



PRESIDENT'S MESSAGE

by Nicholas C. Yovnello

The elections and after

Congratulations to Jim McGreevey on his impressive victory. Labor support was a big part of that victory. Jim was clearly aware that labor support was critical to his success. I attended a number of post election functions at which governor-elect McGreevey thanked labor for its efforts. He personally thanked me for the Council's endorsement, financial support, telephone banks and street workers on Election Day. On behalf of the leadership of the Council, I want

to thank everyone who participated in voluntary check-off for COPE contributions, "labor-to labor walks," staffed telephone banks, volunteered their time on Election Day, and voted for Council-endorsed candidates.

The role of National AFT

Our national organization did a lot to help advance

(Continued on page 3)



AFT President Sandra Feldman joined Council President Nicholas Yovnello and Robert Harris from William Paterson's professional staff to observe get-out-the vote activities at two locations in New Jersey.

McGreevey wins, Democrats retake Assembly

The Union has a lot to celebrate. Jim McGreevey was elected Governor with 56% of the vote, the Democrats regained control over the Assembly, and although the Senate is evenly split, it appears that the new Senate President will be a Democrat. Most of the Republican legislative candidates that the Union supported were also re-elected. Moreover, Council President Nicholas Yovnello has been named to two of Governor-elect McGreevey's transition teams.

The Council endorsed a total of 105 legislative candidates. Statistically, it achieved a success rate of 78%. All but one of the Council-endorsed candidates were victorious in the hotly contested races in the 3rd (Cumberland, Gloucester, Salem), 14th (Mercer, Middlesex), and 36th (Bergen, Essex, Passaic) Districts. Three out of five State AFL-CIO "labor candidates" were elected to the legislature, including two new State Senators, Stephen Sweeney from the 3rd District and Joseph Coniglio from the 38th District (Bergen County) and State Assemblyman Joseph Egan from the 17th District (Middlesex, Somerset). In addition, labor candidate and Local 1904 (Montclair State University) member Marti Kennedy was elected to the Little Falls Town Council. The Council's legislative representative Jon Erickson (KFT Local 2187) was elected to the Boro Council of Highland Park.

In three major races, candidates the Council endorsed were not successful. They were Democratic Senate challenger and AFT leader Joseph Manganello in the 4th District (Camden, Gloucester); Democratic Senate challenger, Sam Plumieri in the 14th District; and Republican Assembly incumbent Gerald

Zecker in the 34th (Essex/Passaic) District. However, the Council already has good working relationships with two of the victorious candidates in two of these districts: John Mattheussen in the 4th District and Peter Inverso in the 14th District. It looks forward to working with the victors in the 34th District, Peter Eagler and Willis Edwards.

The current legislature left a lot of issues for the new one to address. Among these are several items on the Council's legislative agenda. The Council will again push bills to:

- expand the State Health Benefits Commission to include two public employee representatives. A bill for this purpose passed the last two sessions of the legislature overwhelmingly, only to be vetoed by then Governor Whitman.

- prohibit public employers from imposing a final contract offer on public employee unions;

- limit the use of subcontracting in public schools and public institutions of higher education;

- expand the Tuition Aid Grant (TAG) program to include part-time students;
- permit adjunct and part-time employees to participate in the State Health Benefits Program;

- amend the NJ FMLA to provide for Paid Family Leave.

Of course, because there is a change in the political scene, the Council will be undertaking new political initiatives. We will keep you posted. Please be prepared to write to your legislators, old and new, to advance our legislative agenda.

Campus Equity Week

Adjunct faculty rally in Trenton

On October 29th, adjunct faculty from all over New Jersey kicked off *Campus Equity Week (CEW)* with a rally in front of the Statehouse in Trenton. *Campus Equity Week* was a nationwide effort designed to highlight the poor pay and working conditions of adjunct, part-time and non-tenure track faculty teaching at institutions of higher learning. Participants included adjunct faculty from the state colleges/universities, Rutgers and the county and community colleges. National AFT was one of the many campaign sponsors.

Adjunct faculty from Kean, Montclair, Rowan and William Paterson attended the rally. They carried signs demanding, "Equal Pay for Equal Work" and wore buttons proclaiming, "No Academic Sweatshops." The New Jersey based *Solidarity Singers* inspired the rally with traditional labor songs. Speakers from the adjunct faculty vividly described the difficult conditions under which they work. In a show of solidarity, full-time faculty and the president of the IFPTE local at Rowan and professional staff from Thomas Edison joined in the rally. Students from various campuses across the state also came to show support for their teachers.

