

COMMTTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

1

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HIGHER EDUCATION
JOINTLY WITH COMMITTEE ON CIVIL
SERVICE AND LABOR

----- X

November 12, 2020

Start: 10:06 a.m.

Recess: 12:49 p.m.

HELD AT: REMOTE HEARING

B E F O R E: Inez D. Barron,
Chairperson for Committee on
Higher Education

Daneek Miller,
Chairperson for Committee on Civil
Service and Labor

COUNCIL MEMBERS:

Laurie A. Cumbo
Alan N. Maisel
Ydanis A. Rodriguez
Eric A. Ulrich
Helen Rosenthal
Daniel Dromm
Farah Louis
Francisco Moya
Adrienne Adams

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

2

A P P E A R A N C E S

Matthew Sapienza

Senior Vice Chancellor and Chief Financial
Officer at CUNY

Pamela Silverblatt

Senior Vice Chancellor for Labor Relations at
CUNY

Barbara Bowen

President of the Professional Staff Congress CUNY

Rosa Squillacote

Vice President for Part-Time Personnel at PSC
CUNY

Blanca Vazquez

Executive Council Member for the Part-Time
Personnel at PSC CUNY

Robert Farrell

Chapter Chair at PSC CUNY

Scott Cally

Chapter Chair at PSC CUNY

Ian Ross Singleton

Professor of Writing

Sara Ortiz

Vice Chair of Graduate Affairs for the University
Student Senate

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

3

SERGEANT POLITE: Recording to PC all set.

SERGEANT SADOWSKY: Thank you.

SERGEANT DAUTAJ: Recording to cloud is all good.

SERGEANT SADOWSKY: Thank you.

SERGEANT PEREZ: Backup recording is good.

SERGEANT SADOWSKY: Thank you. And Sergeant
Biondo, you will be able to start your opening.
Thank you.

SERGEANT BIONDO: Good morning everyone and
welcome and welcome to today's Remote New York City
Council Hearing on the Committees of Higher Education
jointly with Civil Service and Labor.

At this time, would all panelists please turn on
their video. Once again, would all panelists please
turn on their video for a verification. To minimize
any disruptions, please place all electronic devices
on vibrate or silent mode. If you wish to submit
testimony you may do so at testimony@council.nyc.gov
again, that is testimony@council.nyc.gov.

Thank you for your cooperation. Chair's we are
ready to begin.

CHAIRPERSON BARRON: [GAVEL] Good morning and
thank you for joining today's Virtual Joint Committee
on Higher Education and Committee on Civil Service

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

4

and Labor Hearing on Adjunct Faculty Employment at
the City University of New York or CUNY.

I am Council Member Inez Barron, Chair of the
Committee on Higher Education and a proud CUNY alum.
I want to thank Council Member I. Daneek Miller Chair
of the Committee Civil Service and Labor for joining
us to hold this very important hearing. Witnesses
testifying today include CUNY's Senior Vice
Chancellor and Chief Financial Officer Matthew
Sapienza and Pamela Silverblatt, Senior Vice
Chancellor for Labor Relations.

Also, invited to testify are the professionals in
Congress which is CUNY's faculty union and the
University Faculty Senate University Student Senate
Adjunct Faculty and labor advocates groups and other
interested parties.

We last conducted a joint hearing on CUNY adjunct
faculty in late January of this year. It seemed so
long ago that this hearing was conducted in-person
just weeks before businesses and schools closed and
life transitioned to remote communication platforms
due to COVID-19.

In the few months since that hearing, it is
remarkable to reflect on the tremendous resilience

and progress we as a city and indeed, many of our institutions like CUNY have displayed as we collectively adjusted to "new normal" of living through a pandemic. But just a few days ago, a long serving Adjunct Art History Professor at CUNY's Medgar Evers College published op-ed addressing what he referred to as a "two tiered system for CUNY professors". This op-ed underscored the many themes about the challenges of adjunct faculty employment as opposed to full time or tenure professor experience that we previous explored and will be following up on at today's hearing.

For instance, last January, we recognized and indeed applauded the gains run by CUNY's adjunct faculty through a collective bargaining agreement that now provides them with a higher pay rate per cost and other salary enhancements such as paid office hours. But CUNY's institutional response to COVID-19 also taught us that these gains mean absolutely nothing without the job security and related benefits that are routinely afforded to full time professors and employees.

Over the summer, CUNY modified nearly 3,000 adjunct professors and contingent faculty that their

contracts would not be renewed, leaving many without insurance or healthcare during a pandemic. These unilateral layoffs illuminated what the professor referred to as a "emotional and stressful roller coaster" of unstable adjunct employment. Feeling like you could be fired any minute, not knowing whether you will be given enough courses to pay rent and having to rely on secondary jobs to cover your own living costs. All while class sizes have increased to levels that are untenable, the students and professors alike.

I would be remiss if I did not note that these matters are even more alarming when one looks at the racial and ethnic demographics of adjunct faculty generally. As we observed at our hearing last January, national studies have shown that underrepresented minorities in adjunct positions have continued to grow while in contrast underrepresented minorities in full time, ten year track positions have done so at a substantially lower rate.

I pose the following question in January, which is why are we institutionally marginalizing our minorities and academia in comparison to their White counterparts? I will say that again. Why are we

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

7

1 institutionally marginalizing our minorities in
2 academia in comparison to their White counterparts?
3 Especially now at this time when the COVID-19
4 pandemic is ravaging our Black and Brown communities.
5 Why are we not providing our Black and Brown adjuncts
6 more opportunities, stability and job security. I
7 cannot stand by the case that adjunct faculty
8 employment models represents a "cost saving matter"
9 for universities. This is an issue that transcends
10 cost saving and raises serious concerns about race
11 and the lack of racial equity and academia today.

12 We have lots of questions for you regarding these
13 matters but first I would like to thank Joy Simmons
14 my Chief of Staff and Ndigo Washington my Director of
15 Legislation and CUNY Liaison, Michele Peregrin the
16 Committees Financial Analyst and a special thanks and
17 a fond farewell and bon voyage and best wishes to
18 Paul Sinegal Counsel for the Committee who will be
19 leaving and moving on to another position.

20 And for the members of the Committee, I can't see
21 who they are but I see Council Member Maisel is here
22 and as others are noted, I will acknowledge them as
23 well.
24
25

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

8

And at this time, I will pass to my Co-Chair
Council Member I. Daneek Miller.

