

What every NYSUT community college member should know



- Your union
- Tenure
- Retirement
- And more ...

nysut
A Union of Professionals

What Every NYSUT Community College Member Should Know

*A handbook of helpful
information from*



Welcome to NYSUT

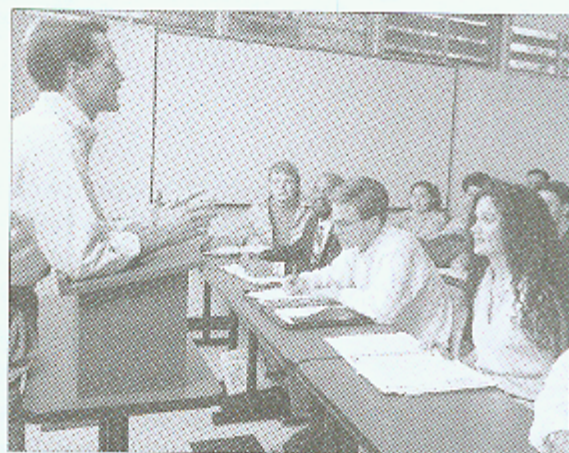
New York State United Teachers is a federation of some 1,300 local unions representing more than 600,000 people statewide, including more than 68,000 faculty and professional staff members in more than 40 local unions at the State University, City University, community colleges and private-sector higher education institutions.

NYSUT members serve in a variety of capacities, from college and K-12 educators, service and support personnel (known as School-Related Professionals) to health care professionals and municipal and county professionals. They belong to local affiliates ranging in size from the 140,000-member United Federation of Teachers in New York City and the 32,000-member United University Professions at SUNY to locals of fewer than 10 members. Nearly all the teachers in New York's public elementary and secondary schools are members of NYSUT, along with many other school employees, including teacher aides and teaching assistants, secretaries, custodians, bus drivers, food service personnel, health professionals, nurses, security personnel, occupational therapists and physical therapists. NYSUT also represents employees at many private schools and private colleges as well as thousands of psychologists and other health care professionals. When NYSUT members retire, they enjoy lifetime membership in both NYSUT and one of its national affiliates, the American Federation of Teachers. Retirees can join NYSUT's other national affiliate, the National Education Association, for a one-time fee.

Members make their voices heard by electing local delegates who represent them at the annual NYSUT Representative Assembly, or NYSUT RA. The convention is NYSUT's highest policy-making body, with the exception of a membership referendum. Delegates elected by their local unions vote on policy resolutions and amendments to the NYSUT Constitution that determine the governance and policies of the union. Delegates also elect six statewide officers and a Board of Directors to three-year terms. The directors meet quarterly to conduct business between RAs, and an Executive Committee of the Board meets monthly.

NYSUT employs more than 500 individuals at its Albany headquarters and in 16 regional offices around the state.

As noted above, NYSUT is affiliated with, and its members also are members of, the AFT and the NEA. It is an active participant in the organized labor movement through the state and national AFL-CIO and Education International, a worldwide association of education unions. NYSUT is also closely associated with the American Association of University Professors.



What every community college member should know about ...



Your state union

Members who have special interests in helping their local union in the areas of leadership, public relations, communications, finances, record-keeping, negotiations, contract enforcement, data processing, Web page design or database management for the local can take advantage of workshops and printed material from NYSUT on each of those topics.

NYSUT sponsors an annual statewide conference for its community college members. Sessions focus on issues and concerns unique to this

group. Some workshop topics include: labor history, grievance/arbitration simulations, adjunct issues, political action and the impact of new technologies on the workplace. NYSUT offers workshops designed to address members' personal and family concerns, among them stress and time management, financial building blocks and gerontology services. On-the-job safety and health concerns, such as indoor air pollution, asbestos hazards, toxic chemicals and the importance of local safety and health committees are covered in NYSUT workshops and literature.

Bargaining services

Faculty and professional staff at many community colleges, as well as in an overwhelming majority of school districts in New York state, are represented by local unions affiliated with NYSUT. While the local union is the bargaining agent for its members, NYSUT provides whatever assistance the union may require to carry out its duties. In many instances, a NYSUT Labor Relations Specialist (LRS) represents the local union at the bargaining table and in the administration of the collective bargaining agreement. The LRS advocates on behalf of the members at the local level before impartial arbitrators and at the state level before the Public Employment Relations Board. They work with the local affiliate in the capacity of consultant, communicator, trainer and facilitator in the resolution of local and individual member issues.

NYSUT also maintains a staff of full-time attorneys to assist locals and members facing job-related problems. When necessary, depending on the merits of a particular matter and other factors, these attorneys represent members before the commis-

sioner of education, the Public Employment Relations Board, other administrative agencies, impartial arbitrators, other disciplinary procedures and in state and federal courts.

Higher Education Council

NYSUT's Higher Education Council consists of leaders from all of the NYSUT locals that represent full-time and part-time academic and professional faculty, technical staff, ESPs and SRPs employed at public and private higher education institutions.

The Council's purposes are to provide a forum for discussion of the many professional issues facing all higher education locals such as academic freedom, intellectual property rights and uses of technology; to share information and ideas about labor relations and collective bargaining issues in the field of higher education; to develop legislative and/or regulatory goals; and to identify education, training and research needs in areas of special interest to higher education members.

Dues

Members pay local, NYSUT and AFT or NEA dues through their locals. Dues provide resources for the unions to serve their members. Each local determines its own dues structure but must include provisions (pass through) for state and national affiliates. NYSUT RA delegates vote on NYSUT dues while delegates to the NEA and AFT conventions set national dues. Bargaining unit members who elect not to become members of the union are required by state law to pay an agency fee to help cover the cost of their representation.



What every community college member should know about ...

Keeping good records

Community college faculty members are protected primarily by their local union's collective bargaining agreement with the local sponsor. Members may also be protected professionally by various state laws and regulations. It is your responsibility to know your rights and responsibilities and to maintain proper records and files. Keep your professional file at home in a safe place. Don't count on your college administrative/personnel office to keep your file up to date.

Your "professional file" should include, at the minimum, the following:

- Transcripts and diplomas documenting your academic credentials.
- Certificates and licenses documenting your professional credentials.
- Your collective bargaining agreement and any other material pertaining to your employment rights and privileges.
- Retirement records regarding your pension plan, employment and salary history.
- Letters of appointment to your current and previous positions.
- Correspondence of any kind relating to your professional life, including copies of any evaluations, observations or letters placed in your college personnel file.

