

United University Professions

**Task Force
on
Contingent Employees**

**Executive
Summary**



February 4, 2010

The full Task Force on Contingent Employees Report provides both general and specific rationales for the following recommendations.

The recommendations are numbered consecutively, across chapters, as they are in the Report. The first set, numbered 1 through 5, concern the representation of contingent employees within UUP. The second set, numbered 6 through 10, concern the terms and conditions of their employment. The third set, numbered 11 through 15, concern further research.

Taken together, the three sets of recommendations describe a complete and ongoing program to achieve equity for contingent employees. For this reason, the Task Force urges that they be accepted and implemented as a whole. The very scope of this program is a motive for adopting it, engaging the resources and summoning the energies of the full membership. As the three chapters of the report indicate, transformation is necessary across three fronts, and each set of recommendations assumes the expertise of a distinct and broadly representative working group:

- Numbers 1 – 5, involving amendments to the UUP Constitution and to each chapter’s bylaws, require the skills of UUP’s legal staff and parliamentarian and each chapter’s Executive Board.
- Numbers 6 – 10, involving negotiations with the State of New York, the SUNY Board of Trustees, and campus administrations, require the skills of the UUP President, the Executive Board, the Negotiating Team, the chapter presidents and vice presidents, the labor relations staff, and all other officers.
- Numbers 11-15, involving new data and paradigms of data collection, require the skills of the UUP Research Department and the Membership Director

CHAPTER ONE: REPRESENTATION OF CONTINGENT EMPLOYEES WITHIN UUP

Preamble

Contingent employees are full members of the bargaining unit, and those who join UUP are full members of the union. Nonetheless, the structures of UUP no longer reflect the actual configurations of the workforce. Since 1973, UUP has represented two categories of employee, academic and professional. Contingent employees are included in one or the other category, without further distinction and as though management identified them chiefly in these ways. However, as UUP knows from long experience, the terms and conditions of contingent employment are categorically different from the terms and conditions extended to tenured and tenure-eligible employees.

Accordingly, contingent employees, who compose nearly a third of the bargaining unit, are entitled to proportional representation in chapter and statewide leadership. Every member in good standing would be eligible to hold any officer’s position in this third category of representation. The new Vice Presidents would have as their primary duties

the analysis of the problems and concerns of contingent employees. The new delegates would not be constitutionally restricted in their duties, any more than current delegates are by their academic or professional category. For the purposes of representation generally, the new officers and delegates would be counted as current officers and delegates are, according to their academic or professional category.

These provisions are designed to integrate UUP and promote solidarity by granting the problems and concerns of contingent employees the same level of representation that UUP has traditionally granted the problems and concerns of academic and professional employees who are tenure-eligible or tenured.

RECOMMENDATION 1:

- a. that contingent employees be described under two categories of employment, as both contingent employees and as academic or professional employees;
- b. that the office of the chapter Part-time Concerns Representative be renamed the office of the chapter Vice President for Contingents;
- c. that the election of the chapter Vice President for Contingents be conducted according to the current procedures for electing the Part-time Concerns Representative, such that contingent employees who are UUP members be entitled to vote for the chapter Vice President for Contingents and also for the chapter Vice President in their other category of employment, either academic or professional; and
- d. that the chapter Vice President for Contingents be accorded the same degree of authority and a corresponding set of responsibilities as the other two chapter Vice Presidents, including the position of fourth delegate on the chapter's Executive Board and at the Delegate Assembly (provided that the chapter's population warrants four seats); chairing the chapter's Contingent Employees Committee; and serving on the statewide committee described in Recommendation 3.

RECOMMENDATION 2:

- a. that the number of delegate seats allotted to each chapter be increased and that the additional seats be reserved for contingent employees, either academic or professional, according to the percentage of contingent employees in each such category who are UUP members in the chapter;
- b. that the contingent employees who are elected to the delegate seats reserved for contingent employees be counted without prejudice as academic or professional delegates, according to their categories of employment; and
- c. that contingent employees who are UUP members retain their rights under the UUP Constitution to elect the full roster of delegates within the academic or the professional categories.

RECOMMENDATION 3:

- a. that the statewide Part-Time Concerns Committee be renamed the Contingent Employees Committee;
- b. that after the forthcoming chapter elections, each chapter Vice President for Contingents be appointed to serve on the statewide Contingent Employees Committee at the discretion of the statewide Executive Board;
- c. that contingent employees be given priority consideration in the event that the statewide Executive Board sees fit to appoint additional members to the Contingent Employees Committee; and
- d. that the statewide Executive Board allow the Contingent Employees Committee to apportion its work among three subcommittees when the agenda warrants: the Part-time Professionals Subcommittee, the Part-time Academics Subcommittee, and the Full-time Contingents Subcommittee.

RECOMMENDATION 4:

- a. that UUP establish a new statewide office, the Vice President for Contingent Employees, to be elected by all the voting delegates during the Delegate Assembly at which statewide officers and board members are elected and to perform such duties as i) serving as Chair of the Contingent Employees Committee; ii) serving as a liaison to contingent employees statewide, including consulting with members of the Contingent Employees Committee between Executive Board meetings and reporting to them after Executive Board meetings; iii) representing the interests of contingent employees at regional and national conferences; and iv) performing such other duties as are assigned to him/her by the Delegate Assembly, the President, the Executive Board, or the Contingent Employees Committee; and
- b. that UUP establish additional seats on the statewide Executive Board, no fewer than one for a contingent employee on a part-time appointment and no fewer than one for a contingent employee on a full-time appointment, to represent the contingent workforce under these aspects of their employment, to be elected from among the contingent employees who are UUP members and by all the voting delegates during the Delegate Assembly at which statewide officers and board members are elected, in keeping with similar restrictions, by institutional type and geographic area, in the UUP Constitution.

