

Know Your Contract Workshop at SUNY Fredonia
Presented by
Fred Kowal, Jamie Dangler, Philippe Abraham, Tara Singer-Blumberg
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Q: What is used to calculate Dependent Care Advantage/Flexible Spending Accounts?

A: Base salary (available to all full-time and part-time employees).

Q: DSA background?

A: Different from any previous contract--not added to base; campuses required to distribute \$ to part-timers.

President Horvath will share exact amounts to be distributed to full-timers and part-timers with Ziya and Tara today; campus President's decision, UUP role is to consult when requested and to act as watch dog. President Horvath did consult with UUP in Labor Management; no one perspective stood out when we took a survey, so we didn't advocate a particular method. Management will certify to UUP who got what.

Q: DSA/DSI in future?

A: SUNY is major actor pushing for discretionary \$. Governor's budget people are not willing to put any more money on base in this contract. On-base increases: every union got 3 0's and 2 2%'s. After almost a year of bargaining, we got them to put more \$ on table. They offered all discretionary, none on base. We fought for another year to get some of that on base for everyone. We got the three additional raises on base (\$500 in 2013; \$250 in 2014; \$500 in 2015, pro-rated for PT employees). The state refused to put any more money on base.

Looking ahead depends on what future bargaining situation is. UUP's priority is money on base for everyone; SUNY tends to want discretionary. Whether they'll be able to get that from GOER/Gov depends on NY's fiscal/financial situation in future. It does not seem to be precedent setting. But it is a function of political power. That's why we're trying to get stronger at grass roots with local connections and coalitions. Next contract negotiation will depend on Governor's political priorities and UUP's political power then.

Q: When is next round of negotiations? What will we need to do to be in a better position?

A: UUP begins its process about a year in advance of July 2016 expiration of current contract, so summer 2015. This is very inclusive and transparent process. We will conduct meetings at every campus and solicit member input in other ways as well.

First priority is to restructure political outreach program: instead of exclusive focus on Albany, we're going across the state. Legislators have told us 15-minute meetings with aides in Albany are useless; much better to be in local representatives' offices locally. So we're forging links now in districts. Create allies to develop support for our positions. Idea is to build political capital for 2016.

Downstate: all the unions are focusing on leveraging Governor to support our plan. Transactional politics: cost of not following our plan higher than benefits of going against it. If you're active in local or statewide organizations, let Idalia, Bruce, Ziya, Tara know.

There is an anti-union, anti-education politics and perceptions in state. All state employees are suffering a lot under current contracts. Need to present ourselves as positive public servants that we are so there are countervailing pressures so Governor can't cakewalk as he did this

time around. CSEA and PEF were attacked in the press and the Governor threatened and carried out layoffs to push them into accepting bad contracts. We need to work with other unions to counter anti-state employee, anti-union views.

UUP is about to launch TV ads. President Fred Kowal will be in them. Not about budget, but trying to change public dialogue. We will give extremely positive messages focusing on students, education, and health care delivery. We are UUP. We teach and we heal. We are the folks who make SUNY work. Trying for upbeat, positive message.

Q: Do we need to follow CSEA and PEF in negotiations?

A: There was one round of bargaining that we did come in ahead of other unions, but that was when economy was good and decent raises were going to go to every union. When there are big issues, Governor not likely to negotiate seriously with us until he concludes with CSEA, especially. CSEA and PEF are much larger than UUP. They may start with UUP and they'll fulfill their Taylor Law obligations by meeting with us to discuss contract items, but will refuse to come to reasonable agreements. Even if we were to start early, it's extremely unlikely we'd finish ahead of others, particularly in a bad budget situation.

We do have best dental program in state. The state came after it, wanting to pull our level of funding down to what other bargaining units have. Other unions want better dental; they couldn't get it. During this round of negotiations we had to fight very hard to keep our own level of funding for dental.

Q: Deficit Reduction Program?

A: 7 of 9 days repaid to us (automatically) at end of contract period. We know pay periods the money is supposed to come back in 2016 and will alert members to check their pay stubs. If you leave state service, you get money back at separation of service. First 2 days you don't get back.

Q. Did local chapter negotiate with President to take days off when classes in session?

A: President Horvath has sent out memo; supposed to be days of obligation (5 days/wk for tenure-stream full-time faculty), not necessarily teaching days. We spent a lot of time making sure everyone got days of obligation off: if part-time faculty or lecturer, had to be a teaching day; if professional, had to be a work day. Idea was to give everyone a little flexibility. If part-time and working only in fall semesters, can wait till next fall for 2nd day.

