



# MANY BE CALLED BUT FEW CHOSEN

*Duquesne University Adjuncts' Fight to Organize*

by Moshe Z. MARVIT

In January of 2009, Josh Zelesnick found out that he would not be teaching his expected four courses the next semester, which was only two weeks away. At the time, Zelesnick was an adjunct, or “contingent” faculty member in the English department at Duquesne University, a small university in Pittsburgh founded by the socially progressive Catholic Spiritan Order. The university sits on a hilltop overlooking the Monongahela River on one side and downtown Pittsburgh on the other. Though in the center of Pittsburgh, its geographic position places it beyond the thoughts of most Pittsburgh residents.

Zelesnick had been teaching two courses per semester for several years at Duquesne. He had just finished interviewing to become an adjunct at the University of Pittsburgh in order to pick up a few more courses. By teaching a total of four courses a year at Duquesne - a full time course load for many tenured faculty - Zelesnick was making less than \$12,000 per year and had no access to health insurance. In early 2009, Zelesnick realized that his low-paying jobs with no benefits were also precarious.

Though the University of Pittsburgh had intended to hire him, he was offered no courses for the next semester. Simultaneously, Duquesne decided to invoke a clause in the one-page contract it had with contingent fac-

ulty that stated that it could cancel a course at any time for “inadequate enrollment,” with the “University retain[ing] sole discretion in defining inadequate enrollment.” In this instance, Zelesnick’s course did not have low enrollment. A full-time faculty member’s course had low enrollment, and Duquesne designated Zelesnick’s course as having “inadequate enrollment” in order to take it from Zelesnick and give it to the full-time faculty member. The clause was being invoked here because there was “inadequate enrollment within the English Department.” Facing this reality of having his salary cut in half, Zelesnick went to work at Trader Joe’s as a part-time “crew member.”

At Trader Joe’s, Zelesnick stocked shelves and ran the register whenever he’d hear the bell ring, while still trying to teach as many courses as he could pick up at Duquesne. He also received benefits and higher wages than he was making teaching freshmen English composition and helping first-year students adjust from high school to college at Duquesne University. But Zelesnick describes himself as someone who “needs to teach” so, unable to imagine himself not teaching, he left Trader Joe’s after a year to continue teaching at Duquesne and the University of Pittsburgh and writing poetry.

Several adjuncts at Duquesne have pointed out the marginal place they have at the

university. They describe the three main problems that they face: low pay, lack of access to health insurance, and lack of any job security. Many characterized the pay as “exploitative” and “unjust,” considering the total amount of hours that are required for each course. Adjunct faculty I spoke with describe how each three credit course for first year students requires an extensive amount of preparation, one-on-one time with each student, and grading of 18-22 students’ papers several times per semester. For each course, the adjunct faculty have been paid \$2,556 (this year they received an increase to \$3,000 when they began to organize). They are permitted to teach a maximum of four courses per year, meaning that at the current rate of pay they would make an annual salary of approximately \$12,000. Most agreed that per hour they are paid approximately minimum wage.

The adjunct faculty are free to teach at other local colleges, and many pursue this option, often picking up an additional course or two at the University of Pittsburgh or the local community college. However, coordinating two schedules is difficult when each job retains the right to cancel an instructor’s contract at any time.

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Additionally, the adjunct faculty are neither provided with subsidized health insurance nor allowed to buy into the university plan. Some have health insurance through their spouses, some buy individual high-deductible catastrophe insurance on the private market, and some just try hard not to get sick. Robin Sowards, an adjunct professor in the English department at Duquesne, describes this last option as the sad reality of many of the contingent faculty - made all the more difficult by the high stress, compromised immunity existence of the many undergrads they come in contact with. For many adjuncts, “if they get sick, they’re financially ruined.”

