Labor-Management Council Minutes

Meeting Date: May 3, 2016

Cochran Room, Kilcawley Center

**In Attendance:** Dr. Martin Abraham, Provost and Vice President, Academic Affairs and Council Co-Chair; Allan Boggs, Director, Labor Relations; Dr. Annette Burden, Council Co-Chair (President, YSU-OEA); Ms. Connie Frisby, President of ACE; Gabriella Gessler, Student Government Vice President; Sgt. Dennis Godoy, YSU-PD; Tyler Miller-Gordon, Student Government President; Attorney Holly Jacobs, Vice President and General Counsel; Jaccie Johnson, Vice President of APAS; Neal McNally, Vice President, Finance and Business Operations; AJ Sumell, Vice President, YSU-OEA; Lt. Shawn Varso, YSU-PD; Edward Villone, President of APAS; and Brittany Bowyer, Office of VP for Finance and Administration.

**Check-In Updates:**

**Introductions** – We had some new faces at the council meeting, so introductions were made around the table. The new members included Sgt. Dennis Godoy, YSU-PD; Tyler Miller Gordon, Student Government President; and Lt. Shawn Varso, YSU-PD.

**Meeting Topics:**

**Bookstore Update** –Ms. Frisby wanted to know if a contract had been signed yet between YSU and Barnes & Noble College. Mr. McNally replied saying a contract had not been signed yet, since the terms are still being negotiated, but hopes to have a finalized contract by the end of this week or next. Ms. Frisby also wanted to know if the transition start date of May 23 was still being used. Mr. McNally responded to say the start of the contract would most likely be June or July 2016, but that some transitioning had already begun. He said the bookstore would keep operating for summer semester and hopes for a smooth transition at the start of fall semester. He also said a sale was going on now at the bookstore and certain items are marked down 75%.

Ms. Frisby mentioned job applications were already available online for bookstore positions and is open to all applicants. She wanted to know if any of the current bookstore staff would be able to fill other jobs on campus, like employees from the Metro College did. Mr. McNally said no, but contract language and an understanding with B&N is, if current employees apply for jobs they will be looked at and considered for the job first. Mr. Boggs added that YSU would meet any contractual obligations for current employees and there could be a possibility for those employees to be recalled at a later date.

**FLAS Regulations** – Mr. Villone brought up for discussion the Department of Labor changes to the FLSA regulations, and specifically wanted to know the effects these changes would have on the collective bargaining unit of salaried administrative/professional employees, and whether the implementation of this proposal would cause APAS to lose members earning under the $50,440. Mr. Boggs answered by saying there wasn’t much to discuss regarding the changes, until the new regulations are mandated. He said the $23,660 mark hadn’t been changed in years and the $50,440 mark would be a disruptive change. He mentioned concerns were brought forth regarding employees in higher education that weren’t thought of before and about 130 positions on campus would fall under this new regulation and possibly would not accrue very much overtime. He noted that someone mentioned they should just increase an employee’s salary. However, the problem with that is there are 24 professional classifications and increasing salary and benefits would be very costly and a bad idea. He thought it would be better to just pay those employees overtime pay for working over 40 hours a week. Mr. Boggs said adjustments would be made for earning overtime and another issue is the Means Test, which evaluates the classification of a supervisor to be someone that supervises others for at least 50% of their job, but is not a manager. Atty. Jacobs stated that various dates were announced for implementation to begin, such as July and December 2015 and March 2016, but those have all passed. Now they just wait to see what happens in the coming months.

Ms. Johnson asked about using comp-time for APAS members. Mr. Boggs felt that comp-time over 40 hours for exempt employees would be bad. He went on to say those members could be classified as hourly employees and could lose their exemption. She then asked about flex-time, but felt that some supervisors frowned upon using it. Mr. Boggs said he would prefer people use flex-time and that another issue is leaves for APAS. He gave an example, stating that in some departments, a supervisor will allow an employee to flex their time if they work over 40 hours and have, for example a doctor’s appointment. Instead of using sick leave, they could use their “flex-time”. While in other departments, this is not the process. He indicated Banner could recognize something similar to this example, but wouldn’t be exactly the same. Ms. Johnson stated that although she needs money, as it relates to the possibility of getting over-tine pay, more time would be better to have. Mr. Boggs believes this is the same feeling across the board for all. Atty. Jacobs thought maybe better management was needed and pre-approval given before working over 40 hours a week, when in an overtime accrual situation.

