

NOTES
UUP Labor Management Meeting
Monday, April 27, 2020 at 1:30 pm
Via Zoom previously sent invitation

Present: Renee Andrews, Donald Kunkel, Sean Massey, Benita Roth, Darryl Wood, Sara DeClemente-Hammoud, Joseph Schultz, Vice President JoAnn Navarro, Provost Donald Nieman, President Harvey Stenger

Sean Massey called the meeting to order at 1:30 p.m. He welcomed all to the April Labor Management Meeting.

Items from UUP

**** Stimulus Money***

We understand that campuses will be receiving a significant amount of stimulus money (~\$13 million?). How is Binghamton planning to use the funds that come our way?

**** Fall Semester***

What are Binghamton's contingency plans for addressing the risks of COVID-19 in the Fall semester? Are there plans to go fully online? How will this impact our temp and term contingents who have offer letters that say nothing about online teaching?

President Stenger (Management): I have read the agenda and am ready to answer the questions. Certainly the stimulus money from the federal government is a good question. A lot of money is being given out and coming in lots of different places. The money they are giving to higher education is to 1) Put cash in the hands of your neediest students impacted the most by the virus. 2) At the discretion of the university. The first half has a little more guidelines. To students who are title IV eligible, supporting those most in need. We have about 7,000 of these students on campus. We have to decide how much to give. We have close to \$7 million to distribute to them. SUNY said they are not taking any of the money. They can't, but would like to follow the same process at each campus. The students need to say yes I need this money and understand where it is coming from. It is not known if the money is taxable or not. The students will need to acknowledge receiving this money. As fast as we can, they will be sent checks or given the money by direct deposit. No credit will be issued. We are waiting for SUNY to say what form will be used for the students to accept. The second half is going to the State, passing to SUNY and then to us. They have to give us the whole amount. They will know exactly how much we are getting and how much we will be cut for next year. The estimate is a 25% cut, but may actually be a 10% cut, as the State tends to estimate high. If it is a \$4.5 million State appropriation line, maybe they will give us \$4.5 million less next year and then give us the \$6.5 million in stimulus money. I am looking at the second half to capture some of the losses we are going to get from the State budget cut. The good news is Jeffries is still working on a CARES 2.0. The case has not been made loud enough for higher education. Who knows what their thoughts are. They have a

much bigger stimulus that will further higher education. We are impacted very differently than business and manufacturers. We are in the category of cruise ships with highly vulnerable migrations. Migrating from China to Binghamton or Westchester to Binghamton. In a 10,000 highly affected area you don't want to take those people and bring them here and start another spread in Broome County. Every university, especially the public universities in rural areas such as Penn State. They all require migration from urban to rural to low infected. The amount that we lost, \$25 million if we got \$6 million back it would help. Lobbyists. It is going to be federal money. We have to push the part. Maybe they will give us some more, maybe they won't. 10% lower revenues from tuition. I think enrollment will drop. Scenario A: All students full time and in person back on campus. We will lose 10% of those who don't want to live in dorms, 10% less in fees, 10% cut, etc. Add all and it is \$44 million. Don (Nieman) told Deans and I told Vice Presidents today they will only receive 90% of their allocation on July 1. The way the budget is written it can be cut now. We've asked everyone to be very frugal. That is if we teach on campus in person. If we don't and go to remote, it is a big big big problem. We are spending all of our efforts now on how do we bring students back here in person. We are working with every organization we can find. Locally, nationally but not stick our neck out like Purdue who is going full on campus in the fall. One has said they would be going fully online. Every day we learn more. There are 121 days left before the first day of classes. More immunities, rapid testing, we are going to learn a lot of things. Biggest problem our model will bring students affected 10 people to 10,000 to less than 1 per 10,000. Some modeling suggests counties will peak around June. The Bronx, King County, Westchester affected 10,000 will affect us. UHS and Lourdes is testing for antibodies and the virus. They bought some of the equipment, so we don't have to send it away. They will have about 1,000 tests a day. For everybody, the testing would take 20 days. The Events Center parking lot will be used as space for testing beginning Thursday, but you have to have an appointment. You drive through, stay in your car, get tested and drive home. People are being invited based on existing health conditions or you can make a reservation.

Sean Massey (UUP): UUP is also involved in lobbying. You talked about the best-case A and working out concerns. If we have to do something other than your best-case scenario, when would we have a decision on that?

President Stenger (Management): Until we get to a point where people look at this with less fear. Fear is the biggest problem, hospitalization, deaths, and levels across the State. At least a month and a half and then we will have to determine if they will come to campus.

Sean Massey (UUP): We've been fielding a whole bunch of anxiety, you as well from members who have been hearing things, departments citing sources. They don't know if they are true, furloughs, layoffs, salary changes, can't happen in the particular contract we are in now. Discussion in the air is fear and anxiety induced. Any effort to quell this would be helpful.

