

Keep The Fox Away From The Chicken Coop: State College/Universities Require Strong State Oversight, Not “Bargaining Reform”

President’s Report Nicholas C. Yovnelo



After forty years in which the State of New Jersey has successfully negotiated contracts with the Council of New Jersey State College Locals - AFT, representing a unit of faculty, librarians and professionals staff at the nine state colleges and universities (excluding Rutgers, NJIT and UMDNJ), with a second unit of adjunct faculty added in 1997, along comes Governor Christie with a scheme in his Budget proposal to allow eight of these state colleges/universities to negotiate their own contracts. The ninth, Thomas Edison State College, he would turn over to Rutgers University. As a fallback position, the Governor argues that “the individual boards of trustees should gain the right to accept or reject terms proposed by the State for collectively-negotiated contracts that affect college and university employees.” The only rationale he provides is that “the State is not the employer of record; nor does it pay these employees’ salaries.” The implication is that somehow this “Bargaining Reform” will “ultimately drive down tuition costs.” He cites no research or study to support this position.

The 2007 State Commission of Investigation Report exposed grave abuses in the governance of New Jersey’s institutions of higher education, and as a result that gave us P.L. 2009 Chapter 308 whose stated purpose is to “establish effective and efficient State oversight of public higher education.” Governor Christie’s proposal can only be described as reactionary.

If it isn’t broken, don’t try to fix it. The Office of Employee Relations (OER), which reports directly to the Governor, has been responsible for negotiating our Agreements. The state college/university presidents are involved in formulating management’s demands, have representatives that sit at the bargaining table and the institutions’ presidents sign the agreement, which is then administered by OER. For example, it was OER that negotiated a contract re-opener with the Council in 2009 for furloughs (instead of layoffs) and for a one year deferral of the contractual salary increase. But negotiating one statewide agreement does not tie the hands of the college presidents on other matters. Our history has demonstrated that there is plenty of latitude for locally negotiated agreements between college/university presidents and local unions covering items not in the State agreement. Hundreds of them exist at the various campuses.

When disputes arise under the State agreement, grievances are first heard on the local level, where they are often resolved before going to arbitration. When the union appeals a grievance to arbitration, OER engages a Deputy Attorney General, who by all accounts has always been a highly qualified professional, to represent the institution.

The claim that “the State is not the employer of record and that it does not pay these employees’ salaries” is ludicrous. Although employee paychecks are signed by the individual colleges/universities, the faculty, librarians and professional staff are enrolled in the State Health Benefits Program and participate in the State’s Alternate Benefit Plan pension plan. Adjunct faculty have the option of buying into the State Health Benefit Program and already participate in either the Public Employee Retirement System or the Alternate Benefit Plan. Employee salaries and benefits are funded by state appropriations. Unfortunately, the salary appropriations often fall short, but the underfunding problem would be exacerbated if the salary negotiations were left to the individual

Also In This Issue

Talk About Priorities!.....	2
Council Votes To Affiliate With Revamped New Jersey State Federation Of Teachers	3
Recent Pension Reform Law Has No Effect On Adjunct Faculty Pensions	3
Revisiting Workplace Bullying - In Memoriam, In Solidarity	4
Higher Ed Unions’ Press Conference	7
AFT/NEA Higher Education Conference	9
Huge Rally Planned in Trenton May 22.....	10
Long Time Council Staff Member Retires	10
BETTER CHOICES for NEW JERSEY.....	11
Work Here? Live Here? A Bad Idea For New Jersey	12

Keep The Fox Away From The Chicken Coop

(from previous page)

colleges/universities. Why should the State concern itself with funding salaries it had no role in negotiating?

Although the Governor claims that his “bargaining reform” will make higher education more affordable, the evidence points in the opposite direction. The individual boards of trustees already set their own rates for tuition and fees, which are among the highest in the nation. They already sell bonds with minimal state oversight and have run up so much debt that they are among the most leveraged in the nation. They already have the authority to hire an unlimited number of managers and to unilaterally fix their salaries, which has grossly inflated managerial payrolls. For example, while some employees were taking an unpaid furlough day last year, the Kean University Board of Trustees awarded the President of Kean University a \$200,000 retention bonus to be paid over the next five years. Presidential perks in different shapes and sizes are common at other campuses. Some of these boards of trustees and college/university presidents are the same people that the State Commission of Investigation found guilty of gross mismanagement. Should they now be trusted to negotiate collective bargaining agreements worth millions of dollars covering thousands of employees?

There are other dangers in a break-up-the-unit proposal. Sixteen separate labor negotiations where now there are only two is a recipe for administrative chaos. Actually, there would be thirty-two separate labor negotiations because the State also bargains contracts with the CWA for administrative and clerical employees at the state colleges/universities and with IFPTE for service and maintenance employees. Decentralized bargaining and increased autonomy would inevitably result in each institution hiring new layers of management to conduct negotiations and handle arbitrations.

With the State fully equipped to do the job, this would be a disgraceful waste of money.

Varying salaries and benefits at different institutions would inevitably lead to employee turnover and increase the likelihood of labor strife. There has not been a work stoppage at the state colleges/universities for nearly 30 years. But with each board of trustees and college president calling the shots, they will become the target for employee ire and discontent. The State will not be there to take the heat, but eventually the State will have to step in to put out the fire.

Making higher education more affordable is a goal we also share. Over the decades, the State has invested many billions of dollars in New Jersey’s public higher education institutions. Giving the individual institutions more free reign would be a terrible waste of the State’s long term investments. Strengthening the authority of individual boards of trustees at the expense of the State of New Jersey is the wrong way to go. Rather, the Governor’s own Office of Employee Relations and the Council should continue to negotiate agreements that provide stability across the state/university sector and the Governor should immediately implement the terms of S-1609, PL 2009 Chapter 308 in order to improve the structure, financing and fiscal management of public higher education in New Jersey.

