



# The Sentinel

<b>UUP-Oneonta</b>
The Sentinel
Volume 4, No.1: February, 2004

## The State Of UUP Oneonta: Health / Safety, Media and Initiatives

by Bill Simons, President

As we begin a new year, a new semester and a new session of the legislature, the state of UUP Oneonta remains strong. But make no mistake: formidable challenges lie ahead. Health & safety, media and several initiatives dominate the agenda. These items have significance for Oneonta and the entire SUNY system. Let us proceed in solidarity.

UUP will safeguard health and safety on campus. Underlining that commitment, I have appointed Dr. Thomas Horvath, Assistant Professor of Biology, chapter advisor on health and safety issues. As Tom's efforts to keep Otsego Lake free of Zebra Mussels attest, he is an exemplar of scientific excellence and a dedicated public advocate, possessed of an idealism leavened by demanding professional standards.

UUP continues to receive questions about the pre-abatement air quality test conducted in the areas adjacent to the tunnel connecting Schumacher-IRC-Netzer. A complete copy of the test, including statistical data, is available for reading or copying, at (1) Milne Library, on two-hour reserve, under the title *Environmental Quality Survey—number 21492SH*; and (2) the UUP Office, Human Ecology 206. To set up an appointment at the UUP office, please telephone 436-2135. In addition, an abridged copy of the pre-test is available on the UUP Oneonta Web site at <http://organizations.oneonta.oneonta.edu/uup/>.

On January 27, 2004, John Van Raalte, Director of the Industrial Hygiene Service at the Occupational and Environmental Health Center of Eastern New York, returned to campus to conduct a post-abatement test in the area adjacent to the tunnel. When analysis of the post-test is completed, UUP will announce the results. John is available to answer questions about the results of the pre- and post-tests. In addition,

concerned individuals may wish to share the report with their allergists.

Along with management, UUP was recently informed of a related situation. The Associated Press reports that A-A-R Contractor of Latham, New York, is on trial in federal court in Syracuse for violating both the Clean Air Act and the Toxic Substance Control Act. Asbestos-removal fraud is suspected at more than 1500 sites, including the SUNY-Oneonta campus. "Federal officials," reports the Associated Press, "say they believe there is no immediate danger to employees or visitors of the buildings that were cleaned up by A-A-R."

UUP Oneonta has requested information from campus administration about the sites, dates and results of any abatement work or testing conducted by A-A-R on our campus. This issue will be at the top of the agenda at the February 2, 2004, labor-management meeting. During the fall semester, the administration and UUP collaborated constructively to address abatement and testing issues surrounding the tunnel. There are many areas over which labor and management have and will assert divergent viewpoints, but it is essential that our strong partnership on matters vital to health and safety continue.

Labor and management have also worked together to develop a new media policy. Item # 7 on the *Media and Public Information Policy*, announced by the Administration in November 1998 and appearing both in a recent draft of the *Faculty Handbook* as well as an administrative memo dated August 26, 2003, read: "Faculty and staff are strongly encouraged to assist news media representatives with requests relevant to their academic specialties, provided the media representatives have made contact with and been referred by the Assistant to the President." Constructive dialogue between Labor and Management led to a December 1, 2003, agreement to revise the preceding. Item # 7 on the *Media and Public Information Policy* now states: "The Office of External Affairs occasionally refers representatives of the media to members of the college community and appreciates the cooperation and response of the college faculty and staff to such requests." The agreement is a win for both management and labor: academic freedom and intellectual inquiry are central to free speech.

