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A TALE OF TWO CITY UNIVERSITIES:

Internal and New Unit Adjunct Organizing in New York City

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It isn't the best of times. It isn't the worst of times.

Today in New York City there are currently underway two high stakes, highly visible higher education union organizing campaigns among adjunct faculty. One is a new unit campaign, the other an internal organizing effort within a long-established local. One is taking place at one of the City's oldest, premier private universities. The other is at the nation's premier urban public university system. Both are at institutions which trace their roots back to the first half of the nineteenth century. There are many things connecting New York University with the City University of New York—shared faculty, cross-listed courses, over-lapping recruitment pools among them, and many other things separating them. One commonality: like most other universities in the country, both NYU and CUNY rely on part-time, non-tenure track faculty to teach the bulk of their classes, including, especially, the majority of their introductory level courses.

At both institutions, the part-time faculties do exceptional work under conditions that are arguably Dickensian. They are grossly underpaid, otherwise exploited, and largely taken for granted.¹ At CUNY, however, where the Professional Staff Congress (PSC) has represented the faculty (full and part-time) for thirty years,² the adjuncts have a union, and a contract guaranteeing them, for instance, free health coverage after one year,³ established pay scales with scheduled raises, and the same grievance procedure as full-time faculty. At NYU adjuncts have neither union nor contract, with the consequence of tremendous pay inequity,⁴ minimal collegial interaction,⁵ no health or retirement benefits,⁶ no grievance procedure or any other formal process for conflict resolution, and no job security.

NYU adjuncts have long watched from the sidelines as their colleagues around the City, including those at CUNY, Long Island University, the Fashion Institute of Technology/SUNY, and the Pratt Institute (among others) have been enjoying the various benefits of unionization for years. These adjuncts have won not only the material benefits coming with a contract, but also a place at the bargaining table, and a voice and a vote in their union's affairs.

However, as adjuncts at CUNY and around the country have learned, a union—and even a contract—is not the answer to all their problems. For most of the PSC's existence, CUNY adjuncts have felt neglected and unwanted, as long-time CUNY adjunct Vincent Tirelli notes in his essay "Adjuncts and More Adjuncts" (190-191). For one thing, despite the statutory right to enforce an agency shop in the bargaining unit,⁷ the former leadership of the PSC decided to enforce it exclusively for the full-time unit members. Thus, unlike their full-time colleagues, CUNY adjuncts were left with the divisive, disenfranchising choice: join and pay, or stay out for free. For adjuncts earning paltry salaries who already believed the union was not adequately representing their best interests, this was an easy choice. Not surprisingly, until

recently the part-timer membership never climbed much above ten percent of the total adjunct population. Now, with a new progressive leadership running the PSC, adjunct concerns have become a top bargaining priority⁸ and adjunct recruitment a top organizing priority. Last Spring, part-time faculty joined their full-time colleagues as agency fee payers, and consequently, part-timer membership in the PSC has more than tripled in the past year. Still, the PSC recognizes that this work has just begun, and that there is much education, organization, and activation to be done.

At NYU the process is just beginning, as adjuncts are attempting to organize themselves into an autonomous union local for the first time. Unlike most new unit drives, however, the contentiousness in this one is not (yet) between management and labor, but between the two powerful national unions competing for the unit. Soon NYU adjuncts will have to decide whether they want to affiliate with the American Federation of Teachers (AFT) or the United Auto Workers (UAW).

What follows is a brief account of these two very different organizing campaigns taking place under seemingly close national scrutiny, in a city still emotionally frayed, with enormous populations of both students and adjuncts, high numbers and percentages of minorities, working students, and non-native English speakers, an especially high cost of living, and extraordinary competition for media attention. Both the *need for* and the *obstacles to* organizing in New York City remain great. To fully appreciate where this is heading, however, it may help to understand whence it comes.

The Past

In the 1970s the full-time faculty of NYU, following a trend in New York City that went back at least to the 1950s,⁹ twice attempted to organize themselves into a union local.¹⁰ While these well-chronicled efforts ultimately failed (i.e. the full-time faculty remain unorganized), in some respects they paved the way for the NYU clerical and technical workers to organize themselves in 1978 into AFT Local 3882, establishing an education union presence at NYU. By then, in CUNY the PSC had already been AFT Local 2334 for several years, and the New York City schoolteachers' union, the United Federation of Teachers (UFT), had been AFT Local 2 for nearly two decades.

