

# SPECIAL MEMBERSHIP EDITION

2015 FALL  
UUP ESC NEWS:  
EXCELLENCE IN UNITY



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**Richard R. Wells**, Vice President for Academics

**Dave Puskas**, Vice President for Professionals

## Membership is Our Strength

*Pamela Malone, President*

Sisters and Brothers,

Welcome to a special Membership Edition of *Excellence in Unity*! In these pages you will find important information regarding your advantages as a union member.

There are many benefits and perks that are available to you through the hard work of negotiations as well as the benefit offices at UUP and our affiliates NYSUT and AFT. You might find something new that will save you money and provide something you need!

In addition to negotiated contractual benefits and perks, never has there been a more important time to be aware of your union rights and of the protections of union membership. There are challenges at the college, within SUNY, and within higher education in general; and unions are being attacked in the political and legal arenas. Our power to protect ourselves and our rights comes from our union and our solidarity.

Many individuals across the college are being asked to change various aspects of their work, and everyone should seek the advice of your local chapter Center Representative or Vice President when this happens. There is a piece in this newsletter regarding “mandatory subjects of bargaining” that I encourage you to review.

The chapter and UUP are monitoring the SUNY Excel performance based funding program, Open SUNY and other initiatives, discussions of intellectual property, and more. Please feel free to forward any information regarding SUNY initiatives to the chapter office, especially if you feel they impact our terms and conditions of employment.

At the national level, we have presidential candidates who make no secret of wanting to destroy unions and attempt to use us as a distraction from greedy corporate policies. The Supreme Court will hear a case in the next session—Friedrichs v. California Teachers Association—that seeks to cripple unions financially, and this is not the only case making its way through the courts. Vice President for Academics Richard Wells has written a paper on the Friedrichs case which is in this newsletter, and we all must be cognizant of the potential devastating impact.

*Membership is Our Strength* continued

Our union has begun preparations for negotiating our next contract, which expires in July. As we have always done, we will be seeking input from the membership in the next few months by holding meetings at the campuses, sending a survey, and providing a Member Input Form to hear about your particular issues. There is information in this newsletter about the negotiations process and I encourage EVERY member to be involved in the process! The schedule of campus visits is in this newsletter, and Empire State College members are welcome at any campus. Team members will be at ESC in Saratoga in September, and we will have an additional meeting in the New York City area and after the Academic Conference in October.

**Remember, you must be a UUP member to participate in any activity surrounding negotiations—attending a meeting, filling out a survey, and most importantly—voting on our contract!** All of us are part of the UUP Bargaining Unit (and therefore receive all of the rights bargained for in our contract)—but you **must** have a signed card on file with UUP in order to be a UUP Member.

We have found that a lot of fee payers are unaware of their status—and think they are members because they are part of our bargaining unit. **Please look at your pay stub NOW and confirm you are a UUP MEMBER** (see “Are You a Member?”). If you are not, fill out the card as soon as possible to make sure you will receive a survey and will be able to attend negotiations meetings and vote on the contract!

We are asking that ALL members participate in this process. As both a current and former member of the Negotiations Team, I can tell you that our members are our power. We need to hear from you, we need you to keep up to date on the progress reports we send, and we need you to participate when asked. Please contact me if you have any questions, and **let's get started**.

I know you have heard me speak of the necessity of your involvement for over 2 years. There's a reason it is most often the focus of my messages to you—because it is important. It is more important than anything else we can do. We must now, more than ever, show our strength to the college administration, SUNY, the governor, and the nation. Your involvement can be as simple as reading this newsletter cover to cover. Share a bit of information with your colleague. Contact your chapter leadership when you find yourself in a vulnerable position. Ask questions at your center meetings. Attend a local union event. Support political candidates who support labor. Act in solidarity when you see our fellow union members in trouble. Talk to your family and friends about the importance of unions. Use the NYSUT MAC on your smartphone. Attend an Advocacy Day in the next legislative session. Use your benefits. Participate in the negotiations process. Ask your center rep if he or she can use a hand. Come to a chapter Executive Board meeting. Most importantly,

**Let it be known: I am a proud UUP member!**

In solidarity,

*Pamela*

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“There is no power in the world that can stop the forward march of free men and women when they are joined in the solidarity of human brotherhood.” ~ *Walter Reuther*

## **Negotiations Team Named: Philippe Abraham is Chief Negotiator**

Vice President for Professionals Philippe Abraham has been named chief negotiator for UUP's upcoming contract talks with the state. "Philippe is the right man to take on the important task of leading UUP through what will certainly be a difficult negotiation process," said UUP President Fred Kowal, who appointed Abraham as chief negotiator. "He and his team are dedicated leaders who will represent our members well."

"I look forward to this challenge," Abraham said. Farmingdale VPA Mike Smiles, a veteran Negotiations Team member who served as associate chief negotiator for the union's current contract, is back, this time as associate/deputy chief negotiator. The Team will also have two assistant negotiators: Empire State College Chapter President Pamela Malone and Stony Brook Chapter VPA Jason Torre.

Also on the team are Bret Benjamin, Albany; Doug Cody, Farmingdale; Ray Dannehoffer, Buffalo HSC; Jen Drake, Cortland; Pat Ghee, Buffalo State; Carolyn Kube, Stony Brook HSC; Mike Lyon, Upstate Medical University; Idalia Torres, Fredonia; Tom Tucker, Buffalo Center; Bill Tusang, Cobleskill; Paula White, Downstate; Anne Wiegard, Cortland; Beth Wilson, New Paltz; and Ezra Zubrow, Buffalo Center.

"My team and I will work tirelessly to secure the best deal possible for our members," said Abraham. "We will accept nothing less."

UUP members will be kept informed as the negotiations process unfolds. In the fall, the Team will be focused on soliciting input from members through a variety of venues, including open meetings at every chapter, a contract survey, member suggestion forms, and a negotiations hearing at the fall Delegate Assembly.

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### **Member Input is Critical to the Negotiations Process**

During the negotiations process, there are many opportunities for members to provide input to the team on their concerns and ideas. **Member involvement in this process is absolutely critical and all members are encouraged to participate!**

In this newsletter you will find a schedule of campus visits by the team. ESC Members are able to attend any meeting! Please contact our Chapter Assistant Jane Valetta ([uupescchapter@gmail.com](mailto:uupescchapter@gmail.com)) if you have any questions at all about the campus visits. Please work with your colleagues and center representative to carpool to the team meetings!

There will also be a member survey soon, and a member input form for more detailed information regarding a particular concern or issue. Two ESC members will be part of the Ad Hoc Advisory Committee and will be soliciting input from both professional and academic members.

Updates will be announced on the UUP website at [www.uupinfo.org](http://www.uupinfo.org) and we will let you know when there's something new. **Please be aware of these important communications, ask questions, and be ready to participate!**

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## UUP Contract Negotiations Team Open Meetings with ESC Chapter Members

Date: Thursday, September 10, 2015

Time: 5:00pm – 7:00pm

Location: Empire State College, 113 West Avenue, Room 143, Saratoga Springs, NY

Date: Friday, October 30, 2015

Time: 11:30am – 1:30pm (*immediately following Academic Conference*)

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Chief Negotiator: J. Philippe Abraham, UUP Statewide Vice President for Professionals

Associate/Deputy Chief Negotiator: Mike Smiles, Vice President for Academics, Farmingdale Chapter

Assistant Chief Negotiator: Pamela Malone, UUP Statewide Executive Board Member and Empire State College UUP President

Assistant Chief Negotiator: Jason Torre, Vice President for Academics, Stony Brook Main Chapter

Other visiting UUP Negotiations Team members will be announced before the meeting.

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The **2011-2016 Agreement between the State of New York and United University Professions** expires July 1, 2016. UUP's extensive preparations to negotiate the successor contract are in progress. As many members of the Negotiations Team as possible will travel to all UUP Chapters during the statewide listening tour – an *in person* means of communication with members for UUP's needs assessment phase.

Negotiations Team members will be here to listen to your ideas, thoughts, and concerns.

Information about the entire negotiations process can be discussed as well.

