Present: S. Atav, F. Goldman, B. Kilmarx, S. Massey, B. Roth, D. Wood, S. DeClemente-Hammoud, D. Nieman, J. Schultz

Meeting Began at 2:05 p.m.

Benita Roth welcomed everyone to the February Labor Management Meeting.

New Items from Management:

Executive Order 161 regarding compensation history for job applicants

Management (Joseph Schultz): (A copy of Executive Order 161 was distributed by Joseph Schultz). Executive Order 161 "Ensuring Pay Equity By State Employers" says that State agencies can no longer ask someone's compensation history in the job application process until that individual has been extended an employment offer. This also applies to student employment. We removed it from the generic application form and we had to post in on the main board outside and in Dateline. The order is intended to pay people what the job is worth.

UUP (Benita Roth): Any State hiring agency?

Management (UUP): All State agencies. It came out of nowhere. We had to send a note to the Governor's Office stating that we have complied with this.

New Items from UUP:

Course loads and punitive action:

According to the 2016-17 Faculty-Staff Handbook (FSH), teaching loads at BU are "intended to be moderate and to provide time for fulfilling other obligations such as research, scholarly activity, and professional improvement." (FSH IV.C.3). The FSH then goes on to list various loads (i.e. 3 undergraduate per semester, 2 graduate per semester, 1 graduate and 1 undergraduate per semester and the like. The FSH goes on to state that "this definition of normal load may be influenced by other considerations, and that there may be considerable variation among disciplines." The FSH makes clear that deans and directors are responsible for monitoring faculty assignments. We have heard, however, that uneven institutionalization of the 3/3 course load has been suggested and may be occurring in a punitive fashion, that is, to load "unproductive" faculty with more teaching. We would like to know if statements to these effects have been made to chairs and program directors, as they introduce a justification for course load assignments not enumerated in the FSH.

UUP (Benita Roth): This was prompted by us starting to hear rumors that people are telling us that they heard if people weren't being productive, no particular definition of what that meant, they were going to be reassigned to do more teaching. How do these decisions get made? We know there are three components (elements of faculty professional obligation -- research, teaching, service) that can be adjusted accordingly. The Provost's Office was being cited as the source of these particular rumors.

Management (Provost Nieman): I was asked by the campus governance leaders about this. How stupid do you think I am? (Joking here) I do not give guidance. If deans want to talk about issues with respect to teaching loads, I will talk with them about it. It is in the prerogative of the deans to talk about this.   School of Management has had some discussion about work load policy to adjust for research productivity.   This came from faculty and they are establishing a matrix.

UUP (Benita): You would be willing to give deans a bit of leeway (in terms of teaching loads)?

Management (Provost Nieman): It really needs to rely with deans to establish appropriate teaching loads.

UUP (Benita Roth): Would your office review these?

Management (Provost Nieman): We haven't yet.

UUP (Darryl Wood): Sometimes people do things with the best of intentions but not necessarily in the appropriate way. But before they do, we should talk.

UUP (Benita Roth): One of our concerns would be that if a faculty member has an off year they would be punished. We would also not want to establish standards for post tenure.

Management (Provost Nieman): I want to do that less than you do.   I've read about it and all I can see is endless amounts of work for just about everybody for very little gain. Cost would much more ...Post tenure review is not something I have any thought of doing. I consider it to be a nightmare. Any unit that wanted to establish differential teaching loads would have to have very clear standards to do so. Not a one-year scholarly dip.   At a minimum of three but probably measured over five years. When I was Dean, I recommended against, not very many but some, applications for sabbatical.   Look at what the person has done since the last sabbatical. In six year period, it's reasonable to look at productivity if the university is going to invest. One of the questions about review is always cost and benefit. How many people are there who have gone completely or largely unproductive in scholarship, what are the lengths you have to do to capture and what do you get out of it?   How many people who have gone fallow in scholarship? Are these people you would like to have teaching more? There is that piece of it. In some departments, people who have not been as scholarly may have taken on additional service. One faculty member took on teaching five courses, which was completely voluntary.

UUP (Benita Roth): People who do a lot of service are taking from one pot. They are usually people who really care and want to do this service and it tends to bleed over into teaching.

Management (Provost Nieman): We don't deal with increasing people's teaching at all but occasionally deal with a dean who wants to decrease the teaching load. If you can manage your teaching responsibilities, someone who has major funded projects may be buying time out. When we do "contributions to mission" meetings, you really have a ledger with left-side teaching and right side scholarship. Over a four year period one of the columns is how many courses people have taught. We list semesters available for teaching.   So a department chair, if they are on sabbatical we have them at one semester. This person was not really available because they were undergraduate coordinator. Certain categories we have that we build into the model. If you are releasing someone and you can manage it, it is your decision. How do these rumors get started?

UUP (Benita Roth): I have heard this rumor for 18 years off and on and then there was a little cluster expressed to us recently not even so much from tenured folks but from non-tenured folks.

