

LOCAL 1796
At
William Paterson University of New Jersey
General and Executive/Local Council Meeting

Date: December 15, 2009
Location: UC 171
Time: 12:30 pm – 1:45 pm

Present: S. Tardi, G. Guerrieri, J. Pinkston, E. Matthews, S. Selke, F. Pavese, G. Pope, M. Williams, K. Martin, G. Gerardi, K. Martus, K. Smith, D. Joslin, J. Najarian, S. Wollock, R. Soto, L. Gazzillo Diaz, D. Koistinen, E. Martinez, S. Betts, D. Fengya, T. Newman, K. Louie, J. Peterman, A. Montare, K. McNeal, G. Furst, A. Holpp Scala, J. Matthew, R. Kearney, C. Simon, J. Hutchinson, E. Goldstein, M. Stanford, D. Nacin, K.H. Kim, B. Duffy, A. Cheo, E. Antoniou, L. Refsland, D. Potacco, D. Hill, M. Rosar, N. Kalb, M. Mwaura, R. Cauthen

Items distributed to the Council and General Membership:

- 1) November 17, 2009 General and Executive/Local Council Meeting Minutes

1. Call to Order

The meeting was called to order at 12:36 pm.

2. Adoption of the Agenda

A motion to adopt the agenda was made by K. Martus and seconded by S. Wollack. Approved unanimously.

3. Approval of Minutes of the November 17, 2009 General Membership and Executive/Local Council Meeting. A motion to accept the minutes was made by A. Montare and seconded by E. Martinez.

4. President's Report

a. Fiscal Crisis Update

Tardi stated that local newspapers are reporting that Christie is considering decreasing the salaries of State employees by 20%. She further stated that she hopes the new Governor's strategy is to scare us with threats of a 20% salary reduction, so that no one will complain when he rescinds the Memorandum of Agreement (MOA). Tardi noted that the Governor-elect will likely hold the position that Corzine did not accurately assess the State's financial situation, and it will be necessary to rescind the MOA because the funds are not available. Tardi said the Union Leadership is aware of this and is waiting for the "shoe to drop." Tardi said that individuals have been asking her about the possibility of a strike, and she feels that striking is an option to be considered if there is support from a majority of our faculty and professional staff. She asked the department

representatives to discuss this matter with their colleagues, begin organizing strike captains, and report back to Union Leadership.

Comments/questions from members

A member asked for clarification on the MOA, and also asked if the 20% salary reduction would include all State employees. Tardi responded that the 20% figure has been discussed in local newspapers, and would include all State employees. She stated that the Governor-elect met with the Communication Workers of America (CWA), but the CWA leadership has not shared details of the discussion. Tardi noted that CWA is the largest union in the State, and their agreements set the pace for other unions. Tardi said the MOA states that members of our Union should be back on track on the salary guide by the end of our contract, and that means we should receive a 3.5% raise increase in July 2010, and a 3.5% raise increase in January 2011. Tardi asked the department representatives to make it clear to their colleagues that the Union Leadership did not weaken during contract negotiations; there was an article in the contract that allowed the legislature to freeze salaries and impose furlough days. Tardi noted that the legislature has not been supportive of higher education. A member asked if the 3.5% increase is gone. Tardi said yes, the increase we were to get in July 2009 is gone, although we are scheduled to get the additional increases in July 2010 and January 2011. Tardi noted that if the State claims they don't have the funds, the Governor-elect will likely hold the position that he must break the MOA, or layoff State employees. A member stated that newspaper reports have been quoting Christie as saying that there will be cutbacks for higher education for the next two years, and then he will support it. Tardi said that Christie said he will support K-12 and community colleges. She noted that this is the reason our work needs to be highlighted year-round in order to improve our visibility and make the public aware of what the faculty and professional staff provide for our students and our State.

