

TO: Labor Designees
Directors of Human Resources

FROM: Pamela S. Silverblatt
Vice Chancellor for Labor Relations

DATE: April 20, 2010

SUBJECT: Adjunct Instructional Staff Workload and Waivers of Section 15.2 - Fall 2010

As you are aware from my memoranda of December 3, 2009, and January 28, 2010, the Professional Staff Congress/CUNY ("PSC") intends to strictly enforce the adjunct instructional staff workload limitations of section 15.2 of the PSC/CUNY collective bargaining agreement commencing with the fall 2010 semester and will approve adjunct overload waivers only in very limited circumstances.¹ Although the University was able to enter into an agreement concerning adjunct overloads for the spring 2010 semester that afforded the colleges a period of time to transition to the heightened level of review of overload requests by the PSC, a similar agreement will not be in effect for adjunct overloads for the fall 2010 semester.

As a result, for fall 2010, the colleges will be allowed to pay adjuncts for only the number of hours per week that fall within the limits set forth in section 15.2 of the PSC/CUNY collective bargaining agreement, until such time as the PSC approves the overload request.² Only at that point will the colleges be permitted to pay the adjunct for any hours the adjunct worked in excess of the contractual limit.³ (Please note, this is a departure from the practice that has existed for the last several years.) We are required to take this position because the Union "rejected" over two hundred overload waiver requests for fall 2009 after we had entered into the standing agreement to pay adjuncts equally over 15 weeks for all of the hours they worked (including overload hours) pending approval by the PSC.

¹ As we previously advised, the PSC filed grievances regarding adjuncts who were appointed to overload assignments for the fall 2008 and spring 2009 semesters without the submission of overload waiver requests. The PSC has since filed two similar grievances regarding the fall 2009 semester.

² Section 15.2 of the agreement provides that adjunct instructional staff members shall not be assigned a total of more than nine (9) classroom contact hours during a semester in one unit of the University. In addition, such adjunct may be assigned to teach a maximum of one course of not more than six (6) hours during a semester at another unit of the University.

³ Situations that do not fall within these parameters will be discussed separately with each college to determine an appropriate resolution.

Because adjuncts will not be paid for an overload until the PSC has approved the waiver, it is crucial that adjunct overload waiver requests be processed in a timely manner. Adjunct waiver requests based on events occurring at the beginning of the semester should be submitted to the Office of Labor Relations by the end of the first week of the semester and as expeditiously as possible in connection with events occurring thereafter.

The PSC has advised that waivers in the following circumstances will **not** be approved in the normal course of business:

- When the justification is based upon an “emergency” but the adjunct filled out the workload reporting form and the Department Chair signed the form well in advance of the semester at issue.
- When the justification is based upon the leave status or retirement or resignation of a faculty member that was previously known to the department.
- When the justification is based upon an increase in enrollment that was known or should have been anticipated in advance.
- When the justification is based solely upon the number of contact hours assigned to each course (*e.g.*, the adjunct has been assigned to two courses with a workload of three contact hours each and a third course with a workload of four contact hours).
- When the justification is based solely upon the adjunct’s area of expertise, training, prior involvement in the development of the course or program, or the department’s prior experience with the adjunct.

In the circumstances described above, which occur in the routine course of business, the department would be expected to cover the courses with newly recruited instructional staff members, rather than assigning the courses to adjuncts already teaching courses where these additional hours would result in an overload. The best guidance we can provide is to say that the emergency or urgent need has to be in very close time proximity to the start of the semester and has to be something that was neither known in advance nor predictable in the normal course of scheduling in order to permit an overload. In sum, the Colleges should not assign an overload to an adjunct in the absence of a demonstrable, unexpected need (*e.g.*, the faculty member assigned to teach a course suddenly becomes ill).

Please continue to communicate with your Deans, Department Chairs and administrative staff the necessity of finding alternatives for teaching and non-teaching assignments that do not involve the appointment of adjunct faculty on an overload basis. Departments may want to take steps to broaden outreach to enlarge the pools of available adjuncts. In order to assist the colleges in this regard, the Office of Human Resources Management has inquired whether the colleges want to participate in a consolidated advertisement this month for adjunct positions targeted to the disciplines needed by each college for the fall 2010 semester.

If you have any questions, please contact Jerry Rothman at (212) 794-5626.

Thank you for your cooperation.

c: College Presidents
Chancellor's Cabinet
Chief Academic Officers