

UFT Contract Negotiations Could Be Contentious

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The New York City United Federation of Teachers (UFT) is currently beginning negotiations over its contracts for its various titles, including teachers, counselors, social workers, paraprofessionals, and more. These contract negotiations come amid one of the most difficult years (and series of years) for educators in NYC's public schools. Educators, like all Americans, face an economy rife with inflation. They have been forced to work without remote options despite many legitimate concerns about health and safety. They work with students who have struggled to academically and emotionally transition back from online to physical classrooms. Newer educators in the UFT have seen the erosion of protections and benefits for years, while retired members were recently upset with the possibility of increasing costs and difficult choices to make in the newly proposed, semi-private Medicare Advantage healthcare plan. The majority of retirees demanded out of the plan, a judge paused it, and the UFT leadership backtracked its support. Across the union, many rank-and-filers see the UFT as more or less another bureaucratic apparatus above them instead of as a mobilizing force that they can organize with to fight for what they need. The UFT itself has embraced this role as a sort of weak co-manager of the schools and has not engaged members in workplace agitation much during recent decades. Nonetheless, there have been signs that teachers and possibly other titles may not easily approve contracts this fall.

First, this spring's UFT leadership election had the highest vote for an opposition slate since the 1960s: 42% among teachers and 34% overall. Turnout was still low (26%, which is about historically average for UFT elections) but will be higher for contracts because members vote on the contracts at their school site, instead of through the convoluted mail-in ballot system the UFT uses for its leadership elections. Moreover, the opposition slate of United For Change did not officially form until November 2021, did not determine and announce its list of executive board candidates until less than three months before the April election, and dealt with a slew of inappropriate and illegal conduct from the ruling Unity Caucus. If the 42% share of teachers who opposed the UFT leadership is a similar or greater share in the contract voting, then the UFT may need to deliver a contract that has substantive gains for members, or at the very least does not have major givebacks, a signature

of UFT contracts and bargaining for the past quarter century.

Further, starting with sick outs during March 2020 to close schools, UFT rank-and-file organizing saw a surge of activity during the pandemic that forced the UFT to show a stronger position against the city. This could manifest against Mayor Adams' austerity policies as well.

The most recent UFT contract negotiations with the city were for temporary memorandum of agreements during COVID in 2020. The UFT approached the school reopening negotiations with its characteristic backroom bargaining, without mobilizing or informing members for months about any progress, or lack thereof, being made. But as the summer wore on, the UFT saw grassroots organizing and demands around school health and safety, and other unions in the city and the state also spoke out against school reopening, including the bosses' union, The Council of School Administrators, which often was more outspoken on health and safety during the pandemic than the UFT.

Mayor de Blasio threatened layoffs in the spring of 2020 until the UFT agreed to delaying recovery of retro pay that members were owed from almost a decade before and vacation days that were taken away during April 2020. But by the end of the summer, de Blasio was in last minute negotiations to allow schools to reopen with union approval and it was clear he would need every educator he could get. The UFT agreed to memoranda with the city that modified class sizes and teaching formats, created new bureaucracies, and didn't guarantee universal COVID testing. These agreements were also made without member review or approval.

In recent months, Mayor Adams has implied there may be staff shifts - known as excessing - based on the enrollment different schools have. In such cases, staff may not be fired from the Department of Education but they may have to find a new school site, very possibly one that is an inconvenient match or location for the educator, based on their respective skills or commute.

The new mayor's position on school staffing was further complicated this month when a class size bill overwhelmingly passed in the state legislature that would lower class sizes from 32 to 20 for elementary school, 33 to 23 for middle schools, and 34 to 25 for high schools. The union President Michael Mulgrew immediately applauded this as a win and began a victory lap proclaiming the success of his strategy of backroom negotiating and lobbying. Queens state senator John Liu, who wrote the bill, said funding would be attached and appropriated in the budget to meet new class size mandates. There were, however, mentions of possible exemptions from the class size mandates, such as for economic hardship in a particular district, which immediately brings to mind New York City.

The school chancellor, David Banks, criticized the bill as an "unfunded mandate." He and Adams spoke about how the bill could have adverse effects on Black and Brown students and shift money away from high-needs areas like social work and special education. Banks said school nurses would possibly have to be laid off in order for the city to hire more teachers. It is unclear how he can predict this when his own budget projections do not match state projections, but it marks the first reappearance of lay off threats.