A new year brings new initiatives. The Professional Concerns Committee, chaired by Keith Fitzpatrick, has developed—with the help of Steve Johnson, Norm Payne and Linda Randall—an impressive survey instrument. Moreover,

### Inside this issue:

Calendars	2
Union Activism	3
Food for Thought for February	4
Contract Negotiations Update	4
UUP Brings Lawsuit	5
SUNY Central Misadministration	6
December Labor/Management Meeting Summary	8

(See "State..." on page 7)



## UUP Oneonta: Spring 2004 Chapter Schedule

*Due to special circumstances, the Monday, February 2nd pre-Labor/Management meeting will be at 2:00 PM in Netzer 333A, and the Monday, February 2nd Labor/Management meeting will be at 2:15 in the President's Conference Room, Netzer 341. All other spring meetings will follow the schedule below. Please clip and save!*

**Food for Thought & Chapter Meetings, Tuesdays, noon, Le Café, Morris:**  
*February 24, March 23, April 20*

**Executive Board Meetings, Mondays, 2 PM, Human Ecology 206:**  
*February 9, March 15, April 19*

**Pre-Labor/Management Meetings, Mondays, 2:30 PM, Netzer 333A:**  
*March 8, April 5, May 10*

**Labor/Management Meetings, Mondays, 3 PM, Pres. Conf. Rm., Netzer 341:**  
*March 8, April 5, May 10*

**Post-Labor/Management Meetings**  
will immediately follow Labor/Management meetings

## February 2004

### Schedule of Events for February

SUN	MON	TUE	WED	THU	FRI	SAT
1	<b>2</b>	3	4	5	6	7
8	<b>9</b>	10	11	12	13	14
15	16	17	18	19	20	21
22	23	<b>24</b>	25	26	27	28
29						

- Monday 2/2 2:15**  
**Labor/Mngmt. Meeting,**  
President's Conference Room,  
Netzer 341  
(pre-meeting meeting at 2:00  
in Netzer 333A)
- Monday 2/9 2:00**  
**Exec Board**  
Human Ecology 206
- Tuesday 2/24 noon**  
**Food for Thought**  
**Chapter Meeting**  
Le Café, Morris Hall



## Union Activism!



*Pictured standing, above, left to right: Oneonta Chapter UUPers J. McDermott, Denny Shea, John Carney and Fred Miller as they work with state Senator James Seward (seated)*

An often unheralded but very necessary part of union activism is the need to be visible to elected officials. Although education is a buzzword topic for state and local politicians, we need to let our representatives see our faces and know that we expect more than just lip service. If you are not aware of the fact that the SUNY Board of Trustees has become a place where academic freedom itself is under attack, then get aware! The deplorable fiscal condition of our state, the dysfunctional nature of the legislative and executive branches of NY State government and the assaults on our liberties and conditions of employment (heard of assessment?) by an activist Board of Trustees mean that all of our voices need to be heard & all our faces need to be seen. We are fortunate in Oneonta that UUP has such a good working relationship with our representatives, but don't take the results of years of hard work by your union for granted. Write letters, make phone calls, send e-mails and donate a dollar a pay check to VOTE/COPE to help your union help you!

*See VOTE / COPE Director Linda Randall's plea on page 9.*



## Update on Negotiations

“UUP has presented its proposal to the state for a contract-based promotional salary structure,” according to Darryl McGrath, speaking for UUP. President Bill Scheuerman said, “UUP demonstrated good strategic planning in getting these salary discussions under way now . . . We picked a time that we knew would work best for us, in keeping with our goal of obtaining a strong, equitable agreement for our members.”

Representatives of the seven negotiations subcommittees also report progress in non-salary—but equally crucial—areas of concern: professional issues, labor/management, grievance & discipline, health benefits, privacy, part-time concerns, privacy, and protection of students (this last a state initiative).

*For more information & updates, point your web browser to*

**<http://uupinfo.org>**

## Ad Hoc Committee on Professional Concerns Needs Your Help

The Committee for Professional Concerns will be sending out a survey to professional staff members early this semester. (You may have already received one.) We urge you to complete and return it as soon as possible. This survey’s purpose is to help us identify areas of specific concern that you, the member, feel need addressing. We are hoping for an overwhelming response to this survey in order to construct a more accurate list of the priorities and issues that affect the professional staff on this campus. This survey will be conducted confidentially.

