

COUNCIL of NEW JERSEY STATE COLLEGE LOCALS AFT/AFL-CIO



1435 Morris Avenue
Union, NJ 07083
908-964-8476
FAX 908-688-9330
www.cnjscl.org

Nicholas Yovnello
President



November 11, 2010

The Honorable Senate President Stephen M. Sweeney
The Honorable Senate Minority Leader Thomas H. Kean
The Honorable Assembly Speaker Sheila Y. Oliver
The Honorable Assembly Minority Leader Alex DeCroce

Dear Senator Sweeney, Senator Kean, Assemblywoman Oliver, and Assemblyman DeCroce:

You recently received a letter from the state college/university presidents asking you to support legislation that would effectively break up the four well-established longstanding bargaining units at the nine state colleges/universities, two of which are represented by the Council of New Jersey State College Locals - AFT, and one each by CWA and Local 195, IFPTE respectively. Their letter also urges you to act to take their civil service employees out of civil service. The respective bills are S-2026/A-2963; S-2338/A-3220; S-2337/A-3219.

Our response is based on the old aphorism—if it isn't broken don't fix it. For over thirty-five years, the State of New Jersey, through its Office of Employee Relations (OER), has negotiated state-wide collective negotiations agreements that have benefited all parties. Although the basic salary increases and benefit packages have been the same for all State employees including state college/university employees, in other respects, the separate agreements for AFT, CWA and Local 195 IFPTE are just that: separate---and already reflect the different terms and conditions of employment and working conditions of professional, administrative, clerical and service and maintenance employees at the state colleges and universities. The presidents' claim that "We hire them, and we are responsible for paying their salaries and for their performance" is no different than any other State agency that is covered by a statewide collective bargaining agreement.

With respect to the negotiation of the AFT master Agreement, the institutions' presidents have always had a voice and a vote at the statewide bargaining table. In fact OER cannot make negotiations decisions at the table without first getting permission from the nine presidents. The master Agreement has consistently provided significant latitude for negotiations of local issues, which have resulted in hundreds of locally negotiated letters of agreement.

The presidents' claim that the "terms and conditions of employment of their employees need to be negotiated within the context of the complex national practices relevant to higher education" lacks any specificity and has no merit. Our institutions have never been denied certification by Middle States or any accrediting agency because employment terms were outside the national norm for those agencies. In fact, at times it has been the union that has pressed for conformance to national standards. The AFT has produced a number of publications on various topics of good practice in higher education. Nicholas Yovnello, president of the Council and its chief negotiator

is a member of National AFT Program and Policy Council and has personally authored sections and participated as an editor of several national standards documents.

The presidents' claim that the "current practice...does damage to the educational environment for students and the professional environment for employees" is pure fiction. The educational environment of the students depends mainly on the quality of the faculty, librarians and professional staff. Under the current system, each institution already has the discretion to hire faculty on any one of 12 salary ranges plus an indeterminate range of its own choosing. (See Article XXI J of the State Colleges/Universities Unit Agreement.) Further, the professional environment for employees has greatly benefited from promotional and career development opportunities negotiated by the parties over many years. Please consider that the state college/university president's letter did not cite a single example of how the current system of bargaining inhibits the mission of a particular college or university.

The Public Employment Relations Commission has long held that broad bargaining units are in the public interest because they minimize the potential for labor strife. This principle is borne out by the bargaining history in the state sector where the last strike at the state colleges/universities occurred 30 years ago. The public interest has also been served by including all state employees, including those at the state colleges/universities, in the State Health Benefits Program. Pensions have always been established by the State and a number of years ago, the State created the Alternate Benefit Plan—a defined contribution plan that encompasses all professionals at the state colleges/universities, including managers. This is yet further proof that the current system works.

