


October 13, 2006

TO: The College Presidents
The Dean of the School of Journalism
The Dean of The CUNY Law School
The Dean of The Sophie Davis School of Biomedical Education

FROM: Vice Chancellor Brenda Richardson Malone 

SUBJECT: Implementation of the 2002-2007 PSC/CUNY Collective Bargaining Agreement

The Memorandum of Agreement settling the 2002-2007 PSC/CUNY collective bargaining agreement provides for salary enhancements and significant changes in terms and conditions of employment for employees represented by the Professional Staff Congress/CUNY. In my August 7, 2006 memorandum to you I addressed changes in salary, contributions to the Welfare Fund, tenure, counselors, and reassigned time for newly hired faculty. The purpose of this memorandum is to provide guidance on the appropriate interpretation of the new provisions in the 2002-2007 PSC/CUNY collective bargaining agreement relating to:

- I. Fellowship Leaves
- II. Annual Leave
- III. Changes Applicable to Adjunct Instructional Staff
- IV. Changes Affecting the Sophie Davis School of Biomedical Education and CUNY Law School
- V. Professional Reassignment Leaves
- VI. Continuing Education Teachers
- VII. Distinguished Professors
- VIII. Union Recognition

I. FELLOWSHIP LEAVES

Effective August 25, 2006, there will be three types of Fellowship Leaves:

- a full year leave at 80% of the bi-weekly pay rate
- a one-half-year leave at 80% of the bi-weekly salary rate
- a one-half year leave at full pay

The full-year half-pay fellowship leave and the half-year fellowship leave at one-quarter of annual salary no longer exist effective August 25, 2006. Fellowship Leaves that had been approved for a full-year at one-half salary or for one-half year at one-quarter of annual salary for

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the 2006-2007 academic year or later must be corrected in CUPS and in payroll to reflect payment at 80% of the bi-weekly salary rate. The second half of Fellowship Leaves approved for a full-year at half-pay that will occur in fall 2006, spring 2007 or later must also be corrected to reflect payment at 80% of the bi-weekly salary rate.

Funds were negotiated to support the increased compensation provided for fellowship leaves. The University Budget Office will adjust the college's budget to reflect the increased cost of fellowship leaves paid at 80% of bi-weekly salary rate. Therefore, the increased cost of fellowship leaves will have no impact on the college's budget. The University Budget Office will provide guidance to the college regarding the process by which the colleges will be reimbursed for the increased cost of fellowship leaves.

No changes were made in the half-year, full-pay fellowship leave.

On August 24, 2006, Human Resource Directors and CUPS Coordinators were sent CUPS Memorandum No. 06-3, which details the required CUPS changes.

II. ANNUAL LEAVE

The period of annual leave for full-time teaching members of the faculty has been changed.¹ Article 14.1 has been revised to read, in relevant part:

Effective August 25, 2006, the period of annual leave for full-time teaching members of the faculty shall be from the day subsequent to the spring commencement of each college until the third day, excluding Saturday and Sunday, preceding the thirtieth of August that follows such commencement, or an equivalent consecutive period.²

This change will simplify the scheduling of the fall semester. When the teaching faculty annual leave period continued until August 30, the University frequently had to negotiate with the PSC for a waiver of Article 14.1 to start the fall semester earlier. Equally important, for academic years in which classes are scheduled to begin later than the third weekday preceding August 30,³ teaching faculty are now available for professional

¹ This change also applies to counselors in faculty titles who have the same annual leave period as teaching faculty. Please see the August 7, 2006 memorandum for a complete explanation of the rules applicable to counselors in faculty titles.

² For full-time teaching members of the faculty at LaGuardia Community College, the period of annual leave shall be from the day subsequent to the last final exam in the Spring I semester until the third day, excluding Saturday and Sunday, preceding the first day of classes of the Fall I semester that follows such Spring I final exam, or an equivalent consecutive period.

³ For example, the teaching faculty annual leave period ended August 25, 2006, but classes for the fall 2006 semester did not begin until August 30, 2006.

assignments on the days between the end of the teaching faculty annual leave period and the first day of classes, as they are at other times during the academic year prior to spring commencement.⁴

III. CHANGES APPLICABLE TO ADJUNCT INSTRUCTIONAL STAFF

A. Adjunct Professional Staff Development Fund

Effective September 1, 2006, the sum of \$500,000 will be transferred from the HEO/CLT Professional Development Fund to a newly-created Adjunct Professional Development Fund that will be administered by the PSC. The Adjunct Professional Development Fund will continue until the \$500,000 has been expended. The PSC will establish an Adjunct Professional Development Selection Committee that will review applications and make grants, up to a maximum of \$3,000 from the Adjunct Professional Development Fund.

