

UUP Labor Management Meeting Notes
Monday, October 21, 2019 @ 1:30 PM
AD 712

Present: Renee Andrews, Donald Kunkel, Sean Massey, Benita Roth, Darryl Wood, Sara DeClemente-Hammoud, Joseph Schultz, Vice President Navarro, Provost Nieman, President Stenger

Sean Massey called the meeting to order at 1:34 p.m. He welcomed all to the October Labor Management Meeting and thanked them for attending. Sean congratulated President Stenger on Nobel Prize Winner, M. Stanley Whittingham. The ceremony will be held in Stockholm, and President Stenger has been invited. Distinguished Professor Whittingham was an academic delegate for the UUP chapter for many years.

ITEMS FROM MANAGEMENT

Floating holiday designation/Time off to vote

Management (Joseph Schultz): We finally have a good answer to Darryl and a solution to designating Election Day as a floating holiday to be used the day after Thanksgiving. The Governor has changed the Election Law to allow time off to vote in any election other than library elections and school elections. The Election Law allows employees to take up to three hours at the beginning or three hours at the end of their shift in order to vote. Employees must request this to their supervisor at least two days in advance, so the supervisor can make a determination who may go before or after their shift. We cannot request proof or any information, and we cannot tell them no. Employees will earn that full holiday for the day after Thanksgiving

Management (Sara DeClemente-Hammoud): The hours are 6 a.m. to 9 p.m.

UUP (Darryl Wood): What about early voting? You have to ask for two days in advance in any election but school or library.

Management (Joseph Schultz): If you are voting for the highway superintendent of the town of Conklin, it will cover it. Some school districts have changed their calendar and they get Election Day off.

Management (Sara DeClemente-Hammoud): The notice is going out tomorrow, Dateline, listserv. I've been getting at least five to ten calls a day regarding this, saying am I going to still get the full holiday?

Management (Joseph Schultz): JoAnn might have the timing on the chosen name policy.

Management (Vice President Navarro): The Management procedure has been completed. We are waiting to post it when the linked page is complete. The idea is to be in place January 1.

Management (Joseph Schultz): The ID card, time and attendance, chosen name. For purposes of ID card and time and attendance, directory, the chosen name will show. It is basically the first name. SUNY was able to program an alias field. If you populate that, then it will show up in time and attendance.

ITEMS FROM UUP

Concerns Regarding Campus-specific Open Access Policy

Binghamton's current Open Access policy require faculty to "Opt Out" if they don't want their materials posted. UUP's position is that Open Access should involve faculty opting in.

UUP (Sean Massey): This was brought to my attention by Statewide. There are concerns about the campuses with open access policy. The position is all should be "Opt In" not "Opt Out." What I understand is that it is SUNY wide. Stony Brook presented what became the model procedure. They realized it was not "Opt Out" and modified it and suggested we would like the campus to consider. Faculty Senate discussed this last year. There is still an "Opt Out" policy language and UUP is concerned about that so we would like folks to be aware of it and consider adding to an "Opt In" language.

UUP (Benita Roth): It sounds like "Opt Out" is inconsistent. Why are we retaining the "Opt Out" language when it is really "Opt In?"

Management (Donald Nieman): Stony Brook had a complicated and lengthy one. When we got the mandate to create it, Curtis worked with the Faculty Senate Executive Committee and the policy passed at Faculty Senate. That Faculty Senate Executive Committee sent it to Faculty Senate. They do not have the staffing to scrape articles. Published by BU faculty the current practice of faculty members notifying libraries.

UUP (Darryl Wood): Funding from NIH, NSF has to make work open access and is the requirement of the grant. Timely whether it is "Opt Out" or "Opt In." SUNY is in negotiations for a new contract for Science Directors. The growth of open access is giving University libraries a weapon. Now about 40% of what is in the science direct journals is available in open access. Faculty create, funding agencies fund, and they profit from it.

Management (Donald Nieman): It is a matter for Faculty Senate.

UUP (Darryl Wood): In the Agreement in talks about intellectual property. It is a contractual item.

Concerns regarding department assistants not being correctly classified for the level of work they are performing

UUP (Sean Massey): We will talk about it after the meeting.

Management (Joseph Schultz): Ok.

Changing the process for creating the performance programs

Need for UUP to be included in discussions related to changing performance program process.

UUP (Sean Massey): There has been some discussion about how and where the performance program approval happens along the way. We talked a bit about this in terms of the updates with the electronic system. One thing we want is to make sure that supervisors are responsible for signing off on performance programs.

