

UCATS *Momentum*

Union of Clerical, Administrative & Technical Staff at NYU, Local 3882, NYSUT, AFT, AFL-CIO

Volume 40 2019 Issue 3

UCATS celebrate Labor Day 2019

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PHOTO: JAMES DEBOER



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ELECTION**

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Union membership = Benefits

■ *Stephen Rechner, School of Law*

It's been a busy summer. UCATS seated a newly constituted Executive Council in May that included 15 new shop stewards whom we've been training. I hope one of them visited you with our flyer about the 2.5% raise that took effect on September 2. That beautiful flyer was designed by one of our new stewards, Ariel Raskin, who is representing UCATS members at University Development and Alumni Relations. Many of our new stewards also marched with us in this year's Labor Day Parade on September 7, as you'll see in the many photos in this issue, most of which were taken by Larissa McDowell, our new steward at the College of Nursing. Two of our new stewards, Anna Kreienberg and Larissa McDowell, wrote their first *Momentum* articles for this issue.

Membership has many benefits

The race for President started in earnest with several debates among the democratic candidates. If you watched at least one of those debates perhaps you noticed that many of the issues the candidates debated – among them stagnant wages, out-of-control health care costs, retirement security and family leave – are all issues that UCATS has tackled over the last 40 years through collective bargaining. Our collective bargaining agreement (CBA) addresses all of these issues with affordable health insurance plans that include prescription drugs, a defined benefit pension option, paid parental bonding leave, and generous sick time



New York State Congresswoman Carolyn Maloney stopped for a photo with UCATS at the Labor Day Parade.

that can be used for family care – all union-negotiated.

Hopefully, you are receiving this issue of *Momentum* just before NYU Open Enrollment. As you review your Open Enrollment materials and/or enjoy the freebies at one of NYU's benefits fairs it's worth considering that just about every benefit you get from NYU has been union-negotiated – that's why you have great benefits and most non-union American workers are just dreaming about what you have.

As you consider all of the great union-negotiated benefits that NYU provides, you should also consider the many benefits you get from your union membership. Go to our website, ucats3882.org, scroll down to "Member Benefits" and click on "Learn More" and you will find links to the member benefits pages of NYSUT, AFT, NEA, and the AFL-CIO. As a member

of UCATS you are a member of all four of these organizations and eligible for the benefits they offer.

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636 Broadway, Room 1219
New York, NY 10012

Momentum is published by and for the members of the Union of Clerical, Administrative, & Technical Staff (UCATS), at NYU, Local 3882, New York State United Teachers, AFT, AFL-CIO.

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Newsletter



Unions and the 2020 political election

■ Anna Kreienberg, Arts & Science

On September 12, 2019, the company Kickstarter fired two employees who had previously tried to unionize within the company. This disappointing and illegal action, however, is nothing out of the ordinary. Just this January, a group of New Museum employees voted to join Local 2110, a United Auto Workers Group that represents several New York museums' laborers. The New Museum responded by hiring "union avoidance consultants" from an out-of-state firm to dissuade those trying to unionize. These meetings encouraged museum employees to consider how much bureaucracy a union would add, and that they would have dues subtracted from their salaries. It's easy to imagine they did not discuss the existing issues that brought the museum employees to unionize – including lack of healthcare for part-time workers and the barely-livable salaries so many were paid. Most recently, the National Labor Relations Board stripped graduate students of their right to unionize yet again by no longer recognizing them as employees. This, despite the fact that graduate students teach an overwhelming number of college courses and contribute their labor in so many other ways in the university.

Union power = Political power

We live in a politically and economically fraught time. The importance of union membership cannot be overstated, and unfortunately while the benefits may not be clear to all, it's obvious that at-will (i.e., non-union) employees suffer from the lack of job protection. Only 10%



Anna Kreienberg

of Americans are members of a union compared to the 1950s, when a third of Americans were union members. This number is abysmally low and the decline contributes to the widening income inequality, because unions "institutionalize norms of equity," i.e., create a standard of payment that translates to the rate at which at-will employees are paid. All of our labor is undervalued when companies engage in union-busting behavior – a direct effect of conservative politics dominating the U.S. landscape.

