

# THE FORUM

May 2010

Your UUP Albany Chapter Newsletter

Issue 114



## Upcoming Events

- ◆ **May 15 - 16**  
Commencement Weekend
- ◆ **May 17**  
Spring 2010 Grades Due
- ◆ **May 24**  
Summer Session Begins
- ◆ **June 15**  
Faculty Activity Reports Due

## President's Corner

### Times of Rapid Change

Every day brings new ideas, and of late every day brings new challenges. We are in the midst of unknown budget cuts, possible program closures and retrenchments, furloughs, lag pay, and even an early retirement incentive. Of course the latter is included only to bring smiles to the faces of folks who can finally get away from all the uncertainty that our future is placing before us. Nobody really likes major changes. My message for you is to try to remain calm, try to remain civil, understand that you are not facing any of this alone, and as much as we can, the officers of the UUP Albany Chapter will help you in any way we can. We hope that you will continue your open lines of communication, and if you think you are hearing something that "just isn't right" - please make sure you call us.

I would like to take this opportunity to thank the new team of co-editors for THE FORUM, Anne Jung, Kelly Fitzpatrick and Jill Hanifan. They are spirited team members and promises abound to get more regular information out through newsletters in the future! Please welcome them aboard !

-Candace A. Merbler

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## Who's Who in the Albany Chapter?

### Chapter Officers

President	Candace A. Merbler
VP Academics	Ivan D. Steen
VP Professionals	J. Phillippe Abraham
Secretary	Carol H. Jewell
Treasurer	Alison B. Olin
Part-Time Concerns Rep	Jill Hanifan
Grievance Chair	Greta Petry

### Departmental Representatives

Name	Department
Elaine Amabile	Info Tech Client Svc
Erik Andersen	Student Fin. Svc.
Sue Barnes	CETL
Gregory Baron	University Libraries
Erin Bell	Epidemiology
Lee Bickmore	Anthropology
Janice Bogan	VP for Research
Joanne Carson	Art
Diana Edelson	CCI Dean's Office
Jeff Gerken	Institutional Research
Jean Guyon	University Libraries
Charles Hartman	East Asian Studies
Helmut Hirsch	Biology
Timothy Hoff	Health Policy
Janine Jurkowski	Health Policy
Pierre Joris	English
Michael Knee	University Libraries
David LaComb	Architecture & Eng.
Garland Lala	Atmospheric Science
Karen LaRocque	VP for Enrollment Mgmt.
Ron McClamrock	Philosophy
Stephen Murphy	Univ. App. Dev.
James Pasquill	International Program
Patrick Romain	EOP
Charles Schaninger	Marketing
Brenda Seckerson	EAP
Ivan Steen	History
Lisa Trubitt	Office of CIO
Jogindar Uppal	Economics
Roberto Vives	Athletics & Recreation
Jennifer Watson	Facilities Mgmt
Ellen Weatherby	Registrar's Office
Benjamin Weaver	Space Mgmt & C Pres.
James Wessman	LACS

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<http://www.uupinfo.org/>

## Officers' Corner

### Protect Yourself

**Greta Petry**  
**Grievance Chair**

The word "grievance" is often loosely used. It's one thing to believe you are being treated unfairly in the workplace. It's quite another to file an official grievance -- which means finding a specific section of the 2007-2011 Agreement between the State of New York and United University Professions that has been violated. If you think you have a grievance, the most important thing you can do is call us right away, because there are strict time limits under which grievances must be filed.

Many people wait for a situation to blow over, hoping it will get better. This may be OK if your supervisor is fair, doesn't hold grudges, and is generally supportive of your work. However, if you wait six months and things get worse, your grievance would be thrown out because it was not filed within the 45 days required for an Article 7 grievance.

#### Call us right away if:

1. You receive an evaluation that is marked satisfactory, but is heavily critical of your performance throughout. You have only 10 working days to write a response.
2. If you get an evaluation that is marked "unsatisfactory." Certain procedures must be enacted within 10 working days in order to appeal.
3. If you are asked to switch from a full-time term appointment to "99 percent." By accepting a "99 percent" appointment, you lose out on the amount of notice the University has to give you if you are non-renewed.
4. If you have no performance program, or if your performance program is more than a year old.
5. If you hear of UUP work going to Research Foundation employees. This erodes the bargaining unit.
6. If you have been non-renewed and suspect you were not given proper notice. For example, under the contract, a professional employee should be given notice "twelve months prior to the expiration of a term after two or more years of uninterrupted service."
7. If you are told there is no such thing as compensatory time.
8. If your supervisor starts tracking what time you log on to your computer and what time you log off.

