NOTES
UUP Labor Management Meeting
Monday, August 23, 2021
2:30-4:00 p.m.
AD 707

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

The Labor Management Meeting time was changed from 1:30 pm to 2:30 pm due to New Faculty Orientation which began at 1:30 pm in UU 215.

UUP Chapter President Alan Wang called the meeting to order at 2:33 pm.

UUP

COVID related items:

1. What does the campus contingency plan look like if we have an outbreak during the semester? Given that Broome county is now classified by the CDC as having a high community transmission rate and has seen almost a tripling of case counts in the last week

Alan Wang (UUP): What does the campus contingency plan look like if we have a COVID outbreak during the semester?

Joseph Schultz (Management): There isn't a specific plan at this point. Fortunately, or unfortunately most of our experience is in pivoting quickly as conditions change. If they change, we will pivot at that point. At this time, we don't have a specific plan.

Benita Roth (UUP): The information would come from?

Joseph Schultz (Management): Any different number of external factors.

Benita Roth (UUP): Do you have guidance at all from SUNY or the State of what we should do when?

Joseph Schultz (Management): Nothing at this point. Provided all the policies regarding student vaccines, etc. Could be possible the new Governor could give further information. Nothing at this point in terms of parameters.

Benita Roth (UUP): I guess I'm shocked. Should I not be?

Sara DeClemente-Hammoud (Management): They change the rules so often. Someone gives us guidance and we come up with a plan. If we don't follow in line with what they want, it changes.

Benita Roth (UUP): Thinking SUNY system might be handing out guidance. Letting each campus do their own thing. Or asking here is a new rule, implement it.

Joseph Schultz (Management): So many things are going on right now. We are being hit seems like every hour with new policies and new guidance. It does appear as if New York State Department of Health Section 16, it doesn't appear that is only for Nursing Homes and Hospitals. There are a lot of questions regarding faculty and staff in clinical settings.

Chris Sielaff (UUP): That is the vaccine mandate.

Benita Roth (UUP): Now that Pfizer has been fully approved.

Chris Sielaff (UUP): I assume it would affect clinical faculty in the Pharmacy School.

Joseph Schultz (Management): If you are placed at a facility, you are required to follow the facility's guidelines. I haven't run into a policy where there is a vaccine issue. A new employee was going to be placed there. They would have to go under the requirement. The person got vaccinated.

Donald Kunkel (UUP): Since that has happened it is no longer for emergency use only.

Joseph Schultz (Management): Students have 35 days in order to get it. It should be going out.

Donald Kunkel (UUP): Mandatory for students, not staff.

Joseph Schultz (Management): Just students.

Benita Roth (UUP): Plenty of staff are worried about students.

2. For surveillance testing, several other campuses have gone to either a monthly or bi-weekly rapid test of all individuals on campus, can we visit increasing the volume of testing, as it is statistically difficult to get any sort of actionable data from testing only 5 employees out of the (already smaller) pool of fully vaccinated employees per week (this is somewhere between 15-20 people monthly)

3. Specifically on testing, how will we handle it during an outbreak situation where a reactive increase of testing volume will be needed? How many individuals can the current test site handle before needing to be augmented? What sites are available (if any) for a larger test site to be rapidly deployed?

Joseph Schultz (Management): Right now things are beginning to go down. Vaccinated employees we were not going to need a large number of vaccinated employees to be tested. At

that point where things went down we've transitioned to Room 111 in the Union. On a weekly basis, 3500 is the capacity. We are building capacity behind the scenes and hiring more employees and getting more supplies. If we need to transition to the Mandela Room, the capacity there would be about 8000. The plan at this time is for UU 111 for 3500. If we do need to increase, there is planning behind the scenes for that.

Alan Wang (UUP): We had agreed on the five. Are you looking to increase this at this point in time?

Joseph Schultz (Management): At this point what I'm told is we could change the mix of the student and employee side. We don't have to answer that today.

Benita Roth (UUP): So far as I understood it correctly, correct me if I'm wrong as I have email coming in from various sources. If I provide Sara with proof of vaccination, I should not expect surveillance testing.

Sara DeClemente-Hammoud (Management): Now minimal numbers with people vaccinated. Weekly there are five from UUP and one person from the smaller bargaining units. CSEA actually doesn't provide for surveillance testing of vaccinated employees unless there is a specific uptick.

Benita Roth (UUP): Chances are pretty small for testing if vaccinated, but there.

Joseph Schultz (Management): Yes. Question, do you want to increase that number?

Benita Roth (UUP): We will have to see what comes down the pike.

