

## Sixth-year lecturers win legal protections

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BOB SAMUELS, UC-AFT PRESIDENT

## Looking back, looking ahead

This issue of the *Perspective* reflects on the important accomplishments of the last few years and indicates areas that still need work. In many ways, lecturers and librarians are in a much better position than we were a few years ago. Lecturers now have better job protections, the possibility for continuing appointments, higher salaries, a fairer merit system, stronger benefits, and professional development funds.

Many of these improvements are a direct result of our recent contract victories. However, lecturers and librarians still face difficult times whenever there is a budget crisis in the state of California. Unfortunately, it is often tempting for UC to resolve its budget deficits by taking funding and jobs from the most vulnerable faculty members and staff. This is one reason we must be constantly on our guard against unfair cuts to lecturers and librarians.

### The silent revolution

It is also important for us to continue our efforts to educate our colleagues and the general public about the important roles lecturers and librarians play in the UC system. The sad fact is that even though many of us have been working in the UC system for over twenty years, many people still do not even know that we exist, and many others still do not know what we do. For lecturers, our invisibility comes from several sources. One important source is that we are defined as teacher-centered faculty in a system that concentrates on research. In fact, the invisibility of lecturers often relates to the ways undergraduate education has become a low priority in some of our departments and campuses. Another important source for the hidden presence of lecturers is the silent revolution in the restructuring of

American colleges and universities. The general public simply does not know that more than half of the faculty in the U.S. are now part-time and an even greater percentage are teaching off of the tenure-track system. Not only is the general public unaware of these important transformations, but our students often have no idea about who is teaching them and where their tuition dollars are going. Making matters worse, Senate faculty members often show a lack of understanding of the radical reshaping of higher education.

In the case of librarians, the use of computer technologies is reshaping job responsibilities of many people working in our university's libraries. Due to changes driven by new information technologies, librarians are being asked to perform a greater range of educational tasks, but are seldom compensated or recognized for their diverse responsibilities. There is also the problem that some people think that libraries are now irrelevant in the age of online databases. In short, libraries are changing and the roles of libraries are morphing, but very few people have taken the time to determine what these changes mean.

### Public education is necessary

Since few people know what has been happening at American universities, it is necessary for us to educate students, faculty, and the public about the economics and politics of higher education. Central to this educational mission is the need to show how the increase in college and university enrollments has not been met by an increase in the public support for higher education. Moreover,

*On the cover: Standing proudly in front of UCD's administration building are the lecturers vindicated in the recent PERB decision. From the left, Amy Clarke (Writing), Ann Fleishmann (Writing), Jay Grossi (Italian), Bagher Modjtahedia (Economics). (Kevin Roddy, photo)*

the money that has reached our universities and colleges from state and national funds has often been used for purposes not directly related to the education of undergraduates. For instance, at the University of California, the stress on research, graduate studies, capital improvement, and fund-raising activities has made it very difficult to determine how much money and focus is being placed on undergraduate instruction. While UC-AFT has worked with the State Assembly to audit UC and de-

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## PERB rules UCD lecturers improperly denied review

*In a case that has nationwide implications for non-Senate faculty everywhere, the California Public Employment Relations Board (PERB) has ruled that the University of California does not have the right to dismiss lecturers who are contractually protected in their sixth year.*

The case involved UC Davis, where the three deans of Letters & Science claimed they could not guarantee classes – the infamous “instructional need” of the former MOU – three years into the future, and therefore they could not “certify” sixth-year lecturers.

That the deans’ actions were nothing more than a concerted attempt to reduce the University’s dependence on lecturers has never been in doubt. One of the deans, in fact, blatantly admitted it in a 1999 divisional plan. In 2001, seven lecturers in their sixth year, who were about to begin their review, were told they would no longer be employed at the University.

The lecturers affected were Amy Clarke, Anne Fleischmann, Victor Squitieri (English); Fred Choate (Russian); Jay Grossi (French & Italian); Bagher Modjtahedi (Economics); and Patrick Len (Physics). At no time was the excellence of these lecturers called into question; in one department, in fact, a chair admitted that it was entirely out of his hands.

In January, an unfair labor practice charge (ULP) was filed with PERB. The charge was put in abeyance, and the lecturers rehired for an interim year in hope that ongoing bargaining would resolve the issue. When no solution appeared, the lecturers were formally terminated at the end of the 2002 academic year, and the ULP was revived.

A campus-wide protest resulted at Davis, culminating in a strike in May of 2002, the first such action ever by University of California faculty. Hundreds

of students, staff, lecturers and Senate faculty turned out, as well as members from the other UC unions, CUE, ACSFME, UAW and UPTE. The success of this action saw similar coalition strikes at Berkeley in August of that year, and at five campuses in the following October. Throughout the system, the summary dismissal of the seven Davis lecturers was seen as symptomatic of an administration insensitive to both teaching and union representation.