The Council and other AFT affiliates in the public higher education sector are committed to the key principles of access, affordability and accountability. We have officially requested that the Governor sit down with us to discuss how best to achieve these goals. Instead of dialogue, we are on the receiving end of a proposal that would both destroy our bargaining unit and drive up costs.

This proposal is not an intelligent way to govern the State of New Jersey. It is time to take a systematic approach to funding and coordinating higher education institutions and build an affordable *world class system of higher education* NJ citizens deserve.

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TALK ABOUT PRIORITIES!

As President Nicholas Yovnelo, other Council leaders and our lobbyist in Trenton Peter Guzzo have been making the rounds with State legislators trying to convince them to restore Governor Christie’s deep cuts in the higher education budget, they have made a startling discovery. Legislators have told them that the state college and university presidents are singing a different tune. Their priority is to convince the legislature to issue bonds for capital expansion. Some might call this an “edifice complex.” While existing buildings require repairs and maintenance, all the presidents can think of is running up more debt by constructing new ones.

First things first. Every effort must be made to forestall layoffs, reduced course offerings and diminished student services. New buildings will not help students graduate

on time and receive quality academic and career counseling, but restoring state money to the operating budgets of our institutions will. New buildings will also not improve the quality of instruction if more and more classes are assigned to overburdened adjunct faculty rather than full time faculty.

The Council has launched a campaign to restore higher education funding for our institutions. Please go the Council web page www.cnjscl.org the moment you finish reading this article. Look for the Political Action heading in the left column With a few clicks you can make your voice heard in Trenton.

The job you save may be your own!

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Council Votes To Affiliate With Revamped New Jersey State Federation Of Teachers

In a dramatic move that will unite 30,000 AFT members in a single organization, your Council delegates voted at the April 16, 2010 Council meeting to affiliate with the New Jersey State Federation of Teachers. With the addition of the Council, the State Fed, as it is called, now comprises K-12 locals, county college locals, Rutgers AAUP/AFT, United Rutgers Administrators and us.

The benefits of this affiliation are manifest:

We already have Chris Aikin, the State Affiliate Political Action Coordinator at our disposal. The new State Fed will create two new positions: communications and research. This will enhance our ability to publicize our issues in the media and to investigate how the State and the individual institutions actually conduct their finances.

The AFT needs to build a strong “brand” in NJ. A unified state federation with communications and research departments will raise our visibility in Trenton and in the public eye. One state federation will also strengthen our political clout by empowering us to speak with a single voice. With public higher education facing budget cuts and public sector unions under attack, there could not be a more opportune time for AFT affiliates in NJ to march under a single banner.

The Council and its locals remain intact and are free to manage their own affairs. There is no change in our Agree-

ments or bargaining rights. On the contrary, should Christie go ahead with his proposal to break up our bargaining unit, a united state federation will assist us in mounting a coordinated political and media campaign to defeat it.

The Council’s annual dues to the NJSFT will be \$ 72 per full time member and \$18 per adjunct member. The Council and AFT National will share this cost for the first four years. In the fifth year Council pays 100%, at which time the locals would be asked to increase their per capita dues to the Council

If the affiliation proves to be unsatisfactory, the Council and its locals may vote to disaffiliate.

The Council is entitled to four Vice-President positions on the NJSFT Executive Council. The Council will enjoy full delegate strength representation from its locals at the biennial NJSFT conventions, where the higher education affiliates constitute a clear majority.

This affiliation is the culmination of a concerted effort by AFT National to build a major AFT organizational and political presence in New Jersey. The Council is confident that the terms of this affiliation serve the interests of our members, our locals, the principle of labor solidarity and our mission to provide affordable quality public higher education to the people of New Jersey. In these trying times, the old adage, *In Unity There Is Strength*, rings truer than ever. — • —

Recent Pension Reform Law Has No Effect On Adjunct Faculty Pensions

The Council believes that the recent Pension Reform legislation signed into law by Governor Christie has no effect on adjunct faculty. Adjunct Faculty covered under the AFT agreement with the state of New Jersey will not have their pensions changed or ending the same as for other newly hired part-time public employees.

Currently adjunct faculty members are covered under one of two different pensions plans – PERS (Public Employees Retirement System) and the ABP (Alternate Benefit Plan). The ABP is a defined contribution plan that offers substantial opportunities for long-term tax-deferred investment. The program allows members to direct their own retirement accounts while offering por-

tability of accumulated contribution balances.

If you were hired in the Fall of 2008 or later, you had no choice to make – you were automatically enrolled in the ABP.

- If you are already in PERS, and you don’t have a break in service before vesting (10 years to achieve this), your pension remains in place even if you only work one semester a year. When you are vested, you are guaranteed a pension depending upon earnings contributions and years of service.
- If you are in the ABP, participation in which the

Council achieved in talks with the state over a year and half ago for all newly hired adjunct faculty – effective September 2008 – your pension remains in place.

- If you were in PERS, and elected to move to the ABP in Fall 2008 when the change was allowed for those in PERS, your pension remains in place.
- Working at multiple institutions should still accrue additional contributions no matter if you are in PERS or ABP.

Revisiting Workplace Bullying - In Memoriam, In Solidarity

On March 9, 2010, Principle Clerk Typist and long time CWA member Janet Majcher collapsed at her desk and never regained consciousness. Janet worked at Richard Stockton College of New Jersey in the School of Natural Sciences and Mathematics (NAMS) office.