A member commented that in the state of New York, it is illegal for unions to strike, and she asked if we have the legal right to strike. Tardi said it is also illegal for unions to strike in New Jersey, but that unions have always gone on strike and faced penalties for doing so. There is an Article in our State agreement specifying no strike or lockout (Article III). Tardi said it is important for department representatives to discuss the possibility of a strike with their colleagues in order to get an idea of how much support we will have. She does not want to threaten a strike and not have any support. Tardi noted that we are the strongest Local out of the nine State locals because we have the largest number of delegates, respect from the Administration, and support from each of our constituencies. She noted that our Membership needs to be well informed about the implications of striking so we can reach a consensus and make an intelligent decision. A member stated that William Paterson has had three successful strikes over the years. He said it involved faculty members and staff, spouses, children, and students, and recalled one memorable event when a large group marched on Pompton Road as the governor's planes flew over taking pictures. He noted that the strikes were very

brief. Tardi stated that a sufficient number of people must be involved in order for a strike to have a significant impact. In addition, Tardi noted that an additional problem that we confront is that Unionism is on the decline nation-wide. Tardi pointed out that she is talking to the converted in this room, because everyone here supports Unionism, and that's why it's so important for the department representatives to take this matter back to their departments to get a feel for how much support we have.

A member stated that we must be careful about public perception. The member stated that NJEA is making many enemies because they are demanding more pay during a fiscal crisis. Tardi said she agrees, and that the matter is a double-edged sword. She noted that we need to discuss the impact that we make on education and shift the focus off of our pockets. A member commented that in Europe, unions build alliances with many different groups, including students. The member stated that it's important to talk to our students about issues. Tardi stated that people are ignorant about what the Union can and cannot do. Tardi further stated that academic issues often cross over with issues relating to the terms and conditions of employment, and people don't understand that the Union Leadership does not have the right to go into all areas. Tardi said she is considering having a teach-in in the spring to help faculty and professional staff understand the parameters of what Union Leadership can and cannot do. Tardi said that judging by a few negative comments made by people about the Union, she knows they have no clue about the rights and responsibilities of Union Leadership, and they don't understand that all too often, our hands are tied by the legal ramifications of actions under consideration. Tardi said she would like to invite individuals from the State Council, as well as legal experts to come to campus to explain exactly what we can and cannot do. A member stated that she is willing to do whatever she can as an untenured person, and stated that she knows labor historians who might be willing to speak at the teach-in. Tardi stated that she understands the tenure situation, and that the full professors should be first in line because they have nothing to risk. A member asked if strike captains must be tenured. Tardi responded that since strike captains are not in a vulnerable position, it is not an issue. A member stated that a teach-in is a great idea, and it would help if summary sheets from the teach-in could be distributed at departmental meetings. Tardi stated that she hoped that talk of a strike, furloughs, and no salary increases would rally the faculty, but she hasn't gotten the response she was hoping to get. She further stated individuals need to send her examples of the impact of furlough days, so she will have something to take forward to the Administration and the Board of Trustees. Tardi stated that even though faculty members and staff are inundated with teaching, service, and job responsibilities, everyone is being asked to take on more responsibility. Tardi noted her concern about the increasing job responsibilities and service, and the fact that unit members have stepped up to meet these expectations despite the burden of furloughs. Tardi stated that it's time to draw the line and say enough is enough, and to stop sending mixed messages. Tardi further stated that it can't just be from the President of the Union, or from the Union Executive Board; it needs to come

from the members of our unit. She asked the department representatives to have a discussion about Union matters added to the agenda for departmental meetings. A member asked what the responsibilities of a strike captain are. Tardi responded that strike captains are responsible for working with Union Leadership to oversee the strike plans for the particular cohort they are overseeing. Tardi stressed the importance of organization and preparation, and stated that this process needs to start now, before the MOA is rescinded.