Assemblyman Robert Smith (D-4th District) spoke to the crowd about his bill, **A-3831**. This bill would require the State's public institutions of higher education to report the number, positions and salaries of adjunct and part-time faculty to the Commission on Higher Education. In addition, the bill would require the Commission to issue a report to the legislature summarizing the data and recommend a minimum salary and benefits for adjunct faculty. **A-3831** parallels recent legislation in California and Washington State that led to parity pay for adjunct and part-time faculty in those states. These bills succeeded because adjunct faculty unions in those states waged lengthy public awareness campaigns.

Reporters from **The Star Ledger**, **The Times (Trenton)**, the **Courier Post Online (South Jersey)**, **The New York Times** and William Paterson's **WPBN-TV** covered the rally. Reporters highlighted the fact that adjuncts often

do not receive campus accommodations similar to full-time faculty and that they must work on several different campuses across the state to earn a living. They even noted that adjunct faculty are sometimes eligible for food stamps.

The *Campus Equity Week* coalition marks the first time that adjunct and part-time faculty from all of the major faculty unions and associations from the US joined forces in a national campaign to promote their interests.



Adjunct faculty gather on the Statehouse steps with Assemblyman Bob Smith (D-4th District) (right front row) in Trenton for Campus Equity Week Rally.

PERS election

Dennis Kish, an officer of Local 195, International Federation of Professional and Technical Employees (IFPTE) is seeking to become a trustee of the PERS retirement system. In order for him to get on the ballot, at least 500 PERS members must sign a petition on his behalf.

Kish deserves the support of every PERS member in our unit for the following reasons:

Local 195 IFPTE is a sister union on all our campuses. Kish has actively served his organization for decades.

Kish has been endorsed by the State AFL-CIO.

Kish has pledged to confer and consult with state employee unions on matters affecting the operation and future of the PERS system.

The PERS Board of Trustees consists of 9 members, three of whom are elected from the state government sector. It is essential that its elected representatives be committed to the goals and principles of the labor movement and to the interests of public employees.

If you are a PERS member, please visit your local union office to sign a nominating petition for Dennis Kish.

Our man in Trenton

If the Union is to advance its members' interests in Trenton, it needs to establish a good government relations operation. New laws and regulations come up constantly. Red tape and delays occur all the time. Like any other pressure or interest group the Union has to have a continuous and visible presence in Trenton if it is to meet all the challenges posed by the New Jersey political scene. Having an experienced and savvy representative "on the ground" who is respected by legislators and government officials is a must for any organization.



Pete Guzzo of TTP Government Relations

Since 1997, our guide to the legislative and executive branches of government has been Dr. Peter Guzzo of *TTP Government Relations* in Trenton. It is his job to help the Council solidify good public and personal relationships and establish trust between the Council officers, staff and members and those in government who make the laws and promulgate the regulations that govern our working conditions. Pete monitors legislative and executive activity, provides Council officers and staff with briefings on pending legislation, advises them when to testify and helps them craft their presentations. He introduces Council officers and staff to key legislators and officials and helps them establish relationships with them. Recently, for example, he arranged for Council staff to meet with the Director and staff of the Division of Pensions and Benefits to explore problem areas and new initiatives.

Pete is exceptionally well qualified to assist and advise the Union in advancing its political agenda. He has 25 years of experience in both the legislative and executive branches of New Jersey State government and as Mayor of Ewing Township (site of TCNJ). During his government and political career, Pete prepared policy papers and legislation ranging from banking to recycling reforms and dealt with every New Jersey executive department and the courts. While employed by the New Jersey State Legislature, he worked with the leadership and members of both major political parties and served as an aide to a number of legislative committees and commissions.

All this experience and political expertise is available to the Council as it addresses the various issues that will arise in the new McGreevey administration.

Your right to union representation

"THE DEAN JUST CALLED ME INTO THE OFFICE!"

Employees have the right to union representation during an investigatory interview conducted by a member of management. What this means is that when an employee is questioned about alleged misconduct and has a "reasonable fear" that his/her answers may subject him/her to disciplinary action, the employee, upon request, must be permitted to have union representation during the interview. This right is based on 1975 decision of the U.S. Supreme Court known as *Weingarten*.

Unfortunately, *Weingarten* does not obligate management to inform employees of their right to union representation. The employee *has* to request it. The Union has tried to get the colleges/universities to direct supervisors to inform employees of their right to representation during an investigatory interview. Most have refused to do so.

Union representation can go a long way to protect an employee from unfair and arbitrary treatment by management. The union representative can also help protect the employee from self-incrimination.

The union representative can assist the employee in several ways. He or she can insist that an employee be informed of the subject of the meeting in advance. He or she can also secure the extra time to prepare for the meeting and advise the employee on how to prepare for expected questions. If management insists on an immediate interview, the union rep can call the employee aside for a brief prep session. If serious discipline is possible, the union representative may advise the employee to say nothing. The union rep does not give this advice because the Union condones serious misconduct; rather, the union rep knows that management cannot be trusted to administer discipline fairly and equitably.