On August 9, 2004, PERB judge Fred D’Orazio ruled that the University violated the law, and he ordered that all seven lecturers be given an excellence review, and if they pass, that they be reinstated. (The full decision is at: <http://dcn.davis.ca.us/~kroddy>.)

### Far-reaching effects

The implications for the professional recognition of UC lecturers are enormous. While the dispute was narrowly considered over the definition of “continuing instructional need,” the broader issue was the administration’s claim to absolute power. It is true that the administration still considers lecturers “at will” employees during their first five years of teaching; but this victory establishes unequivocal protection for sixth-year lecturers under the UC-AFT contract. Lecturers must still prove themselves excellent, but the administration can no longer refuse to review them.

The administration is currently considering whether to appeal the decision. It is in everyone’s interest – the administration’s included – that they decide to accept the judgment against them. The union believes that after four years of dispute, it is time for all parties to put the conflict behind us and welcome back these seven excellent lecturers.

– Richard Seyman and Kevin Roddy,  
UC-AFT Local 2023, Davis



*UC Davis lecturers on strike in May 2002.*

## UC-AFT goes 2 for 2 in front of PERB

by Margot Rosenberg, UC-AFT legal counsel

**I**n two separate cases, one dealing with the University’s health benefit changes and the other dealing with post-six avoidance, a Public Employment Relations Board administrative law judge (ALJ) has issued lengthy decisions upholding all of UC-AFT’s allegations and finding egregious wrongdoing by the University

UC-AFT filed the case because the University made negative changes to employees’ health benefits in 2002 and 2003, without bargaining with UC-AFT, even though at the time the parties were in the midst of collective bargaining for a new contract. In making these changes, which included both increased copayments and increased employee contributions toward health benefits, the

*(continued on page 5)*



# Why we have to raise dues

by Bob Samuels, UC-AFT president

Over the last 12 years, UC-AFT has not asked to raise the dues percentage (1.096% for represented members and .0996% for unrepresented members) or the dues cap (\$48.80 per month).

During this time, we have worked hard to earn our represented members (primarily lecturers and librarians) increased salaries, improved job security, more benefits, and better working conditions. Negotiations with the University of California and the enforcement of our contracts have not been easy, and they have required an increase of the union's staff and growing legal expenses.

While UC-AFT staff has expanded and our work has increased, we have relied on generous startup grants from the national American Federation of Teachers (AFT) and the California Federation of Teachers (CFT) to help us establish ourselves as a mature union. But these grants are meant to be temporary, and part of our arrangement with the AFT involves our commitment to gradually wean ourselves from this dependency on the national organization; in return, we will still receive help for legal representation, staffing, and internal and external organizing.

We have always known that we would have to raise dues at some point, but we have put off this difficult decision as long as possible. Our statewide

\$48.80 to \$55, we have ensured that most members will not face an increase of more than \$7 a month. For most lecturers, this increase is a small amount com-



Miki Gorel, photo

UC-AFT Council meeting in Los Angeles, August 1, 2004.

budget is now in deficit, and we have continued to make large reductions in our spending in several key areas, but we are projecting growing deficits as our agreed-upon commitment requires us to increase our per capita payments to AFT from 25% to 100% in the next few years.

The dues increase that the state council has voted to present to our members is the lowest and most equitable arrangement we could determine. By raising the monthly percentage from 1.096% to 1.35% and raising the cap from

pared to their salary increases and cost of living increases won by the union for our last contract. Many of our lecturers, in fact, received raises of over \$5,000, and we have instituted a much more effective merit system for all members. In the case of librarians, their previous contracts have done much to improve their salary schedules and equity.

Indeed, one reason why we have to raise our salary cap is that we now have a growing percentage of lecturers and librarians making much more money than they did in the past, and thus too many members are paying at the cap level. While some members have suggested that we just remove the cap, this would force several of our members to pay more than double their current dues rate.

In October, each local will be asked to vote on this dues issue. If five campuses vote in favor of it, we will plan to increase dues in the next calendar year. We urge you to support this increase so that we can continue to work with you and provide our members with the best possible contracts and the best possible enforcement of our contracts.



Janice Kimball, photo

Counting the ballots for officers of Local 1474 for the coming year, from left to right: Lincoln Cushing, Ken Jacobs, Kim Lavoie (with baby Jeanette). All, with the possible exception of Jeanette, were members of the Local 1474 Elections Committee.

# Where do your dues go?

by Miki Goral, UC-AFT secretary/treasurer

If you review your pay stub each month, you should notice a deduction for your AFT dues or fair share payment.

The amount is calculated at a rate of 1.096% for members of a represented bargaining unit (i.e., librarians and non-Senate faculty) and .996% for Senate faculty and researchers, with a cap of \$48.80. The cap has not been changed since July, 1997.