**Please don't miss this unique opportunity to express your views and offer ideas, suggestions, and recommendations directly to members of the UUP Negotiations Team.**

**They will be here in person to meet YOU – the members!**

# Make sure your voice is heard!

## Negotiations Team Chapter Visits Schedule: ESC Members are Welcome at ALL Meetings!

Campus	Day	Date	Time	General Location	Specific Location
ESC Manhattan	Wed	8/26/2015	5:00PM - 7:00PM	325 Hudson St, New York, NY 10013 (Corner of Van Dam)	Room 544
Stony Brook HSC Meeting	Wed	9/2/2015	12PM - 2:00PM	SUNY Stony Brook University HSC, Stony Brook, NY 11794	HSC Galleria
Canton	Tuesday	9/8/2015	12PM - 2:00PM	SUNY Canton, 34 Cornell Dr, Canton, NY 13617	Dana Hall, Bldg 4
Potsdam	Tuesday	9/8/2015	4:00PM - 6:00PM	SUNY Potsdam, 44 Pierrepont Ave, Potsdam, NY 13676	Knowles Hall, Multi-Purpose Room
Plattsburgh	Wed	9/9/2015	12PM - 2:00PM	SUNY Plattsburgh, 101 Broad St, Plattsburgh, NY 12901	Angel College Ctr, Cardinal Lounge
Cobleskill	Thursday	9/10/2015	12:30PM - 2:00PM	SUNY Cobleskill, State Route 7, Cobleskill, NY 12043	Warren Hall 120
ESC Saratoga Meeting #1	Thursday	9/10/2015	5:00PM - 7:00PM	Empire State College, 113 West Ave, Saratoga Springs, NY 12818	Rm 143
Stony Brook	Wed	9/16/2015	12PM - 1:00PM	SUNY Stony Brook University, Stony Brook, NY 11794	Student Activities Center, Ballroom A
Stony Brook HSC Meeting	Wed	9/16/2015	4:30PM - 6:30 PM	SUNY Stony Brook University HSC, Stony Brook, NY 11794	HSC Lecture Hall 1
Farmingdale	Thursday	9/17/2015	11:00PM - 1:00PM		Campus Common Ballroom
Old Westbury	Thursday	9/17/2015	2:30PM - 4:30 PM	SUNY Old Westbury, Old Westbury, NY 11568	Multipurpose Room B
System Admin	Monday	9/21/2015	12:PM - 2:00PM	SUNY Albany, SUNY Plaza, Albany, NY 12246	Lg Courtroom
Albany	Monday	9/21/2015	3:00PM - 5:00PM	SUNY Albany, 1400 Washington Ave, Albany, NY 12222	Campus Center Ballroom
Utica/Rome CNSE	Tuesday	9/22/2015	2:30PM - 4:00PM	SUNY/UT CNSE, 257 Fuller Rd, Albany, NY 12203	
Stony Brook HSC Meeting	Thursday	9/24/2015	4:30PM - 6:30PM	SUNY Stony Brook University HSC, Stony Brook, NY 11794	HSC Galleria
Fredonia	Monday	9/28/2015	11:30PM - 1:30PM	SUNY Fredonia, 280 Central Ave, Fredonia, NY 14063	Williams Ctr, Horizon Rm
Buffalo HSC	Monday	9/28/2015	5:00PM - 7:00PM	Chef's Restaurant, 291 Seneca St, Buffalo, NY 14204	
Buffalo State	Tuesday	9/29/2015	12:30PM - 2:30PM	SUNY Buffalo State, 1300 Elmwood Ave, Buffalo, NY 14222	Campbell Student Union, Social Hall
Buffalo Center	Wed	9/30/2015	12PM - 2:00PM	Classic V, 2425 Niagara Falls Blvd, Amherst, NY 14228	
Oneonta	Thursday	10/8/2015	12PM - 2:00PM	SUNY Oneonta, 108 Ravine Parkway, Oneonta, NY 13820	Morris Complex, Otsego Grille
Binghamton	Thursday	10/8/2015	5:30PM - 7:30PM	Binghamton University, 4400 Vestal Parkway E, Binghamton, NY 13903	Old Union Hall, University Union
Brockport	Friday	10/9/2015	12PM - 2:00PM	SUNY Brockport, 350 New Campus Dr, Brockport, NY 14420	Seymour Rm 119
Purchase	Tuesday	10/13/2015	12PM - 1:30PM	SUNY Purchase, 735 Anderson Hill Rd, Purchase, NY 10577	Student Services Bldg, Red Room
Maritime	Wed	10/14/2015	12PM - 2:00PM	SUNY Maritime, 6 Pennyfield Ave, Throgs Neck, NY 10465	Science & Engineering Bldg, Rm 2-5
New Paltz	Thursday	10/15/2015	12PM - 2:00PM	SUNY New Paltz, 1 Hawk Dr, New Paltz, NY 12561	The Terrace.
Optometry	Friday	10/16/2015	12PM - 2:00PM		10036
Genesee	Monday	10/19/2015	12PM - 2:00PM	Big Tree Inn, Old Porch Rm, 46 Main St, Geneseo, NY 14454	
Alfred	Monday	10/19/2015	4PM - 6PM	SUNY Alfred, 10 Upper College Dr, Alfred, NY 14802	Allegany Room
Morrisville	Tuesday	10/20/2015	11:00AM - 1:00PM	SUNY Morrisville, 80 Eaton St, Morrisville, 13408	Football Stadium Hospitality Suite
Delhi	Wed	10/21/2015	12PM - 2:00PM	SUNY Delhi, 2 Main St, Delhi, NY 13753	Farrell Hall, Rm 211
Corliland	Thursday	10/22/2015	11:30AM - 1:00PM	SUNY Cortland, P.O. Box 2000, Cortland, NY 13045	Corey Union, Exhibition Lounge
Upstate Meeting #1	Monday	10/26/2015	8:00AM - 10:00AM	Upstate Medical University, 750 E Adams St, Syracuse, NY 13210	Weiskotten Hall Rm 2231
ESF	Monday	10/26/2015	12PM - 2:00PM	SUNY ESF, 1 Forestry Dr, Syracuse, NY 13210	Gateway Building
Upstate Meeting #2	Monday	10/26/2015	4:00PM - 6:00PM	Upstate Medical University, 750 E Adams St, Syracuse, NY 13210	Weiskotten Hall Rm 2231
Downstate	Tuesday	10/27/2015	12PM - 2:00PM	450 Clarkson Ave, Brooklyn, NY 11203	
Downstate	Tuesday	10/27/2015	4:00PM - 6:00PM	450 Clarkson Ave, Brooklyn, NY 11203	
Downstate	Tuesday	10/27/2015	7:00PM - 8:00PM	450 Clarkson Ave, Brooklyn, NY 11203	
Oswego	Wednesday	10/28/2015	12PM - 2:00PM	SUNY Oswego, 7060 Route 104, Oswego, NY 13126	Marano Campus Center Rm 201
Utica/Rome	Thursday	10/29/2015	12PM - 2:00PM	SUNY/UT, 5701 Horatio St, Utica, NY 13502	
ESC Saratoga Meeting #2	Friday	10/30/2015	11:30AM - 1:30PM	Empire State College, Saratoga Springs, NY 12866	TBA

## Paying it Forward

*Dave Puskas, Vice President for Professionals*

Colleagues –

This edition of our newsletter deals with several themes, including the benefits of being in a union. I was asked to try to tailor my column to match, and I gave it a lot of thought.

I could talk about the basic benefits. Collective bargaining. Healthier, safer workplaces. Tenure and permanency. Medical and life insurance benefits for ourselves and our families.

I could talk about some of the other, lesser-known benefits. NYS Balance, the Employee Assistance Program, a Flex Spending Account, Worksite Child Care Centers. Discounts on our Verizon, AT&T, and Sprint mobile plans thru UUP. Discounted Giants, Jets, Bills, and Pats tickets via Working Advantage thru NYSUT.

Instead, I decided to add a bit of snark to the newsletter and talk about the really awesome benefits of being in a union. The ones that absolutely, positively, no one else is able to say “Hey, look at that – that’s me, they’re talking about me, and I can get some of that!”

One of the benefits is the potential to have current New Jersey Governor and Presidential hopeful Chris Christie punch you in the face. I mean, come on, who doesn’t like to chow down on a delicious knuckle sandwich every once in a while? Mmmm, sandwiches...

<https://twitter.com/CNNsotu/status/627830273506324480>

Another benefit is that we have the potential to work longer hours, thanks to people like Presidential hopeful Jeb Bush. We all know there aren’t enough minutes in an hour to get done what we need to, let’s push it up from 60! The sky’s the limit!

<http://abcnews.go.com/Politics/jeb-bush-people-work-longer-hours/story?id=32313997>

One of my new favorite benefits is the free body cavity searches we can now get in airports. I know you’re all chomping at the bit asking “But how, Dave, HOW?” Simple! Wisconsin Governor and Presidential hopeful Scott Walker has put us on par with ISIS! Mention you’re just like a terrorist and get yourself a free screening!

<http://time.com/3725078/scott-walker-unions-isis/>

My prose may be a bit light, but the subject matter certainly isn’t. There’s nothing funny about wanting to punch – metaphorically or otherwise – a workforce that as of 2011-12 was 76% female, where 1 in 5 employees were threatened with violence in the workplace, where 1 in 10 were actually physically assaulted in the workplace.

<http://www.aft.org/node/10511>

I joked about adding more minutes to an hour – I think it’s clear Bush wants the American workforce to work more hours, and he just misspoke about an hour’s length. Unfortunately, the logical basis for his opinion – the actual facts of the matter – skew otherwise. Who among us doesn’t check and respond to email first thing in the morning, or late in the evening? On a sick day or a vacation day? Our workdays, our work-weeks, have already gotten longer – and workers’ wages haven’t gone up accordingly.

