

NOTES  
UUP Labor Management Meeting  
Monday, November 22, 2021  
1:30 p.m.  
AD 707

Present: Donald Kunkel, Robert Mess, Brendan McGovern, Benita Roth, Chris Sielaff, Alan Wang, Joseph Schultz

UUP Chapter President Alan Wang called the meeting to order at 1:34 p.m.

**UUP**

**1. Compliance check with regards to workplace violence regulations**  
**- <https://dol.ny.gov/workplace-violence-prevention-information>**

Alan Wang (UUP): Is there a campus compliance check with regards to workplace violence regulations?

Joseph Schultz (Management): Yes, we have. Essentially, we weren't in a position to do our annual meeting last year so there are a number of components to the annual process. A survey that individual employees can fill out will go out this week. A survey that Deans, Directors, Department heads, people that own a department fill out a survey as well the week of December 6. They can request a walkthrough. In theory, if people respond in a timely manner, towards the end of December we are thinking of the annual meeting. Bringing people together and figuring out the walkthroughs that we will participate in.

Chris Sielaff (UUP): Who is in charge of ensuring this?

Joseph Schultz (Management): Technically, the committee is co-chaired by myself and Tim Faughnan. Originally, when Tim was the Chief of Police. Tim is now the Associate Vice President for Emergency Services. It will be either Tim or John Pelletier.

**2. General overview of the process that an employee goes through when applying for leave donation program**

- Specifically, clarification how the process on this campus fits with the requirement of Appendix A-45 VII- Solicitations
- The employee, co-workers or local union representatives may solicit donations; the employing campus may not solicit donations.
- Donor identity is kept strictly confidential.

Joseph Schultz (Management): The very big picture in Appendix A-45 if someone is going to be medically disabled for a period of two bi-weekly periods following the exhaustion of all leave

credits they can participate. A ten-month faculty member can participate, but they can't donate. We get a bit of everything with the program. Some ones with a very long period and very few leave credits, sometimes two and a half, but they are going to be out for four. We generally like to mobilize them as soon as we get them. The identity of the donor is confidential. Where someone has wanted to send a thank you note, and I think we've just done something generic out on the listserv. The actual identify of the donor is confidential. Usually, we do go out with the name of the person. Sometimes people ask for confidentiality. Management can't donate or solicit for donations. We administer the program and let UUP know who they are.

Chris Sielaff (UUP): If the person doesn't use them all, what is the process? Are the unused days returned to donors?

Joseph Schultz (Management): I would have to look it up. We usually have a number of people eligible for it at the same time. If someone doesn't use the 10 days, we say there are two other people in need and the person usually says ok. The donors don't generally get it returned.

Donald Kunkel (UUP): I donated five days and the process explained to me is they all go into a pool. They exhaust that. One day, has another donated, two days and go through that pool again to use the second day, and the process continues until all days are consumed or returned. I actually had a few days returned to me. Everyone goes to one day, so they are not going to take all your days first.

Joseph Schultz (Management): And it all depends on the scenario, if someone doesn't have a lot.

Donald Kunkel (UUP): In this situation someone needed extended time off. There was an overwhelming outpour of donations.

Joseph Schultz (Management): This time of year sees an overwhelming amount of donations, but people aren't going to lose it this year. Some have 70 days of vacation.

Alan Wang (UUP): I would have been if I didn't donate.

### **3. Update on salary compression process timeline**

Joseph Schultz (Management): I believe it's kind of split in two areas. The faculty compression I believe we have sent to SUNY. We do it locally and send it to them to make sense. SUNY hired a manger of class and comp. He is in charge of the project for all campuses. If he gets a spreadsheet, he can tell in ten seconds. It is due to SUNY officially next week. Sara is planning to send it up to SUNY early this week. Officially they are both due next week. It's gotten a little bit better each year. The first year it was a difficult process. As it goes SUNY gives us more guidance in grouping. Generally if they showed as compressed, they will again.

Benita Roth (UUP): I think the raises will show up in the January paycheck. It is good to know someone has been hired to handle it.

Brendan McGovern (UUP): Is this the last year of the compression?

Joseph Schultz (Management): July 1 or September 1.

Brendan McGovern (UUP): The contract ends in June.

Chris Sielaff (UUP): I know there is one for DSI and probably one for compression. Right before the contract ends.

Benita Roth (UUP): There is money to serve contract in the fall.