To be eligible to apply for a grant an adjunct faculty member must be teaching six or more classroom contact hours in the semester and have taught one or more courses for the two most recent consecutive semesters (not including summer session). To be eligible for a grant that would be used during an intersession or summer session period when not otherwise employed at the college, an adjunct must meet the above stated eligibility requirements and in addition must have been notified of reappointment for the next consecutive semester.

Eligible employees will apply by using a standard application form supplied by the PSC. The application will explain how the professional development activity is related to the employee's position at the University and to the employee's own professional development. A grant for a professional development activity that conflicts with the employee's teaching responsibilities will not be awarded.

Applications must have the approval of one chairperson of a department that is employing the adjunct before being submitted to the Adjunct Professional Development Selection Committee. If the chairperson does not approve the application, he/she must provide an explanation for the disapproval.

⁴ The days between the end of the teaching faculty annual leave period and the start of classes are governed by Article 15.1 (a), which states in relevant part: "Except for such periods of annual leave, classroom teaching members of the instructional staff shall be available for assignment to professional activities."

B. Leave for Personnel Illness or Personal Emergencies – Non-Teaching Adjuncts and Adjunct College Laboratory Technicians

Effective August 25, 2006, Article 14.8 of the collective bargaining agreement is amended to permit non-teaching adjuncts and employees in the Adjunct College Laboratory Technician series to be excused with pay for personal illness or personal emergencies, including religious observance, death in the immediate family or similar personal needs, which cannot be postponed for a period of 1/15 of the total number of clock hours in a particular session or semester. The rules governing this leave are the same as currently exist for adjunct classroom teachers and teachers on multiple position assignments employed for a course.

C. Notification of Salary Rate

Effective August 25, 2006, the college must notify each adjunct instructional staff member of his/her title and hourly rate of pay in his/her appointment letter. If the adjunct instructional staff member believes that the hourly rate of pay is incorrect and notifies the college's Office of Human Resources within 30 days of the first day of the semester, any adjustment in the hourly rate of pay will be made retroactive to the first day of the semester.

D. Adjunct Service Interrupted by Service as a Substitute

Effective August 25, 2006, where an adjunct's continuous appointments in a teaching or non-teaching title are immediately followed by an appointment to a Substitute full-time position on the instructional staff with no break in service, and the period of Substitute service is immediately followed by continuous appointment to an adjunct teaching or non-teaching title with no break in service, the period of adjunct service immediately preceding the Substitute appointment will be added to the continuous adjunct service immediately following the Substitute service, as though there were no break in adjunct service, for the purposes of determining eligibility for a movement within schedule under Article 24.2, eligibility for health insurance under Article 26.6, and, for teaching adjuncts, eligibility for tuition waivers under Article 29.3.

E. Communication Resources for Adjuncts

On campuses where capacity exists, teaching adjunct instructional staff members are to be provided with CUNY e-mail addresses. The colleges are to use their best efforts to provide teaching adjunct instructional staff with voicemail and, where feasible, to include them in department directories.

IV. CHANGES AFFECTING THE SOPHIE DAVIS SCHOOL OF BIOMEDICAL EDUCATION AND THE CUNY LAW SCHOOL

The 2002-2007 PSC/CUNY collective bargaining agreement includes some provisions with particular applicability to the Sophie Davis School of Biomedical Education and the CUNY Law School.

A. *Salary Above Base*

The settlement agreement with the PSC that permits the University to pay faculty up to 165% of the seven-year step for specified titles became applicable to the following titles on June 26, 2006:

- Medical Professor (Basic Sciences)
- Associate Medical Professor (Basic Sciences)
- Assistant Medical Professor (Basic Sciences)
- Medical Professor (Clinical)
- Associate Medical Professor (Clinical)
- Assistant Medical Professor (Clinical)
- Law School Professor
- Law School Associate Professor
- Law School Assistant Professor
- Law School Library Professor
- Law School Library Associate Professor
- Law School Library Assistant Professor

For titles listed above that do not have a seven-year step, the percentage increases specified in the settlement agreement are applied to the maximum salary in the salary range for the title.

