



The Forum



At The Forum we write about the pressing issues our members face on campus. We do so from the perspective of labor, connecting our local concerns to those of the statewide agenda of UUP, the national crisis facing public higher education and the issues of working people in the US and beyond.

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Bargained and Ratified: Highlights of the New Contract

Bret Benjamin

On September 5, UUP members overwhelmingly ratified our new Collective Bargaining Agreement with the State of New York with nearly 98% voting in favor. This new contract is a six-year deal, retroactively covering the period since our previous contract expired on July 2, 2016, and extending through July 1, 2022. Over the life of the agreement, the Contract contains about \$2.25 billion in new money for UUP members. That's not chump change. Moreover, it achieves several provisions that have been UUP bargaining priorities for decades. The full contract is available on the UUP website for your review, but highlights include the following:

- 2 percent salary increases each year of the contract, retroactive to July 2016 for those who worked during that period.
- Dedicated on-base money to address salary compression, inversion, and inequity at campuses statewide.
- The re-establishment of on-base discretionary salary increases (DSI).
- Starting in 2019, a minimum salary for part-time academics who are compensated on a per-course basis. After years of effort, this is an historic gain for part-time academics on SUNY's state-operated campuses.
- Coverage under the State's Paid Family Leave Law, making UUP New York's first state employee union to negotiate into the statutory benefit. Another long-term union priority.
- A mandatory "tenure clock stop" at the employee's written notice following child birth, adoption, or foster care placement.
- Additional money to fund programs such as the Individual Development Awards, Drescher Leaves, and other professional development programs.
- Funds to re-establish a Dependent Scholarship program beginning in 2019.

(cont. on pg. 9)

Your Union at Work

Paul Stasi, VP for Academics

The UUP Albany chapter has recently filed a grievance and an improper practice charge before the Public Employment Relations Board (PERB).

The grievance concerns parking. You may have noticed that our parking rate went up by \$5 this year. Parking is a mandatory subject of negotiation; the only way it can be raised unilaterally is if the increase is a direct result of a new cost of producing the registration permit. In this case, the increase came just as the University stopped mailing parking permits to members—in other words it was an increase accompanied by a visible decrease in the cost of producing permits. The chapter filed a class action grievance under Article 38 of the agreement, which prohibits management from raising the rates for any other reason without negotiating with UUP to completion prior to a rate raise. The Chapter leadership recognizes that parking on campus is a complex issue with many interests at stake--the safety and convenience of our employees, access for students, environmental sustainability and the physical beauty of the campus. We have brought these concerns to campus management on several occasions and are eager to work with management on developing a long-term parking plan for the campus.

Additional, UUP statewide filed an improper practice with PERB claiming that the School of Public Health impermissibly increased the workload of the faculty in the Departments of Environmental Health Sciences and Epidemiology and Biostatistics. The Governor's Office of Employee Relations is expected to respond to the improper practice by November 8th while a conference is scheduled before an Administrative Law Judge for November 13th. This conference is required by PERB to narrow the issues to be tried at a hearing or to produce a settlement instead of resolving the issue by a time-consuming hearing before the board. This improper practice was filed after numerous attempts to resolve the issue were unsuccessful. UUP maintains that academic workload is established by prevailing, historical norms within each academic department.

By the Numbers:

98 Estimated seconds it takes for another person to be sexually assaulted in the United States of America

8 Estimated minutes it takes for that person to be a child

90 Percentage of rape victims who are female

20 Percentage of US women who will be raped at some time during their lives

81 Percentage of female victims of sexual assault who show significant short or long-term impacts such as PTSD.

55 Percentage of sexual assaults that occur at or near home

23.1 Percentage of female undergraduate students who experience some kind of violent sexual assault or rape

5.4 Percentage of male undergraduate students who experience some kind of violent sexual assault or rape

20 Percentage of female student victims of sexual assault, 18-24, who report the event to law enforcement

6 Number of perpetrators of sexual assault who end up in jail, per 1,000

93 Percentage of reported sexual assaults from juveniles in which the victim knew the assailant

34 Percentage of reported sexual assaults from juveniles in which the assailant was a family member

59 Percentage of reported sexual assaults from juveniles in which the assailant was an acquaintance

Stats from <https://www.nsvrc.org/> and <https://www.rainn.org/>

Unions for the Common Good

Aaron Major, Chapter President

“There is no good society without a good union.” Even as a grumpy atheist, I couldn’t help but feel a sense of kinship with Pope Francis a little over year ago when I read these words that he spoke to the Italian Confederation of Union Workers. In the wake of the anti-union onslaught that brought us the Janus decision, and the cacophony of right-to-work radio ads, editorials, and billboards that it produced, it is a message that bears repeated shouting. If you want to live in a world that is good and decent, that promotes dignity, respect, and self-fulfillment for all working people, then you need to support your union.

