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# VANGUARD

Official Newsletter of the Adjunct Faculty Association at Nassau Community College  
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## From the President's Desk



Stefan Krompier

### Middle States Compliance

The Middle States visiting team has reviewed the college's recent report and has declared that NCC is now in full compliance with all fourteen standards. Their report will be sent to the Middle States Board and it is our belief that NCC will be deemed to be in full compliance with Middle States' requirements and removed from our probation status.

### SUNY Chancellor's Award for Excellence for Adjunct Teaching

Back in the spring of this year, I approached Dr. Keen with the request that the college participate in SUNY's Chancellor's Award program which recognizes adjuncts who demonstrate teaching excellence. With Dr. Keen's blessing, we formed a joint committee consisting of members of the Academic Senate's Chancellors Award Committee and two representatives of the AFA to discuss the possibility of making The Chancellor's Award for Excellence for Adjunct Teaching available to NCC adjuncts through the Academic Senate's Chancellor's Award Subcommittee (ASCAS). The joint committee consisted of Debra Mendelson, ASCAS Chair; ASCAS subcommittee members Joesph Bernat and Donna Cempa-Danziger; and AFA member Paul Kowtna and myself.

Early in September, I met with Anissa Moore—the newly elected Academic Senate Chair—to discuss our moving forward with our efforts to bring the Chancellor's Award for Excellence for Adjunct Teaching (CAEAT) to NCC. Chairperson Moore was enthusiastically supportive of our initiative and offered her assistance whenever needed.

Of particular interest to the joint committee was determining what was needed to prove/substantiate that an adjunct was in fact an excellent teacher. An inquiry directed to SUNY led me to Professor Iris Cook, director of Chancellor's Award efforts at Westchester Community College

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(WCC). Over the course of our two-hour meeting, Professor Cook thoroughly explained what was required to prove/substantiate excellence in teaching to SUNY's satisfaction as well as the process WCC follows from beginning to end to secure CAEAT awards for their adjuncts.

The newly adopted NCC Academic Senate Bylaws now contain a provision that includes SUNY's Chancellor's Award for Excellence for Adjunct Teaching with those that are awarded to full time faculty. This award is the only chancellor's award directed toward adjuncts. I believe that we should urge the Chancellor to create similar awards for non-classroom adjuncts. If you have an interest in pursuing this endeavor, please email me at [stefcarol7@aol.com](mailto:stefcarol7@aol.com).

The call nominations for the CAEAT will be made for the 2018/2019 college year. At that time, the eligibility requirements and the nomination process will be communicated to you. Based on this year's student enrollment numbers, NCC is eligible to receive eight of these awards.

Professionally and personally, I am excited that this award will be bestowed on eight of our adjuncts. Working collegially and professionally with the Academic Senate leadership, in particular Chancellor's Awards Committee Chair Debra Mendleson and NCCFT President Frank Frisenda to make this happen, has been extremely satisfying to me. We have yet another example of how groups and individuals working together can accomplish wonderful outcomes.

Stefan Krompier  
President  
Adjunct Faculty Association

## AFA Meeting Dates

**November 4<sup>th</sup>, 2017:** AFA Executive Board Mtg. 8:30AM NCC Cluster C-2073

**December 2<sup>nd</sup>, 2017:** AFA Executive Board Mtg. 8:30AM NCC Cluster C-2073



# The Inside Scoop

## Janus v. AFSCME

This case has been brought forward by an Illinois state employee Mark Janus against the American Federation of State, County and Municipal Employees (AFSCME) Council 31.

## Operatives Behind the Scenes

This case is backed by the Liberty Justice Center, which is an arm of the National Right to Work Foundation (NRWF). The NRWF is part of a network that is funded by corporate billionaires in an effort to use the U.S. legal system to diminish or eliminate the rights of working people. This elite group of individuals have worked tirelessly in funding initiatives meant to chip away at the rights of the working class. The efforts are now culminating in an attempt to have the Supreme Court essentially turn our entire country into a right-to-work nation where employees are at the mercy of their employers.

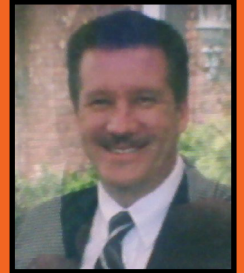
## Flaw in Janus' Argument

Fair share fees, also known as agency fees, were upheld in a 1977 Supreme Court deci-

sion of *Abood v. Detroit Board of Education*. In that decision, the court made a distinction between two kinds of compelled payments. While it said that workers cannot be compelled to pay for the political activities of a union, they added that it is constitutional to require non-members to help pay for the union's collective bargaining efforts to prevent freeloading. Fair share payers are not required to pay any fees towards political action activities of the union. Appropriately named, fair share fees pay the employees fair share of costs associated with the benefits that they receive from the union. Benefits such as wage and salary increases, employment protections, grievance representation, and a vast array of other benefits.

