

DRAFT

**UUP Labor Management Meeting Notes
November 23, 2020
1:30 – 3:00 p.m. Via Zoom Teleconferencing**

Present: R. Andrews, D. Kunkel, S. Massey, B. McGovern, B. Roth, D. Wood,
S. DeClemente-Hammoud, J. Schultz

UUP Chapter President Sean Massey thanked all for attending the November 23, 2020, Labor Management Meeting. The meeting began at 1:32 p.m.

UUP

**Cancelation of last month's meeting-
Discuss concerns about last minute cancelation of October's labor management meeting.**

UUP (Sean Massey): Regarding our invitation to representatives from PSS to join the October Labor Management meeting, we get to choose who comes as well as topics. I checked with Statewide and Council on this, and I want to make sure we are on the same page.

Management (Joseph Schultz): Darryl will probably laugh but it is not necessarily my answer. Thank you for your perspective.

UUP (Sean Massey): The position of UUP is that is the case. We are not being excessive or abusing the process. This was directly related to agenda items we sent out in advance. If we have to argue with everyone, we need to have an open and honest discussion about it.

Management (Joseph Schultz): The people of PSS are good people. It has nothing to do with PSS. Since I've been here there has been confusion. The PSS and UUP thing can be very complicated. Almost immediately PSS's topic is almost always on Terms and Conditions of Employment. They are not employee representatives. This is where UUP representatives attend. Having employee groups at Labor Management meetings I have no interest in doing. I've had maybe three interactions with PSS in the interim of that. The whole topic is a very confusing topic for people and bringing the two people together make our lives more complex.

UUP (Benita Roth): Why? Drawing from an employee group? We've had plenty of groups at other Labor Management meetings. We can look at previous Labor Management meeting notes. It is always complicated.

UUP (Donald Kunkel): I also want to add they are represented by UUP. They just happen to hold a different title with that group and bring a perspective from that group to UUP. We can be part of both.

UUP (Benita Roth): We are not allowed to bring people from Faculty Senate?

Management (Joseph Schultz): Faculty Senate has never come to a UUP meeting. It would be the same. Labor Management article talks about employee representatives. PSS and Faculty Senate are not. The answer is sorry. This is Term and Conditions of Employment and this is UUP. Sean and I have had a back and forth. We still disagree.

UUP (Sean Massey): We, as labor, are contractually allowed to invite people to meetings for informational purposes. You don't have to talk to them or negotiate with them. But we have the authority to do that.

UUP (Benita Roth): Tom Blake came to a Labor Management meeting to discuss sick buildings and revamped dorms. Did he have to go through some sort of elective process before he came to a meeting?

UUP (Sean Massey): Just so you know, I have invited the same two representatives to the December meeting as I told you in our email. They are coming at the request of UUP to discuss items that will be on the agenda.

Management (Joseph Schultz): Get me the agenda early enough so I can get through it.

UUP (Sean Massey): Ok. Sounds good.

Salary Compression and DSI
Discuss campus plans and schedule for gathering information for salary compression and DSIs.

UUP (Sean Massey): What is the timeline that is going to be followed?

Management (Joseph Schultz): We are not quite sure. Last time the compression process took place after the across the board raises took place. This time around. The work we had to do with this process was enormous. The work will carry over. We are in a much better position this year. We kind of have the initial data from last year's process. We don't have anything. If we go like last year, it came after the across the boards.

UUP (Benita Roth): We can separate DSI and compression. Compression requires you being given the formula and UUP or the State hasn't handed it over to you yet. I also know it is depending on that.

Management (Joseph Schultz): Both are the process. SUNY and the State releasing the go ahead. We are in a holding pattern.

UUP (Sean Massey): What about information around the DSI?

Management (Joseph Schultz): Same. The timing we go out with is based on the contractual date. When the thing shakes loose there will be plenty of time to mobilize both of these processes.

UUP (Benita Roth): Merit in terms of that 1%. Yeah talking about the compression formula, you will need to know what base salaries are in terms of the 2%. The information gathering in terms of the DSI.

Management (Joseph Schultz): I can talk about this to Vicki in my office. The last time there was an interest in knowing the compression in order to utilize some of that for the DSI process. I will check on the timing of the DIS.