Brendan McGovern (UUP): It wasn't the base for discretionary, but it was a bonus.

Benita Roth (UUP): DSA not DSI. I can find out.

Chris Sielaff (UUP): I know for a fact there is one more left and assume they are paired in the language.

Benita Roth (UUP): I'm sure .5 and .5.

4. **Regarding telecommuting - Does SUNY have a plan to extend or replace the current Pilot program? Does the campus expect any changes?**

Alan Wang (UUP): Does SUNY have a plan to extend or replace the current Pilot Program and does the campus expect any changes?

Joseph Schultz (Management): We believe the program will continue on. We don't have any indications it is coming back. That they are not going to extend the Pilot. It ends on January 1, and they will tell us January 2. Interestingly enough, I have one of our agenda items but it kind of dovetails. The new weather-related absences memo is going to be on Dateline tomorrow. Behind the scenes, I have been attempting to work with SUNY for some flexibility if there can be telecommuting. I worked with SUNY and SUNY has revised something that they sent us. (Joseph handed out a copy of the memo.) Look under the cancellation of classes: "When classes are cancelled, employees who can accomplish their duties remotely may request supervisory approval to fulfill their work obligation from an alternate work location." Just for the cancellation of classes and you have worked through this with your supervisor you can work remotely.

Brendan McGovern (UUP): This has been a big issue for professionals for quite some time. This is good.

Joseph Schultz (Management): They changed the language a bit, and I jumped at it. My staff specifically is in one of those areas. The employee should have a conversation with their supervisor. In our office it would depend on do we have a payroll deadline. No, we need you to come in. It leaves the opportunity to work with your supervisor. It is a small step.

Benita Roth (UUP): So, they wouldn't have to charge their time?

Joseph Schultz (Management): No.

Brendan McGovern (UUP): When classes were cancelled, faculty and students would not have to brave the weather, but professionals would.

Joseph Schultz (Management): It is on a university level. Hundreds and hundreds of CSEA workers are not eligible for them.

Donald Kunkel (UUP): A lot has to do with snow removal.

Joseph Schultz (Management): Yes.

Benita Roth (UUP): If classes have been cancelled and supervisors say come to work, but Broome County says not to drive it causes a problem.

Joseph Schultz (Management): Mostly CSEA has brought this up over the years when there is a State of Emergency, but they are required to come to work. The concern is they will get a ticket. If it happens, we will have our Chief of Police talk with the police.

Benita Roth (UUP): That is good. Do you know what led to this?

Joseph Schultz (Management): Me. SUNY sent us the document. Sending out the annual thing, and I said since we have this program we have this language do you think we can get some sort of language in it? Willing to take it to the powers that be. SUNY working up the chain of command. A small victory.

5. **What are the contingency plans if a covid outbreak happens on campus? SUNY polytechnic had to recently go full virtual due to an outbreak**

Alan Wang (UUP): What are the contingency plans if a covid outbreak happens on campus?

Joseph Schultz (Management): Right now, the infrastructure is in place for quarantine and isolation, and we have it for testing. We right now have the infrastructure in place for the instructor piece of it. There is no way to make a prediction. Every time you watch the news, it seems like it is getting worse. The infrastructure is in place to mobilize. As of this morning we don't have any students in quarantine and isolation. Students we can get a handful of 2 or 3. Twenty over the weekend, maybe wanted to get tested before they go home.

Benita Roth (UUP): Ramp up when they come back.

Joseph Schultz (Management): Right now, we are ahead of the game in terms of spring admits. You aren't going to be coming to campus unless you have a proof of vaccination.

Benita Roth (UUP): Can you say a bit more of the infrastructure re instruction that is in place?

Joseph Schultz (Management): We have already been remote from that standpoint.

Alan Wang (UUP): From ITS we did, and we have some stock in case something happens. Hotspots. We didn't turn them all in.

Benita Roth (UUP): Loaner or hotspot. You can't control it when you are in an apartment in New York City and your siblings are around.

Alan Wang (UUP): It definitely is not as large as last year, but we definitely have some.

6. **Discuss some of the concerns that were heavily emphasized at a professional concerns meeting held at the end of October**

7. **Workload creep/overload due to resignations in departments where workload instead of being temporarily reassigned to remaining individuals and hiring new individuals to alleviate the load, leaving this work on those who are still in the department**

Alan Wang (UUP): At a recent professional concerns meeting, workload creep and additional workload due to retirements and resignations was addressed.