*Please participate!*

## Food for Thought: Tuesday, February 24

The next *Food for Thought* will be at *Le Café*, Morris Hall on Tuesday, February 24, at noon. Your UUP Oneonta chapter meeting / luncheon will provide updates about contract negotiations, the budget situation, safety issues and committee initiatives. UUP is at a critical phase in the political calendar.

In addition, a presentation by UUP Drake will examine their pursuit of socialism. Ashok and Linda will discuss Oneonta and India, illustrating the Linda will also discuss coordinating a participate in

Although *Food for Thought* has important content, it is also an occasion for respite from the workweek, relaxed collegiality and food. Join your colleagues for a convivial gathering and an expression of solidarity. *Food for Thought* is an occasion to renew old ties



and to forge new ones. UUP looks forward to greeting you. stalwarts Ashok Malhotra and Linda social justice, an essential component of discuss their service endeavors both in axiom to think globally and act locally. specific local event that UUPers can and be proud of.

portant content, it is also an occasion collegiality and food. Join your colleagues for a convivial gathering and an expression of solidarity. *Food for Thought* is an occasion to renew old ties



## **New York State Unions File Lawsuit Against Health Plan’s Pharmacy Benefits Manager**

### **OMCE, UUP Accuse *Express Scripts, Inc.* of Pocketing Illegal Profits**

The Organization of New York State Managerial Confidential Employees (OMCE) and United University Professions (UUP), representing a total of more than 30,000 state employees, filed a suit (12/31/2003) in New York State Supreme Court in the County of New York, against Express Scripts, Inc. (ESI), the third largest Pharmacy Benefits Management (PBM) company in the United States. The suit charges ESI with breach of fiduciary duty and deceptive practices in improperly managing pharmacy benefits for its benefit and not the beneficiaries.

ESI, of St. Louis, Mo., was previously hired and continues to manage the pharmacy plan for 1.1 million current and retired New York State employees. It is supposed to obtain savings for New York State and its employees by using the bulk purchasing power it represents.

“We are concerned,” said OMCE President Barbara Zaron, “that the rising costs of prescription drugs are simply being passed along to the consumer. In this case, we believe that Express Scripts, which was hired to manage the program for the state of New York, is making extra money at the expense of our members.”

UUP President William E. Scheuerman added: “The savings ESI negotiates should be passed along to the working men and women of the state workforce, but that’s not happening. Our members are being shortchanged and the taxpayers of New York State are being shortchanged.”

The complaint alleges that ESI has illegally pocketed vast hidden profits that rightfully should benefit union members’ health plans through a series of sophisticated but undisclosed deals—involving *additional undisclosed* discounts, rebates, kickbacks, and inflated wholesale prices—with drug manufacturers, pharmacies, and ESI’s own bulk mail-order pharmacies.

“Not only are pharmacy dispensing costs out of control,” said Joe Sano, executive director of OMCE, “but the basic business premises and practices of pharmacy benefits managers are even more out of control. Both the employees and employers are just not getting a fair shake from the people they’ve entrusted with their welfare. And, in the end, when Express Scripts retains rebates and discounts for themselves, the taxpayers and the employees are once again fleeced.”

The questionable practices by Pharmacy Benefits Management companies like ESI have been going on for years, but recently various unions, state attorneys-general, state comptrollers and state treasurers have been creating a drum beat of complaint, and lawsuits have been filed in several states.

In 2002, Express Scripts handled 355 million prescriptions nationwide. In June 2003, the company was subpoenaed by New York State Attorney General Eliot Spitzer’s office to produce documents on its discount pricing policies, prescription switching and rebates.

“As the prices of prescription drugs continued to rise and the state demanded that its employees pay more of the health care costs, it became more important for us to scrutinize the practices of Express Scripts and other health care providers,” said Zaron. “What we found prompted this lawsuit.”

The suit, filed by the San Diego law firm of Finkelstein & Krinsk, in conjunction with the New York law firm of Faruqi & Faruqi, seeks monetary damages, restitution and injunctive relief to prevent such practices in the future.