Beyond these core issues, each adjunct I spoke with described the continuous indignities they face as adjunct faculty. Clint Benjamin, a self-deprecating fiction writer in the English department at Duquesne, said it bothers him when the administration continuously refers to him as “contingent...ad hoc...transitory” faculty, explaining that this is his career. Benjamin has been a faculty member at Duquesne for over six years, and said that the treatment of adjuncts makes it so that a person never feels stable. He is proud to announce that he finally decided to adorn a wall of his shared office this year: “I put up a poster ... of a rock and roll band. The Clash.”

Sowards describes how emails are addressed to “graduate students, adjuncts, and faculty,” as if adjuncts are a category apart from faculty. He points out that adjuncts deliver much of the curriculum, but they are not allowed to serve on committees for curriculum. In the English department, adjuncts are the only individuals with a copy machine quota - forcing many to have to travel to Kinko’s to make copies for their students. He personally has to share an office with 11 other adjuncts. According to Sowards, Duquesne mandates that issues of academic integrity must be discussed with a student in a private location, but adjunct professors - who currently make up almost half the department and approximately two-thirds of the university - are not provided a private space. “If

you're telling a student that they are going to fail the course for plagiarizing, and they're going to be weeping and you're going to be handing them Kleenexes, having two or three other people in the room, it's humiliating for the student," Sowards says. These small issues "wear you down...all kinds of little things that are difficult to do, and add up to a substantial impediment to doing your job."

Benjamin joked, "The adjunct position is great for those with lower self esteem because you're really regarded as a second-class citizen. It's good for the humanities because you're constantly asking 'am I good enough?' and then you see your paycheck and realize well 'maybe no, no you're not.'"

Asked how they planned to get full-time employment, each adjunct I spoke with described how they're trapped in a vicious cycle. Their course-loads are so heavy that they have little time to pursue their research or publish. However, in order to get a tenure-track position, you have to have publications. Furthermore, the university where you're teaching has no incentive to offer you full-time employment because they can get you for cheap. One adjunct described how after several years "you start to get the stink of the adjunct on you," and other places start to assume that there's a reason that you don't have full-time employment.

Josh Zelesnick was the first to raise the issue of organizing a union, and this idea appealed to Sowards almost immediately. Sowards's research looks at the ways that quantification has affected poetry, and this connects directly to his political beliefs that a body's structure directly affects the way that its members are treated. He makes this connection to Duquesne by noting, "The people who run it are far enough from the consequences of their actions that they can do things that are morally wrong without any deliberate malice." Sowards sees the amplified voice and presence of a faculty union as a method to counter this structural problem.

The issue of faculty organization has been

fraught with problems for over three decades. A 1980 Supreme Court decision, *NLRB v. Yeshiva University*, held that faculty at private universities were not protected by the National Labor Relations Act to organize a union because they were "endowed with managerial status." However problematic that description may have been for full-time faculty, Zelesnick stated that it would be absurd to categorize the adjunct faculty as managers.

Zelesnick had met several union organizers and lawyers in 2009 when he tried to stop the multi-billion dollar, multi-hospital University of Pittsburgh Medical Center chain from closing a community hospital in Braddock, a struggling post-industrial town about ten miles down-river from Duquesne University. The effort failed and Braddock lost its hospital. A year later, the mayor of Braddock was arrested when he tried to initiate a dialogue with UPMC by going to its headquarters with a sign, and refusing to leave without a meeting. This summer, Braddock residents watched as UPMC opened a quarter-billion dollar hospital in a neighboring affluent community. At the protest, Braddock resident Jim Kidd told the local NPR affiliate that the reason he was still rallying against UPMC after the Braddock hospital had already closed was, "a closed mouth never gets fed, so we are out here opening our mouths and saying things about the way we think things should be." Realistic about the difficulties ahead for the Duquesne adjuncts, Zelesnick appears to have learned this lesson from Braddock.

Zelesnick sent out an email to each of the part-time faculty in the English department in order to see if others were interested in trying to organize a union. He started to get positive feedback, and a group of adjuncts went to discuss the issue with Dan Kovalik, a lawyer with the United Steelworkers and activist who worked on the Braddock hospital campaign. The Steelworkers were interested in helping the adjuncts, but told them that they should first discuss the issue with other unions to see if there was a better fit. The Pittsburgh Fed-

eration of Teachers, which represents all of the city's high school teachers, told Zelesnick that they thought that the Yeshiva University decision barred the adjuncts from organizing. The American Association of University Professors, which has a variety of faculty unions, was interested, but the conversations did not develop.

