

UUP Labor Management Meeting Notes
Monday, February 25, 2019 @ 1:30 PM
AD 606

Present: Renee Andrews, Donald Kunkel, Sean Massey, Benita Roth, Darryl Wood, Andrew Baker, Rebecca Brenner, Sara DeClemente-Hammoud, Joseph Schultz

Items from Management

Health insurance eligibility for part-time employees

Management (Joseph Schultz): Effective in January the new UUP contract changed the eligibility for part-time employees. Previously to be eligible they would need to teach two courses, and credits were never defined. If a person taught two, two-credit courses they would qualify. In the new contract it is a bit different. Part-time academics had coverage and moved under the six credits. If you qualified on the professional side, 40% appointment. The new parameter is 50% appointment. The professionals would be grandfathered into it. So far there are six in English and one in Music. If you qualified for one semester, you get 26 weeks. Coverage would end in March. Notification letters were sent, and we heard back from one who has a spouse and is switching to that insurance coverage.

UUP (Sean Massey): Has heard from one person who was teaching two, three-credit courses for six credits last semester but is now teaching two courses for a total of five credits. The contract says credit hours, contact hours, and credit equivalents all need to be considered.

Management: (Joseph Schultz): SUNY says if someone is signed up to teach defined credit courses, that is what you count. Six credits qualify, five do not.

UUP (Sean Massey): We can both agree that it is an ongoing dispute with UUP. Part of the dispute is whether you can only count credits or contact hours or credit equivalents as opposed to saying you can count any or all. UUP has a different position. There is some inconsistency in how they are calculated. And if something has been decided, it should have been included in offer letters, this has not happened. Have gone to UUP and are waiting on how to proceed from them. It is pretty clear to me that campuses have some latitude in terms of how they are rolling them out. We are talking about seven people, some who have worked here a very long time. They are finding out mid-semester they are losing health insurance and there is nothing they can do. And they have to keep teaching their classes! We are not going to have the same problem later, because people will be able to agree to these conditions with eyes wide open knowing full well. It seems to be unfair or unnecessary when we can actually fix it for this semester. Whatever is resolved, I am going to make sure people understand that this is a campus position, not a requirement and not UUP.

Management (Joseph Schultz): It isn't. The calculation is: count those defined credit hours. If it is not six, game over, according to SUNY and GOER.

UUP (Benita Roth): Again, at this point in time.

UUP (Sean Massey): I think the campus might want to suggest to Albany.

UUP (Darryl Wood): If one is teaching two, one-credit courses at least one credit meeting for seven hours for each credit, it is a different conversation. Someone teaching five credits, there are ways to give them a credit's worth of teaching. You are going to do this as the equivalent of one-credit to get them to six. There are directions you can go in order to resolve this. The campus does have some options.

UUP (Sean Massey): The idea is that we could decide to up the value of the one credit to two hours. We have the ability to do that.

UUP (Darryl Wood): You do have some choices.

Management (Joseph Schultz): But not a whole lot.

UUP (Darryl Wood): It is a small number of individuals.

UUP (Benita Roth): For this semester only.

Management (Joseph Schultz): When this came out we scratched our heads, and on three different occasions talked to SUNY just to make sure. The guidance we received is very clear. As the agency in the middle, we get the squeeze. There are a number of UUP and State negotiations six years later that don't agree.

UUP (Darryl Wood): Use credit hours. Take someone with five credits. Is there a way? And there is a way to bring them to six. It is fully within the power of the campus to give them another credit. There are things you can do. Forget about whether it is an "Or" question. There are things you can do right now to solve this problem. If it is not solved, UUP will take the position that the campus could have and chose not to.

UUP (Benita Roth): It is bad PR, and it will be publicized. Not a way to treat a human being. This is someone that is going to lose their health insurance in the middle of a semester teaching. To us that seems not human to me. Sean and Darryl have given you a way to fix it and be human about it.

Items from UUP

Staffing and coverage during hiring freeze – gaps caused by retirements, non-renewals, sick employees, etc. and required extra-service compensation; discuss UUP's concerns about recent public statements by upper management that budget gaps are the result of negotiated raises.

