

UUP Labor Management Meeting Notes

Monday, February 24, 2014

1:30 - 3:00 p.m.

UU 124

Present: Serdar Atav, Lisa Gallagher, Fran Goldman, Benita Roth, Darryl Wood, Sara DeClemente-Hammoud, Sheila Doyle, Donald Nieman, Joe Schultz, Per Stromhaug

Items from Management: At the request of UUP, Per Stromhaug, Executive Director of Entrepreneurship and Innovation Partnerships, attended meeting to discuss the Start Up NY.

Per Stromhaug began with a brief explanation of Start Up NY. Legislation was introduced last year which became active this January whereby New York State can use space vacant or property not used as a tax free zone. BU came up with a campus plan -- although up to 200,000 square feet could be part of the plan, BU was cautious and chiefly designated planned space for partnerships with business, i.e. start-up suite incubator at the buildings on the parkway, downtown incubator site which is to be built. As part of the process, BU has to disclose a plan to the relevant community partners such as the mayor, unions, and other representatives. BU does not need UUP approval but comments are welcome. BU plan is already “preapproved” by the state but will go out 30 days after this meeting, and BU sent the plan out to a wider audience than required. [Note that Stromhaug had originally sent the plan out in December to Jim Dix, going off the outdated UUP website]

UUP (Benita) responded that the UUP website will be updated soon. In the meantime, please send email to UUP at uup@binghamton.edu. UUP noted that one comment received from a member hinged on the question of what is considered “vacant.” Will the Nature Preserve be affected? Stromhaug said that President Stenger has insisted that no green space on campus be touched. At the complex on the parkway, there are 22 offices in total. That is all we have on the campus “brain” right now. Maybe a new energy building, the Center for Excellence may want some more lab space – available space could increase a little bit. In Phase II, BU will identify community space that businesses can come into. One is a BOCES in Endicott. Another is 200 Court Street, owned by the IDA, or other areas that are already tax free. We want the underutilized vacancies, those that have not been on the tax roll.

UUP (Benita): Another thing we ask is: We want to know if you, President Stenger, the administration have thought about any increased workload for UUP members, recruiting, maintaining these businesses on campus, or cost to the infrastructure? Stromhaug replied that nothing is anticipated right now. Businesses that come in pay rent which is market rate rent and his office staff supports them. Other than that, Stromhaug doesn’t really support the businesses right now except with access cards to the building or keys. The downtown incubator is owned by the Foundation, and will be run through the Division of Research.

UUP (Darryl Wood): Having worked on campus for a number of years, my guess is that we don’t have enough space. When you have existing space needs, how can you take this space when you know we already need it? Stromhaug countered that there is a plan for addressing those needs. The new Smart Energy Building. UUP (Benita) asked who is in place for coming

to campus to start businesses. Stromhaug stated that they have three companies in the start-up suites. The companies have to apply to be in the incubator and then they have to apply and qualify for Start Up NY. In the Biotechnology Building there are about 12 offices – staff and Stromhaug are currently using 5 and 1 more office. One is being temporarily used [by others]. In addition, 2 offices are empty. 4 companies have applied and haven't moved in yet. 2 companies will move into the Engineering Building. The Center for Excellence has 6 offices. 4 companies have applied and moved in. 3 more have submitted applications. 2 more are interested. 5 or 6 companies are interested as part of the Start Up NY program. Right now we can fill the space. Stromhaug noted that the businesses to be considered should create synergy with what the campus is doing.

UUP (Benita): There is a perception and reality of the lack of space on campus but clearly not all space can serve all purposes. President Stenger stated in his 2014 State of the University Address, just how much he wants BU to grow. Students, faculty, and staff need to be put in a plan. Your instinct to take this [Start UP NY] to a broader audience is a good one. The consultative approach is the way to go. Please keep UUP apprised. Stromhaug replied that as soon as Phase 1 is approved, we would like to go to the community. This plan can be modified at any time.

Performance Programs and Evaluations

Management (Joe Schultz) noted that currently, the campus is at about 80% of compliance rate in terms of having professional staff with performance programs and up to date evaluations.

Management determined this manually. HR has not yet identified trends or departments.

UUP (Fran): This number has been at 85-90% before. I will say that I know of people who do not have performance programs and am trying to get people to be a little proactive. A push from management would be helpful. UUP (Benita): A goal is to bring this back up to 85-90%.

Management (Joe Schultz): More than likely the next time we'll do this is in July.

UUP (Benita): Are you sending anything around? Management (Joe Schultz): Allison is very proactive. We do a Dateline message. I think the permanent group is a more difficult one.

