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July 15, 2020

Dear Director of the College Office of Human Resources:

I write to remind you that the Collective Bargaining Agreement between CUNY and the Professional Staff Congress entitles employees to annual leave. Annual leave, as specified in [Article 14](#) of the Agreement, is not an option or a recommendation; it is part of the employee's earned compensation.

Since the transition to remote work in March of this year, CUNY employees, including those in the Higher Education Officer series titles, College Laboratory Technician series titles, Research series titles and non-classroom faculty titles, have done their utmost to continue to perform their jobs and serve our students, even though most received no support and no additional compensation from CUNY. Collectively, they have donated hundreds of thousands of unpaid hours to reconfiguring their work for a remote setting, and they have generously made themselves available over and over to students in need. Without their work, creativity and commitment, CUNY would not have been able to continue to function during the pandemic.

Hundreds of instructional and professional staff in these titles also adjusted their own plans for vacation or annual leave so that they could continue to serve CUNY during this crisis. They put our students first. Others found that they had to change longstanding plans to visit family because of travel restrictions during the pandemic. And many have reported that supervisors denied or discouraged them from using the annual leave time they had earned.

As you know, Article 14.7 of the contract requires that these employees use any unused days for unscheduled holidays before August 31 of each year, and Article 14.9 requires that employees use any annual leave days in excess of the annual accrual cap, normally 45 days, by August 31. Unless an employee receives permission to carry over the days because of "[compelling institutional reasons](#)," days not used are lost.

The PSC sought to negotiate an adjustment to Article 14 that would have been in the interests of employees, management and students. On May 8, the union made a [formal proposal](#) to the University to suspend the requirement on use of leave days until a year after the general return to on-site work. For more than two months, the PSC has sought to negotiate an agreement. The University has continued to refuse.



Employees have a right to the annual leave they have earned. Given that the University refused to reach an agreement with the PSC, CUNY colleges are obligated to enable employees to use the days of annual leave to which they are entitled before August 31. No matter how inconvenient for a particular program or what difficulty such use causes for supervisors, employees must be allowed to take the days to which they are legally entitled. Please communicate immediately to all supervisors that they must not deny or discourage requests for use of annual leave days to which employees are entitled.

Thank you. PSC staff will be following up with you to ensure that all supervisors of employees in the affected titles at your college have been informed of the college's obligation.

Sincerely,

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

Barbara Bowen
President, PSC

cc: College Labor Designees