Janet was just 54 years old when she died, and by all accounts she was beloved by all who knew her. She was said to have an inquisitive mind about the natural sciences, which led her to work in the NAMS lab. She was a great friend to her colleagues; she was a loving single mom who was very proud of her two children and their accomplishments. She was devoted to the College and a loyal and fierce union member who, according to one colleague, “knew the meaning of solidarity.”

SFT president Tim Haresign said, “Stockton is a close-knit community and the campus unions work in concert to keep it that way. Janet’s death was a great loss to the entire Stockton community — she will not be forgotten”.

Nothing can replace their mother and no doubt Janet’s children’s grief is immeasurable, but her CWA sisters and brothers have established a memorial fund in her honor to help her children cope with some of the unexpected financial burdens they face. If you would like to contribute in the spirit of union solidarity, please contact Debra Davis at the Council office at 908.964.8476 or donate directly by following the instructions in the CWA’s message at the end of this article.

There is more to the Janet Majcher Tragedy — is this a teachable moment?

The circumstances surrounding Janet’s death are both tragic and troubling and raise serious questions for all of us about employee health and the work environment. Why? Research indicates that Janet Majcher’s direct supervisor may have been a bully boss and a bully in the workplace affects everyone. Since 2005, the Council has been conducting workshops on how to deal with a bully boss and ran a *VOICE* article on the subject for members who missed the workshops (December 2005). In that article we characterized the workshop as “as a light-hearted way to deal with a serious workplace problem.” That lighthearted approach is over brothers and sisters. In Janet’s memory we are revisiting bully bosses in the workplace but this time we have no intention of treading lightly on this subject, which researchers now refer to as “a sub-lethal form of workplace violence” (www.workplacebullying.org).

Naming the behavior

Since the 1980s, researchers have been developing an extensive body of knowledge on bullying in the workplace. In those days it was referred to as “mobbing”, based on the way small groups of animals attacked one larger animal. In



Janet Majcher

the work environment, mobbing is ganging up; it is systematic abuse perpetrated by a few individuals towards someone who is unable to defend her/himself. Mobbing in the workplace occurs most often (but not always) among peers of the same status. Workplace bullying, however, is perpetrated by an authority figure — “the boss”, towards a subordinate — the “target”. Unlike the schoolyard bully who uses physical force on a target, workplace bullying is a form of psychological harassment; it is the unrelenting, non-physical mistreatment of a person, usually for long periods of time as opposed to a one time short-term conflict. It manifests as verbal and non-verbal behaviors, humiliation both public and private and it eventually undermines the target’s confidence, job performance, self-esteem, etc. Over time, unending bullying not only affects the target’s psychological integrity, it can jeopardize the target’s physical health as stress-related diseases.

We know all the signs of a bully boss, right?

There are several types of bully bosses. Some bullies rant and rave and make no effort to hide their behavior. These arrogant, contemptuous, controlling micro-managers can make everyone in the workplace miserable, but usually target one person at a time. These types of bullies have earned the title of “serial bullies” in the blogosphere because they quickly move on to another target after destroying the first one.

The stealth bullies are worse than the loud-mouth types. The bloggers call them “closet bullies” because they cleverly disguise their behavior in front of witnesses. These bullies often engage in whisper and email campaigns against their targets and will manipulate other subordinates to join in the scheme, mostly by making them feel privileged and very lucky to be on the ‘inside’. Of course, when targets’ peers are co-opted by closet bullies, the bullying becomes mobbing and *voilà* the closet bullies manage to get others to do the dirty work! They too, will with certainty move on to the next targets (www.antibullyingcrusader.wordpress.com).

Finally, there is the combination of both types of bullies, the “victim bullies”. These types have the propensity to be bullies, but only manifest such behavior after believing that they have been slighted in some way by the soon-to-be target. The target often starts out as a much valued employee until the perceived slight happens. These bullies may rant or rave but only in front of their targets; or they may be more like the closet bullies and wage stealth campaigns against their targets. Either way, targets have no clue as to why their work environment changed and they often torture themselves trying to figure out what happened. Most often they are forced out, either by being fired (because performance suffered under the stress) or they quit.

(Continued on next page)

Not in higher education!

Research shows that bullying in the workplace is nearly always an institutional wide problem because a bully is rarely disciplined or let go for behaving badly. When a bully is allowed to get away with psychologically assaulting subordinates, the pattern is established and soon it becomes part of the work environment. This kind of critique used to be reserved for the corporate world but as in any organizational hierarchy, it can become a deeply entrenched practice in colleges and universities.

Theoretically, academe is the perfect place for a bully boss to operate. Practitioners and academics who study workplace bullying fault the decentralized structure of colleges and universities for allowing bullies to thrive (<http://bulliedacademics.blogspot.com/>). From the academic departments, science labs and libraries to the administrative areas of the registrar, bursar and admissions counseling, bullies operate with impunity because in this decentralized environment, lower and mid-level managers are at the top of the organizational hierarchy much like in a small business. Sometimes it seems as if they operate their schools and divisions as if they control personal fiefdoms because there is usually a huge organizational divide between senior management and lower level management.

Another harsh reality in academia is that many 'managers' — often former academics — are as bosses unsuited to their roles, meaning that while they may be highly credentialed and brilliant in their academic fields, they may never have had the interpersonal skills to be leaders. A European study about leadership styles in universities supports this supposition. It concluded that bullies operate from a "point of weakness...maybe have a rage against themselves that they express towards people they see as being better than they are" or that they are "inept people" when it comes to leading others. (http://www.academicleadership.org/emprical_research/The_Bullying_Boss.shtml). It's food for thought.

Do Bullies Act Alone? Rarely...

