



## PRESIDENT'S MESSAGE

by Nicholas C. Yovnello

### 2004's HOT ISSUES

Over the next few months, the Council will turn its attention to promoting some very important new issues as it continues to push to victory on others that the Legislature has yet to pass.

We will again need your help. Your contributions to COPE will be key to our support of those legislators who will work with us as will your use of CAPWIZ to lobby them in support of our bills. Although our Senators and Assemblymen and Assemblywomen are not up for re-election in 2004, they are always running and will be planning for 2005. We want to take advantage of this fact and the fact that the legislature and the Governor are of the same party to promote legislation that will benefit us and the other public employee unions during the next round of negotiations in 2007.

Here are three key items we will be pushing between now and then.

#### Scope of Bargaining

Unlike several other states, New Jersey has a very narrow scope of bargaining, i.e., a reduced list of subjects over which management and public sector unions may negotiate. In fact, such items as absenteeism and tardiness, academic calendar, academic freedom, Affirmative Action plans, as-

signment of duties, use of audio-visual equipment, budget input, class size, student contact time, scheduling, educational facilities, lesson plan format, productivity studies, criteria for reappointment and promotion, student testing, transfers and many others cannot be negotiated—even if the State wanted to do so.

These items have been non-negotiable ever since 1978 when the New Jersey Supreme Court handed down its decision in *Ridgefield Park*. In it, the Court struck down the area of “permissive subjects” such as those listed above and stated that subjects for negotiation were either mandatory or illegal, thus narrowing the area of negotiations and the opportunities for reaching agreement. Unless barred by statute, where once parties could voluntarily negotiate over educational policy questions, now they could not.

By creating an excessively narrow scope of bargaining, *Ridgefield Park* greatly impeded collective bargaining in the public sector.

What happened in the state college sector is instructive. From March 1978 through mid-March, 1979, the State, in negotiations with the Council, attempted to remove over 40 items from that State College contract because



they had suddenly become *illegal* subjects for negotiations. During the six years covering three separate negotiated contracts prior to the *Ridgefield Park* decision, both parties regarded all 40 of these items as negotiable.

Without an area of “permissive” subjects, fair-minded and reasonable public employers found they could not “trade off” tangible for less tangible benefits, which made reaching agreement more difficult. Employees were penalized as contract clauses relating to health and safety, seniority and transfer rights were eliminated.

Management canards on expanded scope abound. Management asserts, as if it were unassailable, that having to bargain over permissive subjects would subvert the educational enterprise and even undermine democracy. Nothing could be further from the truth. First, management does not have

## **Past Council President Donald Silberman Passes Away**

It is with profound sorrow that we announce the passing of Donald Silberman, past president of the Council (June 1993-June 1997), long-time president (1979-1993) and leader of Local 1839, AFT and professor of English at New Jersey City University (formerly Jersey City State College.). He suffered a massive heart attack and during a local union meeting died on March 28, 2004.



Don was a lifelong unionist and social activist whose progressive roots extended back to the civil rights and anti-war movements of the 1960s. He played a major role in the New Jersey Industrial Union Council (IUC), New Jersey Citizen Action (NJCA) and a host of Hudson County labor and community orga-

nizations.

As Council President, he was primarily responsible for organizing the adjunct faculty. His dedication to improving the status of the most disadvantaged group among college faculty exemplified his total identification with the principles of militant democratic trade unionism.

We express our deepest sympathy to his wife and partner, Leslie, his two children and to his union brothers and sisters in Local 1839.



## FREE HIGHER EDUCATION

Last year, the Council endorsed a plan formulated by the Debs-Jones-Institute, the educational arm of the Labor Party, to provide free higher education to all students attending public colleges and universities. The model for this plan is the G.I. Bill, which allowed 8 million WWII veterans, many of them working class, to receive a college education at the federal government's expense. There are also other precedents. City University of New York and the California state higher education system had a free tuition policy into the 1970s. Although more limited in scope, Georgia's HOPE Scholarship Program waives tuition at state institutions for all college students who maintain a "B" average. Governor McGreevey has proposed a similar program for the county colleges called NJ STARS. A bill (S-1192) that would create the program has been already introduced by two of NJ's most powerful senators, Richard Codey (D-27) and Wayne Bryant (D-5).

The value of higher education in generating social mobility, economic prosperity and good citizenship is self-evident. However, higher education is becoming less affordable due to steep increases in tuition, which are directly attributable to inadequate state funding or outright budget cuts. The latest data from the College Board reveals that the cost of a college education rose an average of 14% at four year public colleges just in the past year.