One of the things that has always made me proud to serve as our UUP Chapter President is the commitment that our members make, working for social justice and progressive causes through the vehicle of their union. In recent years, our members have joined local and national demonstrations for women’s rights, advocated for environmental sustainability and partnered with community groups to advance the cause of prison reform. This work is vital and a clear and visible reminder that unions are a critical voice for moving towards a society that works for the common good.

But what I think can sometimes be forgotten is that even when unions, including ours, stick to their narrower mandates of watching out for their members in their workplaces, they are doing work for the common good. The wages and benefits that unions negotiate on behalf of their members provide a modicum of stability and dignity that should be enjoyed by all working people: affordable, high-quality health insurance, wages and salaries that keep pace with rising costs of living, paid leave and vacation days, the chance to retire on a stable financial footing, and protections against arbitrary discipline or termination from bosses. If union contracts seem lavish, it is only because the rest of the labor market has become so stingy. Even as the unemployment rate has fallen and the stock market has boomed, real median household income in New York state has only just now crept above what it was thirty years ago and only half of all employees in the state are covered by employer-sponsored health insurance programs. Unions are a bulwark against the harsh, punitive austerity that has become all-too-commonplace across the economy.

In working to keep all of their members from being pressed into the lose-lose race to the bottom, public sector unions like ours have been one of the few bright spots in an otherwise dismal record in closing stubbornly wide gender and racial income gaps. Men and women

alike who are covered by public sector union contracts make more money than their non-union peers, but women’s union wage premium is significantly higher than men’s union wage premium. Being represented by a public sector union also significantly expands women’s access to quality, employer-sponsored health insurance. The same basic patterns hold for Black workers who, like women, make up a very large share of the unionized workforce in this country. According to one estimate, for Black workers, being a member of a union came with hourly earnings that were 16% higher, made you 36% more likely to have employer sponsored health insurance, and 18% more likely to have an employer-sponsored retirement plan.

Being part of a union means that not only are you helping ensure fair and decent working conditions for your immediate co-workers you are also, whether you know it or not, spreading some of those benefits to your brothers and sisters who are not able to bargain collectively with their employers. Even when unions advocate for their so-called ‘narrow’ economic interests, the contracts that they negotiate for their members end up benefiting union and non-union workers alike in terms of better pay, better benefits and better working conditions. When unions are strong, and the number of workers covered by union contracts is high, it sets norms and standards for pay and benefits that ripple across the labor market. Today we often look to large tech companies to tell us what a good workplace looks like, but nearly all of the benefits the best of these companies offer--quality health insurance and pension plans, robust grievance procedures, paid vacation and leave--came from organized labor and spread to the non-unionized workforce.

Unfortunately, declining unionization rates across the country are weakening the force of that ripple effect. One estimate shows that, had union density stayed at its 1979 level, nonunion workers today would be bringing home an extra \$600 to \$2,500 dollars a year. For workers with lower levels of education (and typically lower wages and salaries) the effect is even more pronounced. Unfortunately, the political winds are not on the side of increasing union density. Right-to-work laws have been spreading across the country, and the recent Janus Supreme Court decision imposes right-to-work conditions on state public sector unions. Unionized and non-unionized workers should be worried. In states where “right-to-work” legislation has been signed into law wages are generally lower than they are in non-right-to-work states. In the three mid-Western states that recently adopted right-to-work laws (Indiana, Michigan, and Wisconsin) worker wages grew between 2% and 2.5% between 2012 and 2016; much less than the 6.5% to 8% that they grew in

the neighboring, union-friendly states of Illinois, Minnesota, and Ohio.

The power of unions to work for the common good does not end at the negotiating table, but extends to the cultural and political realm. Whereas the prevailing economic discourse pits workers against each other in a dog-eat-dog, winner-take-all competition, unions have historically served as a powerful voice for fair labor standards and a broad distribution of society's economic product. For those of us in public sector unions, we understand that our ability to negotiate for the pay and benefits that we all deserve depends heavily on our state's fiscal climate and policies. Public-sector unions thus advance the common good by being vocal advocates of robust funding for our public institutes and progressive fiscal policies to support that funding.

To see this point in action you need only look at UUP's tireless efforts to secure robust public funding for SUNY schools. In 2010 SUNY's top leadership embraced Governor Cuomo's flat funding model for SUNY, asking only for the ability to raise tuition on its students in exchange. It was UUP that took the political risk of challenging Cuomo's funding model and it has been UUP, year after year, that has pushed for Maintenance of Effort legislation to fully fund campus expenses, for funding for the Educational Opportunity Programs and Centers that give our most disadvantaged students a real chance at success, and funding for the state's public hospitals that serve those most in need. This is the 'narrow,' 'self-interested' political agenda that the Koch brothers' surrogates deride.

The UUPers I know who do this political work come at it with the same set of values and priorities that I know most of us bring to work everyday: a commitment to student success and to serving the public. But even if this work were purely motivated by narrow, self-serving interests the point is that because of the basic principles underlying unionism, working to achieve those interests is also work for the common good--quality, affordable public education. The wealthy elites that back the anti-union agenda cannot say the same thing. Working in their interests only serves to put more money in their pockets at the expense of the rest of us.