Joseph Schultz (Management): I didn't look at it this morning but the pace we are posting at is somewhat unprecedented. We are back filling and not seeing a whole lot of departments holding off. Have had from my standpoint, we are advertising, filling, some people might receive a temporary increase in the time frame. Hiring is very strong. I can't say the applicant pools are strong, especially ITS. If you go back, it was really hard to get a State job and get into the DOT. When you drive on the highway you see signs seeking snowplow drivers. Times have just changed, and I think we are going to be struggling to fill positions in the next few years. Professional and faculty side, we are in Binghamton NY. The environment is changing, and we are kind of in the middle of it and we don't know. It is a challenge.

Benita Roth (UUP): Maybe in certain fields, think of all that aren't tenure track positions. There is a lot of talent out there. Professionals I suspect there would be in-house training, apprenticeships, or other ways to invest in the people here and pay them fairly for extra duties. This may be a blip, or we may see a change. This may be the new normal.

Joseph Schultz (Management): It feels like it.

Donald Kunkel (UUP): The next New Employee Orientation is tomorrow and out of 19, there are only four of which are term. There seems to be a big emphasis in hiring temporary hourly.

Joseph Schultz (Management): Anecdotally, we hired at least 150 temp UUP for the whole testing.

Donald Kunkel (UUP): Undergraduate Admissions is really heavy on hiring temp, hourly. The majority in Undergraduate Admissions is temp and hourly.

Joseph Schultz (Management): They may have hired three or four temporary application readers for their period for applications. Let me look that up.  
If they are temp, hourly, I will look into. They may be application readers hired temporarily.

Brendan McGovern (UUP): There have been a lot of temps hired this semester.

Donald Kunkel (UUP): So, what ends up happening is they don't even bother showing up for orientation.

**8. Concerns surrounding child care or elder care issues as they concern to covid-19 (e.g. repeated quarantine from k-12 schools in a short period of time)**

Joseph Schultz (Management): Everyone seems to have a different scenario personally. Some people say, thank you I can charge my time eight days and I will be back. Others it is more difficult. What we are authorizing is what is in the telecommuting, two days remote per week. We are allowing a partial remote when someone's child is quarantined.

Benita Roth (UUP): I don't have kids, but when they are quarantined M-F?

Joseph Schultz (Management): Right now there is no benefit. You need to charge your time.

Benita Roth (UUP): Not making them charge.

Joseph Schultz (Management): Sara has been able to work with employees and supervisors. This is what is going on, and this is what we can allow at this time, and it seems to be working. I think we have had one person on the individual time. I think they may have had a personal quarantine. Isn't vaccinated but exposed again and ten days of quarantine, and then another ten-day quarantine. Getting a little bit of everything, but we are working through it. CSEA took issue with quarantine times. Under CSEA Law there is a general quarantine. If you are quarantined, there is no charge to leave credits. If you are personally quarantined, you will not have to charge leave credits. If it happens over and over and over, we are not advertising this. So far, I think they are up to three. Not upset when we tell them.

Chris Sielaff (UUP): Classified and non-classified?

Joseph Schultz (Management): Who are not CSEA classified workers, testing weekly is a difficult scenario. If one person tests positive who ate lunch with eight co-workers, the whole shop could be taken out. Had a meeting and there were more quarantined than we wanted. We have this meeting, split it up with two meetings. We can't afford to have everyone out on quarantine.

**9. Clarification of academic calendars for Fall '22 through Spring '25 and what exactly the online sessions**

Benita Roth (UUP): This is an academic question. It is a non-online question.

Joseph Schultz (Management): Simple answer from Don Nieman. This defines the seven-week sessions for fully online programs. All students take all the RNBS program online. We only have one.

Benita Roth (UUP): Everyone else but those instructors, don't worry about it. We only have one fully online program?

Joseph Schultz (Management): Only one right now.

Donald Kunkel (UUP): Nursing has a contract. It is not being built in-house.

Benita Roth (UUP): Even if not, they are delivering the content, they are instructors.

**10. Flexibility in the space available program to allow retirees to utilize the program to take course 1 at a time**

Alan Wang (UUP): Flexibility in the space available program for retirees. I think Bob has something for this.

