

**DRAFT**

UUP Labor Management Meeting Notes  
Monday, December 18, 2017 @ 1:30 PM  
AD 712

**Present:** Sean Massey, Brendan McGovern, Benita Roth, Darryl Wood, Rebecca Brenner, Sara DeClemente-Hammoud, Joseph Schultz

Meeting began at 1:30 p.m.

**Items from UUP**

**Discuss Concerns about environmental quality in newly renovated buildings**  
**We will present information gathered about the perceived air quality and physical condition of several newly renovated buildings - particularly, Old Johnson and Old O'Connor, and welcome any additional information that can be provided about ongoing efforts to maintain environmental safety in these and other buildings during periods of renovation.**

UUP (Sean Massey): Brendan McGovern is here to talk about environmental quality in Old Johnson and Old O'Connor and what his observations are.

UUP (Brendan McGovern): (Brendan gave a document to Joseph Schultz and Sean Massey.) Recently retired Tom Blake has addressed to the board the issues in Old Johnson and Old O'Connor and provided documentation. Initially, testing was done with follow up testing done by a local company. I am going to discuss current issues that have come to our attention and that people have come to us about in the last few months. Most issues regarding the air quality is due to the low ceilings. It had been a dorm and is naturally ventilated. The air can get particularly bad on the second and third floors of Old Johnson. The Geography Department moved into the first floor of the building during the winter break between 2014 and 2015. When ITS was in the building, there was a key card entry. Because the doors are equipped with key card access, there is no allowance for air circulation. Secretaries have reported that after extensive use of copy machines, the toner does not seem to dissipate for a while. In the winter months, windows cannot be opened due to the cold air. The building administrator and I keep getting complaints about bathrooms.

UUP (Sean Massey): What types of issues?

UUP (Brendan McGovern): Flooding and odors. The odor may be seeping up through the sewers. I don't want to give you the names of people who have addressed their concerns. I would share this information with Sean, and he can decide what to do with it. That's what I have regarding environmental. There have been numerous issues with flooding. I have some work orders put in by the Geography Department secretary concerning some physical aspects and the flooding. There have been backups in the drains on the second and third floor of Old Johnson. I can share the ones our secretary has done. Others may have been submitted by the cleaning crew and building managers. There have been several and continued complaints of falling ceiling

tiles. I have some of the work orders that pertain to this issue, and these are available upon request.

Management (Joseph Schultz): Is this a classroom?

UUP (Brendan McGovern): On November 3, 2017, a faculty member was teaching a class when one of the ceiling tiles fell right in the middle of the classroom. Luckily no one was injured. The tiles seem to be decorative in nature.

Management (Joseph Schultz): What is the orange stuff? [referring to photo?]

UUP (Brendan McGovern): This is upside down. The side that you would see in the classroom is white. The tile is roughly three feet long, maybe a bit longer. They are rather large tiles. They seem to be more decorative than to serving a purpose. We can see up into the crawl space. Not sure what purpose it serves. A serious issue that has happened is in the front of the building there is a corridor that connects Old Johnson to Old O'Connor. That area does have ventilation. It was built with mechanical ventilation in it. The larger ceiling tiles are kind of like an archway and are substantially heavier. On October 10, one of these metal ceiling tiles fell. Another time, although I wasn't in the building a second metal ceiling tile fell and it struck a student in the arm. I don't have that work order, because our secretary didn't put it in. The student was directed to get medical assistance on campus. The student received six to eight stitches in the arm. Each time physical facilities came and replaced these tiles. Two of these ceiling tiles in the archway have been reinforced. There are five or six that span the corridor. It might be proactive to reinforce all of these to prevent them from falling down. There seems to be a squirrel infestation. Earlier we thought the problem had been solved, but recently beginning last spring the squirrels are back in the building. Two graduate students from psychology on the third floor came down with that information. One student also issued a complaint about the smell in the men's bathroom. Psychology is using the third floor as a temporary home while their building is being renovated. There is a hole and they have seen squirrels looking down. There are testimonials from two students as well as an email from a secretary in April 2017 mentioning that the squirrels came back.