The Council is not resistant to change. We have consistently addressed the State college/university presidents' operational needs. For example, we have agreed to new terms of the master Agreement such as range adjustments, indeterminate salary ranges otherwise known as "X-ranges", and non-renewable teaching appointments to accommodate the concerns of management. But we will resist any attempt to allow state college/university presidents to pit institutions against institution and bargaining unit against bargaining unit by allowing for separate bargaining. Nor do we think the Legislature would welcome a scenario where thirty - five separate negotiations (four at each of the nine state colleges/universities, except Thomas Edison that lacks adjunct faculty) conducted by the individual state colleges/universities, would replace the current system of four negotiations conducted by the Office of Employee Relations. Not only would this create administrative chaos, but it would increase operational costs as each state college/university would invariably hire a new layer of high paid attorneys and managers to negotiate and administer their separate labor agreements, while, at the same time, addressing their own unique missions.

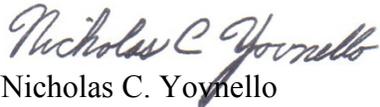
In 2007, the State Commission of Investigation issued a report on public higher education abuses entitled *Vulnerable to Abuse: The Importance of Restoring Accountability, Transparency and Oversight to Public Higher Education Governance*. Not one of its recommended reforms has been implemented, despite the Legislature's passage of S-1609 last session, codified as PL 2009, c. 308. Furthermore, until Jane Oates, then the Executive Director of the Commission of Higher Education intervened, most of the State colleges and universities under-reported the number of full-time employees eligible for State benefits and the institutions did not reimburse the State for the cost of the additional employees costing the State tens of millions of dollars. In light of this

track record, this latest attempt by the presidents to separately negotiate labor contracts cannot be in the best interests of the State, New Jersey's citizens and students.

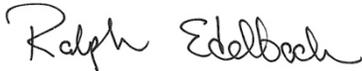
Unlike the presidents' "each institution for itself" approach, the Council has a comprehensive perspective. New Jersey's higher education institutions need to be treated as one system based on a statewide plan developed by the Commission on Higher Education, with the authority to implement cost efficiencies and impose accounting and spending practices that conform to national standards. Our public higher education institutions need to work cooperatively, not as competing entities or private fiefdoms.

This is one toolkit proposal that is a blatant repudiation of the concept of "shared services". It creates additional costs for the state colleges and universities, further depleting scarce higher education resources for students. We continue to strongly urge you **not** to consider any of these bills.

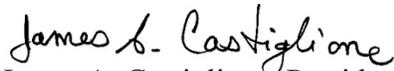
Sincerely,



Nicholas C. Yoynello
President



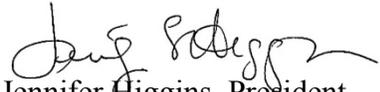
Ralph Edelbach, President
The College of New Jersey, AFT Local 2364



James A. Castiglione, President
Kean Federation of Teachers, AFT Local
2187



Kathleen Henderson, President
Kean University Adjunct Federation
Faculty, AFT Local 6024



Jennifer Higgins, President
Montclair State University, AFT Local 1904

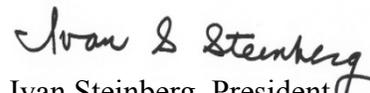


Robert Russo, President
Montclair State University
Adjunct Faculty, AFT Local 6025



Irene Kuchta, President
Ramapo College of New Jersey

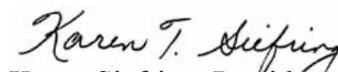
AFT Local 2274



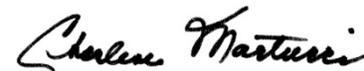
Ivan Steinberg, President
New Jersey City University, AFT Local 1839



Tim Haresign, President
The Richard Stockton College of New Jersey,
AFT Local 2274



Karen Siefring, President
Rowan University, AFT Local 2373



Charlene Martucci, President
Thomas Edison State College, AFT Local
4277



Susanna Tardi, President
William Paterson University of New Jersey
AFT Local 1796