CHAIRPERSON MILLER: Thank you so much Chair
Barron. It is great to see you, great to be here
this morning. Good morning everyone. I am Council
Member I. Daneek Miller and I am the Chair of the
Committee on Civil Service and Labor. Again, I would
like to thank my Co-Chair Inez Barron, the Chair of
Higher Education and welcome everybody to this
morning's hearing.

I would like to acknowledge and welcome my
colleagues that have joined us from the Committee on
Civil Service and Labor, Council Member Adams, Louis
and Ulrich as well. Today's joint hearing will focus
on adjunct faculty in the City of New York at CUNY.
CUNY is the largest urban public university in United
States providing accessibility to higher education to
more than 274,000 degree seeking students and 276,000
adult and continuing education students, over 25
college campuses across the City of New York.

For many, especially in New York City, CUNY has
been the stepping stone to a better quality of life.
In order to run cohesively and effectively as it
does, CUNY employs a wide range of distinguished

employees. CUNY faculty has boasted Nobel Laureates, members of national academics and Pulitzer Prize winners, administrator and professors. Both tenured and with those who are adjunct which make up the heart of CUNY.

Adjunct faculty are those faculty members who work in limited capacity for the universities. Adjuncts can be professors, associate professors, assistant professors, adjunct faculty and ensures that students at CUNY are adequately taught and served each and every day. Although rightly to CUNY, when we held this hearing in January, we learned that adjunct faculty are often employees who are under appreciated and under compensated. Work often in difficult conditions with few benefits.

For example, there are no standardized hiring process or adjuncts. Adjuncts frequently work under the threat of having those courses cancelled just days before they begin. Rarely receive health insurance and typically have little to say in the universities government.

In efforts to ensure that adjuncts are treated better and compensated more fairly, the Professional Staff Congress or PSC which is the bargaining unit

1 which represents the faculty here at CUNY. Including
2 adjuncts has fought for additional benefits for
3 adjuncts faculty. Most notably, the unions work was
4 seen in the recent December 19 ramification of a new
5 contract between PSC and CUNY. The contract spans a
6 total of 63 months and is retroactive to December 1,
7 2017 and will go through February 28th of '23.

9 As my colleague Chair Barron has noted, due to
10 the unexpected costs of COVID pandemic, Governor
11 Cuomo withheld additional 20 percent of the state's
12 funding of the Universities budget. Resulting in
13 layoffs for nearly 3,000 adjunct faculty as well as
14 reduced cost offerings.

15 Giving that so many of the staff are experiencing
16 layoffs or reduced hours, it is essential for the
17 Committee to make sure that the terms of the
18 previously ratified collective bargaining agreement
19 are implemented successfully. That we ensure that
20 adjunct faculty who are hear, who bear a very heavy
21 load in insuring that CUNY system runs efficiently
22 and successfully receive adequate labor and the
23 health protections as agreed upon during this crisis.

24 Today, I would like to understand exactly the
25 difference between adjunct and tenured staff at CUNY;

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

11

1 however, and as well as, the implementations of the
2 contract and if there are any shortfalls and
3 certainly, if there is so, if there had been any
4 engagement and impact bargaining over new provisions
5 which may have changed the terms and agreement of
6 employment based on COVID-19 pandemic. Which has
7 threatened the health and economy and livelihood of
8 so many.
9

10 Particularly important, today is the demographic
11 day that for adjuncts, as compared to full time and
12 tenured professors at CUNY, I want to know if there
13 is a noticeable racial and ethnic disparity within
14 CUNY when looking at adjuncts and full time tenured
15 professors. What can be done to address these
16 disparities if so and these are some of the many
17 questions that we will be checking in with CUNY and
18 PSC as well as advocates in order to ensure that CUNY
19 and New York City education in a whole is fair and
20 equitable workplace where we can teach and learn.

21 I would like to thank my staff, Chief of Staff
22 Mr. Ali Rasoulinejad, Brandon Clarke and Senior
23 Advisor Mr. Joe Goldbloom. I would also like to
24 thank Senior Staff for the work that they have done
25

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

12

in preparing this, Nuzhat, Thomas, Kindle, Elizabeth
and John our Financial Analyst.

So, with that, I will kick it back to Chair
Barron and thank you very much. I am looking forward
to a robust, robust hearing this morning. Thank you.

SERGEANT DAUTAJ: Chair Barron, you are on mute.

CHAIRPERSON BARRON: Thank you. Thank you so
much and now I will pass it to our Policy Analyst
Chloe Rivera who will review the operating procedures
for today.

COMMITTEE COUNSEL: Thank you Chair Barron. My
name is Chloe Rivera and I am the Senior Policy
Analyst to the Committee on Higher Education at the
New York City Council. I will be moderating today's
hearing and calling panelists to testify.

Before we begin, please remember to that everyone
will be on mute until I call on you to testify.
After you are called on, you will unmuted by the
host. Note that there will be a few second delay
before you are unmuted and we can hear you. For
public testimony, I will call up individuals and
panels. Please listen for your name. I will
periodically announce the next few panelists. Once I
call your name, a member of our staff will unmute

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

13

1
2 you, the Sergeant at Arms will set a clock and give
3 you the go ahead to begin your testimony. All public
4 testimony will be limited to three minutes. After I
5 call your name, please wait for the Sergeant at Arms
6 to announce that you may begin before starting your
7 testimony.

8 At today's hearing, the first panel will include
9 representatives from the City University of New York
10 followed by Council Member questions then public
11 testimony. In order of speaking, we have Matthew
12 Sapienza Senior Vice Chancellor and Chief Financial
13 Officer at CUNY and Pamela Silverblatt Senior Vice
14 Chancellor for Labor Relations at CUNY.

15 I will now administer the oath to the
16 Administration. When you hear your name, please
17 respond once a member of our staff unmutes you. Do
18 you affirm to tell the truth, the whole truth and
19 nothing but the truth before these Committee's and to
20 respond honestly to Council Member questions? Senior
21 Vice Chancellor Sapienza?

22 MATTHEW SAPIENZA: I do.

23 COMMITTEE COUNSEL: Thank you. Senior Vice
24 Chancellor Silverblatt?

25 PAMELA SILVERBLATT: I do.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

14

COMMITTEE COUNSEL: Thank you. We will now hear
from CUNY Senior Vice Chancellor Chief Financial
Officer Sapienza. Senior Vice Chancellor, you may
begin your testimony once a member of our staff
unmutes you.

MATTHEW SAPIENZA: Thank you and good morning
Chairperson Barron and Chairperson Miller and members
of the Higher Education and Civil Service and Labor
Committee's. I am Matthew Sapienza, CUNY's Senior
Vice Chancellor and Chief Financial Officer and I
very much appreciate the opportunity to speak with
you about adjunct faculty employment at the City
University of New York.

