



# Unifier

UNITED UNIVERSITY PROFESSIONS



FARMINGDALE CHAPTER



SEPTEMBER 2018



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# Welcome Back

**for the Fall 2018 semester with the great news of the new ratified six-year contract with New York State!**

We send sincere thanks to those members of the Negotiations Committee and the Negotiations Team, those members who directly participated in the nearly three-year negotiations process. Especially, this includes Farmingdale professor **Mike Smiles**, who served as the Chief Negotiator in the second half of the negotiations process, and adjunct professor **Doug**



**Cody**, who, along with contingent members from other campuses, represented our contingent staff. But above all, we send our gratitude to *all those members of*



*UUPF* who participated in actions that communicated to New York State our shared demand for a fair and equitable contract without delay.

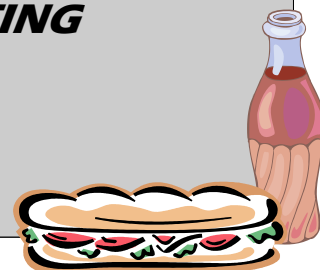
UUP statewide officers must know that *all of us* have their backs and support their work. It is then and only then that UUP can be confident of success. **SO YES! WE HAVE A CONTRACT! ◆**

## GENERAL MEMBERSHIP MEETING

Thursday, September 20, 2018

11:00 am ◆ Gleeson Hall room 104

Please join your fellow UUPF members for lunch.



# Professionals' Corner

By Harry Gabriel Espallat

## The Janus decision ...

As I reflect on the unfair decision delivered by a few politically motivated supreme justices, I see the need-more than ever-to support our unions, to become involved and show that we care for the prosperity and stability of our future generations. The premeditated deceptive arts employed by some repugnant individuals to rob the working classes from our bargaining rights should serve as the reason to remain focused on countering their intentions.

***Don't retreat, never surrender!***

## Negotiations ...

We witnessed how hard the negotiation team worked over the last few years to draft a fair contract which was overwhelmingly accepted by 98% of the members. I want to publicly commend their constant effort to bring the drafted contract to fruition. Moreover, I want to emphasize that the difficulties and obstacles they faced while at the bargaining table, would have been muted by SUNY, had not they worked so arduously. I see this as proof to why we need a union; and you should too. I can only imagine the dreadful outcome and the consequences of not having union representation. ***Support your union, get involved!***

## Time & Attendance...

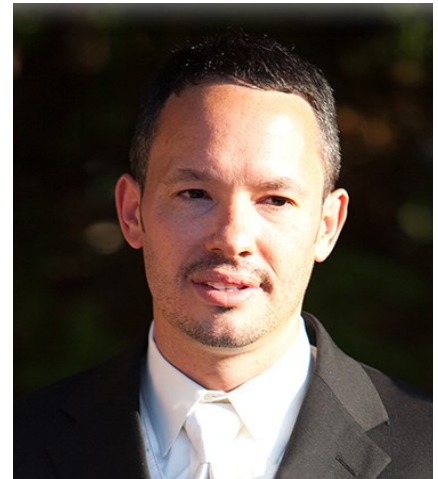
Over the summer I had the opportunity to listen to concerns regarding the refusal to approve monthly time reports by some

supervisors because of a discrepancy. Most often, this is the result a misunderstanding which normally can be fixed with a conversation between you and your supervisor. On the other hand, if you and your supervisor cannot come to an agreement, it is best to contact the department of human resources and your union representative to help resolve the situation.

## Promotions...

During our last promotion cycle, 24 professionals applied for promotions or salary increases, many of whom had questions regarding the process. Here is information from the UUP Professional Handbook that I hope will provide clarity:

There are six salary levels for professional employees: SL-1 to SL-6. The higher the salary level, the more responsibility given the position. Your SL rank and NYS payroll title are included in your appointment letter. This is important information for you to know if you pursue a promotion or salary increase because the duties and complexity of your job increases. There is nothing in the Collective Bargaining Agreement or the SUNY Board of Trustees Policies that prohibits you from requesting a promotion or salary increase whenever you feel you deserve one. If you believe a promotion or salary increase is warranted, it is important for you to understand what they are and decide which



one to pursue before making the request.

**A promotion** is an increase in a professional employee's basic annual salary, accompanied by a movement to a higher salary level with a change in title.

**A salary increase** is given if a professional employee is assigned a permanent and significant increase in duties and responsibilities as demonstrated by the performance programs. The difference: You can receive a salary increase without a promotion, but you cannot receive a promotion without a salary increase.

