

## UPDATE FROM NOVEMBER UFT DELEGATE ASSEMBLY

The big news was Unity's response to GEM - TJC resolution.

Megan Behrent, a delegate from FDR H.S., who is active in several rank and file groups, made a motion for the body to put this resolution on the December agenda for discussion and a vote. As she read each demand, there was applause from some of the delegates.

### **Resolution to Solve the ATR Crisis**

Resolved: The UFT will mobilize all members to rally at Tweed & City Hall at the earliest possible date, to demand:

1. Until Every ATR within a license has a position, no new hiring in that license.
2. ATRs with arcane licenses, or licenses in which there are few positions, be allowed to recertify in new licenses without loss of tenure or seniority. Those who have comparable and valid state licenses should be grandfathered into those state licenses.
3. Audit principals' hiring for possible race and age discrimination.
4. Restore the contractual right of excessed teachers to the closest vacancy in their license.

President Mulgrew then recognized UFT Secretary Michael Mendel to speak against the motion.

Mendel's performance could be described as a hissy fit, or of following the adage that "the best defense is a good offense." He charged that the resolution was full of untruths and inaccuracies. He picked on the fourth demand, claiming that excessed teachers had never had such a right. His delivery was so excited and disorganized, that some listeners thought he said that before the 2005 contract, excessed teachers could be sent anyplace in the city. Others thought he meant something else.

Before 2005 contract, there were many provisions of Contract Article 17 - Retention, Excessing and Layoff - that gave teachers the right to be placed in nearby vacancies. For example, in the 2000 contract, Article 17B, Rule 5 states, "To minimize the movement of personnel, excessed teachers shall be assigned within the district to appropriate openings and vacancies." Rule 6, which applies when there is no vacancy within the district, states, "Where possible, the wishes of the teacher will be taken into account in his/her placement by the Central Board." The fourth demand of the resolution summarizes the complex of rights that existed before 2005, expressing the essence and gist of these rights: teachers had the right to be placed in the nearest vacancy.

Before the 2005 contract, when excessed teachers were placed, they automatically became appointed to their new school. (However, they retained a “right of return” to their former school if a position opened for them within a year.)

(To complicate this issue, similar provisions still exist in the current contract. But they have been rendered void by the June 2011 agreement. But even before June 2011, the introduction of the “open market” system for filling vacancies (Article 18) in the 2005 contract had changed their meaning. Excessed teachers were no longer appointed to the school where they were placed. They remained ATRs unless the principal chose to appoint them: only through the open market system of hiring could they be appointed. )

Mendel’s attack of apoplexy was not caused by semantics, by the resolution saying “closest” instead of the lengthy jargon of the contract. Mendel is one of the UFT’s most knowledgeable about the contract. He knows very well that, in practice, these provisions indeed gave teachers the right to the nearest vacancy.

He also attacked the second demand, saying that no one had ever had these rights. Which is a strange argument: a labor movement that does not fight for new rights is a dying movement (which, not coincidentally, is exactly what the U.S. labor movement today is). He also said that a demonstration at Tweed would be inappropriate for such a demand, since these are state rules. However, many times the union has gotten changes in state law, for example, in pension contributions, by winning City support for them in negotiations.

So Mendel’s substantive criticisms of the resolution are, upon examination, at best weak and at worst picayune. So, what’s up with the hysteria?

Mendel’s hysterics were an attempt to make up for the weakness of his arguments. He was successful. Even independents in the assembly were swayed by the show of emotion, even though they couldn’t follow exactly what he was saying. They assumed it was based on deep feeling, not a calculated move to distract from lack of substance. He was, figurative speaking, jumping up and down yelling “Look out! Watch out! Don’t vote for this! It’s terrible! It’s full of misinformation!” His goal was to defeat the resolution, because it meant the UFT would have to lead a struggle on behalf of the ATRs, and the UFT leadership lacks the will for that. At the risk of being simplistic, no one in the UFT leadership is an ATR, or even runs the risk of being an ATR. The leadership has nothing to gain from undertaking this battle.

But it goes further. Mendel wasn’t just intent upon defeating this resolution. His cries of “wrong!” and “not true!” were meant to discredit the opposition as unreliable, people whose ignorance is dangerous to the union. That’s meant to distract members from whose policies really are dangerous to the union.