Please note: sometimes the University's payroll program makes errors in the deductions. If you think there was an error, please contact your local field representative to see about getting it corrected.

The money collected from members and represented employees is spent on the following:

Per capita payments based on FTE membership is paid to our affiliates (American Federation of Teachers, California Federation of Teachers, California Labor Federation and local central labor councils). These amounts are raised each year following a vote at the respective conventions of the CFT and the AFT. The 2004-05 rates are:

AFT	\$12.75
CFT	\$26.64
CLF	\$ .47
CLC	\$ .43 (average of 8 CLCs)

UC-AFT receives a rebate from CFT and AFT to help pay for the staff and lawyers who work to be sure that people's rights are not violated. The remainder of the income is spent on support such as transportation to council meetings, bargaining sessions, telephones, internet access, supplies, locals' meetings, photocopies, and other activities that keep the union functioning.

During fiscal year 2003-2004, expenses were in the following categories:

Per capita payments	48.68%
Payroll	31.26%
Legal expenses	7.32%
Accountant	1.75%
Employee travel	1.18%
Communications	1.14%
Publications	0.84%
Consultants	0.68%
COPE*	0.65%
Outreach	0.15%
Other	6.35%

Income derives mostly from dues/fair share and the CFT rebate:

Dues/fair share	71.53%
CFT rebate	22.48%
Legal defense**	5.84%
Interest	.15%

\* COPE (Committee on Political Education) makes contributions to state legislative candidates.

\*\* CFT and AFT Legal Defense each reimburse us for 1/3 of legal payments for lawyers working on grievances and unfair labor practices affecting our members.

## PERB wins on health benefits, post-six reviews *(continued from page 3)*

University substantially departed from its past practice. While in the past the University had targeted its contribution toward employee health benefits to the level of the lowest cost HMO, so that there would always be one plan that was "free" (fully employer-paid), the University stopped this practice, leading to substantial new costs for lecturers.

A six-day trial took place in January and February of 2003. Thereafter, UC-AFT and the University filed extensive post-trial briefs. Nine months later, the ALJ issued his decision – that the University broke the law by making these changes without bargaining and must reimburse lecturers for extra costs incurred from the time of the changes until the start date of the parties' current contract (July 10, 2003). In reaching his decision, the ALJ rejected a series of defenses raised by the University – mainly, the University argued that it was not required to bargain over such changes and could not practically have done so.

### Appeal in the works

The University has appealed the ALJ's decision to the full PERB board, and in the summer of 2004 the University and UC-AFT filed their appellate briefs. Unfortunately, the University's appeal will likely not be resolved in 2004, meaning that reimbursement checks will not be arriving anytime soon. However, there is one potentially positive aspect of the University's appeal. If PERB affirms the ALJ's decision, then the ruling will become binding precedent which may help to prevent similar abuses the next time the University is bargaining with UC-AFT or other unions.

The union filed the second case in April 2001, after the College of Letters and Sciences at the Davis campus virtually ceased appointing lecturers to new three-year contracts, and essentially created a "six years and out" rule. In its unfair practice charge, the union alleged

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## American Federation of Teachers endorses John Kerry for president

**Washington, DC** – The Executive Council of the American Federation of Teachers, on behalf of its 1.3 million members, has endorsed Senator John Kerry, saying that his vision and record offer leadership that will enable all citizens to achieve the American dream and keep our nation strong and secure.

Kerry has “demonstrated through a long and distinguished career of public service that he will be a strong voice for all Americans and that he has the knowl-

bers and the nation, from better health care to increased investment in public services and the workers who provide them, and to champion the right of employees to form unions and bargain collectively.

Feldman emphasized that Kerry understands that public schools and teachers need support if they are going to ensure that every child reaches his or her potential. “He will make fulfilling these needs a priority – from fixing our aging school buildings, reducing class size, recruiting and retaining quality teachers and giving them the resources they need to do their jobs, to making sure that every child comes to school healthy. He will fight to maintain equal opportunities in higher education and to make college more affordable for all,” she said.

Feldman noted that national security is also a great concern to our members, as it is to the American public. “Senator Kerry understands this issue well and will continue to be a leader on national security and on providing local communities the resources and support necessary for them to remain protected.”

The endorsement comes after a vote by its

Executive Council and follows a deliberative process that included responses from the candidates to an AFT questionnaire, an analysis of the candidates’ records and positions, extensive discussions with state and local leaders, and surveys of the union’s membership.

“We will begin immediately to mobilize our members on behalf of Senator Kerry’s campaign to achieve policies that will make a positive difference for our nation and all its citizens,” said Feldman. – *From AFT, reprinted with permission.*

edge, background and ability to move this nation forward,” said AFT President Sandra Feldman.