UUP (Sean Massey): This is something we talked about for a while and were reassured it is not a problem and will go away -- it hasn't. Examples have been brought to our attention and a variety of problems are arising. On a big picture we have on occasion heard the president and others make very clear that the raises were valuable, necessary, and well deserved but that is almost always followed by "however because of them we are going to have to have a hiring freeze". We know drops in enrollments are a contributing factor and an essential piece of it. People are also being told "There is a hiring freeze. Work still needs to be done. I need you to do it. And I can't give you any help because of the raises". This is happening frequently and in different areas.

UUP (Donald Kunkel): As a supervisor, I am not allowed to put in a position upgrade or pay increase. It has to come from the administration.

Management (Joseph Schultz): We have two windows, January and June.

UUP (Donald Kunkel): We're talking about a supervisor who is giving additional duties now.

Management (Joseph Schultz): There are a number of different scenarios. Have a regular job, someone retires, now you are going to do one of those. What is that person doing? You are going to add this. What is going away? Is it temporary? If the answer is nothing is going away. Everything you do is 100% needed, and then there is another 20% going on top. A temporary salary increase or a permanent salary increase. Other two weeks, there is comp time.

UUP (Donald Kunkel): I don't think you are going to get those calls.

Management (Joseph Schultz): We are getting those calls.

UUP (Sean Massey): That is an unrealistic expectation to ask someone who is not permanent to go against their supervisor or vice president and advocate on their own behalf.

Management (Joseph Schultz): Sara and I have dealt with a number of scenarios. Someone is getting 10.

UUP (Benita Roth): Or they are getting nothing. You are not hearing about it.

Management (Joseph Schultz): We are not.

UUP (Sean Massey): You are hearing now though. Figure out a way. If you think the way it should happen is they contact you and you give them advice. What can the administration do to see that it happens the way it should happen? When there is a retirement, do you have a conversation on how they can cover the labor?

Management (Joseph Schultz): No.

UUP (Sean Massey): But you know in that case that there will be work being left undone.

Management (Joseph Schultz): From a practical level, probably not. A person is leaving, retiring what are my options. If you have some scenarios that you think are over the top, let's have a conversation. There are ways that we can bring these up to the areas. So we can get some more information.

UUP (Darryl Wood): I have five people. One is retiring in a few months. Joe said Sally is retiring. I have a plan. There is this thing Sally has been doing that is not necessary. The rest I am going to divvy up. I've had that conversation already with my supervisor telling me it ain't gonna happen. Supervisor said it ain't going to happen. How do we solve that problem?

Management (Joseph Schultz): If the answer is there is no money. It isn't going to happen. Then what duties can we hold back on?

UUP (Benita Roth): What if there is nothing to give?

Management (Joseph Schultz): Something has got to give. The supervisor has to prioritize.

UUP (Sean Massey): Sure. Except that is really the job of management. We will do it when we have to. It is our job. We've talked to the Provost at this meeting and were reassured over and over that this isn't happening. They were very clear. However, clearly that is not happening. We are being reassured, but it is not happening. The bottom level staff have to fight supervisors and VP's. You need to stop doing this. You need to tell your supervisors that they need to come to you. Powers that be need to hear that. It is not fair to them or they have been told explicitly by the Dean or Vice President that no you can't. It is a big open secret. We are going to defy this.

Management (Joseph Schultz): I am not hearing that. If you have three or four examples, let's talk about them off line.

UUP (Sean Massey): Or you can pass it on up, because we are hearing this. All of them are not going to come forward due to lack of permanency or security. Retaliation would be horrible. We know that people are in fragile positions.

UUP (Benita Roth): Fragility extends to supervisors as well. Supervisors are not at the end of their career level and they are also squeezed. This is being dealt with by some of the most vulnerable people.

Management (Joseph Schultz): If you look up postings there are quite a few professional postings. This exception process is alive and well and people are having these conversations. This is critical work, and we need this done. VPs are supporting.

UUP (Benita Roth): When they go. If they go through the exception process.

Management (Joseph Schultz): There is a process people are using. It is working. We are seeing things loosen up a bit, but the conversation has to take place.

UUP (Sean Massey): We are not complaining about the situations that are working.

UUP (Benita Roth): A voice of reality. Sociology recently hired a UUP member, who was previously in Africana Studies. The job in Africana Studies was split among four different departments. I will eat this piece of paper and you can videotape it, if they got it filled without it taking months. This does not scream to me of an effective process when someone retires, resigns, or is out sick.

UUP (Sean Massey): I know that the three people who came to talk to one of us had the courage to come and talk with us. A bunch that haven't got the courage, those are the people we are thinking of.