In New Jersey, large tuition increases have become annual events and part-time college students are not even eligible for tuition aid grants. Pell Grants now cover only 42% of the costs at four year public colleges, as the number of students receiving these grants shrinks. As a result, the average student now graduates with over \$17,000 of debt from student loans. Due to excessive costs, many students drop out before graduation, attend college part-time or forego a college education altogether. If these trends continue, higher education will become less accessible to lower and middle income students, at great cost to our future as a democratic society.

The estimated cost of tuition and fees for all those currently enrolled in public colleges and universities is about \$30 billion, about 2% of the total federal budget and a small fraction of the tax breaks granted to large corporations and wealthy individuals in the past few years. Even if a free tuition policy were to double college enrollments, the cost would be manageable, considering the amount the federal government freely spends on the military and corporate welfare.

Does the demand for free public higher education appear utopian? In addition to the precedents mentioned above, in most of the advanced industrial world the state pays over 75% of college costs. Remember that our nation did not always have free primary or secondary education. The former was not achieved until the 1840s and the latter not until the 1900s. These gains were won because the labor movement and other reformers fought for them and because they made economic, social and political sense.

The value of a college education today is comparable to that of a secondary education 100 years ago. If that is the case, free higher education is clearly an idea whose time has come.

The Council has allies in this campaign that include: The Professional Staff Congress (the AFT affiliate representing professors in the CUNY system), the Rutgers AAUP, the national AAUP Collective Bargaining Congress and the Industrial Union Council (IUC) in New Jersey, the California Faculty Association, the Faculty Association at the University of Massachusetts (Amherst), the Oregon and South Carolina state AFL-CIOs and the Midwest Regional Joint Board of UNITE.

### Here is what you can do:

- Go to [www.freehighered.org](http://www.freehighered.org) where you can read more about the campaign and sign a statement of support. Freehighered is also linked to the Council website at [www.cnjscl.org](http://www.cnjscl.org).
- Download a sample resolution and bring it to a membership meeting for endorsement.
- Bring this issue to your faculty senates/assemblies and professional associations and ask for their endorsement.
- Spread the word to student organizations.

Free higher education deserves to be a popular cause. For further information, feel free to contact Bennett Muraskin at the Council Office (908) 964-8476.

## A PRE-RETIREMENT CHECKLIST FOR ALTERNATE BENEFIT PLAN (ABP) MEMBERS

This check-list applies to those enrolled with the following providers who are authorized to offer annuity investments: Aetna, Lincoln Life, Met Life, TIAA-CREF, Travelers Insurance, Variable Annuity Life Insurance Company (VALIC)

1. Determine your retirement date. Calculate your budget to make sure you've chosen the right time to retire. Your carrier has materials to enable you to prepare a cash flow analysis

2. Request the following information and/or material before your retirement date

What you will need	When you need it
A retirement illustration from your carrier	12 months before
Social Security earnings record	6 months before
Retirement forms package	3 months before

3. Ask your carrier about such things as: asset allocation, rollover IRAs, retirement income options, Long Term Care insurance, etc.

4. Confirm your beneficiary designation(s). Be prepared to submit proof of your birth date. If you claim 25 years of credited service, confirm it with your HR department. In the event of problems, contact Trenton at 609-292-5244.

5. Call your Human Resources Dept. to discuss retirement related issues and obtain forms, e.g., Health Benefits, COBRA, Life Insurance. Enrollment in the State Health Benefits Plan as a Retiree is NOT automatic.

6. Enrollment in Medicare at age 65 is a must.

7. Find out about taxation of your income in retirement; secure Fact Sheet #12 from the Division of Pensions and more information from the NJ Division of Taxation or visit their websites (below). If you are moving out of state, review that state's tax laws with regard to pension income exclusion. If you wish federal withholding, you will need to file a W-4P form.

\* You can obtain facts sheets directly from the Division of Pensions of these subjects. Ask for fact sheets #s11, 12, 22, 26,30,36.

### Important Telephone Numbers and Websites

#### Division of Pensions and Benefits

609-292-7524 — to speak to counselors and order fact sheets or

[www.state.nj.us/treasury/pensions](http://www.state.nj.us/treasury/pensions) for a detailed discussion of your pension and health benefits and fact sheets

#### Social Security

800-772-1213 or [www.ssa.gov](http://www.ssa.gov)

#### Medicare

1-800-Medicare or [www.medicare.gov](http://www.medicare.gov)

#### New Jersey Division of Taxation

609-292-6400/800-323-4400 in New Jersey and [www.state.nj.us/treasury/taxation](http://www.state.nj.us/treasury/taxation) for information on New Jersey's taxation of pensions and for senior citizens

Can't get the answers you're looking for? Call the Council office at 908-964-8476 and we'll try to help you. In addition, check the links on the Council's website [www.cnjscl.org](http://www.cnjscl.org) for more information.

