

The John Jay PSC Advocate

Newsletter of the John Jay College PSC Chapter

September/October 2017

Meet Our Grievance Counselor!

Robert De Lucia has been on the Counseling Department faculty for 33 years and served nearly two decades as John Jay's Director of Counseling Services. Bob became the PSC's Grievance Counselor ("GC") at the College two years ago, and his extensive background as a counselor and family therapist naturally suited him to advocate for union members and to seek resolutions of their conflicts. "For over three decades," Bob explained, "I've been blessed by gracious support from many colleagues, past and present, and desire to give something back at this point in my career. I am trying to fill the big shoes left by my two predecessors, Avi Bornstein and Peter Mameli, who were remarkable grievance counselors."

Describing his role, Bob noted that, "A competent GC has to know how to enforce the PSC-CUNY contract, preserve favorable working conditions on campus, and identify legitimate grievances when they exist, as well as screen out those that are not meritorious. My primary objective is to ensure that management abides by the collective bargaining agreement as it pertains to full-time faculty. Adjunct faculty members and HEO and CLT staff have their grievance representatives at the central union headquarters.

"My GC tasks involve helping faculty grieve decisions concerning denials of reappointment, tenure, or promotion for those breaches of contract that are documented and verifiable. Personnel actions based primarily on matters of academic judgment are especially daunting, because complainants must prove that the academic assessment was unfair, arbitrary, and capricious, or that mandated procedures were not properly followed.

"Furthermore, while monitoring personnel de-



isions is among the most important tasks the GC has, the actual breadth of topics that faculty present is far more complex and multifaceted. My naive initial vision of the job was primarily about dealing with tenure and promotion. But there is an array of matters brought to my attention regularly. Sometimes disagreements or misunderstandings emerge, for example, that aren't infractions of contractual guidelines, but rather are more accurately categorized as faculty complaints about the perceived unfairness of college policies or problems arising from disturbing interactions with administration officials, department chairs, or even colleagues.

"The most challenging aspect of the position is when I am unable to resolve a dispute informally and feel uncertain that filing a grievance is warranted or feasible. All complaints of unfair treatment do not necessarily constitute grievable events. Unless alleged behavior comports with the specific definitions of grievance in Article 20 of the contract, we cannot pursue a case.

"Of course, it's always my hope that issues can be resolved to complainants' satisfaction by means of informal negotiation with relevant administrative actors.

Indeed, my experience clearly demonstrates that most favorably-resolved disputes are reached in that way at John Jay. But the recognition that the GC may not be able to help every member find relief is sometimes disappointing.

“In reality, though, many complaints coming to my attention are able to be settled agreeably without having to go through formal grievances. John Jay is a place where I have encountered fair-minded individuals in leadership roles. This is not the case at many of the other CUNY campuses. Having good working relationships with the various administrative offices is key to successful conflict resolution. The staff in the Provost’s Office, Human Resources, and Office of Legal Counsel have been respectful and responsive, even when tension and disagreement are present. Often times, mutually acceptable resolutions can be discovered without filing grievances when a willingness to compromise exists.

“At John Jay, the administration under former President Jeremy Travis and Provost Jane Bowers was willing to listen to and consider issues. In particular, working with Don Gray in Legal, I have always felt we had the opportunity to seek equitable solutions to many of the matters faculty and staff raised. The philosophy was to collaborate for the overall health of the College. We did not always find consensus, but were able to discuss dissension civilly and openly.

“I am also fortunate to be supervised by the expertise of Debra Bergen and Renee Lasher in the PSC’s Contract Enforcement Office.

“Many disputes must be settled informally, because the issues do not rise to a clear violation or misinterpretation of the contract. Denials of tenure or promotion are somewhat different. Yet from my observation, the internal appeals process within the College itself has been helpful to many faculty, with some people finding relief there and thus avoiding the grievance procedure.”

The statistic most revealing of how often negotiated resolutions of disputes involving full-time faculty have been reached is that just three formal grievances were filed at John Jay in the two years Bob has been the GC.

When asked what the most rewarding aspects of the position are, Bob responded, “I am gratified to be able to offer emotional support and guidance to individuals experiencing painful traumas in their work lives. A caring nature and strong willingness to advocate on behalf of others is vital to this role. The optimal joy occurs when I can resolve conflicts to the satisfaction of both the employee and the institution. In such circumstances, I feel I am contributing to the overall psychological health and well being of the John Jay community.”

Pressed to provide concrete examples of cases he’s handled, Bob pointed out that, “Absolute confidentiality for

the narratives of the individuals I help is paramount. So I cannot share the particulars of the complaints I handle. In general terms, however, issues can range from interpersonal conflicts between colleagues to more serious charges of research misconduct or invidious discrimination. Further, faculty work lives can be compromised when, say, serious illness occurs. The death of a child or other close family member can impact academic productivity as well, often resulting in the need for situational and special considerations. The support of the GC is critical during these exceptional life crises.

“Additional recurring themes involve the anxiety and stress faculty experience when attempting to secure information regarding payroll, retirement, health insurance, and other personnel matters. Complaints about the lack of timely responses to inquiries were fairly common at the beginning of my GC term. Conversely, some administrative staff described feeling overwhelmed by their responsibilities and often were unable to reply to faculty promptly. I believe these communications challenges have been improved significantly in the past year under Raj Singh’s leadership at HR.

“One recent case that involves faculty at large pertains to jumbo class size. We’re currently assisting a professor who teaches a large lecture class with close to 70 students, but who receives only three credits toward their teaching load. Although we believe this situation is pedagogically unsound and unfair, there’s nothing in our contract that speaks to the matter. Rather, CUNY colleges apparently reserve the right to determine on their own what workload-credit allocations occur for class size. Nonetheless, the concerns shared by the professor, his department, and the PSC chapter have been instrumental in prompting the John Jay Office of Academic Affairs to agree to reconsider its workload-allocation formula in the near future.”

