



# The Cortland Cause

UUP CORTLAND CHAPTER, B-5 MOFFETT, CORTLAND, NY 13045, 607-753-5991  
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## From the President

### You were there when...

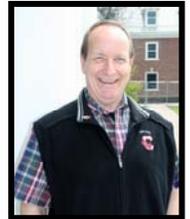
My message to you this morning includes a timeliness that will not be understated. Currently, several fronts have been relentlessly building that impact our ability to continue to exist as effective advocates for the University and for its Students. In 1969, Robert Lamm penned the following lyrics on their debut album with the Chicago Transit Authority: “Does anybody really know what time it is? Does anybody really care?” UUP Faculty and Professional Staff ensure that the education SUNY Students receive is of the highest quality. Doing this important work requires: equal representation; adequate resources; a fair contract and especially, members who are present and engaged in activities that demonstrate our Union’s positive presence in our communities.

At the end of this month, the Supreme Court will hear arguments for Janus versus AFSCME Council 31. Janus is a union represented worker. They don’t agree with the democratic and deliberative decision-making process of their representative body and have therefore demanded that their dues not be contributed to the collective, while also demanding to

individually remain a free rider to any benefits the union negotiates. Amazingly, this twisted logic is being reviewed in our highest court. UUP will be participating at two events. This Saturday 24 February there will be a rally in New York City. Our downstate brothers and sisters are mobilizing and if you are interested in attending, please reach out to me or to Chapter Officers for details. On Monday, 26 February, a bus will be departing at midnight from NYSUT headquarters in Latham, NY to travel to a rally in front of the Supreme Court building in Washington D.C. as arguments are set to begin before the Justices. As of this writing, seats are still available for this day-long event.

The UUP legislative season is well under way. In Albany on Monday, 30 January, other groups of UUP members and myself discussed the proposed Executive Budget relative to higher education with our NYS representatives and senators. I will have more to report to you on our objectives at the Union Matters meeting at 11:45 a.m. Tuesday, 27 February, in the Jacobus Lounge in Brockway Hall. Please check in with the union office to confirm that you will be joining us. There are additional Outreach events on the schedule and your participation is needed to

**Joe Westbrook, President**  
 Facilities PDC



ensure that our legislators continue to view public higher education as the priority it is and should be during the upcoming financially challenging year. On Wednesday, 28 February, you’re needed to be with UUP in Albany participating with NYSUT’s Higher Education Lobby Day. Locally, I’m working with our regional NYSUT legislative coordinator, Dave Ritchie, to schedule in-district meetings with Barbara Lifton and James Seward. All of these meetings will be with a group of members. Even if this would be the first time you are doing this type of advocacy, there will be strong group support in preparing your role as well as during the meetings.

There is an important update posted on the UUP website ([www.uupinfo.org](http://www.uupinfo.org)) regarding contract negotiations on the Members Only page. Make sure you take a look to be familiar with the latest details on the process. We are midway through our 21<sup>st</sup> month without a contract.

Continued on page 2

**You were there when.... continued**

Whether you believe that the negotiations team needs to hang tough or hurry up, the pace of negotiations is unsatisfactory. We sacrificed in our last contract – even going so far as to working without pay. During this time tuition has incrementally increased “rationally” for the stated purpose of maintaining the effort to provide optimally operating campuses and high quality, diversified Faculty and Professional Staff. The Excelsior Program has boasted of a 9% increase in system-wide enrollment applications. It is now time for UUP to raise our voices and demand respect for our goodwill and for a fair share in SUNY’s “strong financial position” reported by the Chancellor in recent legislative testimony. Everyone is needed on Thursday, the first of March, to be present for a campus UUP event. We will also be inviting our community to stand with us. Look for more details to follow through announcements, social media and from your Area Activists and Chapter Executive Board.

Listening again to the Chicago song; the responding refrain to: “Does anybody really care?” is “If so, I can’t imagine why we’ve all got time enough to cry.” Be alert to caring about what is happening now. Acting together to show the adversarial forces working against us that we will be present to affirm fair and equal treatment for all of our members is our great strength. Let’s place a power in our hands greater than their hoarded gold. The Union makes us strong.

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**From the editor**

**Karla Alwes,**  
English

On January 20, 2018, precisely one year after the presidential inauguration of 2017, and almost a year since the 800,000 protest marchers gathered in Washington, DC, the nation exploded into the second major Women’s March of the era. Hundreds of thousands of protesters gathered in the large cities of the country, but my daughter and granddaughters and I chose to go to Seneca Falls that day, to be in the place “where it all began,” which became the slogan of the day. We walked where women marched more than a hundred years ago, wearing purple banners that read “Failure is Impossible.” Upstate New York, including Seneca Falls and Rochester, was an early center of women’s rights then, as Elizabeth Cady Stanton, Susan B. Anthony, Lucretia Mott, Mary Hallowell, and so many others, worked towards the voting rights and human rights of women everywhere. (Please see the photos from the New York women’s marches elsewhere in the newsletter.)

Frederick Douglass, the 19<sup>th</sup> century abolitionist leader and self-taught writer of anti-slavery essays, attended the Women’s Rights Conventions that made history in Seneca Falls and Rochester in 1848.

And in 2018, 170 years later, 15,000 marchers—women, men, children, and dogs--swallowed up the small streets of the small town of Seneca Falls to show their respect, compassion, reverence, and obligation to the women and the men who came before, in their early fight for humanity and suffrage and their ongoing fight against suffering.

Time’s up.

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# Women's March 2018

## SENECA FALLS, NY



Bronwyn O'Brien/Photo Credit



Bronwyn O'Brien/Photo Credit



Nina Capone/Photo Credit



Nina Capone/Photo Credit



Dave Ritchie/Photo Credit

Left to right: Alexis Blavos, Anne Wiegard, Dave Ritchie, and Amy Russell



Dave Ritchie/Photo Credit



Amy Russell/Photo Credit

Anne Wiegard

## SYRACUSE, NY



Thomas Fuchs/Photo Credit

Melani and Tom Fuchs



Michelle LoGerfo/Photo Credit

Michelle LoGerfo



Colleen Kattau/Photo Credit

Program at ArtRage

Anne Wiegard,  
English



## A Fair Contract

Did you notice a sudden decrease in your take-home pay in late January? The dip in our members' first full 2018 paychecks reflects the fact that the "Deficit Reduction Leave" repayments ended in December. Your paycheck may have since rebounded to about what it was in 2017 in response to the changes in IRS withholding for 2018 occasioned by the federal tax bill passed several weeks ago.