b. Board of Trustees Meeting

Tardi stated that the Administration proposed the implementation of a “Distinguished Professor” title for a faculty member in the College of Business. Tardi noted that although this title does exist among the nine sister locals, our Local has held the position that we did not want any fulltime rank beyond full professor, because at our Local, each faculty member has an opportunity to reach full professor based on criteria and policies that are in place. Tardi further noted that our faculty members have preferred to work cooperatively and as equals. Tardi said that in addition to the title, this particular faculty member has gone from a salary of \$107,000 to \$117,000, and then to \$148,000 in the last three years. Tardi stated that this individual became a full professor last year, and is now being recommended for one of the most prestigious titles in academia, “Distinguished Professor.” Tardi emphasized that her actions were not a reflection of the merit of the individual faculty member in question, but reflected fairness and equity concerns. No objective criteria for this title were established and there was no review panel for awarding the title. This was an arbitrary designation being recommended by the Administration for one faculty member. Tardi explained that she went before the Board of Trustees and objected to both the use of the title and the salary. She told the Board that her objections were not about the individual in question. She explained that their intended action was particularly unfair in light of the fact that faculty and professional staff members have been furloughed, are not receiving their master agreement salary increase for July 2009, could possibly face additional furloughs, and might not receive the remainder of the increases promised in the contract. Tardi said the Administration and the Board of Trustees felt that they could not afford to lose this individual, and although she was able to influence that the title be changed from “Distinguished Professor” to the “Seymour Hyman Professorship,” she could not win the battle over the unreasonable salary increase in this fiscal environment.

C. AFT New Jersey

Tardi stated that AFT National is trying to pressure the State Council and Locals into developing an AFT New Jersey. The salaries for the people who are going to run AFT New Jersey will be about \$1 million, and Tardi fears that these people will be more committed to their salary than their responsibilities to the membership. Furthermore, the formation of an AFT New Jersey will involve a significant increase in dues. Tardi spoke out against any increase in dues, noting that our Local Membership has questioned what National and Council does for us relative to the amount of money that we pay them. Council is holding the position

that AFT New Jersey will supposedly be more powerful due to larger membership numbers. Tardi noted that numbers do not necessarily indicate strength. Tardi further stated that the interest groups involved vary greatly; therefore, union in ideology and support is unlikely. Tardi stated the proposed AFT New Jersey will be driven by elementary and secondary education. She further stated that although nurses were considering being a part of AFT New Jersey, they have now decided not to join. Tardi stated that although our Local and other locals are against the formation of AFT New Jersey, the majority of the Union local presidents seem to be supportive of it. Our Leadership and our delegates are insisting on more information specifying the pros and cons of the formation of an AFT New Jersey. The Executive Board and the State delegates of our Local believe that all the locals will lose power while AFT National will gain power. Tardi said one option is to commit to participate in it for one year, with the ability to withdraw from it if the formation of an AFT New Jersey does not meet our needs; however, she noted that if the other locals vote in favor of it, our Local may not have an option.

Questions and comments from members

A member stated that AFT New Jersey was meant to become a “super union” that would include nursing, and elementary and secondary education. The member further stated that Rutgers’s has now joined (but nurses have chosen not to join). Tardi stated that Rutgers’s has different needs and it’s difficult to work cooperatively in a union with people who have different goals and needs. Tardi said it might be a larger group, but it does not improve the power of the union. A member asked if NJEA is joining. Tardi said no. A member stated that two of the strongest arguments are a dues increase and greater strength and coherence. Tardi said AFT New Jersey is willing to waive the initial dues increase, but will implement it at a later date. A member stated that he doesn’t understand what is being proposed and how it would differ from what we currently have. Tardi stated that we are a part of AFT National, but all the units are not under one umbrella. She further stated that if we join AFT New Jersey, we can negotiate the contracts separately. She reiterated that if we join AFT New Jersey, membership numbers will increase. Strength of the union may not simultaneously increase; local autonomy and power may decrease. What will remain the same is the fact that contract negotiations will occur separately. Tardi stated that she will provide updates on the status of AFT New Jersey. A member asked why individual members will not vote on this. Tardi said our Local will fight to bring that to the table. Tardi stated that the State Council’s constitution is silent on some issues which allows the leadership to develop procedures and implement them without going through a constitutional change process. Tardi said she hopes to call for delegate strength and be able to overturn it. She said voting with delegate strength might actually have more favorable results regarding our Local’s position than a vote by the membership. Not all of the Local presidents are that forthcoming with information, therefore if all members are permitted to vote, they may do so in the absence of knowing the pros and cons regarding the issue.