The AFT, one of the largest unions in the country, has a diverse membership that includes teachers and other school-related personnel; higher education faculty and academic staff; health care professionals; and state, local and federal employees. In endorsing Senator Kerry, the union concluded that he is best equipped to develop and defend policies that are priorities for its mem-

## Kerry/Edwards on education College opportunity

*We thought you'd like to know more about John Kerry's platform from Kerry's web site at <www.johnkerry.com>*

In America, every young person who works hard ought to have the chance to go to college. Making college affordable is about America’s promise - that all people should have the chance to make the most of their abilities. It’s also about America’s future, since our ability to compete in the economy of tomorrow depends on our ability to secure skills and training today.

Today, we’re not realizing that vision. In the last three years, tuitions have risen by 35 percent, and as a result, some 220,000 young people have been priced out of college. At the same time, many students don’t go to college because they just don’t think it’s realistic for them. John Kerry and John Edwards have a comprehensive plan to expand college opportunity.

**Offer a College Opportunity Tax Credit on up to \$4000 of tuition for four years of college.** This credit will be fully available to families having trouble with the costs of college and to young people who are paying their way through school. And John Kerry will work with colleges to provide the benefits of the credit at the beginning of each school year, when students need it most.

**Simplify the Student Aid Application Process.** Today, there are more questions on an application for a \$5,000 student loan than on an application for a \$2 million small business loan. John Kerry will simplify the student aid application, allow many students to apply for college on a postcard, and make sure students can get information about college earlier in the application process.

**Help More Young People Climb the Ladder to College.** For many young people, college is a

*John Edwards speaks at a Labor Day rally in Minneapolis.*



*John Kerry speaks before members of the United Mine Workers this past Labor Day in Racine, West Virginia.*

## tion nity for all

John Kerry's views on access to education. Here's [kerry.com/issues/education/college.html](http://www.kerry.com/issues/education/college.html).

distant dream. John Kerry and John Edwards believe we should reach out to young people and show them the path to college. Through initiatives like GEAR UP, John Kerry will expand tutoring, mentoring, and college preparation classes, and he will also help more young people negotiate the college application process.

**Help More Young People Finish College.** Only about one-half of Americans who go to college actually graduate. John Kerry will work with high schools and colleges to boost college completion. This means strengthening the high school curriculum, so that more students arrive at college with the skills to succeed. It also means giving parents more information about schools' graduation rates, and rewarding colleges that do an especially good job at ensuring that their students graduate.

**Offer National Service Opportunities.** John Kerry will make a new deal with hundreds of thousands of young people: If you will serve America for two years – working in a school, a health center, or strengthening America's security – we will make sure you can attend four years of college tuition-free.

Sharon Farmer, Kerry-Edwards 2004



## Help raise the union's voice in politics – sign up for a COPE deduction

By Kenneth Burt, CFT political director

UC-AFT is emerging as an important political voice for faculty, students and for social justice. But there is so much more to be done. It will take a lot of work and will require members to make a small contribution to the common good.

In partnership with CFT, UC-AFT has achieved a great deal, especially over the last two years. We have worked systematically to raise the profile of lecturers and librarians at the state Capitol. This is vital because the old adage is true: out of sight, out of mind. As a result, for too long the only faces that lawmakers connected with UC were those of administrators or their legions of lobbyists.

We have reached out to state policymakers, sharing with them the personal experiences of our members. They are often shocked to learn about pay levels, and the lack of job security and health benefits. As a result, UC-AFT received substantial help from former Governor Davis and members of the Legislature in negotiating the current contract. UC-AFT has also worked with members of the legislative budget committees to push for greater transparency in how UC accounts for its state-allocated resources.

These efforts work, in part, because our members are articulate. But even a good message requires repetition and benefits from a sympathetic environment. Towards this end, UC-AFT has utilized the media, lobbying, and political action.

For example, CFT helped underwrite Assembly Speaker Fabian Nunez's inaugural festivities. UC-AFT President Kevin Roddy, now the vice president for legislation, talked with the speaker about higher

education issues. It is worth noting that, in the recent budget battle, Speaker Nuñez and the Assembly Democrats refused to accept Governor Schwarzenegger's and UC President Dynes' "deal" to raise UC tuition and to direct UC eligible students to community colleges.

UC-AFT has also worked to establish special relationships with lawmakers representing UC campuses. For example, in 2004 the union is active in several key races:

- In Santa Cruz, UC-AFT energetically backed Assemblymember Joe Simitian in his highly competitive and ultimately successful primary election for the State Senate.

- In Los Angeles, UC-AFT met with Karen Bass and backed her in a difficult primary fight. She is a part-time college instructor herself and in tune with our issues.

- In San Diego, UC-AFT is supporting Lori Saldana in a November race that may become the most expensive Assembly fight of the year. The election is particularly tough because the governor is using his celebrity status to raise a lot of Republican money. Saldana is a community college teacher who is passionate about education, the environment and worker rights.