Scheuerman said any monetary awards made by the court should “be passed back to the benefit of our members and their families.”

*“The complaint  
alleges that ESI  
has illegally  
pocketed vast  
hidden  
profits...”*

**(See “Lawsuit” on page 6)**





### “Lawsuit” (continued from page 5)

Lead attorney Jeffrey Krinsk said, “PBMs like Express Scripts are paid a straight management fee for the services they provide. But they want more. However, it is only by leveraging the asset provided by the enormous market power granted Express Scripts by the State of New York and other employers, whose interests they claim to represent, that Express Scripts is able to obtain the cost-savings deals they fail to pass on to the customer. That asset was neither created by, nor belongs to, ESI, but to the employees and the employers. And that is who should benefit from the gains that accrue from it. Therefore, ESI has a special obligation of trust, a responsibility to expatriate the discounts, rebates and inflated prices while increasing benefits to the plan members they represent, instead of pocketing the difference and justify it as ‘clever business’ practices.”

*Details of improper activity alleged in the OMCE/UUP lawsuit against Express Scripts include:*

- ESI uses the buying power of the health plan, and its members, to negotiate favorable discounts, rebates, and other concessions from drug manufacturers, without passing them on to the plan and its members.
- ESI promises the plan a price discount at a certain rate, then negotiates even deeper price discounts with the pharmacies. By creating and pocketing a “spread” in discounts, ESI profits at the plan’s expense.
- ESI promises the plan a dispensing fee discount at a certain rate, then negotiates even deeper dispensing fee discounts with the pharmacies. By creating and pocketing a “spread” in discounts, ESI profits at the plan’s expense.
- ESI assists drug manufacturers in distorting the Average Wholesale Price (AWP) of its drugs, resulting

in artificially inflated prices to the plan’s members.

ESI obtains bulk purchase price discounts from drug manufacturers for plan members by encouraging them to use ESI’s mail order pharmacies. But it **does not disclose** that it receives even more discounts from the manufacturers for prompt payment of bills using the plan’s money. These extra discounts are rarely passed back to the health plan and, thereby, do not benefit the members.

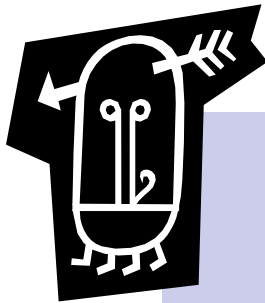
In a July 26, 2003 comment to the New York *Daily News*, Attorney General Spitzer said, “The core reason for PBMs seems reasonable enough. With purchasing power, the benefits going back to consumers is a simple theory, but unfortunately, what we have found is that many of those benefits are not going back to consumers. Kickbacks ...[what ESI calls rebates] may not always be illegal, but what we’re concerned about is what is disclosed to consumers.”

A leading proponent of the need to reform PBMs is the Heinz Family Foundation. Last February, in the *Boston Globe*, Chairman Teresa Heinz and President Jeffrey Lewis commented: “Pharmacy benefit managers typically mark up the ingredient costs of brand and generic drugs, paying less to a pharmacy provider and charging more to the entity paying the bill, such as an insurer or employer. These are only a few examples of how for-profit PBMs play a ‘shell game’ that adds greater costs to employers and taxpayers.”

**(Repeat After Me): “The Stories On This Page Are Unconnected...”**

**Jan. 4** - All nine of the state's unions are without contracts, and a projected multi-billion dollar deficit and other fiscal hang-ups, like the court mandate to change school aid distribution, are making negotiations difficult. *The state is asking that individuals increase the amount of health care premiums they pay from 10 to 15% and that workers with family plans increase the amount from 25 to 30%.* In July, the contract for 28,000 UUPers expired, said Director of Communications Frank Maurizio. He said the union is "pleased with the direction of the talks," and "the fact that they continue is a big plus."