The newly formed organizing committee returned to the Steelworkers, saying that they would like to be affiliated with them. Duquesne University President Charles Dougherty expressed concern about the faculty choosing the Steelworkers, stating: “[T]he Steelworkers appear to be opening a path that could lead to the compromise or loss of our Catholic and Spiritan identity. None of our faculty are steelworkers. We are not aware that the United Steelworkers has any prior experience representing faculty in Catholic universities. The purpose of Duquesne is education and the advancement of our mission. We do not want to run the risk that the Steelworkers would seek to influence issues at the university far beyond pay and other working conditions.”

The adjunct faculty I spoke with explained that they felt that the Steelworkers were a natural fit. Sowards described how the Steelworkers are “an enormously diverse union,” representing a wide range of workers. He pointed out that they are headquartered in Pittsburgh and have a real interest in helping Pittsburgh workers. Furthermore, Sowards said that the Steelworkers have a successful history of organizing adjunct faculty in Canada, where they also have a large presence. Sowards added that one of the most important qualities about the Steelworkers was that they have a “strong tradition of being a very democratic bottom up kind of union.” This point was echoed by several other adjuncts in describing why the Steelworkers were chosen, saying that the union gives locals a great deal of autonomy, which would be important in an academic setting.

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in the college of liberal arts, and by May of 2012 they had collected enough cards selecting the Steelworkers as their exclusive bargaining agent. Zelesnick described how adjuncts rarely get to know their colleagues. But the organizing effort provided him and others an opportunity to talk at length with each adjunct faculty member - about their research, their thoughts on teaching, and their personal lives and interests. The adjuncts requested an appointment with the university president, Charles Dougherty. He sent one of the vice presidents and the provost, and the adjuncts handed a letter to Vice President, Stephen Schillo, which opened with a long quote from Pope Benedict XVI's 2009 encyclical Caritas in Veritate, which recognized the Church's long tradition of promoting unionism. The letter proposed that the cards be counted and verified by Father Jack O'Malley, a local priest in the long tradition of Pittsburgh's “labor priests.” This was an apparent attempt to move forward on terms that would be amenable to the University.

Duquesne's response has followed a strange course. In a letter dated June 22, 2012 to the university community, President Dougherty claimed to be surprised at the unionizing effort, stating, “The Univer-



sity was not aware of any general discontent among part-time faculty until an intention to unionize with the United Steelworkers was made public in the media. We literally found out about it in the newspapers. No group of adjuncts had approached the University to ask for dialogue.”

Sowards expressed confusion at this sentiment, calling it “a little bit absurd.” Sowards explained that, “essentially what Dougherty’s letter suggested we should have done is all gotten together and come to him to address our working conditions and improve them. But that means that you have a bunch of people getting together to renegotiate your working conditions. That is a union. You don’t have to run to a union to do that. That’s essentially demanding that we have a union, but without having a union, or before having a union. I mean it’s just self-contradictory. It makes no sense at all.”

Clint Benjamin pointed out that, as pre-

carious workers, the adjunct faculty would risk too much approaching the administration as individuals. He told the story of a group of adjuncts that got together about ten years ago, before Benjamin started at Duquesne, and wrote a letter asking for a modest pay increase after a several year pay freeze. This story - possibly apocryphal, but certainly believed by all - was repeated by a number of the adjunct faculty. According to the adjuncts, the university responded by saying that they were “being ungrateful and should be delighted to have a job.” The university further responded by enforcing the previously unenforced four-course per year adjunct maximum.