Criteria for reappointment

Promotions from one academic rank to another are not automatic. Candidates for promotion in academic rank are expected to demonstrate meritorious performance. Teaching, college/community service and professional growth are all important aspects of academic performance. The following are criteria that might be expected of new community college faculty:

Teaching/Learning:

- Mastery of course content.
- Ability to teach a broad range of courses in the discipline.
- Mastery of diverse and innovative instructional methodologies.
- Regular and punctual attendance and effective discharge of duties.
- Ability to prepare students for successful completion of upper-level courses in a program sequence.
- Ability to explain material with clarity and organization.

College/Community Service:

- Active service on department, discipline, campus, and college committees and employee organizations.
- Involvement in student activities and clubs.
- Development of new courses and curricula and/or revision of existing courses and curricula.
- Development of outcomes assessment methodology in courses and curricula.
- Preparation of grant proposals.
- Effective leadership in academic departments, activities and/or coordination of programs/courses.
- Development and dissemination of new instructional materials and techniques.

Professional Growth:

- Advanced learning through graduate courses, seminars and workshops, etc.
- Training in instructional methodology and/or technology.
- Professional awards and honors.
- Active membership, service and leadership in professional organizations.
- Publications, including books, articles, manuals, reviews and literary works.

What every community college member should know about ...

Collective bargaining

Public employees in New York state have the right to be represented by unions and to bargain collectively with their employer for salary, benefits, and other terms and conditions of employment. This right should not be taken lightly. It did not exist in New York until the legislature enacted the Taylor Law in 1967, and it does not exist today for public employees in 17 other states.

Virtually all community college faculty and professional staff in New York state have exercised their right under the Taylor Law to organize and to negotiate collective bargaining agreements with their employers. A copy of your agreement will be made available to you by your local leadership.

Because community colleges are governed by both their own board of trustees and often also by a sponsoring county, or other sponsoring entity, there may be involvement by one or both entities in the negotiations process. This "joint employer" status may require approval of collective bargaining agreements by both the college's board of trustees and the county legislature.



The Taylor Law

Before the Taylor Law was enacted, public employees in New York had no collective bargaining rights. Under the Condon-Wadlin Act, a 1947 law that the Taylor Law replaced, striking public employees were penalized by being fired. They could only be reinstated under a three-year pay freeze and five-year probation.

The Public Employees' Fair Employment Act (Taylor Law) was enacted in 1967, following a series of public sector strikes, including the 12-day New York City transit strike a year earlier. The state legislature granted amnesty to the striking employees, and Gov. Rockefeller appointed a committee to recommend legislation regarding public sector employee rights. The result was the Taylor Law. Its provisions include:

- The right of public employees to organize and bargain collectively with their employers.
- The right to representation by employee organizations (unions) of their own choosing.
- The requirement that public employers (including community college county sponsors) negotiate with their employees and enter into written agreements (contracts) with their employees' chosen representatives.
- Procedures for resolution of contract disputes (impasses).

- Prohibition of improper labor practices by either side.
- Creation of the Public Employment Relations Board (PERB) to administer the law.

While the Taylor Law grants public employees the right to collective bargaining, it denies them the right to strike. The penalties for striking are loss of pay for each day the employee is on strike, plus a fine of an additional day's pay for every day on strike and potential discipline for misconduct.

NYSUT is always attempting to win legislation to improve the provisions of the Taylor Law. For example, a 1982 amendment, referred to as the Triborough Law, mandated that if a collective bargaining agreement expires, its terms and conditions continue until a new agreement takes effect. That amendment has helped thousands of members avoid hardships when negotiations are impeded by harsh economic conditions, recalcitrant employers, or both. An earlier improvement eliminated the "probation penalty" (probation for one year) against tenured teachers who went on strike.

Consulting your union representatives

Always consult your union associates or representatives when faced with choices involving matters covered by your collective bargaining agreement, such as leave and vacation use, and other terms and conditions of employment.

Tenure

What is tenure?

New York state does not have a law or regulation providing tenure (a "just cause" right) to community college members. Tenure, also often referred to as "continuing appointment" in many community college collective bargaining agreements, is a means to certain ends, specifically:

- Freedom of teaching, research and extramural activities.
- A sufficient degree of economic security to make the profession attractive to men and women of ability.

"Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and society." (From AAUP's Statement on Principles of Academic Freedom and Tenure [1940].)

What does tenure do?

Generally, new community college faculty members are "on probation" for the first three to seven years of their career. The specific time frame is dependent upon the provisions of the local collective bargaining agreement. During that probation period, the termination or non-reappointment of a faculty member is generally not subject to review under the grievance or arbitration

procedures of his or her collective bargaining agreement. When tenure, or continuing appointment, is granted, it is granted by the local community college's board of trustees on recommendation of the college president, following observation and review of the probationary faculty member.

Tenure is usually not transferable from one college to another. However, some colleges and universities may consider tenure received at another accredited higher education institution in lessening time required for the granting of tenure at the new institution.

Just cause and due process

"Just cause" is a principle that protects employees from arbitrary and capricious discipline and discharge by employers. Typically, just cause protections exist where unions negotiate such protections into collective bargaining agreements. Many NYSUT community college locals have negotiated "just cause" protections into their contracts.

For example, as noted above, New York does not have a law providing the "just cause" right of tenure to community college members. Therefore, these members must turn to their collective bargaining agreements to determine if there are any provisions addressing the issue of disciplining and discharging members. Since the principles of "just cause" are provided as contractual rights, such rights may differ from contract to contract. However, there are some general principles that apply to all.

Prior to being eligible for "just cause" protections, a member typically serves a probationary period. During this period the member is often described as an "at will" employee, meaning that the college can discipline and/or discharge the member without having to follow the detailed procedures of the "just cause" provision in the contract. After the member completes the probationary period, which is defined by the contract, the "just cause" provision will dictate the procedure and standards the college must follow if it attempts to discipline or discharge the member.

