N.J. Public Employment Relations Commission (PERC) rules on lecturers

By Ron Topham, NJEA UniServ Field Rep. for Higher Education

The number of tenure track faculty continues to decline. Community colleges are hiring either lecturers or similarly-titled positions. These positions are usually 12 months and 35 hours per week. They combine faculty duties with some administrative responsibilities. The hiring of lecturers negatively impacts the hiring of faculty. At Ocean County College during the last ten years, only three faculty positions were filled. During the same time approximately 50 lecturers were hired. There has not been a faculty position filled at Warren County Community College since 2013, but numerous lecturers have been hired. All the health-related programs at Hudson County Community College are taught by lecturers. In each of these cases NJEA has filed a Clarification of Unit Petition (CU) with PERC. It is hoped that PERC will rule in favor of these petitions and allow NJEA locals to bargain the terms and conditions of employment for lecturers. Recently this hope has brightened. There have not yet been any findings declared for these petitions. However, PERC has ruled on another CU brought by the Union County College Chapter of the American Association of University Professors concerning the same lecturer issue.

In the Union County College petition the association claims that the Academic Specialist fell within the recognition clause of the most recent contract because they are full-time members of the college’s instructional staff and are not among any of the provision’s “excluded” employees.

The college opposed the petition. The college argued that the recognition clause excluded the Academic Specialist. They argued that the Academic Specialists were supervisors and if placed in the faculty association unit would create a conflict of interest. There cannot be supervisors and the people being supervised in the same unit. The college also claimed the position should not be in the unit because it is managerial and confidential. They play a role in policy formulation, policy implementation, and budgetary needs. The college stated that the Academic Specialists were teaching only nine academic credits per semester, rather than 15. Therefore, their function was not totally instructional. Finally the college contended that there was no “community of interest.”

After an investigatory conference, PERC asked both sides for response to specific questions and to provide supporting documentation. Both sides provided the requested information.

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On July 1, 2019, at the initial meeting of the Rowan College of South Jersey Board of Trustees, the merger of Rowan College at Gloucester County and Cumberland County College was finalized. The merger, the first of its kind in New Jersey, is the product of intensive cooperation and long-term planning amongst a variety of governmental entities and college administrators including the Middle States Commission on Higher Education, the New Jersey Legislature, the Gloucester County and Cumberland County Freeholder Boards, the respective colleges’ Boards of Trustees, college presidents and administrative bodies. The new Board of Trustees will consist of the eight current members from Gloucester County as well as five members representing Cumberland County. Dr. Frederick Keating will retain his position as college president with jurisdiction over both branch campuses.

The merger was motivated by the following reasons and benefits:

- Cumberland County College’s five-year decline in enrollment which resulted in a 26 percent overall reduction in its student body as well as a $2 million budget deficit during the last fiscal year.
- The anticipated cost savings resulting from a centralized governance model consisting of a single Board of Trustees and college president, as well as the consolidation of various internal divisions including purchasing, information technology, student services, etc.
- The improved opportunities to the students through a seamless path toward transfer to Rowan University.
- The improved cost savings via a “3+1” partnership program with Rowan University. This partnership affords students the opportunity to complete their third-year Baccalaureate requirements for several academic programs at either the Cumberland County or Gloucester County branch campuses. These students can then transfer to Rowan University for completion of their fourth year while earning a degree. This saves the students thousands of dollars, thus making college more affordable while breaking down financial barriers related to the acquisition of a degree.

Given the magnitude of this seismic shift, the merger raises many questions regarding work-related consequences for our members. NJEA has been at hard work ensuring that our members’ rights are protected during this unique and unprecedented collaboration. NJEA Region 29 field reps and consultants have been present at County Board of Chosen Freeholder and college Board of Trustee meetings to receive up-to-date knowledge regarding the latest developments and to ensure that our voices are heard with respect to the protection of our members’ interests. As a result of our efforts and mutual cooperation with the above-noted entities, the parties have reached an agreement to extend the current collective bargaining agreements for an additional one year period, extend annual employment contracts for a period of two years, provide for average market-rate salary increases, and maintain our members’ current health insurance benefits. Going forward, NJEA will continue to advocate on behalf of our members while ensuring quality of service and future opportunities for our students.