UC-AFT is working hard to influence the people who can help make it easier for you to do your job and to insure greater student access to higher education, but we need your help. Fundraisers are expensive – usually beyond the means of individual members. However, by pooling our resources, we can make a collective impact of great significance.

To make a contribution, please fill out the lower section of the membership form on page 11 and mail it to the UC-AFT address at the bottom. Five dollars is ideal. Some do more, others less. It's quick, easy and painless. For the price of a few lattes you can help create a powerful campus voice that will be heard throughout the corridors of power in Sacramento.

## New professional development fund for lecturers

*The Professional Development Fund was established for the UCLA Lecturers' Unit 18 in accordance with the UC-AFT MOU, Article 9, Section F.*

The program provides funding to enable the pursuit of professional development activities that will enhance a lecturer's effectiveness and range of capabilities in pedagogical endeavors. The proposed professional development activity may include, but is not limited to, professional meetings, training seminars, software acquisition and paid leave. Each campus is allotted an annual fund determined by the number of full-time equivalent lecturers multiplied by \$135.

This year, seven of our eight campuses formed lecturer professional development fund committees that oversaw the distribution of various levels of support to lecturers in the UC system.

Some of the work of these committees is highlighted in the following reports from local campuses:

**UCSC:** The program at UC Santa Cruz was inaugurated this past spring quarter (2004). In all, 33 applications were received, and 31 were funded, in whole or in part. Without exception, the University accepted the dollar amount recommendations of the Professional Development Committee for all eligible lecturers. The major problem was considerable delay on the University's part in reviewing the applications and notifying the applicants. For this reason, and because there is so little money to go around, it is expected that in the future we will call for proposals only once a year—early in winter quarter (however, applications will be accepted retroactively for fall activities and prospectively for summer projects).

For 2004, grants ranged from \$90 (for a joint subscription to *College English*) to \$2,000 (to defray the costs of travel to New York, and transcribing services, to interview leading choreogra-

phers for a book project). Other noteworthy grants were awarded for investigative travel to China, conducting oral interviews of young women in Iran, making a documentary video, *Homeland in the Heart*, on Indians in Silicon Valley, and production costs of resuming publication of the national literary quarterly *Quarry West* – to be reincarnated as *Viz*. The latter grant struck the committee as eminently worthy, because it was tied to a new course for students on magazine publishing and would benefit the entire community of UCSC.

Our guidelines for proposals were hammered out after considerable negotiation with the University, for whom the word "research" was taboo. In compromise, the University accepted the notion that any activity or project was potentially fundable if the lecturer could show some connection to his or her teaching.

Looking to the future, we expect many more applications next year, and we plan to revise our guidelines with that eventuality in mind and to clear up some glitches. In particular, we found that our categories of small grants (under \$1,000) and large grants (over \$1,000) was not very useful. We will also address issues of double-dipping (multiple applications in one year) and its effect on partial funding of very many grants.

Our philosophy at UCSC is to fund as many people as possible while awarding a small number of larger, exemplary projects. It may be difficult to sustain this year's success in the future, as we confront the problem of too many applicants for too little money. It seems especially important to prevail on the good will of lecturers to apply for the amount they "really and truly need to make X work for them." Professional development grants are not the California Lottery, or "Let's Make a Deal" or "High Ball/Low Ball." – *UC-AFT Local 2199*

**UCB:** Spring semester 2004 saw the entry of UC Berkeley lecturers into the professional development arena, through a fund established by the most recent Unit 18 lecturers' contract negotiated by the AFT with the University of California. Funding policy and guidelines for grants were set up and instituted for the Berkeley campus by a Professional Development Fund (PDF) Committee composed of Chair Jason Britton, lecturer in Physical Education (Dance); David Robinson, lecturer in Marketing, Haas School of Business; Jerry Sanders, lecturer in Peace and Conflict Studies; and Annalee Rejhon, lecturer in the Celtic

*Council members were impressed by the quality and diversity of the proposals, a collective testament to the enormous contributions that NSF make.*

Studies Program (Department of Scandinavian) and in the Department of Comparative Literature. Guidelines for the disbursement of the PDF pool were inspired by the example of the guidelines already in place on the UC Santa Cruz campus; these were

revised and adapted for the particular needs of the Berkeley campus by Drs. Rejhon and Robinson.

Although the call for grants necessarily went out rather late in that first spring semester of the program, it was welcomed warmly by Berkeley lecturers, judging from the enthusiastic response to the call and the number of applications received in the short window of time before the stated deadline. The committee received some 40 applications, nearly half of which it was able to fund.

