

DRAFT

NOTES

UUP Labor Management Meeting

Monday, June 28, 2021

1:30-3:00 p.m.

Via Zoom link: <https://binghamton.zoom.us/j/97312486693>

Present: Renee Andrews, Donald Kunkel, Robert Mess, Benita Roth, Chris Sielaff, Alan Wang, Sara DeClemente-Hammoud, Joseph Schultz

UUP

Campus level telecommuting agreement

What is administration's preliminary plan to develop a campus level telecommuting policy, given the recent news from GOER

Alan Wang (UUP): The University has until September 7 to develop some campus level telecommuting policy. What is Binghamton University planning?

Joseph Schultz (Management): In a nutshell the alternative work location policy that is in place we will revert back to after the telecommuting policy ends. SUNY when you read that memo it sounds like each campus will create their own. SUNY is working on creating a policy for SUNY I think it says agency. Defined like a BU or sometimes a larger agency. SUNY comes up with a policy. Similar to the GOER pilot. We are going to revert back to the alternative work location policy we have in place.

Donald Kunkel (UUP): President Stenger put it on hold for a year or are we still putting it on hold?

Joseph Schultz (Management): Membership to the program is closed until the end of the calendar year. One comes up in January.

Donald Kunkel (UUP): Nothing for the fall semester coming up?

Joseph Schultz (Management): Correct.

Benita Roth (UUP): This may be out of the field of academics but can you explain that another application once a year. What was the reference?

Joseph Schultz (Management): We've had a pilot program for a number of years. A decision was made when the pandemic hit that everyone reverted to the State one. Now that it has ended, anyone already in the pilot program will revert back to what they had. Anyone prior to the pandemic and at the beginning of the calendar year people will be able to apply again.

Benita Roth (UUP): Chris just gave us the link. Thanks Chris.

Chris Sielaff (UUP): Consideration for those who have childcare and elder care concerns until September 7. Some other campuses are doing a bit of an application. If you fit into one of the above, you can ask for continued telecommuting.

Joseph Schultz (Management): Contact Sara. Anyone with issues should contact her. We are essentially working with department levels and units.

Benita Roth (UUP): Can you ballpark the number of requests?

Joseph Schultz (Management): Maybe five people, a handful of people. Sara?

Sara DeClemente-Hammoud (Management): I would say under five.

Benita Roth (UUP): For childcare and elder care?

Joseph Schultz (Management): Correct.

Alan Wang (UUP): I was told through another unit that a member told me they were told by their leadership they would be allowed to work remotely based on this memo. They would be allowed to work remotely until September 7.

Joseph Schultz (Management): The read we have is this June and July people will be returning with everyone back on August 1. VPs have worked this out and with everyone back in August. Some returned June 1st, some July 1st but all plans in place prior to that memo are still in place.

Alan Wang (UUP): Thank you for the clarification on that. Anyone else? Anything people need to add?

Benita Roth (UUP): Just looking at the GOER memo again transitions us to the next item. It probably does. If I am transitioning too soon someone can stop me.

Alan Wang (UUP): I think we're good to go.

ADA requests

Concerns around blanket rejection of ADA requests that have been submitted by members who have clear medical paperwork indicating that they need to avoid in person contact due to certain specific medical conditions

Benita Roth (UUP): We've been talking about ADA for a lot for reasons. People are asking for accommodations. There are not very many, and I am not going to use names because this is Labor Management. Two portions of the GOER memo. Obligations for accommodations under the ADA and Human Rights Law need to be made. The

Department of Civil Service Office for Diversity and Inclusion should be consulted on questions regarding reasonable accommodations. Has the University consulted with that office?

Joseph Schultz (Management): I have reached out and left a message and have been assured someone will contact me back. The Department of Civil Service will contact me back.

Benita Roth (UUP): You have reached out?

Joseph Schultz (Management): Yes.

Benita Roth (UUP): We must remain mindful of keeping employees safe in accordance with revised guidance. It seems like it is in conflict with decisions that have been made recently about ADA accommodations.

Joseph Schultz (Management): I can't discuss in general. There are two pieces. A qualified person with a disability and they can request a reasonable accommodation and can we make a reasonable accommodation for that person. The interactive process. Interaction and a lot of back and forth.

Joseph Schultz (Management): Are there more than the two?

Benita Roth (UUP): I would say we have five to seven. Out of a bargaining unit of 2000 or so. I'm going to have to ask, and I am going to apologize in advance. It seems to me when members have medical doctors that when there are medical doctors involved and have talked with HR about an accommodation I am wondering how this is not being taken into account. The other issue is the way in which the whole process has been done, which I find rather problematic. DEI or HR says they are going to take on this task. We have spent an enormous amount of time. Time is limited. Not many members, but the membership it does affect really does affect. A. It doesn't take into effect medical documents. B. Why is HR and DEI telling us to go to the other?

Joseph Schultz (Management): Right now we have a vacancy for an Affirmative Action Officer. We had to go back out for a new search. Andrew Baker is the Interim Affirmative Action Officer. HR is handling the COVID ADA requests and Karen is newer. We are handling that piece of it. Eventually it will go back to DEI when we hire someone.