While the college may attempt to discipline or discharge a member for reasons such as insubordination or incompetence, it must provide the member with due process rights. Due process affords our members an opportunity to see the written charges levied against them, provides them with an opportunity to respond to such allegations, provides them the right to union representation and provides them the opportunity to proceed to a hearing before a neutral hearing officer. At the hearing, the member has the opportunity to call witnesses and cross-examine witnesses brought forth by the college. Remember, in "just cause" proceedings, the burden is upon the college to prove its case.

While a hearing officer will consider many factors, "just cause" also sets certain criteria that may be examined. These include, but are not limited to, the following:

- Did the employee know or should he or she have known the conduct in question could result in charges?
- Did the college perform a fair and reasonable investigation?
- Has the college consistently applied its rules among all employees?
- Is the level of punishment the college is seeking reasonably related to the seriousness of the behavior?
- What is the employee's record of service?

While the criteria and standards will differ from contract to contract and from arbitrator to arbitrator, "just cause" provisions require that colleges afford our members due process rights that prevent colleges from acting in an arbitrary and capricious manner when it comes to imposing discipline upon our members. This protects our members from political agendas and personal vendettas while providing an environment fostering academic freedom.

What every community college member should know about ...

Protecting yourself

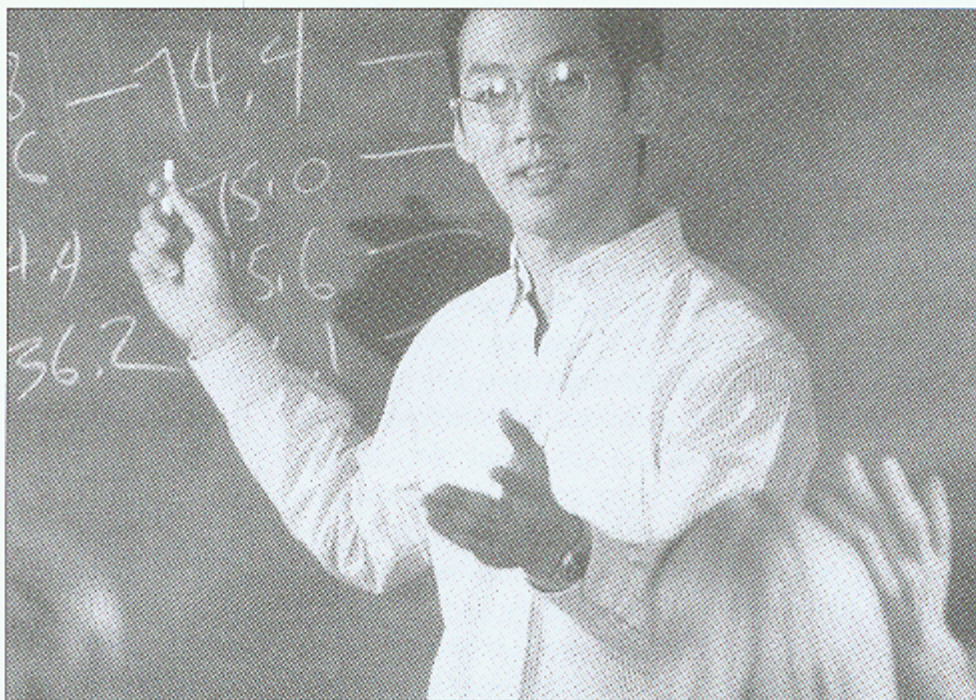
Faculty members must be mindful of more than just the subject matter of their classes and their duties. We live in troubled times, and community college employees need to behave in such a way — and avoid certain situations and actions — to protect themselves physically, medically, legally and professionally.

Union representation

As a union member, you have a right to the presence and counsel of a union representative at a meeting where your conduct is being questioned and you believe disciplinary action may result. If you are in doubt about whether you are entitled to union representation, ask for it anyway.

Union mentors

Find a mentor in your area as soon as possible. Most likely your local or department will pair you up with a mentor, but if not, you immediately should seek out one. Mentors carry a wealth of information about the new member's local, institution, department, faculty, administration, promotion procedures and so on. Every new member should have a knowledgeable colleague with whom to discuss questions and concerns in the first year.



Below are a few examples of situations that could confront any college employee at any moment of the day. If common sense isn't used in confronting these situations, career-threatening consequences could result.

Notes and jokes

Personal notes should never be written to students unless they deal solely with educational matters. Notes and jokes can get you into trouble and should only be used, if at all, within the educational context of your assignment. Jokes and stories can be misinterpreted and may be offensive to the recipient.

Handling money

Regardless of the circumstances, do not handle money unless you first understand the procedures required by your college for doing so. Consult your contract, your union representative and the appropriate college administrator.

No matter what kind of employee you are, at some point in your education experience, you will be asked to handle money. It might be as simple as holding money for a club activity or to order specific texts for your classes that have not been ordered through the college's bookstore. If the procedures for handling money are not in writing, you should do your part to get them reduced to writing and then follow the procedures exactly. Sometimes it is difficult to draw a distinction between mishandling and misappropriating money. Be careful when you handle money; never commingle or mix college or student funds with your own.

Being alone with students

Although universities and colleges, including community colleges, are places where students are generally adults and over the age of 18, they are not places that are free from risk when a faculty or professional staff member is alone with a student in a situation outside the normal educational setting.

Whenever you are alone with a student, you are at a greater risk than when you are with a group of students or in the presence of other professionals. If there is an allegation of misconduct between you and the student, and there are only two witnesses — you and the student — what really happened no longer becomes the issue. The issue becomes credibility — whose version of the incident is more believable, yours or the student's?

Sexual harassment

If you have been charged with or feel victim to sexual harassment, contact your local union representative immediately and review your institution's policy. Sexual harassment is a serious charge and should be dealt with in a careful manner.

Disruptive students

As much as we may not like to admit it, community college faculty members on occasion, albeit on rare occasions, are faced with a disruptive student in their classrooms. Unfortunately, such behavior threatens to change the delicate balance in the college classroom that encourages civility and incorporates respect for authority and scholarship while promoting the free exchange of ideas. Most community colleges have "Student Codes of Conduct" and "Student Disciplinary Procedures" that address the administrative approaches to dealing with these issues. Faculty should become familiar with these codes and procedures as well as the institutional guidelines regarding behavior that warrants referral to the campus counseling center. However, one of the best ways to ensure that students in your classes understand what the behavioral and academic expectations of the course are is to incorporate both into an outline that is given to each student at the beginning of the course. Course outlines are also important considerations in student disciplinary hearings and in administrative deliberations that address grade grievances.