Mulgrew's response was as follows: "Roughly 5,000 instructors resign or retire every year, fed up with city teaching conditions — including oversized classes. The possibility of dramatically lowering class sizes could help retain many of these veterans."

With proper implementation, the class size bill, which passed both chambers of the state legislature with veto-proof majorities and awaits the governor's approval, could lessen the UFT leadership's need for expansive, or possibly any, gains in the teacher contract this fall. But class size reductions, if the bill passes, are far from guaranteed. In 2007, the State Supreme Court ruled that students

were having their right to an appropriate education violated by excessively large classes and ordered class size caps that are the same as the ones proposed in Senator Liu's class size bill. The city and state governments both ignored this order for 15 years, claiming funding was not available. The same goes for a state law that mandates that schools have libraries and librarians. Over 700 of the almost 1600 NYC schools still do not have functioning libraries or librarians. Lead is found in the pipes of many NYC school buildings, also violating state and federal law, but the funding for water filters and upgraded construction isn't always available either. Hopefully this current class size bill won't face the same disregard if it becomes law, but there are no guarantees, and the city and mayor are obviously already on the offensive against it. Like much else in the UFT's closed-door negotiations, rank-and-file members will just have to wait and see. The UFT leadership opposed including class size demands in contract negotiations, but in November 2021 opposition members in the UFT were able to get a UFT Delegate Assembly resolution passed that established it as a contract priority for 2022 bargaining. This would force the city to comply with class size caps and was long opposed by both the UFT leadership and city. It is unclear how the UFT will follow through on this now that the class size bill seems close to becoming law.

Based on questions asked in the UFT's member survey on contract priorities, the union anticipates the mayor requesting a longer work day during negotiations. This may come true, but it also could very well be a tactic by the UFT leadership to claim it avoided the longer work day but had to compromise on some of its own goals during negotiations.

Along with class size and staff-student ratios, UFT members care most about wages and benefits and the UFT leadership must at least hold the line in those areas. Retirement benefits are negotiated at the state level, but the UFT leadership has been advocating a reform to the tier system, with a preliminary budget proposal reducing employee vesting requirements from 10 years of service to five years of service for Tiers 5 and 6; and excluding overtime from the calculation when determining the employee contribution payment for Tier 6 members during COVID. This may be something the UFT leadership can tout as a victory to lessen the blow of a weak contract.

In 2018, the UFT passed a contract before most members had read it and before even the union delegates had a chance to read. It ended up including an appendix that gave the UFT the ability to re-negotiate health benefits to create savings for the government. That contract passed with around 85% support in the fall 2018 and then in the spring 2019 there was a leadership election and UFT President Mulgrew and his caucus won about 85% support. Obviously the support for the leadership is lower in 2022, so it is possible that a contract will also find less support. In 2018, Occupational Therapists and Physical Therapists voted down their contract that the UFT leadership negotiated and have since won their chapter leadership elections. It is unclear how other non-teacher titles will react with their upcoming contracts.

In 2019 the wage increase in the contract was about 2% but inflation was also just above 2%. If there is a similar increase in the new contract, it would be nowhere near inflation. This could activate members to vote against such a contract, but it's equally possible too many members are numb from years of givebacks, broken promises, and declining protections, benefits, and conditions.

In 2019, the UFT Executive Board was fully controlled by the Unity Caucus of UFT President Mulgrew. This body rubber stamped the contract. While the Executive Board will probably do the same this time, there are at least 7 (out of 102) opposition activists on the Executive Board now, following the 56-44% election victory of the big tent opposition coalition United For Change in the high school division, and it is likely these new high school teacher representatives will at least try to have questions asked and provisions clarified before any potential deal goes to the Delegate Assembly and then the wider membership.

Most members are not involved in contract discussions at their schools. The UFT leadership has seemed fine with this for years now. The opposition caucuses and activists can continue to organize around contract demands, many of which were in the platform of United for Change. Having a concerted grassroots contract campaign is the only way to ensure that, if the UFT leadership presents a weak contract, members have a vehicle that can give them a voice and a place to organize.

Whether the UFT and other unions which endorsed Mayor Adams for mayor will continue to prioritize back room deals and negotiations will be largely dependent on the mood of the base of their unions. With Adams openly embracing unfettered capitalism and overseeing the attrition of the city workforce there is a potential for a fightback but that potential is tempered by the fact that most public sector NYC workers are not organizing together. The path forward for contracts which improve workplace safety, preserve and expand health benefits and provide raises tracked to inflation involves building connections and activities with our workplaces, within our unions, and with fellow city workers in other unions.