Chris Sielaff (UUP): For sake of discussion, testing the entire vaccinated population biweekly and the middle ground at different campuses is once a month. Within one month, every vaccinated employee gets tested. Either are fairly costly. Delta's ability to transmit among vaccinated. The direction they've gone in different places.

Benita Roth (UUP): If someone tests positive?

Chris Sielaff (UUP): Gets quarantined through the Health Department at present. I've spent some time talking with the Department of Health. Mainly K-12 questions and just in general.

Joseph Schultz (Management): If you've been vaccinated and you have contact with a person who tests positive you may not be quarantined. Some of the things. It is difficult to get an answer in writing from people. It feels like the Department of Health has backed off on contact tracing for counties.

Chris Sielaff (UUP): It depends too on where you live. Tioga County treats you differently than Broome County.

Sara DeClemente-Hammoud (Management): PA is easier than Tioga County. PA has been very responsible to people. Tioga is the roughest of all.

Chris Sielaff (UUP): In contact if they are symptomatic and in close contact then mandatory order is issued.

Donald Kunkel (UUP): How are we testing students?

Joseph Schultz (Management): Unvaccinated are weekly. At random is a smaller number. It is in the hundreds.

Donald Kunkel (UUP): Five or ten?

Joseph Schultz (Management): We don't know on the students' side.
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Benita Roth (UUP): Instructors may have to go to remote learning. It is something I think is going to happen. I'm just saying that needs to be acknowledged.

Joseph Schultz (Management): Specifically in the surveillance testing agreement with UUP. Remote for whatever is practical.

4. Now that universal masking regardless of vaccine status is required again, how is this going to be policed?
From what I have seen in the last few days on campus, the majority of people are following the indoor masking guidelines, but there seem to be some that do not comply, are we reverting back to what we did last academic year where you could politely ask someone to mask up or leave your building?

Joseph Schultz (Management) provided the following link to UUP prior to the Labor Management Meeting:

[COVID Non-Compliance Reporting - Risk Management and Administrative Compliance | Binghamton University](#)

Alan Wang (UUP): Now that we are back to masking again, how is this going to be policed?

Joseph Schultz (Management): Send it to the link provided. You can do it anonymous. On the CSEA side there is quite a bit on the maintenance side. Hey, I have this information, so mask up. If it happens a second time, we generally call them in. I don't think we've had people turning in UUP members. This is a courtesy phone call to make sure you are wearing it. If they ignore us after three times it is an official matter.

Benita Roth (UUP): The Provost's guidelines are pretty robust regarding faculty ability to tell students you can't be in here unmasked. On my walk over here, I told two young men to mask up. I think our faculty are going to be ok in faculty classrooms and our members are going to be treating each other with respect.

Donald Kunkel (UUP): I've forgotten myself when I've walked into a building. I quickly put the mask on.

Renee Andrews (UUP): I work with outside vendors. I remind them. Tomorrow I have a delivery, you have to wear it.   Physical Facilities is trying real hard to remind people.

Alan Wang (UUP): The Science 2 Tower there are a lot of construction workers who aren't masked or quickly put them on.

Renee Andrews (UUP): We've had to insist or tell them they had to either leave or put them on.

Robert Mess (UUP): If someone anonymous, let's say Alan is not waring a mask. He's a jerk. Do you do something to ensure that that person is not wearing one? Do you do something to verify? Maybe they are not happy because they didn't get a promotion.

Joseph Schultz (Management): We will call them and say we've seen this complaint. Perhaps it is a mistaken identity.

Robert Mess (UUP): I can see a vindictive person to cause them to go after another. Someone says you weren't wearing a mask.

Joseph Schultz (Management): If someone is telling us I have been wearing a mask, we are reasonable people. I haven't seen anyone just trying to get someone in trouble.

Benita Roth (UUP): I think we are going to have the opposite problem. It is an uncomfortable thing to do. Something like the tobacco list. Close to 99% or I would walk by people smoking.

Joseph Schultz (Management): The hardest part is visitors who don't know about it.

Chris Sielaff (UUP): An interesting comparison. If you lit up a cigarette in front of colleagues, they would be very direct. Since we are in new, weird waters with the masking thing, it is a different reaction.

5. How many ADA requests have been granted and what sort of accommodations were granted?

Joseph Schultz (Management): Approximately fifteen. It runs the gamut. Some people apply for accommodations. They don't have a disability but are concerned about family members, that kind of thing. This isn't the process for this. Accommodation is due to a disability. We've had some people ask for full remote although their job is mostly interacting with students on a daily basis. Set up duties split traditionally into administrative and students. The person could do a couple of days a week remote and three days working with the students. Faculty. We have some where the people are being granted accommodations for the research and service ends of it. We are still probably working on about five outstanding ones. We've requested more medical documentation. Is this correct, Sara?