d. Summer and Workman's Compensation

Tardi stated that according to Debra Davis, Council staff representative, Workman's' Compensation coverage in the summer falls into a "gray area." If a unit member is on campus doing preparation for the next semester, they are likely covered. However, according to Ms. Davis, the Council attorney said the decisions about coverage will be made on a case by case basis by examining whether or not the work done in the summer was necessary, and the extent to which it was required to be completed at that time. Guerrieri noted that some people confuse Workman's Compensation with health insurance, and she clarified that everyone is covered 24/7 by health insurance. Tardi stated that Workman's' Compensation is when you are injured on the job and unable to work. A member stated that she was injured on the job and Workman's' Compensation covered her doctor's bills and physical therapy. A member asked if we are covered on the weekend during the regular semester. Tardi said that we were not allowed to take furlough days on the weekend, so the weekends also seem to be a gray area.

5. Professional Staff Officer's Report

Selke reported that the NL Study that some members of the Professional Staff have been participating in ends on February 14, 2010. She also stated that the deadline to submit portfolios to the supervisor for the Professional Staff Performance Based Promotion process is February 1, 2010.

6. Vice President for Grievances Report

Williams was absent due to finals but left a brief written report stating that he has been working on two grievance issues. In one case, a member facing a one semester suspension has asked the Union to negotiate on his or her behalf. In the other case, Williams was able to overturn a dean's recommendation relating to an ART application. Tardi stated that when people are denied ART for the amount of credits they proposed, they are entitled to be told the reason. She said she will follow-up with the Administration on this matter.

7. Vice President for Negotiations Report

Guerrieri reported that the Union Leadership is still in the process of converting the ART pilot program to policy. She is also working on compensation for internship supervision. Tardi noted that the internships vary greatly, and it will be challenging to find something equitable across all the disciplines.

8. Adjunct Faculty report

Pavese reported that adjunct faculty members were basically excluded from the University Core Curriculum (UCC) review panels. Pavese stated that he serves on the G.E. Council and supported the formation of the panels. He further noted that when the Professional Staff members were excluded from voting on the panels, he advocated for their right to vote. However, he said the professional staff members have a codified spot on the review panels, and the adjunct faculty members do not. Tardi stated that she believed ALL faculty members would be considered for the positions, and she is very disappointed that not one adjunct faculty member was placed on the panels. Tardi further stated that there were fairness and equity

issues regarding the process for removing or replacing individuals who were recommended by the Senate Executive Board to serve on the panels. The Senate Representatives voted in the absence of the Senate Leadership providing the credentials of the panel candidates who were under consideration. A member stated that she missed a Senate meeting and at the next Senate meeting misunderstood and thought that adjunct faculty members were not eligible. Tardi said that an administrator pointed out to her that it's interesting that when the Senate votes on academic issues they call for a closed vote, but when there was a discussion about individuals, there was an open vote. A member said she agrees with Tardi that the process was horrendous. She said she is also shocked that the diversity panel included no diversity. Tardi noted that we need to have a strong Faculty Senate at this Institution.

10. Adjournment

A motion to adjourn was made by A. Holpp Scala, and seconded by L. Gazzillo Diaz. It was approved unanimously. The meeting adjourned at 1:50 p.m.

Respectfully submitted,

Jan Pinkston,
Recording Secretary
[Edited:]