Management (Joseph Schultz): Any feedback from what happened with the work order?

UUP (Benita Roth): I talked with someone in Old Johnson who rides his bike to campus and locks it in the basement. He said the basement smells like dead animals.

UUP (Brendan McGovern): Part of it is underground. There are some cracks that were identified where squirrels can get in. There was also a ground hog. The ground hog was brought up to the nature preserve. The same thing happened to a second ground hog.

Management (Joseph Schultz): Who is the official building manager?

UUP (Brendan McGovern): Lucius Willis. We met with Sondra Hillsdale, Lucius, the architects, JoAnn Navarro; people involved with the construction of this building maybe a year or a year and a half ago.

Management (Joseph Schultz): After ITS went back?

UUP (Brendan McGovern): ITS was only there a couple of months. They had moved back. We shared the situations about squirrels. Lucius shared these issues and they were addressed. We don't know how they are getting into the building. It was addressed but the problem exists. One larger issue about this aside from the quality of air issue is these metal tiles. If two fell off out of six, there is a good chance that maybe another one may fall. Proactively putting a couple of screws up in that hallway might be good. Do you have any questions?

UUP (Benita Roth): Thank you Brendan. Air quality issues are still issues. We are not talking about outgassing. There is a fundamental problem with ventilation and the way it was set up. If the smell of a copy machine lingers in a space, that is a problem. The Library Tower was built in the 60's with plenty of holes.

UUP (Brendan McGovern): The key cards have been deactivated this semester. Psychology wanted the freedom to move in and out.

UUP (Benita Roth): Those doors need to be taken down.

UUP (Brendan McGovern): They are not used. The first floor of the building gets some fresh air ventilation, but not on the second and third floors.

UUP (Sean Massey): First of all we don't need to brainstorm a solution. The offices where there are employees working need to be properly ventilated.

Management (Joseph Schultz): I was at that presentation with the air quality expert from Delta. The end result of the testing were within acceptable levels. There was a question on a spike in the CO2 level but it was determined to be within the acceptable parameter. I need to meet with Physical Facilities and Environmental Health and Safety. When was the last time someone saw a squirrel? From that standpoint if I can meet with the building administrators. The issue should be brought up with the building administrators.

UUP (Darryl Wood): My memory of when we had that meeting a year or so ago, the issue was really about the chemicals and the outgassing.

Management (Joseph Schultz): There was an air quality study.

UUP (Darryl Wood): What I'm hearing now comes down to air exchange. I think the number of exchanges of air in an hour or day or whatever it is. I think there are recommended amounts of air exchange and what I'm hearing is that that's not happening. I think it is less of an issue about the chemical air quality than that the air is not moving.

Management (Joseph Schultz): The system won't allow the air to move?

UUP (Brendan McGovern): That Delta study was conducted on the 23<sup>rd</sup> of December in 2015 when there were not too many people in the building. There is a no show recommended amount and then they have a maximum.

Management (Joseph Schultz): I think the next step is to meet with Physical Facilities, Environmental Health and Safety and the building administrators. To me there is some logic to putting the screws in other places. The timing might be a good idea to look at the squirrels.

UUP (Benita Roth): Just removing those doors if it is an air exchange. If you are sealing off spaces and it is not a fire question, my recollection is about security. I would suggest if at all possible someone from UUP be at that meeting. We have had now several members complain about sick buildings.

UUP (Brendan McGovern): Norm Quinn was the building administrator when the building opened. When ITS left, it fell to one of us. It came down to Lucius and me flipping a coin. We both basically work together. He is the official one.

Management (Joseph Schultz): I will talk with JoAnn.

UUP (Benita Roth): There are different levels of danger here as well.

Management (Joseph Schultz): Most people don't expect to have squirrels in the work place.