As you know, CUNY like every institution of
higher learning has been greatly impacted by COVID-
19. This impact on CUNY has been especially keen
because we are located in New York City, the
epicenter of the COVID-19 outbreak in United States
and because COVID-19 disproportionately affected the
very neighborhoods where many of our students live.
We experienced firsthand how the pandemic changed our
community.

Beginning in March 2020, CUNY converted almost
50,000 in-person courses to distance education. This

required our faculty, many who had not taught on line before to quickly revise their course syllabi learning platforms and adopt new pedagogical strategies to create the conditions for their students to meet the corresponding learning outcomes.

Staff adapted to remote work and continued to give valuable advice and support to colleagues as well to deliver wrap around and student support services and it required all involved, faculty, students and staff to do all of this. While caring for family and adapting to a new complicated reality.

We are very grateful for our faculty staff and students. We are especially grateful for our essential workers, who have continued to ensure their campuses are protected and safely maintained.

As a result of the economic fallout from the COVID-19 pandemic, the university has experienced reductions in revenue, seen public funding significantly reduced and been obliged to take on unplanned emergency expenditure.

We have been forced to make decisions that only months ago were unimaginable. CUNY's funding comes from three principle sources tuition, appropriations

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

16

from New York City and appropriations from New York State.

The New York City Adopted Budget for Fiscal Year 2021 provided \$464.6 million in funding for CUNY community colleges and includes a reduction target of \$46.3 million. This reduction target represents 9 percent of the community colleges base budget and is an addition to a \$20 million reduction that was made by the City for the community colleges during April 2020 as the impact of the pandemic began to effect New York City finances. We are anticipating further city reductions in the November financial plan update which will be announced later this month. And I just want to take a moment to go off script and thank Chair Barron and all the members of the Council who have advocated so strongly for restorations to the CUNY's ASAP program during the Adopted Budget process.

The New York State budget as adopted in April 2020 provided \$2 billion for CUNY for Fiscal Year 2021. Approximately the same time — I am sorry, approximately the same amount as for Fiscal Year 2020. It was clear at the time however, that extraordinary public health and economic relief

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

17

expenditures would require adjustments depending on federal aid. So, the budget agreement gave the State Budget Director the authority to reduce budget allocations during the fiscal year.

The state division of budget has estimated a current year revenue decline of \$14.9 billion, which represents a loss of about 15 percent but there is no assistance from the federal government for New York State to offset this revenue loss. We at CUNY are facing a risk of a permanent reduction. CUNY expected and told the City Council at a public hearing in June 2020 that the pandemic would sharply decrease tuition revenue because of economic pressure on its students, many of whom have previously worked full or part-time and would not be able to pay tuition during the crisis and many of whom depended on crowded buses and subways to get to and from class.

Presently, the fall semester enrollment is now 5.1 percent which has resulted in a \$52 million loss in revenue. CUNY previously lost \$32 million in revenue for the spring 2020 semester due to a reduction in tuition and other revenue collections.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

18

CUNY also spent almost \$75 million on unplanned emergency costs related to the pandemic. Expenses that included the purchase of laptops and iPads for students, the cost for deep cleaning buildings. Overtime cost for public safety and facilities personnel. The purchase of PPE's, cleaning products, signage and other costs associated with transitioning the distance learning across the system.

Given the announced budget cuts from the city, the projected decrease in enrollment for the fall 2020 semester and the significant state revenue decline, it became impractical and irresponsible to continue operations as normal.

Since about 80 percent of CUNY's cost relate to personnel, any serious budget cuts will necessarily involve position reductions. CUNY has largely frozen new hiring in order to generate budget savings but otherwise has so far preserved the employment of its full time faculty and full time professional staff and has not instituted layoffs of full time faculty and administrators. The University Vacancy Review Board was established in April and has reduced payroll cost by keeping vacant or consolidating the responsibilities of existing positions, saving the

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

19

1 university \$33 million in annualized costs as of
2 September. The universities total full time staffing
3 level has been reduced by 468 positions since the
4 hiring freeze was announced. Adjunct faculty unlike
5 tenure track faculty are part-time faculty paid on a
6 per course basis for limited terms.
7

8 Nonteaching adjuncts and adjunct laboratory
9 technicians are adjunct versions of their full time
10 counter parts. CUNY employed about \$14,000 teaching
11 and non-teaching adjuncts in Fiscal Year 2020 of a
12 total cost of about \$309 million. We very much value
13 the critical contribution of our adjuncts which was
14 underscored in the historic collective bargaining
15 agreement that was announced in October 2019. In
16 which adjunct pay per course was increased by over 70
17 percent.

18 Faced with the extreme unannounced and
19 anticipated budget cuts as well as projected
20 enrollment losses, CUNY campuses determined that it
21 had to decline to renew the appointments of
22 approximately 2,800 adjuncts. Mostly faculty which
23 saved about \$30 million. There appointments expired
24 according to their normal contractual terms as of
25

June 30, 2020 and were not renewed as allowed by the collective bargaining agreement.

Last week, as part of our continued financial management in this challenging environment, the Chancellor announced that all managerial employees under the executive compensation plan will be furloughed five days this fiscal year. As a result of our sustained transition to distance learning, we have also reduced costs through the consolidation of campus space, eliminated travel and have enhanced our energy savings. The increase of 16 percent in our summer session enrollment also generated additional revenue that has helped defray costs incurred this fall.

Traditionally, the University Board of Trustees has presented a budget for the new fiscal year in June. The presentation and approval process for the Fiscal Year '21 budget has been delayed until more information is available regarding another federal stimulus bill and its impact on state and city clients. The federal government did allocate \$250 million to CUNY earlier this year as part of the Cares Act. That included \$118 million in direct aid to students, almost all of which has been distributed

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

21

to 197,000 students so far. The remaining \$132 million is to be distributed as part of the universities Fiscal Year '21 budget. We recently allocated \$41 million of the funds to cover the colleges reimbursement for student tuition and fees, health and wellness expenses and IT infrastructure expenses.

