

DRAFT

UUP Labor Management Meeting Notes

Monday, September 23, 2019 @ 1:30 PM

AD 606

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

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

Items from Management

Sexual Harassment Training Changes

Management (Joseph Schultz): New York State as part of a labor law requests that all employees receive sexual harassment training by October 1. The SUNY model training issue that we have is that there are certain components of the new training not enclosed in our annual compliance. We are going to be sending electronically the PowerPoint presentation of SUNY asking that employees please review the training and will still require compliance training in December. The following December, we will combine the two. We are kind of stuck because we have to do two sexual harassment trainings. It will be going out next week to UUP employees in an email blast. I'm not sure how the other SUNY's are handling it.

UUP (Donald Kunkel): ITS is looking at reviewing modules for safety and good computing habits. They are much more humorous. Still questions, but they are not so dry. So there is more to come.

Management (Andrew Baker): Another training came out of the last UUP contract. There is an Appendix in which there is an Agreement which sounds like a large percentage of UUP covered folks will have additional reporting duties under the Cleary Act and responsible employees under Title 9. In terms of putting it out there, do you have any insight as to how to do that? There are no deadlines or firm dates. It just says you should do it.

Management (Joseph Schultz): The only one would be instructional support. The others are kind of like departments.

Management (Andrew Baker): Others have instructional support offices.

UUP (Donald Kunkel): Quite a few professionals have the instructional support title.

UUP (Darryl Wood): Already mandated reports. How are you trained?

Management (Joseph Schultz): On the faculty side, maybe a message on Blackboard.

UUP (Darryl Wood): How complicated is the knowledge?

Management (Andrew Baker): Not complicated. Consists of knowing what things need to be reported and knowing who to call.

UUP (Darryl Wood): A fairly short PowerPoint. My initial thinking. If it really is when you learn of these activities, you need to talk to one of these people. It seems to me that could be done fairly short forwardly. I remember that Appendix and what was going in to it. Is there a certification that everyone must have? Do you need some kind of confirmation that I actually went through that training?

Management (Andrew Baker): I don't remember that. The language is similar to the sexual harassment.

Management (Joseph Schultz): If we can use the same as the sexual harassment one.

Management (Andrew Baker): I can certainly build something. Not by October 1 but sometime later.

UUP (Sean Massey): I remember this coming down and some concern. UUP has kind of talked through all of this.

Management (Joseph Schultz): Original concern in draft language was that every member of UUP was being covered under this.

UUP (Sean Massey): In some of these arrests for violations – drug, liquor law, etc. The description says the violation of the law. Does that mean we would have to report it if we know someone has violated any of these laws?

Management (Andrew Baker): Yes.

UUP (Sean Massey): I can guarantee faculty are not going to do it. Violate liquor laws and drug abuse violations? No way. Weapons, burglary, arson, sexual assault, maybe.

Management (Andrew Baker): When I read this language, I don't see the liquor law parts.

UUP (Darryl Wood): There is nothing in there about alcohol.

Management (Andrew Baker): All CSA's have to be contacted and canvassed on a regular basis. Struggling with 400 now and then have to do 1500 more. Let me dig through this and see about alcohol and pot.

UUP (Sean Massey): It may have changed.

UUP (Darryl Wood): How many qualified individuals on campus roughly, qualified campus rank. On campus?

Management (Joseph Schultz): All adjuncts, lecturers, research assistants, visiting. Hundreds and hundreds.

UUP (Darryl Wood): Literally every academic.

Management (Joseph Schultz): All academics and these specific professionals. If they say, can I tell you something?

UUP (Sean Massey): This will suppress people reporting.

Management (Joseph Schultz): If they say this is confidential, right? It is very complicated to give someone an answer because you may have to report what they tell you. It has gotten rather complicated.

UUP (Darryl Wood): I'm not covered, so they can tell me.

Management (Andrew Baker): Folks in student health services and counseling.

Management (Joseph Schultz): I got a failing grade and this happened to me.

UUP (Sean Massey): That's what I remember. It will change the relationship we have with our students in terms of being able to talk to us. My advice would be to tell them no. It is not safe to talk with me, because I have to report it.

Items from UUP

Information on the decision to decentralize the budgeting process

What does this mean for new faculty lines, increases tied to tenure and promotions?
Management's commitments to advocate for additional funding to fill the gap created by SUNY not fully funding the contract that was negotiated in good faith and signed by SUNY/NYS?