The long and short of it is this: over the last thirty years the economy has not worked for the common good; income and wealth are being concentrated in fewer and fewer hands, progress on closing gender and racial pay gaps has stalled, and the public sector is increasingly forced to address more and more needs with fewer and fewer resources. Each of these problems is complex in its own right and, to be sure, the forces that pushed us towards this current moment cannot be reduced to a

single factor. But the assault on unions hasn't helped, and strengthening our unions would serve as a powerful corrective.

Fortunately, people seem to be understanding this better and better. This summer, voters in Missouri resoundingly struck down a right-to-work bill that Republican lawmakers had approved the year before, and 2018 as a whole is turning into a landmark year of labor activism with already more than twice as many major work stoppages recorded than in all of 2017, led by the wave of teachers' strikes that began in West Virginia this past February. A recent PEW Research Center Survey shows that far more people see the long-term decline in unionization rates in this country as bad for working people. Of all the ways that they sliced up this data by different demographic characteristics--gender, income, education, race, political affiliation--most encouraging to me is the finding that young people, age 18-29, have a particularly favorable view of unions. Many of them did not grow up in union households, but did grow up in a media and political environment that is either indifferent or outright hostile to unions. And yet the real, meaningful benefits that unions provide are so glaringly obvious that they have been able to fill in the gaps in their knowledge and see through the lies and misinformation. The irony, of course, is that due to the assault on organized labor that has been bankrolled by a handful of wealthy elites, it's going to be harder and harder for those young people to find work in the union jobs that they know will provide stable, dignified, and financially secure careers. This is frustrating to be sure, but it is not hopeless by any means.

So if you are a young worker trying to get by on a salary that doesn't meet your financial needs, or an older worker worrying about your children's financial future, support your union. If you're frustrated by rising income inequality, the concentration of economic power in fewer and fewer hands, and stalled progress on closing gender and racial income gaps, support your union. If stories about Americans bankrupted by high medical bills, worn down by exhausting work schedules, or pressed into retirement on meager savings get you angry, support your union. If you're worried about how you're going to pay for your kids' college, or just getting worn down by seeing students' academic success blocked by financial barriers, support your union.

We don't need to look very far to find a way to make a meaningful impact for the common good. UUP is not just the largest higher education union in the country, it's a pretty damned good one too, and with your support and participation we can keep doing our part to bring us to the good society that we all deserve.

Better Days Ahead

Tom Hoey, VP for Professionals

As we enter the fall, the final season of 2018, it is a good time to look back at this historic year and see how much has transpired. This year marked UUP's 45th anniversary, which was an important milestone for all of us—especially in light of the U.S. Supreme Court's decision in Janus vs. AFSCME.

While the ruling will impact the way we work as a union, early signs show that we are actually getting stronger, with record membership numbers. There is no doubt whatsoever that settling our contract at the beginning of the summer and winning overwhelming ratification of the agreement on Sept. 5 is helping our members see the value of union membership. Our new six-year contract (the longest in UUP history) was reached after two long years of negotiation with the State of New York. It brings benefits to everyone in our large and diverse bargaining unit. The contract "Roadshow," where a mix of Negotiation Team members and statewide officers visited all 32 chapters at the beginning of summer to explain the contract and answer members' questions turned out to be an important organizing opportunity. Our newly hired AFT organizers were able to meet members and have them sign the new UUP membership applications—which is important due to last year's changes to the Taylor Law (requested by Gov. Cuomo after the Janus decision).

There are still a few months left in 2018 and there are some very important events that will impact us for many years to come. As I write this report, there is growing controversy in the press over the president's latest Supreme Court nomination, Judge Brett Kavanaugh, a young conservative who could possibly cement a conservative majority on the court for decades to come. We will have what I believe to be the most important midterm election ever on Nov. 6, and the outcome of that election will impact how we operate as a union for years to come. We are starting to see advertising from anti-union groups that encourages public sector union members to quit their union. Many of our members also received emails at work telling them to quit. While these are changing times which affect the way we do business, we are committed more than ever to improve and protect the lives of our members and their families.

As the Albany Chapter's Vice President for Professionals, I have had several successes this year with our A-28 Committee, through which we have been able to get raises for deserving members. Being an officer on both the chapter and statewide level has given me better in-

sight into how our union works. My union work stretches beyond UUP; I am an active member of the Albany Labor Council and was elected this year as a member of the City of Albany Common Council, where I have advocated for many of our municipal unions that have gone years without a contract.

To sum up this report, better days lie ahead for UUP. I believe we are on the right track as a union. Of course, there is work we need to do, work that needs to be done together. That way, the work will not be as overwhelming as if we try to go it alone.

The Secret of Success: Solidarity Inward and Outward

**Loretta Pyles, Chapter Secretary
School of Social Welfare**

West Virginia, Oklahoma, Kentucky, Arizona. Educators in these notoriously anti-union red states have recently been responding to patterns of disinvestment in education through organizing, resistance, and strikes. In Arizona, for example, despite laws which have dismantled the rights of workers to unionize and strike, teachers have successfully received raises and restored funding for schools. These kinds of efforts are taking place in other sectors, too. What's the secret to their success? There seems to be a good balance of both inward and outward looking approaches to solidarity building.