**Non-Renewal of Chief Beshara and sudden replacement** – Dr. Burden asked if there was any information regarding to Chief Beshara no longer working on campus, so she can properly inform any faculty who questioned her with correct information. Atty. Jacobs said the non-renewal for exempt employees is common practice and no reason is needed, as long as a written notice of non-renewal is given 60 days prior to the appointment ending. She stated an investigation was currently taking place, so no further information could be given at this time. Also, she mentioned Lt. Shawn Varso would be acting Chief of Police and that a new chief would be hired at some point. Lt. Varso said operations have and will continue to run normally. Dr. Burden was thankful for the information and said she would share this information with any faculty who asked her for more information Dr. Burden also told the Lt that her unit would continue to support the YSU police.

Ms. Johnson was curious about the jurisdiction lines for YSU-PD and Youngstown PD. Lt. Varso said primary jurisdiction for YSU-PD is anything owned by YSU. Ms. Johnson gave an example, that if someone’s purse was stolen off campus, who would work the case. Lt. Varso said it would be primary jurisdiction for YPD if not on university owned property, but if YSU-PD can respond first to the crime. They will work to secure the needed information and the area for YPD until they can arrive and take over. He said there is a Mutual Aid agreement between YSU-PD and YPD, so they do work together to patrol the surrounding areas as needed.

**Announcements:**

**Human Resources –** Mr. Boggs mentioned that HR staff has been completely relocated now to the third floor of Tod Hall. Atty. Jacobs also stated that Mr. Boggs would be acting Chief HR Officer while Mr. Reynolds is on sick leave.

**SGA Announcements –** Ms. Gessler informed the council that the student food pantry has been successfully open for almost two weeks for two hours a day. She thanked APAS for their food donations and also said the pantry would not be open during summer semester. Any donated food that will soon expire would be donated to St. John’s Church and food collection would resume before the start of fall semester.

**Benefits Eligibility** – Dr. Burden wanted to bring up briefly that a soon to be faculty retiree was having issues with their healthcare benefits upon retirement, and she felt that others might have the same issue and asked if any information could be shared. Mr. Boggs recalled the faculty member and said all was good now. The problem arose when the faculty member listed their date of retirement to be the end of term, meaning the end of the semester instead of an actual date. He mentioned a letter was sent out in April to those retiring regarding their eligibility for healthcare through the university. He also stated, if anyone had problems or questions that they should contact him.

**Governance Documents** – Dr. Burden said there was still a problem with the department governance documents. She said deans who had problems with the documents were not meeting with the departments by the April 1 deadline and were requiring changes to be made after the deadline was missed. She said per a grievance disposition, if the deadline was missed, then the old document was to be used for the next year. Dr. Abraham said they would address this privately. Dr. Burden said that discussing the issue privately was fine but that she needed it on record that it was brought up.

**Adjournment:**

The meeting adjourned at 9:36 a.m.

**Next Labor Management Council Meeting: Tuesday, July 5, 2016, 9:00 a.m.**

**Kilcawley Center, Cochran Room, 2020**

**Labor Management Council**

**2016 Meeting Schedule**

Updated 11/04/15

~~Tuesday, January 5~~ ~~9-11am KC, Cochran Room~~

~~Tuesday, March 1 9-11am KC, Cochran Room~~

~~Tuesday, May 3 9-11am KC, Cochran Room~~

Tuesday, July 5 9-11am KC, Cochran Room

Tuesday, September 6 9-11am TBA

Tuesday, November 1 9-11am TBA

Respectfully submitted,

Brittany Bowyer, Recorder