UUP (Benita Roth): DSI has always been used unofficially for compression purposes. Chairs and Directors could put in what they think might be a decent merit based raise for these folks. All is frozen. DSI makes a difference in the compression. Also it might make the Chairs and Supervisors be able to figure out if the 2% has gone through. At least with merit based they have information to go ahead and have something to do now. It seems it would be something that would be good to have on hand.

UUP (Darryl Wood): For what it is worth, at my other campuses, DSI the traditional salary increases they have proceeded and done all of the work necessary to implement as soon as they get the go ahead to implement. You are the only one who has said we haven't done anything yet.

Management (Joseph Schultz): I'll do some research.

COVID-related Issues and Concerns

Discuss campus response to increasing numbers of positive cases. Discuss impact of new students testing protocols will have on faculty and professional staff.

UUP (Sean Massey): What is going on currently with plans on testing faculty and professional staff in the spring semester?

Management (Joseph Schultz): An agreement. I think it was from UUP I got the other day. I believe there is an agreement that has been assigned for spring. Basically we are at full capacity testing students so they can go home. After this weekend any student, supposedly 60 students still living on campus that can't go home. Additionally, just had an email out today to every person who deals with student employees. If there is a student employee not living on campus, any student who is going to be on campus after the Thanksgiving break ends is going to be added into the surveillance testing. The employee number of testing is low. We don't have the capacity. The following week we will revert back to the employees being tested. The process has been going well.

Management (Sara DeClemente-Hammoud): Long days on Monday. Long days on Fridays. The hours will be open Mondays and Fridays.

UUP (Sean Massey): What about off campus students?

Management (Joseph Schultz): My understanding is students who have declared themselves all remote are not in the surveillance testing.

UUP (Sean Massey): Are students living off campus still required to do the Thanksgiving test?

Management (Joseph Schultz): If there is an off campus student with no contact with the campus are they are not included in the testing? If we have an off campus student who has been doing remote the entire time, but people living and coming to the campus they are going to be added to surveillance.

UUP (Sean Massey): What about the students who live off campus.

Management (Joseph Schultz): Students should go to Decker Health if they are having symptoms. The students will be on the surveillance list.

UUP (Sean Massey): What is happening to students going home for Thanksgiving?

Management (Joseph Schultz): All are being tested who are living on campus.

UUP (Sean Massey): Students who come to campus and live off campus?

Management (Joseph Schultz): Will be involved in the surveillance. My understanding is that they were. If they weren't in the remote category and doing the surveillance category they were in the pool to do the testing to go home.

UUP (Sean Massey): Anything else related to the break or coming back?

Non-Renewals/Not Rehiring of Contingents/Adjuncts

Discuss numbers of employees who were non-renewed/not hired back since start of pandemic. Request a list of these employees.

UUP (Sean Massey): We are trying to quantify the number of non-renewals and contingents/adjuncts not hired from pre-COVID to basically Spring 2019 and Fall 2020 and also upcoming spring. It has been difficult in the past. In the spring you have gotten all of those decisions. But at least you have it for last spring and fall and starting to get them for next spring. We would like a list of the number of people who are non-renewed or not hired. I understand within the contract we have a right to ask for this. I'm wondering if we can get this as soon as possible.

Management (Joseph Schultz): I don't think it is in the contract, but I see Darryl is reaching. Splitting it into two categories. Some didn't come back. Full-time and temp adjuncts and people not coming back. We don't have any way of tracking that. Maybe they are just here for the fall. We don't know. The people we can track or quantify are people not non-renewed. Since we talked about this there haven't been any non-renewed. There may be two or three in the hopper who were maybe 30% time.

UUP (Darryl Wood): Darryl read article 16.4a of the Agreement which states:

At the beginning of each semester, each College shall provide UUP the names of employees who were separated from the State University Professional Services Negotiating Unit at the College

during the previous semester, and a list of new employees at the College, which list shall contain the information described in Section 16.1. b. Every pay period, the State shall provide UUP with the names of employees in the State University Professional Services Negotiating Unit who have commenced leaves of absence without pay or returned from such leaves.