"We purposely held off putting forward a fiscal proposal until it looked like the economy was turning around a little bit," Maurizio said. (*The Troy Record*)



### *Quis Custodiet Ipsos Custodes?*

**Jan. 5** - The Associated Press announced that a report by the NY state Comptroller's auditors revealed there are inadequacies at the SUNY Central Administration office in Albany. Among the irregularities was the inability of SUNY officials to find 482 items out of 2,210 items listed on an inventory chart in January 2003. SUNY also granted raises to nine SUNY administration professional staffers totaling \$120,295 even though no performance assessments were in the employees' files, as required by state rules. State Comptroller Alan Hevesi's office recommended that a person be put in charge of inventory control and that the college system follow state rules on reimbursement and verification of employees' qualifications for raises.

*The Latin tag is, appropriately, from Satires, by Juvenal. It originally questioned the “wisdom of setting guards over wives to prevent infidelities.”*



## VOTE / COPE Speaks for You!

This time of year brings us new focus, with another budget struggle about to commence. Add to that the upcoming presidential primaries and election, and it becomes more important than ever to make our political voice heard. We can and should keep ourselves well-informed, discuss issues with our fellow professionals & write letters to our legislators. As public employees whose workload, environment and educational effectiveness are directly affected by the actions of our elected officials, it is crucial that we remain informed and connected, making our voices heard over the political din.

One easy way to stay connected—to have your voice heard—is to make a voluntary payroll deduction to VOTE / COPE. As little as \$1 a week or pay period will aid political action on your behalf. If you are already contributing, I urge you to consider adding an extra \$1 per pay period, or any additional voluntary contribution you feel able to make.

*For less than the price of a cup of coffee,  
you can have an effect.*

VOTE / COPE (the Committee on Political Education) directs the voluntary contributions of NYSUT members from all across the state, and it contributes to candidates and campaign committees endorsed and supported by NYSUT. This support is non-partisan, and based on candidates' records, positions and voting histories on public education issues. VOTE / COPE funds are completely separate from regular operating funds, and are used in every region and election district in the state. Giving to VOTE / COPE helps not just the state apparatus, but each NYSUT & UUP member as well.

*Contact Linda Randall ([randallk@oneonta.edu](mailto:randallk@oneonta.edu))  
for the forms needed to begin voluntary payroll  
deductions.*

**Help make our collective voice heard!**

**VOTE / COPE!**

### **“State...” (continued from page 1)**

the efforts of the Committee have led UUP to alert Human Resources that a number of Professionals lack Performance Programs. Survey results will bring additional professional concerns to the labor-management table.

The Workload Committee invites members of our bargaining unit to share concerns about workload at

[oneontaworkload@fasmail.fm](mailto:oneontaworkload@fasmail.fm) In addition, please contact one of the committee members directly about your concerns: Chair Bill Wilkerson (413 Fitzelle, -3272, [wilkerwr@Oneonta.edu](mailto:wilkerwr@Oneonta.edu)); Nancy Cannon (314 Milne, -2025, [cannonns@Oneonta.edu](mailto:cannonns@Oneonta.edu)); Michael Koch (427 Fitzelle, -3271, [kochmp@Oneonta.edu](mailto:kochmp@Oneonta.edu)); or Loraine Tyler (100 Netzer, -3218, [tylerl1@Oneonta.edu](mailto:tylerl1@Oneonta.edu)).

The Part-Time Concerns Committee—Chair J. McDermott, Julie Freeman, Bill Ashbaugh, and Mike Friery—is canvassing departments concerning issues related to adjuncts' access to support services, participation in decision-making, workplace environment, and respect. The Part-Time Concerns Committee invites the appointment of an additional part-timer to the committee from an area not currently included in its membership. For this or for other reasons related to Part-Time Concerns, please contact J. at [McDerMJ@Oneonta.Edu](mailto:McDerMJ@Oneonta.Edu)

I am delighted to announce the appointment of Jim Mills as Chair of the Assessment Committee. Jim rounds out an impressive list: Gwen Crane, Peter Muller, and Jim Greenberg.. This committee will develop recommendations reflecting the concerns of UUP members related to the time, resources, content and use made of the various proliferating forms of assessment.

