

**DRAFT**

**UUP Labor Management Meeting Notes**

Monday, December 21, 2015

1:30 - 3:00 p.m.

AD 712

**Present:** F. Goldman, B. Kilmarx, B. Roth, S. Seibold-Simpson, D. Wood, S. DeClemente-Hammoud, S. Doyle, V. Hampton, J. Schultz

**Guests:** T. Blake, T. Poole

Benita Roth welcomed everyone and thanked them for attending. She announced that there would not be a January Labor Management Meeting, as she will be out of town.

**New Items from Management:**

**New Items from UUP:**

**Part-time work that is full time:** *We have heard concerns, particularly in certain pockets of the university, about our employees doing 90% and 95% “part-time” work. In the case of the latter especially, workers essentially work full time without any kind of time off (as is the case for the 90% employees). We wish to know why certain depts./units continuously deploy employees in this manner – the employees seem to be needed year to year.*

UUP (Benita Roth): Concerns are primarily from Physical Facilities. Joe said there is a reason historically and he shared it with me when we met separately. We are concerned because full time work should be full time and part time should actually be part time.

Management (Joseph Schultz): A while back we were discussing this, there were employees on grants and then a number of postings (Watson and Biology). We separated them out, some grant funding, some road map monies; some were 90%, 95% work. In Watson these people are now 100%. There is a story behind the story. In facilities there are these capital dollars and there is no guarantee they will come through again. Most SUNYs hire through an external entity. On this campus we hire them as 90% or 95% because it is soft money. I looked at a number of people who came in at 90%. Some have migrated to 100% positions, 8 or 9 at the 90 or 95%. The 90% are easier to configure as 90% =9 days of work in a 10-day pay period. 95% employees should not be working 100%. From the scenario, I would like to discuss the best way and comfort level in having that discussion with facilities.

UUP (Benita Roth): Some of these folks from facilities have gone to the President. Not much has come of it. It is a chance to air concerns rather than fix the problem. They have some concerns about their supervisors and whether or not they are coming to HR is a concrete way, because they are temporary employees. I would like to know where we can conceivably go from here.

Management (Joseph Schultz): I am comfortable with getting rid of 95% employee, but then we ask them to lose money. In my mind, it would have to be up to the employee.

UUP (Beth Kilmarx): What is 95%?

Management (Joseph Schultz): I would say in a 95% pay period you are taking an afternoon or morning off, but we don't count hours.

UUP (Benita Roth): In practical terms, we don't punch a time clock.

Management (Joseph Schultz): Could be putting in that 100% that they know they can regularly get to. They may say, "I want to be that team player." We could look at that scenario. There are 5 that are 95% and 3 that are 90%. I can go to facilities and ask for the work of 95%, there may be 1 or 2 people that may be interested in doing that. I would probably start this at the Larry Roma level and go from there. I can do it generically.

UUP (Benita Roth): We are concerned at the UUP level.

UUP (Darryl Wood): In addition some employees have gone to the President.

Management (Joseph Schultz): Has the President heard the 95% or that they would like to be on the 100%?

UUP (Benita Roth): I don't know, but I can find out. My sense is the latter, but I can find that out.

UUP (Darryl Wood): How do you find 5% of a full-time job that someone doesn't do? Even 90%, is difficult. I have difficulty with how you carve out 95% of a full-time job.

UUP (Fran Goldman): I was 88% for a time -- because they could. When I did take days off people wanted to know why. The fact that you cannot get permanency at part-time levels, and now they are only giving one-year appointments. I think it is blatantly unfair.

Management (Joseph Schultz): Original conversation was "Is there a path to these 100% positions?" They basically said "it depends." Some have an expertise that would go over to the State side. They had something that is regularly funded on the State side. Let me do some research.

UUP (Fran Goldman): You have until February.