Not surprisingly, there is a "communal character of workplace bullying". Not only are there the bullies, the targets and the witnesses, but also there are passive accomplices, which include but are not limited to senior managers, Human Resources staff and the bullies' own peers. Upper management become passive accomplices or abettors by doing nothing to stop bullies — **"thus doing nothing isn't really doing nothing"** (Namie and Lutgen-Sandvik, 2010). Ultimately, upper management's lack of response emboldens the bullies, their behavior escalates and their targets' oppression deepens.

It's worth a mention that in the United States, we tend to blame victims for their fates and the anecdotal material from bully boss bloggers certainly support this claim. Our

self-help gurus ask us to look inside ourselves and ask: why are we giving away our power to so and so... why don't you reclaim your power, and so on. This cultural practice of blaming the victim/target, coupled with the non-actions of passive accomplices provides a source of support for the bullies, not the targets. The power disparity between the bullies and the targets widens; the targets are left defenseless and even more vulnerable than if they had not asked for help in the first place.

Bully behavior is not illegal — but it should be

Workplace bullying is a global phenomenon. In Europe, where there is a strong labor movement, bullying is now considered a public health threat and is illegal after unions went public with the claim that nearly one fifth of all suicides in Germany were tied to workplace bullying (News.scotsman). Not so in the U.S., where workplace bullying is legal. And because it's legal, when Janet's union president Diana Meischker, along with SFT president Tim Haresign, went to senior management to complain about Janet's work environment, they did not have any legal standing to demand an investigation of the NAMS work environment.

Relief in the Workplace — A673

Charlene Martucci, our local president at Thomas Edison State College has done extensive research on workplace bullies and is hopeful that Assembly Bill 673 moves through the legislative process to establish the Healthy Workplace Act. Once enacted, New Jersey finally will have a law that defines an *abusive work environment* as "one in which an employee is subjected to abusive conduct so severe that it causes physical or psychological harm to the employee."

The bill is sponsored by Assemblywoman Linda R. Greenstein (D-14), Assembly Speaker Sheila Y. Oliver (D-34) and Assemblywoman Valerie Vainieri Huttle (D-37). A673 was introduced on January 12, 2010 and is currently pending Technical Review by Legislative Counsel.

Please support A673. Call Linda Greenstein, Sheila Oliver and Valerie Bainieri Huttle to thank them for sponsoring A673. Then call your representatives to ask them to support the bill because even if you have a great work environment, someone else's health and safety may depend on it.

A Legal Disclaimer — Sort of

This article was not meant to be a public accusation of a crime committed on the part of the College or an individual — that would be foolish on our part. Rather, this article is meant to be a wake-up call to all of us — it's meant to say that these complaints do not come from employees who are thin-skinned, too sensitive or whiners.

Mostly, we wanted to offer a tribute to a good woman whose untimely death may help someone else down the road and to remind us that we as union brothers and sisters need to fight hard to make workplace bullying illegal.



Workplace Bullying - In Memoriam, In Solidarity
(From previous page)

On the day Janet died, she and her union representative attended a meeting in HR because Janet claimed that her boss' scathing critique of her job performance was unwarranted; Janet and the union wanted it removed from her file. The HR officer agreed that it should be removed and told Janet's boss to take the letter from her personnel file. Janet's boss refused to remove the letter — even after being ordered to do so from a member of upper management. As of this writing, we do not know what actions, if any, the College has taken to make sure that NAMS will be a safer and healthier work environment for the remaining lab staff.

In the days after Janet's death, the College's Affirmative Action Officer interviewed NAMS staff to find out what details they could provide about Janet's work environment. Unfortunately, Janet never had her chance to be heard, and now, her voice is stilled. So it is left up to us as union brothers and sisters to honor her memory by *raising our voices loud* whenever we witness abusive behavior in the workplace. We owe it to ourselves and we owe it to Janet Majcher.

The key to changing a bully's behavior is to change the environment

"The NAMS lab became really hellish for Janet around Oct. 2009. And from that point, it escalated. We talked a lot about the treatment she had to endure, that it wasn't fair, it was mean spirited and she couldn't on her own, get it to stop. Janet and I had a long walk around the lake on the day of her passing, and all I keep thinking about is how she didn't want to go back in the office because she didn't want to see her boss. She told me that it felt like the insides of her body were shaking. I wish I could have done more for her..." J.C.

Diana Meischker
President CWA 1031
Stockton Branch
Janet Majchers' Family:

Martin and Jennifer Majcher are making some future plans. Martin will be continuing his work as an architect in Princeton. At the end of the school year Jennifer will be moving to Florida to live with her aunt. Presently she re-

sides with a neighbor during the week and Martin returns home for the weekends.

Anyone interested in making a donation toward Jennifer's future education can do so by sending a check made out to CWA 1031 Stockton Branch and forward it to Linda Shea, our CWA Stockton Treasurer or make a cash contribution to Dawn Ireland in the Mailroom.

Linda will be sending one check to the T/D Bank trust account set up for Jennifer. These are two wonderful young adults who will surely continue to make their mother Janet Majcher very proud. We extend our appreciation for your support and love.

Respectfully, Members of CWA Local 1031

References and Resource websites:

- Minding The Workplace, The New Workplace Institute Blog, hosted by David Yamada, Professor of Law - <http://newworkplace.wordpress.com/2009/10/12/dump-the-bully-boss/>
- Workplace Bullying Institute: <http://www.workplacebullying.org/faq.html>
- "million workers a day fall victim to bully bosses", in <http://news.scotsman.com/world/Suicides-soar-as-15-million.6004718.jp>
- AcademicLeadership http://www.academicleadership.org/emprical_research/The_Bullying_Boss.shtml
- "Challenging Workplace Bullying in the USA: A Communication and Activist Perspective," in *Workplace Bullying: Development in Theory, Research and Practice*, 2nd Edition. London: Taylor & Harris, 2009, in press.
- Namie, Gary and Pamela Lutgen-Sandvik, "Active and Passive Accomplices: The Communal Character of Workplace Bullying," in *International Journal of Communication* 4 (2010), 343-373.