A few years earlier, in 1970, the National Labor Relations Board, the federal agency governing private sector employment, opened the doors to university faculty organizing by reversing a previous position and asserting jurisdiction at Cornell University.¹¹ This was followed closely by the two organizing attempts at NYU. Finally, in 1980, the U. S. Supreme Court reversed a recent NLRB decision that had granted the faculty of Yeshiva University the right to organize a union local.¹² In a landmark five to four decision, the Court rejected, in fact, a series of NLRB rulings¹³ allowing the full-time faculties of private universities to organize themselves for the purposes of bargaining collectively with their universities. In Yeshiva, the NLRB had explicitly rejected the University's claim that the faculty functioned as managerial employees. The Court, however, in a decision "premised entirely on the high degree of authority and participation in decision making . . . exercised by the Yeshiva faculty," cited the their extensive control over issues such as admission, course offerings and scheduling, teaching methods, grading policies, and tuition, in overturning the NLRB ruling. "Their authority in academic matters is absolute," the Court concluded (qtd. in Bioff 457).

The majority opinion in Yeshiva, however, was expressly limited.

There thus may be institutions of higher learning unlike Yeshiva where the faculty are entirely or predominantly nonmanagerial. There also may be faculty members at Yeshiva . . . who properly could be included in a bargaining unit (NLRB v. Yeshiva 690 n.31, qtd. in Bioff 458).

The Yeshiva decision, for instance, never included part-time faculty in its exclusion from collective bargaining rights. The factors relied on in distinguishing part-time and full-time faculty were: "(1) differences in compensation; (2) lack of participation by part-time faculty in university governance; (3) the unavailability of tenure for part-time faculty; and (4) differences in working conditions" (Bioff 465).

The Present (NYU)

For better or for worse, much has changed in higher education labor since the mid-1970s. There are, of course, far fewer tenured faculty, in both absolute numbers and as a percentage of the whole, and far more part-timers, again in both number and percentage. Moreover, the "typical" adjunct is a different individual. Today, far fewer adjuncts are moonlighting from full-time jobs, and far more are piecing together a living from their teaching. Compensation, therefore, has taken on much greater significance in the part-time academic labor market. More adjuncts are teaching more courses, and are doing so for less money. The need for unionization has never been greater, and part-time faculty, including graduate student employees, is organizing in increasing numbers.¹⁴

In 2000, the NYU graduate students, having formed the Graduate Student Organizing Committee (GSOC), organized a union local and affiliated with the UAW. Today, GSOC and NYU are in negotiations for a first contract. Now the NYU adjunct faculty is joining their graduate student colleagues, as well as adjuncts around New York City and across the country, by organizing themselves into a union local. There seems to be tremendous support on campus for union representation. However, the matter of just which union that will be remains to be settled and two powerful unions are vying for the unit in a tense and costly competition.

The UAW hopes to parlay its work with the graduate students into its first faculty unit of any kind in the country by bringing the adjuncts into UAW Local 2110. The AFT hopes NYU's approximately 3,500 adjuncts will choose to join the 50,000 adjuncts represented by the AFT across the country, including 10,000 in New York City alone. Both unions began collecting signatures for the requisite showing of support during the Spring 2001 semester.¹⁵ And both remain on campus actively organizing, albeit somewhat differently.

Some organizers believe that the competition for the unit can only hurt the adjuncts and their chances of successful unionization. This matter of the impact of competition on the efforts to organize is, of course, not new, and the prevailing view of labor historians, represented locally by Distinguished Professor Stanley Aronowitz of the CUNY Graduate Center, is that the competition tends to raise the awareness levels of unionization efforts on campus, and is likely to increase both participation in the election as well as the likelihood of representation. Expectations are for a Spring 2002 election petition.

Two situations complicate matters somewhat at NYU. One is the position of the local chapter of the American Association of University Professors (AAUP). The other is the position of the PSC. New York State United Teachers (NYSUT)—the State Federation of AFT locals in New York—and the AAUP recently entered into a statewide cooperative organizing agreement. The NYU AAUP chapter, however, was fully supportive of GSOC, and has consequently opted to remain neutral during the adjunct organizing campaign, even as it is supportive of the organizing effort. Both the UAW and the AFT had hoped (and presumably expected) to receive the endorsement and support of the AAUP, and both must certainly be disappointed at not receiving it.