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### Workload Concerns

**Ivan D. Steen**  
**Vice President for Academics**

One issue of frequent concern among the academic faculty is that of workload. For teaching faculty there are three components to workload: teaching, research, and service. Since workload is contractual, it may not be unilaterally increased by management. The component that most often becomes an issue is that of teaching.

Over the years we have seen a reduction in the number of teaching faculty, while at the same time, there has been an increase in the size of the student body. Under that pressure, many faculty members have been asked to teach additional classes. Recognizing the need, and wanting to be cooperative, we sometimes agree to do this. Be careful! The number of courses you are required to teach is largely based on precedent. Your willingness to be a good academic citizen could ultimately lead to a permanent increase in the number of classes you teach.

Here is my advice: If you are picking up an extra course or section on a voluntary basis, make sure you have a written statement from your chair indicating the temporary nature of that assignment.

On this, as well as on any other work-related questions you may have, be sure to contact me as soon as an issue arises.

Call me at (518) 442-5372, or send me an e-mail at [oralhis@albany.edu](mailto:oralhis@albany.edu).

## Disability Issues

**Carol H. Jewell**  
Secretary

The Americans with Disabilities Act (ADA) was passed into law on July 26, 1990, twenty years ago. The Americans with Disabilities Amendments Act (ADAAA) passed in 2008, two years ago. The ADAAA overturned several Supreme Court decisions that had made it difficult for people with disabilities to qualify for protection under the ADA. As a result of these decisions, federal courts had held that many people with conditions such as epilepsy, diabetes, bipolar disorder, post-traumatic stress disorder, cerebral palsy, intellectual disabilities, muscular dystrophy and other disabilities were not covered by the ADA. The ADAAA broadened the definition of disability. Many more people are considered disabled now than in the past.

So, why are we celebrating the 20<sup>th</sup> anniversary of the passage of the ADA? The Americans with Disabilities Act gave civil rights protections to individuals with disabilities similar to those provided to individuals on

the basis of race, color, sex, national origin, age, and religion. It guaranteed equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. It was “the world’s first comprehensive declaration of equality for people with disabilities.”

But while we have come a fair distance in breaking down physical barriers to access, such as curb cuts and additional ramps, attitudinal barriers remain, particularly in the workplace, due to fear and misperceptions about people with disabilities. One of the most sensitive areas of concern is that of communication. How do/should we use words to communicate with or about people with disabilities? The Office of Disability Employment Policy of the United States Department of Labor has an excellent tip sheet on just this issue, available at:

<http://www.dol.gov/odep/pubs/fact/effectiveinteraction.htm>

Focus on the person, not the disability, and you will communicate effectively.

*(Protect Yourself, continued from p. 3)*

### **Be Aware**

1. Make an appointment with Human Resources Management once a year to look through your official personnel folder. Give HR 48 hours' notice to make your file available. Make sure there is nothing in your folder that you are unaware of, or that doesn't belong there.
2. Do you know where your original appointment letter is? Do you know what kind of an appointment you have (i.e., term, continuing, permanent or temporary)? Do you have your most recent appointment letter? If you do not have these, you can find them in your folder in Human Resources and ask for copies of them.
3. Do you know when your current term ends?

### **Workplace Violence Policy**

If you are physically or verbally threatened in the workplace, there is a policy in place. The first step is to call the University Police Department and report the threat. UPD will investigate the report and collect the facts. The policy extends to cases of bullying, harassment and verbal intimidation, such as screaming, swearing, and other types of overt verbal abuse.

The Workplace Violence Policy can be accessed at:

[http://hr.albany.edu/content/Campus\\_and\\_Workplace\\_Violence\\_Prevention\\_Policy.pdf](http://hr.albany.edu/content/Campus_and_Workplace_Violence_Prevention_Policy.pdf)

## Part Time News

### Part Time Lecturers and Unemployment Insurance in New York State

Unemployment insurance is temporary income for eligible workers who become unemployed through no fault of their own and who are ready, willing, and able to work. For Part Time lecturers, this means that after the last day of your contract, and as long as you have sufficient works and wages, you may apply for unemployment benefits. Even if you have been told that you have been reappointed for the following term, you may be eligible for unemployment benefits. You may be able to receive hundreds of dollars per week, but in most cases claims by adjunct college or part time instructors will be challenged and will only be granted after a subsequent appeals process.

### How to File an Unemployment Insurance Claim in New York State:

Your claim should be filed in the first week that you have become totally or partially unemployed. It is important to file timely because your first week is an unpaid waiting week, commonly referred to as the "waiting period". A delay may cost you benefits.