UUP (Brendan McGovern): There could be a connection with squirrels and the ceiling tiles falling.

UUP (Sean Massey): There seems to be something wrong with this approach. We need the strategy to be proactive not simply reactive.

Management (Joseph Schultz): If a work order is done, it goes to Physical Facilities and one of the trade workers gets it and they fix it. This is the sort of thing at the level of the person fixing it. Unless they are observing something when they are fixing it. It might not be the same person.

UUP (Sean Massey): This is an operational problem. There has to be someone in the process to notice problems.

Management (Joseph Schultz): We will get something scheduled.

UUP (Benita Roth): Thank you Brendan.

**Receive an update on the roll out of online performance program system.**  
**As of our last Labor Management meeting, the new online performance program system was scheduled to roll out sometime in January. We'd like an update on the progress of the changes that were recommended, any information available about scheduled trainings, and to hear if there are any changes to the roll out time frame.**

UUP (Sean Massey): We had this long set of conversations last year about the license plate scanner and the storage of that data. Now that it has been in place, has a decision been made about the storage of the information?

UUP (Darryl Wood): There was kind of a promise that it would not be held more than 30 days. The promise was that the President was going to allow 30 days and then there would have to be a justification to store beyond that.

Management (Joseph Schultz): I think what in the big picture he thought it would probably be a scenario that it would not have to be maintained 60 days, and they were going to figure out if it was helpful or not.

UUP (Darryl Wood): What has happened?

UUP (Benita Roth): We want a purge or an explanation of why they don't want to. License plate readers have been in place since the end of August.

Management (Joseph Schultz): We haven't dealt with a whole lot of issues with it. If someone goes to parking and has an issue, they come up to us. I'll get an update about it.

Management (Joseph Schultz): According to Scott the online performance program system should be engaged towards the end of January. The nuts and bolts training, the piece on the evaluation program, and on how to be a good supervisor. Are those in one combined training? We have agreed it will be a joint training. In January we will call a meeting to go over the final draft and work on something to go out to everyone. You should be working on the evaluative process now. I think we are on track. We got rid of the piece on comment. Someone can do an overall. There is a form you can do at the end of the evaluation, if you don't agree. We have to work on do we print them when technically it is an electronic system.

UUP (Darryl Wood): There are things like putting people on the payroll. It used to be paper and now they are electronic.

Management (Joseph Schultz): We still print the electronic transaction for audits. We really don't have anything electronic that isn't being printed. We are never going to go electronic with personnel files.

UUP (Darryl Wood): Single file without copies and something happens. For the moment, they just need to be printed. Binghamton is not the only place that has this problem.

UUP (Sean Massey): Back to editing or tweaking of the software. The steps in the process. A supervisor initiates an evaluation then they hit save. That gets sent to the employee who looks it over.

Management (Joseph Schultz): Then there should be the actual meeting. Hey you missed that. Put that in. The person gets an email saying it is your final evaluation. At the end of the day, the supervisor says this is the final evaluation. Then the person can do a rebuttal form.

UUP (Sean Massey): Is the rebuttal form connected with the evaluation?

Management (Joseph Schultz): The same thing that would happen. The performance program is printed and goes in the file. The evaluation is printed and goes in the file. The rebuttal would be printed and go in the file and be included in the list of documents.

UUP (Sean Massey): Someone could look at one without necessarily looking at the other, electronically.

Management (Joseph Schultz): It archives them, but you can hit the expand button and look at them.

UUP (Sean Massey): We did raise this. Making sure the rebuttal is in some way connected to the evaluation itself.

Management (Joseph Schultz): It is an evaluative response form. That might be what it's called. It doesn't have to be a rebuttal. For all intents and purposes, they are all lumped together. All three are going to be right there. We can ask Scott. At this point, little tweaks. I have to get that live by the end of January.

UUP (Sean Massey): Just to be clear, we brought this up in the earlier meeting.

Management (Sara DeClemente-Hammoud): I don't think there is systematically a way to expand. Right now people write a rebuttal.