Management (Provost Nieman): I would rather know than not know about any problems.

UUP (Benita Roth): I can't always tell you where the rumors come from....

UUP (Sean Massey): Part of what I wonder is the position that you have made very clear just now -- the message -- is shared by all of your deans and chairs. who are not seeing it about being more of the needs of the department.

Management (Provost Nieman): I think so I am very clear with the deans in that regard. Not an issue we talk about but when we do in dean's meetings and I think everyone understands that it is in their house to deal with. My clear philosophy in dealing with this is that deans should be able to be deans. That's why we pushed the graduate stipends out from the graduate school.

UUP (Darryl Wood): If SOM is doing something, can you share that with us at some point?

Management (Joseph Schultz): If I hear, I will share that with you. The normal conversation regarding this comes from the top down. This appears to be coming from the faculty up. I think their accreditation standards are very tight (prompting SOM to worry about productivity).

Ongoing Items from UUP:

Parking: We have heard that a new license-plate reading technology will be coming to campus. We are concerned both with the possibilities for intrusion into privacy through such technology and the possibility that the costs of such technology will be passed onto members through registration fees.

At the last meeting, Parking Services was to explore why information on license plates that did not get citations had to be stored for 180 days (i.e. "industry standard.") We await a response.

Management (Joseph Schultz): I sent you something on January 24. You said thanks for the information but you doubt the issue has ended.

UUP (Benita Roth): Every time we share this information we have been met with, "Are you kidding me, that's terrible." Or some version of that.

Management (Joseph Schultz): When we talked with them and I think part of it is data. A lot with 150 spots. They go and scan and 130 are parked in the lot. This lot has 20 free spots. So they can capture a time period when the parking is available that they can pass on.

UUP (Darryl Wood): If I remember correctly, she knows that that car is in that spot at that time and it remains for 180 days.

UUP (Sean Massey): They might be able to do the OCR and they store that number.

Management (Sara DeClemente-Hammoud): If they don't see the tag and they run it through, they keep that data.

Management (Joseph Schultz): The concern is that hey I didn't do anything wrong. It is legally parked. Why are you keeping it?

UUP (Benita Roth): Could my supervisor find out that information and see that I was on and off campus 10 times? Could my supervisor use this against me? When it is being implemented, I think you will hear from people.

Management (Joseph Schultz): I recommend if you want to send me an email saying we talked about this and this data will be used for the sole purpose of parking, etc. What I will attempt to do is have an assurance that outside of a subpoena required by law, the limited use of this data will be for parking purposes to help with statistics and make parking be done more efficiently. Beyond that there is nothing illegal about it. What we are asking for is an assurance that it is going to be used for this reason.

UUP (Serdar Atav): Isn't everything FOILable?

Management (Joseph Schultz): You can't give an open-ended request.

UUP (Sean Massey): You can. If they say I want a list of all cars parked in that lot for that day, it is FOILable.

Management (Joseph Schultz): For safety and security reasons, I don't think that data can be released with FOILable.

UUP (Darryl Wood): Once this becomes public, people will be very, very upset.

UUP (Serdar Atav): Why aren't they willing to reduce the time (that records are kept)?

Management (Joseph Schultz): I can see if programmatically that after the scan it could be changed to an identified something. Did you ever notice the things on the police car? As you

drive by, they scan it. If something happens, they pull you over. This is parking services though, not the police.

UUP (Benita Roth): I will send you this note. (BR note: I sent this message on March 3, 2017)

Management (Joseph Schultz): Let me research this first.

UUP (Benita Roth): I think the reaction to the new lot has been positive. There is a bicyclist who is not happy about the lot because the bicyclists were not being considered and someone was concerned about the trees.

UUP (Seder Atav): They went through the committee. They wanted to turn it into a sustainable one.

UUP (Benita Roth): There are coverings that allow water to go through it.

FLSA: We would like a summary/update on what management has actually done reflag raises -- that is, who has had a salary raise, who will be obligated to report time/hours, what mechanism for reporting has been established and what kinds of processes/policies for decisions about overtime use (that is, pre-approval vs. emergent situations) have been established.

At the last meeting, management indicated that there were 10-20 employees affected. We would like to know who was affected and in what areas.

Management (Joseph Schultz): (Distributed a copy of a memo.) This went out on post docs, basically saying that the university will pay $47,476 when this all went through. When it didn't go through, the decision was made that we were still going to honor this memo and the new floor for post docs coming in would be this amount. It is somewhat difficult. If someone was about $1000 or less, we let it go through with no documentation. About five of those we identified. Anyone above that had to go through the petition process. Maybe five or ten of these.

UUP (Benita Roth): Post docs were raised, five people within the $1000, and there might be five or ten more through the regular process?

Management (Joseph Schultz): The campus decision is if they were promised this was going to happen, they would go through. If they were told and didn't receive this, let me know.