Students with mental illness

A student's medical records, including records of mental illness, are considered confidential and cannot be revealed or released without explicit permission from the student. A faculty member who experiences difficulty with a student whose behavior exhibits physical or emotional distress should contact the college's Office of Student Affairs to seek advice regarding how to handle the situation. In most cases, the recommendation will include referring the student to the Dean of Students or other appropriate student counseling office on campus. It is also important to check your college's policy on how to handle disruptive students.

Student health considerations

No one knows how many adults and students in colleges are HIV-positive or suffer from other communicable diseases. All employees and students should take appropriate precautions.

There are other students in school who require health services, including the administration of medication, monitoring and/or cleaning of medical equipment and a variety of other actions. You should consult with your union representative before providing any health services to students.

Personal safety

There are many different working environments among colleges in our state. The following suggestions for your personal safety while on the job and getting there may be more applicable in some settings than others:

- Don't leave personal belongings unattended. Lock your

desk. Why provide temptation?

- Never challenge anyone who is brandishing a weapon.
 - Be aware of your college's sexual harassment policy.
- Contact the college's compliance officer, or your union, for more information.

Workplace health and safety

Colleges must provide safe environments for all who work and study in their buildings. Know and follow accepted procedures to protect yourself and your students from environmental, toxic and medical hazards. There are state and federal occupational safety and health laws governing educational institutions. Your college should have specific guidelines. NYSUT also has information and material that may be helpful.

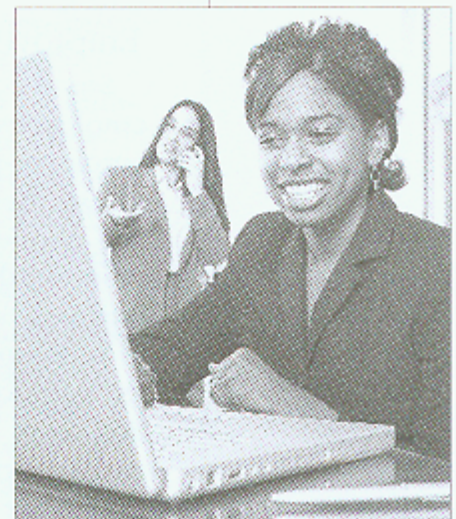
As a new staff member, you may feel intimidated about bringing health and safety issues to the college administration. Contact your union to report problems. If your local has a health and safety committee, contact a committee member for help. Talk to co-workers and find out if others have the same or similar problems. Your local then can bring the problem to the attention of the administration and present it as a larger issue, affecting several members. If you wish, ask your local union representative not to reveal to the administration that you were the one to make the complaint. By law, you have a right to complain without retaliation from the time you are hired.

Electronic communications at work

In general, you should not have an expectation of privacy with respect to employer-issued e-mail and Internet accounts. Any expectation of privacy regarding employer-issued e-mail and Internet usage could be specifically limited if you sign an employer's express computer use policy which allows it to read, audit or otherwise access and use the e-mail and Internet accounts it issues to you.

In addition, if your employer is a public employer such as a community college, the e-mail that you create, send or receive via the community college's computer system can become "records" of the community college which might be accessed through the Freedom of Information Law. In that circumstance, not only could the community college access your college e-mail, the general public could access your college e-mail as well. Such access could include e-mail that you may have sent from your home computer to your computer at work.

You should be aware that "deleting" e-mail from your account will not delete the e-mail from the community college's computer system, and the e-mail will still be accessible. Similarly, sending an e-mail message is not



at all like making a telephone call. Telephone conversations, in general, are not recorded. E-mail, however, nearly always is recorded. E-mail automatically records and stores the message that you create, send or receive. It creates an electronic document out of such e-mail, which later could be accessed. Text messages and instant messages are also recoverable.

While working for at a community college, you will find yourself communicating with students, faculty, staff and administrators, as well as other persons, using e-mail and text messaging. You should keep in mind that e-mail and other text-based messages record only the words and symbols that you type on a keyboard. Thus, context easily can be lost in an e-mail or text message.

Irony, sarcasm, and humor often do not come across well in e-mail. For that reason, whenever you create an e-mail or other text-based message, you may want to use a courteous tone and plain language appropriate for the person receiving the message, be it a student, parent, colleague or other person.

Your community college might specifically direct you to use e-mail or post content about yourself on the community college Web page in a manner which you believe is not appropriate. Refusing a lawful directive, however, could lead to allegations of insubordination. If you have any questions in this regard, be sure to address them to your bargaining unit representative.

Using your work computer for unauthorized personal business might be grounds for discipline or to deny tenure. Remember that computers at the workplace are the property of the employer. Use of the computer and access to the Internet may be monitored by your employer. Inappropriate use of the Internet may be cause for discipline or discharge. It is important that you familiarize yourself with your community college's policy on computer, Internet and e-mail usage.

The vast majority of college employees never face a situation such as those described above, but the possibility exists that you might. It makes sense to protect yourself.

Employer-provided cell phones

Some community college faculty, staff and middle management employees may be required by virtue of their positions to use employer-provided cell phones. If you are, you should be careful to use these cell phones **ONLY** for college-related business. If the cell phone is being paid for by the employer, usage may be monitored or audited. If these cell phones are used for personal business, one of two things could occur. You could be required to reimburse your employer for usage not related to your service as "additional compensation." Employers may have some discretion as to how they handle employer-provided cell phone usage and service, but, to be on the safe side, use your personal cell phone for your personal business.

What every community college member should know about ...

Retirement

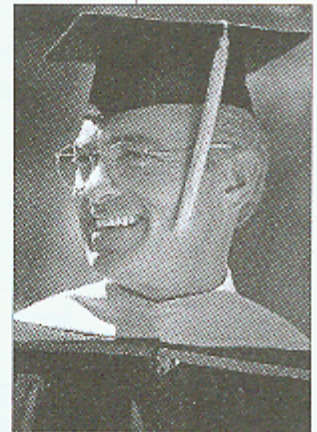
It may seem odd to ask someone just beginning a career to think about retirement. But there are things you should know to make informed decisions and plan intelligently for your eventual retirement.