UUP (Benita Roth): Let's call it a rebuttal. Sean's concern is if someone has a new supervisor they might not read it.

Management (Joseph Schultz): We will look at that when we talk with Scott.

UUP (Sean Massey): One solution was about naming it as long as they are together, referring to them as the same evaluative moment.

Management (Sara DeClemente-Hammoud): They will be tied together.

Management (Joseph Schultz): It is going to be a paper review.

UUP (Sean Massey): They are going to get the electronic review of it.

UUP (Darryl Wood): Let's clarify a couple of things. I'm your supervisor. I do a new performance program and evaluation and send it to you.

Management (Joseph Schultz): The performance program itself is a totally separate document.

UUP (Darryl Wood): The supervisor sends it to you and says let's meet next Tuesday. The employee has an issue and the supervisor says I am willing to go this far. I will fix it and send you the final version. Do you confirm receipt? Do you have the opportunity to respond with a rebuttal?

Management (Joseph Schultz): Initially the evaluation goes, the meeting takes place and the supervisor makes any changes. The supervisor sends the final document. The employee initials, confirming receipt of the final document. If the employee doesn't agree, they click on the rebuttal form. The employee can write anything they want. It is a separate electronic form.

UUP (Darryl Wood): Once I have finalized it.

Management (Sara DeClemente-Hammoud): The employee has to confirm it.

UUP (Darryl Wood): What if they don't confirm receipt? What happens then?

Management (Joseph Schultz): It would hang out there. We would have to ask Scott. I think reporting stuff is round two.

UUP (Darryl Wood): Second clarification. I'm your supervisor, and I retire. Benita becomes your supervisor mid-way in the evaluative year. Can Benita go into the file and look at the evaluation?

Management (Joseph Schultz): According to the new system, yes the new supervisor could review it.

UUP (Darryl Wood): Today if I'm your supervisor and I decide I want to look at your file, I go to HR and say I want to look at it.

Management (Joseph Schultz): A log is created if the employee looks at the file. If a supervisor asks to review it, we go through the personnel file first and remove any confidential material.

UUP (Benita Roth): Reporting is phase two. I want to stress that UUP brought up the issue because ultimately we wanted statistics on the number of up to date performance programs and evaluations.

Management (Joseph Schultz): We squeezed Scott as hard as we could. Scott has indicated to us that we can get this thing live by the end of January, but here is what I am able to roll out. The email notifications are phase two as well.

UUP (Benita Roth): For UUP it is the reporting issue. I fear losing sight of the prize and the ability to look and figure out what is not in compliance.

Management (Joseph Schultz): When we meet in January, we will ask him. Scott is doing testing now within ITS.

UUP (Sean Massey): The last thing. The part about using the scenarios. I am your supervisor. I send it to you. We have our meeting. You are grumpy about the evaluation but comply with initials.

Management (Joseph Schultz): It becomes final in the electronic system, which HR has access to.

UUP (Sean Massey): Basically nothing is held up waiting for the rebuttal.

Management (Joseph Schultz): It does not get held up. How do we know when one is completed and finalized?

Management (Sara DeClemente-Hammoud): That is part of the Darryl to Joe, and then the email notification goes to us.

UUP (Darryl Wood): Upon confirmation by the employee. So you are not seeing any of the draft versions of it. The draft version goes away when the final is confirmed.

**Discussion campus efforts to increase faculty and professional staff diversity through recruitment and retention of women and people of color. UUP is committed to promoting student and staff diversity on our campuses. We would like to hear about efforts currently underway to increase the recruitment and retention of women and people of color for faculty and staff positions at Binghamton University. We would also like to be provided copies of any available reports related to retention and promotion rates of women and people of color. We would also like to discuss the possibility of tracking and analyzing the proportionality of the more discretionary items during negotiations, such as startup packages and spousal hires.**

UUP (Sean Massey): We are interested in finding out statistics and if there are any sorts of plans or goals that have been set up regarding the recruitment and retention of women and people of color for faculty and staff positions at Binghamton University. I am wondering if you could tell us what the administration's stance is on this question. What do you know has been done and are there any plans for the future?