The PSC finds itself in a rather similar position. It too was supportive of GSOC in its organizing efforts, and as a player in the New York City labor community has friends in the UAW. However, the PSC is also an AFT local, and has been supportive of the AFT's increased commitments to higher education

organizing. Naturally, though to the great disappointment of the UAW which had requested that the PSC remain on the sidelines of the NYU effort, the PSC publicly endorsed the AFT campaign.

The Present (CUNY)

As it turns out, though, the PSC has a pretty well-booked organizing agenda of its own to worry about. It is in the middle of an on-going multifaceted campaign to win a good contract, and is engaged in an all-out effort to organize its part-timer unit members who are, in fact, coming into the PSC in droves. But it was not always so.

For most of its existence, the PSC was run its former president, Irwin Polishook, who met with only occasional and relatively minor opposition during his twenty-year reign. However, growing dissatisfaction with the PSC leadership over a range of issues including the representation of part-timers, led in the mid-1990s to the formation of the insurgent New Caucus which began to challenge Polishook's Unity Caucus. Throughout the late 1990s the New Caucus won leadership positions at the CUNY campus chapter level, and in 1997 waged an unsuccessful bid to unseat Polishook and his Unity Caucus colleagues. While the New Caucus lost that election, it proved to be a galvanizing event in the history of CUNY labor unionism. For the next several years the New Caucus grew steadily and continued to win positions at the campuses, and then in April 2000 won 18 of the 21 executive offices of the PSC, including the presidency.

From the beginning, adjuncts were an important constituency of the New Caucus which ran its 2000 campaign on issues of equity and the express desire to bring adjuncts into the PSC at every level. But CUNY adjuncts had been agitating for better representation and improved working conditions long before the formation of the New Caucus, and the alliance between the New Caucus (and now the PSC) and CUNY adjuncts has never been an easy one. In the late 1980s, a group of CUNY adjuncts formed the Part-Timers United (PTU) and, among other things, ran an unsuccessful campaign to decertify the PSC as their bargaining agent. Despite that failure, PTU's efforts clearly led to greater adjunct awareness of—and involvement in—PSC interests and affairs. Many of the adjunct activists from the PTU were joined by a new generation of adjuncts in the mid-1990s, and formed a Cross-Campus Adjunct Committee of the New Caucus which evolved into the independent CUNY Adjuncts Unite (CAU) as a loyal and vocal opposition to the PSC leadership and its perceived disinterest in adjunct issues and concerns, and as an organization external to the New Caucus.¹⁶ By the late 1990s, however, many of CAU's activists had been pulled into the New Caucus, and the sympathetic New Caucus had adopted many of CAU's issues as their own. While this was probably a positive development for CUNY adjuncts, it did create certain tensions among full-timers and between full- and part-timers in CUNY, many of which still persist.

Now that the New Caucus is in power at the PSC the organizational relationships between the New Caucus, per se, and the PSC leadership, as well as between the PSC and CAU have become rather more complicated and fraught with both great expectations and suspicion as the new union leaders attempt to meet the enormous demands of office while maintaining open channels of communication with the both the rank and file membership and the cadres of activists that got them elected.

Nevertheless, the PSC has taken a number of steps towards making good on their commitment to adjuncts. Foremost among these, in February 2001 the PSC Delegate Assembly reversed its previous long-standing policy of exempting adjuncts from agency fees, and voted to implement those fees equally among all members of the bargaining unit, effectively removing the financial disincentive to part-timer membership. At about the same time the PSC restructured adjunct dues, shifting from a burdensome flat rate to a more equitable percentage-based dues. Also about this time, the PSC hired an experienced organizer in Mary Ann Carlese as Associate Executive Director--a position which had been vacant for years—to function as a director of organizing, which the PSC had never had. Since Carlese's hiring early last Spring, the PSC

has hired four part-time adjunct organizers, all from the ranks of CUNY adjuncts, to facilitate the recruitment and mobilization of adjuncts. As noted above, this campaign has been highly successful.