Support your Union  
Recruit Someone Today!

## Council Well Represented at AFT Higher Education Conference

Thirty representatives from CNJSCL Locals were among 350 AFT higher education members from across the country who attended the AFT Higher Education Conference held in Seattle from March 5-7. This year's conference theme was "Breaking New Ground." For the first time, the Conference was held to coincide with the national conference of the National Education Association higher education division and provided opportunities for joint plenary sessions and policy brainstorming. AFT Vice President and United University Professions/State University of New York president William Scheuerman noted in opening re-

marks, that higher education is dealing with a political ideology that diminishes or ends the commitment of public funds for public services in general and public higher education in particular. According to Scheuerman our response must be increased effectiveness in organizing, political action and bargaining. In fact, many of the sessions dealt with political action, "our top priority this year."

Sessions were held on collective bargaining, expanding opportunities for professional staff, part-time/adjunct and contingent faculty, workshops on political action and strategic planning at the local level. Council President Nick Yovnello was a joint



Opening AFT Plenary Session



NJCU delegation - L. to R. Steve Young (CNJSCL), Sarah-Ann Harnick, Darlene Britt, Ivan Steinberg, Howard Singer, Theresa Guerriere, John DeBrizzi, Christine Carmody Arey & Robert Arey

presenter for a workshop on bargaining professional staff issues. Two joint plenary sessions with NEA were held — one featured a discussion between AFT VP Nat LaCour and NEA president Reg Weaver, while the other highlighted the Irwin Polishook lecture, delivered this year by Fred van Leeuwen, general secretary of Education International.

CNJSCL Locals' attendees were: Robert Arey (NJCU), Darlene Britt (NJCU), Christine Carmody Arey (NJCU), Dean Casale (KU), James Castiglione (KU), Bruce Caswell (Rowan), John DeBrizzi (NJCU), Nicholas DiObilda (ROWAN), Mary Lee

Donahue (ROWAN), Dave Emmons (RSC), Jonathan Foglein (ROWAN), Dierdre Glenn Paul (MSU), Theresa Guerriere (NJCU), Sarah-Ann Harnick (NJCU), Kathleen Mary Henderson (KUAFF), Antoinette Jennings (ROWAN), John Kimmel (TCNJ), Mel Moyer (ROWAN), Paul Ragozin (ROWAN), Faye Robinson (ROWAN), Arlene Schor (KUAFF), Karen Siefing (ROWAN), Howard Singer (NJCU), Ivan Steinberg (NJCU), Ella Strattis (ROWAN), William Sullivan (MSU), Lizziel Sullivan Williams (ROWAN), John Tooker (KUAFF), Rubina Vohra (NJCU), Steve Young (CNJSCL), and Nicholas C. Yovnello (CNJSCL). — • —

## Don't suffer in silence!

### Abuse of No Limit (NL) status

**A**buse of No Limit (NL) occurs when: 1) the employee's work week is altered to make the employee a 40 hour a week employee, 2) refusing to grant comp time or 3) treating employees differently with respect to allotments of compensatory time.

During the negotiations for the 2003-2007 Agreement, the Office of Employee Relations agreed to look into cases of abuse of NL. Please feel free to call the Council office about comp time problems so that we can take advantage of OER's offices in resolving problems.

#### How to deal with abuse of NL and denial of comp time

Each employee who believes his/her supervisor is abusing the employee's status and/or is unreasonably denying comp time should do the following:

- Keep a log in the form of the chart showing each day of the week. The chart should record the employee's starting and quitting times. Where you are working extra hours, you should indicate why and for how long.

- Make sure that the supervisor knows of the extra time being worked and why.
- Your log should be clear and concise and constructed with the idea that it will be shared with State officials.
- Alert your Local and the Council staff rep assigned to your campus and work with that rep on your case and the documentation
- Your log should be at a minimum of two months duration or the amount of time necessary to show a pattern.
- Once your log is completed, call the Council office at (908-964-8476) to speak to a staff representative. He or she will review it with you and take your case up with the Governor's Office of Employee Relations (OER).

#### Background Information

Most professional staff are aware that their titles are "No Limit" titles. The term "No Limit" or "NL" comes from regulations governing employ-

ees who are covered by Department of Personnel, regulations.

Although state college/university employees are no longer part of the Department of Personnel, each of the Assistant Director, Professional Services Specialist and Administrative Assistant titles governing the employment of the members of our professional staff is still designated as "NL" based on past practice. Nonetheless, Department of Personnel regulations remain the only source of a definition of "NL."

In the regulations, "No Limit" is contrasted to fixed workweeks of 35 or 40 hours. According to the regulations, NL titles are one salary range higher than 35-hour week titles and one salary range lower than 40 hours work week titles. NL in practice means that employees in positions bearing this designation may be asked to work extra hours per day or per week where special needs of the office require more time.