<http://www.motherjones.com/politics/2015/07/jeb-bush-americans-work-longer-hours-charts>

*Paying it Forward*, continued

The best (worst) comment was Walker's from February of this year. A statement so ridiculous that even a conservative media outlet, National Review, took him to task for it. Even former Texas Governor Rick Perry took him to task for it. An inappropriate metaphor if ever there was one.

<http://bit.ly/1UTjstH>

Look, here's the real deal. My dad was a union guy – UAW Local 686 out of Lockport. We had to scrimp and save at times, at other times we had to worry about strikes or layoffs. But we stuck with it and were afforded entry into the middle class. Educational opportunities arose, scholarships were made available. No, not made available – they were hard-fought! Negotiated for, supplemented by thousands of factory workers, and doled out to as many kids as was possible. 4 kids who may not have gone to college at all, like so many from my rural home town, were instead offered an opportunity. Some of us are now working for public educational institutions, paying it forward.

When you hear asinine comments like the ones I mentioned above; when you're at a Labor Day cookout and a boisterous relative goes off about "those damned unions"; when you hear how you're overpaid, underworked, and the worst thing to ever happen to education — remember that you have made a difference in someone's life in a way that many other jobs careers no, VOCATIONS wouldn't otherwise allow. You've made the world a better place, one step, one person at a time – educationally, economically, socially, politically. And while this may not be listed on UUP's member benefits website, it's a benefit both for us and for the communities we serve. Some might say the best benefit, because we all do better when we all do better.

Soapboxing aside – I put a note out the last several newsletters about our Chapter's Professional Concerns Committee, a committee of and by Professional Employees of our college community that works to identify issues, discuss opportunities, and formulate agendas around bettering our working conditions. I haven't received many responses yet! It's a way to serve your colleagues by helping those of us in leadership positions to identify areas of concern and issues of advocacy. Please, if you are interested in serving on that committee (we'll have a phone call every month or so), please send your name to me via email.

I know you all know this, but I also know we're not as compliant as we could be with this. Professional Employees should have accurate, up-to-date performance programs on file. If you do not, please let us know! In the best of circumstances it is important to have this document in place; as we transition into ESC 2.0, it is imperative. If you do not have an accurate, up-to-date performance program, CONTACT US. If you have not had your performance evaluation done on time, CONTACT US. If you have ANY questions or concerns about your program or the evaluation process, CONTACT US.

Please do not hesitate to contact me at [David.Puskas@esc.edu](mailto:David.Puskas@esc.edu) or at [dpuskas.uup@gmail.com](mailto:dpuskas.uup@gmail.com) if you need any kind of assistance that our Union may provide. Please let us know how we can continue to serve you best.

Highest Regards, and In Solidarity,

Dave Puskas

# Friedrichs vs. California Teachers Association: The Stakes for Labor, Economic Justice, and Democracy

*Richard Wells, Vice President for Academics*

On June 30<sup>th</sup>, the Supreme Court agreed to hear *Friedrichs vs. California Teachers Association* (CTA), an appeals case that has enormous implications for organized labor, and especially public sector unions like the UUP. Technically, *Friedrichs* was brought into the court system by a small group of California teachers who, as non-members of the CTA, objected to an “agency fee” being deducted from their paychecks. The reality is that the case was the brainchild of a right-wing legal think tank, the Center for Individual Rights, which is determined to overturn an almost 40 year constitutional precedent established in *Abood v. Detroit Board of Education* (1977), and ultimately, bust public sector unions.

What’s more, conservative Justice Samuel Alito, in crafting the majority decision in earlier cases, *Knox vs Service Employees International Union* (SEIU) in 2012 and *Harris v. Quinn* in 2014 issued an open invitation to challenge the legitimacy of the agency fee.<sup>1</sup> The *Knox* decision, in which the court decided against the union 7-2, was tightly focused on a particular instance in which SEIU—Local 100 introduced a dues increase to help fund an effort to block anti-union ballot items in California. But as noted in *The New York Times*, Alito went out of his way to raise questions about the constitutionality of the agency fee. The long accepted practice of the agency fee, said Alito, was “a boon to unions” that tested “the limit of what the first amendment could tolerate.”<sup>2</sup> In a concurrence, Justice Sonia Sotomayor said that Alito’s over reach was “both unfair and unwise.”<sup>3</sup>

What is the agency fee, and why is it in the crosshairs of right-wing think tanks and their allies on the Court? The first thing to note here is that a union is legally obligated to represent all workers in a given bargaining unit, *whether or not* those workers are members of the union. The principle behind the agency fee, one which the Supreme Court upheld in *Abood*, is that since the non members benefit from the bargaining activities of the union (i.e. in wages, benefits, working conditions, etc.), they should make “fair share” contributions to the costs of negotiating and maintaining a contract. Doing so, for one, would prevent “free-riding.” Furthermore, ensuring that unions could pay their bills would help maintain a relative balance between labor and management and thereby promote economic prosperity and social stability. Significantly, *Abood* also ruled that non-union members could not be required to contribute to expressly political or ideological work the union might undertake.

Clearly, there is a common sense aspect to the agency fee. When a union negotiates a contract, it costs money; to prepare for the next round, it costs money; to watch over the contract in the interests of the workers in the bargaining unit and file grievances if necessary, it costs money. All those in the unit stand to gain, so all should chip in. But the real issues, for those driving the *Friedrichs* appeal, are not about common sense, and certainly not balance, stability and public prosperity. They are about enabling the concentration of power, and making security and prosperity accessible not to the many but the few.

<sup>1</sup>Liptak, Adam. “With Subtle Signals, Supreme Justices Request the Cases They Want to Hear,” *The New York Times*, July 6, 2015. Accessed at <http://www.nytimes.com/2015/07/07/us/supreme-court-sends-signals-to-request-cases-they-want-to-hear.html?ref=us>

<sup>2</sup>Quoted in the “Anti-Union Roberts Court,” *The New York Times*, June 22, 2012. Accessed at [http://www.nytimes.com/2012/06/23/opinion/the-anti-union-roberts-court.html?\\_r=0](http://www.nytimes.com/2012/06/23/opinion/the-anti-union-roberts-court.html?_r=0)

<sup>3</sup>Quoted in Liptak, “With Subtle Signals, Supreme Court Justices Request the Cases They Want to Hear.”

*Friedrichs*, continued

If the Supreme Court decides in favor of the appellants in *Friedrichs*, the implications could be dire, as it would force public sector unions like the UUP to do their work on a significantly smaller budget. Furthermore, if the agency fee were deemed unconstitutional, the entire country could very well become a right to work (RTW) state.

While there is a lot of back and forth about the direct impact of RTW laws (which “free” non-union workers in the unit from the agency fee) on economic growth per se, what is clear is that RTW laws are highly effective at weakening unions. As reported in the *Detroit News*, union density in Michigan, which went right to work in 2012, dropped from 16.3% to 14.5% from 2013 to 2014. In 2003, Michigan had the third highest unionization rate in the US; in 2014, it was 11<sup>th</sup> on the list.<sup>4</sup> Other states that have gone right to work over the years have experienced a similar decline. With the public sector remaining a source of strength for organized labor—according to recent Labor Department numbers, public sector union density actually rose a bit in 2014, to 35.7 per cent<sup>5</sup>—it should not surprise that the current court has decided to hear an appeal designed to stifle public sector unionism.

But it is not simply the future of unions like the UUP that is at stake. The labor movement has historically been the most effective economic and political counter-weight to the concentrated power of big business and their allies. In general, strong unions have proven most capable of advancing the collective interests of working men and women. And it does so in areas other than wages. As University of Iowa historian Colin Gordon put it,

The wage effect alone underestimates the union contribution to shared prosperity. Unions at midcentury also exerted considerable political clout, sustaining other political and economic choices (minimum wage, job-based health benefits, Social Security, high marginal tax rates, etc.) that dampened inequality. And unions not only raise the wage floor but can also lower the ceiling; union bargaining power has been shown to moderate the compensation of executives at unionized firms.<sup>6</sup>

Now that the issue of economic inequality has become part of the public discussion, UUPers and unionists in general need to keep in mind through much of the 20<sup>th</sup> century, strong unions have meant a more just distribution of income. Over the last 40 years, concerted attacks and misguided policies have hurt unions and contributed to the yawning gap between the rich and the rest we are presently experiencing.<sup>7</sup> To overturn *Abood* is to gravely endanger one most effective means of combatting inequality Americans have in their historical and institutional repertoire.