While you can ask for a promotion or salary increase at any time, one of the best times to do so is during your annual evaluation.

Here are the steps for requesting a promotion or salary increase:

1. Make your request in writing to your immediate supervisor.
2. Your supervisor has 45 calendar days to give you a response.

...continued on page 8

# President's Message

## Today Janus,

the infamous Supreme Court decision, is a real fact of life. You may remember it rescinds the 40-plus year old law, *Abood v. Detroit Board of Education*. *Abood* says that a union representing a public employee bargaining unit must, by law, represent *all* employees--whether or not they actually join the union -- in all aspects of employment such as pay, benefits, discipline, etc.. Therefore all bargaining unit members must pay dues.

The Janus decision changed this. Now workers may choose not to pay dues if they do not join the union, *but* the union *must still* negotiate and protect everyone, including non-union employees. Such folks then become, in effect, free riders. (Keep in mind that

dues may *not* be used for any political action. That's why we have voluntary VOTE COPE contributions.)

What could happen? Some folks could think that they want to save the 1% dues, and, as a result, the union would collect less money. But the union would still be required to pay for the negotiations process and the continuous costs of protecting everyone in the workplace. Less money would mean a weaker presence at the negotiations table, fewer persons charged with protecting and supporting members, and poorer overall benefits for all of us.

Here's an example: UUP members have the best health benefits in the land. But surely we all know that this is not because New York State really,



really wants us to be happy and therefore rewards us with insurance that keeps our families and us both healthy and solvent.

No. We have these benefits because all of us have fought for them and fight to protect them. Our current benefits would not exist without the effort of all of us.

A union is not organized like a business or even the university itself, which follow a hierarchical pattern-- persons at the top make the big decisions and regularly gain the highest rewards.

A union is an upside down hierarchy. Its power, its voice, is in its voting members. When members are united and speak with conviction, the union wins. And when the union wins, the rewards of success are realized most of all by its members, not its CEOs.

Farmingdale has a long history of union strength and consequent rewards. I am confident we'll keep it that way.

In Solidarity,  
Vicki Janik

## Smoking Policy

By Kathy Devine, Campus EAP Coordinator

Welcome back everyone and to all our new members a special welcome to you. Just want to let you know that a new "Tobacco Use Policy" has been implemented effective this semester. All forms of tobacco use will be restricted to personal vehicles in the parking lots, as well as three designated areas that have clear signage identifying them as a tobacco usage areas. If you have ever wanted to quit, or even thought about it, this would be a perfect time for you to do so.

Winston Churchill said something to the effect "Quitting smoking is easy... I've done it

1000 times." So did I. If you have tried before, try again... don't give up on yourself. You are worth it and you will be healthier, happier and richer! Your employee assistance program (EAP) is here waiting to assist you in any way. Whether it is seeking information, resources, Nicotine Replacement Therapy or motivational support, EAP will be happy to assist you.

Everything that happens in EAP is confidential, and there is no charge for the service. I am located in Memorial Pool room 213 and my extension is 2644. ♦



# 2018 Dependent Care Advantage Accounts New Employer Contribution

The new 2016-2022 Agreement between UUP and the State includes an employer contribution to Dependent Care Advantage Accounts (DCAA) 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 October 3, 2018 paycheck (for employees on the Administrative payroll – the vast majority of our members) or the October 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, OSC will issue a refund of any remaining excess employee deductions with the paychecks of:

- ♦ October 3, 2018 for employees on the Administrative payroll
- ♦ October 11, 2018 for employees on the Institutional payroll

UUP-represented employees who are not enrolled in DCAA 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
- ♦ 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 work schedule (employee or spouse)
- ♦ Change in custody of dependent
- ♦ 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 about their

existing 2018 DCAAccounts should call WageWorks customer service at 1-800-358-7202.

Employees who are interested in learning more about enrolling for the remainder of the 2018 plan year, and the change in status rules, may visit [www.flexspend.ny.gov](http://www.flexspend.ny.gov) or call WageWorks customer service at 1-800-358-7202.