Stephen Schillo, the Vice President for Management and Business at Duquesne University, met with the union and rejected the adjuncts’ call for voluntary recognition of the union. He insisted on NLRB involvement and an NLRB-supervised election. According to

one of the briefs filed by the Steelworkers, Schillo “chastised” the union and adjuncts for insisting that the university live up to its social teachings and support the workers’ rights to organize, telling them that the university had a bargaining relationship with four other unions on campus. Bridget Fare, the university spokesperson, told Inside Higher Ed that Duquesne would treat the adjuncts’ attempt to organize in the same manner that they do all the other employees on campus, saying, “We’ll be letting the NLRB process take its course and proceed accordingly.”

However, after engaging in negotiations with the Steelworkers about the election, and signing a stipulation of election, Duquesne fired its local outside counsel, Robert McTiernan, and changed its approach to the organizing effort. Duquesne hired the Memphis-based lawyer Arnold Perl, who describes himself in the first sentence of his online profile as having more than 40 years of experience “assisting” and “counseling” organizations “on remaining union free.” On June 15, one week before the mail-in ballot election was set to commence, Duquesne filed with the NLRB a motion to withdraw from the stipulated election agreement and a request that the matter be expedited. In this motion, Duquesne argued that as a Catholic university, it is beyond the NLRB’s jurisdiction.

Every faculty member I spoke to expressed suspicion at Duquesne “waking up and realizing that it is a Catholic institution,” and was certain that the school was facing outside pressures. Each clarified that they did not believe that some sort of conspiracy was afoot, but simply believed that Duquesne would prefer to bargain. They had a sense that this was a new approach for Catholic universities to oppose unionization, and Duquesne was told to adopt the strategy.

Religious Studies professor at Manhattan College and founder of Catholic Scholars for Worker Justice, Dr. Joseph Fahey, was not shy in declaring that he was certain there was a conspiracy, explaining, “I don’t use that term lightly. Conspiracy comes from the Latin

for ‘breathing together,’ and in this instance that’s exactly what’s going on. There is a national conspiracy against unions in Catholic colleges and universities. Because they know that if adjuncts win, then full-time faculty are not far behind.” Fahey was quick to add that using the adjuncts in this manner to ward off further organization was even more disturbing because this strategy was in direct contradiction to Catholic teachings. “In Catholic tradition, there is a preferential option for the poor, the worst off. You are not judged by how you treat the first among us, but how you treat the last.”

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Manhattan College in New York, where Fahey teaches, and St. Xavier University in Illinois, have both similarly faced organizing efforts by their adjunct faculty in the past two years, and they have both argued that as religious institutions they are free from NLRB intrusion. Manhattan College President, Brennan O’Donnell, drafted several letters to the university community that were similar in tone and content to President Dougherty’s. While polite in tone and expressly not opposed to the principle of organization, the first letter expressed shock that the adjunct faculty did not bring their concerns directly to the college. In a letter one day later, the president cautioned, “[w]e must, as a community, discuss and explore the situation raised by the union’s desire to insert itself into this College.” The president insisted that he was not asserting that “‘Catholic’ and ‘union’

are necessarily at odds,” but simply raising a First Amendment, free exercise of religion issue. In a subsequent letter, the President described the essential issue as one of identity of the College and “exactly how and by whom that identity is going to be defined.”

The issue of who will define the workplace is a common issue in almost every organizing drive, with the employer insisting on a managerial prerogative to run their business as it sees fit and the employees insisting that they have a right to have a voice in the enterprise. Professor Fahey sees no distinction between these colleges and other employers, stating emphatically, “the simple fact is that under the Catholic tradition and American civil law the employer does not get a veto over employees’ rights to organize.” In this instance, the issue is made more complicated because of an apparent conflict between each party’s First Amendment or free speech rights. The colleges are invoking the religious clauses of the First Amendment, while the faculty are invoking their free speech and free association rights of the First Amendment to organize. Furthermore, many of the faculty have raised the issue of academic freedom, explaining that it becomes too fragile and weak if the faculty are precarious.

The arguments made by the president of Manhattan College are common in all three college cases. They vacillate between discussing the dangers of government intrusion to the dangers of union intrusion, all while saying they are not opposed to employee organization.