MEMBER ASSISTANCE SERVICE AVAILABLE

If you need assistance with stress, mental health problems or substance abuse that is affecting your job performance—or if anyone in your family is experiencing similar problems—help is available from Healthcare Assistance with Member Support (HCAMS). **This is a free service available to the**

entire bargaining unit—and yet another good reason to join the UNION.

For more information on this service, please visit the Council's web site at www.cnjscl.org

Press Conference March 3, 2010 - Higher Ed Faculty & Staff Call for Higher Education Master Plan & More

On March 3, 2010, representatives from the Council, NJSFT, Rutgers AAUP/AFT and NJ AAUP held a press conference at the State House to highlight critical issues facing higher education in New Jersey and encourage Governor Christie to include higher education unions in his policy making process. Council President Nicholas Yovnello delivered opening and closing remarks, the AAUP's Dr. Judith Johnson of Rider University spoke about accessibility to higher education and Dr. Patrice Mareschal of Rutgers-Camden addressed the issue of affordability for students.

Members of the press included reporters from several NJ newspapers, radio stations and the New Jersey News Network, which aired highlights of the press conference on the evening news.

Council President Nicholas Yovnello opened the conference with a brief statement about the need for the new Governor to work with us — the 30,000 higher education faculty and other academic professionals in New Jersey's private and public institutions of higher education. "It's not a secret that the public employee unions did not support Chris Christie for governor last November", said Yovnello. However, soon after Christie won the election, the Council, Rutgers AAUP/AFT and NJ AAUP reached out to him and his new administration with offers to work in a cooperative manner on the issues of access, affordability and accountability within New Jersey's system of higher education. Unfortunately, the governor did not respond to our overture.

Yovnello highlighted what Governor Christie did do. He assembled a Transition Team Education Subcommittee that did not include any faculty or staff members from any unit represented by the Council or our sister unions. Instead, the subcommittee consisted of twenty-two members that included



Dr. Susan Cole, Chair of the subcommittee and President of Montclair State University; one Dean — also from Montclair, a few school principals and school superintendents, chief operating officers and one teacher from the K-12 sector. As a result, the Governor deprived himself of the ideas and suggestions from the vast majority of those who have a direct role and stake in the state's higher education system.

Yovnello drove home his point by saying that the 410,000 students enrolled in NJ's public and private colleges and universities in 2009 did not decide where to study based on who is the president, dean or chief operating officer of an institution. He said that "students choose a college or university based on the quality of academic offerings, excellent faculty and professional staff, reliable student services and of course reasonable tuitions. Our members are the reason students chose higher education in NJ. It's about quality faculty and outstanding academic professionals — not senior adminis-



Dr. Judith Johnson on access

trators who are too far removed from day-to-day contact with our students." Yovnello summed up by urging that "the Governor should not ignore those of us who have a direct role and stake in the state's higher education system."

Dr. Judith Johnson from Rider University spoke about access to higher education. She emphasized that access to higher education is a public good deserving public funding." She maintained that instead of fixing a broken funding model, the State is demanding that we do more with less. She criticized college presidents for increasing class size and squandering funds by unnecessary building projects. Johnson gave voice to what most academic professionals have been saying for years: "We need more professors, more counselors, and more tutors, not fewer. Buildings do not educate students. Dedicated instructors and professional staff give students access to higher education."

Dr. Johnson then turned over the podium to Dr. Patrice Mareschal from Rutgers Camden campus who discussed affordability. Mareschal presented a dismal picture of higher education in New Jersey. She cited a litany of the state's funding failures ranging from New Jersey's dubious distinction of placing 33rd nationwide in per capita investment in higher education to the embarrassing fact that for every \$1,000 in personal income, the state invests about \$5 of it in higher education, leaving New Jersey in 43rd place nationwide. Mareschal pointed out that funding for higher education has shifted from the State to students under both Republican and Democratic administrations. Mareschal concluded her remarks by linking accessibility and affordability in higher education to transparency and oversight in formulating and administering higher education policies. "Without transparency and oversight", she commented, "New Jersey's students, their families and taxpayers will continue to see spiraling college costs

Higher Ed. Press Conference (from previous page)



Dr. Patrice Mareschal on affordability

resulting in limited access to higher education in New Jersey”.

Nick Yovnello resumed speaking to advocate for the development of a higher education master plan, administered by the Commission on Higher Education that would play a vital role in the three areas of access, affordability and accountability. In consultation with faculty and academic professionals — the people who actually deliver academic and student services — the Commission could play a vital role in shaping a coordinated system of higher education that would assure quality by putting students first.

He reminded the press that two days after the Christie Education Transition Team Report was issued, former Governor Corzine signed S-1609 into law as PL 2009, Chapter 308. This bill, which passed with bi-partisan support, implemented many of the recommendations in the October 2007 State Commission of Investigation Report entitled “Vulnerable to Abuse: The Importance of Restoring Accountability, Transparen-

cy and Oversight to Public Higher Education Governance.” Most importantly, the new law creates a much needed cabinet-level position — the Secretary of Higher Education — to be appointed by the Governor with approval of the Senate, to serve as executive director of the Commission on Higher Education.