UUP (Sean Massey): As we understand it, although unclear it seems like Deans and Department Chairs are responsible now for making sure everything fits in their budget and too bad if it doesn't. Lots of questions on new faculty hires, tenure and promotion, salary adjustments, etc. One concern is what does this say to continue advocate funding for our campuses to fill any gaps that were created by SUNY not fulfilling the contract. We already know Deans and Chairs are blaming UUP for this. It was agreed that this contract was doable and yet then SUNY/NYS

fails to fund this contract and then places the blame on the union. Now it feels like an even more dire situation. We are concerned about this.

Management (Joseph Schultz): Spoke very briefly with Harvey. Within a week or so he will have an FAQ on the budget. He liked the questions. These specific questions will be addressed. He liked the specificity of it. This week or early next this budget FAQ will come out and address most of these issues.

UUP (Sean Massey): I hope the FAQ will also address this concern. The rhetoric that is coming from Deans and Chairs. We keep hearing it overtly and in public meetings. Leadership blaming all of our fiscal tightening on the contract and raises.

Management (Joseph Schultz): Quarterly report talked about largely the issue of not hitting the enrollment targets. Within the next week or so.

UUP (Sean Massey): Thank you.

Composition of search committees

Need greater consistency regarding composition. Need to be attentive to conflicts of interest. Need to make sure these committees aren't just pro-forma exercises.

UUP (Sean Massey): We are hearing from multiple sources across campus about searches being stacked with people who will agree with hiring decisions that have already been made. People being asked to write their job postings. People don't want to serve any more. We've talked about educating chairs and supervisor on how search committees are supposed to happen. Clearly the message is not getting out.

UUP (Renee Andrews): I've heard from six. Time is wasted. Six or seven different points. It is just a waste of our time. They are given the only questions they can ask. Told at the beginning this job is for someone. This is just a process no matter what they state, it does not matter. The other people on the committee are not diverse, stacked with friends and colleagues for the person. A staff member not on the committee was told absolutely not to apply by the chair and another person in the department. Do not apply for this because it will totally mess up the process. We had talked about it. I have three other people that want to meet with me. As the word gets out more people come forward.

UUP (Sean Massey): It is more than one area. It seems to be an accepted part of the culture on this campus.

UUP (Rene Andrews): Two running very well. This was well done and executed, but we've all been on the ones that aren't.

UUP (Sean Massey): The consequence is going to be people refusing to participate on search committees.

UUP (Renee Andrews): Not going to be. It is insulting and a waste of our time.

UUP (Sean Massey): Corrupt.

Management (Joseph Schultz): The process is difficult in terms of HR. HR is working with a department that has the vacancy, working on posting. DEI is working on approving the ad, where it is advertised and who is on the committee and the area that actually has the vacancy. Sometimes it is a more local search. Bigger positions, more broad-based.

UUP (Renee Andrews): One of the scenarios, I was standing in the field, six of us and heard the person saying don't apply. There were six of us that overheard this. DEI was brought in after the fact. To adjust the people that were on the committee. Two people were added. A male and another described herself as the token Asian. Well after the fact.

Management (Joseph Schultz): What happens a lot is they come to us and say hey something fishing is going on. We've heard it. A confidential conduit to DEI. We are hearing that there is an issue with the committee and DEI will do their thing in terms of looking at it. Fielding concerns and we have worked with DEI. DEI is receiving the names of who are going to be on the search committee. It comes under the umbrella of fair hiring practices. If there is an issue with this point in the search, HR handles it up to this point and everything else is DEI.

Management (Sara DeClemente-Hammoud): Perhaps it is more with local searches. What we have is kind of a less transparent thing going on at local, smaller levels. It might not be able to be caught or seen.

UUP (Sean Massey): Maybe there needs to be some leadership at management that says cut it out. Clearly we have a problem at this level.

UUP (Renee Andrews): On such a committee their assessment and review of applicant is taken into consideration.

Management (Joseph Schultz): What is my role? Your role should be defined by the chair of the search committee. Make the decision. Give me the two top candidates' strengths and weaknesses. Selecting the chair of the search committee and charged this is your role. The committee might decide on questions. Here are the questions we are asking as a committee. Our preference is that all candidates are asked the same questions.

UUP (Renee Andrews): No you cannot ask these questions. Well what were you asking? You can't ask those questions. It was gearing away from the particular applicant.

Management (Joseph Schultz): An issue we are currently having is Nicole is interim and didn't perform that role in her previous role. There is a learning curve.

UUP (Renee Andrews): She has been wonderful and helpful. She helped clearly define like this is something that is not under my direction or this is something that you can ask.

