

Joe Cytrynbaum: Labor Leader

By Michael Janson

On a crisp fall morning in 2003, Joe Cytrynbaum donned a peculiar costume. He stood dressed as an oversized ballot box in front of College Hall, the administrative headquarters of the University of Pennsylvania. The costume consisted of large sheets of gray cardboard taped together with black lettering on the sides that read “BALLOT BOX” and fit over Joe’s body so that his head came out the top of the box. The union that Joe chaired, Graduate Employees Together-University of Pennsylvania (GET-UP), was staging a protest in front of the administration building that day. The protest concerned the university administration’s attempt to invalidate the results of a recent vote for a union. If the administration were successful in its attempt, the votes would never be officially counted. As such, Joe’s ballot box costume was draped in paper chains, symbolizing that the votes were held in bondage by the administration’s tactics.

As a high-ranking administrator approached the main entrance to College Hall, Joe turned towards him, and asked, “Why won’t you count the votes?” The administrator was startled, did not respond, and started to back away. Joe awkwardly chased after him, hopping as fast as his costume would allow and asking the same simple question—“Why won’t you count the votes?” The administrator was flummoxed and at a loss for words. He seemed visibly scared by this gargantuan ballot box chasing him down the brick walkway, demanding answers to its questions. As Joe continued after him, the administrator’s secretary stepped in Joe’s way, and pleaded, “Why won’t you just leave him alone?” The crowd of protestors chuckled as the administrator scurried away, seeking a side entrance to the building.

This personal reflection, as a tribute to Joe, is a primer on the struggle in which he was involved, covering the general history of the movement and

the local history at the University of Pennsylvania (Penn). Part I sketches the history of graduate employee unionization in the United States. Part II discusses the union movement at Penn and recalls Joe’s involvement. Part III considers what the movement accomplished and looks toward the future. Joe was a dynamic and impassioned leader of the union. This reflection cannot do justice to his memory, but it is a small tribute to his work.

| Teaching assistant unionization is not a new idea in the United States and it has been in practice for almost four decades at top research institutions. The first union was formed at the University of Wisconsin in 1969. During the 1970s and 1980s, unions developed at dozens of campuses across the country. Notably, Rutgers unionized in 1970 and the University of Michigan unionized in 1975.

The issues that drove unionization of teaching assistants were the same as those that drive most union campaigns: respect, compensation, benefits, grievance procedures and a voice at work. At most Ph.D. degree granting institutions, students work as teaching assistants and research assistants as a means of sustaining themselves during their studies, which can take almost a decade. The usual compensation package includes tuition and a small salary. Typically, teaching assistants lead recitations (small discussion sections) of bigger lecture courses and, on occasion, teach their own classes.

Before the 1990s, all of the active graduate employee unions were at public universities. The campaign to organize teaching assistants at private universities did not begin in earnest until the 1990s, with Graduate Employees and Students Organization (GESO) leading the charge at Yale. GESO sought voluntary recognition by Yale, and as such did not petition the

National Labor Relations Board for a government supervised union election. The first union to do this successfully was Graduate Student Organizing Committee (GSOC) at NYU in 1999. The immediate context for the movement at Penn was GSOC’s path breaking campaign at NYU. The graduate employees at NYU had waged a multi-year campaign for union recognition and won their first contract in 2000.

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The campaign to organize teaching assistants at the University of Pennsylvania began in the fall of 2000. Teaching assistants held small potluck dinners on a bi-weekly basis in West Philadelphia to discuss what issues they faced and if a union would be in their best interest. A group of TA’s decided to move forward towards a union in the spring of 2001 and they formed an organizing committee. They dubbed themselves GET-UP - Graduate Employees Together at the University of Pennsylvania. Knowing how the Penn administration had fought unions in the past and the resistance that other TA’s had faced at other private universities, the group reached out to three national unions for help: the American Federation of State, County and Municipal Employees (AFSCME), the American Federation of Teachers (AFT), and the United Auto Workers (UAW).

