

NOTES
UUP Labor Management Meeting
April 25, 2022
1:30-3:00 p.m.
AD 606

Present: Renee Andrews, Donald Kunkel, Brendan McGovern, Robert Mess, Benita Roth, Chris Sielaff, Alan Wang, Sara DeClemente-Hammoud, Vice President JoAnn Navarro, Provost Donald Nieman, Joseph Schultz, President Stenger

The meeting began at 1:34 p.m.

UUP Chapter President Alan Wang thanked the President and Vice Presidents for attending and welcomed all to the April 25, 2022, Labor Management Meeting.

MANAGEMENT

UUP

1. ***Allowing ABD UUP represented contingents to utilize the "space available" program to take their continuing 1 credit enrollment***

Alan Wang (UUP): This is a continuation of the last meeting allowing ABD UUP represented contingents to utilize the "space available" program to take 1 credit.

Benita Roth (UUP): Joe was going to research the information I sent him.

Joseph Schultz (Management): The research is not going well. At least at two of the three University Centers, the Registrar's Office coordinates the Space Available Program, not Human Resources. When the HR people responded, they basically said the Registrar's Office say they are eligible or not. It does appear other University Centers allow the Space Available Program for 1 credit. The issue is when the contract says space available, 27 people are in the class with a limit of 30. If there is space available for 3 people, the instructor signs off. Here, Human Resources is the gatekeeper. From a contractual standpoint, we don't have the ability. It is not contractually allowable.

Benita Roth (UUP): Since other University Centers allow this, someone had to have made a decision that it makes sense. It is a significant hardship for students not on a graduate student stipend that are teaching for us. They are paying something like \$500 and it is twice that for international students. From my standpoint, which unit on campus administers the program doesn't matter very much if three out of the four University Centers are doing it. Three out of the four made a determination that it is contractually ok to do so.

Joseph Schultz (Management): I don't know if it is contractual. It doesn't meet the contractual perimeters. This situation doesn't meet the criteria.

Benita Roth (UUP): I will bring it back to Statewide.

Joseph Schultz (Management): I talked to SUNY, and they said you are administering it correctly.

Benita Roth (UUP): Statewide is the next step. I am disappointed. It is not easy for graduate students, and we applaud them. When they become ABD and are helping with teaching, it is not a large amount of money compared to others.

Joseph Schultz (Management): It is not a money thing. It is a contractual thing.

Benita Roth (UUP): So you say. We obviously disagree. The next step is Statewide. Letting you know.

2. **Immigration issues:**

UUP would like more information regarding the rationale for keeping H1-B visa employees on Temp appointments

Other SUNY campuses offer Term contracts to these employees, in particular university centers and HSCs

Offering Term employment to immigrant employees may open up further opportunities to assist employees obtain permanent residence and a green card.

UUP would like to know more about why campus directs immigrant employees through the EB1 process as opposed to the EB2 visa process?

Joseph Schultz (Management): When I came in 1998, I was the coordinator. It's been a while since, and it brought back wonderful memories. Carolyn Jackson was here at the time, and she was the immigration expert in all of SUNY. Although she wasn't an attorney, she was extremely well versed. The procedures and practices in place have been in place at least since the mid-1990's. H1-B is a temporary worker visa category. It is something with a dual intent. Although a temporary worker the understanding is it allows one to apply for and receive employment based on a permanent resident. Tenure track. Normally with a three-year temporary worker visa, an employee is placed in a temporary status as opposed to term. Referred to the guidelines, temporary worker visas. Some are doing things differently. There isn't, from a permanent residency standpoint, there isn't a limit placed on anyone. It isn't going to affect one on permanency. Since the mid-1990's, a temporary worker; therefore, we place them on a temporary worker basis.

Chris Sielaff (UUP): A question I have is the correlation between the terms. Is there anything in the law that prohibits them from term appointments?

Joseph Schultz (Management): On this campus, temporary workers are on temporary employment.

Chris Sielaff (UUP): As other SUNYs are different, H1-B workers are on term appointments, and I guess from our perspective it is more choice. Obviously since the 1990's, the government laws have changed as far as the interest of those workers themselves and job security whether an immigrant worker or not. UUP's position is if there is nothing in law about offering term appointments, why not do that? Contractually, I don't see how a campus gets out of the requirement to offer term appointments to part-time temps after four semesters. Someone on temporary and they are full-time can be provided limits, but for those part-time temps they have a right after four semesters.

Joseph Schultz (Management): The part-time temporary H1-B would be extremely rare. The majority are full-time, tenure track faculty. Research and response at that point in time, federal laws say you are a temporary worker. Federal law trumps the contract.

Chris Sielaff (UUP): With a temporary employee it is not likely they are being granted permanent employment. It is not a permanent position. Struggling to see how those are temp. You are right, it is limited maybe six part-time and more than four are still temps. It is hard for us to see how it is not a contract limitation.

Joseph Schultz (Management): I am willing to talk with Kim and the SUNY attorney to have a broader picture. Our picture after talking with Kim is these are temporary workers. With space available and that other campus are doing it, with immigration if it is not broke, we don't necessarily want to fix it. It has all worked.

Benita Roth (UUP): Out of compliance with the contract.

Joseph Schultz (Management): GSEU and issues when GOER becomes aware something isn't going to be administered properly, GOER takes the authority from campus. GOER has to approve them. GOER has stepped in, not what contract says. It is a big system and people are doing a lot of different things. On our part, we have had similar faces for many years. In three-quarters of the HR departments, we don't even know these people due to turnover.

