

LOCAL 1796
At
William Paterson University of New Jersey
General and Executive/Local Council Meeting

Date: April 15, 2008
Location: UC 171
Time: 12:30 pm – 1:45 pm

Present: S. Tardi, C. Williams, J. Pinkston, M. Mwaura, E. Matthews, S. Selke, F. Pavese, R. Wolk, G. Pope, D. Frizzell, K. Martus, G. Guerrieri, J. Carter, J. Najarian, S. Wollock, R. Soto, S. Betts, D. Fengya, K. Louie, J. Peterman, A. Montare, K. McNeal, G. Furst, D. Catarina, A. Holpp Scala, J. Matthew, R. Kearney, M. Giorgio, V. Vicari, E. Goldstein, K. H. Kim, D. Van Boerum, R. Cauthen, M. Williams, B. Duffy, L. Emiola, J. Heavey, S. Rienstra, L. Rivela, A. Cheo, B. Mason, I. Nack, E. Phadia.

Items distributed to the Council and General Membership:

- 1) March 27, 2008 General and Executive/Local Council Meeting Minutes

- 1. Call to Order**

The meeting was called to order at 12:36 pm.

- 2. Adoption of the Agenda**

A motion to adopt the agenda was made by R. Wolk, seconded by A. Montare. Approved unanimously. Tardi requested to modify the agenda by moving the NL Issue to #5. **A motion to accept the agenda as modified was made by R. Wolk and seconded by S. Wollock.**

- 3. Approval of Minutes of the March 27, 2008 General Membership and Executive/Local Council Meeting. A motion to accept the minutes was made by K. Martus and seconded by B. Duffy. Approved unanimously.**

- 4. Executive Board Elections**

D. Fengya read the slate of nominees for the 2008-2010 Executive Board: (President, Susanna Tardi; Vice President for Negotiations, Gina Guerrieri, Vice President for Grievances, Chriss Williams; Professional Staff Representative, Shari Selke; Adjunct Faculty Representative, Frank Pavese; Librarian Faculty Representative, Robert Wolk; Treasurer, Ed Matthews; and Recording Secretary, Janelle Pinkston). Fengya reported that no additional nominations had been received. The Recording Secretary cast a single vote and the nominees were elected.

- 5. NL issue**

Selke reported on a failure to reach agreement with the administration regarding the NL issue for Professional Staff. Selke said that the new contract states if a local agreement regarding the matter cannot be reached, a year-long study of the hours worked by

Professional Staff members would be conducted beginning in November, 2008. Tardi noted that negotiations seemed to be progressing so the November deadline was set aside; however, once the President's cabinet became more heavily involved in the negotiations process it came to a standstill. Tardi and Williams met with President Speert, John Polding, and Marc Schaeffer. At that negotiation meeting, President Speert refused to negotiate an across the board, equitable NL agreement, noting that he did not want the Professional Staff to "punch a clock." He stated that if the Union pursued this issue, in four years he would force faculty members to punch a time clock. Tardi responded by saying that faculty members have nothing to do with this issue and that the process recommended by the Union did not involve punching a clock. The President was only willing to agree to permit the staff of one department (Financial Aid), to record the number of hours worked beyond the 35 hour work week. Tardi said that President Speert further stated that there are no problems in any other departments regarding compensatory or flex time. Tardi noted that at the table during State negotiations, the State consistently requested proof that there were abuses and she said there is no way to prove abuse without the documentation of time. Tardi further clarified that if there was no abuse in other departments, the documentation of additional hours worked beyond 35 hours would present no threat to the administration. Tardi explained that the term "NL" was misinterpreted by some administrators as meaning "no limit."