Darryl also referred to article 16.1a:

The State shall provide UUP, on a quarterly basis, with two lists of employees in the State University Professional Services Negotiating Unit which shall include employees' names, addresses of record, institutions, departments, line numbers, titles, professional ranks, salaries, appointment type, continuing/permanent appointment effective date, obligation code, term duration and retirement system participation. Where available, an employee's date of initial appointment and current type of appointment, e.g., term, permanent, continuing, temporary, will also be provided.

Management (Joseph Schultz): We do that. A list of everyone who came off the payroll. We are very good about providing that list. I will check for fall and spring.

UUP (Sean Massey): Linda, correct me if I'm wrong.

UUP (Linda O'Branski): Kathy Gallagher sends us a database in the fall and spring. We get a list of people who are separated in the fall.

UUP (Sean Massey): I get a list from UUP every fall, and I can do a duplicate check which will let us know between spring and fall. It's almost 400 people. It includes SUNY dates and first payroll dates, and we can look and see how long they've worked here. When you say people?

Management (Joseph Schultz): Everybody.

UUP (Sean Massey): That would be very helpful. May not be that many non-renewals, people not up for renewals but there is quite a bit of carnage in terms of people who have worked here for several semesters and found themselves without a job this semester. We've brought it up in the past with Harvey treating contingents like people rather than office supplies. These decisions are being made at the local level without any attention to traction by management. It really is a problem. Management gives some sort of direction. People should not not be hired back as the very last resort. Given the fact that we are in a health crisis and pandemic and to put people out in the street without health insurance. Anyone want to add anything to that item?

Telecommuting Agreement

Discuss ongoing concerns about lack of adherence to and inconsistencies surrounding Telecommuting Agreement.

UUP (Sean Massey): We've been having quite a bit of concern with the spirit of the Telecommuting Agreement in not following the letter. Specifically seeing inconsistencies in terms of how it is being interpreted. Apparently, what makes an employee essential is a supervisor saying I would prefer them to be there. There are inconsistent standards in terms of what is needed for a supervisor request someone work in person or to deny a person's work at home request. The managers and supervisors need to justify why they need to come in. The

telecommuting agreement (and Cuomo) want more people to work from home; want less density, less to work on campus. What's happening doesn't seem to be the spirit.

Management (Joseph Schultz): First is the essential employee. What the State has come out with and how we determine who is essential and that can change at any time. This week and during the semester and during testing these might be essential employees. For the next month and a half, you are not an essential employee. The State has essentially said you can be designated essential at any time. The second piece is the Telecommuting Agreement. Management needs and operational needs. They know their operation. They know the services they need to provide. One department may be able to work remotely or another department is not able to do that. Our CSEA and OSU workforce, they are here 100%. They are here physically. They have to be. It is the nature of their jobs. I think what we are seeing is those areas who were fully remote for the first half of the semester were trying to do some planning, before things took a turn for the worse. If they got better, 15 people and everyone is remote. Can't flip the switch. Some departments were going to start a rotation. One day a week to get people back. We are seeing a little bit of everything. I don't have the ability to tell the department from what we've seen here. It's been very incremental.

UUP (Sean Massey): In terms of operational need, if it's a job they have to come in for – that requires face-to-face with students or to do a specific task on campus – I'm not talking about that. A supervisor simply doesn't trust an employee to work at home and just wants to keep their eye on them, that's not a justification. We are still in the middle of this pandemic. People need to be working at home unless there is a clear operational need for them to be on campus. I think the entire burden is being put on employees for why they want to stay home. We have to reduce density and justification needs to be given for why they need them to be back at campus.

Management (Joseph Schultz): If you have some areas where it doesn't seem to make sense, I will look at those.

UUP (Sean Massey): We will put those areas together.

UUP (Donald Kunkel): I sent out a COVID survey. Employees were rather frank about being asked to come to work. They come in, close their door and do the exact same thing they were doing from home. They come in for another mandatory meeting which needs to be done in person.

UUP (Sean Massey): We are not going to tell people's name. They need to take it seriously when there are places where we have problems. People are vulnerable. We have to have some sort of whistleblower.

Management (Joseph Schultz): Anti-retaliation policy. I've been here since 1998. I understand the difficulty of an employee being squeezed or I want to speak up but need my job and need my job security. It's difficult. It's like getting an anonymous complaint. It is extremely difficult to go up the chain but with very generic information. We are going to continue to struggle with that, and it is the reality of the situation.