You should apply for UI benefits using the Benefits Online Page

between the hours of 7:30am to 7:30pm Monday through Thursday (Eastern Time), Friday, 7:30am to 5:00pm, all day Saturday, and Sunday until 7:00pm:

[https://ui.labor.state.ny.us/UBC/home.do?FF\\_LOCALE=1](https://ui.labor.state.ny.us/UBC/home.do?FF_LOCALE=1)

Federal and New York State laws prohibit discrimination with respect to race, creed, color, national origin, sex, age or marital status. Your claim for unemployment insurance benefits will be evaluated and an eligibility determination will be made without regard to any of these factors.

What you should have available before you file your claim:

- Your Social Security number
- Your New York State driver's license or Motor Vehicle ID card number (if you have either one)
- Your complete mailing address and zip code
- Telephone number where you can be reached between 8am-5pm, Monday through Friday
- Your Alien Registration card number (if you are not a U.S. Citizen and have a card)

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### Why Bother with Faculty Activity Reports?

Please make note that 2009-2010 Faculty Activity Reports are due by Tuesday, June 15<sup>th</sup> for most departments.

Part-time Lecturers and Professionals are eligible for discretionary raises, but **in order to be considered for a discretionary raise, you must submit a Faculty Activity Report.**

To file your Faculty Activity Report (if your department participates):

Use your MyUALbany portal to access the on-line Faculty Activity Report. Once in MyUALbany, go to the "Academic Services and Advising" page and select "Faculty Activity Report" from the menu on the bottom left-hand side of that page.



(*Unemployment Insurance in NYS*, continued from p. 5)

- The names and addresses of all employers for whom you've worked within the last 18 months, including those employers in another state
- Employer Identification Number (FEIN) of your most recent employer (FEIN may be found on your W-2 forms) (if you have either)
- Your copies of forms SF8 and SF50, if you had federal employment within the last 18 months
- Your copy of your most recent separation form DD 214, if you are an ex-service member claiming benefits based on your military service
- If you are unable to print, have a pen and paper available to write down important information
- If you are choosing to have direct deposit of your weekly benefits, you must have a check handy in order to enter your bank routing and checking account numbers

If you do not have all of the documents listed above, you may still file a claim. There may be some delay, however, in receiving your first payment.

You may also file a claim by calling the Telephone Claims Center at 1-888-209-8124 for New York State residents (or 1-877-358-5306 for out of state residents) between 8:00am and 5:00pm, Monday through Friday. This is a toll-free call. For more information go to:

[http://www.labor.state.ny.us/ui/ui\\_index.shtml](http://www.labor.state.ny.us/ui/ui_index.shtml)

(*Notes on the PHEEIA*, continued from p. 9)

**5. Deregulation created the current fiscal crisis New York is facing:** PHEEIA calls for increased deregulation and higher flexibility in engaging in public-private partnerships. We have seen the result of decreased regulation and government oversight which translated to a housing bubble and the biggest bailout in U.S. history. Taxpayers shelled out over \$750 billion to rescue banks and financial institutions. Government oversight is important and necessary to ensure that SUNY doesn't engage in risky financial ventures on taxpayer and student dollars.

**6. PHEEIA could negatively impact**

**independent research:** Researchers SUNY-wide carry out independent research which benefits many people and contributes to the public good. Moving in the direction of relying on the private sector (e.g. corporations, businesses, etc.) to fund research those private interests will start to heavily impact and shape research at SUNY.

**7. Faculty members stand to lose collective bargaining power:** UUP is opposed to PHEEIA and has stated legitimate concerns about the loss of collective bargaining power statewide if decisions about the SUNY budget were decentralized to individual campuses. Where will you get benefits? How much will they cost? What protection will you have?

## Chapter Activism

### Assembly Passes Pay Equity Legislation

On April 19, 2010, Assembly Speaker Sheldon Silver, Labor Committee Chair Susan John and Women's Issues Task Force Chair Ellen Jaffee announced the passage of a legislative package that aims to end pay discrimination in the workplace. Today's action, in recognition of National Equal Pay Day, marks the 13th consecutive year the Assembly has passed pay equity legislation.

The National Committee on Pay Equity found that the median salary of women working full-time was 77 percent of men's median income in 2008, a 0.7 percent drop from 2007. This shows a narrowing of the wage gap by less than half a percent per year since the Federal Pay Equity Act was signed in 1963. Over a working lifetime, this wage disparity costs the average woman an estimated \$700,000 to \$2 million, not including the negative impact the difference also has on both Social Security and pension benefits for women.