Management (Joseph Schultz): The one piece during four or five months we have a lot more searches that people are interested in the internal only. Internals have the right to internals. DEI if only 2 candidates apply? Yes. You might not have a large pool but if the internal candidate is qualified. Yes.

UUP (Donald Kunkel): True. Only legitimate if there was a search when you were hired.

Management (Joseph Schultz): To be a qualified internal you would have had to do a regular search. Some might just be us. We allow internally promoted if you are in your current role and doing 25% and continue to do so and have added to your duties, that is a petition scenario. Take on a totally new job and about 75% different, that is a vacancy. That is a new one not the one you were doing in the past. Yes, let's petition. Now four or five say how did you get this job? It hasn't existed before and isn't keeping much of their original position.

UUP (Sean Massey): Challenges I see if across departments and areas and searches, chairs are able to come up with whatever they want and are not particularly well trained in terms of fair labor practices. They might get it right but it is also really possible that they don't.

Management (Joseph Schultz): Generally a chair is told here are the guidelines; here is the charge of the committee. If they are not familiar with the process, they call us immediately.

UUP (Sean Massey): Some search committees can select and some search committees are soundly ignored.

Management (Joseph Schultz): I haven't been involved and am not in on the tail end. That committee is going down from 75 people to three or four. Here is the top person or here are the three or four candidates.

UUP (Sean Massey): My sense is that it is inconsistent across campus, especially given they don't necessarily have a set of training or skills to make sure it is fair.

UUP (Darryl Wood): I think that I've heard from UUP literally that search committees are being told you can recommend whoever you want, but I have already made the decision.

Management (Joseph Schultz): If the search committee comes up with names and interviews three people, are they being told?

UUP (Renee Andrews): That is how it is being explained to me.

Management (Joseph Schultz): For the most part I would say no. An entry level person, Sara might be the chair, people that I've talked with if there is an issue bring it to our attention. If something doesn't feel right, let us know.

UUP (Renee Andrews): They come to me.

Management (Joseph Schultz): If someone comes to you and we've been hold, they can call me or Sara and we can look at the scenarios anonymously. We want issues raised. If issues aren't raised, we are not going to get at the root of the issues.

UUP (Donald Kunkel): Would it be a failed search, with the need to start over if it is obviously tainted?

Management (Joseph Schultz): No easy answer to that. I don't know. it's problematic.

UUP (Donald Kunkel): The bigger issue is that a diversity decision has been made. What are we doing here?

UUP (Sean Massey): There are two types of intervention. One is what do we do if it is ongoing, that secondary prevention. The other needs to be primary. We need to make sure people know how this should happen and what would be a violation.

UUP (Darryl Wood): Don's question is really important. As the owner of the positon, I'm going to hire Renee. Do whatever you are going to do. It gets reported to you and you come to agree that the supervisor wants Renee regardless. What are you going to do? You get a report and find it credible. What are you going to do?

Management (Joseph Schultz): Work with DEI. Haven't had a scenario. First committee meeting and it was told and if that gets reported and gets corroborated.

UUP (Donald Kunkel): You would do an investigation?

Management (Joseph Schultz): Yes. Some questions or something is odd here. We will do our own thing and work with Nicole.

UUP (Sean Massey): It's going to be told in an informal meeting and not reported. Maybe a couple of times it will happen. So how do we verify it? We have some examples. Call off a search.

Management (Joseph Schultz): Sometimes if someone is being questioned, we will change the course of events. I would say to them the message is bring it forward confidentially and we will look into the matter.

UUP (Sean Massey): We may bring it out again. I can assume confidentiality within HR if they come and talk with you. It will not be in any way disclosed to their supervisors in any way or they be punished?

Management (Joseph Schultz): Yes. Of course.

UUP (Renee Andrews): In a few instances, they were afraid.

Update on enhancements to online performance program software

What is the status of automatic reminders, tracking?

UUP (Sean Massey): Version 2.0?

Management (Joseph Schultz): Yes. But [programmer] has been able to program. Last time all he was able to do was query how many documents were in the system. After the first year he is now able to do that by year. For example in 2019 approximately 450 performance programs have been completed and over 400 evaluations. About 1000 documents. Right now with 3.5 months to go, we are at about a 65% compliance rate. Whatever rolls in over the next 3.5 months, we will add to that.

Management (Sara DeClemente-Hammoud): He is working on it. April or May of next year. Monthly emails go out. Time of renewal. We send a reminder. A renewal reminder is going out. Renewal, performance program and evaluation reminder at the same time for non-permanent people.

UUP (Renee Andrews): When I was on the committee it was one of the first things he was going to do.