UUP (Benita Roth): I think we will provide you with some of the situations. I think that this should be discussed at the senior staff level. I don't think it is impossible for the President or some other person. I think it is possible for them to republish the Agreement. It should go to everyone, enforcing we are still in COVID and we still have to honor it. It is the best thing for everybody. I understand what you are saying, people want to fix things. I think Management should publish and restate it

UUP (Sean Massey): We've asked that over and over. We need leadership to reset the culture so it is helpful for some of these issues.

Workload Creep and Extra-service Pay
Discuss ongoing concerns about lack of consistency and fairness related to workload increases and requests for extra-service pay.

UUP (Sean Massey): We have numerous examples of this, typically involving someone who is vulnerable. For comp time for people being told just be a team player don't ask for it. The problem with it is the instructions are coming from the VP level. People are being told by chairs and supervisors that upper management doesn't want us to ask for these. I'm not going to put someone on the spotlight. You need to trust us that we are getting multiple calls about this. Whatever Harvey might say, it is not getting to the people below them. We need leadership. If Harvey wants to be the good guy he needs to tell his direct reports to stop squeezing lower level employees.

Management (Joseph Schultz): Big picture. We have processed a number of temporary salary increases for people with significant work increases due to COVID. You can't give Extra Service to someone for doing their regular job. There have been a number of salary increases.

UUP (Sean Massey): Maybe you ought to look at areas where they haven't requested these increases. I can promise you there are areas where people are being told just be a team player, don't ask for this, upper management doesn't want you to ask.

Management (Joseph Schultz): In general what I do on a daily basis. I am not hearing that. From what I see, I see support from people with significant increases, the comp time, is contractual. To me it shouldn't be a whole lot of push back on the comp time.

UUP (Sean Massey): But they are. They come to the union but don't come to HR.

Management (Joseph Schultz): I understand 100%.

UUP (Darryl Wood): What is wrong with that? The University saying there are rules that are put there and we should follow them. Why an individual has not followed the rules. Why can't the University say there are rules, why don't we follow them? This area is of concern. We should be addressing it.

UUP (Donald Kunkel): I hear you saying that you process a lot of them. I would be happy to see a distribution from schools and departments and how many have been processed since March. March until now.

UUP (Renee Andrews): Management's observation when you are in a critical time. Who is doing the most amount of work? Who is getting the most amount of work? A basic Management 101. Asking about the budget who is doing the most amount of work? Who is doing it and where am I getting the most amount of requests for increases.

Management (Joseph Schultz): In the event, they can still nominate themselves for permanent or temporary increases.

UUP (Donald Kunkel): Every six months and maybe that work has gone away and no longer at the discretion of the supervisor. Not upper level.

UUP (Renee Andrews): To see what is going on in your business and how it is being managed. There are large increases in requests in one area or you have none in another.

UUP (Benita Roth): To follow up with what Don said, if we knew the discretion we could see the distribution of who is talking to you Joe and who is talking to us.

UUP (Sean Massey): By department or area. These people feel confident, but it is strange this group has requested none because they are talking to us. We are basically asking for upper management to show some kind of leadership, to set the tone. Are we going to neglect messages? This is a culture and somehow we are going to have to play a different game. Management signed like we did. We also want it to be a fair place, compensated and shown respect. Management can set that tone. It is the job of the College President.

Management (Joseph Schultz): Are the majority of these people physically having to report to campus? Are you seeing any sort of trend?

UUP (Sean Massey): Are you talking about being asked to come into the office but there is no adequate social distancing? Or being asked to come in and don't interact with other people but their boss said it is necessary for them to be on campus? Or doing everything they can do at home, just because the supervisor wants them there?

Management (Joseph Schultz): On the workload and money piece are you seeing any sort of people who are coming to campus five days a week or working remotely? Is there any kind of trend?

UUP (Renee Andrews): We are asking you to look at the trend.