Though officials at Duquesne declined to be interviewed, Bridget Fare, the assistant vice president for public affairs, sent me an email repeating O’Donnell’s sentiments, stating, “The issue at hand is the constitutionality of the NLRB having jurisdiction over us as a religious institution. Under NLRB jurisdiction, Duquesne’s requirement to observe the principals of our mission would become subject to collective bargaining...and adherence to our mission cannot be a point of negotiation.” Dan Kovalik, the senior associate gen-

eral counsel at the Steelworkers, responded to this characterization by saying that Ms. Fare had a poor understanding of the law, Duquesne’s longtime position with respect to labor law, and Catholic teachings.

Kovalik describes himself as the “product of the Catholic parochial school system,” having gone to grade school at St. Elizabeth Ann Seton, middle school at St. Andrew’s, high school at Archbishop Moeller High School, and college at the University of Dayton, which is affiliated with the Catholic Church. Kovalik noted that Fare’s position is inconsistent with Duquesne’s history in that it has long consented to NLRB jurisdiction over the four other bargaining units on campus. Furthermore, Duquesne originally consented to NLRB jurisdiction for the adjuncts, thereby recognizing that the Board’s jurisdiction does not threaten Duquesne’s mission. Kovalik explained that “the adjuncts wish to bargain over wages, benefits and job security -- that is, over purely economic matters which have nothing to do with Duquesne’s claimed Catholic mission. In the end, it is clear that Duquesne is in fact more concerned with maintaining its paltry remuneration of its adjuncts than in protecting any religious values.”

Duquesne’s mission, which it has chosen to place in the center of the controversy, declares that it is “sustained through a partnership of laity and religious.” Its mission is described in terms of Catholic values as applied to education. “Duquesne serves God by serving students -- through commitment to excellence in liberal and professional education, through profound concern for moral and spiritual values, through the maintenance of an ecumenical atmosphere open to diversity, and through service to the Church, the community, the nation, and the world.” All of the adjuncts I spoke to were unable to think of an example of how the faculty would use the union to act contrary to Duquesne’s mission.

In a recent article in Labor Notes, Zelesnick said the issue was one of “control ... not Catholicism.” Kovalik similarly stated this in



the opening lines of the Steelworkers brief to the NLRB, stating that Duquesne's request was "not about God or religion, but about Mammon." Zelesnick did not understand the distinction that the school was making between the faculty and staff with regards to the mission. He explained that the mission was geared towards the students -- and the maintenance, food workers, and campus police also had important roles in upholding the school's mission. One adjunct reiterated this problematic distinction, explaining that it was offensive to say that those workers who "protected the students, fed the students, cleaned up after the students," had no role in implementing the school's mission.

Each side invokes a series of court cases that bolster their respective positions. Duquesne, and every other Catholic college that has fought the organizing efforts of contingent faculty, holds up the 1979 Supreme Court decision of *NLRB v. The Catholic*

*Bishop of Chicago*. In *Catholic Bishop*, the Supreme Court ruled that the NLRB did not have jurisdiction over lay teachers at Catholic high schools because such jurisdiction would implicate the religion clauses of the First Amendment. To be clear, the Court did not hold that NLRB jurisdiction violated the First Amendment; but that there was no "affirmative intention of the Congress clearly expressed" that teachers in "church-operated schools" should be under the Board's jurisdiction. Applying a long-standing Supreme Court rule that tries to avoid addressing "difficult and sensitive questions arising" from the Constitution, the Supreme Court simply held that since there was no clear indication that Congress intended to cover these workers, they remained uncovered. The *Catholic Bishop* case left open the question of what to do with colleges and universities -- especially those that are affiliated, rather than run, by a religious organization.



