

FRANK SQUILLACE

ALBERT SHANKER SPEECH

U.U.P. Bargaining Election Workshop
Tuesday, November 21, 1978
Wagon Wheel Restaurant

First, I would like to give you a status report as to where we are in the SUNY election campaign. We had Harris Associates do three polls over different times, and then there was one done very recently. As a result, I can tell you at this time, that it is not possible to tell who is going to win. We are ahead; but we do not have a majority, and there is a large block of people out there on all the SUNY campuses, who at the present time, do not know how they are going to vote. I can also tell you that the number of people who say they're going to vote for no union has dwindled. In the early polls those who said they were going to vote for no union were a large group, nearly 20% of the unit. The "no agent" vote is now down to under 10%. So, this is still a race. And the fact that we're ahead does not necessarily mean that we can sit back and do nothing, because it's not necessarily true that the majority of those people who are undecided are leaning toward us. We are in a real campaign, and what happens within the next week and a half is going to decide the issue.

If the vote were today, the UUP would come out first, and NEA would come out second, and neither side would get a majority, and there would be a run-off. Will that happen when the ballots actually go out on December 4th? Well, we have found that there has been a lot of shifting in this campaign ... that people from one poll to the next have moved over to the other side, and some have swung one way, then the other, and then become undecided. As a matter of fact, the pollsters have a name for this syndrome. They say it's the first time in their history that this much shifting has taken place. They call this the cynical electorate because all the organizations are campaigning, and the people out there really don't believe anybody. I think that this is pretty accurate.

Everybody out there is a little suspicious. They are hurt and disappointed, and they are very critical.

Having said that, I want to give my picture of the approach I would take if I were campaigning from door to door. It is an approach which is not just a public relations line; but rather, an approach which is an honest description of what has happened within SUNY and what decisions need to be made in the future and the basis for these decisions. In the first place, we had collective bargaining in SUNY now for about ten years. And we should remember that the first organization that represented SUNY was not affiliated with the AFT, but with the NEA, and it had very few members. It started with 100 members and after a number of years it managed to organize about 1100. So it was a very weak organization. It had very little money, the dues structure was low, it had practically no staff and the Governor and the State Legislature knew that it did not amount to very much. So what happened when that organization went to the bargaining table was that: 1) they did not get much money, and 2) they had to accept some things they didn't want.

The retrenchment clause which is so unpopular was not negotiated by UUP. It was negotiated by a predecessor organization affiliated with NEA. Go back and take a look at it. By the way, I don't blame them for it. They had no strength, and there is little choice when you represent 16,000 people and only 200 pay dues. The Governor says, "Why do I have to give you a nickel, when none of your own people are supporting your organization?" He's in a pretty powerful position.

It was also at that time that increments were lost. Go back and take a look at it. That's history, it's there, pull out the contract, take a look at it. UUP's predecessor was an NEA affiliate when the retrenchment clause and the loss of increment came about. Does that show that the NEA is an evil organization? It does not. I think they are, but these facts have nothing to do with it. All it really shows

is that there is no magic to the NEA, and that if you have a weak organization, your employer will take advantage of you. A few years later, the NEA and the AFT merged in this state and the UUP began at that point. You then had the double strength of being affiliated with two national organizations, and you still didn't do very well. Why?

Well now you had 1500 members, then 2000 members, then 2500 members and finally after a lot of hard work and organizing efforts, there were still only 4000 members who had voluntarily joined the union. Even then, you must remember that the UUP was the bargaining agent for 16,000 people, and after eight or nine years of being represented by the organization, only one out of every four citizens decide to pay taxes. That's what it amounts to. All right, so last year along came the agency fee and I want to tell you how the agency fee came about.

First, you should know that the agency fee was not proposed by NYSUT, for the simple reason that it had 98% of all the teachers in its organization as voluntary members. Therefore, all that we could benefit by an agency fee was to pick up another 2% of the teachers. There were two organizations of public employees in this state that badly wanted an agency fee because they had large potential for picking up thousands and thousands of people. One of them was the Civil Service Employees Association. The CSEA stood to pick up 150,000 fee payers, people who are not paying dues but who were represented by them; so they were pushing for it. The other organization pressing for agency fee legislation was the American Federation of State, County, and Municipal employees which would pick up 120,000 fee payers.

