting at the site, and, in the early 20th century, Lower East Side workers organized there in some of the US labor movement's most critical struggles.

Following in this tradition, CUNY writers intend to send the message that the university and its students deserve justice in the form of an appropriate level of funding for a great university, and that CUNY's faculty and staff must have a contract, in Bowen's words, that is “worthy of our work.”