

Cornell University Employee Assembly

Cornell Employee Assembly

Minutes of the September 21, 2016 Meeting

12:15 PM – 1:30 PM

401 Physical Sciences Building

- I. Call to Order
 - a. U. Smith called the meeting to order at 12:15.
 - b. *Members Present:* I. Allen, B. Ayanfodun, S. Cowles, A. Darko, L. Field, K. Fitch, T. Grove, L. Johnson-Kelly, K. Long, K. Mahoney, L. Majani, R. Morris, B. Nicholson, T. Payne, C. Sanzone, T. Shapiro, K. Shiels, B. Siasoco, U. Smith, M. Seganski Seymour
 - c. *Members Absent:* M. Carcella (excused), H. Hall, J. Kruser, P. Thompson (excused), S. Willcox
 - d. *Also Present:* T. Schiele (Planner/Evaluator Tompkins County Health), S. Hayes (Manager in Agriculture), B. McKinney (Director, Cornell Wellness), A. Iglesias (Undergraduate in Human Ecology), S. Dittman (Associate Director, Community Relations, Cornell Health), C. Stallman (Associate Vice President of Environmental Health and Safety), G. Giambatista, B. Murphy, A. Robinson
- II. Approval of the September 7, 2016 Employee Assembly Minutes
 - a. The minutes were approved, without revision, by unanimous consent.
- III. Announcements
 - a. B.J. Siasoco said that elections to fill the three vacancies on the Assembly will be pushed back one week to allow time for the Student Assembly elections to finish. Applications will open on September 20th with registration closing on September 28th. Campaigns will start September 29th and close on October 5th, with voting on October 6th and 7th. The vacant seats remaining are AAP, Engineering/CIS and Hotel School.
 - b. President's Address to Staff is October 11th from 12:00pm – 1:00pm in Call Auditorium, Kennedy Hall. B.J. Siasoco is looking for people to help co-chair. Contact him by email if interested.
 - c. U. Smith said that the co-sponsored forum on #BlackLivesMatter, #BlueLiversMatter had registration that closed within four hours. A second forum will be held on October 18th.
 - d. The Employee Assembly retreat is on October 27th from 8:00am to 1:00pm. The location is TBA.
- IV. Business of the Day
 - a. **Discussion of Fair Labor Standards Act Decision and Staff Impacts** – Kim Babuka, Office of Human Resources, Director of Compensation



Cornell University Employee Assembly

- i. In 2014, President Obama wanted to look at FLSA and the exempt salary threshold, currently \$455 a week currently, \$675 a week in NYS, as of December 1st will rise to \$913 a week for exemption.
- ii. Human resources representatives have classified staff into groups of exempt/nonexempt regardless of number of hours you work, part time employees still need to meet the salary threshold.
- iii. There are two options to address employees that would be affected by the new guidelines: exempt salary can be increased if close to new threshold or employee becomes nonexempt and eligible for overtime
- iv. There has been no official communication except yet, except for a letter to Principle Investigators, since this affects their grant application and budgeting.
- v. Exempt salary does not apply to those in teaching criteria, does apply to banded exempt positions. Graduate students are not currently considered employees, but this will be looked at this again if/when they are employees.
- vi. There are not a lot of individuals who will be affected by the new guidelines, but the ones that do exist are being reviewed by Human Resources.
- vii. Change in pay should be effective before the December 1st deadline.
- viii. T. Payne asked if there's a possibility of being overturned, what happens if the salaries are increased? K. Babuka said that it is highly doubtful it will be overturned.
- ix. K. Fitch asked why there is not one pay band scale for everyone to use? K. Babuka said that CornellWe uses a performance-based market structure. Based on job classification, there are differences in how each position is compensated because of a difference in standard market pay rates.
- x. U. Smith asked what the overall cost of the transition would be. K. Babuka said that many part-time employees will switch into the non-exempt category. But, there is not fair estimate yet. In individual cases that are within a few thousand dollars of the new guidelines, HR may recommend a change in the appointment. It is not yet clear what avenues specific employees will take.
- xi. U. Smith asked K. Babuka what is the ultimate job loss, in terms of employees whose salary will not meet the threshold.
 1. K. Babuka said that the change to non-exempt employees would be paid by the hour and that most exempt employees have pay band minimums that are already meeting the new guidelines. Generally, Cornell pays its staff well.

