

BULLETIN

EXCELLENCE IN UNITY



UUP ESC NEWS: OCTOBER 2015

Pamela Malone, Chapter President
Richard R. Wells, Vice President for Academics
Dave Puskas, Vice President for Professionals

Our Union Umbrella

Pamela Malone, President

Brothers and sisters,

Well, it's finally here—management announced the new organization structure for Academic Affairs and has published vacancy announcements for Associate Deans and Executive Directors. There are still a lot of unanswered questions, but there are pieces now in place that we know will globally impact our negotiated agreements.

One of the most common questions we have is about what the union can and cannot do. First and foremost, we are here for you regardless if the issue is a term and condition of employment. We encourage everyone to reach out to your center representatives, your Vice Presidents, and myself with questions and concerns. If we do not know about it, we cannot help you with it. Vice President for Professionals Dave Puskas has an article in this newsletter about the importance of coming forward—please read his article carefully.

Regarding the reorganization, the unfortunate reality is that matters of “mission” are at the discretion of the college administration. So the college has the right to reorganize itself. The college has the right to change an employee’s supervisor, or change job duties as long as they are inherent to your state title. They can change computer programs that the college uses, create new departments and work groups. The chapter has worked with your governance leaders to provide input into processes that fall under shared governance.

If these changes impact terms and conditions of employment, however, the union has a strong role. Yes, management can change your responsibilities but workload is a mandatory subject of bargaining. (See the last newsletter for a great article on mandatory subjects by Grievance Officer Tina Ungeheuer.) They cannot change your rate of pay or the procedures for evaluation and promotion (procedures for professionals are in the *Agreement* and for faculty are in the *Faculty Handbook*). Vice President for Academics Richard Wells has an article in this newsletter about that process and I encourage all faculty members to read the article and participate in the process. **Keep in mind: these procedures cannot be changed without negotiation!**

The union is your bargaining agent. Management may try to sidestep us with mandatory subjects which leaves individual members vulnerable and weakens us for the future. For example, we cannot have management speak to a few faculty members about what they think new review procedures should look like, then say they did their diligence and consulted with the faculty. That leaves those faculty vulnerable to pressure to agree with management and allows management to try to go around the union.

Our Union Umbrella, continued

If it is in the Agreement, in the negotiated sections of our Faculty or Professionals Handbooks, or deemed a mandatory subject of bargaining (and we can help you determine if it is one), the college must follow procedures and/or negotiate what they are trying to do.

Are you being asked to wear specific clothing to work? The college cannot do that without negotiation. Are they changing your hours? The college cannot do that without negotiation. Are they significantly increasing your credits or students? The college cannot do that without negotiation.

There has been an enormous amount of change enacted at the college already. Our professionals have been experiencing great change in reporting structure and job duties, and both professionals and academics have been unsure of what was going to happen next. In response to management's directives, the chapter has kept up to date with the changes and continuously asked management for updates, intervened when necessary, and we have spoken to many, many members across the college and worked with them on an individual basis regarding their particular concerns.

In addition, we have keep in contact with UUP statewide officers regarding changes at ESC and are working closely with them regarding the chapter's actions. Sections of the Faculty Handbook and the Workload Consultation Plans have both been locally negotiated, and we are working with UUP on the next steps.

You have heard me say again and again about being involved. Your involvement, the involvement of all of us, is to not allow our rights to be trampled in this process. We need to know what is happening in your departments and areas. Yes, there are times we have to say, "Yes, management has that right" but do not forget **OUR** rights! So many times we work with members who want to talk but do not want us to advocate for them. While it is helpful for us to know what management is doing, it's more helpful if we can push back.

Think of it this way: the starting point has been that management has all the rights. Yes, that's true. Federal and state regulations regarding minimum wage, overtime, public employees and health and safety (all brought to you by the labor movement), and our particular contract (brought to you by years of hard work by UUP volunteers) **are all that keeps this in check**. They are what shields you, and provides you with job security, benefits, and a myriad of other protections. Why are we so hesitant to exercise those rights?

