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May 24, 2019

Executive Director for Design, Construction, and Management Robert Lemieux
Facilities Planning, Construction and Management
The City University of New York
205 East 42nd Street
New York, NY 10017

Vice President for Administration and Finance Katharine Cobb
Assistant Vice President for Campus Facilities Lisa Edwards
Baruch College
One Bernard Baruch Way
(55 Lexington Avenue)
New York, NY 10010

Dear Executive Director Lemieux, Vice President Cobb, and Assistant Vice President Edwards:

We are writing out of concern for the health of PSC members who are occupants of the Lawrence and Eris Field Building, 17 Lexington, Baruch College. While this building has been under construction since Spring 2017, those working within face an array of dangerous and uncomfortable conditions. They have been subjected to noise, asthma-aggravating dust (as recently as May 14), paint vapors (“fumes”) (as recently as May 17), blocked egress, inaccessible elevators (including being stuck in elevators for prolonged periods and having to walk 13 floors due to outages), and exposed live electrical wiring. In the past month, members have arrived at their classrooms only to find the floors torn up and sticky. They have endured building temperatures in the 50’s on April 1, April 3, May 1, May 13, and May 17 due to a prolonged problem with the building’s heating system. On May 21, there were reports of welding fumes in the lower floors.

The PSC chapter leadership has alerted the Administration at labor-management meetings at both Baruch and centrally for over a year to concerns related to the construction in the building, but no meaningful response has been forthcoming. Frankly, the disinterest in the well-being of the staff and faculty employed at CUNY is appalling.

We repeat our earlier requests that CUNY act to protect the health of our members:

1. Avoid construction-related problems through planning

We recognize that before activities take place on-site there is a complex planning process to procure and schedule the construction. CUNY managers who interact with the contractors and through them, the sub-contractors, need to anticipate the impact

of the projected activities on the buildings occupants and plan preventive actions. Specifically, our request includes but is not limited to the following:

- Contractors should adhere to best practices for workplace safety, including the proper venting of fumes to the outside through appropriate fans and filters.
- Barriers should be maintained to minimize the movement of contaminants to areas which are being used for educational purposes (hallways, classrooms, bathrooms, laboratories, stairways, and offices).
- Hallways, classrooms, bathrooms, laboratories stairways and offices should be kept clean (free of settled and airborne dust and fumes). The maintenance staff performing the clean-up should be provided with the training and equipment needed to do their jobs safely.
- **A proactive approach to prevent exposures and disruptions is needed.** As an example, cleaning should not be triggered by complaints but the anticipation that welding or sawing activities always require follow-up. The presence of welding fumes on May 21, 2019, when similar issues had been reported as far back as February, indicates both a lack of daily oversight and short term planning. Current measures seem to be incapable of preventing similar issues from occurring over and over again. A better system of oversight and planning is required.

We would like to know who is responsible for construction implementation. We call upon those tasked with construction oversight to take responsibility for anticipating upcoming activities so hazardous conditions can be avoided.

2. Improve communications

Timely communications foster good will and make it possible to plan short term and long term activities.

- A direct contact with the construction contractor to report problems requiring immediate attention is needed. We are requesting access to someone who has ongoing knowledge of planned work, building conditions, and the authority to direct resources.
- Reported problems, especially those that are liable to have a wide impact (lack of heat, poor air quality, etc.) should be followed by broad communication with all occupants regarding the issue and steps being taken to address it.
- All occupants (including faculty, teachers, and students whose classes meet in the building) should be notified of impending activities that are likely to produce noise, dust, or welding fumes, or other environmental challenges.
- **Regularly distribute an updated timeline for the phases of the project.** For example, many of the occupants do laboratory-based research within the building. Informing them of the projected activities affecting their labs, electricity, access to equipment, and other factors allows them to perform the research critical for their careers and promotions.

3. Implement routine maintenance

Our members are reporting dirty conditions and a lack of basic maintenance. As an example, bathrooms are often filthy and flooded with broken stalls and fixtures. These are not construction issues but rather part of the routine upkeep required of any occupied public building. They include:

- Routine maintenance and cleaning of the building should be continued during the construction phase.
- Bathrooms should be cleaned and stocked.
- Broken bathroom stalls and fixtures should be replaced when they are broken.
- Plumbing repairs to prevent future flooding should be undertaken.

We expect that the resources and personnel needed to ensure decent conditions in the building will be provided and should be done without unduly increasing the workload of the existing staff.

The framework of regulatory compliance does not adequately address the problems our members face but something we can all agree upon is our members deserve decent working conditions. While construction projects are admittedly complex, the daily occurrence of contractor-initiated problems combined with lax maintenance and lack of communication is unacceptable. We understand that both the PSC and the Administration wish to maintain CUNY's reputation as a premier public university. To that end, we are adamant that action be taken to improve the environmental conditions at 17 Lexington.

Given the urgent and ongoing nature of the problems, we request a meeting with you no later than June 14, 2019 to discuss the implementation of these steps.

Sincerely,

Vincent DiGirolamo

Vincent DiGirolamo
Baruch Chapter Chair

Deborah E. Bell

Deborah E. Bell
PSC Executive Director

cc: Barbara Bowen, PSC President
Jean Grassman, Co-Chair PSC Occupational Health & Safety Committee
Pamela Silverblatt, Interim General Counsel and Senior Vice Chancellor for Legal Affairs and Senior Vice Chancellor for Labor Relations
Judith Bergtraum, Sr. Vice Chancellor for Facilities Planning, Construction and Management
Mitchel Wallerstein, Baruch President
Olga Dais, Baruch Labor Designee