### NJEA Higher Education Member of the Year Awards nominations due Nov. 8

NJEA has established an annual award that recognizes the accomplishments of higher education members in the employment categories of faculty, support (ESP), and administrative. The criteria and process for nomination or self-nomination for the award are detailed at njea.org/membership/higher-education/

The deadline to send nominations to the Reg. 29 office is Nov. 8, 2019. They can be emailed to kperry@njea.org or mailed to the office. The awards will be presented at the NJEA Higher Education Conference scheduled for April 17-18, 2020.

Please go to https://www.njea.org/membership/higher-education/ to read the criteria and decide whom you want to nominate for this important recognition of service to the higher education community.

### NJEA PAC endorses 59 candidates for Assembly

NJEA’s 125-member political action committee (NJEA PAC) has voted to endorse 59 candidates for election to the N.J. General Assembly in the Nov. 5 election. For the Nov. 2019 general election, the NJEA PAC Operating Committee has endorsed:

- LD 8  Ryan Peters (R) & Jean Stanfield (R)
- LD 9  Sara (Sally) J. Collins (D)
- LD 10 Erin Wheeler (D) & Eileen Della Volle (D)
- LD 11 Eric Houghtaling (D) & Joann Downey (D)
- LD 12 Ronald Dancer (R) & Robert Clifton (R)
- LD 13 Serena DiMaso (R) & Barbara Singer (D)* & Gerard Scharfenberger (R)*
- LD 14 Wayne DeAngelo (D) & Daniel Benson (D)
- LD 15 Verlina Reynolds-Jackson (D) & Anthony Verrelli (D)
- LD 16 Andrew Zwicker (D) & Roy Freiman (D)
- LD 17 Joseph Danielsen (D)
- LD 18 Robert Karabinchak (D) & Nancy Pinkin (D)
- LD 19 Craig Coughlin (D) & Yvonne Lopez (D)
- LD 20 Jamel C. Holley (D) & Annette Quijano (D)
- LD 21 Jon Bramnick (R) & Nancy Munoz (R)
- LD 22 James Kennedy (D) & Linda Carter (D)
- LD 24 Deana Lykins (D)
- LD 25 Anthony M. Bucco (R) & Lisa Bhimani (D)
- LD 26 BettyLou DeCroce (R) & Christine Clark (D)
- LD 27 John F. McKeon (D) & Mila M. Jasey (D)
- LD 28 Cleopatra Tucker (D) & Ralph Caputo (D)
- LD 30 Sean T. Kean (R) & Edward H. Thomson (R)
- LD 31 Nicholas Chiavarilli (D)
- LD 32 Angelica M. Jimenez (D) & Pedro Mejia (D)
- LD 33 Raj Mukherji (D) & Annette Chaparro (D)
- LD 34 Thomas Giblin (D) & Britnee N. Timberlake (D)
- LD 35 Shavonda Sumter (D) & Benjie Wimerby (D)
- LD 36 Gary Schaefer (D) & Clinton Calabrese (D)
- LD 37 Gordon Johnson (D) & Valerie Vainieri Huttle (D)
- LD 38 Lisa Swain (D) & Christopher Tully (D)
- LD 39 Gerald Falotico (D) & John Birkner Jr. (D)
- LD 40 Kevin Rooney (R) & Christopher P. DePhillips (R)

* Indicates that two or more screened candidates were deemed to be qualified for endorsement for one seat.
A long, long trip it’s been
By Ron Topham, NJEA UniServ Field Rep. for Higher Education

Q – What do you mean I’m not getting a raise? It says here that I get a five percent raise come July 1!
A – Yes, it does say that. But you got a raise in May for completing your probationary period. We don’t think it’s fair to give you two raises so close together.
Q – Can I see where it’s written?
A – Well, no. We just decided. You know...
Q – Can I appeal to someone?
A – No.