Because, as we've heard from members, the climate at the college is so toxic right now that people are in fear of their jobs. They fear that those who don't tow the line will be non-renewed. Or members fear that they will never get ahead, never get a promotion, never get tenure, never get sabbatical if they are the "troublemaker."

On the way to the Labor Day Parade in New York, Bill Simons, Chapter President at Oneonta, told me a story about asking members to sign a petition during a meeting. "Won't I be targeted for retaliation if I sign this?" asked one member. "Why, yes. Yes, you will," Bill replied—a response that surprised the audience. But then he continued, "**If** you are the only one who signs it." Not surprisingly, the petition filled up quickly.

Let's take this lesson to heart. It can be so difficult when we feel we are only part of our center (the structure of which is changing), or our department (which has gone through tons of change), or our affinity group (which has been moved around the organization chart of the college more times than we can count).

Our Union Umbrella, continued

But we are more than one member, one center, one department. Should we let our colleague be the only one to step forward? Absolutely not.

I am asking all of you to come forward with your issues. Speak to your center rep and help set up center based union meetings, brown bag lunches, and other activities. Work to establish a union presence in your department, in your center or unit location, within your affinity group—and this can be done by simply mentioning it during meetings, collecting information to provide to the chapter leadership, reading and discussing the newsletters. Very soon you will have many other ways to make your voice heard—at the chapter level as well as the state level.

Have you ever thought, “What’s the union doing about this?” If you have (and even if you haven’t), the answer is in your hands. The issues your chapter leadership brings to the attention of management come from you. The rights we fight for belong to all of us. The strength we have is ours collectively. The UUP umbrella covers all of us, and let’s make sure it’s strong enough to weather any storm.

In solidarity,

Pamela

Upcoming Events

- ✿ UUP Membership Meeting October 28 at 7:30 pm at the Holiday Inn, Saratoga Springs (during the academic conference)
- ✿ Contract Negotiations Team Open Meeting with all UUP Members October 30 from 1130-130 in the Daily Double Room at the Holiday Inn in Saratoga Springs
- ✿ ESC Chapter Officer’s Conference Call November 4 at 3:00 pm
- ✿ Labor Management Meeting November 18 at 2:00 pm
- ✿ Center Representatives/Committee Chairs Conference Call November 23 at 11:00 am

Visit our website at www.uupescchapter.com for a complete listing of Upcoming Events!

Editorial Policy: Opinions expressed in *Excellence in Unity* are solely those of the writers and do not necessarily reflect the positions or policies of the UUP or its Empire State College Chapter, who are not liable for any errors or inaccuracies.

Moving Forward With You

Dave Puskas, Vice President for Professionals

Colleagues –

We don't move things forward without you.

Issues, concerns, grievances – these come to those of us in Chapter leadership on a daily basis. I guarantee that either at the beginning or at the end of the email/conversation, the person reaching out to us is going to say something like “Please don't bring this forward to anyone without checking with me first.”

Let's clear this up: we don't move things forward without you. We keep things confidential. If I get a member inquiry, I may bring Richard or Pamela or Mary Helen in on the conversation to provide feedback and guidance, but we don't go to a supervisor or a manager until we have your go-ahead first. We understand not wanting to be singled out, to have the spotlight shining on you. Our job is to protect you, and we're not about to just turn around to a senior manager with a name on a post-it and demand justice – not without the member giving us the okay first.

Another thing we hear is “So what's the Union going to do to push on this?”

Let's clear this up too: we don't move things forward without you. The Union isn't just Pamela, Richard, Mary Helen, and me; it's not just the Executive Board and the Delegates and the Committee Chairs. It's you! And I know you all know that, but it bears repeating. We are all in this! And we're in it together! If there's an issue you want to push on, run it by the leadership team, run it by the Executive Board, but don't leave it there! We would LOVE to have more members become ACTIVE members. Center Reps are organizing meetings, acting as informational conduits, often serving on a committee or two – to ask that person to also spearhead the one, two, or twelve issues your Center or Program or workgroup is experiencing is really a lot to ask of them. The question shouldn't just be “So what's the Union going to do to push on this?” – it should be “So what's the Union going to do to push on this – AND how can I help?” The more people who ask how they can help, the easier it will be for us to work on an issue.

