

**DRAFT**

**NOTES**

**UUP Labor Management Meeting**

**Monday, May 24, 2021**

**1:30-3:00 p.m.**

Via zoon link: <https://binghamton.zoom.us/j/91988713114>

Present: Donald Kunkel, Sean Massey, Brendan McGovern, Benita Roth, Alan Wang, Sara DeClemente-Hammoud, Joseph Schultz

UUP Chapter President Sean Massey welcomed all to the May UUP Labor Management Meeting. Sean asked if he and UUP President Elect Alan Wang could remain after the meeting to have a discussion with Joseph Schultz. The meeting began at 1:32 p.m.

**UUP**

**Reopening Plans**

*Discuss reopening plan in terms of safety standards that will be in place (i.e., masks, distancing, standards for in person meeting, classrooms, etc.). Also, discuss the urgency of providing detailed information to campus community.*

Sean Massey (UUP): Our members need some specifics. Some people are calling us asking about what safety standards are in place. Everything is fine, great, but what about masks, social distancing, in-person meetings, and classes and how is the information going to be conveyed, like now?

Joseph Schultz (Management): We have been diligently working on a return to work guideline document. We had hoped to get it out last week. We were waiting for SUNY, hoping they would get back to us in terms of everything. The Governor's Office is now involved, as we are a State agency. We are ready to go and the document is drafted. The document is drafted but may have changes. We are waiting for everyone to get back to us. We understand and wanted it to go out last week. What we have heard from SUNY about testing is people who have been vaccinated won't have to participate in testing in the summer. We are assuming it is still weekly testing but we aren't sure. That piece we think will come to fruition. The Governor's Office is involved, but we don't have months for this. We are frustrated. We are ready to go, we just don't have the information. We are hoping it shakes loose this week.

Sean Massey (UUP): Is there a possibility of getting a general outline of what the guidelines are?

Joseph Schultz (Management): Not a whole lot. What SUNY put out there isn't final and still needs approval. People who are vaccinated wouldn't have to do testing.

Vaccinated people would not have to wear masks indoors. The Governor's Office says we are in charge of this.

Sean Massey (UUP): Classrooms? Full capacity classrooms, with no safety protocols comparable to last year?

Joseph Schultz (Management): We don't know. SUNY said they are going to weigh in on it.

Benita Roth (UUP): For faculty it is a major concern. In a number of offices social distancing will be difficult to maintain. Getting rid of it will be nervous making for employees.

Joseph Schultz (Management): We are working on departments, more in professional areas. June and July we are bringing people back and offering plexiglass if they don't have it. We are handling the office space end of it. We can control regular office space. SUNY is controlling what happens in classrooms.

Brendan McGovern (UUP): June 1 employees will be returning at least partially, with a full return by August 1. They come to us for advice. Until you hear from SUNY who hears from the Governor's Office and it is conveyed to you and you to us, they should still practice social distancing even if they are vaccinated.

Joseph Schultz (Management): That would be my take. In June if you are bringing people back, bring them back staggered. Two days a week in June for most departments. Masking indoors is still mandated is my recollection.

Sean Massey (UUP): To be honest with you it makes complete sense what you are saying. I am very confident that it is not understood maybe by a fair portion of our supervisors on campus. There is a sense if they are vaccinated or want to, they will have in-person meetings. They think everyone is coming back on June 1. We are following what the Governor's Office tells us. If we don't get that information by next week, I guarantee people will tell them to come back full-time in person.

Joseph Schultz (Management): We are not hearing that anyone is coming back full-time in June. Basically two days a week is what we are looking at. For summer on the administrative side of the house. People can reduce density. Many have big vacation balances and need to use them and need a break. The absolute hope is by next week we get the guidance. Early June still is ok but not beyond that. We have the same sentiment. If UUP can shake something loose at the State level.

Sean Massey (UUP): They are trying. We all have the same relations with the Governor. Would it be out of line for maybe a blast to go out saying until we hear from the Governor's Office people are to maintain existing safety protocols mask wearing and social distancing in offices regardless of vaccination status?

Sara DeClemente-Hammoud (Management): Didn't that go out last week?

Sean Massey (UUP): It did. I really do think the words I added would have been helpful. I have a lot of people who are still confused. Legal language is sometimes not the clearest language. Want to say come on folks don't be stupid. I think there is still room for clarity. If it comes out next week but if it is past June 1, you need to remind people. You have to maintain safety protocols regardless of vaccination status.

Benita Roth (UUP): June 1 looms large and people are going to start coming back. I hate to tell people what to do in terms of work, but maybe prepare for if you have the information and another as a second packet? Just to let people know things are changing. A week and a day you might get everything you need. Government bureaucracy.

Sean Massey (UUP): The wisdom I have gained in my four years as UUP chapter president is that whenever there is a vacuum of information, supervisors will misbehave.

### **New Testing Protocols**

Request details on changes in surveillance testing protocols for summer and fall semester.

Sean Massey (UUP): I think we covered this above. We will know more and probably have some information coming.

### **ADA Accommodations For At-Risk Individuals**

Discuss standards being used for accommodations of at risk individuals with documented recommendations to avoid in person meetings.