But all is not lost! A recent Gallup poll reports that while membership in unions is on the decline, 64% of Americans approve of labor unions. This represents a 16% increase in approval since 2009. What can we do to further increase union presence and approval ratings? Becoming politically informed as a union member is a great start. For example, 2020 presidential candidate Bernie Sanders released a plan to double union membership in his first term and ultimately end at-will employment in order to tackle the ever-increasing wealth disparity. His plan also grants federal work-

ers the right to strike, and includes a rule that would force companies to acknowledge and report any anti-union activities they engage in, including any anti-union information they disseminate to employees.

Due to our affiliations with New York State United Teachers (NYSUT) and the American Federation of Teachers (AFT), UCATS does not directly endorse candidates in state and national elections. What will happen is that the AFT will endorse a candidate for president, after an exhaustive vetting process, and NYSUT will endorse candidates in statewide elections, after an equally exhaustive vetting process, and then UCATS will share those endorsements with you. A NYSUT/AFT endorsement does not compel any union member to vote for an endorsed candidate, but you should at least consider the endorsement in your decision-making because the vetting process they've been subjected to is your best assurance that the endorsed candidates will advocate for legislation that is in the interests of working people and education if they are elected.

Unions are politically powerful organizations, and our membership was hard-won by dedicated organizers. While we should celebrate the increase in union approval, there is so much work to be done! Talk about unions with your co-workers and friends, and stay up-to-date on the struggles facing current workers. Our next president will have a crucial impact on the enforcement of labor laws and the fight against corporate greed. Staying informed on issues that affect you most as a worker might just change how you vote come November 2020.

Income inequality

■ Ben Becket, Bobst Library

Income inequality in the United States is out of control, and the problem is getting worse.

According to a new study from the Economic Policy Institute, the average CEO made \$278 in 2018 for every dollar the average worker made. That's up from \$58 to \$1 in 1989 and \$20 to \$1 in 1965. While CEO compensation has increased by 940% since 1978, workers have seen their compensation go up only 12% on average.

It's no coincidence that inequality has dramatically increased at the same time union membership and union power were dramatically decreasing in the U.S. Without collective bargaining, workers are left to negotiate raises with the boss one-on-one. And of course, the boss is free to simply say "no."

Reversing the trend

While UCATS members have fared better than the average, the income disparity has grown at NYU, too. In 1998, NYU's president made \$18 for every dollar a Grade 9 UCATS member made. It was \$28 for every dollar in 2016.

While we can't control what NYU pays its president, UCATS members have collectively negotiated a raise for ourselves every single year since our first union contract was ratified in 1980. Every single member gets that raise, whether your boss likes you or not. (The most recent raise appeared in your September 27 pay-check – 2.5%).

In contrast, the vast majority of workers in the U.S. have no guarantee to a raise, a big reason they've



The more members who are engaged in the union, the more NYU will be forced to concede the next time we negotiate.

collectively fallen so far behind the bigshots. That includes managers at NYU. Many lower-and mid-level NYU managers often get no raise at all.

How do we reverse the trend and reduce inequality again? The only way to get a bigger raise is to bring more power to the bargaining table next time around. And the only way we bring more power is by having more members union-proud and ready to fight. The more members who are engaged in the union, the more NYU will be forced to concede the next time we negotiate. To find out how you can help build more union power with your coworkers, get in touch with your steward or the union office at (646) 602-1485 or info@ucats3882.org.

Member Questions

Q: I have a 403B Retirement Savings Account and want to invest in a socially responsible way? Is that possible.

UCATS President Stephen Rechner responds

A: That depends on your definition of 'socially responsible.' For some, the concern is for the environment, for others it is human rights issues, and for still others it means not investing in tobacco, alcohol or firearms.

The NYU Retirement Plan and the NYU Supplemental Tax Deferred Annuity Plan are both 403B Individual Retirement Accounts. The difference is the NYU Retirement Plan is available only to UCATS members hired after January 1, 2019, who opt out of the NYU Staff Pension Plan; their contributions will be matched up to 10% because they have opted out of the Staff Pension Plan.

You can invest your money in any funds offered by TIAA-CREF or Vanguard, and both offer funds that claim to be socially responsible. During the selection process you can click on any fund to see what companies the fund is invested in. That said, when I clicked on the list of companies the TIAA-CREF Social Choice fund invests in, I saw more than a few companies that might offend a strict socially conscious investor. Furthermore, TIAA-CREF and Vanguard profit from the fees they collect on all of their funds, so a socially responsible investor may have a problem even doing business with them.