Items from UUP

On-Going Items

Open SUNY. Note: Provost Nieman attended this part of the meeting, as well as the following part of the meeting re: intellectual property rights

Open SUNY - We would like an update on BU's offerings under the Open SUNY rubric. We are also concerned about the "unfunded mandate" quality of the many plans for Open SUNY (24/7 concierge and other support services). What does Management anticipate in terms of the future costs of Open SUNY for BU and how those costs will affect the membership?

UUP (Benita): Re: Open SUNY, it seems that BU is making very minimal contributions to the statewide initiative. We are quite concerned about the unfunded mandate nature of Open SUNY-- concierge services, 24/7 hotlines, maintaining and keeping up with technology, Center for Online Teaching Excellence. Where is the money for this going to come from? Benita had attended a “webinar” that stated that “system-level resources” were to be used for budgeting for x,y and z. What costs are anticipated, on the assumption that BU is not going to put many of the courses online? As an institution, what will be the costs to our membership?

Management (Don Nieman): It is hard to know. What Open SUNY is, is not very clear at this point. We are only part of one electrical engineering program for now. There were two other online programs we had in Watson, in “System Sciences” and “Industrial” Engineering – through EngiNet. They did not incorporate EngiNet into Open SUNY. The electrical engineering program is the only one within Open SUNY. Nieman gathered that any course we offer on line any students can take and use it towards a degree somewhere else. Nieman was unsure as to costs--not sure there are any more at this point. Discussion about “recharges” -- SUNY as such doesn’t generate revenue – BU generates revenue. Basically their budget comes in part from charges that are made from the campuses. It is broken up in a variety of different ways. The Van Voorst equivalents at other campuses are looking at the recharge rates.

UUP (Darryl): If a student enrolls in an Open SUNY course, wherever they take the course, they pay for that course, for instance if they take the course through Binghamton they pay Binghamton. Open SUNY wants to take some of that money?

Management (Don Nieman): No – not a tax on that tuition.

UUP (Darryl): Who is charging – chargebacks?

Management (Don Nieman): Forget Open SUNY – 1 per cent of our state budget goes back to SUNY. We pay a certain amount. Dual degree program – there is a charge for every student that comes into that program.

UUP (Benita): The folks on the webinar also spoke about convening a task force on what the business model [for Open SUNY] would look like.

Management (Don Nieman): Maybe the model is Empire State or Delhi which has many on-line courses. The goal is to have all of SUNY online courses available through this model. Basic question: If a full time BU student enrolls in a class, how does the tuition work? They don’t know. Participation and online education will be under faculty and campus control. BU has no plans down the pike to participate more. We have had no pressure. We were asked: Do you have programs that you’d like to move forward? We looked around, and we volunteered EngiNet. They didn’t choose them.

UUP (Lisa Gallagher): There is a fee for EngiNet.

Management (Don Nieman): We have no plans to create any online programs that I know of.

UUP (Serdar Atav): Is Open SUNY a publicity stunt by Nancy Zimpher? Nieman responded that the initial numbers of enrollment for Open SUNY of 400,000 was part of a SUNY way of pulling big numbers out of the air and say they are going to do this. What her vision for Open SUNY is, is to create access to BA and MA degrees principally for those who have some college credits, but now have family and home responsibilities. There are tens of thousands of people across the state who fit into this category. Some

campuses in SUNY would love to jump on the band wagon. They don't have 30,000 applications for Delhi (as we do at BU).

UUP (Benita): Another thing we heard is, there is a rumor that some spaces on campuses have already been taken off line, for instance LN 1324C, in order to be used for online teaching.

Management (Don Nieman): This room is part of Center for Learning and Teaching. There are plans to turn this room into a sandbox, by putting in a variety of kinds of state of the art teaching technologies, not aimed necessarily at online courses but face to face courses. To experiment with adding pedagogy in their classrooms.

UUP (Benita): Can you give us one example?

Management (Don Nieman): One thing is a classroom model where you have students working in small groups around small tables and no head of the classroom. Monitors will be placed in different corners of the classroom to generate student- based learning.

Nieman also stated that Mark Reisinger of the Geography Department is chairing a task force that is trying to come up with a strategic plan for online education. We hired our first designer for the Center for Learning and Teaching and will be hiring another designer. These are UUP employees who will help both with online and face-to-face teaching.

Intellectual property concern - In December 2013, UUP raised concerns about how a member had their intellectual property, in the form of a videotaped lecture/discussion meant for online viewing in a hybrid course, used by an administrator as part of an "investigation" based on a student complaint. We shared with management that we consider this use of the intellectual property to be an egregious violation of the member's rights, and that from a UUP standpoint nothing can be done with it or enrolled in course or not without the instructor's written permission.

Management countered that they had asked for clarification from SUNY re: policy about the use of intellectual property and had not heard back; management had spoken with the Provost about the situation. We asked that management communicate to supervisors and administrators that given the lack of guidance from SUNY, they should err on the side of caution before they use intellectual property in this manner. What has been done on this issue to date?