What else are we hearing? It's “How will you be addressing my particular issue?”

Let's clear this up as the last piece of business: we don't move things forward without you. Better stated, we CAN'T move things forward without you. We need to hear what issues are occurring. We need data on frequency of occurrence, on persons involved, we need copies of emails and memos – and often we don't have access to these without your input. But here's the big kicker. There may come a time when the only way to address an issue, YOUR issue, is to bring your name forward – either in a 1-on-1 phone call between one of us and an administrator, or as a part of a formal action such as a grievance. We need you to step forward, we need your name, we need you to take the appropriate action! File the grievance, file the appeal, take advantage of the CPE, give us the go-ahead to have a friendly chat with someone about a sticking piece on your performance program - and do so quickly, as many of these formal processes have timeframe limitations built into them. Colleagues with Tenure and Permanency – we need you most of all to come forward! There is absolutely NO WAY we will be able to convince a part-time faculty member to formally address an issue, when they see dozens and dozens of full-time colleagues with protections offered by their Tenure modeling an unwillingness to step forward. A new Professional to the college who is being taken advantage of, who has learned from their Permanent colleagues to keep their heads down and

Moving Forward With You Continued

mouths shut in the hopes that the issue will blow over - this is not a sustainable strategy to resolve any issue in our members' favor!

We maintain confidentiality. We could use your support. And we need you to be brave enough to step forward. Because we don't move things forward without you.

Thank you so much to those of you who reached out to me regarding my article in the last newsletter. I wasn't sure if a straight-shootin' style of article was going to fly, but apparently it did! I shall endeavor to maintain that sort of tone in future articles until you grow tired of it and threaten to ride me out of town on a rail.

I've been asking in previous newsletters for volunteers for our Chapter's Professional Concerns Committee, a committee of and by Professional Employees of our college community that works to identify issues, discuss opportunities, and formulate agendas around bettering our working conditions. I am happy to announce that several people volunteered to step forward and help with this: Timothy Cosgriff from GVC, Laurie Seamans from CNY, John Hughes from the CC, and Jim McMahon from HVALS. Many, many thanks to the four of you for offering to assist! I'll be calling that committee together and charging them with some work shortly. If anyone else wants to get involved, please let me know, as we can make room on the committee. And you can count it as college service on your performance program! Which reminds me...

I say this every newsletter, but dammit, it's important. Professional Employees should have accurate, up-to-date performance programs on file. If you do not, please let us know! In the best of circumstances it is important to have this document in place; as we continue to transition into ESC 2.0, it is imperative – changes are happening NOW, and we need to be sure our members have their work accurately addressed on the appropriate official documentation, the performance program! If you do not have an accurate, up-to-date performance program, CONTACT US. If you have not had your performance evaluation done on time, CONTACT US. If you have ANY questions or concerns about your program or the evaluation process, CONTACT US.

Please do not hesitate to contact me at David.Puskas@esc.edu or at dpuskas.uup@gmail.com if you need any kind of assistance that our Union may provide. Please let us know how we can continue to serve you best.

Highest Regards, and In Solidarity,

Dave Puskas

Member Participation Is Our Strength

Richard Wells, Vice President for Academics

Sisters and Brothers:

As Pamela indicated in her report, the chapter leadership has been closely monitoring Management's efforts to re-structure the academic side of the college. As the new, more discipline based structure emerges, it is becoming clear that the current faculty re-appointment, tenure and promotion review procedures, which were the result of local negotiations between the ESC/UUP Chapter and the ESC management, would need to be significantly changed to align with the new structure. We have been in close contact with UUP statewide officers regarding this process.

Understandably, there is a lot of anxiety out there, particular for faculty up for re-appointment, tenure, and/or promotion over the next years or so. The time frame for negotiations seems narrow indeed, now that searches are underway for the five Associate Deans to whom faculty from regional centers and presumably, CDL, will report under the new structure. For its part, the chapter has consistently pressed management for specifics about its plans, only to be met with vague assertions about the need to wait until the right people are in place before they dig too deeply into how it will all actually work. A familiar, and frustrating, refrain. Regardless of the timetable of the college's plans, the Taylor Law requires that the current negotiated review procedures remain in place until alternatives are negotiated and bargained to conclusion.