Being a socially conscious investor can also severely impair the earning potential of your retirement savings, as the Social Choice fund is not usually the best performing fund. When it comes to investing for retirement, the more stringent you are with your definition of a socially conscious investment, the more it's going to cost you. This is an issue you should discuss with a TIAA-CREF advisor.

If you cannot reconcile your investment objectives with any of the options offered by TIAA-CREF or Vanguard you could search for an investment company that is not engaged by NYU but you will pay higher fees on your investments because you won't have the preferential treatment TIAA-CREF and Vanguard give to NYU



employees. You might also find yourself at the mercy of a Wall Street wolf who has an agenda other than doing right by you.

Even if you keep your money in a bank account, that's not a socially conscious investment because the bank invests all of their deposits (a.k.a. your money) any which way they want to earn the money they need to pay depositors. So in the end, you still make a socially bad investment, only the bank reaps the profit instead of you.

In my opinion your retirement portfolio is probably the most expensive and least effective way to make the world a better place. If you want to make a better world you would do far better investing for maximum return and using the profit to write a check to an organization whose mission is in line with your social values.

For the record, this is just my opinion, it is not investment advice. You should discuss your values and goals with an investment advisor. Representatives from TIAA-CREF offer one-on-one appointments on campus regularly for just this purpose. You can schedule an on-campus appointment through NYU Home/ NYU Retirement Plans. Furthermore, when you set up the appointment you can tell them what you want to discuss, so they will have some options for you when you meet.



Labor Day Parade 2019

■ *Larissa McDowell, College of Nursing*

There were many contrasting moments to my first experience marching in a Labor Day parade as an actual union member. You experience all of these different groups of people representing their unions. Some consisted of overwhelmingly large masses and some just a handful of dedicated and perseverant few. Some had their own floats or even buses and others had brightly colored banners and hand-made signs held proudly aloft. However, before the parade began, we were all gathered together as one continuous and rowdy stream of people all supporting this one great and vital cause. If one group began chanting, the others would join in with them, adding the strength of their voices, regardless of whether they wore the same colors or if their signs held the same acronyms.

Disturbing the peace on 5th

UCATS members gathered at 10 a.m. on 44th Street between 6th Avenue and Broadway with other education unions from our state federation, New York State United Teachers (NYSUT). Just as the parade began and even throughout the parade route, local and state politicians wove their way through the masses to shake hands, take pictures, and give verbal encouragement. We were joined by New York State Senator Chuck Schumer on 44th Street, and en route by Representative Carolyn Maloney and City Council member Matheiu Eugene. They raised our spirits by showing their support for all working New Yorkers.

As the different groups started to step-off, you saw the actual numbers of the groups start to become appar-

ent but what I noticed the most, and what will stay with me, is that no matter the size of the group, the energy and pride emanating from each and every person as they walked the parade route never diminished. The crowds along the barriers, which exceeded my expectations by far, cheered and waved for each and every group, adding their energy and support to the mix.

The camaraderie and solidarity I experienced with my fellow union members steadily bolstered me as we proudly walked past high-end stores with gaudy decorations and allusions to elitism. It provided a stark contrast yet perfect reminder of what exactly we're fighting for with each and every step we took as we passed window after window filled with glittering jewels and couture fashion.

UCATS was heard loud and clear as we passed the parade reviewing stand on 5th Avenue chanting "UCATS, Union Power!" despite the fact that we were not the largest group by any means. Union voices echoed up and past the many skyscrapers and luxury condominiums along 5th Avenue as the parade passed by and though it's doubtful that their residents were bothered enough to watch from those high stories, I guarantee you the ongoing ruckus disturbed their normal Saturday routines, or at least that's what I'm going to believe.

As we marched, we shared jokes, life experiences, and each other's company as we proudly represented the hundreds of NYU employees who are members of UCATS Local 3882. It was a wonderful experience that anyone who benefits from being a member of our union should do at least once in their life. It was humbling and pride-inducing all at once. I can't wait until next year!



U.S. Senator Chuck Schumer shook hands with UCATS members as he worked the crowd on 44th Street.