UUP (Benita Roth): If they were told.

Management (Joseph Schultz): A couple in EOP, student affairs based, some post docs, assistant athletic trainers - four of those. All across the board.

UUP (Darryl Wood): Residential life?

Management (Joseph Schultz): The initial determination is that they were going to go a semester and see how it went in terms of paying overtime. The decision was not made to raise the RD's.

Training for supervisors on performance programs and evaluations: UUP and management have discussed created a kind of "boot camp" about nitty-gritty elements of supervising that would be aimed at first time or new supervisors (particularly but not only faculty, such as chairs and program directors).
At the last meeting, management suggested that it may be possible to do a training for academic supervisors on performance programs and evaluations. We would like to move forward with this and talk more about how and when to initiate such a training.

UUP (Benita Roth): We can talk about managers, leaders, administrators. It is not very clear that they are getting adequate instruction.

Management (Joseph Schultz): I don't have any information on this.

UUP (Darryl Wood): Is the university going to be doing anything? We talked about a joint activity.

Management (Joseph Schultz): I don't have any problem doing the joint training. We need to get the concept through.

UUP (Benita Roth): Maybe for August we have a three-hour block. Anyone a chair or new chair or program director, target it towards faculty supervisors.

Management (Joseph Schultz): I wish we had Don.   He has been working on chairs. Significant training.

UUP (Benita Roth): UUP would like to participate and help.

UUP (Beth Kilmarx): Would there also be something for professionals?

Management (Joseph Schultz): The Leadership Development Program.

UUP (Beth Kilmarx): It does nothing. We sit and do games. What you are doing for faculty is exactly what you should be doing for professionals.

UUP (Fran Goldman): It (the leadership development program) is transformational leadership and it doesn't give you the nitty gritty you need to be a supervisor.

UUP (Darryl Wood): That is more an administrative part of the job. Not how to be a leader. Will you talk with Don?

Management (Joseph Schultz): Yes. I know there was an initiative. I don't know if it has gone any place.

UUP (Benita Roth): Last year I believe he did one. I know there was one on tenure and promotion. If you would talk with Don, that would be good. I would like to target faculty supervisors. Let's say we need to make this available. I would like of course to make it mandatory, but we will settle for available. Here and there we have heard they aren't really evaluating if they are carrying it into supervisory.

UUP (Beth Kilmarx): We still can't get comp time right and family sick leave in the Library.

Management (Joseph Schultz): Part of the problem is that it is so complicated, with different rules. We are just trying to get it across to just call. That is what we are trying to get across. Call. We will tell you how it's handled and what the guidelines are. The message we want to give is to simply call.

UUP (Benita Roth): Do you want to be fielding these calls?

Management (Joseph Schultz): Yes we do. Our message is, "Call."

UUP (Beth Kilmarx): How much notice must be given by professionals (for retirement) ?

Management (Joseph Schultz): According to the contract, 30 days.   On CSEA and classified service, the contract doesn't give a time. You have to give 15 days to the retirement system. Some have just stopped showing up. There has always been the 30 day notice for professionals. The faculty side is usually a semester.

UUP (Benita Roth): Talk to Don about what he did for faculty. I would like to see something put on the calendar. In talking with chairs, they just stressed they need information at the beginning because they don't know what they are doing.

Management (Joseph Schultz): One difference for professional supervisors, they are walking up the ladder and have some idea. How do sick leave and disability work? If receiving treatments, you can potentially still teach. But if the doctor says you can't, then no. The scenarios get so complicated.   At the department level it is too much for the departments to decipher. What happens with the outgoing chair and the incoming chair?

UUP (Fran Goldman): Sometimes they talk with each other, sometimes they don't.

Management (Joseph Schultz): I will talk with Don and go from there.

Making things easier for employees seeking to apply for consideration under the Americans with Disabilities Act (ADA): At the October 2016 labor/management meeting, UUP asked that a link be set up on the Division of Diversity, Equity and Inclusion's (DDEI's) website that directly links to forms that a represented employee would have to fill out to begin the process of requesting accommodation. We were assured that this would happen in a timely fashion.

At the last meeting we were assured that this link would go up on the DDEI's website. We have yet to see it, or any real material on the website about disability. Progress?

UUP (Benita Roth): Unfortunately, Val is not here. The link is still not there. Thinking it should be, but it is not there.

Management (Sara DeClemente-Hammoud): I was searching for it and thought it brought us to the website.

UUP (Benita Roth): I just went to the page of DDEI. If you could do a search and let me know. If it did, I would stand corrected. What did you search, Sara?

Management (Sara DeClemente-Hammoud): Googled ADA from Binghamton.edu.

UUP (Serdar Atav): Searched for ADA and is taking you to Human Resources.

UUP (Benita Roth): It's all Human Resources.

Meeting ended at 2:50 p.m.