The legislative package includes the New York State Fair Pay Act, which would ensure pay differentiation is not based on a person's sex, national origin or race ([A.3911/John](#)). The other measures would:

- Implement a state policy of equal compensation for comparable work for state employees regardless of sex ([A.1119/Destito](#));
- Make discriminatory salary practices unlawful, with particular attention to pay differences between traditionally female-dominated occupations and traditionally male-dominated occupations ([A.2351/Lifton](#));
- Prohibit public employers from compensating employees of opposite sexes differently for work of comparable worth ([A.6712/Rosenthal](#)); and
- Establish Women's Equality Day, to be commemorated on August 26 ([A.2231-B/Lifton](#)).

For more information see:

<http://assembly.state.ny.us/Press/20100419/>

### Joint Peace & Justice and Solidarity Events for Spring 2010

Jim Collins

In order for UUP to work statewide on urgent political tasks, it must also educate and activate its members at the chapter-level. It must also try to build alliances. This semester at Albany, our chapter's Peace and Justice and Solidarity Committees have worked together to act on DA resolutions, in particular those against the Afghanistan War, in support of Single-Payer Health, for a progressive tax policy, and opposing the "Public Higher Education Empowerment and Innovation Act" (PHEEIA). We have done this by organizing workshops, forums, and conferences while reaching out to members, often with other groups.

What follows are very brief reports on three of these events. We are providing them in order to our brothers and sisters in other chapters to join us in this form of union work: To protect SUNY by working to make connections – between issues (war, health, and money for education) – and between groups (our union and students and other campus and community organizations that share our concerns).

**Report by Ron Friedman, Psychology faculty and UUP chapter member, who helped organize the event** (which was co-sponsored by the Women's Studies Department):

On March 10th, UUP, along with the University at Albany Women's Studies Department and Women

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*(Joint Peace & Justice and Solidarity Events, continued from p. 7)*

Against War sponsored an event entitled "Everyday Heroines: The Plight of Women in Afghanistan." Attended by a standing-room only crowd of students, faculty, and community members, the event opened with a showing of the film, "Why Are We in Afghanistan?" directed by Stony Brook University professor and UUPer Michael Zweig. The film, which critically reviews the history of foreign intervention in Afghanistan, set the stage for an eye-opening presentation by Fahima Vorgetts, an award-winning Afghan-American human rights activist. Sharing a captivating array of personal photographs, Vorgetts poignantly detailed how the war has exacerbated the already profound suffering of Afghan women and children. A lively and enlightening group discussion followed after which audience members were offered several opportunities to become involved in activism and fundraising on behalf of victims of the U.S.-led war in Afghanistan.

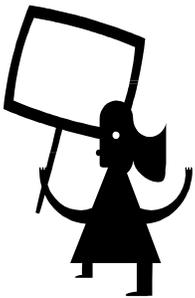
**Report by Lee Bickmore, Anthropology Department Faculty and Albany Exec Board Member, who helped organize the event:**

On March 18th, the Albany Chapter of UUP sponsored a forum on "A Progressive Vision of SUNY's Future: Alternatives to the proposed Empowerment and Innovation Act." Organized by the Solidarity as well as the Peace and Justice committees, the forum included presentations by Statewide UUP President Phil Smith, and Fiscal Policy Institute Director Frank Mauro. Together they presented not only UUP's concerns about this proposed act, but alternative solutions toward more robust funding for higher

education in New York State. Some 40 attendees, including professionals, faculty and students were then able to participate in a lively and informative discussion of the issues. Good, pointed questions were addressed to both speakers, reflecting a wide range of concerns and opinions about the Act. It was clear that much of what people understood about the proposal stemmed from the abundance of PR from proponents of the bill. Our forum proved to be a much needed counterbalance to this, and continued efforts to educate our members on this issue are clearly needed here and elsewhere as we demonstrate our resolve regarding the union's support of affordability and accessibility across the SUNY system.

**Report by Jim Collins, Anthropology Department Faculty and Albany Exec Board Member:**

On April 10<sup>th</sup>, a coalition of UUP members, student and community groups, and the Global Studies Program, hosted a day-long Social Action Conference on social justice and anti-war issues. Former UA student and now chapter member Jackie Hays, who had attended the March 18<sup>th</sup> Forum and wants to build union/student ties, asked a UUP representative to speak on the union's position on PHEEIA and the budget cuts. Exec Board member Jim Collins did so as a brief opening address and during a noon-time rally and press conference. There were about 30-40 students and community members at both events. His remarks stressed the need to fight cutbacks in order to preserve accessibility to SUNY and the need for a long-term strategy of progressive tax policy in New York in order to secure quality public higher education as well as social funding more generally.