Grievance/Arbitration

■ Christopher Crowe, Bobst Library

In this country we believe in due process of law. (Most of us do, anyway.) It's a pretty simple idea: if the government wants to take anything of value away from you – your life, your freedom, your property, etc. – it has to respect all your rights, especially your right to contest its right to do so. So if it wants to, say, put you in jail and you don't want to go to jail it can't just lock you up – it has to give you a fair trial. (That's the way it's supposed to work, though we all know it doesn't always.) It's such an important idea that it's protected in the Constitution more than once. It's so baked into our conception of fairness and justice that many of us assume it extends beyond our relationship to the government to other important areas of life such as, for example, how we can expect to be treated at work. But that's a mistake. Let's be clear about this: when you're at work you're not in "America." The boss doesn't owe you the least little bit of due process. Unless, that is, the boss has agreed to respect your rights in a collective bargaining agreement.

Union-negotiated due process

One of our most important achievements as a union is that we have negotiated a robust system of due process which NYU is obliged to follow whenever it seeks to discipline or discharge a UCATS member. Without it you would be at the University's mercy – just as administrators and other non-union employees are every single day. You could be disciplined, demoted, and

even fired for (almost) any reason, or for no reason. There are very few laws which protect your employment. But thanks to several generations of unionists who bargained our contracts you can only be disciplined or fired for just cause. You have the right to a multi-step grievance procedure – potentially including outside arbitration – and the assistance of the union throughout.

There's a principle that disciplines should be progressive (that is they should start at the lowest appropriate level – such as a verbal warning – and only proceed to more consequential action – such as suspension or termination – if the objectionable behavior or sub-par performance has not improved), corrective (that is they're not meant to punish, per se, but to give the employee an opportunity – and motivation – to improve their performance), and proportionate (that is the severity of the discipline should correspond to the seriousness of the infraction).

UCATS is legally obliged to represent any member facing discipline or termination (if they ask for representation). UCATS has the right

How to Exercise your Weingarten Rights

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Without union representation, I choose not to answer questions"

This is your right under the 1975 U. S. Supreme Court Weingarten Decision

to demand pertinent information from the university. For example, say you've been disciplined for habitual lateness; we can request your MyTime logs. We might even request your co-workers' logs, too, to see how they compare to yours. The university has to give us this information or face an unfair labor practice charge.

Of course, having rights is all very nice but they're meaningless unless you exercise them. So, what should you do if you get caught up in the disciplinary process?

First, always invoke your rights. The disciplinary process usually begins with some kind of investigation. So if you're called in for a meeting with your supervisor, or with Human Resources, or with some other office within the university, it's a good idea to ask if it's an investigatory meeting. Sometimes they'll tell you straight up that it is. Sometimes they'll say that it is but that you're not the subject of the investigation. Sometimes they'll hem and haw but then start asking you questions which you reasonably believe could

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UCATS in Action



JUNE 18 – New York Committee for Occupational Safety & Health (NYCOSH) 40th annual awards event. (l to r) Christopher Crowe, Diana Corzen, Johanna Tyson, Petra McCalmon, Stephen Rechner, Shermaine Griffin, Joan Randolph.

AUGUST 28 – Meeting with representatives from NYU HR to discuss issues at the NYU Bookstore that have come to our attention since the management of the bookstore was turned over to Follett Corporation. Stephen Rechner, Linda Wambaugh, Anthony Pellino and bookstore employee/UCATS Shop Steward Ben Carr attended the meeting. NYU agreed to resolve most of the issues we raised with Follett's management of the bookstore.

SEPTEMBER 7 – The New York City Labor Day Parade. Too many UCATS members attended to list them all! YOU should have been there!

OCTOBER 4-6 – New York State United Teachers School Related Professionals Conference. The NYSUT SRP Conference brings together local leaders throughout the state from among NYSUT's 90,000 members who are not teachers for a weekend-long learning event that includes workshops and experience-sharing meetings of groups by job title. Stephen Rechner, Shermaine Griffin, and Christopher Crowe attended.