Robert Mess (UUP): I already discussed this with you (Joseph Schultz) and Sara and will give copies to President Stenger and Provost Nieman. (Robert handed out a proposal dated November 22, 2021.) As an employee, we can take a class and pay just the fees. I'm proposing as a retiree the same be extended to us. When you are 60 and live in New York, you can audit a class for free. You don't get credit. The fees run in the \$400-\$500 range, if they want to take it for credit and did it the same as when they are working.

Joseph Schultz (Management): Some campuses have it?

Robert Mess (UUP): When I brought it up on negotiation contracts for currently employed it was suggested that some campuses have it. I can look it up and find out.

Joseph Schultz (Management): Contract negotiation, but we are willing to work on it if some of the other campuses have it.

Robert Mess (UUP): That's it. Concise.

**Management**

**1. Update on COVID compliance**

Joseph Schultz (Management): Where we ended up there were two groups. Working on it was a long, painful process. People who hadn't provided proof of vaccination and hadn't tested at all and the other group if we were up to the nine or ten-week point who had to test weekly, anyone who had missed four or more. Group hadn't done anything. After a bunch of mean letters that I sent. We didn't have to take any disciplinary action. I would say a handful of people said, send it to us now and complied. It went into their spam. Call it the naughty list, there was no

disciplinary action of anyone. The four who missed, we say don't miss anymore. We think there is now a new group. They hadn't missed four but have missed them now were told don't miss anymore.

Benita Roth (UUP): Do you have a ballpark number? 20-25?

Joseph Schultz (Management): Yes. Maybe 50. Half CSEA, half UUP. Some people said it was going to spam. It was from nine months ago. Some people were just objecting.

Benita Roth (UUP): Some decided they are vaccinated but are not being tested and want to get tested weekly.

Joseph Schultz (Management): Peace of mind testing. A fair amount of people are taking advantage of that.

Benita Roth (UUP): So, I talked to three who are all fully vaccinated. The only way to have peace of mind is to say they aren't vaccinated so they can get tested. I wish BU had put together a portal of some kind, a card or Excelsior Pass.

Joseph Schultz (Management): It would have been good for us as well.

Alan Wang (UUP): Recreation said they are requesting that you have to bring in your vaccination or Excelsior Pass.

Joseph Schultz (Management): They may have asked us. If someone is providing records to us confidentially, that is between you and that employee.

Benita Roth (UUP): CUNY has an app for all of this, Rutgers has an app, State of New York has an app, CVS has an app.

Joseph Schultz (Management): We don't have it on the student side. Goes back a few years. The system we are in Medicast system is intended and authorized to be used for SUNY student medical records. An exception was made to lift it for the testing part, but the system that does all that is considered a student e-medical system.

Benita Roth (UUP): Why didn't we build one that could?

Joseph Schultz (Management): I don't think it is that simple.

Donald Kunkel (UUP): Or use the Excelsior app.

Joseph Schultz (Management): It has been painful.

Benita Roth (UUP): Sara sitting in front of a spreadsheet all day. It may be mute. We don't know what the booster is going to be or guidance for.

Joseph Schultz (Management): I read this morning that they are not. Fauci was asked if they were changing definitely to a third shot. No. Not now.

Benita Roth (UUP): For now. I've heard more about this probably than anything else this semester. Able to trace and I hold this to the Provost's error, not HR's error. It was somewhat disastrous for a lot of people. No one's privacy was violated, but you can't really convince people that is the case.

Joseph Schultz (Management): It would have helped with our spam situation.

Benita Roth (UUP): One of them was me. I confirmed with Sara she got it sitting at a meeting with her. It was pretty disastrous.

## 2. *New option when classes are cancelled due to inclement weather*

Was discussed in UUP Agenda item 4 above.

## 3. *Use of university electronic resources refresher*

Joseph Schultz (Management): In a nutshell, what we have goes back in time to 1999. The Agreement is for the University to provide listserv email access to send messages for informational labor management purposes. Sean wanted to send out what was considered a political message, and we worked together. If you want more information and then there was a link to it. What went out the other day, I don't think it should have gone out in its form from a management standpoint, but some people may have read that and say can the union direct you to do this? What happens if they do? If you want to get a message out you think might be on the fringe, work with me to get the message out without violating the Agreement.

Chris Sielaff (UUP): Do you have copies of the Agreement?