The DRL payroll deductions were extracted from our paychecks for an extended period during the 2011-2015 collective bargaining agreement, then subsequently repaid incrementally after that contract expired June 30, 2016. Those DRL deductions were hard to bear when we got 0% raises for the first two years of the previous agreement. The State insisted on "shared sacrifice" from all the public sector unions. This current yo-yoing in take-home pay is a sour reminder of the bitter pill that all the public employees had to swallow in the last round of negotiations.

We are tired of being jerked around financially. We all want a better deal this time. In an effort to press for a fair contract, UUP Cortland collected signatures on a "Fair Contract" petition during the first two weeks of December. Despite this period being a time when faculty and staff are less accessible due to their end-of-semester workload, we were able to quickly collect 364 signatures.

These signatures come from every Professional unit and Academic department at the college and include many award winning faculty and staff of long service, as well as more recently hired employees; Faculty Senate officers and college-wide committee chairs; and members who are also members of many influential community organizations. Every signatory expressed full support for the cited proposals. On December 18th, Chapter President Joe Westbrook presented the petition to President Erik Bitterbaum, who agreed to tell Chancellor Johnson that he also supports a fair and equitable contract for Cortland's UUP members.

Our faculty and staff contribute greatly and essentially to the mission of the college, as well as volunteering service beyond what's required. They believe in SUNY and in Cortland. They contribute to our fund-raising efforts for the college, making personal financial donations to the college's scholarship fund and other programs. They are good partners in the SUNY and Cortland college community. They deserve and expect fair and equitable compensation in return.

Full-time faculty and staff (not to mention part-time faculty) in lower income brackets, especially single parents, are hard-pressed to make ends meet. Even two-income families with children find it challenging to make do when their salaries have effectively gone down in real dollars over the past decade. One father of young children who joined the college just a few years ago expressed extreme frustration with the fact that working without a contract has cost him more than \$1,000 in childcare expenses.

At a time when we're serving more and more students who require extraordinary support, it's galling to continue to make the personal sacrifices expected of us in the full knowledge that SUNY and the State refuse to agree to UUP's reasonable, high priority proposals.

Cortland's members who signed the petition are insisting that the next agreement include the following provisions:

- Include equitably distributed on-base raises which recognize the invaluable service we all provide to SUNY and our students;
- Expand family leave benefits to better insure that we will not face income insecurity when we take leave to bond with a new child or care for a critically ill family member;
- Establish a reasonable minimum salary for part-time academics to better ensure that we are all appropriately compensated for the work that we do;
- Maintain affordable and high-quality health care benefits;
- Provide appropriate compensation for those professionals among us who are required to work, or remain available to work, hours beyond the normal work week; and
- Improve job security for our full-time and part-time contingent colleagues who are not in tenure-track positions.

Our chapter office still has a supply of "United for a Fair Contract" buttons and stickers that you can display to demonstrate your ongoing support. Let us know if you want one and we'll hand deliver it to you. We have bumper stickers, too!

To read the latest Negotiations Bulletin posted 1-31-2018, go to the Members Only portal at <https://uuphost.org/myuup/MembersOnly/check.php> and follow the directions there. UUP members are always welcome to communicate with the Negotiations Team by emailing [contract@uupinfo.org](mailto:contract@uupinfo.org).

## Understanding Janus & the Cost of “Right to Work” legislation for Working Families

Rebecca Bryan,  
Physical Education



At the end of this month, the US Supreme Court will hear the Janus vs. AFSCME case - brought to us and paid for by conservative groups such as National Right to Work Foundation, the Liberty Justice Center and the Mackinac Center for Public Policy. These organizations want to dismantle unions so the benefits and rights of workers can be taken away. Unions are the last great defense for working families, public education, and the middle class altogether. Labor Unions have been under constant attack for years, and are in the fight for their lives.

This is a National Right to Work Effort that seeks to starve public unions of the funding needed to provide the numerous services to members. By undermining workers' rights to collectively bargain for fair wages, safe working conditions and other protections, this advances their goals driven purely by greed and profiteering, reducing the power of working men and women. Current law (except for those in right to work states) allows for unions to collect dues or “agency fees” from non-members to contribute their fair share toward the costs of negotiating contracts for pay raises, benefits, job protections etc. Non-members are represented by the union in collective bargaining and grievance procedures and benefit from the union's contract negotiations. Right to work proponents want workers to have the right to not pay these fees, yet still benefit from the services provided, arguing that mandating paying fees to a union goes against First Amendment rights because of the political work unions participate in.

Under current law, employees in unionized work places can opt out of paying for the political activities of their unions. In states such as NY, no membership dues can be used for political work; Unions may have a separate fund that is supported through voluntary contributions of members such as NYSUT's “Voice of Teachers for Education and Committee on Political Education” (VOTE COPE). VOTE-COPE funds are voluntary contributions made to the union by members to support political action. Often unions are equated as another political money powerhouse. It is important to recognize, however, that the money spent by unions in NY comes from thousands of members who vote democratically for the political stances taken by their union. If this is not democracy at work then what is? Again, members' dues (including agency fees) cannot and are not used for political work in NY. Member and agency fee dues are used for collective bargaining and worker protections only. Agency fees are non-members' fair share fee towards the costs of collective bargaining and grievance procedures.

Backers of right to work laws claim they are protecting workers against being forced to join a union. The truth is that federal law already makes it illegal to force anyone to join a union. The real commitment of right to work legislation is to further tilt the balance of power toward big corporations and further game the system at the expense of working families. States with right to work laws have higher poverty rates, higher pay gaps between men and women and lower wages for all workers (<http://AFL-CIO.org> & <http://www.epi.org/>).