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<sup>4</sup>Shepardson, David. “Michigan Union Membership Fall Sharply in ’14,” *Detroit News*, January 23, 2015. Accessed at <http://www.detroitnews.com/story/business/2015/01/23/michigan-union-membership/22214357/>

<sup>5</sup>Trottman, Melanie. “Membership Rates Fall for US Unions in 2014,” *The Wall Street Journal*, January 23, 2015. Accessed at <http://www.wsj.com/articles/membership-rate-falls-for-u-s-unions-in-2014-1422028558>

<sup>6</sup>Gordon, Colin. “Union Decline and Rising Inequality,” Working Economics Blog, Economic Policy Institute, June 5, 2012. Accessed at <http://www.epi.org/blog/union-decline-rising-inequality-charts/>

<sup>7</sup>See the remarkable interactive graphs in Gordon, “Union Decline and Rising Inequality,” <http://www.epi.org/blog/union-decline-rising-inequality-charts/>

*Friedrichs*, continued

Indeed, recent studies show that RTW laws do more than batter down union rolls. One other trend we need to be focused on is that, in RTW states, the *return* on growth tends to go to capital, with labor picking up the crumbs in the form of lower-wage jobs that come with few benefits. As Brad Plumer put in the *Washington Post's Wonkblog*, when it comes to RTW, “business owners win, and workers lose.”<sup>8</sup> Two Economic Policy Institute studies, each of which accounted for cost of living differences and a host of other factors, concluded that wages are lower in RTW states, and not least because workers in “fair share” states (those with the agency shop) are more likely to be members of a union.<sup>9</sup> Another study, published in the National Education Association’s *Thought & Action*, showed fair share states have a higher per capita GDP, more workers that are insured, and a higher life expectancy.<sup>10</sup>

There is another way in which *Friedrichs* signals not only an attack on unions, but on the values of basic fairness and democracy. In the majority’s decision in *Knox v. SEIU*, and then again in the decision in *Harris V. Quinn*, attention was deliberately drawn to the question of whether the first amendment rights of non-union members were being violated by the requirement that they pay the agency fee. As Pulitzer Prize winning *New York Times* reporter Linda Greenhouse put it, in writing for the majority in the *Knox* decision Alito basically claimed out right that the agency fee “was a substantial impingement on the First Amendment right to be free from compelled speech and association.”<sup>11</sup> After it was announced the Court would hear *Friedrichs*, the judicial affairs blog of the conservative *National Review* celebrated, noting that “it’s good to see the Court again taking interest in civil rights issues of compelled speech and compelled association.”<sup>12</sup>

This is nothing new, for ideologues on the right have long argued that public sector collective bargaining is the political equivalent of an industry trade group pressuring law makers for business friendly legislation. It is, or so it is claimed, a form of lobbying, and therefore represents political activity in terms of both speech and association. On a practical/political level, this doesn’t hold water. For unlike corporations and massively wealthy individuals, unions are democratic institutions, responsive to those they represent. Shareholders can do little to prevent publicly held chemical companies or banks from pressuring congress to pursue policies they might disagree with, such as those that endanger the environment or bring havoc to the economy. Unions, however, are quite limited in terms of what they can spend on politics without permission from their members. Furthermore, for public sector unions the actual issues that are open for negotiation can be and often are limited by the state, a situation which does not hold for actual business lobbyists, who can use their powers of persuasion for anything they want.<sup>13</sup>

<sup>8</sup>Plumer, Brad. “What do ‘right-to-work’ laws do to a state’s economy?,” **Wonkblog**, *The Washington Post*, December 10, 2012. Accessed at <http://www.washingtonpost.com/blogs/wonkblog/wp/2012/12/10/how-right-to-work-laws-could-reshape-michigans-economy/>

<sup>9</sup>Gould, Elise, and Heidi Shierholz. *The Compensation Penalty of “Right-to-Work” Laws*. Economic Policy Institute, Briefing Paper No. 299, 2011. Accessed at <http://www.epi.org/publication/bp299/>; Gould, Elise and Will Kimball, “Right-to-Work” States Still Have Lower Wages,” Economic Policy Institute, Briefing Paper No. 395, 2015. Accessed at <http://www.epi.org/publication/right-to-work-states-have-lower-wages/>

<sup>10</sup>Minor, Darrell. “Poverty, Productivity, and Public Health: The Effects of “Right to Work” Laws on Key Standards of Living,” *Thought & Action*, Fall 2012. Accessed at <http://www.nea.org/assets/docs/PovertyProductivityAndPublicHealth.pdf>

<sup>11</sup>Greenhouse, Linda. “Justice(s) at Work,” *The New York Times*, February 6, 2013. Accessed at [http://opinionator.blogs.nytimes.com/2013/02/06/justice-at-work/?\\_r=0](http://opinionator.blogs.nytimes.com/2013/02/06/justice-at-work/?_r=0)

<sup>12</sup>Severino, Carrie. “Supreme Court to Hear Challenge to Compelled Union Dues in *Friedrichs v. California Teachers Association*,” Bench Memos, *The National Review*, June 30, 2015. Accessed at <http://www.nationalreview.com/bench-memos/420534/supreme-court-hear-challenge-compelled-union-dues-friedrichs-v-california>

<sup>13</sup>See Marvit, Moshe Z., “The Supreme Court Case that Could Decimate American Public Sector Unionism,” *In These Times*, February 3, 2015. Accessed at [http://inthesetimes.com/working/entry/17595/friedrichs\\_v\\_california\\_teachers\\_association](http://inthesetimes.com/working/entry/17595/friedrichs_v_california_teachers_association)

*Friedrichs*, continued

Over the last month or so, progressives have celebrated as the Court backed same-sex marriage and threw out a spurious attempt to challenge the Affordable Care Act. But the Court clearly remains receptive to the programs of ideologues and opportunists on the right. It is no coincidence that the same lawyer who led the case against the subsidies for the Affordable Care Act, Michael A. Carvin, will also represent those who want to see *Abood* overturned. The Citizens United decision equated floods of corporate cash with free speech; now, the negotiation of wages and benefits for working and middle class Americans is being framed as “forced” political speech and association. As Greenhouse put it, the Roberts Court shows how “profoundly free-speech polarity is shifting rightward.”<sup>14</sup>

With *Friedrichs*, the stakes for the UUP and other public sector unions are certainly high. Recent data from Bureau of Labor Statistics shows that the public sector has over *five times* the union density of the private sector, and furthermore, that teachers, librarians, and educational professionals work in occupations that have, at 35.3 per cent, the highest rates of unionization.<sup>15</sup> These numbers suggest power—and opportunity. The right wing push to take on the agency fee feeds on the stereotype that unions are only out for themselves, that they are a “special interest” lobby akin to the chamber of commerce or an association of Wall Street banks. We know that isn’t true, and history backs us up. In the days ahead we need to educate ourselves, our colleagues, and our communities about how unions can counter corporate power, fight inequality, and brighten the future for all.

<sup>14</sup>Greenhouse, Linda. “Justice(s) at Work.”

<sup>15</sup>Bureau of Labor Statistics, “News Item: Union Members,” January 23, 2015. Accessed at <http://www.bls.gov/news.release/pdf/union2.pdf>

**Every advance in this half-century—Social Security, civil rights, Medicare, aid to education, one after another—came with the support and leadership of American Labor.**

~ *Jimmy Carter*

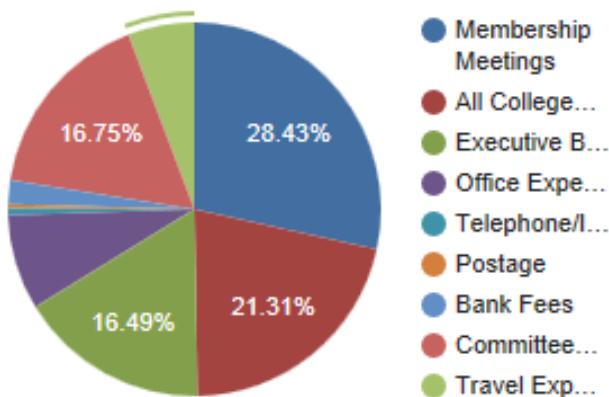
**A little rebellion now and then is a good thing.**

~ *Thomas Jefferson*

## Chapter Expenditures

*Donna Carey, Treasurer*

Empire State College: 2013-14 Fiscal Year Expenditures



Category	Amount	Percent of Expenditures
Membership Meetings	\$2,828.66	28.43%
All College Meeting	\$2,120.42	21.31%
Executive Board	\$1,640.39	16.49%
Office Expense	\$821.10	8.25%
Telephone/Internet	\$60.00	0.60%
Postage	\$34.75	0.35%
Bank Fees	\$204.00	2.05%
Committee Meetings	\$1,666.12	16.75%
Travel Expenses	\$573.23	5.76%
	<b>\$9,948.67</b>	

## Mandatory Subjects of Bargaining and What They Mean for You

*Tina Ungeheuer, Grievance Officer*

You may have heard the terms "*mandatory subjects of bargaining*," "*terms and conditions of employment*," "*non mandatory subjects of bargaining*," and "*management prerogative*." What in the world does that all mean?!?