***Graduate school of education: We have heard a considerable amount of concern about the workplace environment and questionable leadership in the Graduate School of Education. There seems to be a leadership crisis in the GSE, as indicated by these communicated concerns, the involvement of the ombudsman in recent faculty meetings. We are concerned that a bullying atmosphere is detrimental, especially to the junior faculty.***

*We are also concerned about management's plans for leadership in the GSE. We note a statewide trend of declining enrollment in teacher ed programs despite the NYS Education Dept. noting that there were shortages in the state in middle and high school math, science and in special education K-12 (Strategic Data Project, Human Capital Diagnostic, New York State Education Department, October, 2014). It is likely that there are shortages in other as yet undocumented areas.*

*According to the Title 2 site,*

*<https://title2.ed.gov/Public/Report/PrintSection.aspx?Year=2014&StateID=36&Section=130140>*

*BU had 217 students enrolled in 2011-12, and 39 enrolled in 2012-13. This 82% drop is almost twice as large as the statewide decline of approximately 40%. (2008-2013).*

*We are interested in what management can do to improve the workplace environment in GSE and to fix the leadership crisis.*

UUP (Benita Roth): Joe Schultz and I met with the Provost regarding this issue. (No discussion is necessary at this time.)

**Ongoing items from UUP:**

**Hygiene in "Gender Neutral" bathrooms:** *As noted in the last meeting, the shift to gender neutral bathrooms across campus is a welcome one, but we have heard complaints about hygiene and cleanliness. Management stated that some signage was in the works. Progress?*

UUP (Benita Roth): We talked about solutions to hygiene in these bathrooms and the solution was signage.

UUP (Fran Goldman): On There was a paper sign that said "please lock the door."

Management (Joseph Schultz): This is two pronged - signage and the hygiene. We did have "please lock the door" stickers placed in bathrooms. We are struggling with exactly what the sign above the toilet would say.

Management (Valerie Hampton): That's helpful. One of the things going into the new year, we are going to educate bathroom etiquette. Locking of doors and also consideration of others for layout and time.

UUP (Fran Goldman): There are certain men in our area who will walk by the men's room which is vacant.

UUP (Benita Roth): I am not adverse to some humor. Finding out information from other universities? A few minutes on the web? Google it?

Management (Joseph Schultz): I did Google it. SUNY Cortland puts signs in their athletic building saying “be considerate to your cleaner.”

UUP (Fran Goldman): I don’t have a problem with it, but what goes on.

UUP (Benita Roth): If we can come up with some wordage, it can go in all the bathrooms.

UUP (Darryl Wood): Oneonta has signage for washing hands. It is a picture of a bear that says “you didn’t wash your hands.”

UUP (Benita Roth): We can have a bearcat.

Management (Joseph Schultz): Send me your suggestions. We will have facilities ok it.

UUP (Benita Roth): Let’s look at the signage issue. We support the trend, and it is a nation-wide trend. We will pioneer this. Have Pipe Dream run a contest.

**Family leave:** *We have seen the “final” guidelines put forward by management re: family leave for academics. While we are happy to see this, we feel that in order for the policy to be well understood, we would like to see more details explained. We are particularly concerned with the inclusion of the paragraph:*

- *Requests to stop the continuing appointment clock during the year in which the faculty member’s continuing appointment process begins require exceptional justification.*

*Why is this paragraph in the guidelines, and what exactly does it mean?*

*We would also like to know if management will be similarly devising guidelines for faculty re: issues of family care more generally, since the FMLA (Family and Medical Leave Act, the federal level law referenced in the guidelines) does provide for unpaid leave for other kinds of family care, i.e. elder care or other sick family members.*

UUP (Benita Roth): We are very happy to see this. Statewide UUP was very happy. There are questions about some of the language. I think I asked that when we met last week.

Management (Joseph Schultz): The concept is that everything had been done anyway.

UUP (Benita Roth): My understanding is that you can stop the clock.

Management (Joseph Schultz): This is basically saying for this process, if the timeline is going to be submitted last month, you are not getting an automatic stoppage.

UUP (Fran Goldman): You need more information.

UUP (Darryl Wood): Trying to play out two timelines. The academic clock, most are fall appointments so process begins in September.

UUP (Fran Goldman): It depends on if they are mandated.