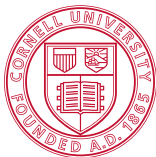


Cornell University Employee Assembly

- xii. B. Nicholson asked how the change might affect interns that are hired for the summer?. K. Babuka said that typically these interns are non-exempt. HR is working closely with Residential Halls. Since some roles may be considered instructing, HR would need to look at the definition of the actual role. Often, student service positions are a gray area.
- xiii. G. Giambattista asked if lecturers and post-docs are considered exempt instructors. K. Babuka said that lecturers are included and that post-docs already meet the thresholds.

b. **Tobacco Free Campus Discussion**

- i. U. Smith said that the goal of this discussion is not to introduce or recommend a new policy, but to discuss in an employee context what the effect on a tobacco-free campus would be on employees, especially in terms of benefits, services, and policy enforcement.
- ii. U. Smith asked about the research that has been discussed by the faculty in their consideration of this policy.
 - 1. S. Dittman said that a lot of research has been done across the country concerning vaping as a substitute for cigarettes but the research is relatively new and inconclusive.
 - 2. T. Schiele said that E-cigarettes are turning around the whole youth use of nicotine, use amongst teenagers has skyrocketed.
- iii. J. Kruser asked if there is a real belief that Cornell could become a leader among our peer institutions to create a smoke free campus.
 - 1. A. Iglesias said that Yale University is already going tobacco free.
 - 2. C. Stallman said that policy requiring smokers to be at least 25 feet away from a building is still successful, and that enforcement of this is being worked on by all colleges on campus.
- iv. I. Allen asked if this would happen in phases or all at once. She expressed concern about custodial staff that, for example, have a 15 minute break in which many take to smoke
 - 1. T. Schiele said that they made the inner commons area smoke free first in Ithaca and then kept pushing the limits farther out because people would smoke on the line.
 - a. Cortland had a year and half process and a monthly meeting of an advisory board, trouble shooting problem areas on campus – it's an ongoing process.
 - b. The policy would need to be well constructed, can be short but the education process should be long and reasonable.



Cornell University Employee Assembly

- c. Need to maintain respect for those who choose to still use tobacco.
- v. L. Majani asked about the group that will not stop smoking and what accommodations would be made for them. With this, L. Field asked if there is an idea for designated smoking areas? S. Dittman said that the upside of not being the first University to confront this issue is that there are dozens of campuses that have asked these questions and found answers. Cornell can find resources out there that can help us think through the options. All these questions don't need to be answered to get started.
- vi. K. Fitch asked which buildings on campus would be covered under this policy. Certain buildings are affiliated but uncontrolled, like fraternity houses, for example.
 - 1. T. Schiele said based on best practices, the simpler the policy the better
 - a. Example: There is no smoking on Cornell property, eliminates excuse of "couldn't find designated smoking spots."
 - b. Similar to parking – people know they can park somewhere, they would know they can smoke somewhere on campus
 - c. From the enforcement side, no tickets written it would be peer enforced, equal responsibility among all to establish the new norm.
 - d. Long term goal, in ten years it would be a norm and part of the culture, it won't happen in one year.
 - 2. B.J. Siasoco asked that about the implementation of the
 - a. T. Shapiro said that it's an important part of the messaging strategy, will there be models to use?
 - 3. U. Smith said the question of enforcement is interested and that it is important to consider how much time an employee would need to spend getting to a location they are able to smoke at on their break.
 - 4. U. Smith said some individuals may have a philosophically problem with the institution telling them they cannot smoke. A compromise could be that you cannot smoke on the common pathways.
 - 5. S. Dittman said there is a financial aspect to this as well, there can be \$3000-\$5000 per employee in additional cost in health care between smokers and non-smokers.
 - 6. U. Smith asked if there is an estimate of the number of smokers on campus.



Cornell University Employee Assembly

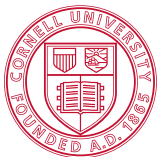
7. S. Dittman said there is data about students but not employees.
8. T. Schiele said the adult rate for Tompkins County is 14%, New York Southern Tier is 20%.
9. U. Smith said this could be included on a future employee climate survey, but it is too late for this year's.

c. Standing Rules

- i. The sponsors indicated that the standing rules were very standard. One topic of interest is an attendance policy.
- ii. G. Giambattista asked for clarification on Line 14, and what is meant by "staff."
- iii. There was a motion to amend and strike "and staff" from 14 and add wording "and" so line 13 and 14 reads "These Standing Rules shall be adhered to by all Employee Assembly members and committee members". by B.Siasoco. Question was asked if this applied to non-elected, not all are staff. B. Siasoco withdrew the motion.
- iv. There was a motion to amend by adding "ex-officio" by B. Siasoco. The vote passed by unanimous consent.
- v. There was a motion to amend by striking line 69-71 by M. Stefanski Seymour. The vote passed by unanimous consent.
- vi. S. Cowles asked if vacations count as excused absences. They do. All job related obligations fall under excused absences as well.
- vii. T. Shapiro asked for clarification on the number of allowed absences and if the excused absences count towards this total. B.J. Siasoco motioned to amend line 95, changing to if exceeding three absences, defer the unexcused absences to the chair to decide best course of action.
 1. L. Majani said that but if you are missing too many meetings, you are not contributing.
 2. J. Kruser says that we should consider having someone else represent if unable to make most meetings.
 3. Decided to put it first on the agenda for next week. Motion is tabled.

The meeting was adjourned at 1:30 PM.

Respectfully Submitted,
Amanda Robinson
Clerk of the Assembly



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