Health benefits for part-timers – current eligibility calculations and potential lost benefits

Was discussed above.

DSA disbursements – provide UUP with a list of recipients

UUP (Sean Massey): HR will provide UUP with a list of recipients.

Hiring announcements, composition of search committees, and internal promotions

UUP (Sean Massey): We are hearing from some members who want to apply internally and they are being told they shouldn't bother applying. Someone else is in line, and it is a waste of time. Also we are unclear on how decisions are being made. We have some concerns that the job announcement process is kind of sketchy or not genuine. What are the rules and policies? What should be happening? There are a lot of jobs listed. How many have some internal candidates?

Management (Joseph Schultz): Our process is very well defined. We have a UUP internal promotion. Internal people have the right to first consideration. Also throughout all the other bargaining units. If something is out there posted, it is a search. A search waiver is not a common occurrence. Basically it would be appointing someone to a position without the affirmative action search waiver.

UUP (Darryl Wood): It comes down to running the organization without having someone in their immediately.

Management (Joseph Schultz): It is not common.

UUP (Darryl Wood): We have to have a physician in health services. An SL-2, the organization could still operate.

Management (Joseph Schultz): DEI side. Part 1 ad, the search committee. Nicole looks at those search committees and goes back to the departments and asks. Job description, search committee, next step people are going to be interviewed. Third part is the selection. Someone from HR monitors who has applied and tells the search committee if there are internal candidates. Using 3 options. I would say at least 90% of the time the department takes those internal candidates and says I am going to put them in the larger pool.

UUP (Sean Massey): Why is the reason two employees have been told they should not apply for a job online?

Management (Joseph Schultz): Those people should come and talk with me or come and talk with Andrew.

UUP (Donald Kunkel): Are internal candidates all interviewed?

Management (Joseph Schultz): No. First determination, does the candidate meet the minimal requirements? A Bachelor's degree is required, but the internal candidate has been employed ten years but has an Associate's degree. We tell the search committee the application for internal candidates should be reviewed first and make the decision if they meet the qualifications. They can interview immediately or place them in the larger pool. If it's posted, the position is available to be applied for.

UUP (Sean Massey): I will encourage them to come forward.

UUP (Benita Roth): What role do senior staff play in this? If they are telling potential internal candidates not to apply, it seems like there is some sort of message the VP's or Dean's can give that tells

the people they supervise that this is a no no. It seems like this can be on the agenda. The process that you explain is the process that you have in place.

UUP (Sean Massey): There is some unethical behavior on a number of topics that needs some intervention by upper management.

UUP (Benita Roth): JoAnn has been to a number of our meetings. The senior management folks should be aware of what we are finding.

UUP (Sean Massey): I would be happy to write an agenda for you.

UUP (Benita Roth): It has been done before.

Management (Joseph Schultz): We have a policy that members of a family cannot be involved in the decision making process.

Performance Program/Evaluation Update

UUP (Sean Massey): I was a little bit grumpy after our conversation about this. We worked really hard moving online with a set of goals, protocols. Harvey was very excited about this. Here we are based on what you told me we are at version 1.0 and there is probably not going to be a 2.0.

Management (Joseph Schultz): The discussion centered on 1. The first part version 1.0 that is all pre-filled in. Scott's version is basically electronic and place that on file that the person should take a look at that. Once completed, we still print them out and place them in the file. Harvey did have a wish list for a project. Scott said here is what I can provide and wish list for version 2 and 3. We have a wish list and he has made a number of updates and fixes.

UUP (Sean Massey): How many have been done? Which are complying and which don't?

Management (Joseph Schultz): I was asked to provide essentially a plan. We went back to Scott and he was able to tell us how many documents exist in the system. There were 465 evaluations in the system, 570 performance programs, 196 self evaluations and 30 addendums.

UUP (Darryl Wood): There are about 900.

UUP (Donald Kunkel): Total. We are in our second year.

Management (Joseph Schultz): The system is live for one year, January to January that we might be able to eyeball the numbers. We went in today. 120 more documents but no way to tell.

UUP (Darryl Wood): 465 have been evaluations. However, some could have been evaluated twice. You have essentially less than half compliance at this point.

Management (Joseph Schultz): We do have some people still doing it on paper. We moved the permanent employees on a May cycle to a January cycle.