AFSCME was considered because they represented some of the other white-collar employees at Penn and were led by Thomas Cronin, a well-known progressive leader in the city. AFT was considered because they had helped teaching assistants organize at Temple University in North Philadelphia, they were long-time national leaders in graduate employee organizing, and because organizers from TUGSA (Temple University Graduate Students Association) had advised the coordinating committee in the Fall of 2000. UAW was considered because it

had led the successful campaign at NYU and organized the graduate employees at the University of California system.

After interviewing representatives from the three unions, the coordinating committee chose by a democratic vote to work with the AFT and immediately reached out to the Penn administration to build a constructive dialogue on how to determine whether a majority of the graduate employees desired a union. The committee asked the administration to be neutral during this process and allow the graduate employees to decide on their own if they wanted to unionize. The administration rebuffed this request and declared that it would actively oppose unionization.

Despite hostility from the administration, the coordinating committee found that a majority of graduate employees desired union representation. During the fall of 2001, GET-UP collected union authorization cards from approximately two-thirds of the teaching and research assistants. Because the university had refused to accept a neutral process for determining whether employees wanted a union, GET-UP followed the lead of the graduate employees at NYU and petitioned the NLRB to hold a union election. The administration contested the petition, arguing before a regional officer for the NLRB that graduate employees should not be considered “employees” under the National Labor Relations Act and as such were not entitled to a union election. The administration delayed the process, dragging out hearings before the local NLRB for months. Finally in December 2002, the regional NLRB officer made her decision, ruling that the graduate employees were in fact “employees” under the Act. As such, they were entitled to a vote on whether they wanted to elect a union to represent them.

During a cold and snowy January and February in 2003, dozens of volunteer graduate employee organizers gathered signatures on a petition affirming support for the union. In the days leading up to the election, the union was able to show that an absolute majority of the graduate employees would vote in favor of having a union. Independen-

dent and internal polling by the union indicated that the union won the vote decisively. The *Daily Pennsylvanian*, the undergraduate paper that had editorialized against the union, found that 60.4 percent of those voting in the election favored the union (Willig, 2003).

Despite these clear results, the administration refused to respect the vote and continued to litigate the matter before the NLRB. The administration argued that the regional officer’s decision to authorize a vote was in error and that the election results should not be enforced. While the union continued to hold protests, petition drives, and gather community support, the administration worked to overturn existing precedent, and in doing so, destroy the legal protection for the graduate employees’ right to organize.

It was in this context that Joe donned a ballot box in front of College Hall to protest the administration’s refusal to count the votes cast in the union election. In June 2003, the Penn trustees gathered for their quarterly meeting. Joe and a group of GET-UP members protested outside of the meeting. As the *Daily Pennsylvanian* reported:

Dressed as a ballot box—chained shut, to represent Penn’s appeal to the national office of the National Labor Relations Board, which keeps February’s union election votes from being counted—GET-UP co-chair Joe Cytrynbaum said he and his colleagues hoped to “have conversations with as many of the trustees as possible, let them know what’s going on.” . . . “They have the best interest of the University at heart, and so do we—we’re really on the same page here,” the Graduate School of Education student said. (Dube, 2003)

Later that same year, Joe and more than eighty GET-UP members rallied at the official house of the university president, Judith Rodin. Joined by members of other campus unions and Pat Eiding, president of the Philadelphia Central Labor Council, the group gathered at 8:00 AM for a “wake-up rally” to protest the administration’s appeal of the union vote. Joe was there, speaking his mind: “We’re not

going away until the votes are counted,” GET-UP Co-Chairman Joseph Cytrynbaum said. “This is how democracy works, even though we wish we shouldn’t have to waste time on this—we’d rather be working on our dissertation or teaching” (Ghiselli, 2003).

Shortly thereafter, the union mobilized to protest a book signing by Rodin. Despite Rodin’s refusal to meet with the union to discuss its concerns and her administration’s rejection of the results of the union vote, she planned to release an edited volume entitled, “Public Discourse in America: Conversations and Community in the Twenty-First Century.” Joe and about eighty GET-UP members and allies took exception, staging a raucous protest of the event and decrying what they claimed was “hypocritical” behavior on the part of Rodin (Ghiselli, 2003). Joe wore his ballot box costume and protested loudly, telling one reporter: “The book talks about civil rights . . . [W]e want to point out that this is what we are about, too.” Ibid.