Let's start with the outward approach, which is premised on the idea of "Bargaining for the Common Good." In the case of education, this approach includes organizing efforts that focus not just on demands for better salaries and conditions for workers but demands for increased funding for higher quality public education. In the case of transportation unions, the concern is not just with the fate of workers but with quality community services, i.e., transportation. This approach also creates an opportunity to link to and build solidarity with existing community organizations that have a stake in the issue. Several years ago, at the Seattle-Tacoma airport, Hertz suspended 34 Muslim Somali workers for taking a prayer break during their work day. In response, Teamsters Local 117 organized a multi-faith action across religions with a host of community and faith-based groups. This successful action resulted in greater connections between local mosques, other faith groups, community organizations, and unions.

Later, the efforts of this new coalition would result in a \$15 minimum wage ordinance.¹

In the case of education, teachers' unions in California, Washington, and Minnesota have recently negotiated contracts that go well beyond workplace justice and that "include everything from reforms of disciplinary policies that disproportionately harmed minority students, daily recess time for elementary school students, extra teachers for high-need schools, and expanded preschool programming."² To be sure, there is a synergistic relationship between educator needs and student needs. Social movement scholars remind us that people often get involved in movements because of a grievance that has a real impact on their lives. In Oklahoma, the conditions had deteriorated so badly that instructional funding had fallen to 30% below 2008 levels, 20% of schools were running 4-day school weeks, and teachers had not received raises in 10 years, not to mention a host of egregious problems with textbooks, classrooms and facilities.

In terms of the inward approach, unionists have consistently been focusing on building relationships with other union members. This relationship building necessarily must happen before the crisis hits. The recent teacher strikes were preceded by months of organizing and solidarity building including one-on-one relational meetings in the workplace, leadership development, forums held at schools, and the use of social media. The strikes were successful due to "slow and careful base building, statewide networking, and effective community outreach."³

At UUP, in partnership with NYSUT, we are mindfully developing this kind of inward focused, grassroots organizing approach, moving from a service-oriented, top-down union to an organizing-oriented, bottom-up union. Beginning by strengthening our department rep system several years ago, we are now identifying other member leaders who are mapping out their workplaces, identifying members to activate, and having conversations with co-workers as they discuss shared problems and interests in the union. The commitment is to not only sign-up new members and encourage old members to re-commit by signing a card, but to stay in touch about current union issues and leverage this solidarity for ongoing change

1. "Rebuilding Power in Open-Shop America," Labor Notes, July 2018.

2. Gunn, Dwyer, "The recent teacher strikes are about more than just teachers," Pacific Standard, April 4, 2018, <https://psmag.com/education/the-recent-teacher-strikes-are-about-more-than-just-teachers>

3. Hart-Landsberg, Martin, "Public school teacher strikes show workplace organizing pays off," May 25, 2018, <https://news.streetroots.org/2018/05/25/public-school-teacher-strikes-show-workplace-organizing-pays>

efforts.

While it might appear on the surface that these national union actions are emerging out of nowhere--spontaneous mobilizations of workers who are just fed up--the truth is that these actions begin with proactive, intentional organizing. It is easy to forget how much intentionality and effort that organizing takes. Rosa Parks did not just randomly sit at the front of the bus one day because she was just tired of the injustice. As many know, Rosa Parks was a trained organizer who learned her techniques at the famous Highlander Center in Tennessee (along with the likes of people like Martin Luther King, Jr.).

The methodology of organizing is not a mystery. The historical potency and efficacy of union organizing runs deep in the veins of this country and across the world. The recent movement toward open-shop workplaces has been part of an effort to disable the power of unions and so organizing is more important now than ever before. Perhaps the crisis is already here, but it's not too late. We can build on our recent victories and continue to grow our solidarity both inwardly and outwardly.

Opinion: The Trump Administration's War on Workers

Lawrence Wittner, Professor of History Emeritus

When Donald Trump was running for the presidency, he promised that, if he was elected, "American worker[s] will finally have a president who will protect them and fight for them." But once safely ensconced in the White House, President Trump began waging a fierce campaign against American workers.

His first appointments to federal positions created years ago to defend workers' rights provided an indication of his priorities. For Secretary of Labor, Trump nominated Andrew Puzder, the CEO of a major fast food chain. When Puzder's nomination was withdrawn amid allegations of labor law violations, Trump turned to Alexander Acosta, a figure with a long history of aligning with right wing and corporate interests. As the new Labor Secretary, Acosta served as one of the stars at the annual gathering of the militantly anti-labor American Legislative Exchange Council. For Deputy Secretary of Labor, Trump chose Patrick Pizzella, a former employee of the rabidly anti-union National Right to Work Committee who has lobbied against raising sweatshop-level wages.

