

DRAFT

NOTES

Labor Management Meeting

Monday, March 22, 2021

1:30-3:00 p.m.

Via Zoom Conferencing

Present: Renee Andrews, Donald Kunkel, Sean Massey, Brendan McGovern, Benita Roth, Chris Sielaff, Sara DeClemente-Hammoud, Joseph Schultz

UUP Chapter President Sean Massey welcomed all to the March 22, 2021, Labor Management Meeting. The meeting began at 11:36 p.m.

MANAGEMENT

Vaccination Leave

Joseph Schultz (Management): The State has come out with vaccination leave with two incidents with up to four hours for each incident. I don't think we have had any issues prior to the effective date with issues regarding time off. I haven't heard anything. The State didn't make it retroactive. If there is an issue, tell the supervisor to call HR.

Sean Massey (UUP): That's great.

Sara DeClemente-Hammoud (Management): Someone signed up with a text for five hours in each direction.

Benita Roth (UUP): Lucky to find them.

Donald Kunkel (UUP): BCC has been pretty generous with their appointments. I had one scheduled for the middle of April but was able to get one the next day.

Benita Roth (UUP): That is run by the County.

Donald Kunkel (UUP): That worked well.

Sean Massey (UUP): You know that there are a couple of people who have been terrible. I wouldn't be surprised. Some people don't pay attention to common courtesy.

Weekly Testing

Joseph Schultz (Management): I haven't heard anything about today.

Donald Kunkel (UUP): I heard that a staff member went to be tested today and learned there was a computer system problem and was told to come back later today or tomorrow.

Sean Massey (UUP): I got mine today. No problems.

Joseph Schultz (Management): We have four weeks of data collected to try and identify who have not shown up for mandatory testing for that entire time. For the most part people responded back to emails with a request for exemptions. I don't think we have a whole lot there who have basically ignored everything. Sara, I think there are a handful of people who haven't tested?

Sara DeClemente-Hammoud (Management): More than that. I'm reaching out to them and trying to help people through this. Some have apologized and said I will go in and get tested. Some have said I'm not going to go. I inform them that this is required and here are your options. We have four full weeks and the fifth week is to give folks a whole week to initiate documentation. I have reached out to them and some may need assistance with scheduling. One hundred and four of all bargaining units. With the process of exemptions and such it could be lower than that. With 2800 and looking at 104, it is pretty darn good. Some say I'm going to file an exemption and leave me alone. This gives me something to work with.

Sean Massey (UUP): Sounds like you are being completely reasonable and they are not. Excellent.

UUP ITEMS

Future of Telecommuting

Although the telecommuting agreement will likely end soon, much has been learned about the possibilities and benefits of working remotely. Would like to discuss what, if anything, is on the horizon related to expanding work-from-home options for employees.

Sean Massey (UUP): Saw my blurb and it is probably going to end soon. Hopefully we have learned some things including it can work as an alternative. Is there anything on the horizons with regards to extending work from home? I got a statement today from the administration of New Paltz that they will extend it as liberally as they can through June 30 regardless of what the State says. They posted a remote work practices kind of a commitment, and I have a link to it. Something I would like to hear if you have any thoughts about it.

Joseph Schultz (Management): Benefits but the difficulty is we've been told on a number of occasions through SUNY Employee Relations through the Governor that once it ends we return to the capacity prior to the Agreement. What we are hearing from SUNY at least is we would have extensions through June 1. It is possible out there we do return at some point in the near future. I don't know if that means next week. We have to send something out that they need to prepare. We have four or five different factors out there. We have to prepare them for having to report physically. We will give you a heads up when we have the draft and the timeline. We are going to attempt to look at the future if the State provides. There isn't going to be campus discretion to do this. This is a bargaining issue and you don't have the authority to do it.

Sean Massey (UUP): Take a look at New Paltz's statement. Through June 30 applies to employees represented by all bargaining units as well as MC.

Benita Roth (UUP): The Telecommuting Agreement is likely to be extended through June 30. Chris?