Upon initial hire, members in public higher education institutions have a choice of joining one of three retirement plans: the "optional retirement program," (or ORP) most commonly known as TIAA-CREF, a defined contribution plan; the State Teachers' Retirement System (TRS); or the state and local government Employees' Retirement System (ERS). The latter two are defined benefit pension plans.

A defined benefit plan (TRS and ERS) bases your retirement benefits on your age and years of service and an average of your highest three years' salary (final average salary). The pension benefit is fixed by a formula, hence the phrase "defined benefit plan." The public employer may have to contribute an amount to the pension system, as actuarially determined by the potential payout needs in future years, and employees must contribute 3% of their salary for the first 10 years of their membership in the system, after which no employee contribution is required. In general, employees are "vested" (which means they can receive benefits) in TRS or ERS after 10 years. However, individuals usually must be in the system for 20 years to receive *full* benefits.

In a defined contribution plan, your retirement benefit will be based on the results of your investing a monthly contribution from your employer and the 3 percent required employee contribution. Since April 2008, the employer picks up 1 percent per year for the next three years of the required employee contribution for faculty members with 10 years of service in the ORP. After April 2010, the required employee contribution will be eliminated for faculty members with 10 years of service in the ORP. Both the employer and the employee contribution amounts are defined by law. Members can choose to invest with TIAA-CREF, or one of the other plans authorized by their institutions, including many public and private higher education institutions in other states. The principal and income from this investment provides your retirement benefit, which can be taken as an annuity or one of several cash withdrawal options. Individuals in these accounts are vested after one year and may withdraw money in their annuity account without penalty at 59 1/2 years of age regardless of years of service.

The optional retirement plan is a retirement program under



which individual contracts, providing retirement and death benefits for or on behalf of electing employees, are purchased from TIAA-CREF and/or one or more of the alternate funding vehicles. Benefits are designed for retirement at any age and may be carried with you if you change jobs to another higher education institution. If you wish to participate in the optional retirement plan, you may allocate the combined employee and college contribution to be invested in a number of fixed annuity or stock investment options.

Community college faculty members in New York may also choose to belong to TRS. Other staff may elect to participate in ERS. There are four retirement "tiers" within the TRS and the ERS: Tier I, Tier II, Tier III and Tier IV. Which tier you are in depends on when you first entered the retirement system. All employees who entered since Sept. 1, 1983, are in Tier IV.

There are some differences between the ERS and the TRS retirement benefits. The personnel office at your community college should be able to provide you with literature or information about the differences between these two retirement systems.

The minimum criteria to retire under TRS and ERS with full pension are 55 years of age and 30 years of service. You can retire with less service at a reduced pension.

For more information

TIAA-CREF: Visit TIAA-CREF's Web site at www.tiaa-cref.org. It provides information on local offices, product information, retirement counseling sessions and eligibility information.

ERS/TRS: Contact your NYSUT ERS/TRS consulting retirement team member. These consultants conduct workshops on retirement, as well as set up one-on-one meetings to help answer questions. You can reach a consultant by calling your nearest NYSUT regional office.

In addition, three members of the State TRS Board are teachers. They write a column that appears in each issue of NYSUT's bi-weekly membership newspaper, *New York Teacher*, and addresses concerns of TRS members. They also are available to answer individuals' questions and to discuss NYSUT's ongoing efforts to improve your pension. You may contact them:

Sheila Salenger
at NYSUT Headquarters
Phone: (800) 342-9810 or
(518) 213-6000
Fax: (518) 213-6409

Joseph McLaughlin
Phone: (914) 835-3830

Michael Corn
at his office
Phone: (315) 732-4402
or at the NYSUT Utica
Regional Office
Phone: (315) 768-0131
Fax: (315) 768-1360

You can contact the State and Local Government Employees' Retirement System by mail at 110 State St., Albany, NY, 12244 or by telephone at (518) 474-7736 or toll free at (866) 805-0990.

What every community college member should know about ...

Political action

NYSUT is recognized as one of the most influential and successful advocates for children, public schools, higher education and labor in New York. The union's Legislative Department drafts, introduces and lobbies for bills to improve state aid to schools and colleges, Tuition Assistance Program (TAP) funds, licensure, tenure, occupational health and safety, education standards, health care, retirement and other issues affecting its members. The department also spends considerable time monitoring and opposing legislation that would be adverse to its members' interests.

In addition to its full-time professional staff of legislative representatives, who maintain regular contact with elected government officials, NYSUT depends on its Committee of 100, a statewide, grassroots network of member-volunteers, to carry out its political action efforts. The name dates to an original group of 100 local leaders who came to Albany in the mid-1970s to fight for pension legislation. Today, the appellation is an anachronism; the Committee of 100 now includes more than 500 members.



Non-partisan politics

VOTE-COPE is NYSUT's non-partisan political action arm that coordinates the voluntary contributions of members and supports NYSUT-endorsed candidates and campaign committees. Those candidates can count on NYSUT volunteers to help get out the vote and to support their campaigns in other ways as well. During election campaigns, NYSUT calls on members to help. New members can play a vital role in VOTE-COPE activities, especially in telephone bank solicitations for voter registration and to get out the vote for NYSUT-endorsed candidates.

What every community college member should know about ...

Member Benefits

In 1983, New York State United Teachers created NYSUT Member Benefits as a tax-exempt, not-for-profit Trust Fund for the purpose of providing members and agency fee payers with access to competitive insurance plans and benefit programs.

No NYSUT dues dollars are used to support the Member Benefits' operation. Member Benefits receives funds to cover these expenses from negotiated expense reimbursement/endorsement arrangements (including, in some cases, a percentage of premium paid) with some of the providers of Member Benefits-endorsed programs. For information about these arrangements, please call NYSUT Member Benefits or refer to your NYSUT Member Benefits Summary Plan Description.

These funds are used solely to defray the costs of administering the benefit programs of Member Benefits including compensation; rent; office expenses; and the cost of retaining consultants, auditors, and attorneys to advise the trustees and their staff. Where appropriate, Member Benefits' revenue is also used to enhance the benefit programs for participants. No monies are paid to NYSUT except reimbursement for use of facilities and for services and personnel provided by NYSUT to, and at the request of, Member Benefits (the reasonableness of which amounts are certified annually to the trustees by the Fund's independent auditors).