Management (Joseph Schultz): Harpur College has always had a procedure where performance programs are generated at the department level and then go to Harpur College for review and then sent

to Human Resources. Harpur College is looking at these for consistency and fairness. The new system doesn't have a routing for this.

UUP (Benita Roth): This was discussed at the last chair/program directors meeting.

Management (Joseph Schultz): We need to get back in the loop on this. It's been done the last 20 years. We are trying to get Harpur back in the loop and are still working on that piece.

UUP (Sean Massey): We want to be on the record that we would be concerned if a dean inserted themselves between the employee and a supervisor of what a performance program looks like.

Management (Joseph Schultz): Harpur College has an interesting model. It is very fair and very consistent. It is rare that something gets to the Harpur Dean's Office that seems out of place. At the end of the day, the Dean would say this is inappropriate in terms of the position. This would be a rare event.

UUP (Darryl Wood): Not reporting to the supervisor, but they are really reporting to the Dean that is making those decisions.

Management (Joseph Schultz): Not necessarily. The Dean might say this doesn't make any operational sense.

UUP (Darryl Wood): Who is it that makes the decision? The supervisor. So they are inserting themselves into it.

Management (Joseph Schultz): Doing a post review. They are working to make sure at the department level the assistants aren't being taken advantage of. They are looking for fair workloads.

UUP (Sean Massey): If that is happening, clearly chairs don't have the training they need to assess that on their own. Chairs assigning unreasonable duties without requesting increases or compensation for it. The Dean would have to intercede. Chairs need better training.

Management (Joseph Schultz): This is an area where chairs struggle.

UUP (Benita Roth): People are coming off and coming on. No matter even if you lengthen the time in chairships, they are still coming on and off. We had supervisor training run by the business school. I think we need a discussion when chairs become chairs or maybe all chairs about what the SL levels are and what is appropriate within the SL levels and other things they might come up against that could make some decisions later on that could mitigate that. I think there is something of a problem in Harpur. Not clear on how widespread, but we need to do some kind of remedial training with them. There are salary levels. Here is what your assistant does. Here are the boundaries.

Management (Joseph Schultz): I can talk with the Dean. New chairs, take them through but it can't hurt to provide an overview. We can talk with Elizabeth.

UUP (Benita Roth): Bring Darryl and HR together to talk about it. It really can't be only the good ones coming to you.

UUP (Sean Massey): Typically it is the other ones that come to us.

UUP (Darryl Wood): A-28 training meeting. 99% both in agreement. Both of us UUP and Management in the same room to reinforce it. This is the way we agree that it is. The appropriate way to move. It would solve problems for you and for us.

UUP (Benita Roth): A lot of departments have CSEA employees who are represented by CSEA. CSEA and UUP things they might want to think about.

Management (Joseph Schultz): When we talk with people the human approach is fairly equally and consistently. This employee is in this category and then it gets complicated.

Management (President Stenger): Don, have we ever done department chair sessions?

Management (Donald Nieman): Yes. On a variety of topics, budgetary, biases, recruiting, diversity, etc. They have been ad hoc. The challenging thing is the turnover of chairs, especially in Harpur.

Management (President Stenger): Same with Deans. Train only ten a year.

UUP (Benita Roth): New chair training for a half day. For twenty minutes talk with people about who their staff are. Units have one or two or three.

Management (President Stenger): More difficult in the smaller departments.

Management (Donald Nieman): Harpur College has done this for new department chairs going way back. Something to be said about having the staff in the Deans office do those. Sondra can run through it in a very well informed way.

Management (President Stenger): One on one with new chairs and ten chairs in a few days.

Management (Vice President Navarro): On-line training program.

Management (President Stenger): Maybe a Handbook, which would include salary increases, TA appointments, etc.

UUP (Sean Massey): One of the reasons we brought this up is these are the kind of road bumps we encounter. The boundaries of a specific SL. They are not necessarily well prepared to navigate those rules. We end up having to talk with folks about those problems.

UUP (Darryl Wood): It would be beneficial to highlight a few of the examples of things that can go wrong

UUP (Benita Roth): Information on PowerPoint.

UUP (Darryl Wood): I would add occasionally supervisors will come to UUP and raise concerns because they want to treat people properly. Not just the member. Sometimes it is the supervisor saying I really don't know what's going on. Supervisors are also craving this information.