Since announcement went out, we did find out that a part-time professional has obligation only on teaching days. That was new to us. We're going to start talking to Mike Daley today to determine how to give any part-time employees days of obligation off.

President Horvath worked closely with us and we didn't have to fight like on some other campuses.

Q: Why did UUP agree to it being a management decision how to handle 2 "furlough" days?

A: Remember context: Other unions had to accept 5 days of permanently lost pay; we refused to accept that. We got it down to 2. In end, when they agreed to pay the 7 days back, we had to cut our losses. Gov's people were not willing to give our members blanket decision-making. In other unions, requirement was to report days to supervisors like vacation days. With us, it was more complicated. In end, it was compromise. We prioritized getting 7 days back over anything else.

Q: Sept 1 qualification for deficit reduction; summer eligibility for DSA. Why that difference?

A: That's true. New folks' pay docked second they got hired. But to get extra money, needed to be on payroll at end of last spring. That is a problem, but the Gov's people weren't willing to do anything other than that. The eligibility dates for pay raises and Discretionary money are the same in this contract as they were in the previous contract. Particularly horrible for new folks on payroll.

Q: Health insurance: PEP for eligible part-timers?

A: PEP allows the exchange of a few vacation days for a credit toward the health insurance premium. Part-time and full-time employees who accrue vacation days are eligible for PEP. Only available to those who accrue vacation days. We received a question about how the PEP credit is paid out for PT members who come off the payroll for a period of time. We have posed that question to Civil Service and haven't gotten an answer. Give H.R. a few weeks to find out. If still no answer, call us and we'll keep pressing.

August special transfer period was a nightmare. SUNY and Civil Service were very much uncoordinated. Literally, rules were developed as they went along. All determined by Civil Service. UUP could advocate, but we had no official role to play.

We are hearing from many chapters that campuses are not publicizing/announcing PEP program. We're hoping that everyone eligible would consider taking advantage of it, particularly because it could be at total of \$1750 off cost of health insurance over 4-year period. So when new open enrollment period starts, it's very important to let 12-month employees know.

Maximum salary for eligibility is up from around \$56K in the last contract to \$88,257 in 2013 and \$90,020 for 2014, 2015 and 2016. Most of our calendar year/college year employees are eligible for it. Academic year employees who don't accrue vacation leave are not eligible. The credit in 2013 was \$250. For the next three years it will be a credit of up to \$500 in each year.

There are problems in finalizing a printed version of the new contract. Part of a very unusual negotiations process. Governor brought in an outsider, Joe Bress, to negotiate all the state employee union contracts. Bress was part of Mario Cuomo's administration and spent recent years negotiating against Amtrak workers in very contentious negotiations. This was not the usual GOER, SUNY, DOB, and Civil Service coalition negotiating with us. Nothing like that this time. The "usual players" in our contract negotiations did not have authority. They were more like "outsiders." Since the June 4th approval/ratification, UUP ready to go. Agencies not ready. No one has been coordinating the implementation of our contract or finalizing contract language. It's been very much disorganized. UUP cannot finalize anything alone. That explains delays in getting to a printed contract.

Nobody took the reins to make sure all the pieces were in place. Normally a GOER official who is at the helm of negotiations for the state does this. It is the most dysfunctional process imaginable.

Things are now moving along. We are working on a few side letters on issues that developed post-tentative agreement. Good for us, because we have a little leverage. One very significant letter regards health insurance. We're the only bargaining unit for whom part-time salaries are not annualized when calculating premium shares. For other units, that puts many of their PT

members in the higher payment tier. Side letters are very important to ensure that things that happen in negotiations get officially recorded. Side letters and other agreements post-contract can be leverage points for us and set us up well for future.

We're very close and waiting for just a couple of things. You'll get your contracts soon. There will be no surprises. Everything we've already publicized to members will be in it, just in harder-to-understand language! Example: we just sent back a side letter, telling them to "write it in English!" We don't do it unilaterally; we need to get agreement from every agency involved in the items that relate to them. Goal is to get it into plain English so it will be easy to understand for our general membership.

Q: Health insurance: higher premium share and higher out-of-network costs, so what other protections do we get over further rate increases?

A: Not much. Percentages won't change this contract. Actual cost of premium, however, can go up. We have been assured that premium will be same for 15 months (until Dec. 2014).