A "*mandatory subject of bargaining*" or "*terms and conditions of employment*" (the terms are interchangeable) comes up in two ways --- in the contract or not. If its in the contract, it cannot be changed unless agreed to at the UUP/State negotiation table (coming up this spring). If the employer does change, modify or withhold a contractual provision, the challenge is a grievance filed within 45 days of that action.

If its extra-contractual mandatory subject of bargaining (some examples are significant increased workload, change of days or hours, instituting or changing a dress code, changing evaluation procedures and many others), it means that the item cannot be changed—either at an individual level or for a group of employees—without bargaining to conclusion with the “bargaining agent” (the union). Remember that bargaining does not simply mean consultation! The college cannot change items mandatory items without bargaining to conclusion.

In contrast, those subjects having to do primarily with mission (such as the class size, staffing and criteria for evaluation among others) are non mandatory subjects of bargaining or management prerogatives (again, terms are interchangeable). These types of issues may fall under the college’s governance structure or be within the employer's right to change without bargaining.

**What does this mean for you?** It means that it is statutorily **impermissible** for management to change **any** term and condition of your employment! If you are being asked (for example) to change your hours, significantly increase your workload, dress a certain way, or forfeit your academic freedom, or anything else, please reach out to your chapter Center Representative, Vice President, or myself **as soon as possible!**

Tina Ungeheuer, Grievance Officer

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## Report on Contingent Issues: Building Power for the Long Term

*Mary Helen Kolisnyk, Contingents Officer*

Even though summer tends to be a quieter time around the college, discussion of contingent issues, both professional and academic, have persisted since June. In fact, the usual prompts for such discussions—insecurity about reappointment and low wages—can feel more pointed during the summer months when many contingents are not participating in college life. The fact is that this year almost 100% of part-time academics were reappointed for the coming academic year, and so the reappointment anxieties (barring dips in enrollment) are largely off the table. If, however, you experience any changes in the usual practice around reappointment, you should be in touch with me and/or your chapter rep. Note, also, that wages have increased 2% across the board, with an additional \$500 for full-time contingents, pro-rated for part-timers, with an \$62.50 per course for those part-timers who are paid by the course. Discretionary awards will also be distributed later this year.

However, word recently came from ESC's Office of Academic Affairs that pay rates for part-timers who are paid by the course or by temp assignments (e.g., for PLA evaluators) for the coming year have, without

*Report on Contingent Issues*, continued

explanation, been capped at the currently set minimums. Anyone who reads this and understands the essential role that part-timers play at the college can only more urgently feel the need to continue to bring improvements to their workplace lives. It is likely that the cap will become a topic for a labor-management meeting, a forum where the chapter reminds the college administration of the terms and conditions of employment laid out in both the UUP contract and the negotiated parts of the faculty handbook, and points out where they are not being respected.

The ongoing discussion and monitoring of the contractual obligations of the college administration is one of the primary responsibilities of the chapter leadership. It is impossible to meet this responsibility without candid discussion between the leadership and the membership. As an officer, it is my job to be as available as I can to hear about the problems and the problem-solving, the complaints and the pleasures of working at ESC as a contingent employee, whether academic or professional, on a line or as an adjunct. As members, we all have to channel our concerns about our workplace into conversations that can help us all to act together when we need to. So, when you encounter an obstacle to doing your job properly, be in touch to discuss whether the contract gives you some recourse.

And if it doesn't, don't let your first response be that the union has failed. With the many changes being brought to bear on almost everyone at ESC, the temptation to think that you cannot do anything about them or that you need to act independently to get what you want, can both be strong. Feeling powerless, or feeling powerful only as an individual, both undermine the union's purpose.

I'm sometimes surprised by how easily people trained to be educators, mentors and facilitators can abandon their training when they are faced with the long-term efforts of improving working conditions – how quickly they can turn to strategies of insistence rather than strategies of persuasion. It's true that actually changing someone's mind, or moving them to act, is much harder than simply insisting what the right thing to do is and expecting others to do it. It takes longer, and requires a longer view. But the effort to persuade each other about such engagement, can be more enjoyable, and using that engagement to persuade our partners in bargaining – ultimately, the public itself! – is more powerful over the long term.

One of the reasons that unions exist is to help workers see and feel how we can build each other's power without undermining ourselves individually. It's a challenge; it demands candor, open-mindedness, tenacity and attentive listening. But it is the only way to build power together to confront an employer – and our employer is the state of New York – who sees all of its employees as more or less interchangeable – and sees many of them as more expendable than others. If the state wants SUNY to succeed, it has to ratify the terms and conditions of employment that will bring about that success.

So, the next time you think, or you hear someone say, that the union has failed to meet the needs of its members, remember that it is those on the other side of the bargaining table – the governor's agents at that table – who have failed to fully understand the necessary conditions for sustaining publicly funded higher education in NY state.

Best wishes for a productive fall; I'm looking forward to meeting some of you at the upcoming DA.

In solidarity,  
Mary Helen Kolisnyk, Contingent Officer

## A Role for Unions: Affirmative Action and the Civil Rights Act Title VII

*Brenda Henry-Offor, Affirmative Action Officer*

Within the past year, race consciousness has reemerged in the consciousness of Americans in a manner that we have not seen since the Civil Rights movement of the 1960s. Police shootings involving African American males, have been publicized on social media creating nationwide protests and genuine, overall concern by various groups, Blacks and Whites. The police union responded badly, in my opinion, and that sparked additional unrest throughout the nation. The question for me and many others is, "What roles can our unions play in helping to bring about meaningful change to these on-going problems?"

There is no simple way to discuss the history of labor unions in the United States and their involvement with civil rights and affirmative action. The history of labor unions is complex and long, making it a not so easy task to discuss these issues that this article attempts to address: Affirmative Action, its relationship to Civil Rights Act Title VII and unions' involvement in implementing Title VII. One thing we can all agree on is that unions are too important for them not to take up the issue of race and Affirmative Action and reemerge into the public's consciousness as leaders in today's anti-union culture. Unions must grapple with these race issues that confront us today. They have a history to build on as they find their way to move forward. The reemergence of racial tensions in our public consciousness recently, appear to be more dramatic today because of present day false sensibilities and talk about post racial America. Interestingly, to me, it shows how important race discourse and the need for affirmative action remain in our society. At the same time, race is related to the rise in inequality that permeates our society. Racial conflict, perpetrated by some in oppressive institutions such as the police departments and prisons, all of which have been dormant for some time, is very different, in many ways, from the 60s problems. The key dynamic is between the institutions of social control and authority and, minority groups, and that is being played out on our streets and social media, showing that not much have changed for minorities in terms of social justice. Unions must come out as they did during the Civil Rights era and defend the masses. This is an opportunity for public service unions to stand with their brothers and sisters and show their strength and solidarity.

We need unions today more than we ever did in the history of our country. Over the past few years, labor unions have been under attack by those who neither respect nor support the rights of working class Americans. In its finest hours, labor unions played important roles in advancing civil rights for minorities, African Americans in particular. But, despite the passage of the Civil Rights Act Title VII, more than fifty years ago, we are still struggling with discrimination in the workplace.

Labor Unions, often seen as champions for the causes of worker rights in the United States are seen by some politicians and government leaders as anti-American. Scott Walker's 2011 "union busting" in Wisconsin is a case in point. Governor Walker "stripped most of Wisconsin's public-sector unions of their rights to collective bargaining and to require dues from its members, essentially busting those unions. He then signed "right to work" legislation that massively undercut the state's dwindling private-sector unions, too."

[http://www.washingtonmonthly.com/magazine/junejulyaugust\\_2015/features/scott\\_walkers\\_real\\_legacy055860.php?page=all](http://www.washingtonmonthly.com/magazine/junejulyaugust_2015/features/scott_walkers_real_legacy055860.php?page=all)

*A Role for Unions.* continued

Scott Walker is just one of the many politicians who view unions as unnecessary. We need to do more to change that mindset through public demonstrations that engage union members and citizens as we fight for equal rights for all. Unions have taken a step back for too long. It is time to reengage on all fronts—fighting for Affirmative Action in the workplace, civil rights, and employment for the masses.

Brenda Henry-Offor, Ph.D., Affirmative Action Officer

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## Benefit Alert! EAP

*Karen LaBarge, Communications Committee Member*

**Feeling less than productive? Morale a bit low? EAP is here for you.**



**Everybody needs a little help sometimes ...**

The Employee Assistance Program (EAP) is a program of NYS Work-Life Services in which peers provide information, assessment and referral services to employees and their family members to help address personal issues that may be impacting their work. The overall goal is to help individuals improve their quality of work and life.