The use of Cares Act funds is subject to various oversight agencies and will be audited as part of the universities annual uniform guidance audit. If the U.S. Department of Education considers any expenditure inappropriate, it may disallow the expenditure. According to the Cares Act institutional letter sent on April 21, 2020, the United States Secretary of Education stated and I quote, "While I know you face many challenges arising from the COVID-19 pandemic, I encourage you to use the portion of your reward for recipients institutional costs to expand the remote learning programs, build your IT capacity to support such programs and train faculty and staff to operate effective in a remote learning environment." These activities will help ensure that learning can continue for your students during the nations

recovery from the coronavirus pandemic and strengthen your position to support continued learning in the future. I would also encourage you to consider using the funds for recipients institutional cost to expand support for your students with the most significant financial needs arising from the coronavirus pandemic. Including eligible expenses under a student's cost of attendance, such as course materials, technology, healthcare, childcare, food and housing."

Although CUNY has not yet finalized its plans for the remaining funds in detail, it anticipates broadly using them in a student centric manner. Aid to our students will also prevent further deterioration of enrollment and because enrollment drives the need for full time and faculty, nonteaching adjuncts and other professional staff, aid to students to generate additional enrollment helps preserve these faculty and professional staff positions from further erosion.

The Cares Act funds are one time federal resources that will no longer be available once spent. The Cares Act funds did not and will not meet all of the needs of our students. These needs have

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

23

1
2 become even more acute as a result of COVID-19. The
3 federal government's failure to provide additional
4 resources makes it increasingly difficult to whether
5 the economic impact of this continuing health crisis.
6 We urge the federal government to act soon and
7 provide much needed additional assistance to New York
8 State, New York City and institutions of higher
9 education.

10 Chairperson Barron and Miller, please know that
11 the University very much appreciates the unwavering
12 support of the City Council of CUNY's students and
13 staff and particularly to the both of you for your
14 leadership in those efforts. Thank you.

15 COMMITTEE COUNSEL: Thank you for your testimony.
16 We will now hear from CUNY Senior Vice Chancellor
17 Silverblatt. Senior Vice Chancellor, you may begin
18 your testimony once a member of our staff unmutes
19 you.

20 PAMELA SILVERBLATT: Good morning Chair's Barron
21 and Miller and members of the Committee's on Higher
22 Education and Civil Services and Labor. It is nice
23 to see you again.

24 I am Pamela Silverblatt, Senior Vice Chancellor
25 for Labor Relations at the City University of New

1 York. I last appeared before the Committee's meeting
2 jointly last January. I appreciate the opportunity
3 to speak with you today and provide you with an
4 update since I was here last. When I reported in
5 January, we had recently concluded the negotiations
6 for a new collective bargaining agreement between
7 CUNY and the professional staff Congress CUNY. The
8 union representing the faculty and professional
9 administrative staff at CUNY. So much has happened
10 in our country and in the world since then. Most
11 importantly, I wish good health for you and your
12 families and I hope that you and your families and
13 those close to you have been spared the ravages of
14 the COVID pandemic.
15

16 When I was here last, we were very proud of the
17 collective bargaining agreement we were able to
18 achieve with the PSC, with the state and city's
19 support. As I said then, Chancellor Matos Rodriguez
20 described the agreement as an embodiment of CUNY's
21 strong and unwavering commitment to its faculty.
22 Both full and part time and its staff and the PSC's
23 leadership as well as members of the Rank and File
24 had variously held the agreement as a star turning
25 point that is principled and imaginative, a victory

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

25

1
2 for every member of the union and for CUNY students
3 and a critical investment in the quality of education
4 CUNY provides that will pay dividends for years to
5 come. The contract had several significant
6 enhancements for CUNY adjunct faculty and I would
7 like to give you an update on the status of those
8 matters but I would be remiss if I did not
9 acknowledge upfront the non-reappointments of adjunct
10 faculty that were necessitated by the budget
11 uncertainties brought on by the pandemic last spring.

12 I will come back to discuss those actions in a
13 moment but first, let me bring you up do date on
14 actions taken to implement the contract since I last
15 appeared. As you know, the collective bargaining
16 agreement is a 63 month contract that has five 2
17 percent wage increases compounding at 10.41 percent.
18 By the time I last appeared before you, the first two
19 2 percent across the board salary increases were
20 already due. Teaching adjuncts will of course
21 benefit from the across the board wage increases.

22 I am sorry, across the board wage increases that
23 apply to all employees in the PSC bargaining unit.
24 Those increases were implemented and paid including
25 with retroactivity last spring in March. When I last

testified, I focused on the contract, significant, economic and structural enhancements for CUNY's approximately 12,000 adjuncts. These enhancements are primarily in three categories: salary, student success and adjunct professional development and stability.

As I said at the time, over the life of the agreement, adjunct pay will increase by more than 70 percent for the lowest paid adjunct lecturers raising their pay for a free credit course from \$3,222 to \$5,500. This is accomplished in several ways. Very importantly starting last spring, in the spring 2020 semester for each three credit course taught teachings adjuncts began to be required to hold and receive additional compensation for one office hour per week. Because of this restructuring in the way adjuncts work, an adjunct teaching a three credit course received more than a 38 percent pay increase starting in Spring 2020.

I should note that the enhancements in the last contract follow significant positive enhancements for adjunct faculty over the last several years including the provision of stable, quality health insurance by inclusion in the City Health benefits program and

greater job stability through the opportunity for
three year appointments.

Just after the salary increases were implemented
and the new office hours implemented, the COVID-19
crisis struck New York and the University had to
quickly pivot to remote learning and work. With no
notice, CUNY had to transition 275,000 students to
online classes and move 45,000 employees to working
from home.

When we initially moved to remote, there was no
indication of how long we would be in that mode or
how profoundly the pandemic would affect New York.
With a focus on getting our students through the
semester without losing credit momentum, the faculty
and staff at CUNY performed in an exemplary fashion.
Everyone prioritized the students, put their best
foot forward and even those less skilled with
technology made their best effort to ensure
satisfactory completion for the students.

As the spring progressed, sorry, excuse me. As
the spring progressed and we realized that remote
learning would likely continue in the fall, the
Office of Academic Affairs worked closely with the
colleges to provide professional development

opportunities for both the full and part-time faculty to enhance their skills at online teaching. In partnership with the CUNY School of Professional Studies, academic affairs develop the online teaching essentials workshops designed to bolster faculty skills for online teaching and learning in six areas. The workshop covered understanding the online learning environment, structuring the online learning experience, communicating and interacting online, online presence and engagement, effective online assessment and of course scheduling and reflection.

Nearly 1,700 faculty have completed the training for which they are compensated and slightly more than half of those faculty were adjunct faculty.

Throughout the spring as the pandemic raged, the havoc it was reeking on the state and city budgets became a daily topic of conversation. CUNY's financial situation dependent as it is on both the city and state for revenue became very serious.