In closing, consider the analogy between car insurance and union dues. We are mandated to have car insurance to drive a car for the protection of all drivers. We may never have to use our insurance if we are lucky, however we benefit from drivers being insured. Think of union dues as an insurance policy. Members and non-members of unions pay dues because workers benefit from the protections and services offered by their union. Imagine not having car insurance...would you expect to total your car and get a new one without insurance or personal cost? So how is it we can ask unions to provide services and benefits to workers who do not pay for those services? There is a cost, and unfortunately right to work (for less) legislation is a cost greater to working families than any agency fee. So will you stick with your union?

References:

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<https://www.epi.org/publication/right-to-work-states-have-lower-wages/>  
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## Janus v. AFSCME Council 31

### AMICUS BRIEFS SUPPORTING RESPONDENT, AFSCME COUNCIL 31

Many sister unions, employees, professors, state and local governments and their leaders as well as many other individuals and organizations have filed *amicus* briefs supporting the Union's position in *Janus v. AFSCME Council 31*. Below is a brief description of, and hyperlink to, each of these 38 briefs on the [Court's docket](#).

1. The [AFL-CIO](#), filed by Lynn Rhinehart, Craig Becker and Jim Coppess. This brief tackles Janus' incorrect premise that collective bargaining is indistinguishable from lobbying, and details the Court's long doctrinal history of distinguishing between compelled speech and compelled subsidies, and the very different level of scrutiny applied to each.
2. [Mayors Garcetti, Emanuel, De Blasio, Kenney and Durkan and County Executive Constantine](#), filed by Donald Verrilli. This brief is submitted in the interest of the executives of the nation's largest population centers, and argues that to fulfill their obligation to keep their citizens safe and provide diverse public services to millions of people, they must continue to have wide latitude in managing their own affairs as is permitted under established precedent. Overruling *Abood* on the basis offered by Janus would substantially undermine this precedent and their discretion over matters of local concern and personnel management.
3. [Senators Whitehouse and Blumenthal](#), filed by Peter Karanjia of Davis, White & Tremain. These Senators, who serve on the Judiciary Committee, describe the unusual procedural posture, funding and politics behind Janus' and his allies' attack on workers' unions; *stare decisis* now more than ever counsels against overturning *Abood* should the Court desire to retain its integrity as a non-partisan institution.
4. The [United States Conference of Catholic Bishops](#), filed by Anthony R. Picarello, Jr. The official body of the Catholic Church in the United States catalogs its long history of opposing "right-to-work laws" and the papal encyclicals affirming the need to support worker self-organizing on which that position was founded, and counsels the Court not to use the Constitution to remove from local control and political debate an issue of pronounced importance to the Church.
5. [Economists and Professors of Law and Economics](#), filed by Dan Jackson, Keker, Van Nest & Peters. Thirty-six leading economists, including three Nobel laureates, explain the origins, development and application of public goods theory and the concept of the free rider, as a vital, integral and established economic principle.
6. Professors [Eugene Volokh and William Baude](#), filed by Gregory Silbert of Weil, Gotshal & Manges, show that a conservative and originalist application of the First Amendment requires affirming *Abood*, and that had *Abood* applied "first principles" of the Founding Framers, the *Abood* court would have found no infringement of speech with respect to fees that support even the union's ideological and political activity.
7. [Faith in Public Life](#) and over twenty other religious organizations and 120 leaders of religious institutions, filed by Eric Alan Isaacson. Beginning with Dr. Martin Luther King, Jr.'s involvement in the Memphis sanitation workers strike, the brief describes the long history of faith leaders and church support of organized labor, opposition to right to work, and the racist origins of the right to work movement.
8. [Child Protective Service Workers](#), filed by J. Carl Cecere. These workers who serve at-risk, abused and abandoned children describe the role of labor-management cooperation in improving the lives of children, the paramount interest of the state and unions in protecting children, and the efforts and successes their unions, working with government employers, have accomplished to improve the lives of children in New Jersey, Massachusetts and California.
9. [Human Rights Campaign, Lambda Legal Defense Fund, National Center for Lesbian Rights, National LGBTQ Task Force, and PFLAG](#), filed by Steven E. Fineman and Laura Heiman. Discrimination faced by LGBTQ workers as -- and continues to be -- prevalent and unaddressed by state or federal law (remains so in in many jurisdictions), unions were the first institutions to meaningfully combat workplace discrimination, negotiate protections for LGBTQ workers, and create accepting and open work environments, and continue to play this important role.
10. The [American Civil Liberties Union](#), filed by David Cole. Noting its status as the primary defender of First Amendment freedoms, ACLU argues that *Abood* does not present any first amendment concerns as *Abood* properly balanced speech considerations with the associational rights of individuals who choose to join together in labor unions, and with the government's vital interests in promoting democratic governance and labor peace in the workplace.

