

UCATS Momentum

Union of Clerical, Administrative & Technical Staff at NYU, Local 3882, NYSUT, AFT, AFL-CIO

Volume 31 2010 Issue 4



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Exposing the lies – NYU's bogus budget crisis

■ Stephen Rechner, Law School

New York University management was apoplectic on Sunday, August 29, when members of the UCATS leadership team showed up at Kimmel Student Center to distribute informational leaflets at the parent/student Move-in Day Fair.

Leafleting started at 11:00 a.m. and within 15 minutes a security officer came out and told us we would have to leave because we were “violating the University’s ‘no solicitation’ policy.” I informed the officer that informational leafleting is a constitutionally protected activity and refused to leave. I also pointed out that the University was enforcing its “no solicitation policy” rather selectively because the officer did not ask the representatives from Citibank, Bank of America and the Container Store who were distributing flyers, which clearly were solicitations, to leave. NYU had also organized free shuttles from Kimmel to Bed, Bath & Beyond and Kmart.

Flummoxed, the security officer went back inside, only to return 5 minutes later to state that the “real reason” we had to leave was because we had to be 10 feet from the Kimmel entrance. Since we were 10 feet from the entrance I offered to get the officer a tape measure. The security officer left again.

Minutes later one of the managers coordinating the event came out and conceded that NYU would not force UCATS leafleters to leave, but in a patronizing tone she informed

Rechner addresses GSOC members and supporters at September 16 rally in front of Bobst Library.



us that NYU was trying to “make the parents and students feel welcome and it would be so much nicer if you moved across the street.”

When we refused, the manager sent out a contingent of bewildered student volunteers to hand out free calendars and maps. This made it easier to give parents our leaflets because they were now part of the “free stuff.”

What is going on?

At issue is the fact that over the last 12 months NYU has eliminated over 150 Union positions, and as many front-line management positions, citing the “budget crisis” while at the same time giving NYU President John Sexton and other top officers pay packages that would make Wall Street’s bailed-out bankers proud.

Specifically, Sexton’s 2009 compensation topped out at \$1,366,878, an increase of over 8% from the previous year! Executive VP Michael Alfano and Provost David McLaughlin each got 6% raises,

bringing their total compensation to \$583,262 each. While UCATS members got our 3.25% contractual raises in 2009, front-line managers and faculty were given no raises at all (due to the “budget crisis”). This September, UCATS members received a 3% raise, and will negoti-

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Union action builds bridges

■ Chris Crowe, Bobst Library

While distributing Union leaflets at NYU's Move-in Day Fair on Sunday, August 29, I had the opportunity to talk with a number of parents. Some I simply wished good luck to and to their children. Others I had more substantive conversations with. It was important to me that I try to be as positive as possible. It would have been very easy to have simply condemned the University as greedy and unprincipled. But what parent, about to invest over one hundred thousand dollars in an NYU education for their child, wants to hear that? As I said to several of them: "I've been associated with NYU in one way or another, as a student and as staff, for literally half my life. Of course I want it to be a great University. I want it to be the best University in the world. And so does the Union. But that means that it has to do right by the people who make it run."

The parents got it

A great University can't be a slave-holding University — not in Abu Dhabi and certainly not in New York. And as for President Sexton's and the others' inflated salaries — the Union would have no objection to any of them making over a million dollars except that good people, both in and outside the Union, are losing their jobs to pay for them. And that makes them obscene. Or, to put it another way, we don't care if the President gets fat, so long as everyone eats. But if he's fat while others starve, well, that's not a situation that's



Chris Crowe distributed UCATS flyers at NYU's Move-In Day Fair in front of Kimmel Student Center on August 29.

ever going to lead to a constructive labor-management relationship.

A lot of the parents really seemed to "get it." I was actually surprised at how many. There was the father who was a proud member of the Transit Workers Union and who himself was facing uncertainty in his job. He understood what we're going through. There was another from Maine who was seriously considering moving to New York and getting a job at NYU because there's no other way for him to pay for his daughter's education. And there was a nurse and union activist from Palo Alto, California, who, of course, is on the side of labor and who promised to call the President. If we can find more of these people and make common cause with them — after all, we're here to serve them and their children — and get them to advocate for us with the University, well, I think things will go better for us at the bargaining table next year.