(Notes on the PHEEIA, continued from p. 10)

Likewise, UUP President Phil Smith has stated that it "would allow New York State to further abandon its obligation to provide an affordable and accessible system of public higher education."

In recent correspondence to UUP Albany members regarding the PHEEIA, Chapter President Candace Merbler stressed the following: "Please be assured that the union is acting in your best interest. There are several points of contention between the union and management on this act, and the parties need to address those issues in order that protections for our membership remain intact, and that jobs are protected.

Merbler then urged members to educate themselves in this matter. While the text of the bill can be accessed in its entirety by means of the NYS Assembly website ([http://assembly.state.ny.us/leg/?default\\_fld=&bn=S.+6607&Text=Y](http://assembly.state.ny.us/leg/?default_fld=&bn=S.+6607&Text=Y)), Merbler also provided the following talking points that she asked members to consider prior to taking a position on PHEEIA:

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(Notes on the PHEEIA, from p. 10)

**1. PHEEIA exacerbates the problem of decreased state funding:** We all agree that the state has not done its part to support affordable, accessible higher education for New Yorkers, but this Act doesn't address the problem of decreased state funding, it only ensures that the loss of state funding will occur at a more rapid, accelerated rate. Even Provost Phillips acknowledged at the Feb. 2010 Faculty meeting that "A potential downside of the legislation is there is no guarantee that state tax support would remain the same."

**2. There is no evidence that public/private partnerships raise revenue:** There is no evidence that public/private partnerships—especially those created without government oversight raise revenue. In fact, SUNY's previous joint ventures have cost

taxpayers millions. The Act would not produce additional revenue for SUNY. It would only alter where funding was coming from. The state would pay less; students and parents would pay a lot more. The Act would eliminate state appropriations for tuition and other revenues, so there is no guarantee that tuition and fees would be used to benefit the academic mission of the campus. Quality would suffer.

**3. We stand to lose accountability:** Right now the NYS Legislature makes the major decisions about SUNY's budget including when to raise tuition and how much to raise it. Since the decision is in the state's hands there are mechanisms to hold elected officials accountable (voting, lobbying, etc.). The act authorizes SUNY to deposit its revenues outside the State Treasury and eliminates any approval of contracts for services by the State Comptroller and Attorney General thereby removing accountability measures.

**4. Pheeia would price many students out of an education:** Tuition Indexing and Differential Tuition could price many students out of an education. The act proposes tuition indexing whereby tuition would be set to increase every single year and increases would be based around the Higher Education Price Index (HEPI), but could be up to 1.5 times higher than HEPI. In other states that have adopted tuition indexing, students have experienced tuition hikes above and beyond HEPI every year. Under the Act nothing would mandate that SUNY put a cap on tuition hikes. The act also proposes differential tuition or charging different tuition depending on the program/school/department you're enrolled in. This could mean that more popular or higher quality programs will only be accessible to those who can afford it.

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"THIS LEGISLATION WOULD SUBVERT THE FUNDAMENTAL PURPOSE OF PUBLIC HIGHER EDUCATION, FOR—BY ALLOWING TUITION ON SUNY CAMPUSES TO RISE WITHOUT LIMIT—IT WOULD RESTRICT ACCESS TO A COLLEGE EDUCATION TO ALL BUT THE WEALTHY."

-- LAWRENCE S. WITTNER, PROFESSOR OF HISTORY, UNIVERSITY AT ALBANY

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## Notes on the Public Higher Education Empowerment and Innovation Act (PHEEIA)

In January 2010, New York Governor David Paterson announced plans for the enactment of a "Public Higher Education Empowerment and Innovation Act" (S.6607-A/A.9707-A). If passed, the PHEEIA would enact changes to tuition and enrollment policies, as well as deregulate actions such as public/private partnerships, on-campus construction and spending procedures.

Although supported by the SUNY administration (see <http://www.suny.edu/govrelations/state/innovationact.cfm>), this act has been heavily contested among students, faculty and staff; UUP itself actively opposes it.

University at Albany Professor of History and active UUP member Lawrence Wittner, who has written on this issue for the *Huffington Post* (for his article, "Dismantling America's Largest Public University System," see: [http://www.huffingtonpost.com/lawrence-wittner/dismantling-americas-larg\\_b\\_490037.html](http://www.huffingtonpost.com/lawrence-wittner/dismantling-americas-larg_b_490037.html)), has said of the PHEEIA, "This legislation would subvert the fundamental purpose of public higher education, for—by allowing tuition on SUNY campuses to rise without limit—it would restrict access to a college education to all but the wealthy."

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