Chris Sielaff (UUP): Immigration if it was an issue. The amount of H1-B visas in Upstate is huge. It may be that as many as a third or a half, are on some sort of visas. A known quantity. HI-B workers being on anything other than temporary would have taken issue. I would be happy to hear back.

Joseph Schultz (Management): I will talk with Kim and the SUNY attorney.

Alan Wang (UUP): EB1 vs. EB2?

Joseph Schultz (Management): I think EB2 is the normal process. What happens is we hire someone on the visas and 18 months within the search, have to apply for employment based on permanent residency. EB2 is for an alien with an extraordinary ability, generally in the top 2% of their field. The process is a little faster and a little bit more streamlined. Essentially everyone goes through the EB2 process. If then, an EB1 is requested if they qualify in the top 2% of their field.

Chris Sielaff (UUP): EB2 is specific to higher ed people who work in higher education?

Joseph Schultz (Management): I don't know if it is specific to higher ed.

Benita Roth (UUP): Request by whom?

Joseph Schultz (Management): Generally, the employee. At that point someone requested, talked with the department and a SUNY attorney makes a decision.

Benita Roth (UUP): They would contact HR?

Joseph Schultz (Management): If an EB2 is initiated and Kim reaches out to them, the employee has to get stuff together and the person might say I think I might qualify for the EB1 process then we speak to an attorney.

Benita Roth (UUP): Besides the fact they are part of the 2% in their field, what is the advantage?

Joseph Schultz (Management): It is faster and administrative quotas might not apply to it. Because you are an alien of extraordinary ability.

3. **Telecommuting:**

How many telecommuting applications have been made during the spring semester to date? How many for the fall?

How many have been denied?

How many were approved, but at less time than requested?

Alan Wang (UUP): How many telecommuting applications have been made during the spring semester to date? How many for the fall?

Joseph Schultz (Management): It is a pretty painful process. It wasn't designed to get facts and figures from going through it. Even Harvey tested one. A number of records in the system were just messing with me.

Chris Sielaff (UUP): Did Harvey get approved?

President Stenger (Management): I rejected.

Joseph Schultz (Management): In 2021, 288 applications. In 2022, there were 11.

Brendan McGovern (UUP): Is the link still up to apply?

Joseph Schultz (Management): Yes. For 2022 the flood gates haven't opened.

Benita Roth (UUP): On this topic, 288 applications in 2021, I assume some carry over into 2022. What we have likely in 2021 and are still doing it. Assuming these people got approved.

Alan Wang (UUP): How many have been denied?

Joseph Schultz (Management): 128 approved. Both years. 147 that were denied. And right now, we have 24 that are in process, which means they kinda got lost in space going back to people they went to via email to clean up.

Brendan McGovern (UUP): Of 128 through normal channels. You, Sara, and HR?

Joseph Schultz (Management): Maybe formal appeals to me, we probably received 10 and one was reconsidered, overturned. So, we had 147 denials. Data. There were 59 multiple submissions. At least 50 of those 59 who applied for the program, asked for 5 days, 4 days and was rejected and it was resubmitted, likely for 2 days and it was approved. It is difficult to figure out those numbers. Look at it, 50 of those rejections weren't really rejections, because they reapplied. If denied, they were told to reapply for a lesser amount.

Brendan McGovern (UUP): These numbers are CSEA and UUP?

Joseph Schultz (Management): Just UUP.

Chris Sielaff (UUP): Do we have any idea of how many actual people have been approved for telecommuting? You wouldn't approve someone twice. There are 128 people who have been approved and each one represents an actual person. The remainder includes 59 duplicates and we will probably never be able to understand denials.

Joseph Schultz (Management): 299 total of 21 and 22.

Alan Wang (UUP): Of those approvals, how many were approved but with less time than requested?

Joseph Schultz (Management): About 50.

Benita Roth (UUP): Of the 128, was it easier where they were figured out?

Joseph Schultz (Management): ITS is definitely the largest grouping of people.

Donald Kunkel (UUP): This question is directed to Don Nieman. There is a Division of Operations Policy for remote work, but I couldn't find an Academic Affairs Policy anywhere other than the original memo. Could we expect to see some in the future from Academic Affairs?

Joseph Schultz (Management): The policy JoAnn has is the University Policy.

Donald Kunkel (UUP): It is under that? Operations?

JoAnn Navarro (Management): What you are talking about is.

Joseph Schultz (Management): All of HR procedures are under Operations procedures.

JoAnn Navarro (Management): The Division of Operations' webpage hosts all of the management procedures. We will take a look at it.

Donald Kunkel (UUP): What division they were approved in. I bring that up because some divisions were told don't even bother to apply. If they did, they were just told no. I would be very interested to know the divisional breakdown. It's got to be in that survey.

Joseph Schultz (Management): There is a division.

"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. These 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.)

COVID-19

Alan Wang (UUP): One question. Positivity rates are high in Broome County, I think we are in the red zone. Is masking being considered through the end of the semester?

JoAnn Navarro (Management): We continue this item of discussion at staff meetings. At this point in time, we are not reconsidering a mask mandate. If they desire to wear a mask, they can do so.

Joseph Schultz (Management): And that would be in consultation with Broome County.

JoAnn Navarro (Management): The MOU is expected to end June 30. We will wait to see what kind of guidance we receive as to what will continue this summer and fall.

Joseph Schultz (Management): It seems different this time. Numbers are up but hospitalizations are down. A sense we are getting towards the end of it. People are trying to move on with life and hope it will go away.

JoAnn Navarro (Management): In meetings I've sat in, SUNY isn't interested in giving a whole lot more guidance.

Joseph Schultz (Management): Work with your local county health department.

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

Meeting ended at 2:03 p.m.