Union membership = Benefits

(Continued from page 2)

Do you need a legal services plan? NYSUT offers a plan identical to the legal services plan NYU offers – for half the cost. How about an ID theft protection plan? AFT offers ID Theft Protection for free. Are you having trouble keeping up with your student loans? The AFT can help you sort

it out yourself for free, or, if you want someone to do it for you, NYSUT offers Cambridge Credit Counseling at a reasonable cost. Would you like to earn a higher interest rate on your savings? Synchrony Bank offers rates over 2% for NYSUT members. With just a few clicks you can save money and you can make money.

Another benefit of union membership is work-life balance. The fact that you have a 35 hour work week, that you are compensated for overtime at a rate of time-and-a-half, that most of you don't work weekends unless that's your schedule – all this is union-negotiated and made possible by the living wages that

are a result of an annual raise for every UCATS member every year for the last 40 years – that's the power of your union – UCATS. You can take your union for granted or you can get involved as our 15 new stewards have since May. Together, we can maintain a strong CBA and save our dreams for other things.



Your Union-Endorsed Benefits: Debt Consolidation & Mortgage Savings

NYSUT Member Benefits understands the challenges that the hardworking women and men of this labor union face when it comes to financial issues such as student loan re-payment options, credit card consolidation or debt management, or saving on purchasing or refinancing a home.

Student Loan & Debt Counseling Program

Your union membership allows you to receive a no-obligation debt and/or student loan consultation at no cost with a certified counselor through the Member Benefits Corporation-endorsed **Cambridge Credit Counseling** program. Cambridge provides individualized student loan counseling along with a unique web portal available at a reduced rate to help explain the various options when paying student debt; debt relief services are also offered.

UnionDirect Mortgage Discount Program

The Member Benefits Corporation-endorsed **UnionDirect Mortgage Discount Program** presented by **Mid-Island Mortgage Corp.** offers union members and their families savings of up to \$2,700 on lender fees and closing costs. Your union membership also entitles you to no application or processing fees; no commitment fees; no underwriting fees; no lender or broker fees; and reduced attorney and title fees.

The Power of the Union

Regardless of whether you are participating in either of the programs mentioned above; one of our endorsed insurance, financial or legal programs; or our many shopping, entertainment or travel offerings, NYSUT members receive a quality product and enjoy the **"Power of the Union"** behind them. Unlike when purchasing products available to the general public, Member Benefits is here as your advocate if you ever have any issues or concerns with our endorsed programs.

To learn more about Member Benefits-endorsed programs, visit **memberbenefits.nysut.org** or call **800-626-8101**.



For information about contractual endorsement arrangements with providers of endorsed programs, please contact NYSUT Member Benefits.

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Know Your Rights

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lead to a discipline against either yourself or someone else.

In any of these cases you should immediately demand union representation. This is called invoking your Weingarten rights (it was named after a court case).^{*} It's the law of the land; once you invoke it, the university has to respect it. Never answer any questions before the union representative arrives and you've had a chance to speak to them. Once you do begin answering, be honest but don't be talkative. Answer whatever question management puts to you – unless your UCATS representative objects – but don't volunteer anything. Remember: the longer your mouth is closed, the better.

Due process dos & don'ts

What happens if things escalate beyond the investigatory stage? What if you're called in by management to be disciplined? Ask most members and they'll tell you they have a right to representation at this point but that's a mistake. It's a quirk of the law. You can always ask, but the university is under no obligation to say yes. So if you're taking a discipline you're probably going to be doing it on your own. And it's vitally important that you do it correctly. First of all, control yourself. No matter how unfair it might seem, no matter if you think the boss is lying about you, stay in control and don't argue. You're not going to convince management to tear up the discipline – you're just not. But if you lose control, if you argue back, you might very well earn yourself a worse discipline. Instead, say as little as possible.

Beware of leading questions management likes to ask to get you

relaxed and talking. You'll probably be asked to sign a document. Do so. It merely means that you've received the discipline, not that you agree with it. Say as little as possible, get out of the room as quickly as possible, then contact the union immediately.

We have twenty working days from the date of the discipline to file a grievance, if you decide to. If you do you'll work with one of our two professional organizers – who both have years of experience handling grievances – or with one of our more experienced stewards or officers. They'll be with you every step of the way. They'll discuss all your rights and options with you. They'll recommend the best strategy for obtaining the best possible outcome. But, of course, they'll never take any action on your behalf that you don't specifically agree to.