“Yet,” said Yovnello, “the Transition Team Report recommends eliminating the Commission entirely, along with the new Secretary of Higher Education, thereby giving the individual boards of trustees free reign to build, borrow, create redundant academic programs and raise tuition with virtually no state oversight.” Speaking for all the public higher education unions, Yovnello declared that rather than abolish the Commission, it should be strengthened by empowering it with greater oversight and decision-making authority. The Legislation signed into law was a good start — but it did not go far enough *and as of this writing, it is yet to be implemented.*

Yovnello also addressed the Transition Team’s recommendation to break up the statewide collective bargaining units by requiring local unions to engage in campus-by-campus bargaining with individual boards of trustees. He noted how this proposal contradicted the Governor’s position that the school districts in this state should be consolidated. Yovnello posed the question “How will allowing twelve public institutions of higher education to go their own way do anything to reduce taxes or alleviate pressure on the State budget?” Then he posited a reasonable reply: “It cannot. From the perspective of cost savings, it

is much more efficient for the State and the four unions representing state college/university employees to negotiate four contracts every three or four years with the State, as they have done successfully for nearly 40 years.”

President Yovnello reminded the Governor that our organizations represent a broad constituency of New Jersey’s academic community with a vital stake in improving higher education in our great State. Its concerns should be the public’s concerns, which are improving three critical aspects of higher education in New Jersey — access, ac-



Council President Yovnello on accountability

countability and affordability. “Please remember,” he said, “we too care about our institutions and want them to succeed — but they must be held accountable to the public.”

Before taking questions, Yovnello, on behalf of the Council, Rutgers AAUP/AFT and NJ AAUP, reiterated the higher education leaders’ appeal to Governor Christie: “We are ready and willing to work with you and the legislature to address the key issues of access, affordability and accountability.”

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New Jersey already has an appalling track record on funding public higher education. Governor Christie’s higher education budget proposal will further distance our legislative leaders from their duty to deal with the “real” issue of securing a long term commitment to adequately fund public higher education and provide every NJ high school graduate the opportunity to attend a quality NJ public college or university.

Advancing Higher Education in Unpredictable Times

Higher education union activists who gathered for the annual AFT/NEA Higher Education Conference refused to be discouraged in the face of dire economic conditions. About 650 participants convened in San Jose, Calif., March 26-28, to explore the theme, “Advancing Higher Education in Unpredictable Times.”

The conference began and ended on a note of labor solidarity. One month earlier, the AFT and NEA changed the conference site from San Francisco to San Jose to boycott the Palace Hotel – owned by Starwood Hotels – that is engaging in a take-no-prisoners battle with Unite Here workers to slash their healthcare and workload protections. “Your unions have been unwavering in their commitment to support our struggles,” said Unite Here president Mike Casey in a message to conference-goers.

Near the end of the confab, faculty took the opportunity to tell U.S. Department of Education Under Secretary Martha J. Kanter that President Obama’s and U.S. Secretary of Education Arnold Duncan’s response to the mass firing of teachers in Central Falls, R.I., is “unacceptable.”

Attendees from Council locals included James Castiglione and Cathy Londino (Kean); Deirde Paul and Delores McMorrin, (MSU); Nilofar Mina, Howard Singer, Ivan Steinberg and Rubina Vohra (NJCU); Phil Lewis, Karen Siefring, and Nick Yovnello, (Rowan); Jarod Carter (TESC); and John Krimmel (TCNJ). President Yovnello and Executive Director Steve Young represented the Council.

Discussions over the weekend were framed by the AFT’s release of two reports: one dealing with diversity in higher education; the other with the role of part-time/adjunct faculty. The diversity report offered solid recommendations, according to Derryn Moten, co-chair of the Alabama State University Faculty-Staff Alliance and vice chair of the AFT Higher Education Program and Policy Council. Through use of focused data collection, best union recruitment and retention practices, mentoring programs and the establishment of union diversity committees, the AFT seeks to “allay union leaders’ anxiety about achieving diversity in a time of economic distress.”

Contingent faculty (adjunct faculty to us) are now the subject of a growing body of research, specifically the connection between their contingent status and student and institutional performance. The academic staffing crisis leaves the majority of undergraduate students in classes taught by under-compensated contingent faculty, including part-time/adjunct faculty, non-tenure-track faculty and graduate students. *American Academic: A National Survey of Part-Time/Adjunct Faculty* conducted by the AFT shows that adjunct faculty are satisfied with their teaching, but unhappy with working conditions. “We are a very varied lot,” observed Jennie Smith of the Faculty and Staff Federation of the Community College of Philadelphia. “The survey shows we can’t jump to conclusions about who contingent faculty are” but leaves no doubt that they are overworked and underpaid.

The conference provided a series of workshops and plenary sessions that allowed participants to explore strategies to find solutions to this crisis.

Of additional interest is a bill on part-time (read: “adjunct”) faculty seniority rights that the California Teachers Federation Part-Time Committee is responsible for introducing in the California legislature. Known as AB 1807, it calls for the creation of re-employment preference lists based on date of hire for faculty who have completed 6 semesters or 9 quarters within six academic years with satisfactory evaluations. If enacted into law, this legislation would provide seniority rights to adjunct faculty throughout the California state university system.

Our system of public higher education in New Jersey received favorable mention from an NEA study by Suzanne B. Clery and Barry L. Christopher showing that our faculty members on 10 month contracts received the highest average salaries for the 2008-09 academic year. (California faculty members received the highest pay at public two-year institutions.) Our institutions were also shown to do a much better job nationally in closing the salary gender gap, due to the step and range salary structure in our Agreements.



Rowan AFT Pres. Karen Siefring (far right) moderating Professional Staff workshop

In a time when public institutions of higher education are emphasizing graduation rates, AFT leaders circulated a draft of a policy statement, “Student Success and Accountability in Higher Education,” and participants worked in small groups to critique it. The AFT also announced the launch of a Web site, *What Should Count* that will focus on accountability and student success.