Joseph Schultz handed out copies of the *Memorandum of Understanding (MOU) between the State University of New York at Binghamton (Binghamton University) and United University Professions (UUP) Concerning the Use of University Electronic Mail Facilities for the Communication of UUP Activities and Other Matters of UUP Concern.*

Benita Roth (UUP): I know who sent that message, and I know people were not happy about it. I couldn't find where the fringe was to use your word. I didn't understand as to why there was an issue. When I was Chapter President, I sent out a message about striking Verizon CWA workers downtown. I was told you can't do it. It is political. What was the specific objection to the message as such?

Donald Kunkel (UUP): You might want to take advantage and apply for it. It went to the University's website.

Chris Sielaff (UUP): The issue was with the advisement to UUP members who were supervisors.

Joseph Schultz (Management): Paraphrasing it is important that we know how many people want to telecommute, if you are really interested put it in. Consider putting there was a statement telling supervisors there is a criteria already in the application for supervisors. Consider putting this additional piece in there. I was told to deny this application. That was the piece.

Chris Sielaff (UUP): Not to belabor a supervisor. Certain positions that are not eligible for telecommuting. Are there entire departments that have been told your department is not eligible for telecommuting? Is that something a VP or the administration would have told someone in charge of supervising an employee?

Joseph Schultz (Management): Maybe one department or probably more. We are putting something out in Harpur. We are forward facing. Don't apply. Just to give someone a realistic view. We have to be here to service our students. Not aware of VP to Directors, no approval, do not apply. Director provided a spirit in their staff meetings. If you apply, it's really not going to be approved. A big campus as this has gone down. Need not apply.

Donald Kunkel (UUP): That is the message they are coming to us with. That is what they heard.

Chris Sielaff (UUP): The root is given the immediate supervisor has a section in which they are expected to say whether telecommuting is feasible or whatever the language, UUP's interest is that individual supervisors be making that assumption. Also given the policy and language of the policy, there could be entire departments told look this is forward facing, and we are not going to approve. If this is the case, the UUP supervisors at the lower level shouldn't have to provide any other reason other than this department does not qualify for telecommuting. If it is not the case, that no one has been told then it shouldn't be an issue. Ground level supervisors felt they were being told or subtext of confirmations. They are not going to allow. The wording could have been different. We don't want UUP members who are supervisors, that section if telecommuting fits. It should be their own assessment or determination is generic.

Joseph Schultz (Management): A check box provided. Technically you might assume this comes down to philosophical and Harvey's take on this. We want to put out best foot forward. We don't want a student showing up to an office and no one is there. I've seen many employees put it through. Supervisor said yes. You can't use it for political. Don't take it the wrong way, but don't undermine management.

Benita Roth (UUP): If there was a link there, it would be ok?

Joseph Schultz (Management): Yes.

Benita Roth (UUP): If it's one step removed.

Joseph Schultz (Management): We are talking collecting information on telecommuting.

Benita Roth (UUP): Hyperlink.

Joseph Schultz (Management): Yes.

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“Below the Line” Agenda Items

(As agreed to by UUP and Management during the October 2011 Labor Management meeting, agenda for those meetings may include “below the line” agenda items that are added after the agenda is set. These items can be discussed formally or informally (no note) 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.)

Alan Wang (UUP): We have a “Below the Line” agenda item.

Chris Sielaff (UUP): The “Below the Line” agenda item for today is the organization structure with regards to athletics and particularly some employees raising the question, who is my supervisor? Who do I report to? Some professional staff feel like they are being obligated to interact with a number of people. Is there a reliable organization structure for athletics? If so, can we see it or have a copy of it? Has management looked into whether they are up to date in that area? Who reports to whom, no one has a performance program?

Joseph Schultz (Management): In general athletics has been one of the more compliant in performance programs and evaluations. Pat Elliot stepped down and Dennis Kalina stepped in. Other than Dennis.

Chris Sielaff (UUP): Facilities, management, equipment management jobs, who are not coaches but interacting with coaches and other interaction.

Joseph Schultz (Management): I don’t think anything has changed. I can do some research on that end.

Chris Sielaff (UUP): Might have to get with individual concerns.

Joseph Schultz (Management): Sara has dealt with Pat’s name came out and Dennis is interim.

Donald Kunkel (UUP): How many direct reports does he have?

Joseph Schultz (Management): Dennis? I’m not sure off the top of my head.

Donald Kunkel (UUP): At least it would spark a review.

Chris Sielaff (UUP): Transition mid-level supervisor decides that in accordance with changes that could be made. We will have to give you a little more information.

The meeting ended at 2:37 p.m.