Chris Sielaff (UUP): No additional knowledge. It will probably get extended into June. If Joe says it is likely to happen on the SUNY basis only to June 1, we don't have any official word.

Benita Roth (UUP): I am a little surprised I guess. I haven't looked at the New Paltz statement. It's not like the pandemic is over. There are some with sufficient health issues and to expire on June 1. They are so heavy-handed about it.

Sean Massey (UUP): I just got a message from Fred. It appears that New Paltz jumped the gun a bit.

Benita Roth (UUP): It is a bargaining issue.

Chris Sielaff (UUP): We have to remember too that maybe people have concerns and ADA issues that require telecommuting under the circumstances. If bargaining members don't have the medical reason documented, they may want to do so. They may still be afforded the accommodations.

Brendan McGovern (UUP): There is already an alternative work assignment in place and we may be able to use that.

Joseph Schultz (Management): We have a pilot policy, and off the top of my head I would say five people, a handful of people in ITS who telecommute one day a week. I would guess we are about a year through the pilot process and will continue on. What arrangements were made prior to that will continue on. I can't tell you if the State knows the pilot policy exists. We have that policy but people apply through the policy. Move back to business with that policy. There weren't any huge numbers, and I don't anticipate it is going to get any larger.

Benita Roth (UUP): Has anyone talked about why they are being so obstinate about this?

Joseph Schultz (Management): I'm not sure. A part might be if it is something that has an interest with most State employees, it may be something good to negotiate with the State about. I'm not sure.

Benita Roth (UUP): That actually does make sense.

Sean Massey (UUP): Makes sense.

Making Voluntary Work Assignments Mandatory

Several members have expressed concern about being pressured to "volunteer" at COVID testing center. We have some concerns about this pressure, as well as some volunteers now being

required to perform duties that are outside of their current performance programs (without clear reduction in other duties or adequate compensation).

Sean Massey (UUP): We are getting fed up with this. We have concerns about this pressure as well as some of those volunteers now being required to perform duties outside of their performance programs without compensation. 1. Everyone needs to stop calling it voluntary. 2. Stop with the bullying tactics. It is clearly being leveled on people. 3. If it happens, it needs to happen with extra service compensation or with clear documentation to the employees how their duties are going to be reduced. Create some kind of extra service formula. It is how this sort of informal pressure is being placed on people. No clear communication about workload and most people are being exploited

Joseph Schultz (Management): We are in an emergency situation is part of this and some time last week I sent a communication out to some people and the specific role was the consultant role. Basically going through creating COVID consultants through the Dean of Students who call people placed in quarantine. This was a week where our numbers went up. We had a critical emergency situation, and we needed to handle the volume. The issue was the training involved and when we lose someone it is difficult to replace them. There was no indication whether that person volunteered or if they were assigned the role. The campus has taken a voluntary approach to the situation we are in. In retrospect it hasn't necessarily worked well. People volunteered and then said I really don't feel like doing it. It was worse and we were losing people. I will be the first to admit that we kind of got caught up in it and now we are in this worse situation. They volunteered we contacted them and hope they continue to. If a supervisor in charge indicates operationally they don't need that person for one shift of six hours, a supervisor will say you should continue to do this. From the beginning some were assigned and some volunteered. Some dropped off and some tried to get in. It is being held at the supervisory level.

Sean Massey (UUP): Held badly by the supervisory level.

Benita Roth (UUP). A number again, question make an observation, and ask. Sounds like to me it would have been better from the start if we knew who temporarily were going to do this task as part of their performance programs. So voluntary became less a part of truly volunteering. They are paid to do some sort of job. How many people are we talking about total in these roles?

Joseph Schultz (Management): I agree with you 100%. In retrospect we should have assigned on an emergency basis. Campus thought we would get these volunteers. Struggled to get them. Sharon O'Neill is handling the scheduling in all of that. It is the Dean of Students cohort's regular job. They are doing it on a full-time basis. Some have one shift a week; some have two shifts a week.