## Potential Outcome

A ruling in favor of Janus would be the dream of corporate billionaires and the



Richard D. Erben

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country's elite power brokers. Invariably, it would greatly weaken many unions and drive others into extinction. We have witnessed decades upon decades of the widening gap between the wealthy and the middle class. Power along with the financial means to change laws to the advantage of the wealthy at the expense of the working class has been a major factor in the widening of this gap. The middle-class working family depends on living wages, a safe work environment, and the ability to one day retire. These individuals stand little chance to realize any of these objectives if they become a single voice. Unions were formed to give everyday working men and women a chance to have their voices heard by being part of a much larger group. Try to imagine a world where you no longer have contractual worker rights and benefits, where the security of knowing that your union has a safety net to protect you from unjust dismissal or the peace of mind knowing that you have employment that is not based solely on your employer's whim.

## Impact on the AFA

Over the past three years, the AFA has witnessed an astonishing 80% growth in our membership. As a union comprised of educators and scholars, our members have the

ability to critically analyze potential outcomes and see the actual dangers through the smoke and mirrors that some attempt to use. We are all aware of the plight of adjuncts throughout the United States. Many suffer from low wages, have little or no job security and certainly no recognition by their employers. The AFA has a very unique contract whereby seniority is our form of tenure, increased recognition of our adjuncts' accomplishments and continual improvements to working conditions all supplement our contractual raises and employment safety nets. We are confident that our membership well understands the power of many and we anticipate continued support from our members. Such support will enable us to continue our work on your behalf.

## What Can Be Done Across the Nation?

Unionized employees must remain cognizant of what they have always known and believed in, the power of many to withstand the influence of a few. A ruling in favor of Janus should be a wake-up call that will

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give birth to the renaissance of unions. It should be the warning sound that calls the middle-class working families to action. Action whereby they make it known that our plight will no longer be overlooked by the billionaires who seek to push us aside and set the course of our country. We must unite to show that we cannot be dismissed when we stand as one. We might not have billions of dollars to counter those who are target-

ing us, but we do have the people to stand united to show that human resolve can overpower elitist influence.

**Richard D. Erben**  
Chief Information Officer  
Adjunct Faculty Association

## Member Recruitment

**The AFA wants you!** Please consider joining with a thousand of your colleagues in becoming an AFA member by visiting our website at: <http://www.myafaonline.org/#!/membership-application/o4b1h>

## Fall 2017 Paydates

9/25/17, 10/9/2017, 10/23/17, 11/6/17, 11/20/17, 12/4/17, 12/18/17

In order to receive 7 checks, completed contracts must be received by our office and entered into Banner by Friday September 1, 2017 at 2:00 pm. Any contracts processed after that may result in payment of 6 checks commencing on October 9<sup>th</sup>, 2017.

# NY Apples and Conventions

In early October, my family took our annual trip to New Paltz, NY, to pick apples. When we arrived, we met up with my wife's aunt (who is a retired teacher) and her daughter: cousin Sarina. As we sat and ate lunch in the infamous *College Diner*, which for decades was the only diner around town, a discussion of politics began. This year, however, instead of the customary Blue vs. Red banter, the conversation focused on something new: The New York State Constitutional Convention.

Everyone present was against the convention except cousin Sarina. With youthful bravado, Sarina exclaimed that we were all just "afraid" and that "real change was needed" to NY laws. Sarina cited expedience as a reason to hold the constitutional convention, whereby the convention delegates would be able to make sweeping changes to the entire constitution if they so desired. Then the "people" would get to vote on those changes for adoption.

This allowed me to lay out the start of my argument against holding the convention. I will not relay the conversation quote-by-quote here, but I am going to give my reasons for voting 'NO' on NYS Proposition 1 on November 7th, 2017.

## Convention Delegates

As we finished up our lunch, Sarina's first statement was that the convention would be a chance for ordinary people to have a say in the state's laws, as she heard

the nickname "people's convention." I explained that the last time New Yorkers voted 'yes' to hold a convention was in 1965, which enabled the 1967 New York State Constitutional Convention to take place. Part of the problem with the 1967 convention was who the delegates were (or who they weren't.) Nearly all of the delegates were politicians; less than 40 of the 186 delegates were NOT party-affiliated officials. For example, the President of the 1967 convention was Anthony J. Travia, Speaker of the NYS Assembly. The only other choices for an even more entrenched Albany politician would have been the NYS Senate leader, or the Governor of New York himself. Moreover, many of the leaders in charge of running the various committees were also all elected Albany-insiders. This information begged important questions which I put to cousin Sarina: How do you feel about the majority of convention delegates being the same-old politicians we already have in office? If they ARE the same-old elected legislators, consisting largely of NYS Senators and Assembly-people, why should we expect any more out of them at a convention then the job they were already



Paul Guadagnino

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elected to do? Do you really trust ~130 politicians, hanging out in hotel conference rooms in Albany, with free rein to re-write the state constitution?