UUP (Darryl Wood): It would be very rare but it could happen. I think the number of times it will happen is going to be so small.

UUP (Benita Roth): As long as we anticipate it to be a rare event. It helps to know that part of it. It helps that it is not an automatic no. The Provost gave you [Joe] a shout out at the faculty meeting. Are there plans for the FMLA (elder care) or any movement thinking about professional employee women on the campus?

Management (Joseph Schultz): We wanted this to be consistent for academics in all schools. We deal with professionals on a case-by-case basis. It is a little bit more inflexible. There is more flexibility on the faculty side.

UUP (Beth Kilmarx): You are allowing faculty to do work at home.

Management (Joseph Schultz): Duties are research and service.

UUP (Beth Kilmarx): For professionals, same type can be done for them. You can give them a different type of an alternate work location

Management (Joseph Schultz): Pilot program. This isn't a substitute for charging your sick leave.

UUP (Darryl Wood): What might be helpful is if you could outline, for a conversation starter what issues there are in the professional area. Include some examples about how things are worked out so there could be some discussion.

Management (Joseph Schultz): On the professional side there is often more flexibility because of vacations.

UUP (Darryl Wood): Simply outlining the issues.

Management (Sara DeClemente-Hammoud): Every scenario is different.

Management (Joseph Schultz): What we have found over the years is it is very difficult to put something together, as they would see something like that and think it applies to everyone.

UUP (Darryl Wood): At this table, I think it would be helpful to have that conversation.

UUP (Benita Roth): Scenarios without names. When you meet with professionals, do you have a check list or something you go through with them?

Management (Joseph Schultz): Not a formal one. We look at leave records and discuss what they would like to do and kind of map out a plan.

Management: (Sara DeClemente-Hammoud): We say, “we have your leave record, what do you want to do?” We really look at the person.

UUP (Benita Roth): Has anyone come to you about an alternative work site?

Management (Sara DeClemente-Hammoud): Most feel, working at home with my child? I don't want to be responsible for work. I want to be off and be with my child. We can put something together.

UUP (Beth Kilmarx): I hear it on the other side. I have to come back to work because I can't afford not to.

***Gym Membership:*** *We appreciate management taking the time to tell us about the free classes available at the gym, that is, the “Find your Fit” classes, the access to the Rec Center Mondays through Fridays until 12:30 p.m., access to “outdoor facilities” unless there is a special event, the de-stress and stress-free programs during finals weeks, which we assume is timing meant to accommodate students, and the outdoor adventure activities. We are puzzled though that an “access control system” cannot be modified so that it can be used to provide free memberships for members during non-peak times, which is what we think is a good compromise given our members’ needs. How can the access control system be modified accordingly?*

UUP (Benita Roth): We are still puzzled. We do not understand why this cannot be managed.

Management (Joseph Schultz): I'm not a software expert. Although it does fingerprint recognition, the current system cannot accommodate different tiers of membership.

UUP (Fran Goldman): In the summer time people are given free access to Fitspace. I get nothing. The only way you can get in is with the fingerprint. How in the summer time can they do this? Will you find out?

Management (Joseph Schultz): Vice President Rose said we are willing to consider special rates for groups in non-peak times but that is not something the current system will accommodate. We are willing to do it in the future, when we have a system to accommodate it.

UUP (Fran Goldman): There used to be a time when you showed them your ID. Now you don't use your ID you just use a fingerprint, yet they open it up for the summer.

UUP (Benita Roth): That means they can accommodate some shift in membership.

UUP (Darryl Wood): You have a fake finger that you hand out to other people. [BR: this and the next line are jokes, but the issue is serious....]

UUP (Benita Roth): “The person at the desk can have the fake finger. Please ask them.”

Management (Joseph Schultz): I'm going to ask someone else.

**Note to management: As the UUP Executive Board Meeting will take place on December 9, it may be the case that additional “below the line” items may be added to this agenda.**

#### “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.)

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UUP (Benita Roth): Usually we talk about below the line agenda items at the end, but we would like to discuss this at the beginning of the meeting as a couple of guests have joined us to discuss the air quality in the Johnson-O’Connor Hall areas. Fran can you and Tom discuss? (Guests: Tom Blake and Tony Poole.