Our goals for the negotiation are as they have always been: to develop a process that protects and serves our members, including those who are up for review during the transition.

We should see the moment as an opportunity. To begin preparation for negotiations, I have been holding regular meetings with the chapter's Academic Concerns Committee. We have already looked through internal ESC documents, including the most recent climate committee report, for indications of running concerns about the current procedures. What's more, we have read through the faculty handbooks of several other SUNY campuses, in order to identify practices we might want to emulate.

Of course, we need to think through what will need to be in place as a regionally based reporting structure is replaced by a less geographically based structure, organized around groups of disciplines that include faculty dispersed across the state. Certainly, one of the big challenges moving forward will be insuring that those who are doing the reviewing are sufficiently familiar with full range of contributions made by those being reviewed.

The chapter will be putting out a survey dedicated to gathering input which we hope will include concrete suggestions toward fair, consistent, and transparent procedures under the new structure. Moreover, if you have specific concerns **please shoot me a note at wellsrr1@gmail.com from a non-esc.edu address**. You may also email your comments and suggestions, and the personal anecdotes that back them up, to the chapter office at uupescchapter@gmail.com.

The more we hear from you, the stronger we'll be.

In Solidarity,

Richard

Identity theft protection available for NYSUT members



TRUE IDENTITY PROTECTION™

NYSUT Member Benefits is excited to announce that its newest endorsed program – ID Watchdog – is now available to all NYSUT members & their families looking for protection against the growing threat of identity and credit theft.

What Do I Get When I Sign Up for ID Watchdog?

- Credit & Cyber Monitoring
- Credit Reports & Scores
- Monthly Credit Score Tracker
- High Risk Monitoring
- Individual, Individual/Spouse or Family Coverage Available

According to Javelin Strategy & Research, an estimated 13.1 million Americans fall victim to identity theft each year. These individuals are hit with approximately \$7,000 in fraudulent charges per person and spend about 330 hours each trying to recover from the effects of identity theft.

ID Watchdog (founded in 2005 as a theft protection service) uses proprietary monitoring technology that alerts members as soon as new or updated information associated with their identity is detected -- allowing them to catch fraudulent activity immediately.

To learn more about ID Watchdog, call toll-free 866-513-0823
or visit memberbenefits.nysut.org.



For information about contractual endorsement arrangements with providers of endorsed programs, please contact NYSUT Member Benefits. Agency fee payers to NYSUT are eligible to participate in NYSUT Member Benefits-endorsed programs.

Sept/Oct. '15

Campus Equity Week , UUP Position Statement and More Updates

Mary Helen Kolisnyk, Contingents Officer

We're well into the new academic year, and there has been lots of activity for the chapter executives. These meetings are where we discuss what we have learned about your working conditions and try to secure guarantees from management that the work of the college is conducted in ways compliant with the contract and with the negotiated portions of the college handbooks. We also sometimes raise issues pertaining to workplace climate during the restructuring. Lately, labor-management meetings have addressed new pay caps, monitoring of sick leave, professionals' reviews, and adjuncts tasked with student retention work. For me, Labor-Management meetings are revealing; I find out what management knows about your work. Anyone who feels they have an with how they are being asked to work should raise it with me or with chapter leadership so that it can become part of a bigger picture of work at the college.

The Delegate Assembly convened in Buffalo the first weekend in October. Those who are concerned that UUP leadership is not doing enough to address adjunct pay may be pleased to know that it heard a lot about this during the DA, including one compelling outcry from an adjunct being honored for his organizing work. And, I attended my first statewide Contingent Concerns Committee meeting during the DA, where one of the main topics was the ongoing controversy about how to approach a demand for an increase in adjunct pay: a flat \$5K across the SUNY system or pro-rated to full-time faculty rates. Opinions vary, partly because pay varies so much across the state, but the push is to speak with one voice to the negotiations team on this important issue.