Once the interview proceeds, the union rep has the right to interrupt management's questions to clarify the issue or to object to confusing or intimidating tactics. The union rep can also take breaks during the interview in order to give an employee advice on how to answer questions. At the end of the interview, the rep can make a brief statement to support the employee's case. Finally, the rep can insist that management provide the union with its written report, if any.

If management proceeds with an investigatory interview despite the employee's request for union representation, or if it interferes with the union rep's right to participate, it has committed an unfair labor practice.

Bottom line: any time you are called in for an investigatory interview, request a union rep!

Your and your personnel file

Article XXIX, of the full-time **Agreement**, "Personnel Files" is among those articles most often cited in grievances filed by the Union. All too often department chairs, faculty committees and college/university administrators err in handling documents concerning personnel actions.

Your rights

Article XXIX guarantees you:

The right to place documents in your file. Management cannot refuse to put items you want in your file;

The right to insist that all documents placed in your file be signed (one exception: student evaluations);

The right to receive documents relating to personnel actions immediately;

The right to respond;

The right to get copies of your file at reasonable cost;

The right to review your file "upon application;"

The right to exclude letters regarding your hiring from subsequent evaluations;

The right to have a union representative accompany you when you review your file;

The limitation on who has access to an your file;

The right to request that the Administration remove materials from one's file.

What **Article XXIX** means has been further enhanced and clarified over the years. Where an employee has discovered unsigned items in his or her file, the Union has always been able to get them removed. The protection afforded by this restriction has often meant that management does not pursue a matter because it is unable to get a document signed, either because the complainant does not want to sign, or because he or she has left the institution. The Union has always insisted that a "reasonable" time to respond should be calculated in terms of the seriousness of the matter and/or the employee's needs, not management's

(Continued on page 3)

Your union can help

Everyday unit members call their locals or the Council office seeking their Union's help with all sorts of employment related problems.

Your local officers and Council staff — Barbara Hoerner, Bennett Muraskin and Debra Davis — are available to help you with all sorts of work related difficulties. Often they can help you resolve some exceptionally tough problems. Council staff has been especially successful in helping unit members who have had trouble securing health insurance coverage and reimbursements. Here are two recent examples:

A retiree from MSU contacted her local Union to report that she was denied retiree health coverage under the State Health Benefits Plan (SHBP). Her problem was referred to the Council office for investigation. The retiree's coverage was terminated because, upon her retirement in 1999, she did not respond to SHBP's letter offering her SHBP coverage in retirement. Failure to respond to this "offering letter" terminates an employee's SHBP coverage. The faculty member, who had 25 years of service, had moved to Florida shortly after retirement and the "offering letter" never reached her. When the faculty member realized in late 2001 that she had no SHBP insurance, she contacted the SHBP on her own. SHBP told her in no uncertain terms that she would not have SHBP insurance in retirement. Senior Staff Representative Hoerner contacted SHBP and despite the rule, got the retired member's insurance benefit restored.

Some problems, like this one described below in a letter to Council President Nick Yovnello, take a long time to resolve.

Just over a year ago, our son required urgent care in a residential drug rehabilitation center. His program extended over nearly ten months of treatment at a facility some distance from home. We ran into considerable problems with our insurance company, Horizon. At the advice of Bob Arey (President of Local 1839) at NJCU, we turned to Barbara Hoerner in your office for help. Barbara worked very, very hard on our behalf. She helped us through all of the paperwork for insurance and then, when we were turned down on many claims, guided us to the State Appeals Board [the Health Benefits Commission] and helped with our pleas there. Finally, after a year of arguments and three hearings in Trenton we were able to gain reimbursements for the great majority of our disputed claims.

When should you ask for assistance from your union? The answer is simple: Any time something concerning your employment and benefits does not seem right to you.

Full-time professors in New Jersey making big bucks!

If you happened to read the short piece entitled "Education, Part-time Professors Protest" in the New Jersey Section of *The New York Times* on Sunday, November 4, 2001, you found out that you were rich!

According to *The Times*, "the average salary for full-time professors in New Jersey last year was \$96,428 while part-timers earned up to \$2500 per three-credit course, the report said."

How did *The Times'* reporter, John Holl, get this average salary? It seems he referenced an erroneous comment in *The Star Ledger* on October 30, 2001. In an article entitled "Part-time profs rally for better pay, benefits" reporter Kelly Heyboer wrote "New Jersey's full-time public university professors are among the best paid in the country, averaging \$96,428 last year (underlining added).

The "public universities" are Rutgers, NJIT and UMDNJ. But is the average salary of full-time faculty at these institutions \$96,428? No.