Obviously, it was an exercise in alliance building. The Administration seems to be of the opinion that it can treat us any way it wants to, with no consequences. But the students and, especially, their parents — that's a different matter. They actually count with the Administration. Or at least their money does.

So we essentially went over the Administration's head, to talk to these people, to present our concerns and to ask for their help. If we had to, we could bring out a giant inflatable rat in front of Bobst and get a bunch of members to picket, but the Administration could ignore us; by now it's well practiced at ignoring such things. But, a few concerned parents call up the President, or drop him an e-mail, suddenly that's the paying customer talking and not just the hired help, and suddenly the University has to listen. ☺

UCATS members are teachers, too

■ Kerissa Ward, 726 Broadway

PASSING OUT FLYERS on Move-In Day began ordinarily enough: I held out the flyer, proclaimed “Find out where your tuition is really going,” and smiled whether they took the flyer or not. As someone who obviously knew the Washington Square area, I began getting parents and new students asking for directions. After the third set of directions I gave, it occurred to me how the parents milling around the park that day were transferring the care of their children to us, the University community.

We make a difference

Most Universities tend to avoid acting ‘in loco parentis.’ By the time most students come to college they are considered legal adults and are expected to make their own decisions regarding health, nutrition, sleeping habits, etc. We who see students on a daily basis, though, know that it may take a while for students to embrace the independence the law allows. We know that they still need the guidance of an adult or two.

While many students find mentors in their professors and instructors, it is most likely UCATS members who they see on a regular basis. We staff the offices of deans, chairs, professors, instructors; of the Registrar, the Bursar, Campus Mail, the career services office, etc.; and it will be UCATS members who will again be helping the students in the front offices of residence halls.



Kerissa Ward

In my own area, the Student Health Center, I see how UCATS members make a difference for the students. A young man or woman can come to the SHC for a variety of reasons, but usually it is for a medical visit. Sometimes they are calm, sometimes they are upset; all

While many students find mentors in their professors and instructors, it is most likely UCATS members who they see on a regular basis.

the time it is a UCATS member at the front desk greeting them. It is the UCATS nurses and medical assistants who take the student to the exam room, checks their vitals, and follows-up on the doctor’s instructions. We are the people who can answer any logistical question for the students, often teaching them how to navigate the labyrinth that is health care.

Doing my part

I even get the added pleasure of building more personal relationships with students because my office oversees the SHC Peer Education program and employs ten student workers. I get the opportunity to hear about how their classes are going, to listen to their complaints or concerns about the University, to commiserate with them over the high cost of their tuition, and to be a smiling, proud face when they achieve something special. I’ve worked with so many students that it’s hard to say how many there have been, but it has always been enjoyable to see them grow and mature, knowing that I’ve played a small part in helping them do so.

Every UCATS member can be a positive influence in the students’ lives and not because the University’s customer service initiative tells us so. We can be, and are, an important presence in their lives because, while professors teach them subjects, we teach them about life. 💡

GSOC rising

■ Chris Crowe, Bobst Library

Members of GSOC, the Graduate Student Organizing Committee, held a loud and proud rally in front of Bobst Library on September 16th. Their demand: that the University recognize them as the Union for graduate teaching assistants and other graduate employees at NYU and bargain with them for a contract. UCATS was there, along with student and labor groups from all over the metropolitan area, to voice our full support.

Some history: NYU graduate employees began organizing in the late 1990s. The University refused to recognize them, claiming they were really students and not workers. They appealed to the NLRB, the National Labor Relations Board, and in 2000 won a landmark, unanimous, bipartisan decision: for the very first time in the United States graduate employees at a private University were allowed to form a union. NYU was forced to recognize GSOC and eventually the two sides agreed to a contract, a contract which increased the grads' wages by 40%, provided for healthcare coverage, and workplace protections. In other words, it was a contract that any working person who works for a decent employer should have a right to expect as a matter of course without, literally, having to make a Federal case out of it.