In addition to enrollment projects for the fall 2020 semester indicating a coming downturn in the number of students. The Collective Bargaining Agreement between CUNY and the professional staff congress requires CUNY to provide adjuncts with

notice of whether they will have an appointment in
the fall by May 15th.

Because of the uncertainty of the budget and
enrollment situations, CUNY asked the PSC to extend
that deadline, hoping that we would have more
certainty before making reappointment decisions.
CUNY and the PSC agreed to push the deadline back
initially to May 29th and then to June 30th. Having
to notify the adjuncts of their fall assignments by
June 30th, the colleges made decisions using the
information they had available at the time. We were
in the middle of the pandemic with an uncertain
fiscal future combined with an anticipated decline in
enrollment.

In the face of that constellation of
circumstances, the colleges non-reappointed almost
3,000 adjuncts out of a total of approximately 12,000
teaching adjuncts. The specific decisions regarding
reappointment and non-reappointment are made locally
at the colleges. Since those spring non-
reappointments, nearly 660 of the non-reappointed
adjuncts have been reappointed for the fall 2020
semester.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

30

As we sit here today, nearly five months since those non-reappointments the Universities fiscal situation continues to be very serious. Just last week, Chancellor Matos Rodriguez sent a letter to the university community advising of a \$45 million reduction in support from New York City to our community college budgets. The need for CUNY to spend about \$75 million in unplanned expenditures related to COVID. The risk in state aid if there is no additional assistance from the federal government for New York State, the loss of revenue due to enrollment declines and the loss of revenue due to reductions in tuition and other revenue sources.

Since last spring, the university has had a vacancy review board in place, which has reduced CUNY's full time staffing by 468 positions resulting in an annualized savings to the university of over \$30 million. Most recently, the Chancellor announced that managerial employees at the university will be furloughed for five days during this fiscal year.

The university continues to act prudently and take necessary steps to protect our core mission of providing high quality education to the students of New York City.

Once again, thank you for this opportunity. If there are questions, I will be happy to answer them.

COMMITTEE COUNSEL: Thank you for your testimony. We will now turn to Chair Barron for questions.

CHAIRPERSON BARRON: Thank you so much. I do want to thank both Senior Vice Chancellors for their testimony and what they have shared with us. I have lots of questions and following my questions, I will share with my Co-Chair.

You just now talked about I think 468 positions that are not going to be filled, is that what you said and if that is what you said, can you give us the range of the titles of those 468 positions?

MATTHEW SAPIENZA: Yes, thank you Chair Barron. Yeah, since the University instituted a hiring freeze in late April and we created a university vacancy review board to review all hiring requests. Since that time, since late April through the end of September, we don't have October data yet but through the end of September, the total number of full time positions has come down by 468 positions, which represents a little over 2 percent of our total full time staff. We have about 19,000 full time staff at the university. And so, it includes the gamut of

1 full time positions at the university, faculty,
2 administrative, managerial staff, all positions.

3 CHAIRPERSON BARRON: And I would like to get that
4 disaggregated and get that data.

5 MATTHEW SAPIENZA: Sure, we can do that and get
6 that to you, yeah.

7 CHAIRPERSON BARRON: And with the start of 2020
8 semester, you are not to do a not be reappointing
9 3,000 adjuncts to teach in the fall. So, can you
10 give us a breakdown of how many adjuncts were laid
11 off including how many individual courses were
12 canceled as a result of those non-reappointments?

13 PAMELA SILVERBLATT: So, I can give you by
14 college the numbers of non-reappointments. I can
15 either read through that today if you would like or
16 we can provide that to you after.

17 CHAIRPERSON BARRON: Read it. Just summarize it,
18 I would just like to get an idea of how that played
19 out across each college.

20 PAMELA SILVERBLATT: Sure, sure. So, actually
21 Chair Barron, it varies significantly across the
22 university and from college to college. The colleges
23 each made their own — the colleges are in different
24 situations visa ve their budgets and they each made
25

1 individual decisions. There are some colleges that
2 non-reappointed what looked like some number of
3 hundreds of adjuncts at the time and there are some
4 colleges that non-reappointed much smaller numbers of
5 adjuncts. And then, as I said, there was I would say
6 a modest amount of rehiring of adjuncts. Some of the
7 colleges did rehire more than 100 adjuncts. Some of
8 those that laid off the greatest numbers did rehire
9 more than 100 adjuncts between June and the start of
10 the September semester.
11

12 CHAIRPERSON BARRON: Across each of the campuses
13 that we have, is there a percentage that you can
14 share with us that we can identify as courses that
15 are taught by adjuncts? Because I want to get an
16 understanding additionally to how it impacts the
17 adjuncts by their sheer numbers. The impact on
18 students because now those courses are not being
19 offered.

20 PAMELA SILVERBLATT: We can get you; I believe
21 that we can follow up and get you information related
22 to the percentage of adjunct at each of the colleges.
23 It is not sitting in front of me today but I am sure
24 that we can follow up and get you that information.
25

With respect to courses, courses vary. The courses taught vary by semester. They vary by enrollment, by I think that there are many decisions that go into the needs for scheduling and what does and doesn't get scheduled in any particular semester.

CHAIRPERSON BARRON: And you said it is a campus by campus decision. Who does the president involve in making a decision as to which courses or which titles of adjuncts will not be rehired? Is there a Committee that he relies on to help him decide if in fact there will be a reduction, who will not be reappointed?

PAMELA SILVERBLATT: My understanding -

CHAIRPERSON BARRON: The expectation -

PAMELA SILVERBLATT: I am sorry.

CHAIRPERSON BARRON: The expectation that there will not be a single person making that decision without having the input significant and actual input of others to make that decision. Are departments asked?

PAMELA SILVERBLATT: Yeah, the ability that those decisions start at a departmental level in terms of what the programming will look like in any given semester. And then of course, largely I think

1 depending on the structure of a school, you may have
2 Chair's that report to an assistant dean or dean and
3 those folks ultimately report to a college provost
4 and the provost ultimately reports to the president.
5 But there is academic involvement at the departmental
6 level in making those decisions.

7
8 And if a Department Chair recommends that a
9 person be reassigned, rehired, reappointed, does that
10 in fact happen?

11 PAMELA SILVERBLATT: I can't answer that question
12 today. As I sit here, I would think that what would
13 happen is that the Department Chair would have you
14 know, certain constraints, certain limitations
15 parameters within which to work. That they have
16 courses that have to be offered in order for students
17 to have the programs they need to fulfill their
18 majors and at the same time, they have likely a
19 budget that they have to be mindful of but that if a
20 particular Chair at a particular college felt that he
21 or she wasn't going to be able to fulfill the
22 curricular needs or needed additional personnel to
23 fulfill those curricular needs, that he or she would
24 have conversations with their dean's and or their
25

provosts to discuss any adjustments that might be warranted.