Management (Joseph Schultz): There is no data for HR to look at, what people are doing on a daily basis. We have 3000 employees and are working on quarantining and COVID. There isn't the ability to do a study to figure this out. Hey I work over here. They want anyone to come in. We aren't doing anything there. Contact the area and ask what are your plans and what is the

need. We can get in on the Telecommuting Agreement part. There isn't a master list of everyone working remotely and who is coming to campus. Are there some larger trends we can get our arms around?

UUP (Sean Massey): The people talking about workload, extra service, comp time. This isn't about working remotely or in person, it is the extra work. We are talking about extra work. People used to work here and don't work here anymore. That means a large number of human resources have disappeared off campus. That work is now being done by the employees on campus. Fall 2019 and Fall 2020, Spring 2020, Fall 2020, we are looking at people who are not there. If you have a temp who worked here fall to spring and disappeared the next fall.

Management (Joseph Schultz): They might have decided to leave.

UUP (Sean Massey): People who were here and are no longer here. That work that was being done by those folks is still work that has to be done. It is evidence people are being asked to do more for no more money or comp time.

Management (Joseph Schultz): Difficulty in looking at sheer numbers. It is not that simple. Were here one semester and the project is done. The work associated with that is done. People retire and resign. The work has to be done by someone.

UUP (Benita Roth): You don't have to give us names. We need to know where people are having successful attempts at getting extra pay. We would like to know who they are. We are happy and think it is good, but if they don't match up with places we don't hear about, then we know we have a problem.

UUP (Sean Massey): I can tell you right now CCPA cleaned out and didn't ask most of their adjuncts back. The Dean told chairs not to re-hire adjuncts. Ten to fifteen people basically had jobs and no longer have them. You cannot tell me that does not have an impact in terms of the mission or the workload of the faculty who are there. The other thing to consider. I can sort of understand if we're talking about Athletics. No athletic events; we probably won't have all athletic adjuncts.

UUP (Renee Andrews): We are following the program and where the trends are. If there is not a lot of rehires or reinstatements, that should ring a bell. I understand the large amount, but if they are broken down into smaller ones, you might see where the discretions are.

Management (Joseph Schultz): Going with the contract, workload someone who gets added duties without something being taken away should be given money. There is a reality here. Since 1998 I have never seen anything like this. Tough things are getting worse and are not going to get better. I agree. Adding 25% more work and being told to suck it up and do it. I'm not saying that at all. We are in a pickle here, and we are getting worse not better. The reality is across SUNY we are in a much better place than most SUNY's.

UUP (Benita Roth): If only that was shared equally.

Management (Joseph Schultz): People.

UUP (Darryl Wood): I have not heard that come out of the mouth of any campus president, essentially acknowledging reality. If a campus president were to say that it is possible, finally they agree the emperor has no clothes and we will deal with it. Someone is living in lala land, and I'm not sure who it is.

UUP (Sean Massey): Someone who makes \$480,000 a year to bring that up is a little hard to swallow. If folks in upper management wants to take some kind of small pay cut, it becomes a more genuine honest conversation.

Management (Joseph Schultz): The statement comes from me. Like I said this is me sitting in this meeting having this conversation. There is a piece not being appreciated here. We are in really tough times. People need to realize that this is a piece of the puzzle.

UUP (Benita Roth): We all get that.

UUP (Renee Andrews): In the crisis looking across the board to say maybe increases are not being distributed honestly. Why aren't you looking into this? I see expeditors going place to place and don't see them getting any additional. But see a Dean continuing on line on a continual basis.

UUP (Benita Roth): We are waiting on contractual raises and are not sure when they will get here. Everyone gets this. It happens once in a hundred years. The burden is not being shared equally. We speak for the people. That's what we are going to tell you. I sit in Chairs and Directors of Harpur meetings with the Dean and know how much and how much more can be cut. My question is who is suffering the most and do they need to suffer? Take the issue of comp time. That is not money. Why are people being stingy about it?

Management (Joseph Schultz): I don't know why. If you give me the information.

UUP (Sean Massey): Do you know what is in the reserve fund?

Management (Joseph Schultz): It doesn't come across my desk. I'm not a financial person.

Lack of Professionalism by (Some) Deans and Chairs
Discuss ongoing concerns with regard to unprofessional conduct by some Deans and Chairs in email and during one-on-one supervisory meetings. Charges.