There are normally up to three steps in the grievance process – the first with your direct supervisor, the second with Human Resources in your school or division, the third with Central HR. (Sometimes, though, for strategic or contractual reasons we might start a grievance at step two or even three.) If you don't receive a satisfactory answer at any given step you can appeal to the next step. Even if step three is

In a larger sense every grievance we file is a victory, a vindication of our rights – by insisting on our right to due process we take away the arbitrary, unchecked, and unaccountable power of the university.

unsatisfactory there's an option to take your case to outside arbitration, although that's decided on a case by case basis, based on the facts of the case, and has to be approved by the Executive Council of the Union.

While we're reasonably successful, we can't claim to win every grievance – at least not in the sense that we get every discipline rescinded or reduced. Sometimes the facts are just against us, sometimes management just doesn't want to listen. But in a larger sense every grievance we file is a victory, a vindication of our rights – by insisting on our right to due process we take away the arbitrary, unchecked, and unaccountable power that the university would otherwise have over us.

Hopefully you'll never have to avail yourself of these particular rights but if you do you'll be glad you have them. When we fight for everyone's rights, we fight for your rights.

**In 1975 the United States Supreme Court in the case of NLRB v. J. Weingarten, Inc. 420 U.S. 251 (1975) upheld a National Labor Relations Board (NLRB) decision that employees have a right to union representation at investigatory interviews. These rights have become known as the Weingarten Rights.*

Bulletin Board

NEW HIGHS FOR UNION APPROVAL

A NEW GALLUP POLL shows approval of labor unions has reached a 16-year high, with 64 percent of Americans indicating that they approve of unions like the UCATS and our affiliates, New York State United Teachers and the American Federation of Teachers. That's a strong majority, up 16 percentage points since the beginning of the recession. And the approval rating is higher than it's been in nearly 50 years. The upward trend is a testament to the AFT's efforts in building membership and the crucial work our members do in schools, hospitals, other public workplaces and communities throughout the country.

GET YOUR HOLIDAY SHOPPING DONE WITH PURCHASING POWER

UCATS MEMBERS HAVE a great money-saving benefit from our state federation, New York State United Teachers (NYSUT). The Purchasing Power Member Shopping Program is an online shopping service that offers you the ability to purchase brand-new, brand-name products and pay for them over time through the ease of ACH withdrawals. Get your holiday shopping done online and pay over time – interest free! While Purchasing Power is not a discount program, it can save you money and stress compared to high-interest credit cards or rent-to-own stores. And unlike layaway programs, Purchasing Power allows you to receive your order up front with manageable payments that have zero interest, no credit check and no hidden fees. To get started, go to ucats3882.org, scroll down to Member Benefits, click Learn More and then click NYSUT Member Benefits and Purchasing Power.

UCATS MEMBER BENEFITS

AS A MEMBER of UCATS you are also a member of the American Federation of Teachers (AFT), the National Education Association (NEA), New York State United Teachers (NYSUT) and the AFL-CIO. Every one of these organizations offers a menu of benefits to you and to make it easy, UCATS has now posted direct links to the Member Benefits websites for each of these organizations. Just go to ucats3882.org, scroll down to Member Benefits and click on Learn More. Get FREE ID Theft Protection from the AFT, get FREE life insurance from the NEA, earn MORE interest on your savings as a NYSUT member with Synchrony Bank, and much more. But the only way you can take advantage of all the benefits you can get as a member of UCATS is to go to our website, click on the links, and learn about them.

ARE YOU STILL READING A PAPER EDITION OF MOMENTUM?!

SAVE SOME TREES and sign up to receive *Momentum* and all your UCATS mail by email. Just go to our website, ucats3882.org, and scroll to the bottom to sign up. In addition to our regular mail, you'll also be the first to know about new money-saving benefits from AFT, NEA and NYSUT, as well as other benefits from NYU and other sources. If you're not on our elist yet, you've already missed information on how to get a FREE bike helmet, and how to save \$100 on a Citibike membership. Neither of these are NYU or Union benefits, but when we learn about free stuff and big discounts at UCATS, we pass it on to our elist. We NEVER sell our elist to anyone, so you can sign up for UCATS email with confidence that your inbox WON'T subsequently be inundated with email from any other source.