Moreover, an established party-affiliated candidate only needs 1,000 signatures to get on the ballot for a seat at the convention. An ordinary citizen who is unaffiliated/independent needs 3,000 signatures! Typically, candidates try to obtain three times the amount of required signatures to make certain their petition will be valid - this means 9,000 signatures for independent candidates.

Established party-politicians win seats at the convention due to their ability to utilize the already existing structure of their respective parties for gathering signatures, canvassing, campaigning, advertising, etc., which an ordinary citizen doesn't have access to. There is even a rule that at least fifteen of the delegates seats can ONLY be sought by "at-large" state-wide elected officials! Usually only the most powerful politicians, with the most backing, go after these "at-large" seats.

## Public Pensions at Risk

As we paid the check and headed out to the parking lot, Sarina recounted that her roommate, a teacher, had brought home union literature about voting 'no', which was entirely based on the convention taking away, borrowing against, or reducing teacher pensions. Sarina expressed that her roommate was simply voting 'no' out of fear, obediently and unthinkingly following

the union "line," when the reality is that the constitution encompasses a huge amount of law concerning the entire state.

I agreed with Sarina that unions are running 'vote no' campaigns, and I agreed that they are using the threat of something happening to public workers' pensions. Reaching our parked cars, I turned to my wife's aunt, who as I mentioned previously was a retired teacher, and asked, "Would you be alright with Albany insider politicians having free rein to review and alter your pension at the convention?" Her response was not a phrase I can write here, but it was essentially a loud "NO."

It is true that public employee pensions, such as New York State Teachers' Retirement System (NYSTRS) and the New York State Employee Retirement System (NYSERS) have protections which are 'enshrined' in the NYS Constitution. Among other things, those protections ensure contribution levels to public pensions and prevent those pensions from being reduced after public workers start working. The NYSTRS is not only one of the biggest pension funds in the country, but it is also one of the best funded at 98%. This means the NYSTRS is not running a deficit or causing any liability for New Yorkers; NYSTRS is doing an outstanding job, which is one of the reasons that Albany-insiders would love to borrow against it. Here at NCC, a

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great many of us in the AFA are vested in either the NYSTRS or the NYSERS pension plan.

There is some information out there claiming that even if a convention took apart these pension protections, such attacks would falter due to federal and other laws already on the books. When it comes to one's retirement, who would be willing to take such a risk? Who's to say that a court might not overturn those other protections a few years down the road?

## Waste of Time

We arrived at the farm, and began the customary trek up the apple orchard hill. As we climbed, I asked cousin Sarina if she knew what the result of the 1967 convention was. She answered that she didn't know. I told her the result was NOTHING. Nothing was the result from all that time and energy spent.

At the end of the convention process, the delegates have the option of putting each newly proposed change up for separate, individual votes if they wished - this allows the voting public choice in which amendments they want to vote 'for' or 'against'. The delegates *also* have the option of bundling the changes together in any grouping they wish. The 1967 delegates had some unpopular amendments which they feared would be voted down by the public. Separately, they also had some very popular proposals. So the delegates decided to bundle ALL the proposed amendments together into a single package for voters. Although the delegates

didn't say so, it's obvious they bundled the proposals together to force the public into passing *both* the unpopular changes along with the more popular ones. New Yorkers were not fooled. When the day came for the public to cast their vote, the entire package was voted down and therefore no change to the NYS Constitution took place in 1967.

Since that 1967 debacle, New Yorkers have voted "no" to holding another convention for the last 40 years. That includes voting down the chance to hold conventions in both 1977 and 1997.

## The Cost

The estimated cost of the 1967 NYS Constitutional Convention was 6.5 million dollars. However, if you added in all the other costs that might be associated with the convention, arguably the total cost gets close to 15 million dollars (which would be about 45-50 million today, adjusted for inflation). It's estimated that a convention today will cost New York tax payers around 100 million dollars (the figure of 350 million going around the internet is highly inflated.) No matter how much we estimate a convention might cost us today, in 1967 the majority of that money was all for naught, once New Yorkers voted the whole package down.

In addition to the above costs, the

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rules allow elected politicians to ‘double-dip’ by keeping their elected Albany job WHILE serving as a convention delegate - and they get paid for BOTH jobs at the same time! Do ordinary New Yorkers get that kind of a sweet deal? No, certainly not!