There will be national and state changes that will affect New York State's Health Insurance Plan. We just attended a Benefits Conference - Went to 11 sessions that covered the Affordable Care Act, tax reform proposals, and other things that may affect health insurance in the future. We can expect lots of changes that will affect NYSHIP. State will see cost increase and want to pass it on to us. Cadillac tax will kick in in 2018. Health insurance will be issue for state in next round of bargaining. Health insurance cost is astronomical. There are lots of uncertainties and things to be determined/in process.

Two ACA benefits we got automatically: we got rid of co-pays for lots of screenings, vaccines, and preventive care (effective 9/1), and get to keep kids on our insurance until age 26. So lots of positives--enhanced coverage in certain ways, kept dental. If you were charged co-pays for things you shouldn't have been charged for as of 9/1, consult with Health Benefits people at Fredonia or at UUP to help you get co-pays back; they'll probably have Empire Plan people contact providers who aren't following rules.

Q: Are DRL days sick days?

A: No.

Q: Effect of DRL days on vacation days?

A: 12-month/college-year employees who accrue vacation days get 1-year extension on vacation day balance from 40 to 42.

Q: Will UUP print contract or make it available online?

A: Won't mail to every member but will print 1000s and get out to every chapter. We will send out on request and will also make it available online at uupinfo.org. Most articles haven't changed, so are keeping old contract and other information up there until the new contract is available.

Q: What did we gain for concessions made? How did we do in relation to other unions?

A: We did get better deal in certain ways, but didn't want to go around publicizing it. Did let people know verbally; the letter written by Jamie Dangler/Phil Smith in the Negotiations Bulletin that was mailed to members during the ratification vote mentioned comparisons with other union contract. Each union contract has some unique features, but the major provisions are the same. Every state employee union got three years with 0 percentage across-the-board raises and then two 2% raises, the same health insurance increases, and 9 deficit reduction days.

UUP did better in the following ways: We got the additional \$500-\$250-\$500 to base for everyone; we got 7 days of DRL paid back w/o giving anything up to get it (all others except one got only 4 days paid back); we maintained funding for dental and vision; we got 1st-ever distribution of discretionary money to PT members (we have over 9K PT members and they hardly ever got DSI; Governor refused to bargain over salary minima for Part Timers, but we did get this); we got 1st-ever Triboroughed service awards.

The Service Award provision is big. No need to negotiate again on who is eligible for them-- they are permanent and won't go away and won't be calculated as new costs in any future negotiations--this is the 1st piece of a salary structure and puts us in position to ask for more: how to extend? We're only union w/o step increases, w/o regular salary increases. DSI was never equivalent to steps, b/c most members never got it. Better to work for some other form of regular on-base increases that will compound than worry about DSI/DSA.

We also took care of a lot of problems. The other unions got no other contract issues dealt with. We expanded eligibility for on-call/recall for professionals; we also took care of problems with Appendix 28, particularly the fact that transgressions to it didn't seem grieve-able; for PT members, can get term appointments (45 days' notice; eligible for ORP) after 4 semesters instead of 6 on temporary appointment (no notice); new class action grievance procedure (Fred can file on behalf of group that's aggrieved); 15 days sick leave for adoption/foster care; extra vacation day in January now permanent; employees have right to see any unsolicited letters in personnel file--now should no longer be anything withhold able in your personnel file; all 6 salary levels for Professionals can apply for early permanency (levels 5 and 6 new). There are a few other little cookies.

Most importantly, we got 15 months less of the health insurance increases than other unions and MCs. They have been paying the higher premium share and out of network costs since Oct., 2011.

Yes, we got the big hits other unions got. But we did get what we could and it was the best we could do.

Q: Transparency?

A: Seems already addressed.

Q: Sabbatical or other leaves. If go to half-salary, would DRL be based on that?

A: Payment extraction should be based on exactly what being paid, in each pay period.

Q: If people on leave with half-pay and go below health insurance criteria, do they get lower health premiums?

A: Civil Service would say calculation made only once per year. Depends on what salary is at time of enrollment date. Seems like they don't have capacity to alter month by month. But if going on leave for a while, may be able to be adjusted. Why not pose question to Health Benefits Administrator on campus? Obviously, UUP would be in favor of saving members \$, but not sure we could act. Civil Service rules determine what they can do. Seems like whatever goes on during option transfer window is determinative. HBA will research. Possibility for campus adjustment. If miss 1 year, you may be able to apply in the following year.