One-on-one assistance, as well as self-help resources, are available on many topics, such as:

- substance abuse
- relationships
- parenting
- money
- mental health
- gambling

EAP services are free and confidential. Support and information can be accessed online at <http://www.worklife.ny.gov/eap/index.html>, by calling 1-800-822-0244 or emailing [nyseap@eap.ny.gov](mailto:nyseap@eap.ny.gov).

To find an EAP coordinator in your area, see the SUNY ESC Human Resources website:

- go to <http://www.esc.edu/human-resources/>
- click on "Empire State College Employees Only" and log in
- at the left navigation, click on "Wellness Resources" and download the EAP coordinators PDF.

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As always, for more information on all UUP benefits, go to <http://uupinfo.org/benefits>.

## Identity theft protection available for NYSUT members



## TRUE IDENTITY PROTECTION™

*NYSUT Member Benefits is excited to announce that its newest endorsed program – ID Watchdog – is now available to all NYSUT members & their families looking for protection against the growing threat of identity and credit theft.*

### What Do I Get When I Sign Up for ID Watchdog?

- Credit & Cyber Monitoring
- Credit Reports & Scores
- Monthly Credit Score Tracker
- High Risk Monitoring
- Individual, Individual/Spouse or Family Coverage Available

According to Javelin Strategy & Research, an estimated 13.1 million Americans fall victim to identity theft each year. These individuals are hit with approximately \$7,000 in fraudulent charges per person and spend about 330 hours each trying to recover from the effects of identity theft.

ID Watchdog (founded in 2005 as a theft protection service) uses proprietary monitoring technology that alerts members as soon as new or updated information associated with their identity is detected -- allowing them to catch fraudulent activity immediately.

To learn more about ID Watchdog, call toll-free 866-513-0823  
or visit [memberbenefits.nysut.org](http://memberbenefits.nysut.org).



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.

Sept/Oct '15

## Why Unions?

**Winner of the Outstanding Achievement Award: UUP Best Original Article, "Why Unions?" is reprinted from June 2013 UUP ESC Chapter Newsletter. The topic has only increased in relevance.**

About two weeks ago, over 800 men (and some women) camped out for over a week in Long Island City hoping to get a union job as an elevator mechanic with Local 3 of the International Brotherhood of Electrical Workers. They desperately wanted a job with decent pay, good benefits and job security -- a rarity these days.<sup>1</sup>

Local 3 members are "our guys." In our labor studies program, we teach men and women who are in Local 3's electrician apprenticeship training program. Many of these students come to us with no idea of what it means to be part of a union, with no knowledge of union history, and with no understanding of the role unions have played in securing some of the most progressive policies in our workplaces and in our society. Often, though, they do speak and write about the brotherhood and pride they feel in being a member of their union. They teach us the meaning of solidarity.

We try to spread the word about the economic and political benefits of solidarity. Studies have shown that where unions prevail, it is not only union workers that are better off, but society as a whole. There is a clear wage premium for union workers, and the effect tends to be more dramatic when less skilled jobs become union jobs. But the impact is more widely felt as well. If unions are strong in a given sector of an economy, they tend to set the standard for wages across the board. As basic Keynesian economics has taught us, a little extra money in the pockets of the working and middle classes shores up aggregate demand and helps to keep economic growth going at a healthy clip. Furthermore, as Lawrence Mishel of the Economic Policy Institute has pointed out, in sectors and industries with high levels of union density, non-union employers tend to shell out more in pay and benefits, if for no other reason than to keep union organizers at bay.<sup>2</sup>

Unions are also good for the political process. They encourage civic engagement in the issues of the day, and union members--especially amongst the private sector workforce--tend to have higher voter participation rates than non-union members. But more importantly, a strong labor movement and high levels of union density mean that the interests of ordinary working Americans are represented at the federal, state and local levels. Many of the landmark pieces of social legislation and policy, from the Labor Relations Act of 1935, to unemployment insurance, to the Occupational Safety and Health Act (OSHA) were the result of the pressure brought to bear by politically engaged and socially conscious union leadership.<sup>3</sup>

<sup>1</sup> Jessica Glazer, "Camping Out for Five Days, in Hopes of a Union Job," *The New York Times*, <http://nytimes.com.blogs/cityroom/2013/05/20/camping>

<sup>2</sup> Lawrence Michel, "Unions, Inequality, and Faltering Middle Class Wages," Report: Wages Incomes and Wealth, The Economic Policy Institute, August 29, 2012. <http://www.epi.org/publication/ib342-unions-inequality-faltering-middle-class/>

<sup>3</sup> Jake Rosenfeld, "Little Labor: How Union Decline is Changing the American Landscape," *Pathways*, Summer 2010, pp. 3-6.

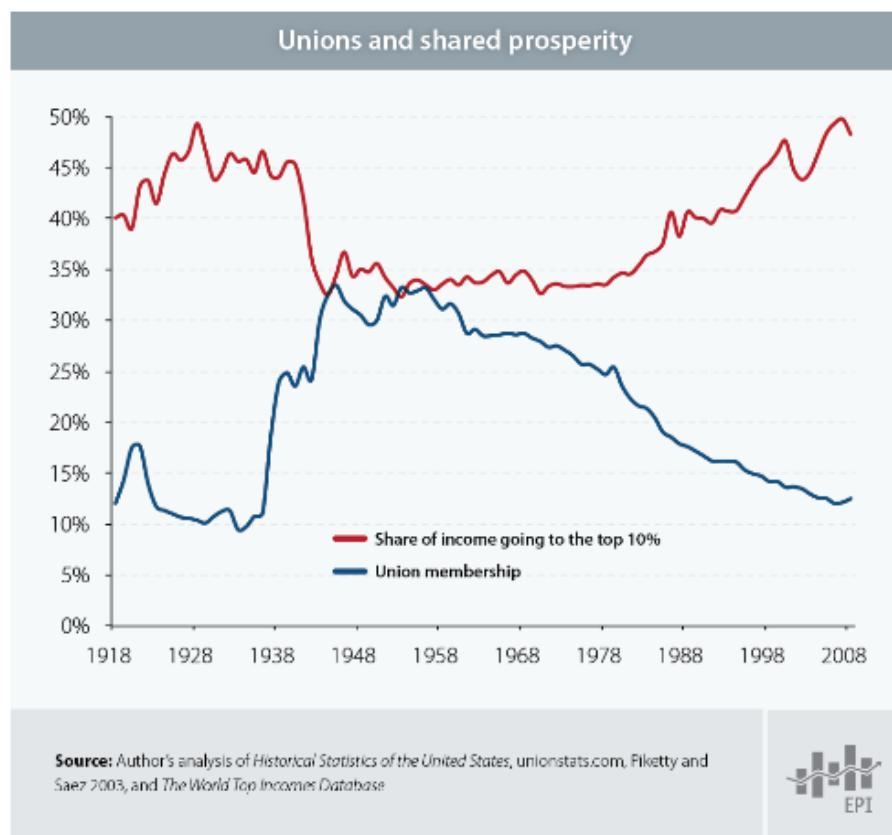
*Why Unions?* continued

Unfortunately, the solidarity that made it all possible is under attack as inequality continues to increase to levels not seen since the Great Depression. The differences in income between the very richest and the average family are truly unfathomable. The richest of the rich, the top ten hedge fund managers, had an average yearly income in 2010 of \$1.753 billion while the average family got by with \$45,800.<sup>4</sup> The typical male worker's wages in 2011 (\$32,986) were lower than they were in 1968 (\$33,880)<sup>5</sup>, while CEOs are getting \$380 for every \$1 the average worker is earning.<sup>6</sup>

While there are many reasons for these vast inequalities, a critical factor is the decline in unionization. As we can see from the graph below, in the beginning of the twentieth century only 10 percent of the workforce was unionized, while the richest 10 percent of Americans held almost 40 percent of our national wealth. This changed dramatically when unions surged during the New Deal, leading to an era of shared prosperity which lasted into the 1970s. But as neoliberalism began to take hold in the 1970s, corporations turned against unions at their workplaces, in the courts and through public policy. Today, union membership is at an all-time low (only 11.3 percent of the entire workforce is unionized – compared with over a third of the workforce in the late 1940s) and inequality is unprecedented -- the richest 10 percent holds 74.5 percent of our national wealth.<sup>7</sup>

### Union Membership and Inequality

*Top line: share of income going to top 10% of population. Bottom line: Percent of union membership*



Source: Union Decline and Rising Inequality in Two Charts, Colin Gordon, Professor of History, University of Iowa, Economic Snapshot, Economic Policy Institute, June 6, 2012

*Why Unions?* continued

As we know from struggles in Wisconsin and elsewhere, public sector unions are now under attack as well. While in the US overall union density is damagingly low, the public sector, at 36.8 percent, makes up the bulk of union members. And in New York State, public sector union density is almost twice that, at 72.5 percent. Relatively strong in terms of their numbers, public sector workers have managed to hold on to some of the benefits that private sector workers have lost—which is one reason they are now feeling the pressure that private sector unions have felt for some time. The UUP, along with CSEA and PEF, have seen and felt that pressure in the form of Mayor Cuomo's hardball tactics during the recent contract negotiations.