Knowing what adjuncts are paid at ESC, you know we need to let the Negotiations Team know that this is a priority for us. You will soon be receiving 2 surveys—one for ESC and one from UUP—and it will ask you about your priorities for upcoming negotiations. We need to share our individual stories by filling out the Member Input Suggestion Forms available online under the Negotiations link on the UUP website at www.uupinfo.org. We need to continue to press for higher wages so that our fight can become part of a more public conversation. You can read the UUPs recently adopted position statement on contingents here:

<http://uupinfo.org/communications/uupdate/1516/151014.php>

Which brings me to another focus of the DA's Contingent Concerns meeting: Campus Equity Week, the annual (and, we should say, ongoing) effort to focus the attention of students and college administrators on the situation of contingent faculty, is now upon us! Do you tell your students you're an adjunct or contingent? Raising the visibility of adjunct faculty and the effects of contingency are the focus of this year's Campus Equity Week, and anything you do to educate your students about these realities has the potential to build power statewide for negotiations. It takes public awareness to apply pressure on politicians. Do what you can to keep campus equity visible, and be in touch with the chapter leadership, and with the New Faculty Majority, about what you do to acknowledge campus equity any time of the year. Here's a list of possible art projects:

<http://www.campusequityweek.org/2013/arts-project-list-of-suggestedactivities-and-projects/>

Hope to see some of you at the Fall Academic Conference!

In solidarity,

Mary Helen Kolisnyk



Dave Puskas, and other new activists meet to learn about the union, the negotiations process, outreach, membership development and other topics of importance to UUP.



UUP's Negotiations Team and Negotiations Committee meet in a joint gathering. AFT Counsel to the President Mark Richards addressed Team and committee members.



UUP Contract Negotiations Team Open Meeting with Chapter Members

FRIDAY, OCTOBER 30, 2015 from 1130 am—130 pm

(immediately following the Academic Conference)

All UUP Members are invited!

HOLIDAY INN, Daily Double Room, SARATOGA SPRINGS

(Box Lunches will be provided)

Chief Negotiator: J. Philippe Abraham,

UUP Statewide Vice President for Professionals

Associate/Deputy Chief Negotiator: Mike Smiles,

Vice President for Academics, Farmingdale Chapter

Assistant Chief Negotiator: Pamela Malone,

UUP Statewide Executive Board Member and Empire State College UUP President

Assistant Chief Negotiator: Jason Torre,

Vice President for Academics, Stony Brook Main Chapter

The **2011-2016 Agreement between the State of New York and United University Professions** expires July 1, 2016. UUP's extensive preparations to negotiate the successor contract are in progress. As many members of the Negotiations Team as possible will travel to all UUP Chapters during the statewide listening tour – an ***in person*** means of communication with members for UUP's needs assessment phase.

Negotiations Team members will be here to listen to your ideas, thoughts, and concerns. Information about the entire negotiations process can be discussed as well.

Please don't miss this unique opportunity to express your views and offer ideas, suggestions, and recommendations directly to members of the UUP Negotiations Team. They'll be here in person to meet YOU – the members!

Make sure your voice is heard!

The Top 7 Reasons to Join a Union

REASON 1: Money

Generally speaking, union jobs pay 10-20 percent more than nonunion jobs.

REASON 2: Benefits

Medical insurance, paid vacation, holidays, personal days, sick pay, overtime pay and shift differential wouldn't exist without union contracts.

REASON 3: Safety

Union workplaces are safer than nonunion workplaces. Union pacts give workers the right to address an unsafe condition.

REASON 4: Dignity

While union workers can still be (rightly) fired for poor job performance, they don't have to tip-toe around bosses for fear of being harassed or terrorized.

REASON 5: Security

Supervisors can't arbitrarily stymie promotions, or replace or demote unionized workers. A supervisor must have a legitimate reason—and not simply because he wants to hire his nephew.

REASON 6: Competence

Union workers tend to be better employees than their nonunion counterparts—jobs with higher wages, safe working conditions and good benefits are the kind people want to keep.