Beyond these changes, the PSC has also centralized adjunct issues among their bargaining demands in the current round of negotiations with CUNY management, and has maintained their commitment to general equity, including a move toward pay parity. Undoubtedly, as full-timers see their conditions improve along with those of their adjunct colleagues, the tensions rooted in the "static pie" myth will ease.

Meanwhile, CUNY adjuncts continue to take on more leadership positions within the PSC, are much better represented at the Delegate Assembly than ever before, and are having their voices along with their concerns fall increasingly on open and interested ears. And as former leaders of CAU assume official positions within the PSC, CAU seems to have lost much of its steam—though, arguably, not its purpose—leaving the PSC without a concerted formal opposition keeping it in check, at least from among the adjuncts. This may be regarded, cautiously, as an endorsement of the PSC's new priorities. But still one must remember that it was the agitation and pressure applied by outside forces (such as PTU and CAU) that was largely responsible for many of the improved terms and conditions of employment enjoyed by CUNY adjuncts over the past ten or twelve years. One must wonder where that pressure will come from now.

The Future (or, It is a Far, Far Better Thing That We Do)

So, what does all this mean for the future of part-time academic labor? Of higher education labor organizing? Of the relationships between full- and part-time faculties? As regards the two campaigns chronicled above, and adjunct organizing more generally, certain "realities" seem to emerge.

- The NYU adjunct faculty will be unionized, and it will happen soon. CUNY adjuncts will continue to see their labor conditions improve. NYU administration will eventually run an anti-union campaign and NYU adjuncts will need to rely on the combined strength of the AFT and UAW as well as the support of the New York City labor movement to help ensure the election of a bargaining agent and establishment of a healthy union local. With the two unions focusing on the competition for the unit, there has been very little general inoculation taking place, and NYU has already begun to dangle some carrots.
- The concept of a "labor movement" in New York City, with the implications of coordination, cooperation and shared interests and resources still seems somewhat distant, at least as far as adjuncts are concerned. With few exceptions, "part-timers are still regarded with neglected complacency in higher education," wrote Judith Gappa in the early 1980s. "Like servants on the baronial estates of yesteryear, they are barely seen and hardly heard by their masters, and presumed to have no ears" (9). This remains quite true today. Adjuncts cannot go it alone.
- "The segmented nature of the labor force in the part-timer systems hinders communication and dialogue, perpetrating myths and attitudes about part-time faculty that destroy their organizing efforts. The isolation of the part-time faculty and full-time faculty's relation to this condition are key obstacles to the development of strong collective action by university faculty," (Tirelli 191).
- "Very little hard evidence" has been developed substantiating the insultingly elitist view that part-time faculty have a negative impact on education quality (Gappa & Leslie 6). However, running between multiple campuses, working multiple jobs for minimal wages, last minute appointments, lack of office space, lack of job security, lack of health insurance and retirement benefits, these things must necessarily affect the performance of even the most skilled and dedicated adjunct. These problems have been around for decades, and labor scholars have been commenting upon them—and warning of the

impact of neglect—for as long. These professional ills are not likely to be repaired quickly or painlessly.

- Adjuncts in unionized situations are better off, on the whole, than those unorganized. Similarly, adjuncts in locals combined with full-time faculty are better off than those in "stand alone" locals, as Rhoades and others have noted.¹⁷ The AFT recommends one unit, or, if not possible, two units in a single local (Robinson 30).
- Unless adjunct salaries increase dramatically very quickly, the national unions representing them will have to revise the affiliate dues structures to accommodate the influx of low-income members, especially, though not only, in stand alone units. Using 1% of gross income as a standard for cumulative dues (i.e. the combination of local and affiliate dues), and an average annual adjunct salary of \$8000, a union local brings in only \$80 per adjunct member. If affiliate dues eat up most of that, the local will never generate enough income to be solvent and operable. Raising dues much beyond the 1% likewise seems untenable for these members.
- Part-time labor is a long-term reality in higher education. But until adjuncts are recognized—by administrators, full-timers, and by themselves—as a vital, integral part of the higher education process (and not adjunct to that process), they will never receive the professional respect they desire and are due, and will never receive the compensation that accompanies that respect. Until then, they will never be invited into the curricular and other academic discussions impacting their working lives. And until then, they will never truly be colleagues with the full-timers beside whom they work every day. All this is to the detriment, not only of the adjuncts but of the full-timers, and most especially of the students.