Management (Sara DeClemente-Hammoud): April or May to roll it out. First screen you see.

UUP (Donald Kunkel): I've noticed some discrepancy and that screen is not coming up.

Management (Sara DeClemente-Hammoud): We do that weekly.

UUP (Donald Kunkel): A local system but pulls from the SUNY system. The dates.

Management (Sara DeClemente-Hammoud): We have to key it into the system.

UUP (Donald Kunkel): It seems like a backlog with the system.

Management (Sara DeClemente-Hammoud): It is, but it is what it is. We have to rekey it.

UUP (Sean Massey): Harvey promised it was a priority. Have been working on this for two years.

Management (Joseph Schultz): [programmer] is the only person who has the intimate knowledge. It is not his only project. We've been working with him on some. Getting notices out and print them out and put them in personnel files. Anyone who used it would prefer the paper system.

UUP (Sean Massey): To deal with the non-compliance issue with supervisor, new duties, promotion. Part was about making sure that was happening and getting general reports on how we were doing with compliance. We wanted both reminders and compliance.

Management (Joseph Schultz): We won't know the number for the entire year until the end of the year.

UUP (Renee Andrews): [programmer] has other projects. I think we are closer to three years. When will it be closer to being done? Can you bring in some more help?

Management (Joseph Schultz): ITS currently has eight or nine vacancies and is struggling.

UUP (Darryl Woods): Reporting a number, but also who?

Management (Joseph Schultz): I haven't gotten into that. For 2019 we will have the number. I don't know how detailed the reporting is.

Management (Sara DeClemente-Hammoud): We can search by member now.

UUP (Darryl Wood): You won't know that my supervisor has only done mine? I would have to look them up individually. Everyone in Watson is good but not the School of Management. You can't even get a list of what has been done.

Management (Sara DeClemente-Hammoud): We would have to ask [programmer]. I can search it. There has to be data behind the numbers.

UUP (Sean Massey): You can do any of the things we are asking for. I understand the populating fields through SUNY. You should be able to report out. Come on. That's easy to do. It is just a matter of building it accordingly.

UUP (Donald Kunkel): Performance programs and evaluations. Can we get a list of how many promotion requests there were during the month of June, which is the window for promotions and self-promotions? How many were made, how many were successful, how many were denied and how many are still being processed?

Management (Joseph Schultz): The short answer. Yes. We don't actually know about them for two or three months. But yes. The numbers Sara spends half her day processing.

UUP (Donald Kunkel): Also key is how many supervisors submitted them.

Progress on creating/encouraging greater consistency across departments/programs/units regarding service expectations and junior faculty

Updates regarding FMLA

Has there been any progress in communicating to supervisors the importance of honoring FMLA requests and to NOT punish employees who make use of it?

Management (Joseph Schultz): Attended Deans' meeting with all the deans. FMLA and Family Leave is mandatory for our members. The preference from HR would be, come and see us first. We will sit down and map everything out. We will make the phone call, and we will tell them, this is how it works. Your employee will be sitting down with you. It has gotten very complicated. Do this for two days, this for two days, and this for two days with 20 payroll transactions. Come and see us first. There is a lot of miscommunication out there. If this is what you are thinking, we will communicate. Here is the deal. This is mandatory. That is our preference. It is extremely complicated.

Management (Sara DeClemente-Hammoud): Every single person is so different. The earlier we can meet, the better off they are.

UUP (Sean Massey): Some have had to extend their leave and that's where things break down. Did anyone ask questions?

Management (Joseph Schultz): No one raised their hand and said that was me.

UUP (Sean Massey): Perhaps you can make eye contact with the person that you know is violating?

Management (Joseph Schultz): No. I cannot do that.

Update on the status of search for Watson School Dean

Management (Joseph Schultz): Watson posted in October. Same search, same announcement. Just delayed because he agreed to do it for another year. The search committee for a VP of Diversity, Equity and Inclusion has been reconstituted. The initial charge for the committee is to determine the scope of the position which is a little bit different than kind of normal. I think some of the feedback received is if you are looking for a top notch candidate from across the country, with a significant degree of responsibility there could be options. Harvey would like

that discussion to take place. A possible reorganization. The VP's of the areas are all aware of the potential, but it is possible this committee recommends something.

UUP (Darryl Wood): Assuming legal obligations that VP would have and obviously all the other stuff that might get added to that role.

Management (Joseph Schultz): Looking across the country some areas make it very broad. Veterans and DSSD is not under it. The position of VP for Advancement has not been posted yet.

The meeting ended at 2:37 p.m.