Other administration appointments had the same orientation. For Assistant Secretary of the Mine Safety and Health Administration (MSHA), Trump nominated David Zatezalo, a former CEO of a coal mining operation with serious mining violations. The Trump administration also took control of the National Labor Relations Board (NLRB) by appointing members with a record of opposing workers' right to organize and strike. For the NLRB's general counsel, Trump chose Peter Robb, who had helped prepare the litigation for firing the 11,000 unionized air traffic controllers who had gone on strike in 1981. Furthermore, Trump helped ensure an unsympathetic hearing for American workers in the federal courts by appointing new judges known for their deeply-ingrained right wing views.

Assisted by these and other pro-corporate officials, the administration quickly attacked worker health and safety provisions. It repealed an Occupational Safety and Health Administration (OSHA) rule requiring employers to keep accurate injury records, repealed the Fair Pay and Safe Workplaces rule ensuring that federal contractors follow safety and labor laws, and scrapped more than a dozen rules from the OSHA and MSHA regulatory agenda, including standards on combustible dust, styrene, 1-bromopropane, construction noise, update of permissible exposure limits, and MSHA penalties and refuge alternatives in coal mines. In addition, the administration delayed the issuance of the new standard for cancer-causing beryllium and enforcement of the OSHA standard for deadly silica dust.

The Trump administration also launched an attack on workers' wages. Although the Obama administration had taken administrative action to make an additional 4.2 million American workers eligible for overtime pay, this action was blocked while the Trump's Labor Department laid plans to narrow workers' eligibility. The Labor Department also proposed a new rule making it legal for restaurant owners to keep the tips given to their wait staffs, thereby depriving millions of low-paid workers (most of them women and people of color) of a substantial portion of their income. (In response to widespread public outrage, Congress later revised this new tipping rule.) Of course, increasing the federal minimum wage, which has been stuck at \$7.25 an hour for more than nine years, would have lifted millions of workers out of poverty. But Trump and Congressional Republicans staunchly opposed raising this pathetically low wage floor, arguing that there was no need for a federal minimum wage. These actions and others taken by the administration contributed to the decline of workers' real wages (i.e. wage levels after adjusting for inflation) during 2017.

Given the central role that organized labor plays in defending workers' rights, it's hardly surprising that the Trump administration has sought to weaken American unions. For example, the Labor Department has proposed repealing the Obama administration's rule that employers and their consultants must report how much money they spend on anti-union campaigns. In December 2017 alone, the NLRB reversed a 2004 decision bolstering the right of workers to organize free from unlawful employer interference, reversed a 2016 decision safeguarding unionized workers' rights to bargain over changes in terms of employment, and overturned a 2011 decision protecting the right of a group of employees within a larger non-union company to form a bargaining unit. The NLRB also invited employers to withdraw from agreements to hold union representation elections, even in cases where the election had already been held.

One of last December's NLRB actions—overturning a 2015 decision making employers responsible for bargaining with workers if they have direct or indirect control over these workers' employment—has enormous consequences for millions of low-wage earners. Fast food companies like McDonald's license franchises for most of their restaurants, with the companies and franchise managements each avoiding responsibility for negotiating with their workers. Thus, the Obama Labor Board's decision provided fast food workers with a meaningful path to union representation. The Trump Labor Board took it away.

Perhaps the most serious threat to unions comes from the Trump administration's support of so-called "right-to-work" laws, which eliminate the obligation of workers to pay for the union representation whose negotiating power allows them to have benefits such as health-care. Adopted in 28 states thanks to campaigns by big business and its right wing allies, these laws have proven sure-fire methods for creating masses of "free riders"—employees directly benefitting from negotiations who, nevertheless, are allowed not to pay for them—and, thus, crippling unions. Naturally, then, House Republicans introduced the National Right to Work Act shortly after Trump's inauguration and, within a few days, the Trump administration re-affirmed its support for "right-to-work" laws. "The president believes in right to work," declared White House Press Secretary Sean Spicer. "He wants to give workers and companies . . . flexibility." When the Canadian government proposed barring "right-to-work" laws under the provisions of a new NAFTA agreement, the Trump administration promptly rejected the idea.

The recent *Janus v. AFSCME* decision by the Supreme Court provided an important victory in this same anti-

union campaign. Brought to the court by the National Right to Work Committee, the Janus case was designed to undermine public sector unions by making every state and local government worker in the United States a potential “free rider.” Entering the case, Trump’s Justice Department filed an anti-union brief. Even more significant, Trump appointed Neil Gorsuch, a right wing ideologue, to the Supreme Court. The Gorsuch appointment tipped the previous balance between the Court’s four supporters (all Republicans) of “right-to-work” laws” and the four opponents (all Democrats) of these laws, ensuring the anti-labor ruling that ensued. Not surprisingly, Trump lauded the Court’s decision, which seems likely to produce very serious consequences for UUP and the overall labor movement.

Looking at the age-old conflict between workers and their bosses, a traditional labor ballad asks, hauntingly: “Which side are you on?” The Trump administration is certainly not on the side of the workers.