A member asked why the administration is so reluctant to create a process to track the hours. Tardi responded that President Speert has taken an "if it's not broken, don't fix it" attitude toward the issue. Tardi added that we don't know if it's not broken. She said the Union is aware of complaints of abuses from two departments, and in one of those, the abuses have been clearly acknowledged by the administration. Tardi stated that the negotiations meeting ended with her stating that she would bring this issue back to the Professional Staff. She told the President that it is up to the Professional Staff to decide whether or not to accept his "agreement" which is not equitable, or to implement the study in the master contract. A member suggested that the Union work out a model for the particular department in question which would then become the model for every group. The member suggested that this would either cause the supervisors to fall in line and abide by what they see, or the model would be discussed with each department as necessary. Tardi said that the Union already has the model but members must be willing to tell the Union when problems exist. Tardi said she believes the Professional Staff should decide this issue since it is not a faculty or librarian issue. Tardi further stated that the faculty and librarians should support the Professional Staff in their decision.

Tardi presented two options: 1) the Union can back off and deal with problems as they arise, or 2) Professional Staff members can vote to engage in the self study in the contract. Tardi noted that in the past, Union Leadership has requested that the administration provide supervisor training and evaluation, and to date this has not appropriately occurred. She said the administration questioned various supervisors to determine if there are problems in their departments and they said no problems exist. Tardi noted that no one can prove there is a problem unless it is documented. Tardi stated that at one point during the negotiations meeting, the President stated that Professional Staff are 24/7. Since the meeting, another key administrator referred to the Professional

Staff as 24/7. Discussion ensued ending with a comment by a member that Professional Staff members are needed on this campus and she strongly urged that everyone support them.

Ed Matthews made a motion to schedule a meeting of the Professional Staff as soon as possible to discuss and vote on this matter. A. Montare seconded the motion and it was approved unanimously.

6. Senate Administrative Evaluations

Tardi explained that she wants the Union Membership to understand that the Senate Administrative Evaluations were stopped due to issues with anonymity and questions about the quality of the results given the process that was established. Tardi stated that the previous evaluations were being conducted through Zoomerang which provided links to the URLs for the survey. Anyone who clicked on the link from their William Paterson email account was using the William Paterson server, therefore, their responses were not guaranteed to be anonymous. Williams agreed, stating that a person must assume that anything sent through the William Paterson system is public and can be retrieved later, and can even be monitored when it is on a computer screen. Tardi stressed that the difference between confidentiality and anonymity, stating that anonymity means the respondent cannot be identified while confidentiality means the identity of the respondent is known, but the information remains private. Tardi said that the evaluations are extremely important and people in her department were stating that they would not complete them because they were concerned about these issues.

Tardi stated that she researched the matter and discovered two problems: 1) If the person responding clicked on the URL to the survey from their William Paterson email, it was going through the William Paterson server and therefore was not anonymous; and 2) the URL could be forwarded to different computers and theoretically people could vote several times. Tardi stressed that she is not accusing anyone of anything, but the potential for wrongdoing existed, and this made her question how much credence would be lent to the results if there was a possibility that the evaluations could be completed multiple times. She said the Senate is now going to use an outside company called Campus-Vote to conduct the evaluations, and it appears the issue has been resolved as long as everyone reads and follows the directions prior to completing the evaluations. With the new system, each URL will have a unique identifier and the Senate committee will be given summary information that cannot be traced. Tardi requested that the representative from Campus-Vote provide an assurance of anonymity statement and the representative agreed to do so. Tardi noted that the Senate Executive Board will have the responsibility of following up on this issue.

A member stated that she has a Zoomerang account and she disagrees with Tardi's statement about Zoomerang not being anonymous. Tardi noted that she contacted a representative from Zoomerang and had a lengthy discussion with that person as well as an AFT attorney. Tardi clarified that it is not Zoomerang itself that is the problem, but rather the problem occurs when a person is accessing Zoomerang from a URL on the University server. If it is accessed from a person's personal browser at home, there is no