## AMICUS BRIEFS SUPPORTING RESPONDENT, AFSCME COUNCIL 31 Continued

11. The [International Brotherhood of Teamsters](#), filed by Scott Kronland, Altshuler Berzon. This brief details the effect of “right to work” policies, the cost of the free rider problem, and explains how Janus’ and his amici’s contentions that exclusive representation is an adequate *quid pro quo* for unions’ representational obligations is misplaced, using the federal sector as an example.
  12. The [Laborers International Union of North America](#), filed by Laurence Gold, Ted Green and Lisa Pau. LiUNA details the “nuts and bolts” of collective bargaining and makes clear the distinction between a union’s efforts in collective bargaining and its lobbying and political efforts, describing the different regulatory frameworks circumscribing each distinct activity.
  13. [Governor Tom Wolf, State and Local Officials and Local Governments](#), filed by Prof. Sam Bagenstos, University of Michigan. State and local governments argue that overturning *Abood* would threaten important joint labor-management projects that enhance delivery of governmental services and would upset significant reliance interests of public employers on long-established labor relationships.
  14. [Republican Current and Former State and Local Officeholders](#), filed by Brianne J. Gorod of the Constitutional Accountability Center. Several dozen current and former Republican officeholders request the Court to stay its hand under principles of Federalism and preserve the rights of the states to weigh the competing interests of public employers, employees, unions and the public to devise labor relations systems.
  15. [States of New York, Alaska, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New Jersey, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and the District of Columbia](#), filed by Barbara Underwood, NY Solicitor General. These states detail the labor peace basis for adopting fair share fee systems, how the systems have worked, and how that are administered in conformance with constitutional requirements. The brief reveals the Janus’ error in distinguishing between collective bargaining and lobbying and for placing the blame of municipal bankruptcies on unions.
  16. The [State of California](#), filed by Attorney General Becerra and Solicitor General DuMont. California asserts its sovereign interests and explains the history, enactment and refining of its numerous public employee collective bargaining statutes, and the important role fair share fees play in these systems, including alleviation of labor unrest.
  17. [Professor Benjamin I. Sachs](#), filed by Joseph M. Sellers of Cohen Milstein Sellers & Toll. Professor Sachs explains how agency fees are completely compatible with the First Amendment when properly understood, as they are identical to any number of instances where governmental entities compel citizens to pay fees to private organizations that perform quasi-regulatory functions or must purchase mandated services as a condition of employment within a profession.
  18. [National Women's Law Center, The Leadership Conference on Civil and Human Rights, and 85 Additional Organizations Committed to Civil Rights and Economic Opportunity](#), filed by Matthew S. Hellman, Sarah Heydemann and Vanita Gupta. This brief emphasizes the ameliorative social and economic benefits of strong unions supported by agency fees for women, people of color, LGBTQ and other historically oppressed workers.
  19. [Los Angeles County's Department of Health Services, New York City Health and Hospitals, and SEIU](#), filed by Mary Wikham and Nicole Berner. Hospitals and their bargaining partner SEIU argue for preserving their discretion to manage their operations to achieve productivity and efficiency goals through labor management cooperation, and details the labor relations continuum public employers experience in union and non-union settings, and the positive accomplishments and outcomes that a mature agency-fee funded relationship can bring in the health sector.
  20. [National Education Association and American Association of University Professionals](#), Alice O'Brien and Risa Lieberwitz. This brief reviews the strong interest of employers in adopting effective labor relations policies, the variety of approaches pursued by states as reflected in varying state labor relations statutes, and describes the minimal level of scrutiny applied under the Constitution in matters involving a government’s management of its own operations.
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## AMICUS BRIEFS SUPPORTING RESPONDENT, AFSCME COUNCIL 31 Continued

21. [American Federation of Teachers](#), filed by Kevin K. Russell of Goldstein & Russell and Rhonda Weingarten. AFT describes the inaptness of Janus' analogy between public sector collective bargaining and political lobbying, explaining collective bargaining is part of state governments' internal decision-making process as to how they structure and run their public agencies, often involving mundane matters, as distinct from lobbying which involves persuasion external to the workplace.
  22. [Rasheedah Gray and 27 Other Agency Fee Payers](#), filed by Catherine K. Ruckelshaus, National Employment Law Project. Submitted by 28 home health care workers who were agency fee payers, they describe the substantial benefits their unions provide despite their non-member status and the reasons they had not joined their union.
  23. The [American Federation of Government Employees](#), filed by Jeffrey Lamken and David Borer. AFGE argues that the government has long been permitted to burden employee speech in the service of its role as an employer, and traces this historical fact from the days of the founding fathers under patronage systems. In recent decades the Supreme Court has departed from this originalist view of the First Amendment, but even applying modern precedent, the government's strong interest in regulating its relationship with and among its employees is more than sufficient to overcome modern sensitivities to the First Amendment.
  24. The [New York City Sergeants Benevolent Association](#) ("SBA"), filed by Stephen Younger of Patterson, Belknap. This brief establishes the necessity of agency fees systems from the perspective of New York's first responders, and details how Janus and his amici supporters fail to understand the range of duties and functions take on, and the difference between these costly and significant representational duties and lobbying, and further details other advocacy of a non-political nature the unions engages in involving training, equipment and health care for 9/11 first responders.
  25. The [International Association of Fire Fighters](#), filed by Thomas Woodley. The IAFF provides evidence of the value that collective bargaining and union representation provides to governments that are interested in providing safe and effective fire protection and rescue services to the people, and how fair share fee systems serve the vital interest of attracting, training and retaining firefighters, providing high quality public services and protecting the health and safety of firefighters and the public.
  26. [Professors Estlund, Estreicher, Getman, Gould, Harper, and St. Antoine](#), filed by Prof. Samuel Estreicher and Richard Breaun. These six labor law professors explain that public employers have only a few viable options with respect to personnel management and the realities of setting the terms and conditions of employment of their workforces, and the benefits and necessity of agency-fee supported personnel management.
  27. The [National Conference on Public Employee Retirement Systems](#), filed by Arthur Liou of Leonard Carder. NCPERS' brief rebuts the contention made by Janus and certain of his amici that there is a causal link between fair share fees and municipal bankruptcies and/or pension underfunding. Through historical and empirical evidence, NCPERS proves there is no link, and also notes that problems of public pension underfunding were a political issue when *Abood* was decided and so does not present a changed circumstance warranting revisiting *Abood*.
  28. [Crown Building Maintenance and Northern Indiana Independent Contractors Group](#), filed by Michael Abate of Kaplan, Johnson, Abate & Bird. Private sector employers operating in states that both permit and prohibit fair share fees detail their experience and conclude that where their employees have elected a union to represent them, an obligation by the entire workforce to support their elected union is preferable because it results in more harmonious and productive labor relations.
  29. [Public Citizen, Inc.](#), filed by Scott L. Nelson. Public Citizen argues that public employee unions interact with governments in their proprietary role as employers and market participants, not in their capacities as sovereigns for purposes of changing policy, and therefore agency fees do not implicate first amendment insofar as the fair share fees fund matters involving the workplace.
  30. [Governor Steve Bullock \(Montana\)](#), filed by Deepak Gupta and Matthew Wessler. Governor Bullock describes Montana's labor history and argues forcefully for the principle that states' separate and independent existence must be safeguarded, including their authority to structure labor relations with their employees through an agency fee system supporting a robust and independent exclusive representative, an approach that Montana's experience commends.
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## AMICUS BRIEFS SUPPORTING RESPONDENT, AFSCME COUNCIL 31 Continued