Without any other way to persuade or pressure the administration to change course, the union began mobilizing for a symbolic two-day work stoppage on the one-year anniversary of the vote. After gathering support from dozens of faculty, community members and the Philadelphia City Council, the union staged a two-day work stoppage in February 2004. During this time, Joe was an energetic and impassioned leader, encouraging his fellow graduate employees to assert themselves and get their votes officially counted. He expected the support of his professional colleagues as well. The Graduate School of Education held an ethnography conference at the same time as the strike. Joe emailed the conference participants and encouraged them to join the picket lines. As the two-day demonstration strike concluded, Joe looked towards the future:

“After this, it’s time for the University to do the right thing,” said Joe Cytrynbaum, a past GET-UP co-chairman and sixth-year Ph.D. candidate in the Graduate School of Education. “We hope it wouldn’t come to it, but there is always the

possibility for future striking to take place. But this was definitely the first and last time for a non-academic strike.”¹ (Collins, 2004)

Despite these efforts, the Penn administration pursued its appeal of the vote and refused to recognize the union. In July 2004, the NLRB ruled that graduate employees at Brown University did not have a protected right to organize, overturning its own precedent and vacating the legal protections for the campaign at Penn (Brown University, 2004). Applying the *Brown* decision, the regional NLRB officer dismissed GET-UP’s case. Through the Penn administration’s efforts, the votes cast by graduate employees at Penn in February 2003 were never officially counted. Although the Penn administration could have still voluntarily recognized the union even after the *Brown* decision, it chose not to.

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Despite the opposition of administrators at private universities, graduate employee unionization continues to grow at public universities. The number of part-time faculty continues to increase and the issues that spurred unionization have not abated. The single most important difference that the movement has made at private universities is that the working conditions for graduate employees have improved dramatically.

When Joe started at Penn, yearly salaries for graduate employees were around \$12,000 and they had to pay approximately \$1,200 for their own health insurance. Many admitted students taught for all of the years that they were in the doctoral program and there was no funding over the summer. Now, the entering students in arts and sciences at Penn receive close to \$20,000 per year, health insurance is included, and they are only required to teach two of their first five years in the doctoral program. While not all issues have been addressed, many aspects of graduate employment have seen considerable improvement as a result of the union movement.

The political landscape has changed

as well. Some administrators have begun singing a new tune, recognizing the issues that graduate employees have raised for years (Conn, 2010). Perhaps more importantly, the NLRB is now poised to overturn the decision in the *Brown* case that took away the protected right of graduate employees to organize (Jaschik, 2010).

Moreover, the movement has shown signs of rebirth at private universities. In the spring of 2010, an independent arbitrator certified that a majority of TA’s at NYU supported unionization and that they wanted GSOC to represent them (Greenhouse, 2010). The NYU administration, not surprisingly, rebuffed GSOC. As a result, GSOC petitioned the NLRB for a union election (Gould-Wartofsky, 2010). The regional officer for the NLRB dismissed the petition, citing the *Brown* precedent (Office of General Counsel, 2010). Now the petition will go to the full NLRB in Washington, which will most likely overturn *Brown* and order a union election (Workplace Prof Blog, 2010). If the graduate employees succeed again at NYU, a new wave of unionization campaigns may begin.

Conclusion

Joe was a leader in this movement and he deserves a good deal of credit for what it accomplished. For many graduate employees, the movement built community, created friendships, and provided an opportunity for political engagement on a local level. More concretely, it won tangible benefits for the tens of thousands of graduate employees that followed in Joe’s footsteps. Although the movement was stymied for a time, it is showing signs of rebirth.

Joe did much in his short life and he is dearly missed. He was an unfailing friend, a trusted colleague, and a labor leader—and a great one at that.

Michael Janson was Joe’s colleague and friend at the University of Pennsylvania. Michael completed his Ph.D. in Political Science in 2007 and his J.D. in 2009. He is currently working in Washington, D.C.

ENDNOTE

- 1 By a “nonacademic strike,” Joe would have meant a strike just of employees, rather than one of students or affecting student evaluations.

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