

FEB. 17, 2022

**AFT LOCAL 1796'S RESPONSE
TO COLLEEN P. EREN'S EDITORIAL FOR REAL CLEAR EDUCATION**

In a recent opinion piece for Real Clear Education titled "Amid Layoffs, Union Contracts Force Public Colleges to Ignore Merit," William Paterson University associate professor Colleen P. Eren critiques the collective bargaining agreement that applies to the member institutions of the Council of New Jersey State College Locals.

Eren takes particular issue with the agreement's "last in, first out" (LIFO) policy, a clause that she describes as being "buried" deep within the text of the agreement. The clause in question dictates that the primary mechanism for determining order of layoffs should be seniority, except when doing so would undermine the institution's academic or programmatic integrity. According to Eren, this seniority clause is a direct attack on academic meritocracy and is designed for no other reason than to protect senior faculty who are ineffectual in their teaching, neglectful in university service and inadequate in the production of scholarship.

Since Eren was only recently recommended for tenure, her concerns about the "injustice" of seniority playing a role in the layoff process are self-serving, but understandable. She is wrong, however, to direct her ire at the faculty and staff union — the only organization that is actively working to prevent layoffs.

Eren benefitted from the union's advocacy, as she applied to be awarded tenure by exception, but now that she has been recommended for tenure, she attacks the union contract, the only factor that protects fair pay and worker rights. She blames the union contract for the procedures followed by the administration in determining layoffs, but she does not address the numerous factors that lead to WPU's current circumstances: years of inadequate state funding for higher education in general and minority serving institutions in particular, poor management decisions both academic and financial by the previous administration, declining undergraduate enrollment and COVID-19.

The claim that senior faculty are unfairly favored by the union over more junior colleagues reproduces classic aspects of right-wing anti-union rhetoric. As every union organizer knows, union-busting firms routinely rely on claims that unions serve only to privilege “lazy” and “unproductive” workers at the expense of more productive and innovative colleagues, and that unions prop up the most powerful workers so that they can bully their less-powerful counterparts. Eren’s argument plays directly into this long and sordid history of union hostility, a fact emphasized by her decision to publish her diatribe in Real Clear Education, a notorious right-wing-leaning venue that has an entire section dedicated to advocating the value of charter schools, located right beside its section on the wonders of for-profit education.

In any case, the truth is that seniority rules exist for a reason. Eren does not understand the contract or university policy. The union fully supports post-tenure review policy, which establishes accountability for faculty. She works on assumptions in the complete absence of empirical evidence. For example, she assumes a low productivity of senior faculty at William Paterson, although she has only been a faculty member at WP for three and a half years.

Senior employees are often the most vulnerable in layoff scenarios, for a variety of reasons. Having worked for many years, they are likely to be the most highly paid employees on staff. It is therefore in the financial interests of the employer to eliminate as many senior employees as possible, regardless of individual merit. Indeed, there is no such thing as an objective way to measure merit — it inevitably becomes a contest of playing favorites by management. Additionally, senior employees are also the most likely to suffer from physical ailments, which from the perspective of the employer translates to inferior performance and lack of productivity. For these reasons, seniority rules have been advocated by unions in an effort to establish an objective measure for determining the order of layoffs, thereby undermining the ability of the employer to discriminate by disguising age discrimination in bogus claims of “lack of productivity.” Doesn’t long-term service to the department, college, university and the community hold any merit for Eren?

In her piece, Eren argues that “No private-sector company would lay off employees solely on the basis of what year they were hired,” adding that faculty “shouldn’t tolerate this in public education, either. If effective teaching, strong research and committed service don’t really matter, then universities will deserve the bleak future that inevitably awaits.” The problem here is that

this is precisely what the private sector does all the time, at least in cases where there are no union protections. We know of no private corporation that has a tenure equivalent. It is the norm for private corporations to lay off employees beginning with the most senior and/or oldest members because they have supposedly been made redundant by more innovative (and less expensive) junior colleagues. It appears that in Eren's mind, this practice apparently should be embraced in academia as a corrective to corrupt public unions. According to Eren's logic, if it works for corporations like Amazon, why not a public university union?

Needless to say, this line of thinking is genuinely shocking coming from someone who claimed to be pro-union, but those who are pro-union don't withdraw dues-paying union membership as Eren did. She is effectively making the case for importing private sector, corporate labor practices into the public sector. The Koch brothers themselves couldn't make a more persuasive case for busting public unions.

Eren should understand that unions advocate for unity and solidarity in order to protect all members. Instead, she chooses, based on *a priori* assumptions, to pit one group against another and serve as the arbitrator of who and what is meritorious and who and what is not. This "strategy" of divide and conquer is precisely what bolsters administrators and weakens unions.

Union leadership fully supports free speech but has a responsibility to correct inaccurate assumptions and false conclusions that are intended to destroy unions.

Responsibly and respectfully,

AFT Local 1796 Executive Board

(Avdeev, Castro, Gazzillo Diaz, Joachim, Kendrick, M. Martin, E. Matthews, Selke, Tardi, Vicari and Wilson)