Committee members were impressed by the far-reaching research, teaching, and performance goals expressed by applicants from a wide variety of areas of the arts, the sciences and the humanities. Due to the extraordinary talents of the Berkeley lecturers, it was a difficult process to choose grantees. The committee, which itself represented a wide range of disciplines, was particu-



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larly drawn to those proposals that not only addressed issues of pedagogical innovation within a discipline, but that substantially contributed via research or artistic endeavor to the material being taught, practiced, or performed, a tradition of innovation and research for which the Berkeley campus is justifiably renowned.

In this first round, the committee tended toward funding as many grantees as possible, which meant fewer larger grants. Such an outcome for the first round does not necessarily indicate how funding will be allocated in future competitions. Further details on those grants that were awarded on the Berkeley campus with input from successful grantees will be made available on the AFT web site by Michelle Squitieri, Field Representative, UC-AFT Local 1474; Chair Britton; and Dr. Rejhon in order to encourage future participation by lecturers, not only as grant applicants but as members of the PDF Committee. – *UC-AFT Local 1474*

**UCLA:** The Professional Development Committee developed criteria to judge funding applications and was successful in vetting over 30 funding requests. In total, the committee allocated over \$38,000. – *UC-AFT Local 1990*

**UCSB:** In the 2003-04 academic year, the UCSB, non-Senate Faculty Council on Professional Development awarded twenty-nine grants to NSF from sixteen departments from each of the three Letters and Science divisions, the College of Creative Studies, and the Graduate School of Education. Grants ranged from \$250 to \$2000 and totaled about \$20,000.

Council members were impressed by the quality and diversity of the proposals, a collective testament to the enormous contributions that NSF make to the university. Funding requests were granted for conference fees, professional travel, publication expenses, workshop and course fees, costs for software and supplies, and expenses for research and creative projects, such as art exhibitions and dance productions. – *UC-AFT Local 2141*

## AFT Convention in Washington, DC Report on higher education programs

by Sally Willson Weimer, UC-AFT Local 2141, Santa Barbara

**B**ob Samuels, Andrew Tonkovich, Sean Brooke, and I attended the AFT biennial convention in the Washington Convention Center in Washington, DC, 12-18 July 2004. Bob (president and ranking delegate), Andrew and I served as delegates for our 2849 council members. I was very impressed by the genuine democratic process that our union leaders and convention delegates used to conduct our business of building union platforms and creating guiding policies for and with our union brothers and sisters in our locals.

Some exciting events were the election of Edward J. McElroy as the new AFT president, and an address by presidential candidate John F. Kerry to the convention delegates. I was struck at how powerful and articulate a speaker and candidate Kerry is.

As the AFT is the largest higher education union in the United States, with over 120,000 faculty, lecturers, librarians, professional staff, and graduate employees members, it features a strong leadership in representing union members in improving collective bargaining processes and securing due process, better salaries and working conditions for all academic employees.

The *American Academic*, the new higher education journal for the division, focuses on the shifting balance between academic values and market values, and copies were distributed at the higher education division meeting where hundreds of faculty, lecturers, librarians, and other academic employees attended. We discussed the several convention resolutions that focused on critical higher education issues that were proposed by faculty and teachers in various locals across the nation.

Resolutions included calls to review institutional accreditation and standards regarding contingent academic faculty, and for accountability in higher education. In the divisional meeting, we also heard an intellectual freedom panel of presenters from the National Coalition Against Censorship and American Library Association's Office of Intellectual Freedom on the problems about the Patriot Act. There was also discussion about the reauthorization of the higher education act and related federal legislation, and AFT political action and higher education. We also reviewed the new AFT higher education program and Policy Council strategic plan. In addition, there was discussion about how unions can address higher education's academic staffing crisis.

The *American Academic* journal is available at <[www.aft.org/pubs-reports/american\\_academic/issues/june04/index.htm](http://www.aft.org/pubs-reports/american_academic/issues/june04/index.htm)>. Several of the topics and reports listed above can be found at AFT Higher Education Division's web site <[www.aft.org/higher\\_ed/index.htm](http://www.aft.org/higher_ed/index.htm)>.

Andrew and I also took a labor history tour conducted by the AFT archivist. It was a very exciting and informative tour showing the AFL-CIO headquarters and other points of significance in labor history.

Several of us attended the California caucus breakfast to meet and become more familiar with our California colleague delegates. This allowed us to be able to vote in a concerted manner, especially when some resolutions critically affected our members in California.

I felt that participating in the meetings and serving as a delegate gave me the opportunity to represent our University council and its locals in California, and to work toward improving the collective bargaining processes and working conditions for academic employees at the University of California.

## President's column

(continued from p.2)

fine the role of non-Senate faculty in the staffing of undergraduate courses and the allocation of state funding, UC has often failed to provide accurate and complete information. This lack of clear accounting has motivated us to spend more resources on following the money and seeing if funding dedicated to supporting undergraduate education is actually going into the staffing of undergraduate courses. In other words, we want to know if the University of California is using money that is clearly earmarked for undergraduate education to support other priorities, and if this is the case, how is this affecting the support for lecturers who are teaching up to 50% of the undergraduate courses on some campuses.