UUP (Donald Kunkel): The way we've grown here, we get extra duties on performance programs or more active roles. If these things are to be added, when does that become a new SL? I encourage new employees to get their initial performance program and you grow from there. That needs to be

documented, but it doesn't always happen the way it is supposed to. You've done all this, and we need to take that step.

Management (President Stenger): Then they take it to HR. Raise or a promotion. Which happens a lot. Dozens of times a year, maybe a hundred times a year. Altered and gone through a process regarding duties. SL might change or an increase occurs.

Management (Joseph Schultz): There are two windows.

UUP (Darryl Wood): When it happens it happens well. We hear when it doesn't happen.

UUP (Donald Kunkel): At the last meeting, we asked for the data.

UUP (Sara DeClemente-Hammoud): We are working on it.

Management (Joseph Schultz): The initial position gets classified.

UUP (Sean Massey): They don't automatically send it to you to see if it needs an increase?

Management (Joseph Schultz): Correct.

UUP (Sean Massey): An employee requested and has been told no. Supervisors should be able to know that we care about this. That it is cared about and you do it right.

Management (President Stenger): If they don't have the money, take something off the performance program. They don't feel they want to challenge the supervisor. So they will come to you, and you will come to Joe and they will call the supervisor, and it will get done.

UUP (Sean Massey): Primary prevention.

Management (President Stenger): Also train them to do them.

Electronic Performance Program System

Discuss the need to prioritize the development and rollout of all previously discussed (and greatly needed) system features, such as the ability to query system for rates of compliance.

UUP (Sean Massey): Many years ago Benita brought it up and we had a positive response. Software was developed, and we were going to do some amazing things and it has gone a little slower.

Management (Joseph Schultz): Scott has provided us with a level of detail we need for reporting within the last month. The problem is we can't get to that until after the January regression analysis. From that standpoint we will get better data. We send to supervisor the end date of someone's term end appointment. We remind them about it. We will revise that to tell them when it is going to be due. Scott isn't going to have an automated reminder so we are going to provide that. When the appointment is expiring in December, evaluation is due in October.

UUP (Sean Massey): To track non-compliance.

Management (Joseph Schultz): We will get that from the reporting.

UUP (Benita Roth): We just want to know.

Management (Joseph Schultz): We would do the reporting by VP, and send it down to the directors.

UUP (Sean Massey): The process will be this reporting system whether someone has done their evaluation and whether they have not. People who have not, you will plan to send them reminders.

Management (Joseph Schultz): January is the permanent half of the group and is pretty simply. It is the term appointments that are exhaustive.

Management (President Stenger): The data is there. Have you done the performance program using the system? It is amazing. You go through it and send it to the person for a self-evaluation. You get it back after that is done and can comment on those. Then click it and it is done. We've done 90% of the problems. Being sorted in a database and go through reporting.

UUP (Benita Roth): We were concerned on the way and how this contractual element of the contract was being done and if it was being done.

Management (Joseph Schultz): We think it's about 80%. 20% is not done.

UUP (Donald Kunkel): I am concerned that we are still accepting paper. We still don't know because we are still accepting paper.

Management (Joseph Schultz): It is the exception. Off cycle scenario piece in the system. If you didn't complete it for 2019 and now you are in 2020 and you go to complete it, it still brings up 2019 on the date. Sometimes it is administratively easier if we do the paper version to get it back on track. Once it is on cycle, we get it back on track. Once we get the emails completed on the electronic version, we print them out and put them in personnel files. At this point, we are never going to be able to get away from paper.

Management (President Stenger): Sounds easy but software, not as easy.

UUP (Sean Massey): It seemed like there was no reporting ability.

Management (President Stenger): They want to make sure it is working and when they know it is working. If you start doing the reports before working everything out, you are just going to get garbage reports.

Concerns about Academic Freedom

Concerns about senior staff/deans imposing extra-contractual requirements of both junior and senior faculty related to academic freedom in research.

UUP (Sean Massey): We have been receiving concerns about deans of some schools

Management (President Stenger): Is that plural?

UUP (Sean Massey): No comment.

Management (President Stenger): But it is more than one?

UUP (Sean Massey): Really one but with overlapping issues although not to the same extent. They are engaging in some practices to list a few of them 10 month employees are being mandated to do things during the summer.

UUP (Benita Roth): When they are officially non-obligated per the contract.

Management (Donald Nieman): Not department chairs?

UUP (Benita Roth): No. We have a document that shows a whole slew of things one particular dean is asking for during the period of non-obligation. It is not contractual and is in violation. We would be happy to talk about the contract. This is not the first time this person has made up rules that they consider to be the way things should be done.

