



# Trenton Report

Advocating for better schools; higher education and workers rights

Spring 2013

## Health Insurance and Adjunct Faculty



Tom Peretti,  
Research Analyst

Adjunct faculty could benefit from the passage of the Affordable Care Act (ACA), but presumably only those in cases where the employer defines their status as “full-time” workers who put in 30 hours or more per week.

In some cases, adjuncts are already seeing their semester course loads reduced by schools wary of incurring insurance obligations under the new law.

The regulations governing the definition of full-time status are being developed and have not explicitly dealt with how adjunct faculty’s full-time status will be determined, according to AFT researcher Amy Clary. U.S. Department of Treasury regulations require that employers look back at the previous 3 to 12 months and use a “reasonable method” for determining which employees work 30 or more hours per week, thus attaining full-time status. The regulations stipulate that employers cannot re-characterize an employee’s workload to fall below the full-time threshold or fail to account for aspects of their employment. For instance, the regulations specify an employer cannot “take into account only classroom or other instruction time and not other hours that are necessary to perform the employee’s duties, such as class preparation time.”

The ACA (President Obama’s signature health insurance law) was passed to extend health insurance to more Americans through subsidies for the uninsured and new regulations on employers. The Act will require employers with more than 50 full-time employees (defined as those who work more than 30 or more hours per week) to offer health insurance plans to their employees or pay a penalty. Because of the vagaries currently associated with determining full-time status, AFTNJ is closely monitoring how the law will impact our many members who are adjunct faculty at colleges and universities across the state. ♦

## We are Watching

Legislation can move quickly in Trenton or take eons to be considered. AFTNJ leaders and staff attend Senate and Assembly Education and Higher Education committee meetings to track bills and meet with legislators to advocate for sound policy. The state federation leverages the strength of NJ AFL-CIO and our union allies on labor issues and public policy groups on the economic and social justice front.

Here are a few of the bills (with both positive and negative outcomes) we are currently tracking:

**Transition to Retirement.** (*A-3024, Giblin & Riley/S-1819, Thompson & Cunningham*) Provides for distributions from Alternate Benefit Program to faculty at institutions of higher education during their transition to retirement. This legislation would allow experienced senior faculty members to work on a limited basis and receive a distribution from a retirement account in the ABP while continuing to work at a reduced level of assignment for a period of time.

**Unemployment Insurance for Adjuncts.** (*S-2495, Sweeney/Greenstein*) This bill amends the unemployment insurance law to allow a part-time or adjunct faculty member working in an instructional, research or administrative capacity for an institution of higher education to receive unemployment benefits between successive semesters, unless there is a contract for the worker in place for the next academic year.

**Changes to Higher Education Tenure.** (*S-1160, Weinberg/A-1165, Lampitt*) Increases the length of time before a faculty member will qualify for tenure to six years, up from five. The bill also allows a college to grant tenure to a new faculty member if he was previously under tenure at an accredited institution of higher education.

**Ends Sick Time Payout at Retirement.** (*A-1179, Lampitt*) Allows for the value of up to \$7,500 in unused sick time to be used to pay a retiree’s costs of contributing to health insurance. This bill would otherwise eliminate future cash payouts for unused sick time and is only advantageous when compared to proposed legislation that would end cash payouts without allowing any form of compensation. ♦

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## AFTNJ Support for Tuition Equity



Find videos and a longer article at [www.aftnj.org/report](http://www.aftnj.org/report)

AFTNJ leaders and locals are speaking out in support of state legislation to allow in-state tuition at state colleges and universities for undocumented foreign-born youth who graduate from New Jersey high schools.

The proposals introduced in Trenton mirror some elements of the DREAM (Development, Relief, and Education for Alien Minors) Act proposed at the Federal level.

AFTNJ Secretary and URA-AFT President Lucye Millerand spoke at the kickoff rally for the coalition advocating for Tuition Equity. The January rally in front of the Statehouse in Trenton featured high school and college students from Venezuela, Korea, Ecuador, Mexico, the Philippines, Guatemala and Colombia who “came out” as undocumented.