To address this issue, Duquesne argues that it passes the “substantial religious character” test developed by the NLRB, which looks at all aspects of a school’s organization and function, but focuses on the religious group’s involvement in day-to-day affairs, the religious mission of the school, and whether religious criteria play a role in faculty appointment and evaluation. Most of the adjunct faculty I spoke with were neither Catholic nor observant of any religion. Sowards pointed out that the university does not inquire into the religion of the faculty, and that a significant percentage of the faculty and students are not Catholic. Most said that aside from the occasional crucifix, Duquesne feels like any other college. Sowards remarked, “Working with the United Steelworkers, I’ve encountered many many more Catholics than I have at Duquesne.”

The Steelworkers argue that if Duquesne is entitled to a hearing on its religious arguments, the controlling case is one where the NLRB held that Livingstone College, a four-year liberal arts college in North Carolina that is under the auspices of the African Methodist Episcopal Zion Church (AME), was not exempt from the Board’s jurisdiction. The NLRB noted that though the church was the sponsoring body of the college and donates significant funds annually, the college also received significant funds from the federal government. Furthermore, only half of the board of trustees are appointed on religious grounds, and the church is not involved in the day-to-day administration of the college. With regard to the college’s mission, the NLRB found that it did not have a religious mission like church schools, but rather is primarily geared towards higher education “in an atmosphere supportive of Christian values.” The students at Livingstone are required to take one course on religion, but need not be members of the church. Under these facts, which largely match Duquesne’s situation, the NLRB held that the purpose of the college was largely secular, and there was

no First Amendment risk in the NLRB exercising jurisdiction.

Professor Fahey noted that Duquesne and other colleges advancing this argument were being “hypocritical.” He explained that these schools are not engaged in proselytizing, and they receive state and federal funding as universities. “They cannot now claim to be religious institutions when it suits them.” A review of Duquesne’s most recent tax filings indicates that the school receives millions of dollars each year in federal benefits. Furthermore, a review of Duquesne’s status in GuideStar, the primary database of U.S. nonprofits, indicates that the school self-identifies as an “Educational Institution” rather than “Religion, Spiritual Development” as do seminaries and the like.

The NLRB denied Duquesne’s request to withdraw its stipulation, and supervised a mail-in vote in late June. Duquesne appealed the decision, and the ballots were impounded pending an appeal. The adjuncts had voted, but the outcome of their vote remained a mystery through the end of the summer and the beginning of this semester. The ballots sat, uncounted, for several months until the Board ruled along party lines to count the ballots. It did not rule on the substance of the jurisdictional issue, but merely stated that the ballots should be counted because if the faculty voted against forming a union then the issue would be moot.

The ballot boxes were scheduled for opening and the ballots counted on September 20 on the ninth floor of the federal building in downtown Pittsburgh. On that day, several individuals from the Steelworkers were present, including Kovalik, Maria Somma, a longtime organizer, and the campaign’s lead organizer, Jeff Cech, as well as several adjunct faculty members, including Sowards, Zelesnick, and Benjamin. All three are slight and slim, young, with glasses, and have the air of an older style of professor. Sowards arrived like a dandy entering a cocktail party, donning a slightly skewed bowtie and filled with

nervous energy. As the person who kicked off the organizing effort, Zelesnick served as the official observer.

Ginny, the Board agent, opened the process precisely at 1pm, announcing that representatives of the union and the faculty were present, but no one from “the company” was present. Chuckles all around at calling Duquesne University “the company.” Benjamin remarked, “the company - that’s what we call them.” The Board agent backtracked, afraid she had accidentally insulted the university, and said, “the employer, the company,” indicating that the terms were synonymous here. But the English professors knew better. At the end of the joking, Kovalik said, “it’s part of their strategic plan to show that they’re not under the board’s jurisdiction. They won’t show.”

As the Board agent described the process by which the ballots would be counted, the adjuncts filled the silences with highbrow humor. When Ginny described the order of steps -- how the large envelope would first be opened, then the names on the list marked by those who had cast ballots, then the smaller envelopes opened and the contents mixed up, then the next level of envelopes opened and the ballots mixed up, and last would be the count -- Sowards remarked, “And the first shall be last and the last shall be first and all that.” Laughs all around. Everyone got the reference - not only fitting; not only to Matthew; but to the part of Matthew that deals with labor:

Inside the large yellow envelope were smaller yellow envelopes, and inside those, green-blue envelopes with names signed across the seal. When one envelope was invalidated for lack of a signature, Zelesnick joked, “you expect academics to follow directions?”