Management (Joe Schultz): We had asked (SUNY) for clarification of the policy on intellectual property rights. UUP (Benita): From our standpoint, we ask management to send out to everybody what the campus policy is about our intellectual property. Instead of waiting, you should put out a message to all administrators, faculty and professionals on what the BU guidelines are about intellectual property. Management (Joe Schultz): SUNY has all of the guidelines – but this question is not answered.

UUP (Benita): In the meantime, I was told that there are campuses that do have good polices in place.

Management (Don Nieman): This is on the agenda for our next Deans' meeting to talk with Deans about. I don't want to develop this policy in an ad hoc manner. Not this issue. It is important. It has come up. My preference would be as a practice to go from an administrator and HR and then HR and me and probably the person affected.

Management (Joe Schultz): The message to the Deans is that this is a somewhat complex topic and if you have a problem, you need to stop and contact HR for guidance. If we have a scenario where someone is attacked in the classroom, I don't have a question for that right now.

UUP (Benita): One common denominator is that there is always going to be an instructor of a class (online or off). At the very least, you need to talk with the instructor about how the material is being used (in terms of discipline, etc).

UUP (Darryl): I have not yet heard that the University supports intellectual property. I have heard we need to know how to use the information (generated by an instructor).

Management (Don Nieman): It is very clear that it is the person's intellectual property, in the absence of people signing a waiver. You can imagine a case in which there was significant danger.

UUP (Darryl): A criminal situation is entirely different. As I understand it, the issue is 1: Somebody outside of the instructor has decided this is mine. I'm going to take it and do what I want with it. It seems to me clear that you can say, it belongs to the person, and don't touch it unless you have permission from the person. Not hypothetical. It happened we don't want it to happen again.

UUP (Benita): We recommend that you have some type of consultation (with us). We really want to see the administration get out ahead of this and put out a very clear message. We asked for this in December, and it is now February. We have not seen that leadership, and we want to see that leadership.

Management (Joe Schultz): SUNY has work to be done on this to answer this question, because SUNY still has to. On that frequently asked problem. We can lead on this. Do you know any other campuses that have this statement?

UUP (Benita): There are campuses that have clear and specific policies. I will try to find out which campuses they are.

UUP (Darryl): From an external point, the campus is taking a very callous approach to intellectual property.

On call/Recall - we would like an update on management's efforts to see who fits oc/rc requirements as at the December LM meeting management indicated that it expected to have a list of eligible workers by sometime in February.

Of special concern is the question of definition of "work station" - at the last meeting there was some consensus between UUP and management on the question that being called back to work was being called back to work regardless of location and that in some cases, problems could be fixed quickly but that employees deserved compensation for the interruption.

Management (Joe Schultz): Nothing has been finalized at Binghamton. At this point, it looks like a handful of Physical Facilities employees have been, at least in the initial round, placed on recall. Professionals in ITS are in a preliminary list for recall. The real area for a lot of people in a recall/on call position is Student Affairs. SUNY has indicated the agreement was that this pertains to new arrangements only, and if you have an historic system in place you may continue this. Student Affairs is going to continue the practices that it has used. In all - generally comp time.

UUP (Fran): Except that supervisors within Student Affairs don't believe in comp time because there is no comp time.

Management (Joe Schultz): If you have a scenario, let me know. Student Affairs is continuing on how they have handled it. ITS and Physical Facilities - 15 come about in recall. I have a sense that this issue is going to be complex.

UUP (Darryl): It is going to be cleared up soon. I have 3 step one grievances (on the issue of oc/rc). Two have given responses. The third will be given any day. They will all be appealed. I am at 500, as this is two of my campuses and I would like to bat a thousand.

Discussion here ensues as to how and when diverging interpretations of the oc/r provision in the contract will be resolved, as SUNY is insisting that the new contract provision does not apply to already existing arrangements. Management (Joe Schultz) suggested that more guidance may come from an HR Directors meeting scheduled for March. Darryl suggested that the issue can't be solved at the campus level. Management (Joe) concurred). Discussion switched to what the process is for placing someone on oc/rc. Management (Joe Schultz) stated that the current concept is that the recommendation should go up through the Chair to the Dean's level. UUP (Benita): Ultimately it was the Provost's decision. As you are looking at this list, **we would like to see it before it is a final version.**

Management (Joe Schultz): At this point, once it gets up to the Vice Presidents, they will have a discussion.

UUP (Darryl): Timeline? June 30?

Management (Joe Schultz): Before that – 3 months tops.

UUP (Benita): We assume there has been no update on the definition of work station.

