

# The **UCE Rebel**

**Shedding Light on the Union at F.I.T.**

For the latest in the struggle for fair representation for all members of the UCE of FIT, visit us at:  
[http://www3.fitnyc.edu/raymond\\_noonan/](http://www3.fitnyc.edu/raymond_noonan/); select PERB Cases or UCE Rebel.

## First-Person Narrative

### **Improper Practice Charges Filed with PERB**

Raymond J. Noonan, Ph.D.

*The time has come to tell my story about the events surrounding my charges of improper labor practices filed against the Union and to enlist the support of all members in making the UCE a union for all of us. The Union is weakened when it is hijacked to unjustly favor those who are friends of the officers and to attack those of us who attempt to apply fairness and accountability in our everyday work lives.*

On March 1, 2004, I filed my first improper practice charge with the New York State Public Employment Relations Board (PERB) against the UCE of FIT (AFT Local 3457) under subsection 209-a.2(c) of the Public Employees' Fair Employment Act. This act is commonly known as the Taylor Law. On July 30, 2004, I filed the second charge. I filed them as a last resort.

Both of the charges allege that the Union breached its Duty of Fair Representation with respect to actions that the Union took against me. The first is with respect to my tenure

meeting in the Fall 2003 semester, in which a department member stated that the president and an unnamed vice president of the Union gave him information that I had disinvited the Union from the meeting, and then went to the

#### **§209-a.2(c) of the Public Employees' Fair Employment Act (The Taylor Law)**

Improper employee organization practices. It shall be an improper practice for an employee organization or its agents deliberately . . . to breach its duty of fair representation to public employees under this article. Civil Service Law, Art. 14

Administration to have them request that the Union not attend when I was turned down. These and two other accusations he made were both ultimately proven false. The second charge relates to my vote for chair in the Spring 2004 semester, in which the Union

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### **Officers Appoint Themselves to Vacated Positions**

Raymond J. Noonan, Ph.D.

In a blatant act of arrogance toward the rank-and-file of the UCE, several officers apparently appointed themselves to fill the positions vacated in domino fashion by the resignation of former president Lou Stollar last year. Juliette Romano assumed the role of acting president, while Spencer Schein took the role of acting executive vice president, with Roberta Elins moving into the role of acting vice president for faculty. Isolina Perez became acting membership director while maintaining her office on the Executive Committee. They were not elected to these new positions; that is the role of the membership. Officers are also not presidential appointments.

Significantly, the Bylaws of the UCE are silent on succession. Apparently, some offi-

cers feel they are part of a self-appointing dynasty. These offices are, in reality, acting positions. While I have little problem with the line of succession chosen, I do have a problem with assuming the full terms of those positions in the middle of a term. Acting positions, i.e., unelected positions, should be temporary until the next scheduled election. Thus, the positions of Executive Vice President and Vice President for Faculty should have elections this semester for candidates to finish the two-year terms; the positions of President and Membership Director are already up for election this semester.

*Raymond J. Noonan, Ph.D., is an assistant professor and former chairperson of the Health and Physical Education Department.*

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#### About the UCE Rebel

*UCE Rebel* is the voice of fair representation at FIT. It was created to foster a greater awareness of the Union at FIT, to bring to light abuses against members using the power of the Union, and to find effective solutions to the problems facing us all. We seek your support to make the Union at FIT what it was meant to be—a union for *all* members of the UCE.

The name of our publication draws inspiration from the *Woman Rebel*, the newsletter created by Margaret Sanger in the early women's and birth control movements to help empower women and couples to determine their own futures. It is our hope that we can empower our members to work together for the benefit of all members, not just those with their own personal special interests that benefit only themselves and their friends. In short, we hope to foster an atmosphere of unity, fairness, and reform of the leadership that too often seems to foster divisiveness and cronyism.

Contact us if you have a story to tell or would like to contribute to the *UCE Rebel*.

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## Improper Practice Charges Filed with PERB; Hearing Scheduled for March 31

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told the same faculty member that I had filed a PERB charge against the Union, which was then used in apparent retaliation to turn the vote for chair against me in a close vote. Additional details can be viewed online at the address shown below where you can read the complete text of the charges as filed.