Let’s Work Together Against Workload Creep

Jamie Dangler, UUP Vice President for Academics
Tom Tucker, UUP Vice President for Professionals

The specific duties and responsibilities that constitute the workload of UUP members vary considerably. For professionals, those duties and responsibilities are specified in performance programs. For academics, those duties and responsibilities are outlined in appointment letters and grounded in department/unit/program norms.

As we attempt to confront administrative changes that can increase the workload of academics and professionals, the SUNY Board of Trustees’ definition of Professional Obligation is our reference point. The campus administration can be confronted by UUP if the specific content of a member, department or unit’s full professional obligation is exceeded.

Here’s how it works. According to the SUNY Board of Trustees Policies, “The professional obligation of an employee consistent with the employee’s academic rank or professional title shall include teaching, research, University service and other duties and responsibilities required of the employee during the term of the employee’s professional obligation” (Article XI, Title H, Sec. 2).

The specific content of the employee’s professional

obligation is set at the time of hire. It can be changed by management at any time. But if there is an increase in one area of the professional obligation, there must be a concomitant and equivalent decrease in another area. The bottom line is that the full professional obligation should not be exceeded. Here are steps we can take to combat workload creep:

1. Extra work and volunteer work should not become part of regular workload

At times, management will request that individuals take on extra work that exceeds their full professional obligation. Such additional work is considered voluntary because it is beyond the employee’s full professional obligation. It should be clearly identified as either **extra service** (with the appropriate paperwork completed prior to the commencement of the assignment) or as **voluntary**. If the work is voluntary, it’s crucial to document in writing that the assignment is being done on a voluntary basis, so it does not become part of the employee’s base load. Documentation can take the form of emails; letters to and from department chairs, deans, or supervisors; or it can be recorded in an academic’s activity/annual report or a professional’s performance program. It should be noted that you do not consider the additional work to be part of your professional obligation once the task has been completed in the agreed upon time. The parameters of time and effort needed to complete the assignment should be discussed and agreed on prior to its commencement. This should be done in a consultative, collegial, and collaborative interaction with a supervisor, chair, dean, or other appropriate administrator. **[Editor’s Note:** this includes the recent claim in the new “description of duties” documents recently circulated that undergraduate and graduate directors of academic departments, all of whom are 10-month employees, should work during the summer “as needed.” This summer work should explicitly be undertaken only as voluntary, extra service.]

Working together as colleagues is the best protection against the continued expansion of what becomes expected as part of the professional obligation of a department, unit, or member. It’s important to have department-level/unit-level discussions about workload issues to try and get everyone on the same page. If some employees are willing to take on more work without appropriate compensation or reduction of other duties, the expansion becomes the new norm and it is more difficult to effectively challenge work overloads.

2. Document your workload and workload increases

It’s very important to keep a log of work done in areas of your professional obligation that are subject to workload creep. For example, are you and your colleagues being asked to do more in specific arenas of your department/

unit's work? Are there new projects or tasks that "must be done" without a corresponding increase in staff or resources? Use written correspondence to document the additional assigned work and note workload increases in your annual report, identifying the extra work in relation to your workload in previous years. Professionals should have the additional work documented in their performance programs. If the supervisor will not include it in the performance program, the employee should write a response to the performance program that includes the additional work. This is especially important if the additional work can be the basis for requesting a contractual salary increase or promotion under Appendix A-28 of the New York state-UUP contract.

3. Ask your UUP chapter officers for assistance

If a member comes to their UUP leaders with a workload problem, the first course of action is to review the specific content of that person's professional obligation. If there has been an increase, chapter officers, in consultation with their UUP labor relations specialist, will advise and support the member according to the specific circumstances. This could involve seeking adjustments in a professional's performance program, working with an academic to address a workload increase at the department level or above, or exploring possibilities for extra service compensation. The chapter also can help with responses to professionals' performance programs and other documentation issues for academics and professionals. If UUP officers are contacted by a group of members because of a workload issue that affects the entire group, e.g., an academic department or professional unit, a group meeting can be held to explore the problem and decide the appropriate course of action.

When increases in workload at the individual or department/unit level are not successfully resolved through informal efforts to adjust the components of the professional obligation, UUP may consider filing an Improper Practice with New York State's Public Employment Relations Board (PERB)—but only after UUP's careful assessment of the facts of any individual or group-level case and exhaustion of all possible efforts to resolve the problem informally. There is a four-month statute of limitations on filing a PERB charge, so workload problems should be brought to the chapter for review as soon as possible.

4. Hold a chapter workload workshop to explore problems and consider solutions

If there are pervasive workload issues at a chapter, the UUP labor relations specialist assigned to the chapter can conduct a workload workshop to review the basics and provide members with the tools they need to address their individual circumstances and work with the chapter

to develop strategies to confront collective workload problems.

5. Reject the "guilt trip defense" of workload creep

While our commitment to our students, patients, colleagues, professional standards, and the quality of our work engenders a spirit of help and cooperation, we should be mindful that "helping out" should not lead to permanent increases in our workload, and uncompensated work that will jeopardize our health, professional well-being, and the quality of our service to our students and our campuses.