Asked, “Are there ways in which President Karol Mason might improve the relationship between the College and the PSC from your perspective as Grievance Counselor?” Bob answered, “President Mason’s strong endorsement of John Jay’s continuing commitment to open dialogue around issues impacting the well being of our community is vital to the College’s health and productivity. I hope the new president and Interim Provost Anne Lopes will meet with the PSC Executive Committee to begin an informal dialogue about our common aspirations for the College. I believe such a meeting will engender mutual respect and serve to develop a collaborative Labor-Management relationship. I remain confident in our shared ability to seek fair and just outcomes at John Jay.”

– Dan Pinello

From the Chapter Chair



Welcome to the premier issue of the *Advocate*! We want this newsletter to provide useful information and perspective for union members regarding their Chapter, its leadership, and our activities at John Jay.

The *Advocate*'s first feature article profiles the most important PSC official for members to be familiar with at the College. Grievance Counselor Bob De Lucia handles full-time-faculty complaints to ensure the daily enforcement of rights and responsibilities of the PSC-CUNY collective-bargaining agreement. As you'll see in his interview, full-time faculty at John Jay have in Bob a built-in contract-enforcement mechanism. He advocates on their behalf and frequently discovers favorable outcomes far more promptly than would be the circumstance in formal proceedings.

My term as John Jay Chapter Chair began May 22nd, and since then, I've seen Bob in action dealing with the wide variety of issues members bring to his attention. I've been favorably impressed with the speed, creativity, and dignity with which he handles these matters. Unfortunately, the significant achievements of John Jay grievance counselors (including Bob's immediate predecessors, Avi Bornstein and Peter Mameli) defending and enforcing faculty rights go largely unseen because of rigorous case confidentiality. As a result, Avi, Bob, and Peter are among the most unsung of Chapter heroes. So we hope Bob's profile will give you a better understanding of what grievance counselors do at John Jay and of how important their job is to members in times of stress and crisis in their careers.

The John Jay PSC Chapter will sponsor activities on campus to engage members in two foundational undertakings of the union's agenda this year. First, our current contract with CUNY expires at the end of November, prompting the PSC to plan for upcoming bargaining to negotiate a new agreement. Accordingly, please be sure to attend the Chapter Meeting on Thursday, September 28, during the Community Hour in Conference Room 9.64 NB. PSC President Barbara Bowen will be our guest to speak about the contract talks, hear your concerns, and answer questions about the bargaining process. Mark the date in your calendar.

The second major pursuit on the Chapter's agenda

is our continuing effort to promote the PSC's recommitment campaign. Our union currently faces an existential threat from *Janus v. AMSCME*, a case designed to defund public-sector unions. *Janus* will likely go before the stacked conservative Supreme Court majority this term. We have no option but to resist this attack on public-sector unions by forcefully binding our members together in solidarity.

Indeed, the Chapter's adhesion work has already been substantial. As of mid-summer, 268 John Jay members had publicly adhered to the PSC by signing recommitment cards in hard copy or online. Now the PSC has a new member card written for the post-*Janus* world. Consequently, the Executive Committee has resolved to redouble our efforts to secure far more member commitments. All John Jay employees represented by the PSC should reaffirm their union membership or join the union by signing the new card. You may do so at www.psc-cuny.org/UnionYes

Given the goals of the Trump Administration, we can no longer be silent members of the union. We need to have innumerable one-on-one conversations across the campus on the generalized attack on workers' rights, the need for due process for workers, and formal mechanisms like the grievance procedure to ensure that due process. *The thirteen dedicated individuals on the PSC Executive Committee need your help.* We forget, sometimes, that we are all the union. So we're seeking other John Jay PSC members to take conveniently scheduled one-hour trainings on what the union does to protect the due process rights our contract affords to all CUNY workers. Please contact me at dpinello@jjay.cuny.edu or 212-237-8762 to volunteer.

In addition, the Executive Committee invites members generally to become more active in their Chapter. There are modest ways that individuals could assist meaningfully without having to devote substantial time or energy. For example, an essential service would be for at least one person in each academic department to distribute the chapter newsletter in faculty and staff mailboxes. Again, contact me at dpinello@jjay.cuny.edu or 212-237-8762 to volunteer for the role or discuss it.

– Dan Pinello

SAVE THE DATE!

John Jay PSC Chapter Meeting
Thursday, September 28, Community Hour
Conference Room 9.64 NB

PSC President Barbara Bowen will be our guest to speak about the upcoming contract talks, to hear your concerns regarding the union's demands, and to answer questions about the bargaining process.

Refreshments will be served!

All PSC members are welcome and encouraged to attend.

John Jay College PSC Officers and Executive Committee

Chapter Chair: Dan Pinello, Political Science

Vice Chair: Paul Narkunas, English

Secretary: Elizabeth ("Zabby") Hovey, History

Officer at Large: Jonathan Epstein, History

Delegates to the Delegate Assembly:

Ellen Belcher, Library

Holly Clarke, Economics and Public Management

Elizabeth ("Zabby") Hovey, History

Susan Kang, Political Science

Peter Mameli, Public Management

Paul Narkunas, English

John Pittman, Philosophy

Ellen Sexton, Library

Alternate Delegates:

Bob De Lucia, Counseling

Jerry Markowitz, Interdisciplinary Studies

Representatives to the Welfare Fund Advisory Council:

Dan Pinello, Political Science

Barbara Young, Career & Professional Development Center

Grievance Counselor: Bob De Lucia, Counseling

Newsletter Editor: Dan Pinello, Political Science