Q: New hires apparently dinged on health insurance like those here all along? Can you explain?

A: Virtually all other unions and MCs across SUNY and other agencies had to pay the higher health insurance costs back to Oct 2011. We ended up with 15 months less than those other bargaining units. We tried to get them to agree to assessment of new costs at ratification, but the furthest they would go is to Jan 1, 2013. State saw it as recouping lost income. Technically there is no retro. UUP had to agree to a premium payment for all members that incorporates lost \$ to state back to Jan. 1, 2013. It's a new premium share payment for all UUP members whenever they came on payroll. It's everyone's new premium through Dec. 2014. Stops in Jan. 2015, but then they're able to raise premiums.

Q: Doesn't that cause a problem? People who were not covered in the past are paying for coverage!

A: Not about what individuals are paying. About total amount of \$ state wants to collect from UUP bargaining unit. We all have a new premium share cost going forward.

It's going to be a roller-coaster financially. We've been hit with the health insurance increase and Deficit Reduction extraction already. We'll get the first \$500 raise on Nov. 6 and some will get discretionary awards. In June, 2014, the Deficit Reduction extractions will stop so your paycheck will go up. Then we'll get a 2% plus a \$250 to base raise. Then the Deficit Reduction for the last 4 days will start again in Sept., 2014. Then there will be another round of discretionary, etc. Constant adjustments in next few years. Most complex implementation state has ever done. But the cumulative impact of the contract gets more positive once we get the 2014 raises (2% plus \$250 on base) and the 2015 raises (2% plus \$500 on base).

Q: Exclusion of summer months from DRP--primarily benefits academics who teach summer school?

A: Excluding the summer months from the DRP was the first thing we were able to get the state to agree to. But after we signed tentative agreement and printed negotiations bulletin, we kept working on this. Wanted them to exclude all extra service. Other bargaining units have all extra service hit by the Deficit Reduction extraction and there are pending law suits. The state finally agreed that UUP would have no extra service for any employee during any part of the year hit by the Deficit Reduction extraction!

Complex contract in that regard, because we've been able to get a few other things taken care of afterwards that we couldn't get at table. Signed tentative agreement when we did b/c we didn't believe we could get more and Gov was threatening 1K+ layoffs if we didn't. He followed through on that threat with Thruway Authority employees who were still in negotiations when we were. There were other pressures and negative consequences to not coming to an agreement when we did. Plus, we locked in the better deal on the health insurance premium, the three additional on-base raises, and 7 deficit reduction days paid back. Those were the big monetary issues and we risked losing those things. We'd been at the table for two years and the Governor was demanding a settlement before the next budget cycle began.

Q: Transparency costs and benefits?

A: We did keep information to a minimum while bargaining. This was to keep negotiations out of press. UUP's experience is that going to press leads to loss. It took month at table just to get Bress to agree to no releases to the press. We agreed to 48 hours notice if either side wanted to go to press. Both sides threatened at different times, but neither did. We feel we got the things we got because we kept it private. At times, may be in or interest to go public. But overall we've seen CSEA and PEF get hammered in press. We will have to assess next time.

Negotiations don't take place in a vacuum. The political context, including the very negative attitudes the public has had about state workers, played a big role in the Governor's ability to so easily hammer every state employee union.

Q: Sick leave accruals to exchanges like PEP so academics can participate in future?

A: Not likely, we've had proposals of all kinds and consistently rejected at table, over many rounds of negotiations. Don't think we'll ever be successful b/c state considers sick leave insurance, not an entitlement.

Q: Professional and PT-faculty (10-month): who do I go to make sure everything handled correctly?

A: Talk to Tara.

Q: DRP payback. If adjunct and teach every fall, do I get leave days paid back in spring?

A: Yes, exactly. Per diem employees are even getting pay docked; then when go off payroll, get check. Each check costs state \$44! The state is losing money on DRP for these employees.

Q: Who's tracking this?

A: Campus-level.

We knew this was costing state \$ for other bargaining units (who had to take 9 leave days), because they've had to bring employees in on overtime to replace "furloughed" workers! There is nothing sane or rational about DRP. It is all about Governor's political agenda.

Q: Campus Equity Week?

A: See uupinfo.org. Special meetings, tabling, informational campaigns. Information you can download, as well. Also a little story on web site--on home page. Summarizes info. to date--New Paltz, Cortland, and other campuses have lots of activities planned.

Q: More on professionals?

A: Philippe will be back in spring! Workshops....