Behind the lines that define the above graph are issues of power: issues involving class, race, gender, taxation, globalization, the role of government, and a host of others that we need to understand and talk about in order to define the kind of society we want for our families. At the Van Arsdale Center, we ask our students, "What other organization is out there that represents the interests of working people?" "What other organization for working people has any political power to enact change?"

By analyzing these issues in our classes, we encourage our students to become leaders in their communities and in the trade union movement. In exchange, they offer us their brotherhood, solidarity and union pride.

Might we all, as members of the UUP, enjoin a similar conversation about the future of the labor movement? Now, it's time for all of us to practice what we preach.

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<sup>4</sup> Les Leopold, *How to Make a Million Dollars An Hour*, New Jersey: John Wiley & Sons, Inc., 2013. Page 18.

<sup>5</sup> Joseph E. Stiglitz, "Inequality Is holding Back the Recovery,"

<http://opinionator.blogs.nytimes.com/2013/01/19/inequality-is-holding-back-the-recovery/>

<sup>6</sup> EPI Briefing Paper, "Avoiding Their Fair Share of Taxes," October 26, 2011. [www.aflcio.org](http://www.aflcio.org).

<sup>7</sup> G. William Domhoff, "Who Rules America?" University of Santa Cruz,

<http://www2.ucsc.edu/whorulesamerica/power/wealth.html> Data from from E.N. Wolff, *The Asset Price Meltdown and the Wealth of the Middle Class*, New York: New York University, 2012. Data is for 2010.

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**Sharon Szymanski** is an Associate Professor at the Harry Van Arsdale Jr. Center for Labor Studies, SUNY/Empire State College. Her interests are political economy and popular economics education.

**Richard Wells** is an Assistant Professor at the Harry Van Arsdale Jr. Center for Labor Studies, SUNY/Empire State College. His interests are the political economy of culture and the politics of urban development.

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# THANKING OUR UNION!

I would like to thank UUP for representing workers in a time of extreme anti-labor and education bias. Without a strong union we, and SUNY, would be very vulnerable to whims of political expediency. And thank you for providing such strong health care benefits. These benefits have been declining for many people, but our union keeps them strong for us! ~ *John Hughes*

The UUP space available waiver program has allowed me to continue my education without putting an extra financial burden on my family. I appreciate that I have been able to work towards my doctorate because of this great program!  
~ *Kelly Hermann*

***With public higher education, and indeed the whole idea of a public sphere, under attack, our union is more important than ever!***

~ *Richard Wells*

When I was president of the UUP ESC Chapter, I regularly saw how our members were protected against arbitrary actions, especially from local management, by the detailed content of the articles and especially by the grievance procedures contained in our negotiated agreement.

As a retiree from the college, a portion of the deduction taken from my social security payments for Medicare is refunded to me periodically by New York State, because of legislation that was put forward by UUP and other statewide public sector unions, and which was enacted into law in New York State with their support. I'm grateful to unions for looking out for me, even in retirement. ~ *Jay Gilbert*

Because I enrolled in the Flex Spending Dependent Care Advantage Account and received the Employer Contribution, my son was able to attend a summer camp without our family paying any out-of-pocket costs!

~ *Sherri Newell*



It's good to know that I'm part of a solid, unified team that CARES! UUP is the first union I've ever been in, and I'm so appreciative of everything it does and stands for. Plus the dental, vision, and discounts on my cell phone bill and accessories saves me so much money!!  
Thanks UUP!  
~ *Susan Eve Tepper LeClair*



Thanks to the UUP dental benefit, my provider Delta Dental, will be making a very costly tooth implant procedure for my wife, a little more affordable. I am a half time mentor at Empire State College and appreciate the coverage, which in this case, amounts to over \$1500—half of the total price. Well done UUP! ~ *Gennaro Bonfiglio*

## What Unions Have Given Us: Thank a Union Member!

Virtually ALL the benefits you have at work, all of the benefits and rights you enjoy everyday are there because unions fought hard and long for them against those who did everything they could to prevent it. Union leaders and members have even lost their lives for things we take for granted today:

- Weekends
- All Breaks at Work, including your Lunch Breaks
- Paid Vacation
- Family Medical Leave Act (FMLA)
- Sick Leave
- Social Security
- Minimum Wage
- Civil Rights Act/TITLE VII (Prohibits Employer Discrimination)
- 8-Hour Work Day
- Overtime Pay
- Child Labor Laws
- Occupational Safety & Health Act (OSHA)
- 40 Hour Work Week
- Worker's Compensation (Worker's Comp)
- Unemployment Insurance
- Pensions
- Workplace Safety Standards and Regulations
- Employer Health Care Insurance
- Collective Bargaining Rights for Employees
- Wrongful Termination Laws
- Age Discrimination in Employment Act of 1967
- Whistleblower Protection Laws
- Employee Polygraph Protection Act (Prohibits Employer from using a lie detector test on an employee)
- Veteran's Employment and Training Services (VETS)
- Compensation increases and Evaluations (Raises)
- Sexual Harassment Laws
- Americans With Disabilities Act (ADA)
- Holiday Pay
- Employer Dental, Life, and Vision Insurance
- Privacy Rights
- Pregnancy and Parental Leave
- Military Leave
- The Right to Strike
- Public Education for Children
- Equal Pay Acts of 1963 & 2011 (requires employers pay men and women equally for the same amount of work)
- Laws Ending Sweatshops in the United States

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A Union benefit I find particularly useful is the 19% discount we receive on our cell phone plan. This is especially advantageous for family or group plans where data usage may be significant.

~ *John Valetta*

My spouse and I saved money when we purchased our term life insurance through NYSUT. We went from spending \$543 annually to only \$220.40 which saved us \$322.60 per year. What a great benefit of being a UUP member! Thank you very much NYSUT & UUP!

~ *Kathy Cole*

**I have been retired for more than 16 years now and have had two sets of hearing aids, orthotics, bone scans, medications, etc. at little or no cost due to the Empire insurance plan which is now my supplementary along with Medicare my primary. I also had the max of 200 days and have not had to pay any insurance premiums. I am so thankful for the benefits negotiated through our union. ~ Joyce Haines**

I, for one, am really glad we have the vision plan we do. We're a family of eyeglass wearers, and it's great when I come out from a visit and pay very little for our family's eyewear.

My mother, who worked in a non-union shop, paid more for my glasses forty years ago than I do for my son's today!

~ *Sheryl Coleman*

One of the most common requests in the UUP Chapter Office is for a BJ's Wholesale Club membership application or renewal. UUP members save \$10 off the annual membership fee PLUS get 2 bonus months free!

~ *Jane Valetta*

I recently signed up for the NYSUT Legal Plan, and the amount of time between talking to the NSUT Benefits Department and talking to an attorney can be measured in minutes! I can't believe how easy it was, and based on what I used in the first month, the plan has already saved me over \$200. Thanks, UUP & NYSUT!

~ *Pamela Malone*

**I love  
public transit!**

NYSRides lets me pay for my weekly pass before taxes, and saves me money on my commuting.

~*Mary Helen  
Kolisnyk*

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## **Find Your Benefits! *Bookmark these important websites***

### **UUP ESC Chapter Website**

[www.uupescchapter.com](http://www.uupescchapter.com)

- Leadership contact information
- Faculty & Professionals Handbooks

### **UUP Website**

[www.uupinfo.org](http://www.uupinfo.org)

- The Agreement in searchable form
- The SUNY Board of Trustees Policies in searchable form
- UUP Benefit Trust Fund (vision, dental, life insurance) booklet
- Benefits for Part Timers section
- Special offers information (Empire State's Department ID is 28280)
- Professionals' Titles List (MACCC under Reports/Guides)
- Retiree Services

### **NYSTU Member Benefits**

[www.memberbenefits.nysut.org](http://www.memberbenefits.nysut.org)

- Insurance
- Shopping
- Travel Discounts
- Legal Plan
- Special Offers

### **AFT Member Benefits**

<http://www.aft.org/about/member-benefits>

- Scholarship Opportunity
- Insurance
- Travel/Entertainment/Shopping
- Legal & Financial Services

# What We Have Accomplished for Our Members, Our University, Our Communities and Our Society!

*This list of gains throughout our history through 2010 was taken from the UUP 40th Anniversary Booklet. Find these and more at [www.uupinfo.org](http://www.uupinfo.org) under History!*

**It's important to remember that gains in our Bargaining Unit have a positive impact not just for our members, but for our campuses, our communities, other bargaining units, and our society. The impacts are not only economic, but lead to a stable workforce, a strong educational system built on academic freedoms, and strong communities. How can you help expand this list?**

## 1973

- ♦ UUP wins its battle for job security and tuition waivers.
- ♦ New policies are implemented that allow pregnant women to work as long as they are physically able and to let women use sick and vacation time to offset any leave without pay.