The conference featured some of the best academic and policy minds in the nation. For example, Jane Wellman, executive director of the Delta Cost Project on Post Secondary Education Costs, Productivity, and Accountability (“Trends in College Spending”), discussed the implications of the fact that “public funding trends are likely to be negative for the better part of the next decade.” Researchers Audrey Jaeger and Paul Umbach (National Institute for Leadership and Institutional Effectiveness) reviewed the research on the

May 22 Rally In Trenton Critical For Future Of Public Higher Education!

A large coalition of public employee unions, students, advocacy groups and grass roots activists will assemble in front of the State House in Trenton on Saturday May 22, 12 Noon, to protest Governor Christie's budget proposal that would devastate public services in New Jersey.

The theme of the rally is **"Stand Up For Public Services, Public Schools, Public Colleges And Public Health Facilities! Restore The Tax On Millionaires."**

The "tax on millionaires" refers to an increase in income tax rates for those earning over \$400,000, which was instituted under the Corzine administration but sunset just as he left office. Its restoration would add \$1 billion to the

state coffers. Governor Christie has the chutzpah to oppose the restoration of this tax at the same time he is calling for massive cuts in the state budget that would directly harm millions of low and moderate income NJ residents.

Educators, unionists and public employees, have a huge stake in this fight. Christie's demagogic proposal to cap tuition increases at 4% while slashing \$173 million from the higher education budget is a recipe for layoffs and/or austerity measures such as course cancellations, larger class sizes, curtailed student services and fee increases. On top of this, Christie has proposed to chop up our bargaining unit into nine slices and force your locals to bargain individually with your college/univer-

sity president. This is union-busting pure and simple and could lead to the de facto privatization of our institutions.

Now is the time to show how much our members care deeply about the future of public higher education in New Jersey and the preservation of our collective bargaining rights.

This rally will only be successful if it is REALLY BIG. Please come out on May 22nd. Don't let other concerned citizens and public employees carry the burden alone. Bring your family, neighbors and friends.

Bus transportation will be provided. Please go to www.cnjscl.org or contact your local union for more information.

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Higher Education Conference

(Cont. from previous page)

impact of contingent faculty on student learning. Deborah Santiago of *Excelencia! in Education* shared what her organization is doing to improve the performance of institutions that primarily serve Hispanic students.

Problems caused by funding shortfalls and consequent layoffs, furloughs, class cancellations and over-enrollments were a major topic of discussion throughout the conference. The conference wrapped up with a conversation between the leaders of the three higher education unions on the critical

importance of expanding public investment in public higher education. Sandra Schroeder, president of AFT Washington, an AFT vice president and co-chair of the AFT Higher Education Program and Policy Council, insisted that investment is key: "We must find ways to get direct funding to colleges. They are floundering." She was seconded by James Rice, president of the NEA National Council for Higher Education, and Gary Rhoades, general secretary of the American Association of University Professors.

This article is derived from a summary appearing on AFT-LeaderNet and other sources.

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Council's Senior Administrative Assistant to Retire

Lynell Feniak (Lyn), the Council's Administrative Assistant since June 1986, is retiring at the end of May. Lyn started working for the Council once her five children were in school. At first, she wore two hats for the AFT: she had two part-time gigs: one for the KFT and one for the Council. When Marco and Bobbe Lacatena left they asked her to work full-time and she's been with us ever since.

Working for three Council presidents over the years, Lyn came on part-time under Marco Lacatena (MSU); when he retired, Marco's wife Bobbe, who was the Council's full-time office administrator, also retired. Don Silberman (NJCU) headed the Council after Marco; he updated the office technology, which Lyn embraced immediately

saying it was a much needed step towards making everyone's workflow easier, most of all hers. In the mid-1990s, current Council president Nick Yovnello (RO) took the reins.

It has been under Nick's leadership that Lyn has experienced the greatest sea change in her working conditions. First, Senior Council staff reps Tom Wirth and Barbara Hoerner retired, we hired Steve Young and the Council moved to a modern office building after spending nearly 35 years in the Chestnut Street office. "It was quite exciting," she said, "to move out of the 1950s era building to our modern offices on Morris Avenue." Nick says fondly, that "Lyn has been the heart of the Council, making it feel welcoming to one and all and for that we thank her

and wish her a joy filled retirement--she deserves it!"

Except for Council President Nick Yovnello, it is Council staff rep Bennett Muraskin who has worked with Lyn the longest. "I have worked with Lynell for over 20 years," he said. "I never heard her yell, curse or say a bad word about anyone (even if they deserved it.) She is one of the kindest, friendliest, cooperative persons I have ever known and I will miss her dearly."

Lyn has, over the years, established friendships with many Council members. She has celebrated our victories and commiserated with us over our losses. "This is a bittersweet time for me," she said. "The Council became my second home - I saw my co-workers

(Continued on next page)

BETTER CHOICES for New Jersey

Better Choices for New Jersey is a coalition of over 40 organizations including labor unions, New Jersey Citizen Action and a host of progressive anti-poverty, environmental, civil rights and other grass roots organizations. The Council, HPAAE, Rutgers AAUP-AFT & URA, CWA, AFSCME and SEIU make up the labor component.

Better Choices seeks to influence the public debate on New Jersey's state budget priorities and its tax policies. Its work is especially important now that Governor Christie has made it clear that he considers NJ government employees and their unions as Public Enemy No. 1 - and that he intends to strike hard at collective bargaining rights and slash State spending on public higher education and other essential services to the bone.

No one has to be told that the State is facing a massive budget deficit. The question is what can be done about it. The Governor apparently thinks that layoffs, privatization and reducing public employee salary and benefits are the way to go. Better Choices offers a progressive alternative. Recognizing that certain austerity measures are inevitable, Better Choices argues for shared sacrifices.

