

Glossary of Terms: Albany UUP Chapter

Agency Fee Payers: Members of the bargaining unit who have not signed a union card. Non-union members pay the "Agency Fee" to UUP, which is equivalent to what UUP members pay, but do not have a voice in the union.

Article 33: The provision of the Contract that concerns job security review procedures, providing a Chancellor's level appeals process for tenure cases. Article 33 matters are not subject to grievance procedures.

By-Laws: The Albany UUP Chapter runs according to a set of By-Laws: they can be found at http://www.albany.edu/uup/pdfs/by_laws.pdf.

Contingent: Professional and Academic staff who are on a temporary or term appointment and who have no path to a permanent position. Part timers are always contingent employees.

Contract: Also known as the Agreement. The formal negotiated relationship between UUP and the State of New York. Note: the Contract is not between UUP and SUNY, but with the Executive Branch of NY State. <http://uupinfo.org/negotiations/agreement.pdf>

Delegate: For every 75 members at a chapter, one delegate is elected to represent members at the statewide UUP Delegate Assemblies, which are currently held three times a year. The Delegate Assembly is the policy-making body of UUP. Delegates serve two-year terms, and elections take place in odd-numbered years. Anyone who is a member can run for delegate. Each chapter has both Professional and Academic delegates, which are elected by their particular constituencies.

Discretionary Salary Awards (DSA): The annual pool of money distributed to each college which is not paid on base salary. For the current academic year 2013-14, the total pool is 0.5% of UUP payroll. These are one-time bonuses (awarded at the Discretion of the President), divided 28% to Contingent employees and 72% to those with Permanent or Continuing Appointment. This is the first time contingent employees have been assured a representative portion of the discretionary money. In past contracts, Discretionary Salary Increases (DSI) have been awarded, which are added to base. The current contract does not include DSI.

Deficit Reduction Program (DRP): also known as "furlough days." A provision in the most recent UUP contract (and in all the NYS public sector union contracts) that entitles the state to extract money from

employees in order to yield savings for the state agencies. UUP employees will have their salaries reduced by the equivalent of nine days of pay over the course of fiscal years 2013-14 and 2014-15. The cash value of seven of these days will be repaid to employees at the end of the contract. Two days, however, will not be repaid. Employees will take those two days off from work without pay. It is up to the campus President to determine how the two days leave will be taken.

Executive Committee (EC): At the Albany Chapter, the EC is comprised of all elected Delegates and Officers. It meets on average of once per month and is presided over by the chapter President. The by-laws grant the Executive Committee considerable authority to oversee and direct the Chapter.

Deactivation: When a State University of New York (University) campus makes a decision not to admit any more students to a program but to maintain the program registration, this action is referred to as deactivation. The deactivation date is the first regular admission date as of which new students will no longer be permitted to enroll in the program. A program is often deactivated to allow time for a campus to determine whether to continue the program offering or to reorganize the program structure and/or resources. Quoted from http://www.suny.edu/sunypp/documents.cfm?doc_id=332.

Grievance: a dispute concerning the interpretation, application or claimed violation of a specific term or provision of the Contract.

Interrogation: A formal meeting called in response to an alleged disciplinary infraction. According to the contract (Article 19): "An employee shall be provided the opportunity to have representation at an interrogation if at the time such interrogation is commenced it is contemplated by management that such employee will be served a Notice of Discipline pursuant to Article 19 of this Agreement." Employees who are uncertain about the nature of a request for job-related questioning by a supervisor should ask two questions: 1) Is the employee being interrogated under Article 19; 2) Is the employee being required to answer the supervisor's questions or face being referred for discipline or non-compliance. If the answer to either question is yes, the employee is entitled to and should request union representation.

Improper Practice (IP): A claimed violation of the New York State Public Employees Fair Employment Act (Taylor Law), the 1967 law that governs public

employees. IP claims are brought by UUP statewide and decided by the Public Employees Relations Board (PERB).

Labor/Management: Monthly meetings between chapter officers and representatives of the university administration. The campus President is required to attend Labor Management meetings at least once per semester. The purpose of these meetings is to provide a forum to discuss, consider and attempt to resolve, where appropriate and consistent with the terms of the Agreement, matters of interest to either or both parties.

LRS (Labor Relations Specialist): NYSUT labor relations specialists are the subject matter experts for the chapter. The LRS advocates on behalf of the members at the local level in front of impartial arbitrators and at the Public Employment Relations Board (PERB), acts as consultant, communicator, trainer and facilitator to resolve local issues on behalf of the chapter and as liaison to the statewide organization.

Management: Employees of the University may be designated as managerial only if they are persons (a) who formulate policy or (b) who may reasonably be required on behalf of the public employer to assist directly in the preparation for and conduct of collective negotiations or to have a major role in the administration of agreements or in personnel administration provided that such role is not of a routine or clerical nature and requires the exercise of independent judgment. Employees may be designated as confidential only if they are persons who assist and act in a confidential capacity to managerial employees described in clause (b) Management Confidential employees are not part of any union bargaining unit, but rather represent the employer.

Member: A person counted among the bargaining unit of UUP who has signed a membership card. Members get access to certain negotiated benefits, and can participate as voting members in chapter and statewide union matters.

NYSUT (New York State United Teachers): A federation of more than 1,200 local unions, including UUP, each representing its own members in the fields of K-12 education, higher education, and healthcare. See <http://www.nysut.org/about> for more information.

Officers: At the Albany UUP chapter, Elected Officers include: President, Vice President for Academics, Vice President for Professionals, Assistant Vice President for Academics, Assistant Vice President for Professionals, Secretary, Treasurer, and Officer for Contingents. Appointed officers

include an Affirmative Action Designee, and Grievance Chairperson.

O'Leary Memo: This refers to a non-negotiated, non-binding memorandum issued in 1989 by then SUNY Albany President Vincent O'Leary. It is referred to, at times, to justify a teaching load of 3 courses per semester by tenured faculty. It holds no legal weight and cannot be used as a justification to determine workload. See http://www.albany.edu/uup/pdfs/Nov_Dec2011_Forum_12-01.pdf for more information.

Past Practice: This is where a term and condition of employment NOT contained in the collective bargaining agreement has occurred over a long enough period that it is required to be continued unchanged unless negotiated to conclusion to change it.

Retrenchment: Termination of the employment of any academic or professional employee during any appointment, other than a temporary appointment which may be terminated at any time, as a result of financial exigency, reallocation of resources, reorganization of degree or curriculum offerings or requirements, reorganization of academic or administrative structures, programs or functions or curtailment of one or more programs or functions University-wide or at such level of organization of the University as a College, department, unit, program or such other level of organization of the University as the Chancellor, or designee, deems appropriate. Retrenchment procedures are governed by Article 35 of the Contract.

Taylor Law: Establishes the right of public employees to organize and bargain collectively with their employers; the right to representation by employee organizations (unions) of their own choosing; the requirement that public employers (including school districts) negotiate with their employees and enter into written agreements (contracts) with their employees' chosen representatives; procedures for resolution of contract disputes (impasses); prohibition of improper labor practices by either side; creation of the Public Employment Relations Board (PERB) to administer the law; and the requirement that bargaining unit members who choose not to join a union pay an agency fee, and that use of the fee for political and ideological purposes only incidentally related to bargaining and to which the agency fee payer objects, is subject to a rebate procedure. The Taylor Law denies public employees the right to strike.