Benita Roth (UUP): Are we talking about 50, 100 or 6?

Joseph Schultz (Management): My guess is 25 people might be involved in the consultant role.

Sean Massey (UUP): An alternative explanation is it would be nice if you volunteer and also they didn't want to pay for it. I worry that motive is still in play. Does the Dean of Students office staff have anything else to do for salaries before they were assigned to do this? What happened to all that work or is this in addition?

Brendan McGovern (UUP): I know of some assigned on Sunday to do a shift so they wouldn't lose any time. They were told they could take comp time.

Donald Kunkel (UUP): Comp time is supposed to be agreed with ahead of time. Clearly articulated before extra service.

Joseph Schultz (Management): The Provost at least on the academic side we have a critical need and are looking for volunteers. A few can't get volunteers. We would like them to do this on their regular shift. If outside their work obligation, they would receive comp time for this. Anyone who did that on a Saturday or has a problem, have them contact me and I will get involved so they get the appropriate comp time for that service.

Sean Massey (UUP): It would be helpful if the particular supervisor was told or if the person they report to are people two levels up. If they want them to do this tell them what they are not expected to do. Squeezing labor without compensation is not ok.

Donald Kunkel (UUP): When a supervisor says you figure out what you are not going to do, it leaves it open for their interpretation and could affect a performance evaluation. You told me I need to decide what I must do. Putting the employee in a situation when they have to particulate that information.

Joseph Schultz (Management): We can talk tomorrow about the specific scenario you are talking about.

Sean Massey (UUP): We will but we are telling you Vice President Rose, he can tell the people underneath him how things can be. We don't have to out a particular employee having problems. We will talk tomorrow.

Campus Response to Racist Incidents

Recent incidents have created a racially hostile environment for some employees. We are concerned about the lack of adequate response by administration.

Sean Massey (UUP): There have been a couple of different things. There was a pretty dramatic sense of it in a Zoom classroom handled by the instructor of record and TA in the class. What happened was the TA who is not a UUP employee but GSEU was basically subjected to a race based hostile environment involving very specific and offensive racist language. It was sort of handled but it was also this outstanding issue that happened. There is some concern that there should be some consequences for the student who acted in this way. Proper steps were taken with DDEI and the Dean of Student Conduct and basically it is bizarre but not our problem hands off approach. The sense is that there is nothing that can be done and we, Benita and I attended the meeting with DDEI to discuss this and the instructor of record and it was a very

hostile conversation. First of all how dare you bring it up? Why was it handled this way? Students have a right to do this and why is the union here? We are concerned that basically the University has been presented with an employee experience a racial environment and the campus has no intention or plan to alleviate that racial hostile environment.

Benita Roth (UUP): She was the subject of slurs, and alternatively with members of UUP on her behalf tried to find some recourse, counseling and for that they were rebuffed. The hostile work environment stated in a section of 25 we were just trying to actively solve a problem. There seems to be no indication at the level of student conduct that anything like the racial slurs that were said and heard seems like that was just it. Boys and girls that was fine. DDEI was not helpful at all from my standpoint that was very strange. We are not going to deal with this. Both were much more concerned about getting messages from off campus about this situation. Say for the record the grad student handled it in the moment. It was so disturbing in her section that it was how we found out about it. Not from the grad student herself. Understanding, it is a complex issue, but we're not happy. Our members who tried to do the right thing had no place to go and no recourse to go to.

Sean Massey (UUP): We are also concerned about the implications for the lack of response. Just have to sort of suck it up with a racial hostile environment. It may be illegal. I am concerned about it.

Joseph Schultz (Management): I don't have any details. Did the victim file a complaint with Student Conduct?

Benita Roth (UUP): I'm not sure, but I will find out.

Joseph Schultz (Management): From an institutional standpoint that would be the office that would handle it.