New Jersey has the third highest percentage of millionaires of all fifty states and is the home to many of the nation's most profitable corporations. We are second in median household income. While local property taxes are untenably high as a result of cost-shifting to

local governments, New Jersey ranks 36th in state government tax revenue as a percentage of income. We can make better choices that protect and strengthen New Jersey.

The Better Choices for New Jersey coalition has identified \$2 billion in additional revenue and savings that would allow the State to avoid the worst budget cuts:

- Restoring the marginal tax rate increase on those making over \$400,000 a year would generate about \$1 billion in revenue.
- Increasing the motor vehicle registration fees on gas guzzlers could bring in \$140 million.
- Retaining the surcharge on corporate business tax liabilities and increasing it to eight percent instead of four percent would provide \$160 million in revenue.
- Closing corporate loopholes and instituting a system of combined reporting for businesses could save New Jersey taxpayers close to \$250 million.
- Raising the gas tax by 10 cents a gallon could raise another \$450 to \$500 million.

Scapegoating NJ government employees is all the rave these days on radio and in the newspapers, but maybe a history lesson is in order. Democratic administrations made their share of mistakes, but the worst damage was done when Christie Whitman was governor. She pushed through three

tax cuts that primarily benefited the wealthy. To make up for the lost revenue, Whitman borrowed and ran up the State's debt. Reduced aid to municipalities led to higher property taxes. Reduced funding for higher education continued a long term trend toward higher tuition and fees.

Under the Corzine administration, an additional \$1.1 billion in revenues were raised by increasing income taxes for those earning over \$400,000 per year and by imposing 4% surcharge on the corporate business tax. The legislation authorizing these taxes has expired and our new Governor is determined to bury them. Only a right wing ideologue would propose to deprive the State of \$1.1 billion in revenue in the midst of a budget crisis, but that is who we have in the Governor's office.

Our first task is to demand that the Legislature reinstate these tax increases and be prepared to override a veto and to insist that this revenue be used to fund programs that assist the most vulnerable. The Council is determined to work closely with Better Choices to achieve the goals. If you can think of more ideas, please pass them along to Council staff.



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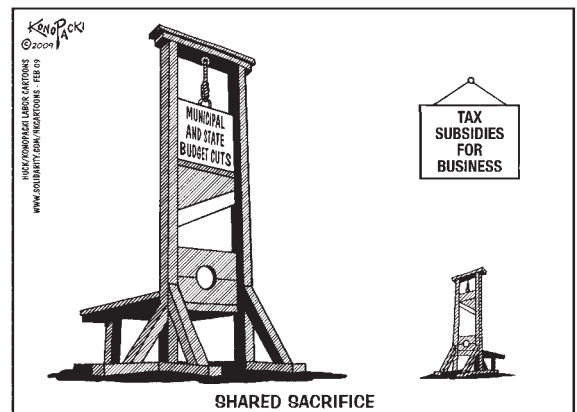
NOT A MEMBER YET? BECOME INVOLVED!

Make **your** voice heard in the workplace by joining the union today. Occupational Liability Insurance comes with membership!

Visit your local office for a membership card or visit the council's website (www.cnjscl.org) for membership information.

Retirement (from previous page)

more than I did some of my kids. I've loved my job but it's time to relax, enjoy my husband and family and sleep late in the mornings. Bon Voyage Lynn-well done!



WORK HERE? LIVE HERE? A BAD IDEA FOR NEW JERSEY

There are thousands of State, county and local government employees including 800 people in our own state-wide bargaining unit that live out-of-state. Two bills introduced in the State Legislature would make that impossible. A-2478, sponsored by Assemblypersons Paul Moriarity (D-4), Celeste Riley (D-3), Angel Fuentes (D-5) and Gilbert Wilson (D-5) and S-1730, sponsored by Senators Donald Norcross (D-5) and Kevin O'Toole (R-40) requires all such employees to move to New Jersey within two and a half years. All newly hired employees will have four months to comply with the residency requirement.

No such residency requirement exists for employees of the New York City school system, the New York City university system, the New York State university system, the Philadelphia school system or the Pennsylvania State university system. They all may live where they please.

The rationale for these bills is apparently to increase tax revenues, because people who work in New Jersey but live out of state pay their local and state taxes to the state where they reside. However, should these bills be enacted, neighboring states could reciprocate by imposing residency requirements of their own, thereby nullifying any tax advantage to New Jersey. Furthermore, numerous New Jersey employees living out of state would no doubt attempt to evade its requirements and enforcement could be complicated by divorce, child custody and senior care issues.

The most compelling argument against these bills is not money, but its harmful impact on the

personal lives of New Jersey government employees living out of state. Disrupting the lives of these people with family ties in other states, including children in school systems, parents or grandparents in senior citizen housing, close relatives who are institutionalized or in treatment facilities etc., is both cruel and unnecessary. A state residency requirement might be a boon for real estate agents, but it would be a terrible burden for thousands of New Jersey government employees. Some may choose to quit their jobs rather than move to New Jersey, which would mean the loss of many dedicated and experienced employees to the state.

Please talk to your colleagues, your local union and your college/university administration about how best to organize opposition to these bills. Call the legislative sponsors on the phone, send them letters, and visit them in their legislative offices. Contact the Senate President and the Assembly Speaker. Ask your college/university presidents to do the same. If not for your sake, then for the sake of your colleagues.

Should the State legislators decide there is a compelling reason to impose a residency requirement, despite the absence of such a requirement in neighboring states, there is an alternative. S-1286, sponsored by Senator Jeff Van Drew (D-1), would require only newly hired State employees to become New Jersey residents.



Make plans NOW to attend a huge public rally in Trenton on Saturday, May 22 - 12 noon.

Join other concerned citizens and public employees in protesting Governor Christie's budget cuts.

See page 10 for more information. Check our website at www.cnjscl.org or contact your AFT local for more details as they emerge.