REASON 7: Activism

Union members have an opportunity to represent their fellow workers and forever be a footnote in the annals of the American labor movement. How cool is that?

Source: David Macaray, author
"It's Never Been Easy: Essays on Modern Labor"



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THE UNION DIFFERENCE

Union Advantage by the Numbers

Union workers earn higher wages and get more benefits than workers who don't have a voice on the job with a union.

Union workers' median weekly earnings	\$970
Nonunion workers' median weekly earnings	\$763
Union wage advantage	27%
Union women's median weekly earnings	\$904
Nonunion women's median weekly earnings	\$687
Union wage advantage for women	32%
African American union workers' median weekly earnings	\$810
African American nonunion workers' median weekly earnings	\$611
Union wage advantage for African Americans	33%
Latino union workers' median weekly earnings	\$811
Latino nonunion workers' median weekly earnings	\$573
Union wage advantage for Latinos	42%
Asian American union workers' median weekly earnings	\$979
Asian American nonunion workers' median weekly earnings	\$948
Union wage advantage for Asian Americans	3%
Union workers participating in job-provided health insurance	85%
Nonunion workers participating in job-provided health insurance	54%
Union workers are 57 percent more likely than nonunion workers to have job-provided health care	
Union workers participating in retirement plans	86%
Nonunion workers participating in retirement plans	48%
Union workers are 79 percent more likely than nonunion workers to have access to retirement plans	
Union workers with paid personal leave	60%
Nonunion workers with paid personal leave	38%
Union workers are 58 percent more likely than nonunion workers to have paid personal leave	



Flex Spending Account—Open Enrollment!

Karen LaBarge, Communications Committee Member

Free Money for Dependent Care—Flex Spending Account

Important Dates To Remember

**Open enrollment period
is October 5 through
November 9, 2015.**

The plan year runs from January 1 through December 31, 2016.

New state employees hired on or before October 4, 2015 must enroll during the open enrollment period if they wish to participate in the Flex Spending Account for 2016.

New state employees who are hired during the open enrollment period must enroll by submitting an open enrollment application by November 9, 2015.

New state employees who are unable to enroll by the November 9 deadline because they have not been assigned a NYS EMPLID may enroll for the 2016 plan year by submitting a 2016 change in status (CIS) application within 60 days of their hire date. The 2016 CIS system will be available beginning on November 10, 2015.

What Is The Flex Spending Account?

The Flex Spending Account (FSA) is a negotiated benefit for state employees. There are two parts to the FSA—the Dependent Care Advantage Account (DCAAccount) and the Health Care Spending Account (HCSAccount). Both are types of flexible spending accounts, administered in compliance with Sections 125 and 129 of the Internal Revenue Code, that give you a way to pay for your dependent care or health care expenses with pre-tax dollars. Enrollment in the FSA is voluntary—you decide how much to have taken out of your paycheck and put into your DCAAccount and HCSAccount.

Why Should I Enroll?

If you are paying for dependent care expenses in order to work, or have medical expenses that are not reimbursable under your health insurance, you are paying for those expenses with dollars that have already been taxed. By enrolling in the DCAAccount or HCSAccount, you will pay those same expenses with whole dollars—before federal, state, and social security taxes are taken from your salary.

For the past 25 years, the DCAAccount has been consistently saving state employee participants hundreds of dollars on their dependent care expenses. More and more working parents learn that the DCAAccount can significantly help with the cost of summer day camp, nursery school, child care center, or adult day care costs.

The HCSAccount is a great way to help you save on many of your family's health care expenses. Since the benefit was introduced in 2001, participation has more than tripled in size as almost 15,400 state employees used their HCSAccounts in 2015 to save money on prescription drugs, orthodontia, and other medical services provided to their families.

**Enroll online at www.flexspend.ny.gov
or call 1-800-358-7202**

Dependent Care Flex Spending Account also includes an Employer Contribution! For complete information on flexible spending, please visit the Office of Human Resources website at www.esch.nysed.gov/hr, login at the bottom of the page, and click on News and Announcements.

Chapter Officers and Center Representatives 2015-2017

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