Sean Massey (UUP): This is related to an issue we are going to talk about off line as well. What are the standards that are being used? I understand the evaluations are being done by Sara, in most cases. What are they? When doctors are recommending to avoid in-person meetings, would we be using CDC guidance or guidance from SUNY?

Joseph Schultz (Management): Standards for ADA. There are two pieces of the puzzle. 1. Qualification that a person has a disability. 2. If so, a reasonable accommodation must be made available. The teaching one is a difficult one and there is guidance in the Q&A from the EEOC. I allowed someone to telecommute during a pandemic. Once the pandemic is over, do I have to continue it? Is there a requirement to continue on? No.

Sean Massey (UUP): It is really more about having a documented disability risk for COVID with the result of a severe illness and require it.

Joseph Schultz (Management): The person is a qualified individual with a disability and asks for telecommuting and they are teaching in that scenario. We are an in-person institution not an on-line one. The second piece is we do have some on-line programs. The second piece is, are you in a fully on-line program? If they don't meet those parameters, telecommuting is not an option. Certain provisions we can make. Answer is

no if you are teaching an in-person course you have to come TR and teach, but maybe faculty meetings and office hours can be done with ZOOM. None are simple. You go through these on a case-by-case basis. Sorry you do have to teach in-person but maybe we can make accommodations with office hours and faculty meetings.

Sean Massey (UUP): The only people teaching on-line at this university are part of an on-line program?

Joseph Schultz (Management): We have fully on-line and from time-to-time on-line. After the pandemic ends if there was a scenario prior to teaching on-line for whatever operational reasons, that could continue.

Sean Massey (UUP): I taught Personality Psychology on-line, but it wasn't part of an accommodation and it wasn't during COVID. It seems to me there is some sort of arbitrariness. We were pushing and encouraging on-line teaching a couple of years ago. The union was concerned about it. We do teach on-line, not just during COVID. It is an optional part of the curriculum. I would encourage you if a person has a document that there is a possibility of infection of severe consequences, the Dean or Chair I think it would work with the student population since it is within your hands to do that. I would encourage you to think about this.

Benita Roth (UUP): To complicate things because COVID does seem to be more serious the older you are, I think a number of faculty have come to Sean and me with their concerns that are not necessarily ADA concerns. I don't think age in and of itself is a disability. Redefining age as a disability because of what they have heard or read because of COVID. I think we are going to have to think about how to respond to people who are worried because they are 70 years old. We are going to handle each case individually. True and with a little bit of compassion, I guess is a word that would be great. The students will have a vaccination requirement if it is changed from emergency use to regular approval. I know the law for exemptions. I would argue for some flexibility technically from a non-disability but concerning status.

Joseph Schultz (Management): Those are the most complex scenarios.

Sean Massey (UUP): We appreciate how difficult it is.

Benita Roth (UUP): Some are being completely reasonable and some are going down rabbit holes.

### **Privacy Concerns**

*Discuss concern raised about maintaining privacy of those who cannot get vaccinated due to health/disability status.*

Sean Massey (UUP): An issue was brought to my attention by the Director of Services for Students With Disabilities. This is about the possibility that if there is a directive that people who are not vaccinated for either religious or health reasons, have to wear a mask

and labels those people as having a disability. It marks them and violates their privacy. It is something to consider if we do.

Joseph Schultz (Management): At this point in time the way it will likely work is if you have been vaccinated you may choose to wear a mask or not. If you haven't been vaccinated, you will need to wear a mask. A lot of people who have been vaccinated will still wear a mask. You can't ask, but people will have to provide vaccination information or do weekly testing. The person who can't or doesn't want to get vaccinated must wear a mask. I think that statement is saying people who have been vaccinated may choose to wear a mask or not. No. I just do it to wear a mask.

Sean Massey (UUP): I'm bringing it to your attention because it was brought to mine. I don't know that in a way that can be verified. The testing seems that HR has to know some health information. Are they wearing some kind of scarlet letter walking around? The language is likely to be broad enough so you won't be able to know why.

Benita Roth (UUP): I've talked to some who have said I am vaccinated, and I am going to be one of the ones wearing a scarlet letter.

Sean Massey (UUP): People who don't want to get vaccinated for the wrong reasons vs. those who don't want to because of health concerns or religious concerns. That is different to me. Different groups, in my judgment.

Donald Kunkel (UUP): Not having to go to testing every week. We will still see people who go to get tested every week.

Sean Massey (UUP): I think if you are walking around the campus wearing a mask, it is a lot more visible and a bigger mark than the other thing. I don't care who are anti-vaccinators because of political reasons, but I do about those with health concerns and religious exemptions. Are there any other issues or concerns to discuss as a group?

Joseph Schultz (Management): I'll talk with JoAnn. By June 1 here is what the current status of concern is and this is how it works until further notice. I hope it gets out this week.

Benita Roth (UUP): There are never 100% of people who are interested in information. Just because June 1 seems to be this really important date, whatever news is available, it a great idea.

The meeting ended at 1:59 p.m.