Present Stenger (Management): Cut \$44 million dollars out of budget best case won't require us to eliminate any positions won't spend in areas we have discretion over. Won't fill positions, staff, employees, student lines, etc. We have reserves. If students don't come back to campus and go, \$150 million, at least \$100 million will be a problem.

Donald Kunkel (UUP): Hiring pause? Your discretion.

Present Stenger (Management): If a Dean or Vice President has a 10% cut the whole of next year, I think they will discourage you not to hire. Unless you have a big pile of open positions and can fill the 10% cut. Don't want to say it is a pause.

Sean Massey (UUP): Help us to try to keep the panic from happening. Some of the responses I have received feel like they are responses to panic especially of layoffs and furloughs. Statewide says this is not part of the conversations. What you are saying to me is very comforting that we can use frugality and try to manage what you think is around the horizon without that fear would be helpful for people to hear.

JoAnn Navarro (Management): Furloughs are out of our hands. That would have to happen at the state level.

Sean Massey (UUP): People are hearing that it is imminent. People thinking it is going to happen next month. I send out four emails reassuring them they can't have layoffs. I've had to lay that out to people. I'm suggesting that it might be something to get ahead of.

Benita Roth (UUP): People are asking if tenure and promotion and hires are going through. Yes and yes. Same type of thing. An urban legend kind of model. A friend of a friend kind of thing. I understand it is going to happen or not going to happen. If something could come out from the administration laying out a little bit of what might come to pass.

President Stenger (Management): We informed Vice Presidents and Deans today and it will be discussed tomorrow morning. We could then make an announcement to the campus. This is our plan. This is our scenario A. We should not talk about a scenario B right now. I can say confidently we will make it though with the 10%. Other SUNY campuses may not.

Sean Massey (UUP): I think we've got most of the points. I think you've covered most of it.

****Inconsistencies regarding requests to log hours and take vacation time. Some of our members who are working from home have been told that they need to log their hours. This does not comply with the contract or the telecommuting agreement. In addition, some of our members have been told they will need to take vacation time if the need for their particular job duties decline. This also does not comply with the contract.***

Sean Massey (UUP): Larger problems are the telecommuting communications with supervisors or managers going off on their own interpreting the contract in particular. There are a lot of concerns and inconsistencies regarding logging hours and reporting professional obligations. Supervisor told them if the work diminished at home they would need to take vacation time to fill in the gap. Systematically we have had problems with this before anyway. Interpretation of those professional obligation duties rather than punch a clock. Some people do not get that distinction. We have a professional obligation and can ask for reports of what you did but not when you did it. Vacation is not filling in the absence of assignment.

Joseph Schultz (Management): People have been incredibly flexible. For Sara and my purposes when this whole thing started not a spare minute part of it is the Governor going out for three-week period. Things have leveled out for us in terms of new issues. This particular issue, we haven't been fielding this. If it is in a specific area, we can work on this one on one or if there is a lull in their workload. Yes, if you had a medical appointment scheduled, you should do what you normally do. We are applying the rules as best we can, as what we normally do. We can talk if you have some specific issues.

Benita Roth (UUP): There is confusion on logging hours i.e. chairs and directors not understanding CSEA and who are UUP. Again I have not heard that hours are a problem. I think Sean or maybe Don can talk to that as well. If they are localized in a certain area, yes. If it is a broader problem, should be brought up between Deans and VPs.

Sean Massey (UUP): We can have a sidebar conversation. There are places where we have had people misinterpret the contract in the past and are doing so now.

Joseph Schultz (Management): We will talk about it.

Sean Massey (UUP): People who have maximum accrued vacation time and can't take it, are they going to lose it?

Joseph Schultz (Management): So far state provisions for classified service, most deadlines are April 1 for personal leave and other things. We are expecting there will be something hopefully allowing going over 40 and then resets to 40. We are hoping something will come up about that.

**** Conflicting Messages Regarding Requests for Salary Increases
Professionals who have taken on additional responsibilities and exercised their option to ask for a salary increase are having their performance programs rewritten to obscure and dilute their duties. Specifically, supervisors are being required to rewrite letters that advocate for these promotions in an effort to marginalize the salary request.***

Sean Massey (UUP): Professionals have gone through the formal process. Instead of a salary increase, performance programs are being rewritten in some cases to work against giving an increase. This seems to be kind of counterproductive to the spirit of this

process. The whole idea is if you are doing more duties, you should be able to request an increase for doing those duties.

Darryl Wood (UUP): Part of what has occurred, what I have been hearing to me and to Don is duties are being assigned to the supervisor and the supervisor is assigning those responsibilities to someone under them. When that individual is making a request for a salary increase, they are being told it is not part of your job it is your supervisor's job. It is clear you get to decide what the job is. If someone is going to do it, it needs to be recognized in some way. You are doing the work but it is not really yours. It is a big problem at least for a few individuals. Joe and I have talked. It is something that has happened at least in two if not three instances in one area.

Donald Kunkel (UUP): When new employees are hired, I stress the performance program. The way they can improve is by taking on more duties and responsibilities and growing professionally. People do that in your job anyway but that was someone else. Here is your new performance program.