Sara DeClemente-Hammoud (Management): Yes.

Joseph Schultz (Management): This month Ada Robinson-Perez was named as the University Affirmative Action Officer and the process will transition to her. We like her, so we aren't going to dump everything on her and will help get her up to speed. I signed up for a webinar though the Department of Civil Service. On the webinar they unveiled an appeals process. People can now request an appears through the New York State Department of Civil Service. If you go to the ADA application, it is in the middle of the 25-page document. At the end of the application is the appeals process. That is new and came as a surprise to us.

Benita Roth (UUP): So the folks asking for protective gear in classrooms and the like. There is a cost issue with these things. So those are being offered to people who are mandated to teach in person.

Joseph Schultz (Management): Historically with ADA requests the cost generally goes back to the department. We have been able to take the funds from the COVID money.

Benita Roth (UUP): So departments are not on the hook for these?

Joseph Schultz (Management): Yes.

Benita Roth (UUP): There is a lot of fear out there from professional staff and faculty. I'm not sure in fact what needs to happen but there is just sort of random fear. I am getting emails. People are just scared to go into the classroom. I think you should know this and communicate it to President Stenger. There is a type of mild panic that could quickly increase.

Joseph Schultz (Management): You are right, people are scared. There is no easy solution for any of this.

Benita Roth (UUP): The cost will be covered by the COVID funding. I could see some chairs and directors who would not be willing to contribute.

Joseph Schultz (Management): Romance Languages asked to have clear masks so people can assist in actually teaching.

Benita Roth (UUP): I asked that person specifically. Another is language. How do we teach language if we can't see peoples' faces? Zoom is a better medium because you can see peoples' faces. Not ideal and they fog up but better.

6. In light of the newly adopted SUNY workplace flexible "pilot" program:
Can we get a brief overview of how this SUNY agreement will be implemented at a campus level? Who is eligible to apply? Which VPs will be the 3rd level of approval? Will this pilot be limited in its implementation or will most applications be approved pending that supervisors are willing?

Alan Wang (UUP): Something partially. Who is eligible to apply?

Joseph Schultz (Management): SUNY came up with this thing. The challenge is employee to direct supervisor and jumping by who could make the most of it. Each VP in each area it is going to.   The person, supervisor, then Dean and then the VP for Academic Affairs. That is kind of how academic affairs is working it.

Donald Kunkel (UUP): It caused some concern of why it didn't go to him.

Joseph Schultz (Management): Kind of bypassing the people. I would say close to 200 people have submitted the application. The majority are from UUP. I've seen some that have been rejected in whatever the time frame is. Seven days at each level. I haven't looked at appeals but am looking at the rejected side.

Donald Kunkel (UUP): Any appeals so far?

Joseph Schultz (Management): One appeal.

Donald Kunkel (UUP): Do you look at the Performance Program?

Joseph Schultz (Management): There are the duties. This is what I will be doing. The information is right there.

Benita Roth (UUP): Pretty restricted.

Joseph Schultz (Management): If there are any students involved, no. In ITS there isn't a student involved in their job. At the end of the day, you aren't going to see any flood gates opening up on telecommuting. People haven't been afraid to ask.

Benita Roth (UUP): We have a contract coming up.

Joseph Schultz (Management): Surprised without bargaining on their end (SUNY).

Benita Roth (UUP): If I had to bet, I would bet there would be inclusion, maybe not that exactly or tied to a pandemic. People can do work at home.

Joseph Schultz (Management): I did this from my home for a year and a half. Next time increase the level of customer service that type of thing. I was able to do this during the last year and a half is not going to cut it.

Chris Sielaff (UUP): It is pretty clear from what the campus said about the guidelines. If your job involves interacting with people which includes staff your ability to telecommute is pretty

limited. It is more of an application issue if people had certain parts that didn't include a member would there be any parceling out of tasks. 20% is not interacting with people at all. Could do it by myself at any location. One part of the obligation.

Joseph Schultz (Management): I don't think it spoils the whole thing. A number of people in my department are interested. They process time sheets. A process without interruptions and I am not interacting with people while I am doing it. If they want to come and see you about a paycheck issue from a time sheet. It might be two or three during their entire work, but it is spontaneous. People want to talk with someone about their time sheet. It is not on a clear, scheduled basis.

Chris Sielaff (UUP): Would be an interpretation of any interruption with any other human.

Joseph Schultz (Management): It is a pilot.