Andrea R.’s mom brought her to Perth Amboy from Venezuela when she was eight. She pays out-of-state rates at a community college and is uncertain whether she will be able to afford to go to on to study at a university. She said she wants to make her mom proud and continue her studies, but “opportunities are really limited when you cannot afford education.”



The students impacted by this legislation all came to New Jersey with their families as children and graduated from high schools throughout the state. They are treated as out-of-state residents, thus doubling their tuition costs. The bill (A-1659/S-2355) would give in-state tuition to any New Jersey student who attended high school in the state for at least three years and who promises to seek appropriate immigration status as soon as possible

“We, as a union have always stood for access to education,” said Millerand. “Public education in this nation is one of the ways that immigrants have risen up from humble beginnings to take leadership in our society.”

Cynthia reported that she came to New Brunswick as a baby. She never knew her immigration status until she found out she did not qualify for a scholarship to a private high school because she lacked documentation.

Andrea L. came with her family from Ecuador, but was refused in-state tuition at The College of New Jersey, despite documentation confirming that she attended 12 years of public school in New Jersey and her family paid taxes. “No GPA, no class ranking took away the fact that I didn’t have a social security number, said Andrea L. “We have to change this.”



Currently, each college or university has its own policy guiding payment of in-state tuition.

“The statue of liberty stands closer to New Jersey than New York,” said Tony, who immigrated to New Jersey from Korea. “She beckons immigrants as a beacon of hope to its harbor.” He pointed out that many other states including New York, California and Texas have tuition equity, but New Jersey has lagged behind.



Carlos made it through Kean University by taking positions in student government and working on campus, but wants to see future generations of New Jersey high school graduates without the additional burden and extra expense. “We are not asking for any special preferences and privileges—just to be treated equally and have a fair shot at the American dream,” he said.

AFT’s College Council endorsed the legislation, as did The College of New Jersey Federation, Montclair State University Adjuncts, the Perth Amboy Federation and Rutgers AAUP-AFT. Allies from labor in New Jersey AFL-CIO, Communications Workers of America-New Jersey, New Jersey Firefighters’ Mutual Benevolent Association and SEIU have also endorsed.

For more on the Tuition Equity campaign, see <http://njtuitionequity.wordpress.com/>. ♦

## Protection from Subcontracting

A bill that would prohibit subcontracting of public education workers while they have current collective bargaining agreements and grants unions the right to negotiate the impact of subcontracting on workers is being heard in Trenton. The bill still has far to go to become law, as both the State Assembly and Senate would have to pass the proposed legislation and the Governor would have to sign it.

Council of NJ State College Locals President Tim Haresign (a Stockton College Biology Professor) and AFTNJ Secretary Lucye Millerand testified in favor of the bill on behalf of AFTNJ's 30,000 members.



**Tim Haresign**  
AFTNJ Higher Ed VP

Haresign testified to the Assembly Education Committee on Feb. 11. "Stable, middle class jobs are essential to strong and steady economic growth" he said.

"Too many employers sub-contract, outsource and downsize without regard to the impact on their employees, the services they perform, and the communities in which they live. Often subcontracting turns out to be 'penny wise and pound-foolish.' This bill provides a measure of security and a process by which proposals to subcontract can be duly considered."



**Lucye Millerand**  
AFTNJ Secretary

Millerand testified for the Senate Education Committee on Feb. 21. "Subcontracting that results in layoffs creates massive disruption to the lives of affected workers," she said.

"Employees should have every reason to expect that the work they are performing under terms of a contract fairly negotiated with an employer will be there for them during the life of the contract. It is fundamentally unfair to subcontract out such work."

In addition to supporting the legislation, AFTNJ leaders called for similar measures to cover all public workers in New Jersey. ♦

## Teacher Evaluation Regs Coming

Education Commissioner Chris Cerf said his department will begin to issue regulations on the implementation of the new TEACH NJ law in March, including the eagerly-awaited criteria for evaluating teachers. Under the new law a teacher who receives an ineffective rating will receive a corrective action plan and intensive peer support to remedy any weaknesses. A teacher who fails to improve to an effective rating in the next year will lose tenure.