Our research tells us that the UC system depends on a stable and long-term cohort of full-time lecturers to teach undergraduate courses. Lecturers are thus not a temporary solution or a small group of part-time teachers filling gaps caused by sabbaticals and temporary teaching needs. Lecturers are a vital and important part of the undergraduate teaching mission, and therefore they should be funded and respected as permanent members of the UC system. While in some departments and programs this level of respect and support has been attained, we still have the problem of administrators taking advantage of the fact that lecturers are funded out of temporary budgets, and thus when budgets are cut, lecturers are often the first to get hit.

### Contract gains protect us

Against this habit of turning to lecturers in order to resolve fluctuating budgets, our contract gives us many protections that are enforceable through our new grievance procedure, and we have recently won several cases involv-

ing wrongful layoffs and work reductions. However, our contract is only as strong as our members, and we need all members to be on guard against infringements of our contractual rights.

Another place where we have been working to protect both librarians and lecturers is in the state funding process. Over the last few years, we have built up a strong alliance with several key political figures in Sacramento; however, our work with the State Assembly has been undermined by the governor's compact with the UC system.

By negotiating a deal in private, the governor and the UC president were able to circumvent the constitution of the state of California, and this method of deal-making left our political allies outside of the negotiating process. Yet, due in part to our lobbying efforts, money was restored to the UC system by the State Assembly.

Our recent political experience has taught us an important lesson about politics and higher education: we need political officials who will meet with education unions and their representatives. In fact, one reason the national American Federation of Teachers has decided to endorse John Kerry for president is that Kerry has a long record of meeting and conferring with teachers' unions, while President Bush has not been supportive of our unions (see the article on Kerry's stance on higher education in this issue, page 6).

As we move toward this year's national election and the statewide elections, UC-AFT plans to continue to meet with candidates and to support people who understand our issues. This political activity will cost money, and so we are discussing in this issue the need for a check-off system to support our political action committee. We also have an article in this issue that deals with our need to raise our dues and another article on where our dues are going and what functions they are supporting.

### UC-AFT's legal victories

One place we have had to spend a good deal of money is the Public Employment Relations Board (PERB). In order to fight the UC system and defend our contracts, we have been forced to expend vital resources on legal support and research. One of the results of this legal process is that we have won two major rulings. The first ruling concerns the court's decision that it was unlawful for the UC system to raise the health care costs to lecturers during the bargaining of the Unit 18 contract. This is an important victory that is currently being appealed by the UC system. The other major win is a ruling that overturns the UC Davis decision to lay off seven post-sixth-year appointees (see article on page 3 of this issue). We also have won several other recent rulings by the PERB court, and we would like to thank attorney Margot Rosenberg for her excellent work on these cases.

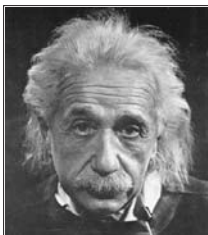
Of course, it takes a lot of money to fight the University of California in the courts and at the State Assembly, and one place our dues go is to support this legal and political action. We have also teamed with various coalitions and national organizations to promote our interests and protect the working conditions of lecturers and librarians in the UC system.

### The influence of our MOU

In order to help represent the UC-AFT in a national forum, I recently had the pleasure of attending the National American Federation of Teachers convention. At this event, John Kerry spoke about his support to increase access to higher education. I also met with several other unions from across the country, and I was happy to hear that many university faculty unions are now basing their contracts for non-tenure track faculty on the UC-AFT lecturers' contract.

It is important to note that we have become one of the models of a successful faculty union for non-tenured faculty. Yet, we all know that there is still much work to be done, and I look forward to working with all of you over the coming year.





Albert Einstein, charter member of AFT Local 552, Princeton University, comments in 1938 on why he joined the union.

"I consider it important, indeed, urgently necessary, for intellectual workers to get together, both to protect their own economic status and, also, generally speaking, to secure their influence in the political field."

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UC-AFT dues are 1.096% of gross monthly salary for librarians and non-Senate faculty who do have exclusive representation. Dues are .996% of gross monthly salary for Academic Senate faculty and academic researchers who do not have exclusive representation. In either case, dues are capped at \$48.80 per month. Dues will be deducted each month from your payroll check. Dues paid to UC-AFT may not be tax-deductible for federal tax purposes; however, under limited circumstances, dues may qualify as a business deduction. Check with your tax consultant.