NYU's self-defeating strategy

But then came 2004. By then the majority of members on the NLRB were appointees of President George W. Bush and, in a case involving graduate employees at Brown University, they decided, by a narrow, party-line vote, to overturn their GSOC decision. They decided, in short, that graduate employees at private universities have no right to organize themselves into unions. This didn't bar NYU from continuing to recognize GSOC — it could easily have done that. But NYU chose not to. When the GSOC contract expired in 2005 the University refused to return to the bargaining table. GSOC went on strike for several months but the University was able to wait it out. Graduate employees have spent the last five years seeking renewed recognition and in May they again filed with the NLRB, which is now made up of a majority of members appointed by the much more labor friendly President Obama.



The GSOC story is emblematic of the current frustrations of working Americans: stagnant wages, declining standards of living, exorbitant healthcare costs, exploitative employers and no jobs. Chris Crowe joined over 100,000 labor and social activists in Washington D.C. on October 2nd for the One Nation Rally for jobs, education and social justice. At the rally he was interviewed for a video project.

The GSOC story is more proof, as if more were needed, of the power that individuals can wield when they band together to assert their rights. In the relatively short time its contract was in effect it made a real difference in the lives of GSOC members; better wages and benefits, better workplace protections. Unfortunately, NYU wasn't pleased to deal with its employees in a spirit of fairness and respect and the moment it could, under the color of law, it became the "University of NO!" Said Maida Rosenstein, President of UAW Local 2110, GSOC's national affiliate, "NYU is playing a game. They're trying to pretend they're not union busters." But that, of course, is exactly what

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EEOC News

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EEOC SUES NEW YORK UNIVERSITY FOR NATIONAL ORIGIN & RACIAL HARASSMENT, RETALIATION

*Supervisor Regularly Called African Employee “Monkey” and “Gorilla,”
Federal Agency Charges*

NEW YORK – New York University, the largest private university in the United States and one of New York City’s ten biggest employers, violated federal law by creating a hostile work environment for an African-born employee that included degrading verbal harassment based on national origin and race, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

According to the EEOC’s suit, the supervisor of the mailroom in NYU’s Elmer Holmes Bobst Library regularly subjected his assistant, who is a native of Ghana, to slurs such as “monkey” and “gorilla,” and made comments such as “go back to your cage,” “go back to the jungle,” and “do you want a banana?” The supervisor also frequently mocked the assistant’s accented English, deriding it as “gibberish,” and expressed hostility toward immigrants generally and Africans specifically.

Although the assistant complained repeatedly to NYU management and human resources personnel, NYU took months to investigate and then took virtually no action to curb the supervisor’s conduct. Even after the assistant alerted NYU that the supervisor had retaliated against him for complaining, such as by fabricating grounds for disciplining him, the university did not stop the harassment.

All of this alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment and pregnancy), or national origin, and protects employees who complain about such offenses from retaliation. The EEOC filed the lawsuit in the U.S. District Court for the Southern District of New York (10-CIV-7399) after first attempting to reach a voluntary settlement out of court.

-more-

“Forty-five years after national origin and race discrimination were outlawed by federal law, this case shows that too many employees still face ugly epithets and other hostile treatment because of who they are and where they are from,” said Gillian L. Thomas, a trial attorney in the EEOC’s New York District Office. “It is especially shocking that NYU, a prestigious university that touts its commitment to a diverse student body drawn from around the world, would tolerate such egregious conduct. With this suit, the EEOC is sending the message that no employer is above the law.”

Spencer H. Lewis, Jr., director of the EEOC New York District Office, said, “The EEOC is determined to stop harassment based on workers’ national origin and race. This lawsuit aims to fairly compensate the victim for the harassment he suffered and to implement policies that will effectively prevent such discrimination in the future.”

The EEOC is the federal government agency responsible for enforcing anti-discrimination laws in employment. Further information about the EEOC is available at www.eeoc.gov.

UCATS catalyst for lawsuit

On September 17, the Equal Employment Opportunity Commission issued the press release on the preceding page announcing that they were suing New York University. The lawsuit is the culmination of over 3 years of work on the part of UCATS organizer Greg Succop representing a very courageous Union member in Bobst Library. Our member not only endured years of abuse by his manager, but he also had the courage and fortitude to stand up to the supervisor, to seek Union help and to withstand retaliation for his actions. Succop brought the case to the EEOC because NYU refused to take appropriate steps to protect our member.