## 1974

- ♦ UUP and the state sign a two-year contract that includes permanent status for professionals, five days family sick leave, across the board salary increases, and merit money.

## 1977

- ♦ UUP and the state sign a two-year contract that includes sabbatical leave.
- ♦ UUP successfully overturns the Board of Trustees policy that bars women from the right to work once they become pregnant.

## 1978

- ♦ UUP negotiates guaranteed minimum salaries for full time employees and a benefits package for part timers.

## 1979

- ♦ UUP members ratify a contract with salary increases totaling 8%. For the first time the agreement includes guaranteed increases for members paid on an hourly, weekly, bi-weekly or monthly basis. Bargaining members receive \$5,000 in term life insurance from UUP.

## 1982

- ♦ UUP signs a 3 year contract that includes a statewide employee assistance program (EAP), \$2 million to fund salary disparities and a new Professional Development and Quality of Work Life Grant program.

## 1983

- ♦ UUP brings more than 1,000 union members and students to Albany to protest Executive Budget proposal to lay off 3,000 SUNY academics and professionals. UUP's advocacy leads to the Legislature addition of \$15.9 million to the governor's budget eliminating the need for layoffs.

## 1986

- ♦ UUP ratifies the 1985-1988 contract with 15% pay raise over the life of the contract and allow protection for long term part-time employees through a new term appointment program.
- ♦ UUP wins age discrimination case that ends forced retirement of tenured faculty at age 70.

**1989**

*UUP Milestones* continued

- ♦ UUP ratifies a three year contract with a total base salary hike of 16.3 percent. The agreement features \$1 million in Excellence Awards, jointly administered by UUP and the state.

**1997**

- ♦ An unprecedented week of demonstrations on campuses across the state in February shines a light on stalled contract talks, proposed budget cuts to SUNY, and the suspension of the UUP Benefit Trust Fund.

**2000**

- ♦ UUP wins year round health insurance for SUNY's 5,300 part time employees.

**2004**

- ♦ UUP thwarts another attempt to privatize the state universities teaching hospitals.
- ♦ UUP files suit in NYS Supreme Court against Express Scripts program charging breach of fiduciary duty and deceptive practices.
- ♦ A new Member Services Trust Fund is created to offer members a wide range of discounts and services.

**2005**

- ♦ UUP wins a class action grievance that forces SUNY to pay minimum salaries to the 900-plus faculty/physicians classified as Geographical Full Timers.

**2006**

- ♦ After a major UUP rally at the State Capitol, the Senate and Assembly overrode Gov. Pataki's vetoes of \$60 million in funding for SUNY

**2007**

- ♦ After months of non stop political action by UUP, the union successfully thwarts the Berger Commission's recommendation to privatize SUNY's teaching hospitals.
- ♦ UUP influences lawmakers to sign Optional Retirement Program (ORP) that eliminates the employee's pension contribution to the program provided s/he has at least 10 years of state service.
- ♦ UUP helps to develop SUNY's new Office of Diversity and Education Equity.

**2008**

- ♦ UUP influences lawmakers to pass a bill making the agency shop fee permanent for public employees under the Taylor Law.

**2009**

- ♦ UUP and students join forces to stress that "SUNY is the \$olution" and successfully stave off draconian cuts to the University.

**2010**

- ♦ Dozens of UUPers swarm the nation's capital to participate in the "One Nation Working" to march for jobs, justice and public education.
- ♦ UUP unveils save.SUNY.org, to educate students, citizens and lawmakers about the deep cuts to SUNY,
- ♦ taking action by signing an online petition and faxing e-letters to the governor.
- ♦ UUP releases the report of the Task Force on Contingent Employees that recommends ways to strength-

# Union Membership—Are you a Member?

**“And what have our unions done? What do they aim to do?**



To improve the standard of life, to uproot ignorance and foster education, to instill character, manhood and independent spirit among our people, to bring about a recognition of the interdependence of man upon his fellow man.

We aim to establish a normal work-day, to take the children from the factory and workshop and give them the opportunity of the school and the playground.

In a word, our unions strive to lighten toil, educate their members, make their homes more cheerful and in every way contribute an earnest effort toward making life the better worth living.”

Samuel Gompers (McClure's Magazine Feb. 1912)

## ARE YOU A MEMBER?

Thomas P. DiNapoli New York State Comptroller		JOHN DOE				Total Gross	Fed Taxable Gross	
Advice #	123456789	Pay Start Date	09/10/2013			Current	3456.78 1234.56	
Advice Date	09/10/2013	Pay End Date	09/24/2013			YTD	45,678.90 34,567.89	
Department ID	1234			Net Pay	1,234.56			
EARNINGS	Current	YTD		Pay Rate	56,789.10			
Hours/Days	Earnings	Hours/Days	Earnings	TAX DATA	Federal	State	NYC	Yonkers
Regular Pay Salary Employee	3456.78		45,678.90	Marital Status	4	4		
Location Pay	56.78		678.90	Allowances	2	0		
				Add. Amt.				
				TAXES	Current	YTD		
				Fed Withholding	3,456.78	1,234.56		
				Medicare	45,678.90	34,567.89		
				Social Security	3,456.78	1,234.56		
				NY Withholding	45,678.90	34,567.89		
BEFORE TAX DEDUCTIONS	Current	YTD		AFTER TAX DEDUCTIONS	Current	YTD		
Regular Before Tax Health	456.78	1,234.56						
Supplemental Ret. Annually Prog.	678.90	5,678.90						
TIAA Retirement Before Tax	56.78	1,234.56						
				<b>UUP Member 26P</b>	34.56	456.78		

**CHECK PAY STUB TO MAKE SURE**

In order to be a member of the union, your paycheck **must** say “UUP Member.” If it says “UUP Agency Fee,” then you are included in the Professional Services Negotiating Unit, but are *not* a member of the union.

## UUP Membership Entitles You To:

- Vote on collective bargaining agreement
- Hold union office
- Attend union meetings
- Elect union leaders on your campus and choose your representatives at the state and national levels
- Maintain UUP membership after retirement and be eligible for benefit programs
- Upon separation of service, obtain Associate Membership with NYSUT and be eligible for benefit programs

**Please contact your chapter officers for a membership card.**

# Chapter Officers and Center Representatives 2015-2017

## **OFFICERS**

### **President**

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[pmalone.uup@gmail.com](mailto:pmalone.uup@gmail.com)

### **Secretary**

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Richard Wells  
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### **Treasurer**

Donna Carey  
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### **Vice President for Professionals**

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### **Grievance Officer**

Tina Ungeheuer  
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### **Officer for Contingents**

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### **Affirmative Action Officer**

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## **CENTER REPRESENTATIVES**

Center for Distance Learning

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Northeast Center

Ralph English at [ralph@fastmail.net](mailto:ralph@fastmail.net)

## Upcoming Events

- ◆ Labor Management Meeting September 16, 2015 at 2:00 pm
- ◆ Center Reps/Committee Chairs Conference Call September 21, 2015 at 11:00 am
- ◆ ESC Chapter Officer's Conference Call September 30, 2015 at 3:00 pm
- ◆ UUP Fall Delegate Assembly, Buffalo, October 2–3, 2015
- ◆ Dr. Nuala McGann Dresher Leave Program Deadline October 7, 2015
- ◆ Contract Negotiations Team Visits—Please see details in this newsletter

**Visit our website for a complete listing of Upcoming Events:**

[www.uupescchapter.com](http://www.uupescchapter.com)

## CONNECT With Your Chapter!



### EMPIRE STATE COLLEGE CHAPTER

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(518) 580-4094 or Ext. 2571

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We're on the Web! [www.uupescchapter.com](http://www.uupescchapter.com)

**Editorial Policy:** Opinions expressed in *Excellence in Unity* are solely those of the writers and do not necessarily reflect the positions or policies of the UUP or its Empire State College Chapter, who are not liable for any errors or inaccuracies.

## **UUP ESC Chapter's Purpose**

*Scripted from our Chapter Bylaws:*

**The purpose of the ESC Chapter shall be:**

To promote the aims of UUP

To improve the terms and conditions of employment

To defend the civil, professional, and human rights of those it represents

To promote mutual assistance and cooperation among the members of UUP

To advance education in a democracy and democracy in education

To promote the principle of unity and collective bargaining in higher education

To monitor local compliance with the Agreement between UUP & the State of NY

To promote **public higher education,**

**academic excellence,** and

**to strengthen the college and university community.**

The Chapter will organize and support activities associated with its campus responsibilities as a union and shall cooperate with other Chapters, UUP, UUP affiliates, and other appropriate organizations in furtherance of these objectives.



UUP Empire State College Chapter  
111 West Avenue  
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