UUP (Fran Goldman): Tom knows more and is experienced.

UUP (Tom Blake): I assume you have heard of this? (Tom distributed three handouts to attendees: 1) **Report from QuES&T Re: Q15-0298, SUNY New Binghamton - O’Connor-Johnson Hall Areas B&C.** 2) **State University Construction Fund Program Directives – Directive 15H-9, Issue Date: December 2013.** 3) **Total Volatile Organic Compounds (TVOCs) Levels in Old Johnson & Old O’Connor, August 24, 2015.**

Management (Joseph Schultz): Basic information, but I told Benita I would like to understand from your side what happened and what the time frame was. Issues were outstanding issues and more than likely separated.

UUP (Tom Blake): We were just in Johnson [BR: IT moved into Johnson last year]. From day one we had complaints. Frequently same things about out-gassing [ gasses emitted from new building materials, i.e. that “new building smell], the heating in the building was not good, that is well recorded on the record. It was observed casually since we moved over there. A number of people developed chronic coughs, headaches, went to sleep at their chairs. We moved there in December 2014. The air quality testing was done in August 2015. A quick aside: has anyone purchased a house recently? You are going to test for radon before you move in --most likely it will be a pre-requirement. If you want to purchase a house, you will need radon testing or no mortgage. SUCF Directive 15H-9 - air quality testing that will be performed before occupancy. Testing was performed. This is not really a report here but an executive summary  
Formaldehyde - two different testing stations were above the maximum acceptable threshold level. Volatile Organic Compounds (TVOCs) – levels detected at five sampling stations were above the maximum acceptable threshold level. Typically this comes from out-gassing.

Management (Sheila Doyle): What is out-gassing?

UUP (Tom Blake): Say someone glues vinyl flooring - going from dry adhesive and into the air. That new car smell is out-gassing from plastic in the car. Johnson has that new building smell.

UUP (Darryl Wood): From the stuff that I read, out-gassing can continue for months if not a year or more. Plywood, paints, painted metal shelving.

UUP (Tom Blake): The testing that was performed was what were they when we moved in.

Management (Joseph Schultz): You moved in December. When did Health and Safety get involved?

UUP (Tom Blake): SUCF the construction fund arranged for it. I'm not sure they have seen it. I'm sure there are other people who have not seen it. - Directive 15H-9 - I was eventually able to go over and look at that. Environmental Health and Safety had it in a bound edition.

Management (Joseph Schultz): When did you move back?

UUP (Tom Blake): In Mid November. [BR note: IT has left Johnson, but per the remarks immediately below, other units have moved to Johnson]

Management (Sheila Doyle): I live there [ BU Foundation] and so does Geography.

UUP (Tom Blake): The carbon dioxide levels were below the minimum only part of the time. If you look at the table on page 5 of your report, at the bottom there is a minimum, and a maximum and background. The reason they say it does not exceed because the average does not.

Management (Joseph Schultz): 611.6? Does that mean there was a reading above?

UUP (Tom Blake): 583.0 and 611.6. The people who did the testing, the average quite often is maximum reading is the first read. Throughout the first reading, it is usually the highest. They take readings every minute for 8 hours, really not fair to the grey line, the dash line they throw it out it. They said the reader malfunctioned. From the CO2 Chart, you can see the red line clearly goes above and so does the yellow line. The report said they did not exceed standards. If you look at the prior page, it shows a study done at Upstate Medical by one of our colleagues. As you can see, based on the abstract 1000 per million then you have significant decreases in decision-making performance. Initially the standard had been 1000 parts per million. 700 plus 300 means you are getting adequate air. If you read further down - body odor. Indeed one of our areas was described as smelling like a locker room. Basically what it says, if you keep the carbon dioxide levels down but the level will dilute the body odor so people won't. You don't want to exceed 1000. Not an average, put peak. 1000 parts per million not that you are going to die but people are not going to enjoy working.