Benita Roth (UUP): I understand the concerns about in-person. Faculty have office hours. In some ways it would be good to give people the partial ability to work at home. For one thing, there is always parking. Fewer people on campus is actually good not bad. If things can be pulled part and parceling, giving one day a week at home would be a good solution.

On OSC overpayment on last paycheck:
Does campus have a list of all individuals that received overpayment due to the computational error that occurred during the last pay period?

Alan Wang (UUP): Joe, do you guys have a list of individuals?

Joseph Schultz (Management): Unfortunately, we have a list and reason 763 people. They made the mistake. They gave us the list and said you have to handle it. The average was $47. It was the retro. Why don't you leave the $49? We corresponded with everyone. In general people have been ok with it. Don't care, check was wrong, going to take you to the third check. The State Comptroller is a whole other beast.

Chris Sielaff (UUP): When are the 2021 raises going to hit the books. Professionals.

Sara DeClemente-Hammoud (Management): September 1.

Chris Sielaff (UUP): September 1 for everyone except for academics.

Sara DeClemente-Hammoud (Management): September 29 would be for academics.
There will be a small amount of retro.

Benita Roth (UUP): Yes. A small amount of retro.

Joseph Schultz (Management): It didn't affect 10-month faculty.

Video Surveillance system pertaining to University Policy #809:

1. Is there a list of employees who are authorized to view either live feeds (camera) and/or recorded footage? UUP requests the list including: names, departments, and Date of approval

2. Video Monitoring System Review Committee (VMSRC)
Who currently sits on the VMSRC? How are members selected and how long do they serve on the committee? Is their representation on the VMSRC across all divisions/departments and unions on campus?

3. If violations to use/access of the system occur, how do members of the VMSRC get informed and what sort of information do they receive in regards to these violations?

Joseph Schultz (Management) provided the following information to UUP prior to the Labor Management Meeting:

Committee

Tim Faughnan	Associate VP Emergency Services (Chair)
Joe Schultz	Associate VP Human Resources/Sara DeClemente Hammoud
Eric Backlund	Director, Risk Management and Administrative Compliance
J.J Brice	Interim Director Residential Life
Joe Roth	ITS Director of Operations and Infrastructure
David Martin	ITS Assistant Director Security Infrastructure and Support
Scott Pionteck	ITS Security Infrastructure and Support Analyst
Chris Kelly	ITS Security Infrastructure and Support Technician

This committee is primarily an infrastructure-centric committee and is not a policy enforcement or deliberative committee concerning policy violations etc. The main role of the committee is to approve camera installation requests, work with new construction contractors on video installations including camera locations, hardware needs, wiring needs and other such information. The committee reviews our current infrastructure and makes recommendations for changes/upgrades when necessary and provides technical support to constituent groups when needed. Human Resources and Risk Management provide input to requests relevant to their specific areas. One of the main functions is to maintain our overall system in a way that is policy compliant concerning privacy rights, locations, appropriateness etc. and technologically appropriate.

Alan Wang (UUP): A couple of questions on VMSRC.

Joseph Schultz (Management): There isn't any sort of automated list. I asked Tim Faughnan. My preference is it is considered a safety and security issue. If you want to contact me, you can come over one day and I will provide you with the list. Parking Services, Events Center, Laboratory Animal Care, Library, Fine Arts. It is pretty varied. There are different categories. 1. I'm a department. At the Events Center, someone oversees the Box Office. Real time access. People, just real time access, just for that customer service point. 2. We have only one

Department of Emergency Management. Three or four. They have real time access to all of the cameras.

Benita Roth (UUP): The members of the VMSRC. How big is the committee?

Joseph Schultz (Management): I sent you that. Eight. ITS, Faughnan Chairs it, compliance and HR. HR is on not putting in place where there is an expectation of privacy.

Chris Sielaff (UUP): Not review. This happens with the cameras, and we should review.

Joseph Schultz (Management): Someone could send something, but it would just be kicked back to HR.

Benita Roth (UUP): Buses.

Joseph Schultz (Management): I don't know when those cameras hit those buses. They would have deliberated on installing them. New buildings and rehabs take place, and they are looking at that. We are looking at a privacy standpoint. First level, real time access, Emergency Management and they have access to all real time not footage. UPD has access to the footage. Four or five people in ITS have full access to the entire system. They need to do their job.

Benita Roth (UUP): License plate readers and how long that data is stored. They were concerned.

Joseph Schultz (Management): This is kept for 21 days.

Chris Sielaff (UUP): The surveillance footage is stored for 21 days unless it is somehow sequestered.

Joseph Schultz (Management): Yes.