It is important now to publicize this because in a few weeks (March 31), a hearing on the charges will take place at the PERB offices in Brooklyn. In the meantime, a number of faculty members and others have told me various accounts of the events surrounding the charges and the actions of the Union that strongly suggest that a shadow campaign is being waged to negatively affect my other professional activities

### **Classroom Assistants Voting on Curriculum Development?**

Although in no one's recollection has a classroom assistant voted on a new course proposal in the Health and Physical Education Department, when I presented two new course proposals for consideration by the Department, the classroom assistant *did* vote against them, although there was a clear conflict of interest, he has no academic background in sexuality, health education, or curriculum development, and despite the fact that he was explicitly reassured that the two courses would not have *any* impact on the workload of the classroom assistant or the technologist. Although voting on "other matters" is permitted by the UCE/FIT Contract, such decisions should be made by faculty who have knowledge of curriculum development. It seems unreasonable that non-faculty members with no academic training in the discipline be able to vote on such decisions, particularly when the rationale is merely something such as it might increase his workload. This violates the right of faculty to create courses based on pedagogy, as well as leaves the process open to abuse.

here at FIT. In fact, since last summer, particularly in the fall, my classes have been targeted, with equipment damaged or vandalized or not delivered to my classes when required. These actions required numerous last-minute changes in the curriculum for many class sessions resulting in numerous disruptions to daily classroom activities. Although most of these disruptions appear as if they were intended to fall under the radar of anyone else but me and my classes (i.e., batteries removed from audiovisual remote controls, or cables removed from department equipment or otherwise rendered inoperable), the actual acts of vandalism were reported to FIT Security.

Not only have my classes been targeted, but my new course proposals appear to be getting extraordinary treatment to prevent their passage (see my sidebar below on classroom assistants voting on curriculum development, as an example). Further, false charges of harassment and discrimination have been initiated against me at the apparent urging of the Union, evidently intended as harassment itself. One person reported to me that efforts were even still being urged to reverse my tenure vote. In fact, I had been warned by a colleague that there might be reprisals against me if I filed a PERB charge.

One of the problems I discovered as I navigated the various chain of events that ensued prior to my filing the PERB charges was that too much of what was done at FIT seemed to be back-office deals worked out in secrecy. For example, it wasn't until the meeting after I achieved tenure that the Union announced that it had arranged with the Administration to have a disciplinary letter placed in my personnel file "to make a grievance go away," all without informing me or representing me in any way. Because the letter was never written, the Union was supporting the efforts of a few members of the Department to undo the tenure vote after the contractual deadline, even though the Union acknowledged that I would have

a grievance if it occurred—and *I would probably win*. So it seems as if they pick and choose whose grievances they want to go away, depending on whether or not it involves their friends.

Another problem that surfaced was that, too often, I would get different answers from different Union officers that seemed to depend on whom the question was about. This occurred in my efforts to resolve a long-standing intractable dispute between two staff members as well as other matters. I also found it incredible that so many issues that came up, more often than not, seemed to be the first time they were ever encountered. Thus, it is time for all members to support the reform of the UCE leadership to apply fairness and accountability to *all* members of the Union. If anyone has information about similar abuses that could help us change the status quo, please contact me.

*Raymond J. Noonan, Ph.D., is an assistant professor and former chairperson of the Health and Physical Education Dept.*

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### **What Needs to Be Fixed?**

- Immediately include the positions of Executive Vice President and Vice President for Faculty on the current election ballot to properly fill these positions.
- Provide a more appropriate method for receiving and counting Union election ballots that ensures that no vote tampering occurs.
- Amend the UCE Bylaws to provide for an orderly line of succession in the event an officer leaves office during his or her term.
- Establish a grievance database, including both formal and informal resolutions, to permit equitable treatment for everyone. It is clear that "connections" can affect the outcome of a dispute.
- Revise contractual provisions regarding non-faculty voting on matters properly under faculty jurisdiction and expertise, e.g., curriculum development.
- Bring new blood into the contract negotiation process—as well as the Union leadership—to encourage movement toward a new contract.

For more info: [http://www3.fitnyc.edu/raymond\\_noonan/perbcases.htm](http://www3.fitnyc.edu/raymond_noonan/perbcases.htm)