Management (Joseph Schultz): Did you get the report in August?

UUP (Tom Blake): No. I got the report in December. I started asking JoAnn [Navarro] in September and kind of kept after her.

Management (Joseph Schultz): So reading the back page, Environmental Health & Safety - have you met with them?

UUP (Tom Blake): Yes. I met with them and they pointed out Formaldehyde - you should not exceed 700 parts per million. OSHA established those levels in the '70s. We are talking about what the State mandates. The levels we have to adhere to have to do with lead, making green buildings. We need to do air quality testing - internal air quality testing. Note the red arrow on Page 9. In c. Air testing option 2 makes it clear that it should take place before occupancy. Not 8 or 9 months later.

Management (Joseph Schultz): Testing was in both O'Connor and Johnson?

UUP (Tom Blake): Yes. There was testing done in both buildings because they are treated as one building. If you look to the appendix avoidance of construction, the outgassing is a construction related pollutant.

Management (Joseph Schultz): Where have you ended up with Environmental Health & Safety?

UUP (Tom Blake): As far as I know, we are done. I asked if there was an intention to retest, and I was told that yes it was the intent they will test the building.

UUP (Darryl Wood): Are there people in these spaces that you are aware of?

Management (Sheila Doyle): G068 is a conference room.

UUP (Tom Blake): Geography is still on first floor of Johnson. I believe it was one of these testing locations

UUP (Darryl Wood): So there are people there?

UUP (Tom Blake): Yes.

UUP (Benita Roth): The Binghamton University Foundation and Advancement are there.

UUP (Tom Blake): A subtle point or one that amuses me no end. The buildings are being renovated. "Old O'Connor will house...." The report is written in the future tense, because there shouldn't be anyone in the building.

Management (Sheila Doyle): We moved in in July of this year.

UUP (Tom Blake): Not by this you didn't.

Management (Joseph Schultz): Where has it ended up with them?

UUP (Tom Blake): They pointed out for instance if you look at page 4 there is a nice table of TAL compounds. None of these compounds that were identified exceed OSHA levels, but on the other hand they represent a minority of the compounds. While it is true they don't exceed OSHA levels, it's really not relevant because it represents minority.

UUP (Benita Roth): When was your last contact with Environmental Health & Safety?

UUP (Tom Blake): A couple of weeks ago.

Management (Joseph Schultz): So they simply said there would be further testing?

UUP (Tom Blake): They said there would be further testing. Yes.

Management (Joseph Schultz): The Formaldehyde and TVOC levels were above acceptable. Their take is that it was within OSHA guidelines?

UUP (Tom Blake): Yes.

UUP (Fran Goldman): The standards that the State sets are higher or lower?

UUP (Tom Blake): The State is more stringent, because they are using the LEED requirements. In many cases the building standards were set for decades it needs to be a 1000 parts per million.

UUP (Fran Goldman): You did mention there is very little ventilation and they said to open windows.

UUP (Tom Blake): Fresh air from outside is better. On the other hand opening up the windows in the dead of winter? We did have people going into stairwells and opening up windows. When testing the building, it should be locked up tight for 24 hours. It should have the minimum level of outdoor air coming into it during testing operations. We didn't have that. People were opening up windows. Even if the testing was done following the standards, it would have been higher than we see. Station number 8 is in the basement.

Management (Joseph Schultz): The issues are: 1) Testing didn't take place before the building occupancy, 2) High levels of Formaldehyde and TVOC.

UUP (Tom Blake): No dispute about that, but CO2 is. I have not looked into the other things that have been tested.

Management (Joseph Schultz): The out-gassing on the floors. I am assuming it was all new furniture?

UUP (Tom Blake): The CIO office especially. When she moved in, in July that was 8 or 7 months after we moved in. She could not stay there. She was driven out by symptoms.

“Something in my room was trying to kill me.” In speaking to her secretary, she was sitting in the anteroom. The fumes coming underneath the door affected her breathing.