That's how UUP got the agency fee. UUP didn't get the fee because it or NYSUT wanted it or initiated such a request. It was simply the tail end of someone else's program. Now, what was the result of agency fee? The result was that UUP for the first time had a large budget. It became important to the state organization because NYSUT all of a sudden saw

that it was not merely 4,000 people but 16,000 strong. It meant that the representation of the State University on the NYSUT Board was increased. It became much more important to the American Federation of Teachers because the AFT said, "My God, we just picked up 12,000 members." You know what that is? That's Detroit, Philadelphia, it's four San Franciscos. That's now a substantial contribution to the organization. After ten years of getting very little at the bargaining table, all of a sudden during the last few months, things have changed. What changes? Well, take a look at the salary increases -- 8 +1%. You may not think that's great, but let's take a look at what everybody else got. What did all the New York City unions settle for this year. All the tough people, the tough guys like Shanker, Gotbaum, DeLury, the sanitation workers, the transport workers, the policemen, the firemen -- what did all those people settle for? They settled for two-year contracts with 4% the first year and 4% the second year. That's what they settled for. The national average settlement in higher education this year was 5.6%. I can give you a long list of private, public, elementary, industry, which were less. The SUNY staff got 8% plus 1%. Aside from the coal miners who did better as a result of a long strike, I would say that this 8% plus 1% was probably the best salary increase of any group of this size anywhere in the United States, private or public sector, without the loss of days during a strike.

Now, how did this happen? Did the negotiating committee all of a sudden become very good negotiators? No, the negotiators weren't any better this year than they were last year. Did the other side all of a sudden develop poor reason? Did they develop new commitments to higher education? Nonsense. There are two things that happened. First of all, you no longer have only 4,000 people. They are now counting on you as 16,000 -- not 16,000 members, but 16,000 in terms of possible treasury, contributions, in terms of mailing lists; and they knew that NYSUT was now counting on you not as a little

local, or a small group of people, because you became second in size to the New York City local of 60,000 people. The second largest AFT local in the state of New York is the UUP. So what happened. Everybody zeroed in on the Governor and the Legislature, and they said, "Now look, this is no longer the little stepchild. This is a very substantial group, and you have to do something for them." That's how that 8 + 1% came about. And what happened soon after that? Well, as you know, the Governor had previously vetoed the TIAA-CREF bill. I think he had vetoed it twice before. He also vetoed it once this year, and then it was re-passed and went back to his desk. It was a crazy series of events that happened. As a matter of fact, it has never happened before in legislative history. It's actually something that's been vetoed and sent back to the committee and back to the Governor and ended up being signed. So, you see, within four months, the staff at the State University has received two major benefits -- a salary increase which is a top guideline for the rest of the country, and a pension benefit at a time when all of the politicians are saying that these costly items should be cut back as too expensive for the tax payers to bear.

How did that happen? Again, I'm saying that for about ten years we had a weak organization. Why was it weak? It was weak because there were no members, and there was no money, no one was paying any attention to you. The NEA can't do anything for you. The AFT couldn't do anything for you because you weren't doing anything for yourselves. Finally, it happened because 16,000 people are paying the agency fee. And you know, from last June to this month you got more money and more benefits than in all the previous years. If I were in your shoes, I would say, all right, for eight or nine years we were ineffective. And we were ineffective because we weren't together. Now, we finally have something going and there are signs that by having pulled ourselves together, it works. Look what's happened. We got a number of things in the plus column.