B. *Distinguished Lecturers*

The salary range for the position of Distinguished Lecturer in the CUNY Law School is from the minimum of the Law School Instructor (\$34,889 effective May 1, 2006) to the maximum of the Law School Professor (\$131,636 effective May 1, 2006). The salary range for the position of Distinguished Lecturer in the Sophie Davis School of Biomedical Education is from the minimum of the Medical Lecturer (\$52,291 effective May 1, 2006) to the maximum of the Medical Professor (Clinical) (\$152,013 effective May 1, 2006).

With the exception of the applicable salary ranges, the other terms and conditions of employment of Distinguished Lecturers in the CUNY Law School and in the Sophie Davis School of Biomedical Education are the same as other Distinguished Lecturers, as provided in Article 11.7, specifically

- It is a full-time, non-tenure-bearing faculty title.
- An individual in the Distinguished Lecturer title is eligible for annual reappointment, but may not serve in the title for more than a total of five years.
- It is primarily a teaching position, but it may include research.
- There is a limit of 80 Distinguished Lecturers at any one time University-wide.
- The workload for Distinguished Lecturers is the same as that of Professors in the college to which they are appointed.

Requests to appoint an individual as a Distinguished Lecturer should be sent to the Vice Chancellor for Faculty and Staff Relations.

C. Grievance and Disciplinary Procedures

Effective August 25, 2006, instructional staff in the Sophie Davis School of Biomedical Education and the CUNY Law School are covered by all of the provisions of Article 20 (Complaint, Grievance and Arbitration Procedure) and Article 21 (Disciplinary Actions) of the collective bargaining agreement.

V. PROFESSIONAL REASSIGNMENT LEAVES

Effective September 1, 2006, the reassignment leaves provided to librarians annually pursuant to Article 25.4 shall be increased from four weeks to five weeks.

In conjunction with the changes in annual leave for counselors in faculty titles hired on or after September 1, 1998, Article 25.4 was also amended to delete the reassignment leaves for such counselors.

VI. CONTINUING EDUCATION TEACHERS

A. Hourly Minimum Rate

Effective May 1, 2006, the minimum hourly rate for Continuing Education Teachers was raised to \$29.76. For Continuing Education Teachers in the CUNY Language Immersion Program the minimum hourly rate was raised to \$33.48, also effective May 1, 2006.

B. Access to Library

Effective August 25, 2006, Continuing Education Teachers who have an appointment that will last at least six weeks will have library privileges on the campus on which they are working.

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C. Participation in the Adjunct Professional Development Fund

Continuing Education Teachers who are appointed to a position that will continue for a period of more than six months and that requires them to teach a minimum of 20 hours per week and who have taught in such an appointment for the two most recent consecutive semesters (not including summer session) shall be eligible to apply for a grant from the Adjunct Professional Development Fund. (*See Section III.A above.*)

VII. DISTINGUISHED PROFESSORS

The maximum number of Distinguished Professors is now 175.

The Distinguished Professor stipend was increased to \$24,226 effective May 1, 2004, \$24,892 effective May 1, 2005, \$25,639 effective May 1, 2006 and \$25,878 effective September 19, 2007.

VIII. UNION RECOGNITION

Effective August 25, 2006, employees in the Office of the Chancellor and employees in the Office of the Secretary of the Board of Trustees will be added to the list of functions and titles that are excluded in Article 1 of the collective bargaining agreement.

In the Hunter College Campus High School, one additional Assistant Principal (Administration) may be excluded from the bargaining unit. Additionally, the title "Occasional Per Diem Substitute Teacher" will be accreted to the Professional Staff Congress bargaining unit effective September 1, 2006. The title "Occasional Per Diem Substitute Teacher" is covered by New York State Education Law Section 6216 for salary purposes.

If you have any questions concerning these contractual changes please call me at (212) 794-5353 or Mr. Raymond F. O'Brien at (212) 794-5386.

- c: Chancellor Matthew Goldstein
- Cabinet
- Chief Academic Officers
- Chief Administrative Officers
- Chief Student Affairs Officer
- Labor Designees
- Personnel Officers