The worst costs however, are those which many of us fear may happen if a convention takes place: attacks against many of the important tenets which are protected in the state constitution. This includes, but is not limited to: the right to a free public education for our children (Article 11, §1,) the right for labor to unionize and collectively bargain (Article 1, §17,) prevention of reduction in public pensions (Article 5, §7,) workers’ compensation (Article 1, §18,) social welfare rights (Article 27, §1,) ‘Forever Wild’ land protections, our election rights, a role in the state budget for the state Legislature, and much, much more.

When you look at what the state constitution protects for New Yorkers, the cost, should any of these protections be reduced or eliminated, could be devastating for generations.

## False Impressions

As we tried to decide if we were walking over a row for Golden Delicious or going downhill for Jonagold, cousin Sarina brought up an issue that triggered the strongest retort from me yet: Revoking the pensions of convicted public officials. Sarina had seen press coverage of recently convicted NY politicians who were still receiv-

ing pensions while in jail and she had read that a convention was the best way to stop this from continuing. “Isn’t that true?” she asked me. A convention may be a way to prevent that particular issue, but it is not the only way, nor necessarily the best way.

One of the issues surrounding the upcoming vote on November 7th, has been the huge amount of misinformation and false impressions being spread around (whether intentional or not.) Some media outlets and special-interest groups have been releasing pro-convention statements for months. My main issue with these agenda-driven statements is not that they intentionally fabricate, it’s that they usually leave relevant facts out which may create a false impression.

A recent example would be cousin Sarina’s example of public outcry seeking to reduce or remove pensions of elected public officials who are convicted of a felony. Some writings have indicated that a constitutional convention can be used to pass amendments that would strip these corrupt politicians of their pensions. However, the same writing usually fails to mention several things: 1) The NYS constitution can already be amended via the state Legislature and ratified by public ballot (there have been over two-hundred amendments made this way since the constitution was enacted), 2) Any public official who en-

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tered the retirement system as of 2011 can already have their pensions stripped under the Public Integrity Reform Act (PIRA). 3) Because PIRA only affects officials who entered the retirement system as of 2011 or later, a new amendment has been written and passed by both houses of the NYS Legislature which shall be on the ballot for ratification by New Yorkers on November 7th. It is called “New York Proposal 2, Pension Forfeiture for Convicted Officials Amendment,” and it will allow judges to reduce or revoke the pensions of public officials, regardless of when they entered into the retirement system.

By leaving out the above three facts, written propaganda-like statements on this topic may mislead the public by causing an impression that the convention may be the best and only way to achieve a certain goal - when it certainly may not be on either count.

## Just Desserts

After a long day of apple-picking we returned to cousin Sarina’s house, where my family used my wife’s recipe to make her famous apple crisp. Later, as we ate

around the dining room table, my thoughts drifted from vanilla ice cream-topped apple crisp to how we receive information. Cousin Sarina had received her information concerning the constitutional convention from a local newspaper, a little from Facebook, and in-person from her roommate. Yet, she was still planning on voting “yes,” up until we met for apple-picking. Had I helped change cousin Sarina’s vote from being a “yes” on November 7th, and if so how? Was it fleshing-out the history of the 1967 convention? Was it because I involved her mother’s pension in the conversation? Did the discovery that the vast majority of delegates will be Albany-insiders have an effect? At our parting, I got the feeling that cousin Sarina had gone from a solid ‘yes’ vote, to an ‘undecided’ vote, to a begrudging ‘no’ vote. Perhaps that was the sweetest dessert I had that day, but I still told my wife it was her apple crisp.

Paul Guadagnino  
Vanguard Editor

**In our next issue of the *Vanguard*, which is set to be published before November 7th, we will do our best to answer frequently asked questions concerning the NYS Constitutional Convention vote.**



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Major \_\_\_\_\_

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Number of credits completed at NCC as of 1/15/2018 \_\_\_\_\_

Email Address \_\_\_\_\_

Number of Credits Fall 2017 at NCC \_\_\_\_\_

Anticipated number of credits at NCC Spring 2018 \_\_\_\_\_

List all credits or degrees from previous college(s):

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List any financial aid you now receive or expect to receive, and in what amount(s):

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I hereby apply for the AFA Scholarship at Nassau Community College and affirm that the information submitted on this form and any attachments are accurate to the best of my knowledge. I also affirm that my records are in good order and free of impoundment. By submitting this application you are granting permission for the AFA Scholarship Committee to check your college records electronically.

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Signature of Applicant

Date

**This application for scholarship will be considered incomplete and will not be reviewed for any award unless ALL of the following materials are received by March 1, 2018.**

- 1. Completed application form, typed or legibly written.**
- 2. Two letters of reference from NCC Faculty.**
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- 4. Return your completed application via email:**  
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