

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/; select PERB Cases or UCE Rebel.

Letter to the UCE Executive Committee

Raymond J. Noonan, Ph.D.

In our first issue of *Union Rebel*, we ran a feature, "What Needs to Be Fixed?" We intend for this to be an ongoing listing of issues that you and we the membership believe are problems that need to be resolved within the governance structures of the UCE. In line with that goal, I drafted a letter that I delivered to the Union office for each Executive Committee member dealing with four high-priority issues (see updated current listing on page 2). So far, I have not received a response.

To: UCE Executive Committee and Officers
From: Raymond J. Noonan, Ph.D.
Re: Four Requests for the Effective Governance of the UCE
Date: March 16, 2005

This letter is for four requests that I believe would more effectively serve the needs of our members:

The first is that a proper election for the Executive Vice President and the Vice President for Faculty be included in the current election cycle to

complete the second year of their terms of office. As you probably noted in my recent newsletter, I believe it is improper to have these two offices remain acting positions for a second full year when there is a regularly scheduled election available to fill them in the democratic manner befitting a membership labor organization. This should be done immediately to avoid incurring the additional costs of separate mid-term elections.

The second is that appropriate steps be taken to amend the UCE Bylaws to provide for an orderly line of succession in the event that an office is vacated during a term of office. They should not be arbitrarily appointed with the appearance of being self-serving. The democratic principles embodied in our Collective Bargaining Agreement regarding college governance should appropriately apply to the UCE as well. There is sufficient time this semester that it could be accomplished before the end of the school year.

The third is to provide an unquestionably secure means of receiving and counting election bal-

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PERB VICTORY! New Election for Chair to Be Held

Raymond J. Noonan, Ph.D.

March 31, 2005: In a victory for all members of the UCE, a settlement was reached today on the improper practice charges I filed against the UCE of FIT (AFT Local 3457) with the New York State Public Employment Relations Board (PERB). The charges were filed on March 1 and July 30, 2004, under subsection 209-a.2(c) of the Public Employees' Fair Employment Act (the Taylor Law).

The charges alleged that the UCE breached its Duty of Fair Representation with respect to actions that the Union took against me. The first was 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 uninvited the Union from the meeting, and then went to the 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 related to my vote for chair in the Spring 2004 semester, in which the Union 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 above where you can read the complete text of the charges as filed. A hearing was to be held on March 31, 2005, at the PERB office in Brooklyn, but an agreement was reached there instead.

In short, I won a revote on the department chairperson election, although I did not receive any of the back pay I believed I was entitled to as a result of the original "tainted" election. Because it is exceedingly rare for a union member

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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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VICTORY in the PERB Case: New Election to Be Held

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to win any “duty of fair representation” case against a union, given the wide latitude afforded unions in their actions under the Taylor Law in New York, this is considered a great victory. (In fact, according to various websites dealing with the duty, New York State has the weakest such worker protections than any other state in the region.) Thus, in the matter of *Raymond J. Noonan vs. United College Employees of F.I.T. and Fashion Institute of Technology* (PERB case numbers U-24895 and U-25278), the agreement reads:

Stipulation of Settlement

In settlement of the above captioned matter, the parties hereby agree as follows:

1. The execution of this Stipulation shall not constitute the admission of the violation of any State, Federal or local statutes, laws, rules or regulations.

2. The parties agree that Ray Noonan may run for the office of department chairman in November, 2005. If successful in his candidacy, he would assume office in February, 2006.

3. The union recognizes that a union member may file an improper practice charge at PERB, and the fact that someone exercises this right should not prejudice you in considering his candidacy. A union representative shall make this statement at the November meeting.

4. The above charges are withdrawn with prejudice.

5. All parties agree to comply with their obligations under the Taylor Law, including the Duty of Fair Representation.

6. The parties agree that this Stipulation of Settlement is not admissible in any other proceeding or forum except to enforce the terms herein. The terms herein do not alter or modify the term of the CBA.

Signed by: Louie Nikolaidis, Attorney for Ray Noonan, Charging Party; Sherry B. Bokser, Attorney for UCE of FIT; and Brian J. Turoff, Attorney for Fashion Institute of Technology, Employer.

An interesting note was that the UCE requested that a “gag order” clause be included in the Stipulation of Settlement, which would have disallowed publication of this settlement or even speaking about the case, which we opposed. In support of the First Amendment, my attorney expressed his surprise that an academic union would even suggest this. Of course, it is the philosophy of the *Union Rebel* and our kindred spirits that it is this kind of secrecy about Union activities that harms our membership and discredits unionism instead of empowering and protecting us.

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

Letter to the UCE Executive Committee

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lots to assure all members that voting is fair, anonymous, and tamper-proof. Many members believe this is currently not the case and it may account for the exceedingly low response rate.

The fourth is that the UCE assume joint publication of the *UCE Rebel* to provide an independent voice for those members who strongly believe that certain aspects of UCE operations require reform to appropriately represent *all* members of the Union. The fact that, for example, the College pays for the printing of Union materials, suggesting that the UCE is at some level a company union, might be countered by recognizing the diversity of opinion UCE support of the *UCE Rebel* would provide. I believe this

would help to foster wider participation by members in achieving our collective goals by leveling the playing field for current “insiders” and “outsiders” alike by living our democratic ideals—somewhat like the equal-time doctrine for political parties.

I urge an affirmative vote on these measures at your next meeting on April 12. I will urge all UCE members to attend this Executive Committee meeting (from 1 to 2pm in room A803 on Tuesday, April 12, 2005) to support them as well. We should be considered assets of the UCE as well as FIT!

Cc: UCE Members

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

First UCE Rebel Mailing Censored by Administration

The mailing of the first *UCE Rebel* last month was delayed when a UCE member in the mailroom flagged it and sent it up the line to Jack Dunn in Operational Services, who then sent it to Harvey Spector, Treasurer and Vice President for Finance and Operations for FIT. Mr. Spector said it could not be distributed in the same manner as other publications because it was not an official communication. When they were put in closed packages, they were then allowed to be distributed. Nevertheless, some departments apparently discarded them before members could see them, according to reports by supporters.

—Raymond J. Noonan, Ph.D.

What Needs to Be Fixed?

- Address the inequities for adjuncts with regard to part-time day versus part-time evening status.
- Schedule a general membership meeting in accordance with the UCE Constitution and Bylaws, which state that they be held at least twice each academic year.
- Immediately include the positions of Executive Vice President and Vice President for Faculty on the current election ballot to properly fill these positions. [*Too late now, so have new elections to fill those 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