UUP (Sean Massey): That same school has some serious retention problems. We know about ten people who have left, including faculty. They are being told that you can't go to a conference I don't like. They are start-up funds. It is their research funds. I worry that it is tiptoeing on the academic freedom line. Retention, ten month, academic freedom and other issues that have been raised at the school, and we are still exploring.

Management (President Stenger): Not here but outside of this room, tell Don who it is and what is happening and Don will address it.

UUP (Benita Roth): Our idea was to let you know just in general. We do want to do more hands on and talk about details. We have a couple of people who are fearing retaliations over some of the concerns they are sharing with us. We want to keep their names out of Labor Management. As we go off the record, we can talk a little bit more frankly.

Management (President Stenger): This is harassment and this is retribution which is much more serious than academic freedom. If the environment is such that fear of retaliation occurs we have a mess.

UUP (Sean Massey): This is an on the record meeting, so we try not to mention names.

UUP (Benita Roth): And try to protect people who have come to us.

UUP (Sean Massey): A piling up of complaints.

Management (President Stenger): I think you need to have both sides of the story too.

UUP (Sean Massey): True, but not at this table.

Management (Donald Nieman): Absolutely not.

UUP (Sean Massey): We would like to have a conversation afterwards.

Management (President Stenger): Are you good with that, Don?

Management (Donald Nieman): Absolutely. That is the way that it should work.

“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.)

UUP (Darryl Wood): Joe, you raised it. Compression. My four campuses are all over the place and running the data. How are we, in general?

Management (Joseph Schultz): It has been a bear and will be a bear until it is done. Once we get through this year, the following years will be easier. We’ve run and have data in on the faculty side and ran a preliminary analysis. We have enough to know we have to go back in the files and look. For many years we used the discretionary pool. The process is taking current salary and moving discretionary for merit and that is skewing it. We have to go back to faculty files to see if it really wasn’t discretionary but a promotion. Faculty are easier and further along. Professionals are on the cupa data on the reference points to use. My personal view on this process is it will cause more people to get angry than if we never did it in the first place.

UUP (Benita Roth): I agree, but in future contracts there will be less anger.

Management (Joseph Schultz): Get the increase and it will be different. It has been painful, and we still have a month and a half.

UUP (Sean Massey): During a positive chapter presidents’ conference call, this is one of the things that the union and SUNY are actually working really well together on. Everyone is on board that this needs to happen and quite honestly we have been getting such compression feedback from HR across the systems that we know HR wants to get it right. Never heard of the discretionary desegregation. You found it and you told them and they have to update the system. This is one of the things that is going well.

UUP (Benita Roth): Working and going forward, it will be a credit to the university and the SUNY system that we are dealing with salary compression. I also think that it is something that is news worthy once we straighten it all out.

Management (President Stenger): People are hired in different areas and at different times. If you are hired in a poor economic time everyone’s recommendations is that is why we’ve used discretionary in the past. How do you remove those effects from the data? We will try to figure it out.

Management (Joseph Schultz): Methodology has come up with 5 or 6 SL3’s. For example SL3 doesn’t supervise. If you supervise, SL.5.

Management (President Stenger): Cortland brought in a consultant.

Management (Sara DeClemente-Hammoud): We’ve had to go through about 850 files twice.

Management (President Stenger): Doing it the first time does make the second easier, I would think.

UUP (Darryl Wood): There is another half a percentage of discretionary. Has this campus decided whether they are going to use any of the discretionary money?

Management (President Stenger): We have to see what the discretionary compression numbers are first.

Management (Joseph Schultz): Doing both the normal process and doing this. Proportion to pool the ½ percent and the amount of what someone is compressed by. It is all proportionment. The formula is proportion to pool and the amount that someone is compressed.

UUP (Darryl Wood): You will be able to do that, but you will need to have a justification that they need it.

Management (President Stenger): In parallel are we letting them do it.

Management (Joseph Schultz): The normal process.

Management (Donald Nieman): Yes.

Management (Joseph Schultz): Can we have the compression data so people could do something for someone? Can we do something more? It doesn't feel like we are going to have the data until the last minute.

UUP (Sean Massey): We hope no one would ever do this.

Management (President Stenger): You are compressed so heavily, I should use this so you can get more.

UUP (Benita Roth): Sean is worried about this.

Management (Donald Nieman): This year you won't know.

The meeting ended at 2:30 p.m.