

UUP InSight

Newsletter of the
Stony Brook Chapter of
United University
Professions
September 1991
Issue #1

WELCOME!

To those of you who spent the summer away from campus, welcome back.

It has not been a carefree summer at Stony Brook. We waited for a state budget for months past the constitutionally required April 1 date, continually lobbying our legislators on SUNY's behalf. We continued negotiating for a contract to replace the one that expired on June 30 (and we continue to do so; see Negotiations Update, below).

We also listened to rumors about how the next round of budget cuts would impact on Stony Brook. In early June we published a special issue of InSight on the retrenchments that took place as the spring semester began. Unfortunately, just before this semester began, a second round of retrenchments took place, and so a second special InSight issue is being prepared. Please watch for this important information.

AFT Opposes Thomas Confirmation

The American Federation of Teachers announced on August 22 that the union's executive council voted to oppose Senate confirmation of Clarence Thomas to the U.S. Supreme Court. The AFT executive council discussed the issue of Thomas's nomination during its July meeting in Washington, however the vote on a position was conducted later by mail ballot of the AFT vice presidents.

AFT by this action allies itself with the AFL-CIO and the NAACP which decided earlier in August to oppose Judge Thomas's confirmation to the high court.

UUP President and AFT Vice President Tim Reilly voted to oppose the confirmation and spoke to that effect at the council meeting in Washington.

Minutes Available on All-In-1

All minutes of meetings of the chapter executive board are now available on the UUP Bulletin Board (type BB UUP on All-In-1). Your comments and questions, addressed to JSTEINS, are welcome.

New Faculty Development Awards

Round III recipients of New Faculty Development Awards granted by the NYS/UUP Professional Development and Quality of Working Life Committee have been announced. The total of their awards comes to \$7,250.

Congratulations to Ikhwan Choe (Comparative Literature), Marci Lobel (Psychology), June Kasuga Miller (Center for

Science, Mathematics and Technology Education), Steven G. Morgan (Marine Sciences Research Center), John B. Parise (Earth & Space Sciences), Darko Skorin-Kapov (Harriman School), Jane C. Sugerman, James S. Trimmer (Biochemistry & Cellular Biology), Kay Walking Stick (Art), Joanna Radwanska Williams (Germanic & Slavic Languages).

Financial Disclosure Update

Questions arose over the summer from a booklet entitled "New York Ethics: A Guide to the Ethics Law," which appeared in our mailboxes somewhat mysteriously. Published by the New York State Ethics Commission, its claimed purpose is to serve as our "personal guide to the laws governing ethical behaviour for State officers and employees."

In the chapter on financial disclosure, under the heading, Who Must Disclose, it reads that state employees who are not policy-makers are exempt from filing if they earn less than the job rate of SG-24...in the year in which the statement must be filed." That salary was \$53,171 in 1990.

Based on this information, a number of people who were exempt from filing in 1989 worried that they may no longer be exempt because of salary increases. Please be assured that if your title was exempt before, you continue to be exempt from filing financial disclosure forms whether or not your salary is now above the threshold.

Parking Issues on the Front Burner

1. Registration fee

Our grievance over the 100% increase in registration fees (up from \$2.50 to \$5.00 as of 1990) is still pending. Our contract allows the university to recover the "modest costs associated with implementing and maintaining a system for registering those motor vehicles operated on campus," and we believe we are being overcharged.

So far the university has refused to provide all the information we have requested to substantiate the \$5.00 fee.

2. Another registration process for garage parkers

Our grievance over the new requirement that garage parkers also register for \$5.00 per year (filed by the HSC chapter) has just been denied at Step I, and will be brought to Step II as soon as possible. We continue to maintain that these people are already meeting the requirement to register their vehicles on campus when they purchase their garage passes.

In the meanwhile, garage parkers should not pay the \$5.00 fee. We have been assured that you will not be ticketed as of now.

3. The parking fee issue raises its ugly head again

Despite the fact that the Stony Brook Council voted down parking fees two years ago, we were recently informed via an "Update on Parking" brochure produced by the Department of Parking and Transportation Services, that the only way to make up the difference between their \$2,800,000 in revenues and their \$5,700,000 in operating and maintenance costs (minus a \$685,000 university subsidy), is to SEEK HIGHER FEES.

Be assured that we will continue to fight the imposition of any more fees for the privilege of hunting for a parking space. The remedy to the challenge of providing essential parking spaces for 3,500 faculty and staff per day is additional surface lots and increased enforcement of existing restrictions. It is more than obvious that as the university expands, as it will continue to do, so must free parking spaces be expanded. No, President Marburger, it will not be necessary to take down every tree on campus to increase parking sufficiently, just some of them.

Negotiations Update

The Negotiations Team resumed talks with the state on Thursday, September 12, after taking most of the summer off. Despite the lack of a contract since July 1, certain 1988-91 contract provisions - specifically pay scales, health benefits and all protections - continue in full effect (this is mandated by the 1982 Triborough Bill).

Other contract provisions such as discretionary and across-the-board salary increases and the funding of joint labor/management committee programs require specific funding bills by the Legislature. These are all on hold pending a new, ratified Agreement.

It seems very clear that while it is in the interest of the state not to settle in order to save money, so it is also in the interest of UUP not to settle in order to prevent give backs at this time.

Meanwhile, UUP is exempt from going to Legislative Hearing under the Taylor Law if a tentative agreement can't be reached after impasse, mediation, and fact-finding have failed. Without the exemption, UUP's contract would have been hashed out in the Legislature - a perfect way for the Governor to shift the burden of negotiations to local lawmakers and away from the collective bargaining table.

Lump Sum Withholding (The "Not-a-Lag")

It is hoped you've read in the news that the New York State Court Employees won a round in their fight against the lag imposed upon them when the 2nd U.S. Circuit of Appeals ruled that the state legislature violated the U.S. Constitution when it unilaterally withheld a week's salary from these 7,000 state employees.

On a state's own contracts, the Circuit Judges' decision reads, in part: "A governmental entity can always find a use for extra money, especially when taxes do not have to be raised. If a state could reduce its financial obligations whenever it wanted to spend money for what is regarded as an important public purpose, the Contract Clause would provide no protection at all" (citing United States Trust Co., 431 U.S.).

That citation appears in the crucial discussion of the U.S. Constitution's declaration that "No state shall...pass any... Law impairing the obligation of contracts." Actually, we are informed, some impairments may be allowable, but they cannot be "substantial," and they must serve as a "reasonable" means to a "legitimate public purpose." The State argued in this lump sum/Not-a-Lag case that taking money from employees did not do substantial harm and was for a legitimate public purpose.

While we hope that the success of the court employees presages success for UUP's challenge to the lump sum/Not-Lag, we have learned that whereas the Chief Administrator of the Court System, who is one of the defendants in their case, has announced he will not appeal the decision, the others, namely the Comptroller and the Attorney General, have said they do plan to appeal.

Insight is published during the academic year by the Stony Brook Chapter of the United University Professions. Items for inclusion should be sent to the UUP office.

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UUP Office

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UUP Chapter Office • Old Chemistry 104 • 632-6570
 open daily 9 am - 1 pm
 The Stony Brook Chapter Executive Board meets on alternate Tuesdays at 11:30 am. All Executive Board meetings are open to the membership. Please feel free to attend.