So what's going on now. Well we have a campaign, and we need to look at what happens if we lose. That's possible! We could lose. If we lose, you've got an organization that will be starting right where we started ten years ago. They will have no members, and some of their literature says they will not accept the agency fee until a majority of the members have signed up voluntarily. If they're going to wait until they sign up seven or eight thousand members voluntarily, they might wait another ten years before they have any organization. But then let's talk about something. Just who determines what comes into this University? It's the Governor or the Legislature. Now, we just had an election. We supported Carey, and the other side not only supported Duryea, but had very vicious anti-Carey literature. If Duryea had won, we hadn't said anything negative about him. We knew we had to deal with him if he got elected. And apparently, the NEA, because they hopped on the bandwagon when Duryea was twenty points ahead, figured he was the Governor already, and they wrote God-awful junk about Carey. Well, I want you to ask yourselves something. If you were Governor, and you had come from twenty points behind in order to win, and you saw all the literature that this organization (NYEA) had put out urging people to vote against you, and saying all kinds of vicious things about you -- how would you react. If NYEA became the bargaining agent, they would have to request contract funding from the Governor at a time when taxes are being slashed and budgets balanced. Is there any question as to what would happen? There is no doubt at all! There's not one other issue. You ought to go to every single faculty member and say, "Now look, it's the Governor and the Governor's appointees in the Office of Employee Relations whom we're about to sit down and negotiate with." There's one group which supported the Governor when he was way behind. Maybe he'll remember, maybe he won't. I'm not standing here and saying that the Governor is going to deliver. I don't know that. He doesn't always deliver to his friends. But I know what he does for his enemies. He's a very thin-skinned guy, who, when someone takes him on like that, could have some really bad problems. Now, that's one issue. We're going to start all over again.

Now what about the other issues? For example, should dues be higher or lower, should you have a different governing structure, should you elect a president by popular vote, or should each campus have more of a say in the union? You do not know at the present time what the NEA structure is going to be, because there isn't any. They have no dues, they have no members. All they have is some supporters. They have a staff, just as we do. There's a big staff from the NEA in here. If they win, they're going to have to build an organization. Who's going to build it? Well, anybody who comes to a meeting and pays his dues will form it. They're going to have to ratify a constitution -- they don't have one yet. They're going to have to elect a president -- they don't have one yet. They're going to have to get an executive board -- they don't have one yet. For all we know, they might wind up with exactly the same people we have, and they might have the same structure. We don't know. The point is that there are some legitimate beefs out there. I don't happen to personally like the structure of UUP because you can't elect the president directly. I think there should be a direct election. I think there should be ways of changing the constitution so that you can have stronger campus input and a certain amount of autonomy or semi-autonomy or decentralization. It's got to be consistent so that it doesn't destroy the ability of the central organization to be tough enough to deal with the Governor and the Legislature. You need that. There's nothing wrong with having a tough organization in Albany and having tough organizations on each campus to deal with the problems that are individual to those campuses. But, there is only one way you're going to do that. You're going to get into whatever organization happens to be elected. You're going to fight it out within the organization -- you're going to go to meetings, you're going to vote out of office people who don't agree with you, you're going to insist on constitutional changes -- that's the only way you're going to do it. It simply isn't realistic to think you can change the organization by throwing out something that's there and putting in something that doesn't exist yet and starting all

over again. You know, I've been thinking this over for some time, and this situation is the closest thing to Charles Lamb's notion that some people want to burn down buildings to make roast pig. We are being asked to burn down the only organization we've got. One that took ten years to build. Ten long years. We have 9,200 people in an organization, a staff, and a structure to deal with the State, the Governor, and the Legislature -- and yet some people are saying, "I don't like the constitution. I'd like to have lower taxes." And so on. They want to destroy everything and start all over again. It's insane.

There are some very important issues not even being talked about in the campaign. You know, what we're going through now could be a lot of fun. If you don't take politics too seriously, and you watch the debates on television, and listen to the charges and counter-charges, it's all a game. It is a game, except in those situations where there are pretty serious consequences. Now this election is a situation in which the consequences are serious because there are things happening which give you an awful lot of trouble. The State University could be in a lot of trouble, both for the institution and for the members of the staff. Last Sunday my column in the New York Times dealt with a legal case arising in Pennsylvania involving state reappropriation of federal funds. Most of you have probably never heard of it. Briefly, the state of Pennsylvania passed a law in 1976 mandating that no state agency or institution could accept any federal funds unless those funds were reappropriated by the state legislature on a line item basis. What does this law really mean? I'll tell you what it means in Pennsylvania. It means all federally supported science grants, all health grants, medical, mental health, all student assistant programs will have to be approved by the state legislature. Last year, when the students returned to college in Pennsylvania, they didn't know whether they had any federal student assistance and every single campus in Pennsylvania blames the lower enrollment in Pennsylvania on the fact that students did not know whether the