In efforts to provide only quality alternatives for members, a process of reviewing and evaluating proposals from vendors is undertaken before an endorsement is given. Once a program is granted the NYSUT Member Benefits endorsement, staff and consultants monitor the programs on a regular basis for participation, member satisfaction, utilization and product competitiveness.

One advantage of endorsement is Member Benefits' advocacy role. If you ever encounter a problem with any of our programs, please notify Member Benefits. Our involvement in this type of situation assures your needs are addressed in a timely manner.

NYSUT Member Benefits does not represent that each of our benefit programs is the lowest-cost product for a particular program. Member Benefits' trustees, staff, consultants and advisors endeavor continuously, however, to obtain and maintain quality benefit programs at competitive prices. We encourage you to shop and compare before purchasing any benefit program. Most of our plans come with a "free look" trial period. This gives you ample time to review your new plan. If you're not completely satisfied,

you can return your certificate of coverage within the allotted time frame and any money you've paid or had deducted will be refunded in full — no questions asked.

Although some of the Member Benefits' programs may provide legal or financial advice, Member Benefits itself does not offer investment, legal, or tax advice. Participants are urged to consult their own investment, financial, tax, and legal advisers to help them with an evaluation of the benefit programs. NYSUT Member Benefits offers programs in the following categories:

Insurance: Accidental Death and Dismemberment; Disability; Personal Property/Liability (umbrella) Insurance (auto, home, renters) Senior Term Life; WrapPlan® Term Life Coordination Program; Catastrophe Major Medical; Long-Term Care; Term Life.

Financial: Financial Counseling Program; Preferred Savings PlusSM (Money Markets, High-Yield Savings, CDs); Mortgage Services.

Discounts and Travel: Simply Certificates (gift certificates); Lifeline Personal Response and Support Services; Car Rentals; Working Advantage (tickets); Six Flags amusement parks; The Buyer's Edge Buying Service; Equifax Credit WatchTM Gold (24-hour credit monitoring service); Heat USA; Barnes and Noble.com; Dell Computers; Bose®; and OfficeMax Retail ConnectSM.

Other Services: Legal service plan; payroll deduction; defensive driving courses; consumer guides; consumer credit counseling service; MetDESK (MetLife's Division of Estate Planning for Special Kids).

To request more information about any of these programs or to find out if any additional programs are available, call Member Benefits at (800) 626-8101, e-mail benefits@nysutmail.org, or visit the Web site at www.memberbenefits.nysut.org. Some benefits may not be available in all local associations.

NYSUT Social Services Department

NYSUT Social Services is a valuable benefit available to you. It requires no additional membership or charge and is completely confidential. We provide you and your family with a safety net to cope with life's challenges. When you call, one of the staff will consult with you regarding your concerns, and provide resource information and referrals in your community. Please contact us at (800) 342-9810, ext. 6206, or e-mail socsvcs@nysutmail.org.

Glossary of commonly used terms and acronyms

As an education professional, you may encounter unfamiliar terms, jargon and shorthand. Don't hesitate to ask your colleagues and union reps for clarification. Here's a start:

Academic Freedom

Academic freedom gives members the right to determine the content and methodology used in teaching, inquiry and research. This right is incorporated in many of the community college collective bargaining agreements as well as in the Policies of the SUNY Board of Trustees.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act prohibits discrimination on the basis of disability in employment, programs and services provided by local governments (including community colleges), by private companies and in commercial facilities.

AFT

As a member of your local union and NYSUT, you are a member of the American Federation of Teachers and the National Education Association, NYSUT's national affiliates. The AFT was founded in 1916 to represent the economic, social and professional interests of classroom teachers. With more than a million members, AFT represents the following groups: K-12 teachers, paraprofessionals and school-related professionals, state and municipal employees, higher education faculty and staff, and nurses and other health professionals. The AFT is an affiliated international union of the AFL-CIO.

Area Labor Federation

Area labor federations coordinate, oversee and fund the labor movement's work at the local level, which is carried out by a combination of central labor council and area labor federation activity. These federations are part of the New Alliance, an AFL-CIO program to re-establish and enhance the labor movement's power and presence at the state and local levels.

Arbitration

Arbitration is a process of dispute resolution (i.e., contract grievances) in which a neutral third party (arbitrator) or panel renders a decision after a hearing at which both parties have an opportunity to be heard. This is usually the final step in a grievance procedure. Depending on the agreement of the parties, an arbitration award may be advisory or binding.

Bargaining in Good Faith

Bargaining in good faith is a characteristic of collective bargaining that is required of labor and management by the National Labor

Relations Act and the Taylor Law. This has been interpreted to occur when the employer and the representative of the employees meet at reasonable times and exhibit both give and take.

Board of Regents

The New York State Board of Regents is responsible for the general supervision of all educational activities in New York state, including higher, secondary and elementary education. The Board of Regents, which consists of 16 members elected by the State Legislature, appoints the Commissioner of Education, who oversees the State Education Department (SED). The Regents exercise their authority over higher education by approving academic programs, accrediting curricula and periodically reviewing degree and other programs.

Building Representative, Steward, Union Rep

This is a local union official who represents members at the work-site level. Responsibilities include keeping members informed of union activities and assisting members with professional issues. Many work-site reps also assist members with grievances and situations related to the collective bargaining agreement.

City University of New York (CUNY)

CUNY, which is the third-largest public university system in the nation, comprises 11 senior colleges, a graduate school and university center, a law school and six community colleges. CUNY is governed by a 17-member board of trustees, 10 of which are appointed by the Governor. Five are appointed by the Mayor of New York City, and two are ex-officio members representing the Student Senate and the Faculty Senate. The CUNY trustees serve as the governing board for the CUNY community colleges.

Collective Bargaining

Collective bargaining, also known as collective negotiations, is the process of joint give and take by employers and employees' organizations. As contemplated by the National Labor Relations Act and guaranteed by the Taylor Law in New York state, collective bargaining is a process of agreements between the employer and the accredited representative of union employees concerning wages, hours and other terms and conditions of employment. It requires that parties deal with each other with open and fair minds, sincerely trying to overcome obstacles between them in order to stabilize employment relations and prevent obstructions to the free flow of commerce.