Finally, a difficult campaign lies ahead for a fair UUP contract and a strong SUNY budget. On January 22, I joined other chapter presidents and statewide president Bill Scheuerman in Albany to discuss a plan of action concerning Governor George Pataki's shortsighted budget proposals. A number of Oneonta stalwarts participated in a legislative luncheon on January 27. Oneonta fielded a strong contingent, with several new faces, for the January 29-31 UUP Delegate Assembly in Albany. And then, again and again and again in the weeks that follow, Oneonta will sweep out of the I-88 corridor to gather with our sisters and brother to advocate for the future of SUNY. UUP will call upon each and every one of you to join, in solidarity, this campaign for your campus, your students, your jobs.



### Labor-Management Meeting Summary: December 1, 2004

by Fred Miller

**Labor:** *Bill Simons, J. McDermott, Fred Miller, Norm Payne, Dennis Selzner, Richard Tyler, Ed Wesnofske*

**Management:** *Carol Blazina, F. Daniel Larkin, Nancy Nash, Steve Perry*

1. Labor and Management joined in tribute to UUP member and Women’s Soccer Coach Tracey Ranieri and her outstanding team of student-athletes for winning the Division III national championship.
2. Labor thanked Management for receipt of salary information for all college employees for the years 2000 and 2003.
3. Labor and Management agreed to the following new language for item # 7 in college Media and Public Information Policy: “The Office of External Affairs occasionally refers representatives of the media to members of the college community and appreciates the cooperation and response of the college faculty to such requests.”
4. Labor and Management agreed that an unabridged copy of the pre-abatement air quality tests of the area adjacent to the tunnel connecting Netzer-IRC-Schumacher would be placed on reserve and made available to all interested parties. Labor noted that the report would also be accessible through the UUP website and at the UUP office.
5. Abatement work on the tunnel and the impact of that work was discussed. The planned return of industrial engineer John Van Raalte to campus for post-testing after abatement work was discussed.
6. Labor asked that discussion of GEAR be postponed pending further input from UUP’s Assessment Committee.
7. Labor questioned the appropriateness of adjunct faculty being asked to complete Faculty Activities Reports. Due to time restraints, discussion of this topic will be continued at the next meeting.

### Executive Board Contact Info

UUP Office — 206 Human Ecology 436-2135

President (d)	Bill Simons	SIMONSWM*	436-3498 (office)
VP for Academics (d)	Ed Wesnofske	WESNOFER	432-6770 (home)
VP for Professionals (d)	Norm Payne	PAYNENE	436-3218 (o)
Secretary (alt. d)	Rob Compton	COMPTORW	436-3048 (o)
Treasurer	Rich Tyler	TYLERRF	436-3648 (o)
Grievance Officer	Paul Conway	CONWAYPG	436-3923 (o)
Benefits Officer	Mona Hughes	HUGHESML	436-2490 (o)
Membership Director (alt. d)	John Carney	CARNEYJJ	432-5360 (h)
Newsletter Editor (d)	Richie Lee	LEERE	436-2493 (o)
Part-Time Concerns	J. McDermott	MCDERMJ	436-3055 (o)
VOTE/COPE Director	Linda Randall	RANDALLK	436-3094(o)
AdministrativeAssistant	Peg Carney	ONEONTA@UUPMAIL.ORG	436-2135 (o)

#### Other Delegates & Alternates:

Janet Nepkie	NEPKIEJ	Tom DeMeo	DEMEOT
	436-3425 (o)		436-2188 (o)
Keith Fitzpatrick	FITZPAKB	Fred Miller	MILLEREW
	436-3507 (o)		988-9323 (h)
Joe Baldwin	BALDWIJC	Chris Bulson	BULSONCE
	436-3517 (o)		397-9345 (h)

\*e-mail addresses are @oneonta.edu (d = delegate)