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¹ The average "part-timer" working a full-time CUNY load would earn less than \$20,000 per year (using the NYU full-time load, of course, cuts that number in half), though workload restrictions at both schools keep actual income well below those levels.

² Originally, in the late 1960's, PERB excluded part-timers from the CUNY bargaining unit because of their numbers relative to CUNY full-timers. Three years later PERB directed CUNY faculty to vote on whether to have a separate units; they chose a single unit which soon became the PSC.

³ CUNY adjuncts are required to maintain a six-credit semesterly course load to receive health coverage, currently an Empire Blue Cross/Blue Shield HMO.

⁴ While the average salaries for adjuncts at CUNY and NYU are probably fairly similar, at NYU there is an enormous difference between the top and bottom. Through speaking with more than a thousand NYU adjuncts, it has become clear that salaries for a three-credit course, while negotiable, typically range from about \$1800 to \$5000, with lows below \$1500 and highs above \$6000. In CUNY, by contrast, three-credit courses pay \$2250 to \$3520 depending on adjunct rank. Moreover, at NYU adjuncts at different schools and in different departments are often paid quite different salaries for teaching comparable courses. While this may not be particularly surprising, what seems rather more inequitable is that two adjuncts in the same department, with comparable qualifications, teaching comparable courses are often paid significantly different salaries. All information on NYU adjunct working conditions comes from one-on-one conversations with AFT organizers working with the Federated Adjuncts of NYU organizing campaign and more than a thousand NYU adjuncts in the Spring 2001, Summer 2001, and Fall 2001.

⁵ Most NYU adjuncts claim to know no other adjuncts and to have little, if any, connection with their department and its full-time faculty. This is, of course, not unusual at institutions without labor contracts. Because adjuncts are often paid different rates for teaching comparable courses, an inequity that would certainly be unpopular if it were revealed, the universities do not encourage collegial intercourse.

⁶ As union organizing began among adjuncts at NYU, the University began to make available to some adjuncts in the School of Continuing and Professional Studies-NYU's enormous and highly profitable Continuing Ed School-limited health coverage at group rates. This fact, however, remains largely unpublicized and hence unknown.

⁷ In New York State, the Taylor Law (1967) established, among other things, the right for public sector labor unions to impose an "agency fee" on all members of their legally defined bargaining unit. This fee, charged to those bargaining unit members who opt not to become union members, is typically about the equivalent of dues, thus providing the financial incentive to join the union and receive the full benefits of membership.

⁸ See the PSC website (www.psc-cuny.org) for a list of PSC bargaining demands and negotiations updates.

⁹ The NLRB declined to assert jurisdiction at Columbia University [97 NLRB 424, 29 LRRM 1098 (1951)]. Not coincidentally, this concurs with the explosion in growth of higher education after WWII.

¹⁰ See 205 NLRB 4, 83 LRRM 1549 (1973) and 221 NLRB 1148, 91 LRRM 1165 (1975).

¹¹ See 183 NLRB 329, 74 LRRM 1269 (1970).

¹² See NLRB v. Yeshiva University 444 US 672, 103 LRRM 2526.

¹³ See e.g. 213 NLRB 634, 87 LRRM 1634 (Univ. of Miami 1974) and 218 NLRB 247, 89 LRRM 1862 (Northeastern Univ. 1975) as well as the two NYU decisions cited above.

¹⁴ In 1973, 21% of higher education contracts contained provisions for part-timers. By 1979, that figure had risen to 39% (Gappa 48). It continues to grow.

¹⁵ The NLRB generally requires 30% of the prospective unit to sign cards or petitions authorizing a particular union to function as their exclusive bargaining agent.

¹⁶ CAU, formed in the Summer of 1997, began publishing a widely circulated monthly newsletter, Adjunct Alert, in September 1997, and ran two major organizing efforts in the late 1990s. The first was a petition campaign to hold a CUNY-wide referendum on eliminating the exclusion of part-timers from the PSC's agency fees. The second was a campaign to get CUNY adjuncts paid for maintaining office hours, which most were keeping and for which none were being paid.

¹⁷ Even a cursory reading of the 600+ contracts cataloged in the Higher Education Contract Analysis System (HECAS) database published by the NEA and AFT demonstrates this point unequivocally.