problem. A member questioned if this is illegal and if so, isn't it too late? Tardi responded that she brought up the entire matter numerous times at the Senate and clarified that the administration evaluation committee was charged to modify and improve the measuring instrument (the evaluation). Tardi said she questioned whether the online evaluations would be anonymous. The recommendation to administer the evaluations online was a Senate Executive Board decision. A member asked if the administration has the right to read personal email. Tardi responded that they have the legal right to read email because they own the server, and although it seems like a violation, the University has an internal policy regarding this matter. A member questioned if someone on campus has had this happen. Tardi stated that a member was on a website and someone called him and told him they could see exactly what he was working on at that time. A member asked what happens to the evaluations that were already completed. Tardi responded that they must be repeated because the Senate will wipe out all the surveys and start over with Campus-Vote. A member stated that as a point of general information, he knows of a person who was fired that engaged in a confidential conversation with his attorney over email, and a federal judge ruled that the company had the right to that information. Another member stated that issues like this come up over and over again and the company wins every time. Another member commented that although paper ballots can also be traced, there was never a complaint about the paper ballot that was used here. The member asked why we don't return to the paper ballot system. Another member stated that the problem with paper is the number of hours it takes to tally up the results, and it's very tedious work, especially if only 2 or 3 people are doing it. Tardi noted that the quality of the results was a more important issue than the amount of work it took to tally the results. Another member pointed out that personal email on your hard drive at home is yours because you own it and that email on your hard drive at the University belongs to the University since they own it.

7. Grievances Update

Williams gave an update on the faculty member who is being assisted with funding for his legal expenses. The faculty member has received a letter from President Speert stating that he intends to dismiss him. Williams is currently soliciting the Council and National AFT for additional funds to assist with legal expenses. He will report back about this matter at the next meeting.

There are problems with the Professional Staff evaluation process, specifically regarding the violation of the contract requirement for "de novo" review by the next level supervisor. Williams explained that this term means the folder should be reviewed "with fresh eyes," and in two cases, discussion with the next level supervisor occurred before the Professional Staff member had the opportunity to respond to the official file. Union Leadership is working on new language that will prohibit that from occurring.

Williams stated that the Union filed a grievance regarding this year's Sabbatical Leave. Tardi said there should have been a pool for the one semester sabbatical applicants and a separate pool for individuals applying for a full year sabbatical. Since no clear guidelines were in place, the Committee awarded only half year leaves. A member asked if this means that people who applied for one year were not awarded. Williams said, of those

who were awarded, some were awarded only half year leaves. Another member questioned if this has happened in the past. Tardi stated that this was the first year the Union negotiated at the table for a ½ year at full salary and full year at ¾ salary. This means that the pool of applicants increased, particularly the pool of one year applicants. She noted that ART issues also complicated this matter. Tardi said she was one of the applicants and was willing to remove her name from the pool. She noted that the Executive Board and the President said it was not necessary for her to do so. Tardi stated that Gazzillo Diaz, Williams, and the administration are currently looking into this matter. A member asked if the Union and the administration are going to negotiate specific numbers in the future. Tardi responded that the policy will be changed, and before it is finalized it will be brought before the Membership. Tardi noted that during contract negotiations, an “X” range was on the table and the Union gave that up in part to be able to get the full pay for one semester and ¾ pay for the one year sabbatical leaves. She noted that it is a delicate situation because the Union is not looking to take anything away from those who have been awarded. A member stated that faculty members apply for both ART and Sabbatical leaves because they don’t know what they will be awarded and asked if this can be viewed negatively. Tardi responded that a faculty member can apply for both, but it is unethical to expect that both will be awarded if the project and/or timeline are not significantly different. A member asked if the committees operate independently of each other and are not aware of what the other is considering. Tardi responded that the policy needs to be clarified to prevent “double dipping.”

The Librarian Range Adjustment Agreement has been reached and is awaiting signatures. Tardi said that negotiations went well.

The Adjunct Faculty membership is close to 50%. Tardi asked the department representatives to continue spreading the word about the importance of Union membership.

8. Adjournment

A motion to adjourn was made by A. Montare, and seconded by A. Cheo. The motion was approved unanimously. The meeting adjourned at 1:43 pm.

Respectfully submitted,

Jan Pinkston,
Recording Secretary