31. The [City of New York](#), filed by Zachary Carter and Richard Dearing, corporation counsel. The City describes the events and circumstances leading to its adoption of a comprehensive labor relations ordinance and eventual adoption of a fair share fee system, detailing the need to ensure an enduring labor peace and the compelling interests of the City with respect to providing services to the densely populated and heavily unionized population.
  32. [Labor Law & Labor Relations Professors](#), filed by Charlotte Garden and Matthew Bodie. [Forty-four distinguished professors](#) offer a human-resources perspective of the utility of public sector collective bargaining under a fair share fees system, and show that these systems have been proven to improve the delivery of public services and offer an efficient method of setting compensation and other terms of employment while providing a positive channel for workers to be heard and to resolve their differences.
  33. [Constitutional Law Scholars](#), filed by Andrew Pincus of Mayer Brown. Five professors of constitutional law explain the application of the principles of *stare decisis*, and why each principle requires affirming *Abood*, and how overturning *Abood* would significantly disrupt settled legal rules in related areas of law and commerce.
  34. The [International Association of Machinists](#), filed by Mark Schneider, dismantle the contention stated in dicta in *Harris v. Quinn*, and now offered by Janus and his amici, that *Abood* erred by relying on two Railway Labor Act cases, *Hanson* and *Street*, as having settled First Amendment concerns related to agency shop provisions, showing in its brief that those cases were indeed decided on First Amendment grounds and were properly relied upon for that point in *Abood*.
  35. [Chabot Las-Positas Faculty Association and Eight Other Community College Faculty Associations](#), filed by Robert J. Bezemek. These small, independent, unaffiliated unions offer their perspective of labor relations, and how agency fees are necessary to perform their representative duties on the small scale they operate, including the development of shared governance and broad-based union-management partnerships within the largest system of higher education in the country (and with the lowest published tuition).
  36. [Fifteen Unions and Umbrella Organizations that Provide Services to Half a Million Public Safety Employees](#), filed by Pamela Karlan, Gary Messing and Gregg Adam. Public sector safety unions demonstrate the essential public purposes they serve, and the improved safety, training and unit cohesion that agency fees provide from which the public benefits, and the danger free riding poses to the effectiveness of unions.
  37. [Twenty-four Past Presidents of the D.C. Bar Association](#), filed by John W. Nields of Covington & Burling. These attorneys, who served as elected presidents of the D.C. Bar association, argue that principles of *stare decisis* requires affirming *Abood*, particularly because of *Abood*'s seminal role in the development of subsequent precedent affirming the payment of mandatory bar association fees as a requirement to practice law and other related areas of law.
  38. The [National Fraternal Order of Police](#) filed by Larry H. James and Joel A. D'Alba. The FOP reveals petitioner's challenge to *Abood* as an ideological attack on public sector unions disguised as a First Amendment challenge, one that seeks a rigid rule with vast, negative consequences to law enforcement and public safety. Noting public safety employees are prohibited from striking, many collective bargaining activities within public safety unions are focused on promoting officer and public safety, not politics.
  39. The [New York City Municipal Labor Committee](#), filed by Adam Klinger, Harry Klinger and Robin Roach. This committee of public employee unions representing New York City employees situates Janus' arguments in political terms and offers a wide-ranging defense of collective bargaining supported by agency fees.
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Join UUP in New York City on Saturday, Feb. 24 to show our solidarity and stand up against *Janus v. AFSCME*, a case that threatens our ability to come together as a strong union. Book a roundtrip seat on a union bus from Syracuse.

The **Working People's Day of Action** rally is an urgent call for change and occurs only two days before the U.S. Supreme Court will hear *Janus*. The corporate CEOs and wealthy special interest groups that filed this case are deliberately trying to tilt the power away from the working class. It's up to us to fight back!

Please register using this link and spread the word on your campus to join us at the **Working People's Day of Action on Feb. 24 at Foley Square, 11 a.m. to 1 p.m.**: <https://goo.gl/forms/1luxpCmE48Cxur52>

Travel expenses will not be reimbursed for this event, but seats for UUP members on CSEA buses from our area are still available. There are 20 seats left! CSEA will run roundtrip buses to NYC, with pickup details to be announced. There will be NO COST for union members to participate. The bus will leave from the CSEA Region [5 office: 6595 Kirkville Rd, East Syracuse](#). We plan to depart at 5 a.m. and return in the evening.

To reserve your spot on the CSEA bus, please RSVP with CSEA Region Political Coordinator Josh Schick at [\(315\) 433-0050](tel:3154330050).

## WORKING PEOPLE'S DAY OF ACTION

02.24.18



**SATURDAY,  
FEBRUARY 24**

Foley Square  
111 Worth St.,  
New York, NY 10013

**11 A.M.**

**ON SATURDAY, FEB. 24** Fight for equitable pay. Fight for affordable health care. Fight for quality schools. Fight for a strong union and a secure future for all of us.

When we join forces and stick together, we are unstoppable. Fifty years ago, Dr. Martin Luther King Jr. joined striking sanitation workers in Memphis, Tenn., as they fought for the freedom to join together in a strong union and for dignity and respect at work. On April 4, 1968, King gave his life in this struggle.

Now, wealthy special interests want to further rig the system. In a Supreme Court case called *Janus v. AFSCME Council 31*, they attempt to divide working people and limit our power in numbers – because unions give workers a powerful voice in speaking up for themselves, their families and their communities.

On Feb. 24, WE will rise up to defend our freedom to come together in strong unions and fight. **Join the Working People's Day of Action.**



Visit  
[www.uupinfo.org](http://www.uupinfo.org)  
to learn more and RSVP.

Dan Harms,  
Chapter VP for  
Academics  
Library



## Odds and Ends

Have you checked your paycheck lately? Has it increased or decreased? This could be for two reasons.

First, the new tax plan is in place, which will increase many employees' paychecks – for the time being, before the rates go up over the next decade. But the big corporations had a permanent tax cut, which is what matters, right?