It is clear from the above, that NL does not mean that an employee can be asked to work so much time on a

regular basis that he or she ends up in the 40 hour a week category.

#### Authority for compensatory time

The Department of Personnel provides that NL titles may be granted compensatory time on the following basis:

N.J.A.C. 4A: 3-5 (d) 2 provides in pertinent part: "Employees in non-limited titles (NL, NE) who meet unusual work time requirements may, at the discretion of the appointing authority, be compensated through either a provision for flexible work patterns or a grant of comparable amounts of time off to a maximum of one hour for each hour of unusual work time ..."

Thus, the regulations provide, at a minimum, that compensatory time is an appropriate way of dealing with unusual work requirements. This means that a college/university may not unreasonably deny compensatory time and has the authority to grant it on an hour for hour basis.

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## President's Message

(Continued from front page)

to agree with a union's demands. Second, it might even benefit from some of the ideas the union put forth at the table. Thoroughly airing policies and practices in the course of negotiations may produce better policies than those handed down by fiat.

Management's claims that negotiating over permissive subjects is an assault on the educational system and the public's right to control is spurious. The public's input and control over what goes on during the negotiation of mandatory subjects is not really any different in this area.

New Jersey needs a law that permits the representatives of public employees to negotiate all terms and conditions of employment, excepting those matters that are precluded by law.

Immediately after the Court issued *Ridgefield Park*, public sector unions tried to get the legislature to overturn it. Bills were introduced in the late 78's and early 80's. These were not successful.

It's time to try again so that we can improve working conditions on the campuses as well as achieve higher salaries.

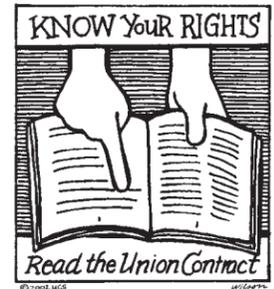
### Faculty Representation on Boards of Trustees

The Council is close to having a bill introduced that would expand all state college/university boards of trustees to include two union representatives. Assemblyman Patrick Deignan (D-18) has drafted a bill on our behalf and we are working with him to iron out the details. We expect that the bill will authorize the unions on each campus to jointly select the representatives.

### Fair Bargaining

Assemblyman Robert Smith (D-4) introduced A 693, a bill that would prohibit public employers from imposing a contract on public employee unions when negotiations have reached

an "impasse." Rather than allow a public employer the unfair advantage of dictating the terms of the new contract, this bill would maintain the terms of the old contract until the parties reached agreement on a new one. Enacting this bill would level the playing field during negotiations. Last July, the Governor signed a similar bill, A-3419, which cover only K-12 and community colleges, into law. State university and other State employees are entitled to the same fair treatment as K-12 and community college employees. Introduced in January, A-693, which gives us the same rights as A-3419 is still before the Assembly Labor Committee.



## COUNCIL & LOCAL ACTIVITIES



William Paterson University - AFT Local 1796 Meeting on March 23, 2004



CNJSCS Professional Staff Committee Meeting at Rutgers Labor Center L. to R. Tom Puryear (MSU), Sara Harnick (NJCU), Julie Peterson & Lori Block (Rowan), Jose Valentin (TCNJ), Jim Gwathney (RSC), Linda Bradbury (KU), Bob Murphy (Chair-WPU), and Barbara Hoerner (CNJSCS)



### Adjuncts Thank Legislators

On March 15th adjunct faculty traveled to the Statehouse to thank the three legislators who who sponsored A-3424/S-988, the legislation that allows adjunct and part-time faculty and other part-time State employees to purchase health benefits coverage in the State Health Benefits Program (SHBP). The Council, the NJ State Federation of Teachers and the Council of Rutgers American Association of University Professors awarded plaques to each of the sponsors honoring them for their dedication to our mission of improving the working conditions of adjunct faculty.

Pictured above from left to right are: Winnefred Rowell-Bulard (Rowan), Elaine Bobrove (Camden County College) Assemblywoman Bonnie Watson Coleman (D-15) and Paul Ragozin (RO). Not pictured are Senator Shirley Turner and Assemblyman Robert J. Smith (D-4), who also received awards.



Kean Federation of Teachers Local 2187 Professional Staff Meeting on April 7, 2004

## AGREEMENTS ONLINE

2003-2007 Full-Time Faculty and Adjunct Faculty AGREEMENTS are available for viewing on the Council's Web site at [www.cnjscl.org](http://www.cnjscl.org). The State has not yet completed formatting the text for printing. We will advise Locals when the printed versions are available. Annual and bi-weekly salary schedules are also online.