How could this happen at NYU in 2010? Succop said, “It’s the arrogance of power. NYU

consistently behaves as if the laws apply only to organizations and people other than themselves. We see this in the office settings where the rules are applied differently for supervisors and managers — many times they are not held accountable at all. This is a particularly glaring case, but one that plays out across the University on a daily basis. The trick here was that there was a violation of law. In particular, the HR structure protects and insulates managers.”

Bringing the case to the EEOC was a very long process. According to Succop “We never really knew what was going to happen as there were long stretches of time where nothing seemed to be happening. The most difficult part of all of this was keeping the focus on the

supervisor. If the employee gave them the least reason to discipline or discredit him they would have done so. It’s very, very difficult to maintain your composure and conduct yourself in a professional manner when the boss is, well, something else. Our member is an exceptional individual.”

What lesson does this tell other UCATS members about Union representation? Don’t go to Human Resources, go to your Union. That is fundamental — we don’t have a conflict of interest. People usually start in the wrong place. Human Resources is there to protect the interests of the employer. Unions are here to protect their members. It takes time and great resolve, but it can be done even though the laws are very few and the standards difficult to meet.

Exposing the lies

(Continued from page 2)

ate a new contract in October, 2011. Front-line managers and faculty received only 1.5% raises this year.

The UCATS leadership team was able to distribute over 1,500 leaflets. In addition to pointing out that an examination of NYU's financial documents revealed that the University's net worth has increased over 15% since 2005 when we signed the current contract, our leaflet also pointed out that the elimination of 300 positions means that there are that many fewer people in the dorms, offices and libraries providing services to students. Our leaflet asked parents and students to call Sexton and tell him to stop cutting student services.

Presuming too much

NYU's presumption is that everybody knows there is a global financial crisis that is affecting everyone so naturally, NYU is affected too, right? Wrong. NYU President John Sexton sent a memo to the community on September 17 stating that "...careful management of the University budget including the re-engineering efforts which produced continuing annual savings in the University's administrative budget of \$66 million a year was what permitted us to sustain this academic momentum in a period when other Universities were compelled to retrench."

This is just what our city and country need right now — wealthy employers slashing payrolls and suppressing wages. While what they have done may seem completely rational, it is also cynical and unpatriotic.

NYU needs to decide out of which side of their mouth they are talking. Throughout the fall 2009 semester we were in negotiations with NYU over the layoffs in Housing/Residential Life that were the first phase of re-engineering. Throughout the process their negotiators asserted emphatically that the layoffs had nothing to do with saving money (it was about efficiency, they said).

Another lie

So that's two lies. What is the truth? Last year NYU unveiled their 2031 expansion plan and they expect YOU to pay for it with suppressed wages, higher health care cost-sharing and increased workloads. It is as Dickensian as that. Their presumption is that there are no jobs, so every NYU employee is trapped and must endure whatever they dish out. While that may be sound

short-term planning, the long term effects will one day haunt NYU for years to come.

We have been down this road before. When NYU clerical workers first unionized in 1979 it was a reaction to years of abuse and poverty wages. The effect on NYU was a transient workforce and a dearth of experienced workers in offices and student service areas. Those conditions resulted in experiences that frustrated students immensely.

Over the course of 25 years, and the negotiation of 10 contracts with UCATS, NYU's management team slowly figured out that if they wanted NYU to be a top-tier University they were going to have to invest in their work force. They got what they paid for. Since 1979 NYU went from being a near bankrupt commuter school to being one of the top 10 Universities in the country. UCATS members have made a significant contribution to that success.

Unfortunately, those managers that we enlightened for a quarter of a century have all been pushed out of the University over the last five years, replaced by executive Neanderthals who clearly have lessons to learn. UCATS is here to teach them. 💰

NYSUT Ed Funding Ad

In response to a growing chorus of self-proclaimed education "experts" our state affiliate, New York State United Teachers (NYSUT), launched a statewide ad campaign the week of October 18. One of their ads is published on the opposite page. Why is this important to UCATS members? The vast majority of our students are graduates of public school systems. Defunding/underfunding public education means that student preparedness for college could decline and necessitate more remedial course work. Remedial course work drives up the cost of a college education, which means college graduation will be delayed or unattainable for many students. That can affect the finances of colleges and universities, and has long-term implications for our national economy.