Management (Joseph Schultz): I will get with Environmental Health & Safety. Probably the next episode will be to set up a meeting regarding what has transpired and what will be.

UUP (Darryl Wood): I would hope that from what I am getting from this presentation unless the university wants to say that the guidelines will not be followed. I suggest whatever meeting takes place, whatever people are in the building now attend the meeting - Geography, Advancement, BU Foundation.

UUP (Tom Blake): When meeting was arranged with Environmental Health & Safety and representatives from physical facilities, Geography had been contacted. The Geography Chair sent the secretary who was at the meeting. I think that not just the people in the building but the people that were complaining need to know about this. I am fairly confident that it will go down. Out-gassing does go down after time.

Management (Joseph Schultz): Any communication with the construction fund?

UUP (Darryl Wood): Even a phone call from you. They don't want to talk.

UUP (Tom Blake): In meeting with Environmental Health & Safety, we have never seen a report like that before. How can it be your fault? It is my fault, because I've been after JoAnn for some point, and she made that happen. I think people in the building really should know.

Management (Joseph Schultz): You got the Quest results from JoAnn?

UUP (Tom Blake): She said that Physical Facilities had requested them and was waiting for clarification from Environmental Health & Safety. Environmental Health & Safety sent them to me.

Management (Joseph Schultz): You were working with JoAnn?

UUP (Tony Poole): Other buildings can be affected. They could be subject to this.

UUP (Tom Blake): We were going down the stairwell, and someone said it smells like the floor in Science 1. There were dogs that wouldn't go in there for years.

UUP (Susan Seibold-Simpson): I think one of the interesting pieces is some people are more sensitive than others. It is very important to query in the building regarding respiratory or other illness if there is something going on. Perhaps some more outgoing air would be a short-term response that may help as well as a long-term plan.

UUP (Benita Roth): Student Wing and Lecture Hall are both being rehabbed -- Not sure the renovations are going to leave it that way.

UUP (Darryl Wood): Whatever retesting is done, a lot of care should be taken to do it correctly. If the correct method is to close the building for 24 hours and so on, do it the correct way so it isn't skewed by other factors. Do it the right way.

UUP (Susan Seibold-Simpson): It is a fact that people are systematically affected by these things and can be differently affected.

Management: (Joseph Schultz): Thank you, Tom.

UUP (Benita Roth): Thank you.

UUP (Tom Blake): I have more background material.

### **The Issue of Dogs on Campus.**

UUP (Benita Roth): The recent memo from VP Navarro about a new policy re: dogs on campus – this is a negotiated issues if there is a change in policy or creation of a new one. It is a term or condition of work.

UUP (Darryl Wood): It is a terms and conditions of employment that must be negotiated.

UUP (Benita Roth): I have heard both pro and con on the issue, but the issue is moot unless negotiated.

Management (Joseph Schultz): The process will be we went out to bargaining units we are going to meet on this and consider. If there are changes, we will come back around.

UUP (Benita Roth): In all seriousness, there were very vehement both pro and con messages which I was not concerned about it. There is a protocol that needs to be followed. Our members have a strong interest here. If a new policy needs to be negotiated then it needs to be negotiated.

### **Other Duties As Assigned**

UUP (Beth Kilmarx): In a professional's performance program the statement "other duties as assigned." Those are no longer supposed to be included, correct?

Management (Joseph Schultz): If there is something of substance that is going to be added, the performance program should be updated to put it in there. If we see it in a job ad, when we see it we do tell people.

UUP (Beth Kilmarx): To me it leads up to the workload creep. Either it should be there or not be there.

Management (Joseph Schultz): When we see it we ask "why is it there?" We generally tell them to take it out.

UUP (Beth Kilmarx): The Library doesn't seem to understand and keeps it on for professionals.

UUP (Fran Goldman): Other departments have it as well. If I see it, I tell people they can't do it because they can't evaluate it.

UUP (Beth Kilmarx): It is affecting a number of people in the Library and other people on campus.

Management (Joseph Schultz): I will poll some in the Library about it.