This event in June of 1972 started me on the road to union advocacy. I went looking for the staff union at Brookdale Community College. I joined it and became an active member. Slowly I worked my way up from an area rep to a member of the negotiations team.

My first round of negotiations was more than I ever expected. In September of 1978 the staff association at Brookdale Community College declared a strike.

The college decided the best way to end the strike was to jail the negotiations team. On a Wednesday morning I stood before a judge and he asked me one simple question: Will you return to work tomorrow, or will you go to jail today?

I looked directly at him and said I’d rather go to jail. This process repeated for each of the team members. The strike lasted eight days and five of those days – with the rest of the negotiations team – I was in the Monmouth County jail. We became known as the Brookdale Six. They thought this would scare the members and the strike would end. It did not. It did not break the association but made it stronger.

By the following Monday a negotiated agreement was reached.

As the years went by, I left the staff as a learning assistant and became a faculty member. I followed the same course. I moved from an active member of the staff to an active member of the faculty, from an area rep to a member of the negotiations team to the president of the association to the chief negotiator.

During this journey, I met NJEA UniServ Field Rep. Chris Berzinski. He began telling me how I would be great as an NJEA consultant. I was too busy to apply but he was persistent. To stop him from badgering me I applied for the position. During my interview I said to the interviewer, “Can we speed this up? I have to be somewhere else.” He leaned across the table toward me and slowly repeated what I’d just said. I thought: Gee, I’ve just blown this opportunity.

I heard nothing for months. One day Chris called me and said he had an assignment for me. There was dead air on the phone. I finally blurted, “Do you mean I got the job?” He replied, “He didn’t tell you?” and I said, “No.”

In July of 2012, I retired from Brookdale. I planned to be a consultant for another five years. Little did I know that within weeks I would be starting a second career: NJEA UniServ Field Rep. for Higher Education.

Now it’s time to find a new road to explore. As of January 1, 2020, I retire from NJEA. I wish to thank all the people I have worked with and learned from throughout the years. My motto has always been “It’s all about the members.” I have tried my best to live up to this ideal. My union advocacy has been one helluva ride!
As another school year begins, it’s the right time to provide an update on the status of NJEA’s major campaigns to provide Ch. 78 relief for school employees and job justice for educational support professionals across the state.

Because of the tireless efforts of thousands of NJEA members, in late August, Assembly Speaker Craig Coughlin introduced A-5814, a bill that would provide much-needed relief for public school employees while saving school districts and the State of New Jersey an estimated $300 million.

The companion Senate bill, S-4114, has been introduced in the Senate by Sens. Cryan and Vitale.

We urge members to call on legislators to pass these bills. And, at the same time, to advocate for our two ESP bills.

On May 23, the Assembly passed A-3395, which prevents privatization during an active bargaining agreement and A-3664, which provides just cause arbitration rights to ESP members.

Now, it is the Senate’s turn. In 2013, both of these bills passed the NJ Assembly and Senate in a bipartisan effort but they died without the then-governor’s support.

There is no reason why these bills should not once again pass the Senate. Contact your Senators and urge them to vote yes on the Senate companion bills, S-296 and S-3089. Find their information at actioncenter.njea.org and make sure you are registered to vote and that you support pro-public education candidates on Tuesday, Nov. 5.

NJEA members have seen the profound impact that political decisions have on their lives and on the lives of their students. NJEA members have always been active participants in the political process, because we care about our profession and our students. As the burden of Ch. 78 and the lack of job justice for educational support professionals (ESP) make clear, it is more important than ever that we elect candidates who share our priorities and values.

The legislative process can be long and frustrating, but we are closer than ever to our goals. Our members deserve job justice and Ch. 78 relief and now is the time for our elected officials to act.