CHAIRPERSON BARRON: So, we are talking about faculty that has not been reappointed and we're talking about some faculty that had in fact been rehired even though they were not initially given a letter.

So, we know that PSC, the Professional Staff Congress is that body that represents this faculty. So, have you provided them with a complete list of the adjuncts or other contingent faculty and staff that were not reappointed last spring? And how many of those that were not reappointed lost access to the employer provided health insurance?

PAMELA SILVERBLATT: So, PSC —

CHAIRPERSON BARRON: What kind of information —

PAMELA SILVERBLATT: I am sorry, you cut out.

CHAIRPERSON BARRON: Yes, what kind of sharing have you done with PSC and transparency, so that they would know what is going on.

PAMELA SILVERBLATT: Sure, so last spring, we provided PSC with aggregate numbers by college of adjuncts that were non-reappointed, including aggregate numbers of adjunct to at the time

ultimately stood to lose their CUNY sponsored health insurance. They did not immediately lose it, they might have had health insurance through June or July or some through the entire summer and of course some people would have opted for COBRA and may still have employer sponsored health insurance through COBRA.

So, we gave the union those aggregate numbers at the time and the union has subsequently requested names of adjuncts, I think names and apartments specifically of adjuncts who have been non-reappointed so that they can reach out and we are in the process of gathering that information. President Bowen reiterated that request that week. That information is being compiled, so that the union will have that information shortly to be able to reach out.

CHAIRPERSON BARRON: And so, since you had given them that number in the spring, what is that number?

PAMELA SILVERBLATT: The number of non-reappointed adjuncts that we shared with them at the time was 2,990 and the number of adjuncts that stood to lose health insurance as a result of their non-reappointments was 422.

CHAIRPERSON BARRON: Does that number — it sounds just like a large number. It sounds like such a great number. Why is that number so high? We know that CUNY relies on adjuncts for the bulk of the instruction that goes on. I don't have the numbers in front of me but the bulk of the courses that are taught at CUNY are taught by adjunct faculty.

So, why are we now gutting that body that is responsible for delivering the instruction and providing now counseling and office hours. Why are we gutting that?

PAMELA SILVERBLATT: So, every spring, spring into fall, there are — and at fall into spring, there are adjuncts whose appointments come to an end and who are not reappointed.

CHAIRPERSON BARRON: Right.

PAMELA SILVERBLATT: And so, for example, in spring '19 going into fall '20, so for the prior year, there were over 1,800 adjuncts who were non-reappointed at that point.

So, this year, the number was 2,900 as opposed to 1,800 and the difference is owing to the situation and circumstances that Matt and I both described and

that have you know, struck the world and wreaked
havoc on the city.

CHAIRPERSON BARRON: So - I am sorry, go ahead.

PAMELA SILVERBLATT: No, no, no, go ahead.

CHAIRPERSON BARRON: So, you said last year there
were 1,800 non-reappointments. Am I then to conclude
that there were 1,800 fewer adjuncts or were those
1,800 in fact replaced by perhaps new adjuncts that
were hired?

PAMELA SILVERBLATT: So, they may have been, some
of them may have been rehired. Other adjuncts may
have been hired depending on the needs, the
disciplines. The only point that I am making is that
the non-reappointments happen from semester to
semester and so, the magnitude, clearly the magnitude
this year was bigger but it wasn't that the magnitude
is normally zero and this year it was 2,900.

CHAIRPERSON BARRON: I understand but I would
like to know the net difference. You say 1,800 last
year were not reappointed but there were others that
were appointed or that got new employments. I would
like to know what that difference is, so I would
appreciate if you could give that to me.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

40

PAMELA SILVERBLATT: Sure, I don't mean to look away. I do have some data with me but -- it would absolutely be best to get it back to you after. You know, rather than being distracted, I would rather have staff get it to you after.

CHAIRPERSON BARRON: Okay, that's fine and I understand this new world that we are living in you know, we are looking a thousand different -- it is very different.

What percentage or number of adjunct faculty lost their CUNY sponsored health insurance as a result of these layoffs or non-reappointments and what's the approximate cost of the monthly premiums that are associated with COBRA health benefits extension?

PAMELA SILVERBLATT: So, I think we have about -- we had about 2,200 or 2,300 adjuncts receiving employer sponsored health insurance and about 420 lost their health insurance. Presumably they were able to access COBRA and then perhaps private or other public health insurance but that translates to I would say about 20 percent of those that received employer sponsored health insurance were effected.

The answer to the COBRA question is a little more complicated. So, our employees are in the City

1
2 Health Benefits Plan. The adjuncts are in the same
3 City Health Benefits Plan as the full time employees
4 and I suspect that the City Council members are in
5 that health benefits plan also. And so, there are
6 many different options of coverage that someone can
7 take and there are options that are less expensive
8 and more expensive.

9 So, the COBRA premium is 2 percent higher than
10 the employer share. So, whatever the employer share
11 is. The COBRA premium is 2 percent higher. So, 102
12 percent and that pertains to the adjuncts as it does
13 to everyone else and again varies based on the
14 individuals choice about health insurance programs.
15 And that's not determined by CUNY, that's you know,
16 part of the expectations of the City Health Benefits
17 program.

18 CHAIRPERSON BARRON: Thank you. I have lots more
19 questions but I am going to defer now to my Co-Chair
20 Council Member I. Daneek Miller for his questions and
21 then I will return. Thank you.

22 CHAIRPERSON MILLER: Thank you so much Chair
23 Barron. The Chancellor's brought up such interesting
24 information in their testimony and their subsequent
25 questioning that I did have a few but I primarily

1 want to focus on the collective bargaining aspect of
2 it and the impacts of COVID-19 and implementation.
3 But in the interim, could the Chancellor respond to
4 of the 5.1 percent decrease that we have seen for the
5 fall semester in terms of revenue, talk about the
6 specific impacts of that because I know you said that
7 there was some additional hiring that was done after
8 the initial layoff. There were about 600 adjuncts
9 that were brought back but could we talk about the
10 impacts on that and whether as Council Member Barron
11 alluded to, whether that actually had an impact on
12 courses that were being served, in courses that were
13 being delivered?

14
15 MATTHEW SAPIENZA: Sure, sure.

16 CHAIRPERSON MILLER: Yeah and how that happened,
17 how that was evaluated and how that impacted those
18 trickling in and how we determine what courses would
19 no longer exist us, what adjuncts would no longer
20 exist? Is that how that works?