So where did the \$96,428 average salary come from? Reporter Heyboer told Senior Staff Representative Barbara Hoerner that she got that figure from the *Chronicle of Higher Education*. Checking this year's August 31 Almanac issue, Senior Staff Representative Hoerner found that the average pay for full-time Professors (capital "P") at Rutgers, NJIT and UMDNJ was indeed \$96,428. What Ms. Heyboer did was turn that average into the average salary for professors of all ranks (lower case "p"). According to the same source Ms. Heyboer cited, "professors" (all ranks) at New Jersey's public universities in fact made an average of \$75,264 last year.

Reporter Holl from *The Times* compounded Ms. Heyboer's error by omitting the words "public universities."

What about the average salaries for "other public 4-year institutions" i.e., state colleges/universities? According to the *Chronicle*, last year the average salary for full-time professors at state colleges/universities was \$64,702.

Senior Staff Representative Hoerner wrote to both these reporters' editors, demanding corrections.

On November 14, 2001, *The Star Ledger* printed a correction that gave correct averages.

The *New York Times'* correction appeared on Sunday, November 25, 2001. *The Times* stated only that the \$96,428 figure referred to "full professors — at the state's public universities."

Let's hope that key government officials saw the corrections.

Your personnel file (Continued from page 2)

convenience. The Union has maintained that the cost of getting a personnel file copied should not exceed the cost of paper plus a small amount for secretarial time. Attempts by management to ask for more have been strongly challenged by the Union. Experience has taught the Union that it is important for an employee to have a union representative accompany him or her when he or she looks at his or her file. The union representative can serve as a witness to its contents should there be any dispute.

Documents in departments' and Deans' files are not considered to be in an employee's personnel file. Departments and Deans do keep their own files, but the Union does not consider the documents in them actionable until they are placed in an employee's personnel file. In the Union's view, **Article XXIX** provides for one and only one personnel file. Where management has placed a document in an employee's personnel file some time after it was written, the Union has successfully challenged the right of management to use it against the employee.

Your right to respond

Perhaps the most important right **Article XXIX** gives you is the right to respond. This right should not be dismissed as being ineffective or even meaningless. An employee's well-written response has often made the difference between non-reappointment and reappointment. An employee's dispassionate, well-written, well-argued challenge to negative comments concerning his or her performance does matter. Moreover, arbitrators have made it crystal clear that an employee's failure to respond to criticisms casts those criticisms "in stone." Arbitrators have also, however, absolutely rejected management's attempts to explain away its actions that may have deprived an employee of his or her right to respond.

What constitutes a good response? The grievance chairperson on your campus or a member of the Council staff can help you write one. In fact, if you need to write a response to a negative review, you should consult with the Union. It has years of experience in writing responses and can help you use your right to respond more effectively.

President's Message (continued from front page)

McGreevey's candidacy. National AFT assigned a member of its political department to New Jersey to help with our election effort. National Representative Foster Stringer worked first out of Council offices and then later at McGreevey campaign headquarters to coordinate Council's efforts with those of its AFT affiliates, the New Jersey State Federation of Teachers and Health Professionals and Allied Employees. He also acted as liaison to our New York and Pennsylvania affiliates. Their active and retiree members who live in New Jersey joined us in working to elect Jim McGreevey and our Senate and Assembly endorsed candidates from both parties. At the Council's request, National AFT made several financial contributions to the McGreevey campaign and the Democratic Party. Finally, our National president, Sandra Feldman, campaigned with us on Election Day.

She met with AFT workers at union designated staging areas for Get Out the Vote (GOTV) activities. AFL-CIO president George Sweeney joined her for part of the day.

Higher Ed and Labor Transition Teams

McGreevey has appointed me to two transition teams— Higher Education and Labor. The Council is ready to work with McGreevey and members of the New Jersey Senate and Assembly to implement his proposals for public higher education (see the September 2001 issue of the **VOICE**). The Council is also determined to change the climate of bargaining in the public sector so that public sector employees enjoy the same rights as our brothers and sisters in the private sector.

COUNCIL SENDS CONDOLENCES, CONTRIBUTIONS TO IAFF NY FIREFIGHTERS 9-11 DISASTER RELIEF FUND AND AFT RECOVERY FUND

At its September 21, 2001 meeting, Council delegates voted to aid the families of their brothers and sisters in the IAFF (International Association of Firefighters) and the AFT who lost their lives in the attacks on the World Trade Center and Pentagon. Council contributed \$250 to the IAFF Fund and \$750 to the AFT Fund. Council President Yovnello also sent letters of condolence and support. Members wishing to contribute to these funds can obtain information by visiting the websites www.iaff.org and www.aft.org.