UUP (Darryl Wood): Somewhere in the 50% compliance range. That can't be better than before. By hand you are in the 80% range.

Management (Joseph Schultz): The goal is the next version will get the data we are seeking.

UUP (Sean Massey): This is not considering the paper ones.

Management (Joseph Schultz): The paper ones come in, and they get filed.

UUP (Donald Kunkel): Is there going to be a push to have everyone online and not use the paper?

Management (Joseph Schultz): We are getting paper at about 10%. Not droves of paper.

UUP (Donald Kunkel): Are you going to pull the paper one from the HR website?

UUP (Darryl Wood): Turn the paper version into a link?

Management (Joseph Schultz): Scott wants to come in and discuss a timeline.

UUP (Sean Massey): It looks like it is broken down.

Management (Joseph Schultz): I don't know if it is complex.

UUP (Sean Massey): If you bring a database and only generate a total on one feed it is ridiculous. They should be able to get in and run whatever they want.

UUP (Benita Roth): We want compliance. You want compliance. It is quite important, and we all agree that is what we want.

Management (Joseph Schultz): We are in agreement with this.

UUP (Darryl Wood): Have Scott come to a meeting and tell us this is what I've done and this is what I'm doing in the future.

Management (Joseph Schultz): We have a query in to him.

UUP (Darryl Wood): It is a priority question.

Management (Joseph Schultz): Also a presidential project.

UUP (Sean Massey): It is related to the other problems we are talking about. If they are filling them out and if this many people aren't bothering with this how are they reassigning the duties? They are just doing it and not documenting the duties. Compliance. Fair evaluations. That supervisors were put in a position so that they are clear about what they are doing.

UUP (Benita Roth): Where there are problems.

Management (Joseph Schultz): Will put a message up that January is now passed. If you didn't do it, do it. A reminder. We will come up with something.

Update on smoke free campus – disciplinary actions and smoking cessation programs

Management (Joseph Schultz): Our philosophy is to assist people, let them know there are resources and that we have a policy. Telling supervisors that if you observe this with one of your employees, have a conversation with them. If there is a second issue with them, remind them with a second counseling. If you have a third issue, contact HR. We left it very vague. We are not saying you have to stop, just not here. Some cessations, some are not. We do take information on violations of the policy and will inform. For example we might get something about Sodexo workers in an area that would be addressed with Sodexo and we would put more signage in the area. The most difficult are the visitors. It is that never ending visitor. Continue to work on the signage.

UUP (Darryl Wood): My memory is there is no specific discipline. It has to be other actions.

Management (Joseph Schultz): Resources, information. If someone who is smoking is approached by a person who is yelling and screaming and cursing, it would be that person not the smoker.

UUP (Sean Massey): Have a non-disciplined based policy. It is an addiction. From the amount of time to get in their car and drive off campus.

UUP (Benita Roth): Is there a group of people on campus who is following the cessation?

Management (Joseph Schultz): EAP coordinators. From July 17 to July 18, they worked with 11 total people on cessation. Those numbers are very common to August 18 to present. Two or three turned in their retirement.

UUP (Benita Roth): EAP is leading the charge.

Management (Joseph Schulz): There was a big survey prior to this, and we are going to do it again in the fall. Ambassador program is planned with people going cross campus, providing education. Piece is still out there, but concern is for people approaching people one on one. People don't have an interest in that. More of a team approach, providing education and giving strategies. Police giving free coffee cards from Sodexo. A lot of work went into it.

UUP (Sean Massey): It is being discussed statewide. We just wanted to know about the disciplinary piece.

Hostile workplace – policies regarding hostile workplace/bullying

Management (Joseph Schultz): Joseph read the Binghamton University Policy Regarding Harassment. In terms of policy confrontation it is generally, essentially if something gets reported to us we look at it. Does this rise to the level of the policy? If it doesn't, it is probably something we call rude, unprofessional. If it is very bad, or moves into confrontation, we treat it under the Workplace Violence Policy. We talk with them, show them, explain if you think this crossed the line we will intake. We do

furnish people with the policy and give them advice on what they can do. We do not have a bullying policy

UUP (Sean Massey): Has this been updated?

Management (Joseph Schultz): Updates this one for this is going to be updated because of the SUNY Central harassment policy. Apart from that, no.

UUP (Sean Massey): Keep us in the loop about updates.

UUP (Darryl Wood): How does that mesh with workplace violence? Let's start with harassment.

