

Labor Relations & Union Agreements

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BINGHAMTON
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History

- **Taylor Law (Public Employees' Fair Employment Act)**
- grants public employees the right to organize and to be represented by employee organizations
- requires public employers to negotiate and enter into agreements with public employee organizations regarding their employees' terms and conditions of employment
- establishes impasse procedures for the resolution of collective bargaining disputes
- defines and prohibits improper practices by public employers and public employee organizations
- prohibits strikes by public employees
- establishes a state agency to administer the Law — The Public Employment Relations Board (PERB)

History

- Public Employment Relations Board (PERB)
 - Created with the enactment of the Taylor Law
 - Independent agency
 - Assists with administering the Taylor Law
 - Acts as umpire in disputes arising from the Taylor Law

Unions on Campus

- Civil Service Employees' Association (CSEA)
 - Administrative Services Unit (ASU): Secretarial and Clerical
 - Operational Services Unit (OSU): Maintenance and Trades
 - Institutional Services Unit (ISU): Primarily Lab Animal Care
- Public Employees' Federation (PEF)
 - Majority of PEF represented employees on campus are Nurses
- United University Professions (UUP)
 - Faculty and Professional staff

Unions on Campus

- Police Benevolent Association (PBA)
 - Police Supervisors and Officers
- New York State Correctional Officers and Police Benevolent Association (NYSCOPBA)
 - Dispatchers and Building Guards
- Graduate Student Employees' Union (GSEU)
 - Graduate/Teaching Assistants

Unions on Campus

- M/C (Management/Confidential)
 - President, Provost, Vice Presidents, Deans, Associate Deans, etc. and employees who have confidential payroll, human resources, and employee relations responsibilities
 - This group is not represented by a labor union
 - Serve at the pleasure of the President

Labor Relations: Working in Partnership

- Union contracts are legally binding collective bargaining agreements wherein both parties have a mutual obligation to make it work
- Even when dealing with adversarial topics, the objective is to maintain productive relationships to achieve the University's objectives

Collective Bargaining

- Unions collectively bargain at the state level
- GSEU and UUP only exist in SUNY
- Campus can negotiate local agreements that do not conflict with contract language

What do they bargain for?

- **Mandatory subjects of negotiation**
 - Terms and conditions of employment such as salary and benefits
- **Non-mandatory subjects of negotiation**
 - These usually include issues left to management's discretion based on operating needs such as staffing levels
 - Not required to bargain under PERB guidelines

Local Processes

- Below are the portions of the union contracts that are conducted at the campus level.
 - Labor/Management meetings
 - Contract Grievances
 - Discipline
 - Past Practice/Improper Practice
 - Local agreements with our union such as the shift pick process for custodial staff
 - Performance counseling for supervisors

Grievances/Resolution

- A grievance is a “claimed violation” of a specific contract provision in a union contract
- The definition of a grievance depends upon the contract

Grievance/Resolution

- Process
 - Most grievances are filed initially at the local (campus) level. Once the grievance is filed, a hearing is scheduled where the grievant and their union representative have an opportunity to make their case to a representative in Human Resources.
 - The campus then issues a written Step 1 decision regarding the grievance.

Grievances/Resolution

- If the grievance is denied, in most cases the employee has an opportunity to appeal the grievance to SUNY Central which is the Step 2 level
- If the grievance is denied at the SUNY Central level, the grievant can appeal to the Governor's Office of Employee Relations (GOER)
- Finally, the case can go to arbitration which is an impartial process where the arbitrator decides the case based on testimony and contract language.

Discipline

- Formal discipline handled by Human Resources pursuant to procedures in the union contracts
- The goal is to modify the behavior
- Examples of disciplinary penalties include:
 - Letter of Reprimand
 - Fines
 - Demotion
 - Suspension without pay or dismissal

Discipline

- Once a discipline penalty is issued, the employee may file a grievance objecting to the penalty
- The campus can enter into a settlement agreement locally
- If the case cannot be settled locally, the grievance goes to Step 2 for adjudication which is handled at SUNY
- The proposed disciplinary penalty cannot be implemented if a grievance is filed

Past Practice

- A common practice that has developed around a negotiable item
 - Agreed to by both parties, not necessarily in writing
 - Practiced consistently over a period of time (not an isolated event)
 - Only enforceable if consistent with the contract (i.e. break/rest periods)
- Clear contract language always supersedes practice

Improper Practice

- Defined as a refusal to negotiate mandatory subjects in good faith. For example, if a dress code was instituted for a group of mandated employees without negotiation
- Interference with the right of an employee to organize or engage in union activities could be considered improper practice.
- Altering a past practice without negotiating

Role of Human Resources on Campus

- Human Resources administers all union contracts on behalf of the President
- If you have an out of the ordinary situation or are considering potential changes in your operations that affect employees please call HR for guidance

How to Handle Potential Labor Relations Issues

- Gather the facts and history at the departmental level to provide to Human Resources
- Every situation has its own fact pattern, and answers always “depend” on specific situations

Conclusion

- Labor relations and administering union agreements can be complex.
- Please contact Human Resources at x72187 for guidance