state was going to pass on the student aid programs. Governor Schapp appealed the case to the Supreme Court of the State and lost, with the court voting 4 to 2, that it was a constitutional law. Now why do I bring up this case? I, as a member of the AFL-CIO Executive Council and the President of AFT helped to organize a coalition of groups to go to the U.S. Supreme Court to appeal this decision. There were two organizations who were not there. One was the NEA and the other was the AAUP. The NEA joined the coalition the day of the press conference after the brief to the Supreme Court was already printed. The AAUP was specifically called and asked to come, but refused to join the case. Why did they refuse to join? I'll tell you why. Do you know that this law does not say that any of the private colleges and universities can accept federal funds? And I submit to you that AAUP didn't come into the case because a large portion of its members come from private institutions.

In the state of New York there has been a big fight going on for a number of years, and most of the people at the State University and most of the city universities are absolutely oblivious to it. That fight involves the fact that public money is going into private institutions. New York State gives more money to private higher education than all other forty-nine states in the United States combined.

Private higher education has an extremely effective lobby in New York State. The way TAP assistance is put together, it assists private education at the expense of the public institutions. The private institutions come to the public institutions after the student has been there for two years and offer them a special deal to come over so they can get the increase without the funds. The New York State Board of Regents has proposed that tuition tax proposal is as follows: Our students will receive a tuition tax credit of 20% of the first thousand dollars tuition and 100% of anything above a thousand dollars. Well who's that for? They give your students about \$180 and anyone who doesn't want to attend a public institution two, three or four

thousand dollars. Now that is a gut issue in this state. Now you know there's only one way in which that's going to be fought. It's going to be fought politically, with power and numbers. This is the biggest fight in the history of higher education in this state, and it's not a fight between UUP and NEA. It involves whether higher education should be phased out, and private education built up. The arguments are very simple. People are asking the Governor and the Legislature, "Do you know how much it costs for each student if you count the buildings and the maintenance of buildings and for the interest that's paid on bond issues? If you took this amount of money and took one half of it and offered scholarships to students in colleges, think of the money you'd save." Now, of course, they can't do it immediately. Private schools are not equipped to handle all the students yet, but what the private schools would like to see is a slow contraction of the public institutions, so while the State University contracts and the City University contracts, the private institutions can expand.

And right in the midst of this struggle, you are being asked to start all over again at a time when the wolves are out. It's quite a mess, and you people could be very sorry. And it's up to you to convince your colleagues of eminent dangers they face. The only way to get to them is if you people here start talking to people and say, "Hey, look, I don't think this is the greatest organization in the world. We've made lots of mistakes but part of it's the fault of the staff! We never supported it before. The last few months for the first time they've had some money. Well look, whatever you're paying for agency fee, take a look at that 8 + 1% and look at the increases everybody else has gotten and ask yourself how many years you're going to be able to pay for that. It pays for itself. It pays for itself in about one years' interest. And you know what? You didn't do it by yourselves. The Governor did not do it because he fell in love with the members of the faculty. There were 200 thousand teachers in the state who wanted SUNY to be a part of them. And the

Governor wanted those 200 thousand teachers to support him in the election. He was in a tough race, and he had to do things in order to get favors in return. So by being part of this big group, we got something that we never would have gotten, and we will continue getting things that we'd never get otherwise without this. And if we decide to dump this group over to a group that has 20 thousand members in the state, which is a joke to the State Legislature, we're just kidding ourselves. If we think we're ineffective now, we're going to be a hundred times more ineffective if we go to people with an organization that doesn't even exist. End of commercial. Any questions?