

April 27, 2021

PSC STANDARDS FOR SAFE OPENING AT CUNY

The standards presented below represent the PSC's position on the measures that must be in place before the University reopens on a larger scale in the Fall 2021 semester.

CUNY students, faculty and staff are eager to resume working and learning together on campus after a year of isolation—but only if we can do so safely. We are intensely conscious of the value of in-person learning and interaction at CUNY, especially because the communities CUNY serves have been pummeled by deaths from COVID, loss of income, and the intensifying effects of systemic poverty and racism.

But there must be no return without a safe return. As the employer, CUNY has a legal and contractual responsibility to provide a workplace that is free of recognized hazards that could cause serious illness or death. To date, the CUNY administration has failed to provide unified guidance or enforcement of the standards that must be met in order for colleges to reopen more broadly. Instead, responsibility for developing reopening plans has been delegated to the individual colleges, with the result that the University community is faced with a patchwork of plans and uneven enforcement.

Drawing on the latest research on safe reopening and the scientific expertise available within the University, the PSC has developed ten standards to promote a safe reopening of CUNY. While the union will continue to seek to negotiate over specific reopening provisions, we believe there is an urgent need for thoughtful, rigorous standards that prioritize the lives and the safety of the entire University community.

The standards below were developed in partnership with the union's Health and Safety Watchdog Committee, which benefits from the leadership of faculty and staff with academic expertise in public health and environmental safety, and with reference to the [New York State Guidance](#) and [Supplemental Guidance](#) for safe reopening of higher education. The standards are rooted in the most recent and reliable scientific knowledge about the SARS-CoV-2 virus and what is needed to keep workers and students safe. They also reflect the requirements of the 1970 Occupational Safety and Health Act (OSHA), as enforced by the New York State Public Employees Safety and Health (PESH) plan.

The responsibility for providing a safe workplace rests with the employer, and the standards are not intended to be exhaustive. They will be updated frequently and supplemented by a technical document specifying how CUNY can achieve each standard and providing references to authoritative sources.

Nothing in this document waives any right of the PSC or its members under the contract or the law.

1. **Meaningful Participation in Reopening Plans:** PSC representatives—designated by the PSC, not by management—as well as student governance representatives and designated representatives of other unions must participate as full decision-making members of each college reopening committee. The resulting plans, as required by the New York State Guidance, “should reflect engagement” with these representatives.
2. **Maximize Vaccination:** CUNY must take actions to maximize vaccination within the University community, including providing education, opening vaccination sites on campuses, facilitating community vaccination, and providing adequate time, not charged to annual leave, for receiving vaccinations and boosters. As a public university, CUNY should also take a leading role in

April 27, 2021

making vaccination available to underserved communities. PSC-represented employees must be provided with sufficient time off to receive vaccination, and employees who do not accrue sick days must be afforded appropriate time off at full pay after being vaccinated if they experience symptoms or side-effects that interfere with their ability to work.

3. **Minimize Introduction of Infection on Campus:** CUNY must ensure that all colleges take the necessary measures to detect COVID-19 infection in symptomatic and asymptomatic people and prohibit individuals who have contracted the virus from entering CUNY campuses. For entrance onto campus, CUNY must require either proof of complete vaccination or a negative COVID-19 test within the timeframe established by the Centers for Disease Control. Detection through regular COVID testing of PSC-represented employees may be implemented only if such testing is negotiated with the union, if appropriate privacy measures are in place, and if testing is provided on campus and at other CUNY worksites.
4. **Minimize Transmission of COVID-19 on Campus:** CUNY must take all measures necessary to ensure that opportunities for transmission of COVID-19 on campus are minimized. Such measures include mandating wearing masks on campus, supplying PPE in clinical classes and other settings that require close contact, limiting occupancy of classrooms, offices, labs and other spaces to numbers that can maintain the required physical distance, maintaining a rigorous cleaning schedule, and employing a sufficient number of trained cleaning staff and protecting their safety.
5. **Pandemic Ventilation:** CUNY must permit occupancy of buildings, worksites, rooms and other spaces only if such spaces can be made to comply with authoritative ventilation guidelines designed to reduce transmission of COVID-19. CUNY must also adjust maximum occupancy limits to conform to distancing requirements and ventilation capacity.
6. **Accommodations for Remote Work:** In order to protect the safety and health of individuals and the public, CUNY must permit PSC-represented employees in the following categories to work remotely: employees who, for documented medical reasons, cannot be vaccinated or cannot gain immunity through vaccination; and employees whose households include an individual who cannot receive COVID-19 vaccination for documented medical reasons and who is at high risk of serious illness or death from COVID. In addition, CUNY must seek to accommodate requests for remote work from employees who have the co-morbidities currently identified by the CDC as incurring high risk of serious illness or death from COVID-19. CUNY must also be alert to the needs of employees covered by the Americans with Disabilities Act who may need additional accommodations because of changed worksite conditions.
7. **Right to Inspect:** PSC members and/or their representatives continue to have the right under the law and the contract to conduct walkthroughs and inspections of any workplace in which PSC-represented employees are required to work. Inspections may be conducted pre-occupancy and during occupancy.
8. **Standards for Laboratories and Studios:** CUNY must adhere to enhanced ventilation, occupancy, and PPE standards developed for laboratories, studios and other situations where distancing may not be feasible. The PSC will offer more detailed guidance on standards for labs and studios in a separate document.

April 27, 2021

9. **Workload:** The transition to in-person work and the continuation of remote work must in no way increase the contractual workload of PSC-represented employees or require out-of-title work. Changes to duties related to reopening that require additional work time must be compensated with appropriate overtime pay, compensatory time or contact teaching hour credit. The right of academic departments to determine appropriate teaching modalities for all classes offered by the department must be respected.

10. **Comprehensive and Accessible Plans:** CUNY college reopening plans for Fall 2021 and Spring 2022 must incorporate the above standards and be easily available for inspection by all CUNY students, staff and faculty. Colleges must also make available all relevant environmental inspection reports and records of compliance with approved reopening plans.

Last updated April 27, 2021.