RECOMMENDATION 5:

that the President make every effort to appoint an equitable number of contingent employees to all standing committees and working groups, including no fewer than three contingent employees on the Negotiations Team.

**CHAPTER TWO:
TERMS AND CONDITIONS OF EMPLOYMENT FOR CONTINGENT
EMPLOYEES ACROSS SUNY**

Preamble

It is time for UUP to adopt a formal policy concerning contingent labor that will guide UUP's forward trajectory, including its upcoming contract negotiations. In keeping with its fiduciary responsibility to bargain collectively for all its members and fee-payers, UUP should prioritize efforts to achieve equity for contingent employees in terms of better salaries, progressively longer terms of appointment, and regular opportunities for professional development and advancement.

RECOMMENDATION 6:

- a. that UUP work to establish progressively longer terms of appointment as contingent employees move from temporary to term appointments and at the renewal of every subsequent appointment, as follows:
 - when an employee has served four semesters, consecutively or otherwise, on temporary appointments, the next appointment shall be a term appointment for no less than one year at the same or higher time-base;
 - when an employee has served a one-year term appointment, the next appointment shall be a two-year term appointment at the same or higher time-base;
 - when an employee has served a two-year term appointment, the next appointment shall be a three-year term appointment at the same or higher time-base;
 - when an employee has served a three-year term appointment, subsequent appointments shall be at the same or higher time-base for the maximum number of years allowed by the Board of Trustees Policies; and
 - as long as there is work available for which the employee is qualified, roll-over appointments after the initial three-year appointment shall be automatic, except in cases of documented unsatisfactory performance;
- b. that UUP work to extend the maximum length of term appointments allowed by the Board of Trustees Policies to five years, without regard to job title; and to require that newly created part- or full-time positions always be tenure-eligible positions, with criteria appropriate to the job descriptions;
- c. that UUP work to establish a process for granting full employment to part-time contingents who seek full-time positions in their departments or programs whenever new or additional work they are qualified to perform becomes available, in lieu of the current practice of creating more part-time positions; and that the new or additional work be assigned to them in the order of seniority;
- d. that, in particular, UUP work to reserve full-time lectureships exclusively for part-time academics currently employed, who shall be eligible on the basis of seniority

when new or additional work they are qualified to perform becomes available;

- e. that UUP work to provide any professional employee, part-time or full-time, who applies for a change of title in order to be eligible for permanent appointment with the right to consider his/her current appointment as probationary and to compute his/her years of service accordingly; and
- f. that UUP work to provide any contingent employee of qualified academic rank, either part-time or full-time, with the opportunity to apply at his/her discretion for a change of rank and job title – for instance, from “lecturer” to “instructor” – in order to be eligible for continuing appointment.

RECOMMENDATION 7:

- a. that to support the system of advancement described in the preceding recommendations, UUP work to ensure for all contingent employees i) regular and consequential evaluations that include assessment by peers and ii) equitable opportunities for professional development; and
- b. that UUP work to ensure priority consideration for long-serving contingent employees who apply for positions which entail continuing or permanent appointments.

RECOMMENDATION 8:

that UUP achieve a measure of salary equity by negotiating a statewide minimum salary for part-time academics, pro-rated on the basis of the minimum salary for full-time lecturers as stipulated in the current Agreement.

RECOMMENDATION 9:

that UUP encourage its members and fee-payers to support the efforts of contingent employees who seek a significant role in faculty governance, including faculty senates and section, department and college committees.

RECOMMENDATION 10:

that UUP develop a Policy Statement on Contingent Employees before the next contract negotiations, drawing upon this report and also upon data collected in response to the recommendations for further research.

CHAPTER THREE: FURTHER RESEARCH

Preamble

A complete description of the contingent workforce is essential for negotiating effectively on its behalf. At present, such data are famously hard to come by, despite the best efforts of UUP leaders in the chapters and statewide. New York State provides UUP with incomplete and inconsistent data, under arbitrary and often incoherent rubrics; and campus administrations, even those with offices of institutional research, are largely unresponsive. The Task Force tried and failed for nine months to develop types of significant data that do not appear in its Report, and the following recommendations are based on that experience.

RECOMMENDATION 11:

that UUP determine the current number of delegates who are contingent employees, both in absolute terms and as a percentage of the total number of delegates, and that it publish this information prominently for the full bargaining-unit to consider.

RECOMMENDATION 12:

a) that UUP use every available mechanism, including the next Negotiations Survey,

- to determine at least approximately the teaching load carried by contingent employees at each campus and across SUNY: both the number of student credit-hours delivered and the percentage of total credit-hours; and
- to determine as precisely as possible how many of its members and fee-payers are currently working in part-time positions at more than one institution, firm, or business and how many would prefer to have a full-time position on a single SUNY campus; and

b) that UUP take a census of all contingent employees, including their year of original appointment, in order to establish patterns of longevity and also interruptions of service, both voluntary and involuntary.

RECOMMENDATION 13:

that UUP identify those campuses which have established policies and procedures for contingent employees to advance in rank and that it determine the number of such employees, part-time and/or full-time, who have actually been promoted in the past ten years.

RECOMMENDATION 14:

that in the first week of every September, Chapter Presidents determine the minimum starting salary for part-time academics on their campuses and that UUP publish this

information at the Fall DA until such time as UUP achieves a statewide minimum salary for part-time academics.

RECOMMENDATION 15:

that UUP determine the number of contingent employees, both full-time and part-time, who are female and/or members of minorities on each campus and across SUNY.