Second, as of December 27, 2017, the Deficit Reduction Leave repayments have ended, thus generously your interest-free loan/gift to New York State that doesn't really seem to have done anyone any good.

Keep an eye on this, and be sure to consult your tax professional if you have questions.

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After the emergency closure of March 14 last year, some employees received mixed signals about whether or not they would be paid for the day. If you don't know what would happen, be sure to ask.

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Are assignments and quizzes from your class being sold online? Sites such as Study Blue (<http://www.studyblue.com/>) are accepting material from students - and selling them back to others. UUP Central is interested in finding out if members are being impacted. If you could take a couple minutes to search Study Blue to see if your syllabi or assignments are in their database, that would be appreciated. Write [danharms@earthlink.net](mailto:danharms@earthlink.net) if you find an issue.

If you'd like to protect your material, one solution is to put a copyright notice – as simple as “© Your name 2018”- on class documents. This is not strictly necessary, as U. S. copyright law establishes that your work is copyrighted as soon as it is written or recorded. Still, many people aren't aware of the law, so the copyright notice might give you an additional layer of protection.

--

The SUNY Provost's Office is soliciting comments on a draft resolution on open access – one which the Faculty Senate shared with you on February 3.

One of the great parts of being on the faculty at SUNY is that we have a great deal of ownership over the intellectual property we create. The goal of this policy should be to create campus policies that give the public appropriate access to the work we're doing, while allowing faculty to maintain control of their rights.

Stony Brook recently put forward an open access policy for their campus that was lauded across the system. Nonetheless, in my opinion, it has serious problems. Most notably, faculty are signing over their rights to the university, which can later rewrite the policy defining those rights at any time without consultation. As an author who's had to wrangle with publishers in the past, this is a situation I don't wish on anyone.

Any potential open-access policy might have different impacts on faculty, based upon their departments and publishing patterns. For example, clearly books must be treated differently than articles. Likewise, the latest draft mentions “creative works,” which might affect creative writers, artists, musicians, and others in particular ways. It's best to participate in the discussion beforehand, rather than be caught off guard when they appear.



(The following “report cards” were meant to be filled out and delivered to Education Secretary Betsy DeVos by teachers, parents, students, and members of education unions. Representatives of these groups attempted to deliver the cards that had been reviewed and graded to the Department of Education, but DeVos refused to allow entrance to the AFT contingent. The current *Cortland Cause* was not published in time for the UUP members to grade DeVos. But the bigger issue here is that this is how democracy dies.—editor)

Anne Wiegard,  
English



## Happy Anniversary, Betsy

Do you remember watching the cabinet hearings a year ago in utter disbelief when super wealthy nominee Betsy DeVos couldn't answer even simple questions about education policy? Her testimony revealed her utter lack of qualifications and her intention to privatize public education. In an unprecedented move, Vice President Pence broke the Senate's tie by casting a vote in her favor. Her performance as Secretary of Education has been true to form.

On the occasion of Betsy's first anniversary on February 7th, 2018, AFT thinks it's only right to evaluate her performance since every teacher whom the cabinet member oversees has to be evaluated. Fill out a report card for Betsy DeVos. Go to the following link or visit the American Federation of Teachers website where you can also find statements that President Randi Weingarten has issued about actions taken by DeVos: <https://www.aft.org/devos-report-card>. Tell Betsy what she should be doing and share with her some of the great work you do to serve our students. The report cards AFT collects will be sent home with Betsy so her boss can read them.

# Report Card

Name: *Betsy DeVos*

Subjects for consideration	Grade
Advocating for full funding of the Department of Education and its programs	<i>?</i>
Ensuring access and equity in public schools for all	<i>?</i>
Protecting students' civil rights	<i>?</i>
Promoting evidence-based strategies for school improvement	<i>?</i>
Protecting students from predatory for-profit colleges, lenders and loan servicers, and promoting gender equity on college campuses	<i>?</i>

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

***From the newsletter of SUNY Cortland faculty union – United University Professions (UUP). UUP is the collective bargaining agent for academic faculty and professional staff in the State University of New York. UUP is a local (#2190) of the American Federation of Teachers and the AFL-CIO. It is an affiliate of New York State United Teachers. There is a UUP Chapter on each campus in the state operated portions of SUNY***

*[Editor's Note: Bob Spitzer's article was first printed in 1987. We reprint it now – thirty-one years later – for the benefit of new colleagues, agency fee payers, and, in fact, all members of the bargaining unit.]*

## **ACADEMIC UNIONISM: A CONTRADICTION IN TERMS? OR, 7 GOOD REASONS WHY YOU SHOULD JOIN UUP**

**Robert Spitzer,**  
Political Science



The intellectual gauntlet known as graduate school is relatively successful in imparting fundamental academic values, including the values of good teaching, scholarly research and writing, and service to one's college.

Thus, when I joined the Cortland faculty, I was more than a little mystified to be informed about the existence of a faculty union. I have always believed in the virtues of unionism, but I had also always associated them with steel workers, miners, and the union label on the inside of my Arrow shirts. In short, my narrow and frankly biased view was that unions belonged with the blue-collar professions -- certainly not with the intellectual life of the academy.

My observations of, and experiences with our union, United University Professions (UUP), have radically altered these preconceived notions. Not only is unionism in accordance with academic norms, but I would argue that UUP has made abundant contributions to the maintenance and advancement of the academic life. My reasons for this conclusion are summarized in the arguments given below, all of which point to one conclusion -- that joining UUP is as much a part of academic life as teaching, research, committee work, and reading a good book.

Why Join UUP?

1. UUP is the organization duly designated to negotiate with the State on behalf of all SUNY faculty and professionals to set the terms and conditions of our employment. Our salary level, benefits, working conditions and the like are all determined by negotiations between UUP representatives and the Governor's Office of Employee Relations. These negotiations occur because of the State's Taylor Law, which mandates collective bargaining for public employees. The contract under which we work is the product of this negotiations process. If contractual matters like pay increases, health insurance, disciplinary procedures and performance programs are important, then the union should be important to the individuals affected by it.