Bottom Line

If a UUP professional's workload is increased, there must be a concomitant and equivalent adjustment of the performance program to specify how new duties will be offset by a decrease in existing duties.

If a UUP academic's workload is increased by adding new required duties, there must be changes in the other areas of the professional obligation. For example, if course load is increased, there must be a substantive decrease in another area. If class sizes increase substantially or if new administrative duties are required of an academic department, it's possible for UUP to engage in "impact bargaining" with the campus administration to seek adjustments or additional compensation.

Workload creep is often experienced individually but is part of a collective problem. Working collectively, with the assistance of your UUP chapter, is key to addressing workload issues.

Bargained and Ratified (cont from pg. 1)

- Provisions to address hospital needs, especially regarding on-call and holiday pay.
- Significant expansion of the Productivity Enhancement Program (PEP)

There is quite a bit of cash up front in this agreement, and employees should begin to see money in their paychecks quite soon. Base salaries should be adjusted in the November 28 paycheck to reflect the 2% raises that would have been issued in 2016 and 2017. The December 12 check should have the 2% raise for 2018. A typical employee who has been on payroll since the expiration of the last contract without a raise, can expect to see their base pay rise by 6.1%. Additionally, the State owes us retroactive cash for the time we've already worked which should have been paid at higher rates. Half of that back pay will come in the November 28 paycheck, the other

half in July, 2019. Additionally, full-time employees who were on the payroll for the 2016-17 year, should see a \$600 DSI (pro-rated for part Finally, there is a round of DSA (not to base) that covers work in the previous academic year, which should be paid out in the December 26 check. In total, this amount to a good deal of money in members' pockets before the New Year.

Going forward, we will receive three additional 2% raises to base salary over the life of the agreement. Moreover, the next four years will see DSI money back on base. There is also a new pool of on-base money designated to address problems of salary compression, inversion, and inequity. Our hope is that this will help raise salaries of those who most need it, and will spread the money to more members than the older DSI-only model has historically done.

Beyond the money, this contract is noteworthy because it achieves two longstanding union priorities: a minimum per-course salary for part-time, contingent academic faculty, and paid family leave.

At Albany, we should be proud of our campus' work that helped lay the groundwork for the statewide per-course minimum. Ironically, because we raised contingent faculty salaries considerably over the past few years, we are the only campus that will not see a rise in per-course salary. Our contingents will all benefit from the 2% increases, however. And if our campus is to continue to be the standard bearer on this issue for SUNY and nationally, it will need to raise salaries independently. Remember, the contract sets a floor on compensation—a minimum. Campuses can always raise salaries. We should work with our administration to achieve the 5k minimum that it set forth as its goal in the blue ribbon panel report several years ago. Having already raised contingent faculty salaries, Albany's budget should have more flexibility than other campuses in the system who will need to cover these raises. Some of that money should go to contingent faculty. It is also important to note, when talking about contingent faculty, that the gains were made without significant losses to health benefits coverage and costs. There are many universities across the country with higher per-course rates than ours. But our health benefits are second to none, both in terms of coverage and eligibility. Maintaining those benefits to provide stability and security for our contingent faculty was a major victory.

Paid family leave benefits will start up in January. This is a partially paid family leave, for both full-time and part-time employees, according to the guidelines of the NY State Paid Family Leave statute. The details are fairly technical, so if you are considering using leave, please

contact the Chapter to discuss. Most importantly, this leave dovetails with our existing leave benefits, allowing vember 28 check, the other half in July, 2019. Additionally, full-time employees who were on the payroll for the 2016-17 year, should see a \$600 DSI (pro-rated for part members to take leave when they most need it. Remember, too, that this is family leave not parenting leave. The statute covers time off to care for elderly or sick parents, spouses, children, and grand-children. It also has provisions for families with members in the military who are deployed. Another important, related provision is the mandatory tenure clock stop for new parents. This will have the benefit of protecting, most notably, untenured women faculty. Instead of having to negotiate a clock stoppage individually with a chair or dean, this provision now makes the clock stop automatic at the employee's request without drop in rank down to, for example, Visiting Assistant Professor, as has been the case until now. Giving birth, adopting, or fostering a new child is among the most demanding moments in a person's life. It is more than reasonable that faculty who are new parents be given the opportunity to take some time away from research obligations without penalty, and without having to ask for a supervisor's favor.

Finally, there is new money in the Benefit Trust Fund and Joint Labor Management Committees. This means that the Drescher leaves, which were on hold for a year, are now back up and running with a fall application deadline for a spring leave. Untenured women and faculty of color (both academics and professionals) are encouraged to apply. The Individual Development Awards that help fund profession development activities, research travel, conference participation and the like should also be back in place this year. There has been an underutilized Calendar Year leave program, which can provide leave time for Librarians and other calendar-year employees to pursue research projects or other initiatives. If you are a Librarian, in particular, please contact the Chapter to discuss whether and how to apply for this program. Lastly, you should expect to see notices about the relaunch of a UUP Dependent Scholarship Program that should help offset the costs of college/university for UUP dependents who are attending state-funded SUNY campuses. All of this is welcome news for our members.