Management (Joseph Schultz): Workplace violence annual meeting, physical walkthrough, annual training, goes to all employees, supervisor training.

UUP (Darryl Wood): How does it mesh?

Management (Joseph Schultz): From disciplinary standpoint, if you are violating one. At annual meeting we are required to go over all instances of workplace violence.

UUP (Darryl Wood): Flows from the SUNY policy and the other from.

Management (Joseph Schultz): This has been around since I've been here. It is not coming from a SUNY main policy

Aging campus infrastructure (i.e. electrical) in older buildings

UUP (Sean Massey): The other day it was cold in the office so I plugged into the wall a space heater. Everything goes off on all walls. I learned a huge number of offices are on substandard wiring. What is happening?

UUP (Benita Roth): The Women's, Gender, and Sexuality Studies Program spent \$200 to put in a new grounder plug. Library North is all on one breaker, as we have been expanding. What is happening in terms of the infrastructure in the older parts of the brain? Perhaps someone from physical facilities could come and talk about this.

UUP (Darryl Wood): The building is almost 60 years old.

UUP (Donald Kunkel): No computers then so not as much power needed then.

Management (Joseph Schultz): In the older dorms, there were power issues because now students are bringing in a microwave and refrigerator.

UUP (Sean Massey): We need to know.

UUP (Benita Roth): Ask the Provost for a technology update in the Brain, capital projects, etc. Building infrastructure more than 10 years but not worried about 60 years and was wondering.

Management (Joseph Schultz): I will look into that.

UUP (Benita Roth): Are we looking into the Library?

UUP (Darryl Wood): The original part of Fine Arts is the second oldest.

Update on commitment to move long-term part time employees to full-time positions

UUP (Sean Massey): About a year ago in labor management we discussed this but not as a one-time thing. In fact, it was going to be an ongoing process for these long term part-time employees that need to be moved to full-time.

Management (Joseph Schultz): The capital project coordinators' history is there is an architectural firm. They are not campus employees. We made the decision to use the capital money and hire on our payroll. It is soft money, so facilities put them on either 90% or 95%. So where we ended up, JoAnn went to Larry and said we've had six people for a number of years. Is there a way we can fund three and say move three to 100%. Where Larry came back and said we already did that with two positions. Two out of six and that is where our conversation ended. The way the funding works, there is not a way for the campus to take those monies and move the six to 100%. Larry did give us the two names.

UUP (Sean Massey): We had a debate on whether that is enough. I am sure there is a way if you want to do it. Long term.

UUP (Benita Roth): 90% for ten years? How soft is the money?

Management (Joseph Schultz): We get capital monies every year, but Larry was explaining they put restrictions on the money and can take the money. It is not permanent money.

UUP (Benita Roth): 90% and 95%, semi-permanent. Years ago at least those 90% can get a day off, the 95% cannot.

UUP (Darryl Wood): You are talking, Joe, about a different kind of money. A hold, a freeze. One of the reasons for this is because we did not get the money we thought we were going to get.

Management (Joseph Schultz): What money?

UUP (Darryl Wood): Argue tuition. It is temporary. The state allocation is essentially temporary. That dollar figure is temporary. Construction fund money is just a different kind of temporary. All money is temporary.

Management (Joseph Schultz): We are one of the few campuses who actually hire these employees on the payroll. They are not state employees. These are temporary funds. We made a commitment to fund two out of six.

UUP (Darryl Wood): All money is temporary. No guarantee. No guarantee for that money either. Why do you make anyone permanent?

Management (Joseph Schultz): Let me find the two names we provided. That are permanent.

UUP (Sean Massey): We are not contesting that.

Management (Joseph Schultz): Let me reopen discussion with Larry and JoAnn.

UUP (Benita Roth): We have discussed this for at least six years. It is not enough progress on this issue. Bottom line. No names. Who has not been given proper employment with proper rights?

Management (Joseph Schultz): I had no clue. I propose to identify a certain number of people. Three out of six when people left.

UUP (Benita Roth): We need to know who got what.

UUP (Darryl Wood): There are a lot of ways to transition. Hire at 90%. After some period of time, we aren't going to get rid of these people. Another three years we are giving a ten-year permanent process as opposed to a seven-year process. Give them a path.

UUP (Sean Massey): To do anything else represents it as kind of a scam.

The meeting ended at 2:53 p.m.