Collective Bargaining Agreement

A collective bargaining agreement is a contract properly executed by a school superintendent acting as the chief executive officer of a school district and an employee organization that represents a group of employees included within a bargaining unit (the union). [Civil Service Law §201.9]

Committee of 100

The Committee of 100 is NYSUT's grassroots lobbying arm. Every local leader is asked to designate an individual to come to Albany to lobby senators and assembly members. When it began 20-plus years ago, this grassroots, statewide lobby group numbered 100 NYSUT members. Today, some 500 activists come to Albany twice each spring to meet with legislators regarding state aid to education and other important issues.

Delegate

Each NYSUT local elects individuals to serve as delegates or representatives to the annual NYSUT Representative Assembly (RA). Delegates are empowered with the authority to elect the officers and board members of NYSUT and to vote on policy resolutions and constitutional amendments.

Distance Education

A network of classrooms connected electronically with video, audio and computer capabilities using fiber optic cable. An educator can use the system to instruct several classrooms in different locations at the same time. It can also be used to offer classes over the Internet.

Duty of Fair Representation

The obligation primarily of the union imposed by state and/or federal labor laws to fairly and impartially represent all bargaining unit members in collective bargaining and in the enforcement of the agreement.

Duty to Bargain

The obligation under the Taft-Hartley Act or the Taylor Law requires employers and unions to bargain in good faith with respect to the terms and conditions of employment and to embody the agreements in collective bargaining contracts.

ED Directors

Election District (ED) Directors are the membership's elected representatives on the NYSUT Board of Directors. Each ED Director presides over periodic Election District meetings to bring information from Board meetings, to address member questions and to take concerns back to the Board. Community colleges are represented on the board as their own ED.

Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) is a very broad law that covers many aspects of an employee's work life. This law addresses such things as overtime, breaks, travel time, on-call time, as well as the work week. Most salaried employees are exempt from the FLSA's overtime provisions. There are numerous court cases that have set the standards for establishing which salaried employees are not covered under the FLSA's overtime provisions.

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act is a federal law that requires employers with more than 50 employees to provide up to 12 weeks of unpaid leave each year to qualified employees for medical or child care purposes. An employee is eligible under the law to take family and medical leave if she or he has been employed for at least 12 months and has worked at least 1,250 hours in the last year. When the need for family or medical leave is foreseeable and practical, the employee must give 30 days' notice of his or her intention to take the leave.

Grievance

In labor law, a grievance is a claim that a specific policy or practice of the employer or specific provision or provisions of a collective bargaining agreement have been violated regarding wages, hours or working conditions. It is resolved through a procedural mechanism provided in the union contract. A grievance is filed by an employee or by his or her union representative.

Health Care Professionals Council

NYSUT's Health Care Professionals Council represents NYSUT's members who work in health care professions. NYSUT represents more than 12,000 full- and part-time health care professionals in diverse titles including among others: registered nurse, medical doctor, pharmacist, therapist, psychologist and clinical instructor.

HMO

A Health Maintenance Organization contracts with purchasers or members to provide all covered health services in return for the payment of a monthly premium. HMOs can be both insurers and providers of health care. They can be organized and managed by hospitals, physician groups, insurers, labor groups, employer groups or any combination of the above. Typically, they provide a comprehensive set of services through three models of organization: staff, individual practice associations (IPAs) and networks.

Impasse

An impasse may be deemed to exist if the parties fail to achieve a collective bargaining agreement at least 120 days prior to the end of the school district's fiscal year. [Civil Service Law §209.1]

Intellectual Property

Any materials that are created independently and at the faculty member's own initiative are considered to be intellectual property. A faculty member should be treated as the copyright owner of all of his or her intellectual property. Examples include class notes and syllabi, books and articles, and educational software. The proliferation of distance learning in post-secondary education raises new issues concerning intellectual property rights. The American Federation of Teachers argues in its report *Distance Education: Guidelines for Good Practice* that "the faculty members developing a course should maintain creative control over the use and re-use of the course in subsequent years. In the

absence of such control, students have no guarantee that the course they take is of the same quality as in previous years . . ."

Joint Employer Status

Community colleges are governed and funded jointly by the state and by a local sponsor. As a result, in most instances, employees of community colleges are considered to be both employees of the community college and employees of the sponsoring county. Representatives from both the college and the sponsoring county may be involved in contract negotiations with the staff unions at community colleges. Typically, both the sponsoring county, either the county legislature or the county executive, and the college must give their approval to a collective bargaining agreement with the staff unions.

Lobbying activities/NYSUT

Lobbying activities involve local union leaders or NYSUT officers and staff — acting on behalf of NYSUT members — who influence the introduction of legislation and how elected officials vote on legislation and make their decisions regarding issues impacting members.

LRS

Labor Relations Specialists employed by NYSUT are responsible for a broad range of activities including collective bargaining and contract administration. The LRS provides services to local affiliates of NYSUT and advocates on behalf of affiliates, members and public education. The LRS works with local affiliates in the capacity of consultant, communicator, trainer and facilitator in the resolution of local issues.

Material Safety Data Sheets (MSDS)

A Material Safety Data Sheet is a chemical or product fact sheet prepared by the manufacturer. It summarizes important information on the chemical or product ingredients such as fire and explosion hazards, health hazards, protective measures, and handling and disposal methods.

NEA

As a member of your local union and NYSUT, you are a member of the National Education Association and the American Federation of Teachers, NYSUT's national affiliates. The NEA is committed to advancing the cause of public education. Its 3.1 million members work at every level of education — from pre-school to graduate programs. NEA has affiliates in every state and more than 14,000 communities across the United States.

NLRA

The National Labor Relations Act is federal legislation passed in 1935 that became the basic law governing private sector collective bargaining and unions in the United States. The purpose of the act is to promote the orderly and peaceful recognition of unions and the use of collective bargaining as a means for establishing the terms and conditions of employment.

NLRB

The National Labor Relations Board is composed of five members appointed by the President of the United States and confirmed by the U.S. Senate. It oversees representation and election questions, investigates unfair labor practice charges and issues complaints over such charges.

OSHA

Occupational Safety and Health Administration (OSHA) is the federal agency responsible for regulating safety and health for private sector employees in the United States. OSHA sets minimum standards addressing many, but not all, workplace safety and health problems.