2. The union contributes importantly to the quality of education at the college. UUP is not simply an organization out to grab goodies for its members. After all, we are all academics, and the union itself strives to emulate a new model of unionism -- one having academic/intellectual roots and orientations - as opposed to the more traditional industrial model, which reflects hierarchical, industrial values. Perhaps the best evidence of this is found in our own local Newsletter. Many of the most vital and interesting exchanges on educational matters are found in the Newsletter, on topics such as the difficulties attendant to educating today's Cortland students, discussion of recent national reports on the crisis in education, teaching techniques, faculty burnout and news from other campuses. As the only all-campus written forum for and by faculty, the Newsletter is a good read precisely because it addresses pertinent educational concerns. Moreover, it significantly enhances the all-college dialogue within the college community.

Continued on page 14

3. The union protects fundamental rights. The union argues grievances, insures basic procedural rights, helps settle disputes, provides information, acts as a watchdog and keeps abreast of pertinent changes in law and procedure. Some find themselves uncomfortable with the adversary quality of some of these activities, especially when the adversary is our own local administration. We are unusually fortunate on this campus to have an administration that is open, flexible and receptive to the faculty (a condition that does not hold for all SUNY campuses, much less at private institutions). Nevertheless, administrators maintain an institutional position that often impels them to take certain actions that may be inimical to the interests of faculty and staff. For example, many administrators were sympathetic to the faculty's position during the impasse in contract negotiations a few years ago and subsequent "work to rule" campaign. Yet clearly, they were in a ticklish situation, because their own positions might have been compromised had they spoken out publicly on our behalf. To cite another example, the recent budget crisis raised the specter of widespread, even massive layoffs. Had Albany decision makers decided to mandate even deeper campus cuts, our administrators would have had no choice but to implement those cuts.

To take a different kind of example, an incident occurred here on campus a few years ago when a faculty member, in a fit of anger, shouted an obscenity at a student in the presence of other students. The administration, on hearing of the incident, instituted a discipline case toward the immediate dismissal of the faculty member. The offense was serious, but did it warrant summary dismissal from the college? While one's reaction might have been to side with the decision of the administration, the proposed remedy seemed unduly harsh and extreme. Acting unofficially as part of the counseling-consultation process, the union saved the faculty member's job after an apology to the offended student. Instead of a long, drawn-out series of hearings and legal entanglements, the union was able to realize the best interests of all concerned.

Due process is as important on a college campus as it is in a criminal court, and when supervisors have hire-and-fire, promote-or-punish powers, due process guarantees are absolutely essential. Over the years, the union has helped many who have faced similar problems. Admittedly (and thankfully), academic values of collegiality do much to avoid unjust or improper decisions; but Cortland and SUNY are also large bureaucratic organizations characterized by hierarchy, delegation of authority, impersonality, systems of files and rules, and other traits common to bureaucracies. Under these circumstances, it is all but inevitable that problems and inequities will arise. The union is frequently the source of sole recourse for an employee.

4. The union provides advice, information and other services/benefits to its members. One local union official was fond of saying that he often felt like a rabbi/father confessor. Many faculty have found the union to be a key source of information, advice, even solace. The range of concerns brought to the union span the gamut, from classroom problems, to harassment, to problems of contract renewal. Through EAP (the Employee Assistance Program), faculty have access to help with personal and family problems. Faculty have increasingly found the union to be a reliable resource. And aside from other services, UUP also provides free life insurance.

5. The union is a strong and growing political force in New York politics. Whether we like it or not, the SUNY system is a State agency, facing the same budgetary and political problems as other State agencies. Our lines, programs, and facilities are all dependent on the good graces of the Division of the Budget, the Governor, and the state Legislature. The greater our political clout, the more likely we are to obtain the necessary educational resources.

Some faculty probably find politics to be alien, if not abhorrent. For those in particular who share this feeling, it is all the more important to recognize that a) like it or not, our survival depends on the political winds; and b) the existence of a union helps insure that someone representing our interests (i.e., SUNY) will be keeping a close eye on Albany. When action becomes necessary, the UUP is there to take appropriate measures. And UUP's attention to politics is full-time and year-round.

When UUP flexes its political muscle, it can be highly effective. Who could forget, for example, the dark period in 1983 when Albany proposed drastic cuts in the SUNY budget, which on this campus would have meant retrenchments and the elimination of several academic departments? UUP lobbied effectively and successfully for the restoration of those cuts. UUP played a similarly key role in obtaining budget restoration in 1996. In this way alone, the union is working to protect the lifeblood of the SUNY system.

Continued on page 15

6. Some say we would be better off, or at least no worse off, without the union. First, if the above arguments do not dissuade the reader of this notion, then consider the simple axiom that in unity there is strength. The nature of faculty life is such that it enforces separation, even isolation. Faculty teach alone, have individual offices, conduct research alone or with only a few, and join with others on a regular basis only within academic departments. Such disaggregation and decentralization is desirable in many respects, especially as it is consonant with values of academic freedom. Yet such separation can also be detrimental to individuals and the institution as a whole. What difference does it make if one is an accomplished silver polisher when the Titanic is sinking? The union is a key force to bring faculty and professionals together in times of crisis, as well as times of celebration, thereby enhancing collegiality.

Second, some point to the period before we had an active union, especially during the 1960s, as a time when SUNY did much better than now. Clearly, however, the enormous growth of SUNY in the 1960s is attributable not to the absence of a union, but rather to an expanding economy (especially during Lyndon Johnson's Great Society), proliferating government spending programs, and a big-spending governor, Nelson Rockefeller, who was committed to building SUNY into the largest university in the world. We cannot now expect a return to those fiscally halcyon days; the government pie is no longer expanding.

7. Don't I get the benefits of the union even if I don't join? Yes, but there is no virtue in being a "free rider," and joining the union costs nothing. Even if a union member never participates in a union function, membership still helps the union, and therefore the college, by adding to the membership base. The higher the proportion of membership, the greater its legitimacy.

For anyone in accordance with the overall goals and works of the union, membership is a must. For those who share reservations or objections to union activities, membership is even more important. The union has changed and evolved in its leadership and orientation over the years precisely because those with differing points of view have become involved and effected change. Organizations need new, divergent voices to maintain vitality and responsiveness.