Finally, for employees interested in enrolling in DCAA during the 2019 plan year, the upcoming 2019 open enrollment period will run from October 9, 2018 through November 9, 2018 ♦

**AT**



**CHANGING TIMES**

**TUESDAY**

**October 23<sup>rd</sup>**

**4:00 — 6:00 PM**

**Hot Buffet**  
**& TWO FREE DRINKS**  
**Compliments of**  
**Your UUP Chapter**

Raffle Tickets on sale  
*(winners must be present to win)*

PLEASE RSVP: [uupfdamato@aol.com](mailto:uupfdamato@aol.com)

# Honoring Union Members Who Worked In and Went Up the World Trade Center on 9/11

By Daniel Scott Marrone

On 9/11/2001, two hijacked jetliners, commandeered by terrorists, crashed into the twin towers of the World Trade Center. The approximate 3,000 deaths that day included hundreds of CSEA, FDNY firefighter, and NYPD police officer union members. One of these heroes, who *went up* the WTC was a relative, FDNY Paul G. Ruback of Ladder Company 25. Stationed at West 77 Street in Manhattan, Paul was sent more than six miles downtown to help those trapped in the WTC. He was among 343 firefighters killed that day. Tragically, the number of casualties keeps escalating due to long-term illnesses, especially cancers, attributable to contact with toxic debris and fumes at the site. Following the terrorist attack, many of those assisting at the site were also affected. Dr. Michael G. Guttenberg, an emergency physician assigned to the FDNY, was an after-event victim. For 16 days following the attack, Dr. Guttenberg stayed at the site tending FDNY and NYPD officers digging for survivors and, later, unearthing the dead. The doctor succumbed to pancreatic cancer at age 50 on October 17, 2017. Firefighter Ruback and Dr. Guttenberg were among Empire State's lengthy cadre of noble "first responders".

The state's first "first responders" were called to duty during the American Revolutionary War. In July 1777, a 2,000-strong British-allied invasion force from Canada landed in Fort Oswego for the purpose of killing Mohawk Valley settlers in the newly formed State of New York. Blocking the invaders in August 1777 were our state's "first responders" led by General Nicholas Herkimer, who commanded an 800-citizen soldier battalion. These heroes, honored as members of the original **New York National Guard**, were ambushed at Oriskany Creek on August 6. Outnumbered two and one-half to one, 480 of the battalion members were killed in battle or died soon thereafter including General Herkimer. The invaders also had many casualties. Dispirited, the invaders went, in defeat, back to Canada. The Mohawk Valley settlers were saved from annihilation!

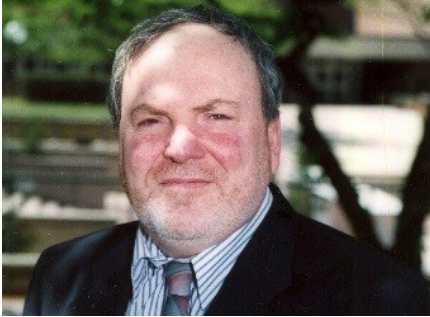
Returning to the "9/11" tragedy, it should be remembered that scores, perhaps hundreds, of Civil Service Employees Association members were killed or injured. For decades, they worked for various New York State agencies that were among the major occupants in the WTC

complex. From August 1984 to June 1987, I taught at Hudson Valley Community College's satellite campus in the WTC. Though I never stepped foot on the main HVCC campus in Troy, NY, I did spend two nights per week for six semesters teaching CSEA members seeking to earn their associates degree by completing night courses. CSEA members are the backbone of the NYS government labor force. They also serve in hundreds of county and municipal government agencies. Above the HVCC administrative desk at the WTC was a sign that read: "CSEA Members: Get Your Associates Degree Here". The HVCC classrooms were actually NYS Department of Social Services offices during the day. As is UUP, the 300,000-plus CSEA employees' union is an AFL-CIO affiliate. The FDNY rescuers that went up the WTC were members of the Uniformed Firefighters Association, IAFF Local 94—also an AFL-CIO affiliate.

True nobility is not inherited. It is **earned** by helping others in need. The above heroes certainly fulfilled this calling. Let us take a moment to honor our CSEA colleagues and the Empire State's "First Responders" of the past, present, and future! ♦

# US Supreme Court Sides With Janus At the Expense of Unionized Government Employees

By Daniel Scott Marrone



In the U.S. Supreme Court *Janus v. AFSCME Council 31* case, Illinois state employee Mark Janus appeared to be the proverbial “David” going against a government employees union (AFSCME) “Giant”. This viewpoint reflects the outcomes of multiple public opinion polls. In many of these polls, there are indications of a strong bias against government workers’ unions. For example, a poll of 800 Americans taken by Public Opinion Strategies (issued June 20, 2018) resulted in 62 percent of respondents agreeing with the statement: “Government workers should be allowed to stop paying union dues if they choose”. Only 33 percent agreed with the statement: “Union fees should be mandatory” (5 percent of respondents had no opinion). On June 27, the U.S. Supreme Court issued a 5 to 4 majority ruling in favor of Mark Janus. The majority opinion held that Janus had his 1<sup>st</sup> Amendment rights violated by being forced to pay “agency fees” to a union (AFSCME), who acted contrary to his political beliefs. The Court’s four-vote minority opinion sided with AFSCME by