Benita Roth (UUP): It doesn't jive with others conversations we've had with HR. What weight does a medical doctor have?

Joseph Schultz (Management): Medical doctors weight is in determining if a person has a medical disability. The second is if the member has a reasonable accommodation.

Chris Sielaff (UUP): Throughout the process a person is being essential for x course. Essential that the course ran in the spring who was it who set it and why was it chosen. Everyone says they've done an exceptional job. Why was that chosen as a standard? Who made it?

Joseph Schultz (Management): The standard wasn't set. It is what it is. We are a residential campus. Research I have done in particular cases we are talking about. It is done voluntarily in summer and winter. There hasn't been any remote when classes are in session.

Benita Roth (UUP): It is not going to end August 2nd. Nice and good ok but you have reverted. It certainly had some hybrid courses in spring not just elected online or otherwise but also online. From the standpoint of academics these are very strange kinds of distinctions aside from the fact that yes we are residential. We are residential but not all of them do. Second of all the university can revert all it likes but it is not going to have any effect on what disease is out there

Joseph Schultz (Management): There were a number reasonably approved.

Benita Roth (UUP): If you have a chronic illness, I'm not sure a reasonable accommodation has been made. Also, time limited demands. No one has said I need to teach online for the rest of my life at Binghamton University.

Joseph Schultz (Management): Initial responses were provided, and the employees have come back and in the interim, it is the process, and we are working through it.

Benita Roth (UUP): I think everyone has other things to do. We are all busy people.

Joseph Schultz (Management): I would agree. We are all busy people.

Benita Roth (UUP): Setting some crazy precedent. I would have you communicate to the upper management that they are scared of nothing in granting these accommodations. Make life much easier. The faculty and one professional member have been here for years and years and years. I'm done.

Clarification on Article 49

Denial of space available requests for multiple summer session classes

Alan Wang (UUP): Clarification of Article 49. I think this pertains to denial of space available requests. Was this a request from another campus?

Chris Sielaff (UUP): A request from a UUP member from a different campus to take one course each summer session with the space available program, which was denied because the policy is to treat both summer sessions as one unit and that is the reason why we are asking for clarification. Some campuses treat some summer sessions as different, as two separate and distinct sessions.

Joseph Schultz (Management): We have historically allowed one course for fall, spring, summer and winter. All sessions. Only the summer is different with three terms. Contract reads one per session as they have administered since I've been here.

Chris Sielaff (UUP): Not separate sessions one clarification session?

Joseph Schultz (Management): Correct.

Chris Sielaff (UUP): The person never pursued the issue from Stony Brook.

Joseph Schultz (Management): I think someone is filing a grievance.

Donald Kunkel (UUP): If you go to the website, they call them sessions. They are both in there, sessions and terms.

Chris Sielaff (UUP): If someone else filed the grievance, I have less paperwork.

Benita Roth (UUP): Space available.

Joseph Schultz (Management): Space available winter and summer session is totally different than fall and spring. They take tuition to directly pay the instructor. It isn't direct payment for spring and fall. In summer and winter it is a different ball of wax.

Benita Roth (UUP): Not to take money from you. They would only get to take a class and have the tuition waived.

Joseph Schultz (Management): First you have to make space available. You get more money for more people.

Benita Roth (UUP): I know that. I am a Program Director. I do this all the time. They would pay the fees.

Joseph Schultz (Management): They want to take two in different terms.

Benita Roth (UUP): Ok. Once again a grievance is coming your way. How nice for you.

Alan Wang (UUP): Anything else from anyone for agenda items? Should we move on to other points that we had discussed? I didn't have anything else to add for agenda items.

“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.)

UUP Chapter Leadership Request to Attend Non-Contractual and Non-Disciplinary Meetings With Members

Benita Roth (UUP): Not a contractual question. In one of the recent situations it seems like upper management especially is reluctant to let the members meet with them if UUP is also in the room. We are problem solvers we like to solve problems. Sometimes they are often scared. UUP in the room is usually going to help facilitate rather than the opposite. Think more broadly and inclusively to bring us into a meeting which doesn't stem from discipline. I would encourage upper management to let that happen.

Joseph Schultz (Management): Once the union becomes involved most people outside of my office don't understand. Wait a minute I am having a UUP member. If the union is attending, HR should attend? No. We don't need to attend if it is not a contract nor a disciplinary meeting. I will pass it on. If that meeting takes place and there is a professional interaction, if it gets a little dicey they might not be so gracious.

Benita Roth (UUP): I understand. I just would like to communicate this. Our members, faculty but I would imagine professional people are scared to go talk to their first, second, third line supervisors up to Provost. Rather they should be scared or not it sometimes helps. Again. We are problem solvers. We want to solve problems.

Joseph Schultz (Management): I will pass that along.

Benita Roth (UUP): Thank you.

Alan Wang (UUP): Unless we bring up anything urgent, we probably can shelf the July meeting and revert back to the August one.

Benita Roth (UUP): Can we meet in person?

Alan Wang (UUP): I think we probably can.

Joseph Schultz (Management): I'm trying to think what room. Maybe we can get AD 148. That is a larger room.

Sara DeClemente-Hammoud (Management): I will work on that for August.

The meeting ended at 2:07 p.m.