TEACH NJ extends the process of earning tenure by requiring that new teachers complete a one-year mentorship program and earn an effective rating in three of the first four years in the classroom. Districts are currently in the process of selecting evaluation models, but the state regulations will influence including how student performance is to be used in the evaluations, the most controversial aspect, according to NJSpotlight.com.

The law includes a peer review component and a system of due process to ensure that no teacher loses tenure or is terminated unjustly and preserves seniority rights for workers in the event of layoff. ♦

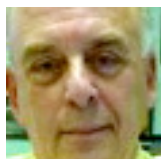
## School Funding Formula Dispute May End In Budget Battle

The Christie administration has proposed changes to the School Funding Reform Act of 2008 that would adjust the state aid formulas and could reduce funding for low-income students, children learning English and those with special needs, according to advocacy group Save Our Schools New Jersey.

The New Jersey Legislature would have to approve the changes for the new funding formulas to become law, but both Democratic-controlled chambers passed resolutions rejecting the Christie administration's proposal. Governor Christie made similar proposals in last year's budget, but these changes were eliminated in the final agreement as Democrats charged Governor Christie with trying to circumvent the ruling of the state Supreme Court.

Revising the current formulas for funding schools is likely to again be a contentious topic during the budget process. Governor Christie unveils his budget February 26 and the Legislature must act to pass the budget before the end of June. ♦

## Elections Matter 2013 Outlook



**Pete Guzzo,**  
Government  
Affairs  
Specialist

Governor Chris Christie and all 120 State Legislators (40 Senators and 80 Assemblypersons) are up for election on Nov. 4, 2013. There are no federal elections for U.S. Senate or U.S. House of Representatives in the 2013 election in New Jersey (Congressional elections are held in even-numbered years and State elections are held in odd-numbered years).

A referendum to increase the minimum wage with an annual cost-of-living adjustment is on the ballot. Many potential Democratic and independent voters who might otherwise have not voted could be drawn to the polls to support the question.

### Gubernatorial

New Jersey and Virginia have the only Governor's races this year. This means both the national parties will be able to pour considerable sums of money into the New Jersey Gubernatorial election.

Governor Christie is starting the campaign with a 70 percent approval rating due mainly to his handling of Superstorm Sandy. But his approval rating drops considerably when New Jersey residents are asked how they rate the Governor on the economy and his vetoing of funding for family planning clinics, along with his veto or opposition to:

- the increase in the minimum wage,
- tax credits for low-income workers,
- and fair taxes for millionaires.

### Legislative

The current make-up of the New Jersey State Legislature is as follows:

- in the Senate there are 24 Democrats and 16 Republicans;
- in the Assembly there are 48 Democrats and 32 Republicans.

With all 120 members up for election, the Republicans would need to pick up 5 seats in the Senate to gain control and 9 seats in the Assembly to gain control. Early polls show that while Governor Christie has a high favorability number New Jersey residents still favor a Democratic controlled legislature. ♦

## Registration and Mobilization Key



**Seth Anderson-Oberman,**  
Political Director

Although November may seem like a distant thought, it will be here before we know it. Not only is the Governor facing re-election, but the entire State Legislature is up for grabs. We must do everything we can to ensure that pro-education and pro-workers' rights candidates are victorious.

AFTNJ is working with locals to make sure that all AFT members are registered to vote and have the information they need to make informed decisions based upon candidates' positions on the issues that most affect your jobs and communities. The goal of the AFL-CIO voter registration campaign is to have ALL AFL-CIO unions at 80% of members registered to vote. Thanks to you, AFTNJ is already ahead of the game. Most AFT locals have high rates of voter registration, but with all that's at stake in November – we can't rest on our laurels. As we've seen, every vote truly counts.



If you or anyone in your family is eligible, but not registered to vote – please go to [www.aftnj.org](http://www.aftnj.org) and click on the icon on the left-hand side of the page.

It only takes a minute or two and could make the difference in a close race. Also, if you'd like to help with voter registration efforts at your workplace or in your local, please let your local union leadership know or contact me at 732-661-9393. ♦

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