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TITLE AT U.C.			MONTHLY DEDUCTION			
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			INITIATION FEES	✓		
			GENERAL ASSESSMENT			
			TOTAL			

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 I understand and agree to the arrangement whereby one total monthly deduction will be made by the University based upon the current rate of dues, initiation fees, and general assessments. I ALSO UNDERSTAND THAT CHANGES IN THE RATE OF DUES, INITIATION FEES AND GENERAL ASSESSMENTS MAY BE MADE AFTER NOTICE TO THAT EFFECT IS GIVEN TO THE UNIVERSITY BY THE ORGANIZATION TO WHICH SUCH AUTHORIZED DEDUCTIONS ARE ASSIGNED AND I HEREBY EXPRESSLY AGREE THAT PURSUANT TO SUCH NOTICE THE UNIVERSITY MAY WITHHOLD FROM MY EARNINGS AMOUNTS EITHER GREATER THAN OR LESS THAN THOSE SHOWN ABOVE WITHOUT OBLIGATION TO INFORM ME BEFORE DOING SO OR TO SEEK ADDITIONAL AUTHORIZATION FROM ME FOR SUCH WITHHOLDINGS.  
 The University will remit the amount deducted to the official designated by the organization.  
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X1					6	G	.....
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I hereby authorize the University of California to deduct from my salary the sum of  \$5  \$10  \$ \_\_\_\_\_ (other amount) per pay period and forward that amount to UC-AFT's Committee on Political Action (COPE). This authorization is signed freely and voluntarily, and not out of any fear of reprisal and I will not be favored or disadvantaged because I exercise this right. I understand this money will be used by UC-AFT/COPE to make political contributions.

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*Big legal victories***UC-AFT goes 2 for 2 in front of PERB***(continued from page 5)*

that each of the divisions in the College of Letters and Sciences jettisoned the agreed-upon criteria for making post-sixth-year appointments and instead improperly instituted a moratorium on the appointment of new post-sixth-year lecturers. Consequently, seven superlative lecturers were released in their 18th quarter rather than being reviewed for post-sixth-year appointments.

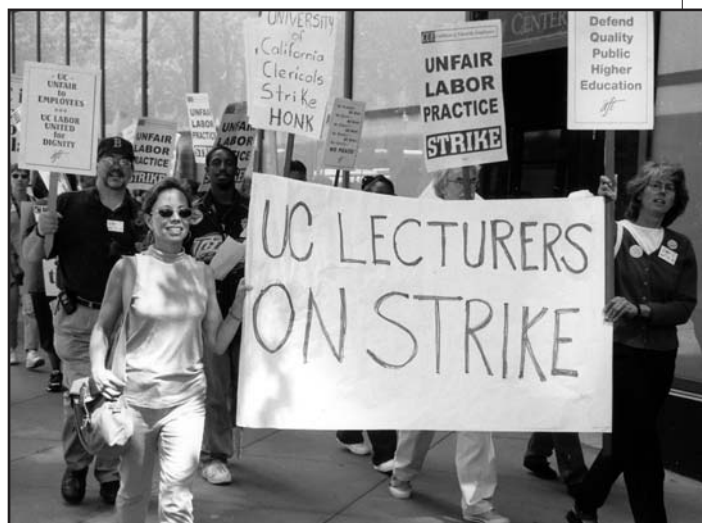
After significant attempts to resolve the matter amicably fell through, an eight-day trial took place between March and September 2003, and extensive post-hearing briefs were submitted in November 2003. On August 9, 2004, PERB ALJ Fred D'Orazio issued a decision well worth waiting for. The ALJ found that each of the divisions in the College of Letters and Sciences violated the parties' labor agreement by ignoring the contractual criteria for making post-sixth-year appointments and instead interjected their own criteria to avoid making continuing – rather than short-term – commitments to lecturers.

The ALJ ordered the University to compensate the lecturers for courses they would have taught if Article 7 had been correctly applied, and, importantly, to appoint each of the lecturers to con-

tinuing appointments (subject to excellence reviews, reviews which several of the lecturers had already passed with flying colors during their final days with the University). The ALJ further ordered the posting of a *systemwide* notice stating that the University acted in an unlawful manner, and is being required to cease and desist from such activity. It is significant that the notice posting is systemwide, as it highlights the fact that lecturers work under one contract, and that the University must implement the contract uniformly across the campuses.

**Positive outcome for lecturers**

While the "post-sixth" appointment is now superseded by the "continuing" appointment as a result of the last round of collective bargaining negotiations, the concept of "instructional need" remains one of the two key elements in determining whether a lecturer will be considered for a long-term appointment.



Michael Eisenhofer, photo

*UC Berkeley lecturers on strike in May 2002, supporting their UC Davis colleagues.*

Thus, the ALJ's favorable explication of the term "instructional need" – and disavowal of various University ruses thwart such a finding – will continue to inform future appointment decisions under the contract.

At press time, the University's deadline to appeal the decision to the full PERB Board has yet to expire. The union, however, remains confident that we will see the seven wrongfully terminated lecturers back on campus this academic year.

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**aft** UC-AFT PERSPECTIVE  
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