The Forum Welcomes your thoughts:

Contact the Editor at

pstasi27@gmail.com

YOUR VOTE COUNTS

Vote on | Nov.
6

Vote Pro-Labor
Vote Pro-Education



Your Union Contract At Work!

**FAST
FACTS**

2016-2022 State/UUP Agreement **COMPENSATION**

Fall 2018 Payment Dates

Oct. 31 paycheck

- \$600 lump-sum payment (prorated for part-time employees)

Nov. 28 paycheck

- 2016—2 percent increase to base salary
- 2017—2 percent increase to base salary
- 50 percent of retroactive cash for back pay from the 2016 and 2017 increases (balance paid in July 2019)

Dec. 12 paycheck

- 2018—2 percent increase to base salary
- 100 percent of retroactive cash for back pay from the 2018 increase

Dec. 26 paycheck

- 2018 Discretionary Salary Awards—lump-sum awards paid at the discretion of the campus president. Total campus money for DSA equal to 1 percent of UUP payroll

Future Compensation

2019

- 2 percent increase to base salary
- Discretionary Salary Increases to base pay: Total campus money for DSI equal to 0.5 percent of UUP payroll
- On-base increases to address salary compression: Total campus money for compression raises equal to 0.5 percent of UUP payroll

2020

- 2 percent increase to base salary
- Discretionary Salary Increases to base pay: Total campus money for DSI equal to 0.5 percent of UUP payroll
- On-base increases to address salary compression: Total campus money for compression raises equal to 0.5 percent of UUP payroll

2021

- 2 percent increase to base salary
- Discretionary Salary Increases to base pay: Total campus money for DSI equal to 0.5 percent of UUP payroll
- On-base increases to address salary compression: Total campus money for compression raises equal to 0.5 percent of UUP payroll

2022 (contract expires July 1, 2022, with the following payable no later than Dec. 31, 2022)

- Discretionary Salary Increases to base pay: Total campus money for DSI equal to 0.5 percent of UUP payroll
- On-base increases to address salary compression: Total campus money for compression raises equal to 0.5 percent of UUP payroll

Employees who meet the contractual eligibility criteria will receive the increases outlined.



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UUP Dependent Care Advantage Account New Employer Contribution

The new 2016-2022 Agreement between UUP and New York state includes an employer contribution to Dependent Care Advantage Accounts (DCAAccount) for UUP-represented employees who are enrolled as DCAAccount participants for the 2018 plan year.

UUP-represented employees (or employees who were represented by UUP at the time they enrolled) who have an active 2018 DCAAccount do not need to do anything. The employer contribution will be deposited into the employee's DCAAccount with the Oct. 3, 2018, paycheck (for employees on the Administrative payroll—the vast majority of our members) or the Oct. 11, 2018, paycheck (for employees on the Institutional payroll).

Please note that adding the employer contribution to DCAAccounts will not increase the employee's annual election amount—unless the employee enrolled for less than the employer contribution. In the latter case, the employee's DCAAccount will be adjusted to reflect the full amount of their employer contribution.

When the employer contribution is added to DCAAccounts, WageWorks will recalculate or stop remaining bi-weekly payroll deductions, as appropriate, to adjust for the addition of the employer contribution. If necessary, the Office of the State Comptroller (OSC) will issue a refund of any remaining excess employee deductions with the paychecks of:

- Oct. 3, 2018, for employees on the Administrative payroll
- Oct. 11, 2018, for employees on the Institutional payroll

UUP-represented employees who are not enrolled in a DCAAccount but experience a qualifying change in status, may enroll by submitting a change-in-status application. They will be eligible for the employer contribution for the remainder of the 2018 plan year. Here are some examples of change-in-status events:

- Marriage
- Divorce or separation
- Death (spouse/dependent)
- Birth or adoption of a child
- Beginning or end of employment (employee or spouse)
- Dependent disability
- Change in work schedule (employee or spouse)
- Change in custody of dependent
- From full-time to part-time employment or vice versa (employee or spouse)
- Beginning of or return from leave of absence (employee or spouse)
- Change in rate paid (only if the provider is not a relative)
- Change in care provider
- Loss of another Dependent Care Assistance Program (DCAP) plan's coverage (increase or enrollment only)

If an employee was on a leave of absence or terminated their 2018 DCAAccount, they will not receive an employer contribution unless the employee re-enrolls due to a qualifying change in status.

UUP-represented employees with questions on their existing 2018 DCAAccounts should call WageWorks customer service at 1-800-358-7202.

For details on enrolling for the remainder of the 2018 plan year and the change in status rules, visit www.flexspend.ny.gov or call WageWorks.

For employees interested in enrolling in a DCAAccount during the 2019 plan year, must enroll during the open enrollment period, from Oct. 9 through Nov. 9, 2018.



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