Joseph Schultz (Management): There were two situations in Harpur one with a chair and one with a director. A petition came through the Dean's Office, some duties listed in the performance program were ones the chair and director were paid to perform. Yes the Dean has the ability to say no. It is not appropriate for them to provide the duties to you. If the chair or director is still assigning the duties and still expecting they be done, no it is not appropriate. Darryl indicated what was taken off on paper was still being asked of the employee to do. Two Harpur cases in a short period of time. For the number of petitions we have approved, it is a small number in a similar timeframe. At the end of the day, those duties the chair and director have been assigned are where they should be.

Donald Kunkel (UUP): Some are still on the performance program but they are not the lead but some are still on the lead. Combinations of not just the chair assigning duties that the professionals are still doing but have been diminished in some way. It is not a good situation and does not bode well for taking on additional duties and responsibilities that they are going to have down the line.

President Stenger (Management): I like this [allowing employees to formally request increases] process. I'm going to say there have been about 500 salary increases for added duties and responsibilities since I've been here. That is how you become more valuable to us and the University. I would rather have them then to have them leave and have to hire someone else. Sometimes employees say I want to do it all. Raises from \$1,000 to \$8,000.

Donald Kunkel (UUP): Professionals leave same job for different grade and increase in salary. There is definitely an issue they should look at.

President Stenger (Management). In Buffalo, they are all the same across the board.

“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.)

Electronic Process for Tenure and Promotion

Benita Roth (UUP): We all want to be back in the fall, but there is a chance we won't be in terms of students coming back to campus. It would be good if we started talking about an electronic process for tenure and promotion. It is going to be hard to make the case in the fall to have people write things and handle pieces of paper and forms from all over the campus. The Fall is going to affect non-mandated folks, we don't know what will happen. We want people to go ahead with tenure and promotion. Discussions are being had between SUNY and UUP on clock stoppage. I would like to see about the process being done electronically. I appreciate the hard work the campus did with creating the online process for professionals, but it took much longer and is still imperfect with regards to UUP in terms of figuring out compliance. U Mass does it electronically. We would like to have a discussion regarding going forward electronically with tenure and promotion.

Provost Nieman (Management): The year before last we looked at several software packages out there in order to do this. We decided against it at the time. It was very pricey, so we decided not to do it because of that at the time. I think it would be possible, and I can investigate that. I think it would be possible to do this through Blackboard. We currently have all of the promotion and tenure files loaded into Blackboard accounts for the UPC. So that they work with electronic files. Very well organized. Some files are 1000 pages long. There is an index on the side, so you don't have to scroll through all of it. I think it would be possible. Don (Kunkel) would know more about this and about the intricacies than I would. Build the file from the ground up. Who gets access and at what point. How to create a layered system and on who has access.

Benita Roth (UUP): Scott Geiger worked on the creation of the electronic process of performance programs and performance evaluations for professionals. I know part of the delay had to do with the chief information officer leaving and a new one coming in. I think it would be great if we can have this explored more fully. I pray we are all again on campus in the fall and next semester. In real terms, we don't know what is going to happen. Some people's research will be affected. We could touch back about this from time to time. Again, I feel there is a lot of fear out there even with the low infection rate in the area.

Darryl Wood (UUP): A couple of my other campuses, Delhi and I think Oneonta have some kind of electronic submission and we might have some more. Joe and Sara would agree making sure the procedural aspects currently done on paper by hand are maintained

in some type of electronic file. We all understand that it would be a smart decision on campus.

President Stenger (Management): A 700-page tenure case on line is easier to read electronically. We can build it from up. It's actually built by person and IPC building. Next year is a good time. We won't have as many cases, the next year we would have more. Nothing fancy just get rid of the paper. It is easier to save as a PDF than for us to scan it.

Sean Massey (UUP): Why haven't we been doing this?

Benita Roth (UUP): Provost to talk with deans and what it is they need and when. Confidentiality is an issue. Making sure things can't be hacked. Who can see what and when.

Sean Massey (UUP): One more point on some of the earlier conversations. Things are moving around a lot, fast, contingency plans and new information coming in at any time. At any point, if UUP leadership can be at the table or in the communication route. We do a lot of constituent services and field questions. The more information we have, the better. We are getting a lot of it from Statewide. Given how fast things are moving and having Labor Management meetings only once a month, if that's possible, that would be helpful.

President Stenger (Management): If you have a question, just send it to us. The questions you sent to us, I knew the answers but had to wait six days to tell you.

Sean Massey (UUP): Or any dialogue or things happening we can anticipate. The telecommuting thing happened at a different level. When we go online, what about our temp and term contingents offer letters, what about the residence halls and people living there. If there is a way we can get a heads up or even if there is a decision being made by either being at the table or an increase in the loop of communication that would be great.

President Stenger (Management): Yes. We will do it.

Sean Massey (UUP): Thank you for your time and thank you for your communication.

Meeting ended at 2:21 p.m.