Those who have not given any thought to this issue up until now should do so. But regardless of one's feelings, recognize one fact -- faculty unionism is as much a part of life in the academy as anything else. It both embodies and supports fundamental academic and intellectual values. The extent to which it does not is also the extent to which faculty are not involved.



# Red Dragon Support Cortland Night



**Night with Athletics**

**Cortland UUP Members get in free with their school ID and Family members of UUP will be free too! Bring a non-perishable item for Cortland's Loaves & Fishes**

**Friday February 16<sup>th</sup>**

**Women's Basketball vs Geneseo**

**5:30 p.m.**

**Men's Ice Hockey vs Plattsburgh**

**7 p.m.**

**Men's Basketball vs Geneseo**

**7:30 p.m.**



## UUP CORTLAND CHAPTER — EXECUTIVE BOARD 2017-2019

4-Digit phone numbers begin with 607-753-xxxx

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Photos from our Holiday Gathering – December 2017







Contingent  
Academic  
Employees:

Take Your Survey!  
<http://bit.ly/2xIVwcI>



## Your Opinion Counts!

A new 65-question survey seeks information on the experiences and working conditions of SUNY's part-time and full-time contingent academic employees.

**The survey was written and is being distributed by the union's Contingent Employment Committee** to gather detailed information about hiring, workload, working conditions, compensation and other aspects of working as a SUNY contingent employee.

It should take about 20-30 minutes to complete.

Survey results will be used for future initiatives and reports on how to best support and improve conditions for contingent academics.

The survey isn't formatted for mobile devices, but smartphones can be used to take and submit the survey. Hard copies of the survey are also available from UUP; contact VPA Jamie Dangler at (800) 342-4206 for details.



ATTENTION ALL UUP FOLKS! PLEASE PLAN TO ATTEND! UUP UNION Matters Lunchtime Series - important chapter meeting!

## ***UNION MATTERS CHAPTER MEETING***

Campus & Statewide Issues Forum

All Cortland UUP members  
are invited and urged to attend!

**Tuesday, February 27, 2018**

**Noon to 1:00 p.m. (buffet opens 11:45)**

**Brockway Hall—Jacobus Lounge**

**\*\*LUNCH PROVIDED\*\***

**Salad & Sandwich Makings**

Advance signup by February 16h is requested to ensure adequate  
food and beverage...but you may drop in at the last minute  
even if you don't sign up! We want to see you there!

*Please let us know by February 16th if you have special dietary needs.*

- Chapter Budget for 2018-2019
- State Budget
- Legislative Agenda Update

Presented by  
Joe Westbrook, President



**UNION MATTERS** is a series of monthly lunch and discussion meetings on topics of special interest to Cortland UUP bargaining unit members. **UNION MATTERS** is intended to offer not only important content, but also an occasion for respite from the busy work week, an opportunity for relaxed collegiality, and a "free lunch." There will be plenty of time for your questions. As always, this **UNION MATTERS** program is free and open to all Cortland UUP employees. PLEASE plan to attend and bring a colleague!

*To sign up, contact:*

United University Professions, Cortland Chapter Office  
E-mail [uup@cortland.edu](mailto:uup@cortland.edu)—Phone 607-753-5991

### **IT'S YOUR NEWSLETTER!**

We welcome articles and letters submitted by members of the SUNY Cortland Community.

Please share your thoughts with us— we want to hear from you!  
Opinions expressed in *The Cortland Cause* are those of the individuals  
and are neither endorsed by nor represent the views of UUP.

Please note: The Cortland Cause will generally not print anonymous submissions.

We reserve the right to edit submissions for grammar, space limitations, accuracy, etc.

Send contributions to the Chapter Office, [uup@cortland.edu](mailto:uup@cortland.edu)  
and to the editor, Karla Alwes, [karla.alwes@cortland.edu](mailto:karla.alwes@cortland.edu)

## Membership has its privileges!

*Your union is steadfast in its fight for better contracts, safer working conditions, fair pay, advocacy, and upholding the labor rights of the dedicated women and men proudly working in the education and health care industries on a daily basis.*

**But your NYSUT membership does so much more!** It also provides you with the opportunity to enjoy the benefits of more than 40 endorsed programs & services offered by NYSUT Member Benefits. Look to Member Benefits for crucial insurance programs along with a variety of travel, entertainment & shopping options.



These programs can be purchased on a voluntary basis and provide you with a trusted advocate ready to assist you with any issues or concerns.

That is why we encourage you to always look for the “Endorsed by NYSUT Member Benefits” logo before you or your loved ones make any purchasing decisions.

Visit [memberbenefits.nysut.org](http://memberbenefits.nysut.org) or call **800-626-8101** for specific information about this program.



## Newly endorsed Member Shopping Program available for use!

We heard the requests of the NYSUT membership and spent months diligently researching new member shopping program options. The NYSUT Member Benefits Corporation is pleased to announce that the Purchasing Power Member Shopping Program is now available for use by eligible NYSUT members.

Purchasing Power is an online shopping option that offers another way to purchase brand-new, brand-name products and pay for them over time through the ease of payroll deduction or ACH withdrawals. Eligible NYSUT members can enjoy access to products such as computers, appliances, jewelry, furniture, televisions, electronics, travel packages and much more.

While Purchasing Power is not a discount program, it can save you money and stress compared to high-interest credit cards or rent-to-own stores. As always, you are encouraged to shop and compare before making any purchasing decisions.

Visit [nysutmbc.purchasingpower.com](http://nysutmbc.purchasingpower.com) or call **800-537-3135** to learn more.



For information about contractual endorsement arrangements with providers of endorsed programs, please contact NYSUT Member Benefits. Agency fee payers to NYSUT are eligible to participate in NYSUT Member Benefits-endorsed programs.



NEW YORK STATE/UNITED UNIVERSITY PROFESSIONS  
JOINT LABOR-MANAGEMENT COMMITTEES

**JANUARY 2018 SPOTLIGHT**

**NEW YEAR – NEW OPPORTUNITY**

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