Inside the blue envelopes were yellow ballots. The process of carefully going through each layer of envelope and showing all present that nothing remained unaccounted, was slow. Zelesnick commented, “As tense as the battle of Trafalgar,” referring to the nine-

teenth century battle where the British defeated the French and Spanish fleets. In case anyone wondered which side the professors saw themselves on, someone quickly called out to Zelesnick, “Will you be our Lord Nelson?” To which he responded nobly, “I will try.” (It’s unlikely that anyone in that room did not know that Horatio Nelson’s two side-kicks were killed in that battle, and he was mortally wounded from an enemy shot.)

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Present also was a reporter from the region’s conservative paper, the Pittsburgh Tribune-Review, which is owned by a scion of the Mellon family. She asked about the buttons that the professors were wearing, featuring a large “A” for adjunct. It was surprising that no one made a Scarlet Letter joke, but perhaps that was too obvious, too high school. Cech, the lead organizer from the Steelworkers, pulled a button from his pocket and reached across several people to offer it to her. She took it and said that she could add it to her button collection. After a pause, she boasted that she had one that read, “Guild

by Association,” stating proudly, “you guys would like that one.” Polite laughter and nodding ensued, grateful that she was at least trying to connect with them.

Surprisingly, the reporter handed the button back to Cech. He looked defeated, turned and whispered solemnly, “my button was rejected.”

At that moment, the count of the envelopes concluded, and it was announced that 59 of the 88 adjuncts that were eligible to cast ballots had done so. Though there are 130 adjunct faculty members in the College of Arts and Sciences, the parties had agreed early on that the bargaining unit would have certain limits, which brought the number down.

As the ballots were counted, everyone kept their own private count on small slips of paper. As each ballot was announced “for” or “against” everyone made hatch marks in unison. Thirty was the magic number, and as soon as it was reached, Kovalik yelled out, “We got it!” and gave a large thumb in the air. The count continued even after a majority was reached, and with each vote for the union, the organizer mumbled, “yes!”

At the final tally, 50 voted for the union and nine against. Someone announced, “Now that’s a mandate!” There were hugs and high fives. The Board agent warned that the count wasn’t official until seven days after all objections had been resolved. Except for the one large jurisdictional objection, there were no objections filed. No one involved believes that the Duquesne adjuncts’ struggle is over. Zelesnick, Sowards, and Benjamin each told me that they would now approach the administration at Duquesne to set a negotiating schedule. Each indicated that Duquesne would appeal the jurisdiction of the Board, and that this fight would not be over until a federal court of appeals or the Supreme Court told Duquesne that it is required to bargain in good faith. The DC Board is expected to render a decision soon on the St. Xavier and Manhattan College cases, but no one believes

that the matter will be resolved at the Board level.

Beyond the legal developments, Sowards explained that until a legal resolution is reached, the adjunct faculty would work to improve their working conditions immediately, “using essentially minority union tactics. We’re of course certified - at least morally certified.” They plan on going to the members, hearing their concerns, and beginning to make proposals to the department chairs to address these issues. “If the departments refuse to improve working conditions or address grievances in some meaningful way, then we’ll escalate. Attempt to apply pressure in various, of course legal, ways. Attempt to persuade them that it is prudent as well as moral to improve things for their adjuncts.” It’s unlikely that this group of mild-mannered intellectuals will strike or take other job actions, but they are Steelworkers now, after all, fighting a familiar battle in Pittsburgh. 🌟

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*Moshe Z. Marvit, an employment discrimination and labor attorney, is the author (with Richard Kahlenberg) of Why Labor Organizing Should Be a Civil Right: Rebuilding a Middle-Class Democracy by Enhancing Worker Voice.*

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