Management (Joe Schultz): Someone physically reporting to the campus however this area does not include a counselor who may have to go to a hospital. I would say that qualifies for recall pay.

UUP (Darryl): Being recalled is someone returning to work.

Management (Joe Schultz): Contract reads when someone comes back to campus.

UUP (Darryl): Referred to 20.18 C of the Agreement.

“In the event that such an eligible professional employee is directed to return to work after having completed the professional obligation and left the scheduled work station, the employee shall be entitled to a minimum of one-half day's pay at the rate of time and a half, or compensation for actual time worked at the rate of time and a half if that period is longer, for the purpose of computing recall compensation.”

Parking - Management announced in December that Binghamton University is in the process of increasing the registration fee for everyone who parks on campus. The proposed increase would be from \$20 to \$25 per vehicle. Management proposed sending a memo to members about the basic information for this increase, etc., and suggested providing an opportunity for bargaining units to meet and discuss this proposal. Has any such meeting been set?

Management (Joe Schultz): Within the next couple of weeks, the bargaining units will be drawn in to discuss this issue.

UUP (Serdar): I am on the Parking Committee, and we haven't met recently.

Management (Joe Schultz): This was discussed at a recent meeting. I will ask Paul which one it was discussed at.

UUP (Benita): Our question is how much are we actually spending (on parking registration costs)?

Management (Joe Schultz): That is the data we will be providing. We will be giving you a spreadsheet. This will have employee numbers and justification.

Adjunct Pay - UUP thanks management for their answer to our November 2013 request for information on Adjunct pay. However, we received information only for Fall of 2013, and our request was for both Fall 2013 and academic year 2012-2013. We feel that having a full academic year of salary would give us a better idea of the true picture of adjunct pay (for example, the "percentage blending" problem that management alluded to would be cleared up). As a reminder, "adjunct faculty" includes all those in non-tenure track positions teaching courses on a temporary or term basis. Timeline for completion of our request?

UUP (Benita): Thanked Management for the information it recently provided to UUP regarding adjunct faculty salaries but noted that it was incomplete. The information given was for Fall 2013 and UUP's request was for both Fall 2013 and the academic year 2012-2013. UUP also noted that a couple of adjunct faculty from the Department of Asian and Asian American Studies were missing.

Management (Joe Schultz): Kelly is working on it, and it should be available in two more weeks.

Leadership development/supervisory program - UUP would like an update on the next program, including who will be participating in it. What were the results of evaluations done by management re: the program?

Management (Joe Schultz): There are 42 people scheduled for spring. The results of the evaluation from the first program are still being tabulated. I will check with Carol Bell.

UUP (Benita): UUP would like a list of people scheduled for the spring.

New Items

Professional salary increases/promotions:

UUP: Since January is when professionals can apply for salary increases and promotions, we would like to know how many have applied.

Management (Joe Schultz): It looks like there are about 40 already for the January window. We used to go to 20-25, with a banner year of 30. Now we are up to 40.

UUP (Fran): How many professionals have directly applied?

Management (Joe Schultz): Almost none. We have very few employees who have initiated the promotion rather than the supervisor.

UUP (Fran): Maybe you don't hear about those.

Management (Joe Schultz): Mostly, I see the supervisor is going to their supervisor initiating them on their behalf. We almost need a new person to handle all of this.

UUP (Benita): I hope this new person will be UUP.

Management (Joe Schultz): Interestingly enough, the President is very, very particular that every piece of paperwork must be there - an updated performance program and evaluation. The good news is that it is helping.

“Below the Line” Agenda Items

(As agreed to by UUP and Management during the October 2011 Labor Management meeting, agenda for these meetings may include “below the line” agenda items that are added after the agenda is set. These items can be discussed formally or informally (no notes) at the current Labor Management meeting if both parties agree, or can be postponed to the next Labor Management meeting upon request of either party.)

UUP (Fran): I received a telephone call from an employee who is very concerned about smoking and the proximity to the door where the person is smoking. This smoke is being picked up by the ventilation system and comes into the office. As I am the Building Administrator, people in the building think I can fix this problem.

Management (Joe Schultz): Do you know where the intake is?

UUP (Fran): It is in the basement of the Library, in the old bookstore area.

UUP (Serdar): What is the policy?

Management (Joe Schultz): The policy indicates 25 feet from the entrance of the building.

UUP (Benita): Who do you call?

Management (Joe Schultz): If there is an issue concerning employees, Environmental Health and Safety and Physical Facilities are notified to get the thing moved.

UUP (Benita): Can we call the campus police?

Management (Joe Schultz): Yes. It would be a health and safety issue. Contact us first, and we can find out where it is supposed to be to get the thing moved. I would go with the practical route first and see what we can do. When it rains or snows someone moves it, and it never gets moved back.

The meeting ended at 2:45 p.m.