Management (Joseph Schultz): Harvey was in China last week, but he has seen these items. Out of our office, HR and Payroll is a transactional office. I have never been involved. If there is one, it would be through institutional research or Val's shop. I have to do some research on this.

UUP (Darryl Wood): The University does ask employees to voluntarily indicate gender and race.

Management (Joseph Schultz): The personal data form. Portions are optional.

UUP (Darryl Wood): For those people who respond.



Management (Joseph Schultz): Val's office is in charge of the Affirmative Action plan. That data and demographic might be used to do some reporting. I don't know.

UUP (Darryl Wood): You do have some data that actually exists. It might not be complete, but you have some data today.

Management (Joseph Schultz): We would have.

UUP (Darryl Wood): In terms of gender and race. You could run that kind of report today.

UUP (Sean Massey): Institutional research would have access to certain HR data.

Management (Joseph Schultz): Yes.

**Discussion campus efforts to address gender wage gap for faculty and professional staff. The gender wage gap remains a pernicious problem across campuses. We would like to hear about any efforts currently underway to address this issue. We would also like to be provided copies of any available reports that track pay and promotion rates, broken down by gender.**

UUP (Sean Massey): Apparently no one keeps any data on that.

Management (Joseph Schultz): If someone gets a startup package, it would not come through our office. The offer letter might say a startup of \$10,000. It would go in the personnel file.

UUP (Sean Massey): We want to see if those packages are equitable.

Management (Joseph Schultz): If you get a big research grant and we have recruited you to come here, you might get more of a package than others.

UUP (Sean Massey): It would be a problem if men get different/better startup packages than women.

Management (Joseph Schultz): We don't have that information in HR.

UUP (Darryl Wood): The deans could be asked to provide at least what the minimums are for everyone and what factors are used to determine this. I'm assuming that at least some are coming from the deans under the President's name. It would be a way to at least get parameters by getting the deans to respond to questions.

Management (Joseph Schultz): When does the President usually come to this meeting?

UUP (Benita Roth): Usually in February or March.

UUP (Benita Roth): Harpur did kind of a diversity study about two years ago. I wasn't sure if it included monetary or not. We understand Val is retiring and Nicole Sirju-Johnson will serve as interim. There will be a national search. Good. What is the timing of that search?

Management (Sara DeClemente-Hammoud): The notice in Dateline said the search will begin in Fall of 2018.

UUP (Benita Roth): We know that Harvey has mixed feelings but given how often diversity is brought up and we have to work with the divisions of DEII, we would like to ask for a dedicated UUP seat on that search. We've gone back and forth about this. When we had problems with the Library, we had a seat on the search. We also asked for a seat for the Ombudsman's search. I think we have a pretty good case here. We would be happy to discuss this further.

UUP (Sean Massey): The entire executive team is asking for this. We don't want to say names right now but comes to these issues and sits on this committee.

**Clarification on policies related to the campus housing benefit for professional staff.**  
**We would like some clarification regarding the specific expectations that are communicated to professional staff — who, as part of their professional obligation, but also as a benefit, live in campus housing —regarding professional conduct outside of work hours/professional obligation.**

UUP (Sean Massey): I did share with my colleagues around the table the document that you sent regarding what new res life employees get as a benefit and what they are told. It is a very interestingly worded, extremely vague document and still doesn't really answer the question of how public and private space is supposed to be determined.

Management (Joseph Schultz): They must be in compliance with all university, state and federal regulations. I did ask them about the one. The example they gave is an RD can have a dog but a student can't. The dog should be leashed and can't run through the building. There are certain things that you are going to be afforded that the residents can't have.

UUP (Sean Massey): That was not at all what I was worried about. I'm of the idea that one has a private home. The language uses the word home, which implies privacy and independence on how someone lives.