21 MATTHEW SAPIENZA: Yeah no, thanks Chair Miller
22 for the question on enrollment and that question is
23 such a key component to financial management at the
24 university. So, we were down 5.1 percent as you
25 mentioned for fall 2020 compared to where we were in

1 fall 2019. That resulted in a revenue loss of about
2 \$52 million. Tuition remained the same as it did in
3 the previous semester, so the tuition rates were the
4 same. So, the fact that we had less students just
5 meant less overall revenue of about \$52 million.
6

7 The enrollment losses are more so in the
8 community colleges than in the four year colleges.
9 The four year colleges overall are actually up a
10 little bit in terms of fall '19 to fall '20
11 enrollment. It was up a little less than 1 percent
12 and every college is different. There are some
13 colleges that are showing really strong enrollment
14 gains, some that are low but overall, the four year
15 colleges are up a little bit. Community colleges
16 through are down and that's something that research
17 is shown throughout the country in terms of community
18 colleges. It is happening throughout New York State
19 in terms of SUNY's community colleges.

20 And so, the community colleges in terms of the
21 revenue loss they are feeling from enrollment losses
22 is certainly more acute than it is at the senior
23 colleges, no question about that. And in terms of
24 the adjuncts reappointment, you know going back to
25 what my college Senior Vice Chancellor Silverblatt

1 said a few minutes ago, when campuses are evaluating
2 the number of adjuncts they need, enrollment in those
3 certain disciplines and within those certain
4 departments is a key factor.
5

6 If enrollment is going down in a certain
7 discipline or for a certain department, the decision
8 might be made that they don't need as many adjuncts
9 as they did the year before just because there is
10 less students to serve. So, enrollment is definitely
11 a critical factor in that equation in making those
12 determinations.

13 CHAIRPERSON MILLER: So, in terms of the terms
14 condition of employment amongst for the adjuncts, do
15 they come with a contract or service.

16 PAMELA SILVERBLATT: So, adjunct deployments can
17 either be once semester, two semesters or in the
18 contract prior to the contract we reported on last
19 winter, we agreed to a pilot program for a three year
20 adjunct appointments for adjuncts who met particular
21 service requirements.

22 CHAIRPERSON MILLER: So, within that universe of
23 those that met that threshold, were any of them laid
24 off?
25

1
2 PAMELA SILVERBLATT: So, there were -- among the
3 adjuncts who were non-reappointed, there were
4 adjuncts who would have been eligible for
5 consideration for new three year appointments. So,
6 no one in the midst of a three year appointment was
7 non-reappointed.

8 So, the way the program was structured, it was
9 initially structured as a five year pilot and then in
10 the last contract, we extended it three more years.
11 So, for example, that first cohort of people, the
12 folks went in in the first year were eligible for
13 reconsideration for new three year appointments and
14 there would have been some folks in the non-
15 reappointed group who would yes, have been three year
16 adjuncts who would not have received new three year
17 appointments, again based on the assessments of the
18 fiscal and programmatic needs of the colleges at the
19 time last spring.

20 CHAIRPERSON MILLER: Okay. So, obviously that
21 meant that the program itself was retroactive, right
22 because of the three year timeframe?

23 PAMELA SILVERBLATT: We started the program -- I
24 am going to try and do this from my memory Chair
25 Miller. We started the program, I think three or

four years ago in the contract prior to the one we settled last October or November. I believe the first year for the three year pilot appointments was the 2016-2017 academic year.

So, folks would have worked 2016, 2017, 2017-2018, 2018-2019, so then it might have been the second cohort coming up for review. It would have been folks who had completed three years but were up for reconsideration because when we agreed to the pilot, we agreed that even if the pilot were going to end, that if folks were in the middle of it, in the middle of their three years when the pilot ended, they would continue.

So, it was not, if I am understanding your question, it wasn't so much retroactive, it was that this goes back to an earlier contract.

CHAIRPERSON MILLER: The prior contract. Okay and of those folks, how many of those are within that 2,000 - whatever the number was that qualify for health benefits?

PAMELA SILVERBLATT: How many of the folks who qualified for health benefits were three year adjuncts, I am going to have to get back to you.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

47

CHAIRPERSON MILLER: Okay, so of the 12,000 adjuncts, you said 2,000 something qualified for or had health benefits, employee health benefits.

PAMELA SILVERBLATT: 2,200, 2,400 order of magnitude.

CHAIRPERSON MILLER: That's a pretty small percentage of the total workforce, adjunct workforce and I would assume that is in relation to collective bargaining or just the time, the amount of time. What is the qualifying factors for help?

PAMELA SILVERBLATT: Thank you. I would like to explain this and I see President Bowen on my screen. President Bowen and I spent a lot of time over years negotiating this program that I personally in the university are very proud of for adjunct health insurance.

So, prior to this program, the adjuncts were provided health insurance through the Unions Welfare Fund and there were financial constraints as a result and so, what is now several or many years ago, the university working with the union and the state and the city were able to both secure additional funding and secure the city's willingness to have us move eligible adjuncts into the City Health Benefits

1 Program. The City for a long time wasn't in the
2 right place and it took a lot of advocacy and
3 lobbying but we got the city to agree and actually I
4 think this predates this mayoral administration, as I
5 think about it. We got the city to agree that we
6 could move eligible adjuncts into the program. We
7 got additional funding from the state and we
8 negotiated, yes, as a result of collective bargaining
9 the university and the union negotiated the
10 eligibility criteria for those adjuncts who would be
11 eligible for health insurance.
12

13 And the shortened version is that an adjunct has
14 to be teaching in their third semester, so in fact
15 there is a waiting period. So, you have to be in
16 your third semester and you have to be teaching a
17 minimum of I forget whether it is worded as six
18 credits or two courses but the equivalent of two
19 courses and in your third semester and you have to
20 have no other health insurance. You have to certify
21 that you don't have other health insurance and you
22 know, these were all negotiated and in truth, they
23 were all approved by the City because the City has
24 strict limitations on the part-time employees that it
25 allows to be in the health benefits program. You

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

49

1
2 have to be working at least half time. So, in a 40
3 title you have got to be working 20 hours a week in a
4 35 hour title 17 ½ hours and so, we needed to have
5 their support to move what are part-time employees
6 into the health benefits program and those were the
7 criteria that we negotiated and the city endorsed.