Good schools *are the cornerstone of a* strong community

In times like these, we need to build up our communities by investing in public education, rejecting election-year gimmicks that hurt students and challenging naysayers who lack the facts.

A recent poll showed what we already knew: New Yorkers overwhelmingly support their schools. Working together, we can face the challenges ahead, give our kids a brighter future and build stronger communities.

Quality public education.
A great investment for our state.



Paid for by New York State United Teachers. 

Phil Ingram:

Birth of a union activist

■ *Chris Crowe, Bobst Library*

Phil Ingram didn't always believe in unions. He grew up in a time, the 1980s and 1990s, and a place, eastern Kentucky ("not quite coal, not horses") where organized labor, after decades of fighting for working people (his own grandfather had been active in the UAW), was in full retreat. "The labor movement equaled national socialism for a lot of us educated when labor was falling apart," he recalls. "That was the corporate climate we lived in."

His views began to change, slowly, when he came to NYU. As it happened, his first undergraduate semester coincided with the GSOC strike in 2005. (See the article in this issue about the recent GSOC rally for the background of that strike.) He wasn't for the strike at the time. "I believed the NYU media hype and propaganda," he says. But as he considered what it was that the graduate employees were demanding — the right to organize as a union and engage in collective bargaining, both of which have long been recognized as universal human rights — and as he began to apply the critical skills he was learning in the classroom (as an undergrad he studied politics in the College of Arts and Sciences, with minors in religious studies and French; he later went on to earn a master's degree studying global political economy in Gallatin) it, "became more and more apparent that NYU was super corporate," he says, "and that the strikers just might have a point."

The transformative experience

In 2008, Phil made the transition from student to employee, getting a job at the School of Social Work. And even though he was well liked and appreciated there, the job only lasted a little over eighteen months, thanks to budget cuts and a bout of "Re-engineering." He was lucky to not get laid off. Instead he was moved to CAS, where he became an administrative secretary in the Dean's office, dealing with the largest population of students at NYU.

It was not a happy move. "re-engineering" meant that he was replacing two former workers, one who had quit and the other who had been forced into retirement,



Phil Ingram speaks with UCATS organizer Linda Wambaugh about the responsibilities of being a shop steward and the important role they play in the success of our union.

and at a lower pay grade than both. "I was acting way, way over my pay grade," he says, "and working long, long hours," under working conditions that were becoming increasingly abusive. As his situation deteriorated he finally called on the Union for help.

He met several times with Linda Wambaugh, one of Local 3882's professional organizers, and together they went to HR to try to repair the situation. "I wasn't asking for a million dollar raise," he says, "just that they give me what's required by our contract. I just wanted my job to be doable." Eventually, a job opened up back in the School of Social Work which he applied for and was immediately accepted into. He is now a program administrator ("That's the title. I wouldn't be caught dead as an administrator without Union protection.") He has a supervisor now who, he says, "gets it," and his difficulties at CAS have not followed him.

Even though Phil's situation worked out as well as can be expected at NYU, it was still a terrible experience. "When you really see the fruition of the rightist ideology..." he says, "it scared me." But it also inspired him to commit fully to the Union, especially in this year leading up to contract negotiations. He started reading the current contract closely during his difficulties. "The only rea-

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YOU'RE INVITED!

UCATS 31st Annual Holiday Party

Tuesday, December 14, 5-9 p.m.

Rosenthal Pavilion, Kimmel Student Center 10th Floor

(we book the room a year in advance and this is the only day in December that we could get Rosenthal Pavilion)

Family, friends, partners and agency fee payers all welcome.



Phil Ingram

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son I had a leg to stand on was because of what's in the contract." Since then he's become a frequent visitor at the Union office. "What do you need me to do?" is his constant refrain. He is also seriously considering running for shop steward when we have elections in spring 2011.