Management (Joseph Schultz): No one on campus can smoke.

UUP (Sean Massey): Any other assumed or implied restrictions in that home that are not documented but are expected?

Management (Joseph Schultz): Those that are against university, state and federal law.

UUP (Sean Massey): Is the administration expecting our members when they are off the clock in their private home to obey all the university regulations in their home as if they are on the clock?

UUP (Darryl Wood): For example, the university has a non-alcohol policy, whatever it is. If a residence hall director buys a bottle of wine and celebrates their birthday?

Management (Joseph Schultz): The RDs have certain duty hours and the emergency on call person. During those hours you should not be drunk. If you have free time, you have free time. I got the sense that it is basically saying this is your home. You have certain luxuries in your home that the people in your building don't have.

UUP (Benita Roth): Booze would be one of those things.

Management (Joseph Schultz): If they are an RD, they can drink alcohol when they are not on duty.

UUP (Sean Massey): Can they invite people to their private home when they are off the clock?

Management (Joseph Schultz): The issue that we dealt with was illegal drugs.

UUP (Sean Massey): That wasn't the only thing. Can you get drunk in your own apartment if you are not on duty or are on the clock?

Management (Joseph Schultz): I think so.

UUP (Darryl Wood): The big picture is when is it my private residence versus not? Clearly there will be exceptions. What I've read here in terms of the document, fire arms are inappropriate. Basically when they are not working, they should assume that the apartment they live in is like a private residence.

Management (Joseph Schultz): I would assume so.

UUP (Darryl Wood): Same sort of rights would apply to those individuals.

UUP (Sean Massey): Which is kind of the standard landlord/tenant relationship.

UUP (Darryl Wood): As I understand there was a perception this was all very private. In the privacy of my own residence that was entirely legal for everybody that was there.

Management (Joseph Schultz): You might be off duty but some student in need may knock on your door. All the years I've been here and the scenarios we've dealt with, we never had this before.

UUP (Sean Massey): That sort of pseudo-legal process applies to students and is governed by student affairs. A professional staff member would have to go through with what all of our members have to go by. There is nothing exceptional.

Management (Joseph Schultz): The process would be the same for all employees. Your supervisor can ask you stuff you should stop asking and refer it to us.

UUP (Benita Roth): What is a statement of domestic partnership? Is that a form that you have?

Management (Joseph Schultz): For health insurance purposes. You can put someone on your health insurance if they qualify as a domestic partner.

UUP (Benita Roth): Is that a New York State document?

Management (Joseph Schultz): The one we use is specific to health insurance. Your best friend can't live in your apartment. It would have to be a domestic partner.

UUP (Sean Massey): I will find out what form they use. It is basically showing joint bills, etc.

UUP (Benita Roth): I wonder what the university is using.

UUP (Darryl Wood): Who is making the decision?

Management (Joseph Schultz): Let me find out what they are using. It's pretty self-explanatory.

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Management (Joseph Schultz): I had a conversation with Larry Roma about the issue of Physical Facilities hiring employees at 90%-95%. One option we are looking at is could we take a minimal number of the capital people, a total of seven or eight and have two or three at 100%. He actually does have two people that are under that program. I think he said there is a possibility that one of them is going to retire soon and would not be averse to having the next senior person in line. We did make a commitment to these people.

UUP (Darryl Wood): What was the minimal number in the last ten years?

Management (Joseph Schultz): Typically what we have now, seven or eight. One year we received \$10 million and then \$10 million over five years.

UUP (Darryl Wood): Two out of seven or eight seems a low number. I would not argue for seven or eight, but I might argue for five. If you haven't dropped behind seven, those numbers are what we have now.

Management (Joseph Schultz): Seven or eight since I've been around.

UUP (Darryl Wood): It must be more than two.

Management (Joseph Schultz): I will meet with JoAnn and him again.

The meeting ended at 2:52 p.m.