Benita Roth (UUP): I looked at our student code of conduct and that of other universities and there is a great deal lacking. I would expect in Joe's role as the President's designee whether a complaint was formally filed or not, the President be notified. The Dateline edition from President Stenger and Vice President Jones is not a bad thing, it is a good thing. They were not even close to handling this situation or situations that might come up in the future. I will find out though if a formal complaint was filed.

Joseph Schultz (Management): Get me any information you may have. I will discuss the situation with Harvey.

Sean Massey (UUP): I talked with Statewide as well. One thing is even if it is difficult, the institution has a legal obligation to eliminate a racially hostile environment. If it is ongoing or pervasive it becomes a much bigger deal. Thank you. We will get you some stuff.

Benita Roth (UUP): I will write to the instructor of record to see if the student filed a complaint or if the instructor of record reached out. I will find out. Not sure, but I will find out.

Update on Online Performance Program and Evaluation System

Where are we at with the promised revisions/fixes?

Sean Massey (UUP): Do we have an update?

Joseph Schultz (Management): Sara talked with Scott today. He is testing a number of changes that were requested. They were delayed due to the whole cyber security issues and ransom ware. He is currently testing them.

Sean Massey (UUP): It would be neat if we knew what he is testing.

Sara DeClemente-Hammoud (Management): Likely for online in the fall with all changes online for testing in early June. I will let you know what we are working through.

Discuss Concerns Raised About Hostile Work Environment

Details will be provided at meeting (likely not to be included in notes).

Sean Massey (UUP): I don't think we can discuss this today. There is a letter going to the Provost that is basically following through on some issues. People are working to go on the record about a problematic dean. Once it is sent, we can have a conversation. Just a heads up.

Joseph Schultz (Management): Thank you.

Benita Roth (UUP): You are welcome.

"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. Those 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.)

Releasing Vaccination Information

Benita Roth (UUP): Last Friday we held a virtual office hours with members. We know of a couple of cases, it sounded like a couple of cases where a supervisor is trying to figure out a workload. I don't know. The person asked people if they were vaccinated or not. No supervisor can ask that for any reason at all. It is private medical information and the person felt very put on the spot. I'm not sure how, but they need to be told this.

Sean Massey (UUP): Everybody. The supervisor was going to use this information to decide if they can have particular kinds of meetings. You really need to tell them.

Benita Roth (UUP): I have no doubt in the fall or sooner there may be discussion on whether or not to mandate vaccines or not, but right now no one has the right to that information. Period.

Renee Andrews (UUP): Someone else has approached me that it happened to them and it happened to me personally this morning. I don't think it was intentional, but it was getting there. It's happening, so you should know.

Joseph Schultz (Management): Let me know of a way to address that. On a related note in a meeting this morning there was a discussion regarding administering vaccines to faculty, staff and students. One question is we are trying to get a sense of how many would need to get the vaccines and if the campus should be a vaccination site. Can we ask them if they have been vaccinated as an optional question? There is no requirement that anyone answer that question.

Chris Sielaff (UUP): In addition providing the people the information that their responses won't be shared with supervisors, it is just for the purpose of tabulating the needs would be a way to get results.

Benita Roth (UUP): A good LRS way.

Renee Andrews (UUP): A concerned answer and how their job would be affected by that. This morning when it happened to me, I put myself in their shoes and understand where they are coming from.

Joseph Schultz (Management): A supervisor shouldn't be asking their vaccination status and using that information to decide if it is safe to have a meeting. A clarification to see that should go out. They shouldn't be making decisions based on the basis of that answer.

Benita Roth (UUP): We need some guidance on this soon. Renee said the contingent talked to her and if they push back would they endanger their job. The same person who disclosed to us has the same fear.

Renee Andrews (UUP): They had to give up a particular health condition that they did not want to give up. You can't compare doctors and scenarios.

Sean Massey (UUP): That is a whole other layer there. Anyone under 50 basically has to disclose any type of a risk status. Let me know what you find out.

Joseph Schultz (Management): I will.

The meeting ended at 2:23 p.m.