citing the 1977 *Abood v. Detroit Board of Education* decision. David Louis Abood (1929-2013) and a group of teachers sought to cease paying union dues. For this reason, they sued the Detroit Board of Education, which collected union dues for the Detroit Federation of Teachers. In 1977, the Supreme Court ruled 9 to 0 against Abood et al. citing the 1956 *Railway Employees’ Department v. Hanson* decision. In this 1956 ruling private sector nonunion railway workers were required to pay “agency fees” to the union to cover the costs of collective bargaining. With these 1956 and 1977 precedents, both nonunion private and public sector employees were required to pay “agency fees” to cover costs incurred by unions undertaking collective bargaining for *all* workers.

The Janus ruling does not affect private sector workers

where there are NLRB-approved unions. In these instances, workers who “opt out” joining unions still have to pay “agency fees” to unions. This is necessary to cover the expenses of collective bargaining and other benefits provided—and hard fought for—by unions. The Janus Supreme Court ruling greatly affects government employee unions. In bolstering Janus’ 1<sup>st</sup> Amendment rights, the Court majority ruling has created an imbalance of expense sharing among employees. The ruling forces employees, who pay union dues, to subsidize benefits to employees who neither pay union dues nor “agency fees”. This is unjust because *unions provide benefits to all employees*. Less funding for unions also means lessened protections for employees’ rights. Take for example the issue of Academic Freedom. Faculty members are increasingly being



## Janus and Unionized Government Employees *continued*

attacked from both the political “left” and “right” for their political views. Who protects educators’ rights of free expression?

This is crucially important as stated by UUP President Frederick Kowal to this writer at the UUP Farmingdale General Meeting on April 19, 2018. Kowal stated: “The lawsuits UUP handles concerning academic freedom have become rampant!” In a February 26, 2018 UUP press release, Kowal wrote: “Janus v. AFSCME is a sham, a thinly veiled plot to

subjugate workers and destroy the unions that fight for fair wages, benefits and dignified retirements for working families”. Immediately following the June 27 Janus ruling, Kowal appeared on the TV program “Capital Tonight”. In response to the TV interviewer asking him of the effects of the Supreme Court decision, Kowal said that government workers’ unions have been greatly harmed. However, on a far more optimistic note, he emphasized that this ruling “will make un-

ions leaner, stronger and more active than ever!” This writer could not agree more.

As a SUNY retiree since 2015, I no longer have to pay union dues, but I continue paying dues based on the principle of protecting human rights. Compare the one percent UUP dues deducted from your paycheck to the *perilous cost of not being protected by UUP*. Your choice cannot be clearer. The Janus ruling shouldn’t stop you from supporting UUP and employee rights! ♦

## Changes to Taylor Law

The passage of the NYS budget included some changes to the Taylor Law to help safeguard unions and their members from the anticipated negative decision that is expected from the Supreme Court in the Janus case. A number of changes (shown below) that include procedures relating to member recruitment; processing of membership applications and diminishing some representation requirements for non-members. Here is a summary of the changes:

- ♦ Requires public employers to provide the names, locations and contact numbers of all new hires and rehires to the employee organization within 30 days of employment.
- ♦ Requires public employers to provide time during work hours within 30 days of the above notification for the employee organization to meet with all new hires, without loss of employee leave time.
- ♦ Codifies that individuals may sign dues authorization cards via means allowed by state technology law, allowing emails and other electronic means to be accepted.
- ♦ Requires employers to begin dues deduction within 30 days of receiving a member’s dues authorization card and requires remittance of the dues to the union within 30 days of making the deduction.
- ♦ Codifies that members who have left service and return within a one-year period will automatically have their membership reinstated and a member who is placed on voluntary or involuntary leave will automatically have membership reinstated upon return to the payroll.
- ♦ Codifies that the withdrawal process from the union may be determined by the dues authorization card.
- ♦ Codifies that the union can offer benefits and services that are above and beyond a negotiated agreement to its members only. To protect due paying members from free-riders, the language codifies that the union’s obligation to represent non-members is limited to the negotiation and enforcement of the contract. The union is not required to represent non-members in various disciplinary processes when the non-member is authorized to get their own representation.
- ♦ Highlights of the entire budget can be found at: <https://nysaflcio.org/2018-2019-final-state-budget> ♦