No matter what, Phil says he plans to do all he can to organize and fight for a better contract next year. "The way our economy is set up it pits every single person against every single person for jobs...at organizations that are basically indifferent to how you're going to live."

Look at NYU. It wouldn't care if I got kicked out on the street tomorrow. What it cares about is that students get loans from CitiBank to pay part of the salary of someone who will sign them up for access to the pool at Palladium. They want functionaries... But I'm not *just* that person. I have a life and goals and I want to have an apartment and food and I also have to pay back my own massive loans to CitiBank."

"To do that I need to protect my interests against a University that's disinterested in me by working with my colleagues collectively to have some balance of power between myself as an individual and an increasingly corporatized NYU. If we're going to fight we need numbers.... So let's do this!" ☞

GSOC rising

(Continued from page 5)

they are. Which might seem to make some kind of cold-blooded and hard-hearted sense, at least today or tomorrow, but in the long run it's a disgraceful and self-defeating strategy.

As Elric Kline, a graduate organizer from Rutgers University put it, "The University fails when it fails to live up to the best ideals of society." Or, to quote one of President Obama's favorite sayings, which he got from Martin Luther King, Jr., who got it in turn from the great 19th Century Abolitionist Theodore Parker, "the arc of the moral universe is long, but it bends towards justice."

GSOC's struggle is UCATS's struggle and it's the struggle of every other working person at NYU. When it's successful every other union at the University is strengthened. That's why UCATS has always been proud to stand in solidarity with GSOC. "We were with GSOC in 2000 and 2005," said UCATS President Stephen Rechner to the cheering crowd on the 16th, "We're here until you get a union and you get a contract!" ☞

Out and About



SUNDAY, AUGUST 29– members of the UCATS leadership team distributed leaflets to parents at NYU's Move-in day fair. Thanks to stewards Barbara Bova, Chris Crowe, David Langkamp, Treasurer Rob Lesko and VP Kerissa Ward for donating their time on a lovely Sunday afternoon.

WEDNESDAY, SEPTEMBER 1– Steve Rechner met with Joel Schlemowitz, President of ACT-UAW 7902, the Union representing adjunct faculty at NYU. Local 7902 has been in contract negotiations with NYU since the spring. NYU is offering paltry wage increases (2% or less) in each year of a 6 year contract, again citing the (bogus) budget crisis.



THURSDAY, SEPTEMBER 16– dozens of UCATS members, with as many members from the reconstituted Graduate Student Organizing Committee (GSOA), rallied to announce the filing of their recognition petition with the NLRB. GSOA seeks to represent NYU's graduate teaching assistants (GTAs). GSOA was the recognized union for GTAs from 2000-2005 until the NLRB, by then packed with Bush appointees, decided that GTAs were students not workers and therefore not entitled to union representation. This reversed a 1999 NLRB decision that allowed the GTAs to elect GSOA as their union and gave NYU the green light to bust the union. Stephen Rechner was among the speakers at the rally.

MONDAY, SEPTEMBER 27– the Equal Employment Opportunity Commission (EEOC) issued a press release announcing that they are suing NYU on behalf of a UCATS member who endured over 3 years of racial abuse by a manager in Bobst Library. UCATS organizer Greg Succop represented our member throughout a series of grievances that led to the lawsuit. After taking our case the EEOC ruled in our favor and issued a judgment against NYU which included the steps NYU must take to resolve the matter. NYU chose to be sued instead.



SATURDAY, OCTOBER 2– steward Chris Crowe and Steve Rechner travelled to Washington D.C. to attend the One Nation march for jobs, education and peace, organized by the national labor movement.



WEDNESDAY, OCTOBER 13– we had our fall membership meeting to discuss Contract 2011 and elect our delegates to the NYSUT convention next spring.

WEDNESDAY, OCTOBER 27– leaders from NYSUT's four private sector higher ed. clerical locals located in Manhattan met at Cooper Union. The four locals are UCATS, the Union at Cooper, Marymount Union of Staff Employees and United College Employees at FIT. The group first met in the fall of 2009 and have met each semester since then. Betsy Alwin, president of the Union at Cooper, hosted the event.