Chris Sielaff (UUP): What type of training is there before someone gets approval? Any type of guidance for us to understand?

Joseph Schultz (Management): The end user is looking at real time. This is how it works. Just live feed all the time. The people who have the access to the footage is UPD.

Chris Sielaff (UUP): Understanding the guidance they are given before they have access. Other questions on the matter. It might be easier to email them to you and you can respond. If we have follow-up questions, we can put it on the agenda.

Joseph Schultz (Management): Since we are already here. Outside of specific concerns, are there any other general concerns? About misuse of the system?

Benita Roth (UUP): Many people have various levels of comfort regarding data being collected and stored. Biometrics. Some people are no longer going into Fitspace. They told me they

won't be going. It is a relatively small issue, but there are concerns about what could be done with the footage. I wouldn't say it is global. There are maybe five to ten percent of faculty who are concerned.

Chris Sielaff (UUP): There is one instance that is driving it, but there are a variety of questions.

Benita Roth (UUP): I don't know about that one instance.

Alan Wang (UUP): If violations to user access occur, who are the members that get informed and what kind of information do they receive regarding these violations?

Joseph Schultz (Management): They wouldn't receive anything. It is basically handled as a confidential investigation. It is a confidential matter.

Benita Roth (UUP): HR?

Joseph Schultz (Management): Yes.

Alan Wang (UUP): Does anyone want to add anything?

Chris Sielaff (UUP): Telecommuting with a child who is under mandatory quarantine. The guidelines state you must use your accruals. In my mind it still conflicts. If you are still in quarantine with a child how best to advise a member whose child is in quarantine. Are they permitted to telecommute or not?

Joseph Schultz (Management): If a child is positive and the parent is the close contact, they can telecommute. Because they are quarantined. If the child is quarantined and they don't test positive and they don't have symptoms, no.

Sara DeClemente-Hammoud (Management): PFL benefits when a child is positive or sick, right?

Chris Sielaff (UUP): In the absence of sick if they have a positive test they are sick.

Sara DeClemente-Hammoud (Management): Eighteen days before you can begin the leave. Can't take them off the payroll. It is all about the timing.

Chris Sielaff (UUP): In order to return the accrual and pay them the standard.

Sara DeClemente-Hammoud (Management): Only what the third party is promising. Then we have to hear what it says in quarantine. Those questions need to be answered.

Chris Sielaff (UUP): Someone comes with a concern which they already have. Within hours guidance was put on the website. Knowing what's coming with unvaccinated kids going to school, we are going to see quarantined a lot. We need to advise.

Joseph Schultz (Management): Seventh grade and lower can't get vaccinated. Twelve and under.

Sara DeClemente-Hammoud (Management): The best scenario would be to send them to me. One can, one can't. There are so many variables with each person.

Chris Sielaff (UUP): Even the concept of working remotely. Some can't work remotely.

Benita Roth (UUP): Their job is to teach.

Chris Sielaff (UUP): What I'm hearing is under mandatory quarantine they would be. The MOU says that I believe. What if someone has physical work they need to do on campus?

Joseph Schultz (Management): You can't clean from home.

Chris Sielaff (UUP): What happens in those cases?

Sara DeClemente-Hammoud (Management): We will cross that bridge when we can. The language has changed. We have to keep them in full pay with no accruals.

Chris Sielaff (UUP): No possibility of telecommuting if people are quarantined but not sick.

Joseph Schultz (Management): We look at it as best we can. We have no interest in giving people a hard time just for fun.

Benita Roth (UUP): The way I read the Provost's guidelines, there are going to be some faculty who are essentially going to teach hybrid except for international students or students who might have to quarantine. I don't know how it will play out. In the Provost's guidelines there are contradictions. I assume they are going to affect some faculty and may need to retool what they are doing. I don't know how many international students will have problems. How many students will have problems. Maybe they will have to quarantine.

Sara DeClemente-Hammoud (Management): If a student is vaccinated and in close contact with someone who tested positive, they don't have to quarantine unless they have symptoms.

Chris Sielaff (UUP): Other campuses have drawn the line. If you are a student and you get COVID or have to quarantine, this is like you are sick.

Benita Roth (UUP): This specifically states don't ask Decker for notes. It specifically says, don't ask them. But then how do we deal with it then?

Chris Sielaff (UUP): I don't know.

Benita Roth (UUP): Thinking about the experience last year. If I see the Provost, I will tell him. Even with the attempt to cover it, it is going to get messier.

Joseph Schultz (Management): We will pivot when these things come up. No one planned that we were going to be in this situation again.

The meeting ended at 3:34 p.m.