## FARMINGDALE CHAPTER

### EXECUTIVE BOARD

**Vicki Janik**

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**Lou Scala**

VP Academics

**Harry Espaillat**

VP Professionals

**Susan Conforti**

Treasurer

**Debbie Nilsen**

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**Doug Cody**

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Amit Bandyopadhyay

Doug Cody

Bob Elgart

James Jailer

Daniel Marrone

John Masserwick

Fayez Samuel

Lou Scala

Mike Smiles

Tino Posillico

#### Professional

Solomon Ayo

Darleyne Mayers

Barbara Maertz

Yolanda Segarra

Kristen Malsheimer

#### Committee Chairs:

#### Affirmative Action

Anjana Mebane-Cruz

#### EOC

Casey Bond

#### Grievance: Academic

Amit Bandyopadhyay

#### Grievance: Professional

Solomon Ayo

#### Health & Safety

Robert Elgart

#### Labor/Management

Mike Smiles

#### Library Concerns

Kathryn Machin

#### Membership

Tom Germano

#### Newsletter

Yolanda Segarra

#### Outreach

Darleyne Mayers

#### Active Retirees

Daniel Marrone

#### Webmaster

Harry Espaillat

#### Women's Rights & Concerns

Dolores Ciacio

## Professionals Corner: Promotions *continued*

3. If your request is denied at any level below the college president, you can appeal the denial to the College Review Panel (the College Review Panel is a committee of five to seven members elected at each campus by professional employees in the Bargaining Unit).
4. If you have not received an answer before the 45-day time limit has passed, your request is considered denied and you can appeal to the College Review Panel.
5. If the College Review Panel determines that a promotion or salary increase is warranted, it will forward its recommendation to the college president. You will be informed in writing.
6. You will be informed in writing if the College Review Panel determines the promotion or salary increase is unwarranted.
7. The college president has 90 calendar days to render a decision.
8. If the college president denies the promotion or if you do not receive a response, you can appeal to the University Review Board. (An appeal to the University Review Board is at the level of the Chancellor.)
9. If the University Review Board denies your appeal, you may not reapply for a promotion or salary increase for 18 months, or until your

performance program changes, whichever occurs sooner.

Hopefully, you have received your promotion or salary increase and are preparing for your next one. If not, take the opportunity to ask your immediate supervisor, colleagues and UUP chapter leaders what you might do to get promoted or to receive a salary increase. Above all, don't give up. ♦

## DEFENSIVE DRIVING

Class sponsored by UUPF on

**Saturday, October 27, 2018 from  
9:30—3:30 pm in Gleeson 104**

The cost is \$28 dollars a person.

**Lunch will be provided.**

Please reserve your spot by contacting Debbie Nilsen at [631-420-2462](tel:631-420-2462) or email [nilsendr@farmingdale.edu](mailto:nilsendr@farmingdale.edu) from a non-edu address. A \$3 non-refundable deposit is required to confirm your reservation. The \$3 can be paid in cash, or a check payable to UUPF at the UUPF office, first floor, Ward Hall. On the day of the class, please bring a check or money order (\$25) which will be made payable to the company offering the course.

The deadline for deposits is October 18<sup>th</sup>

## CHAPTER MEMBERS on STATEWIDE COMMITTEES

#### Solomon O. Ayo

Affirmative Action

Grievance

#### Amit Bandyopadhyay

Contingent Employment

#### Douglas S. Cody

Contingent Employment

#### Susan Conforti

Finance

*\* Committee Chair*

#### Harry Espaillat

Technology Issues

Comm of VPs for Professionals

#### Sandy Hustedt

Membership Committee

#### Vicki K. Janik

Comm of Chapter Presidents

Contingent Employment

Women's Rights and Concerns \*

#### Barbara T. Maertz

Active Retired Membership

Finance

Outreach

#### Darleyne E. Mayers

Affirmative Action \*

#### Deborah-Ann R. Nilsen

Membership

#### Louis Scala

Comm of VPs for Academics

The UUPF Newsletter welcomes articles and letters submitted by members of the Farmingdale community. Remember, this is your newsletter. Share your thoughts with us. We want to hear from you. Persons who have material they wish to submit should contact Yolanda Segarra at [youupf@gmail.com](mailto:youupf@gmail.com). *The opinions expressed in this newsletter are those of the contributors and not necessarily those of UUPF.*