UUP (Sean Massey): Over the last couple of months, Deans and Chairs have been saying just awful things to people. In one case by email and this is another example of where we need someone from upper management to say cut it out. I've encouraged people to file harassment charges. One is with a particular school that you are very aware of. We've stated issues over and over again and nothing has been done. We don't know what to do, what the next step is. Call them out publically? Call them out in the Newsletter?

Management (Joseph Schultz): Call someone out in the Newsletter? How many complaints have we had? The answer is none.

UUP (Sean Massey): That's not true.

Management (Joseph Schultz): They have to come forward. I don't know who the person is. Send the person my way. We can have a conversation about all the options. People want to talk about specifics. We can't take action without a signed, written statement. There is a process. The first step is if you can convince the person to come and talk, with possible suggestions on how to handle it. A lot of people are upset with one particular person, but no one has come forward in the formal way. I understand how difficult that is.

UUP (Darryl Wood): UUP is the designated representative of all these employees. The reason for Labor Management meetings is to raise these conversations, formally and informally. I don't understand why the University is unwilling to address the issue that has been raised on lots of issues. Not a surprise to anyone. I don't understand your response is to have someone sign a piece of paper. UUP represents these people. You deal with all that. You don't want 2000 UUP members banging on your door and sending you emails. I would suggest the University needs to respond to issues in a new, concrete way.

UUP (Benita Roth): Needs to talk to the Dean of the school and tell them not to be a jerk. Just tell them to just lay off. To watch their tongue with employees. How about don't yell at them. A person making hundreds of thousands of dollars a year should be able to do this.

UUP (Sean Massey): Don't threaten them.

UUP (Renee Andrews): We all know who we are talking about.

Management (Joseph Schultz): We do not talk of specific people at Labor Management.

UUP (Benita Roth): We won't put the names in Labor Management meeting notes now. We have talked to you about this person formally and informally and I get it. Have them come forward, but you are not the only person for people to come and speak and talk with.

UUP (Sean Massey): Some chapters have corners of their Newsletters regarding problem managers, supervisors and deans. Some publish their name and picture in the Newsletter.

UUP (Benita Roth): I get it. We are really frustrated. We shouldn't even ask for these. People get paid a lot more. Change your attitude. Do it differently. I don't get to yell at my students. There are limits.

Management (Joseph Schultz): These specifics in the Labor Management meeting arena are not going to solve individual issues.

UUP (Sean Massey): We are not talking about individual issues. We are talking about issues with a Dean.

UUP (Benita Roth): It is a climate of harassment and fear. If you aren't careful, it will come around and bite you.

Management (Joseph Schultz): If I get a formal complaint, I will but at the end of the day I'm still not in a position to take any formal action without a formal complaint.

UUP (Sean Massey): I'm not asking you. I'm asking Harvey to. For HR you need a formal complaint. We've done a formal complaint. You are Harvey's representative to this table.

Management (Joseph Schultz): You are not talking to Harvey, you are speaking to Joe. You are not talking to Harvey.

UUP (Sean Massey): You are the President's representative, so we are.

Management (Joseph Schultz): What you provide to me here goes to Harvey

UUP (Sean Massey): My understanding between UUP and management.

UUP (Darryl Wood): Joe you are splitting a hair so fine. You are the President's designee.

Management (Joseph Schultz): You are not talking to Harvey but to Joe.

UUP (Sean Massey): Your role is the designee. He has designated you in these meetings. Shall meet with President or their designee. We are not talking to Harvey; we are talking to Joe, whose role is as the President's designee. You are correct. We are not talking to Harvey but his designee, but he is the person I would argue it is your role to provide him with the breadth and depth of feelings. It is going to get worse if something is not done by the President himself. Not you, but by the President.

Management (Joseph Schultz): You will have an opportunity once a semester to speak with Harvey.

UUP (Sean Massey): I want to be clear when we met with you, you are not solely in your role as VP for HR but also in your role as the President's designee. We could raise a formal charge, but we are looking for some sort of designee that can take our issues and needs to the President.

Management (Joseph Schultz): I didn't follow it, but I will just agree with you.

UUP (Sean Massey): Any other issues that need to be brought up by anyone at the table?

The meeting ended at 2:52 p.m.