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June 17, 2020

Hector Batista
Executive Vice Chancellor and Chief Operating Officer
Glenda Grace
Senior Vice Chancellor for Institutional Affairs,
Strategic Advancement and Special Counsel
The City University of New York
205 East 42nd Street
New York, NY 10017

Dear Executive Vice Chancellor Batista and Senior Vice Chancellor Grace:

I write to you in your capacity as co-chairs of CUNY's Coronavirus Planning Task Force.

New York City has officially entered Phase One of re-opening, a phase that, under New York State guidelines, now includes "higher education research." Phase Two, which includes "higher education administration," is expected to begin early next month. The issue of safety in the workplace is immediate. Yet CUNY management has failed to engage seriously with the PSC about the health issues involved in reopening. CUNY has also failed to produce public assurance that it has complied with New York State's directive to "read and affirm" the state's "[Interim Guidance for Higher Education Research During the COVID-19 Public Health Emergency](#)," which specifies the state's "minimum requirements" for safety. Nor has the University made public its [Safety Plan Template](#), a document required by New York State, concerning physical distance, employee protections and other safety issues in the workplace.

In addition to the New York State requirements, CUNY is legally bound by the collective bargaining agreement with the PSC, Article 39.1 of which includes the following:

The City University shall furnish to each of its employees who is covered by this agreement a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious harm to its employees and shall comply with occupational safety and health standards promulgated under the Occupational Safety and Health Act of 1970.

It is outrageous that the CUNY administration has systematically excluded PSC representation from the Task Force you co-chair, has failed to demonstrate how the colleges will comply with NYS safety protocols or the collective bargaining agreement Article on workplace safety, and has now begun calling employees to return to on-campus work.

On behalf of the 30,000 PSC-represented employees whose lives are literally at stake in reopening, I call on the University and its colleges immediately to cease issuing any orders for “non-essential” employees represented by the PSC to return to on-campus work, given that CUNY has not provided any information indicating compliance with NYS workplace safety requirements during the COVID-19 emergency.

In addition, the PSC calls on the University and its colleges not to require a single PSC-represented employee who has been working remotely during the pandemic to return to on-campus work or other non-remote work and not to ask for “volunteers” to return to such work until CUNY has publicly presented a plan for full compliance with federal and New York State health and safety guidelines regarding COVID-19 and with the parties’ collective bargaining agreement. The PSC will fight any attempt to require any of our members to report to on-campus work if that return poses a risk of serious illness or death.

The PSC also calls on the University to provide information attesting that any workplace to which it has called or invited employees to return is “free from recognized hazards that are causing or are likely to cause death or serious harm,” as specified in the contract, including the hazard of infection by COVID-19. We also demand documentation to show that safety issues that may have developed because of the three-month shutdown have been fully addressed.

The PSC would have preferred to work with you to develop an approach that is safe for employees and students. Many of our members are eager to re-start their research in on-campus labs. But they need to know that those labs are safe. Our members have deep experience on every campus of identifying, documenting and demanding solutions to health and safety hazards. Union members trust our own experience of our workplaces, established scientific data and the guidance of public health experts. They trust the union to negotiate protections. Many members report, however, that they do not trust the central administration or the college administrations to do what is in the best interests of those who work and study at CUNY.

The same management that failed to provide running water in campus bathrooms at City College or The College of Staten Island and as recently as February, that failed to notify instructors and students that [drinking water at SPS](#) was contaminated, that allowed the water system at [Bronx Community College](#) to deteriorate to the point of collapse, that failed to end an infestation of [rats at York College](#) until pushed to do so by the PSC, that has refused to correct longstanding health hazards at [Brooklyn College](#), Lehman College and elsewhere, that moved non-classroom faculty and staff to remote work in March only after aggressive advocacy by the PSC, and that has still failed to publish its cleaning and disinfecting protocols for COVID-19, cannot be trusted to provide safety now.

At a collective bargaining session on June 11, the PSC was informed that CUNY management regards decisions about the timing of a return to on-campus work as an issue on which it will not bargain with the union. CUNY management representatives also expressed the University’s explicit rejection of the union’s proposed framework for bargaining, the first demand of which calls for on-site work to resume only after a consensus of scientific evidence shows it is safe and until agreement is reached with the PSC.

Further, when the union protested the University's failure to include a single PSC representative on the Coronavirus Planning Task Force and the University's failure to include campus-based PSC representatives on college reopening task forces, no representation was offered. The PSC is the legal representative of the CUNY faculty and professional staff as to terms and conditions of employment. No condition of employment is more fundamental than not being exposed to risk of severe illness or death in the workplace.

The PSC is well aware that CUNY, as a public institution, must comply with City and State directives on reopening. Our members are profoundly committed to the needs of our students and the urgency of their being able to fulfill requirements they need in order to graduate, complete licensing exams and advance in their education. We also recognize the importance of resuming research and the damage to scientific research caused by every additional day of disruption. But preventing loss of life and protecting public health must come first.

The PSC will not stand by as our members are called to return to on-site work during a pandemic in the complete absence of evidence that their workplaces are safe. Our members are more committed now than ever to continue to work to serve CUNY students, and we remain dedicated to performing our jobs. During the spring semester, we contributed hundreds of thousands of hours of labor to CUNY as we rapidly reconfigured our work for remote conditions. We have shown that we can perform our work remotely and perform it well. We are determined to keep serving our students throughout this pandemic, but we will not put our lives at risk to do so.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Bowen".

Barbara Bowen
President, PSC/CUNY

cc: PSC Membership
Mario Cilento, President, New York State AFL-CIO
Vincent Alvarez, President, New York City Central Labor Council
Henry Garrido, Executive Director, AFSCME DC37
Greg Floyd, President, Teamsters Union Local 237
James J. Claffey, Jr., President, International Alliance of Theatrical Stage Employees, Local