PAC

Political Action Committees are committees, clubs, associations or other groups or persons formed to receive voluntary contributions for use in election campaigns. The organization, registration, reporting and other activities of such organizations are regulated by federal and state laws. Within NYSUT there are actually two types of PACs — one is the group of leaders appointed by the president to help organize political activities in a geographic area; the other is the legally constituted vehicle by which NYSUT raises and disburses voluntary political contributions, VOTE-COPE. The PAC is responsible for making recommendations to the NYSUT board regarding endorsements in New York Senate, Assembly and Congressional races, as well as in statewide contests. Each PAC member is responsible for a particular senatorial district, and he or she coordinates political activities in the field.

PERB

The Public Employment Relations Board (PERB) was established under section 205 of the Civil Service Law. PERB consists of three members appointed by the Governor and confirmed by the New York State Senate, one of whom serves as the chairperson of the board. In addition, PERB has a staff consisting of administrators, attorneys, administrative law judges (ALJs), mediators and fact finders who work with public employers and employees to settle negotiations and disputes. It also oversees representation and election questions and investigates and decides improper practice charges.

PESH

The Public Employees Safety and Health bureau is in the New York State Department of Labor. It enforces OSHA standards for New York's public employees.

PESH Act

The Public Employees Safety and Health Act is a state law that provides safety and health coverage to all public employees at the state and local level. Under the act, the same safety and health laws that apply to workers in the private sector, OSHA standards, are applied to employees in the public sector.

Phone Banking

Phone banking involves a group or team of volunteers who make message-specific phone calls to targeted members of the voting public during an election period on behalf of a political cause or politician. Phone banking includes support activities for state contests and local elections, i.e., school board, school budget votes and local county legislators.

Picketing/ Informational

Picketing involves patrolling the entrance or vicinity of a work site by members of a labor union in order to inform the public and other employees of a labor dispute. It connotes peaceable methods of presenting a cause to the public in the vicinity of the employer's premises. [*Black's Law Dictionary*]

Political Action Coordinators

NYSUT has at least one person in each state senatorial district responsible for coordinating volunteers to work phone banks, write letters, visit elected officials and otherwise be involved in political action efforts of the union at the local level.

PPO

A Preferred Provider Organization is a group of health care providers, usually hospitals and physicians, that contracts with an employer to provide health services to covered individuals and families at a discount. The sponsorship and configuration can vary significantly. The usual discount is 10 to 15 percent.

Privatization

Also known as outsourcing or contracting out, privatization is the hiring of private companies to do the work of public employees. Many municipal, county and state governments turn to private companies that claim they can provide the same service at less cost. That cost reduction is accomplished through reduced employee pay, benefits and hours, and changing full-time jobs into part-time jobs held by less experienced workers.

PSC/CUNY

Professional Staff Congress is the NYSUT affiliate that represents the faculty and professionals of City University of New York.

Right to Know

The name of a New York state law that requires employers to provide public employees with information and training on hazardous chemicals in their work area.

Seniority Rights

Seniority rights are those rights to job security and priority in excess or layoff situations within a community college and are based on length of service in a specific discipline.

State University of New York (SUNY)

SUNY, which is the largest public university system in the nation, comprises 64 campuses, including 30 community colleges. SUNY is governed by a 16-member board of trustees, 15 of which are appointed by the Governor; one ex-officio trustee represents the student assembly. While the SUNY Board of Trustees oversees the governance and operations of the university's state-operated campuses, the board does not serve as a governing board for the community colleges. Rather, the community colleges are governed by local boards of trustees. However, the SUNY Board does have general supervisory authority over the community colleges. Members of the boards of trustees of community colleges are appointed in part by the Governor and in part by local government officials. In addition, there is one student representative on each board.

Strike

The Taylor Law prohibits public employees and employees' organizations from engaging in, causing, instigating, encouraging or condoning a strike or strike activities. Any strike activity is a prohibited activity. Specifically, the Taylor Law defines a prohibited activity as "any strike or other concerted stoppage of work or slowdown by public employees." [Civil Service Law §201(9)]

Taft-Hartley Act

The Taft-Hartley Act comprises amendments to the National Labor Relations Act, passed in 1947, that were designed to strengthen management's power by eliminating unions' rights to conduct secondary boycotts and outlining unfair labor practices by unions and rules governing a union's obligation to bargain in good faith.

Taylor Law

The Taylor Law, formally called the Public Employees' Fair Employment Act, is contained in Article 14 of the Civil Service Law. Enacted in 1967, the Taylor Law governs employment relations between public employers and public employees in New York state. Under the Taylor Law, public employees are guaranteed the right of self-organization and representation for collective negotiations. Self-organization rights enable public employees to join or refrain from joining employee organizations (unions) of their choice. Representation rights enable employees to designate an employee organization as their representative in collective negotiations with their public employer over wages, hours and other terms and conditions of employment, and in the administration of grievances arising from their negotiated agreements.

Tenure

Defined as "Status afforded to teacher, professor, or teaching assistant upon completion of trial period, thus protecting him or her from summary dismissal without sufficient cause or economic reasons. A faculty appointment for an indefinite period." (*Black's Law Dictionary*) Tenure is an employment status an educator or a professor or faculty member may earn by successfully completing

a period of probationary employment and then, upon a college president's recommendation, being granted this status by a college board of trustees. An educator, professor or faculty member who has received tenure has earned the right to keep his or her job, in other words, to be free from discipline or dismissal, except for just cause to be proven by college officials in a due process hearing.

Triborough

The Triborough Amendment to Civil Service Law §209-a(1)(e) requires employers to continue all the terms of an expired agreement until a new agreement is negotiated. Before the enactment of the law, public employers were free to unilaterally diminish benefits as contracts expired.

UUP

United University Professions is NYSUT's local affiliate representing the faculty and professional staff of the State University of New York.

VOTE-COPE

Voice of Teachers for Education—Committee on Political Education is the name given to the merged political action committees when the New York State Teachers Association and United Teachers of New York (UTNY) joined forces and became the New York State United Teachers in 1972. NYSUT's 29 VOTE-COPE coordinators oversee the annual campaign for voluntary contributions from members to be used in support of our legislative and political action activities. More than 186,000 NYSUT members contributed to VOTE-COPE in 2006, making it one of the largest and most successful PACs in New York state.



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