8 CHAIRPERSON MILLER: Okay, so that does seem like
9 a low number out of 12,000 that would be working of
10 that amount of time. So, I guess I am to assume that
11 they are working less than the prescribed 20 or 17 ½
12 hours. Of that being said, I would like to focus on
13 them a little bit and of those 2,200 to 2,400, 400
14 have lost those benefits.

15 PAMELA SILVERBLATT: Yes, approximately yes, that
16 is approximate that -

17 CHAIRPERSON MILLER: And when we say loss, does
18 that mean they no longer have access because they are
19 not purchasing COBRA or how does that work? Who is
20 paying the premium?

21 PAMELA SILVERBLATT: Right, so for the folks who
22 were going to lose their CUNY employment. Some have
23 had health coverage through July. So, adjuncts who
24 taught in the spring would have coverage through
25 July. Adjuncts who taught both in the fall and the

1
2 spring would have paid for health coverage through
3 this summer and then they would eligible to self-
4 purchase COBRA. Again, requirement of the city
5 program, not CUNY so they could have access to the
6 same level of health insurance and their continuity
7 of providers but it would be pursuant to COBRA.

8 CHAIRPERSON MILLER: And what's the cost of COBRA
9 for an individual and family? Do you know?

10 PAMELA SILVERBLATT: So, the cost of COBRA varies
11 by the health insurance option that the employee.

12 CHAIRPERSON MILLER: They don't have a lot of
13 options. If they are in the city's health plan,
14 there are very few options.

15 PAMELA SILVERBLATT: Well, I hear you. I think
16 that there are folks who are in HIP. There are folks
17 who are in JHI. There are more expensive programs
18 through ETNA and so, the cost is 102 percent of
19 whatever the employer cost was. Again, depending on
20 what somebody chooses whether they have individual
21 family. There is not one discrete cost. The best
22 way to answer that is -

23 CHAIRPERSON MILLER: What is the minimum cost for
24 COBRA? Do you know that? What other plan?

PAMELA SILVERBLATT: I don't know the individual HIP rate off the top of my head. We can get you, that's probably the least expensive as the HIP program. We will get you the individual HIP cost.

CHAIRPERSON MILLER: So, that leads me to and want to wrap up so my colleagues could ask questions but it does lead me into those who were not reappointed and in some cases are these just non-reappointments or have you guys labeled it as layoffs? Have there been any layoffs?

MATTHEW SAPIENZA: No.

PAMELA SILVERBLATT: So —

MATTHEW SAPIENZA: Oh.

PAMELA SILVERBLATT: I am sorry, go ahead.

CHAIRPERSON MILLER: It doesn't matter, yeah.

MATTHEW SAPIENZA: Yeah, no, Chair Miller, these are non-reappointments. There have been no layoffs but there has been the non-reappointments of the adjuncts.

CHAIRPERSON MILLER: So, put back to Labor Relation hat back on and by not reappointing as opposed to laying off, that negates to kind of the impact bargaining of the bargaining unit and whether or we are going to be responsible. How do we kind of

1 mitigate the blow to the bargaining unit and you
2 know, that is standardized negotiations that occur
3 when we have layoffs. Are we doing that? Are we not
4 necessary that is semantics but are we continuing to
5 impact bargaining for a lack of better words with PSC
6 to make sure that those that are impacted are being
7 compensated or assisted in some shape, form or
8 fashion including - I know you talked about the
9 development and transitioning to distance learning
10 and compensation that has occurred but throughout
11 this process how much engagement has occurred with
12 the PSC? How much ongoing engagement but in
13 particular, for those that have not been reappointed.
14 What does that look like?

16 PAMELA SILVERBLATT: So, we did throughout the
17 spring and summer. We had impact bargaining sessions
18 with the PSC. We had you know, several like, a half
19 a dozen a dozen sessions, I don't know the exact
20 number. The focus of those sessions was largely on
21 adjustments to terms and conditions of employment
22 that were necessitated as a result to the move to
23 remote work.

24 So, issues related to observation, evaluation, we
25 extended. We reached a mutual agreement to extend

1 the clock for folks to do their scholarship and
2 research to get tenure. We agreed to carry over
3 vacation time, so there was bargaining throughout the
4 spring and the summer. We indicated to PSC a
5 willingness to continue impact bargaining to review
6 proposals that they may be interested in putting
7 forth and we remain committed and willing to engage
8 in impact bargaining.
9

10 CHAIRPERSON MILLER: So, it is good to hear that
11 it is ongoing and perhaps the outcome of the in
12 itself would be helpful as we move forward to kind of
13 further address some of those issues that come up
14 that we had not anticipated as we move forward.

15 So, I will definitely jump in on the second
16 round. Right now, I will pass it back off to Chair
17 Barron to hear from some our colleagues this
18 afternoon. Thank you.

19 CHAIRPERSON BARRON: Thank you Chair Miller and
20 at this point, I still have questions but I do want
21 to acknowledge we have been joined by other Council
22 Members, Council Member Moya has joined us and
23 Council Member Rosenthal has joined and I believe
24 that Council Member Rosenthal has questions. So, I
25 will at this point allow her to ask her questions and

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

54

I will give it to Chloe to be able to confirm how we
are going to proceed.

COMMITTEE COUNSEL: Do you have it Chair Barron.
You may ask your questions. Oh, sorry.

CHAIRPERSON BARRON: Yes, it is Council Member
Rosenthal.

COMMITTEE COUNSEL: Council Members, if you would
like to ask a question and you have not yet used the
raised hand function in Zoom, please do so now.
Also, please remember to keep your questions to five
minutes. The Sergeant at Arms will maintain a clock.
You may begin after I call on you and the Sergeant
gives you the queue. We will now hear questions from
Council Member Rosenthal.

SERGEANT AT ARMS: Council Member Rosenthal, your
time starts now.

COUNCIL MEMBER ROSENTHAL: Thank you so much.
Thank you to CUNY and to both of the Co-Chairs.
Really appreciate this hearing and the Co-Chair's
covered so many of my questions. But I have just a
few remaining in addition. I really appreciate them
so much.

So, CUNY, to both of you, you mentioned in an
agreement with the union on adjunct non-

1 reappointments which is such a strange phrase. You
2 know, it is a double negative and it is really hard
3 to wrap your head around what that means. But
4 included in it was a provision to protect adjuncts on
5 health insurance and the three year appointments.
6 You spoke about that a little bit. Did you, did you
7 and how did you ensure compliance with that
8 agreement?
9

10 PAMELA SILVERBLATT: So, the presidents were
11 told, it was communicated to the presidents by the
12 Chancellor that in making their decisions and
13 reviewing what needed to be reviewed they were to
14 prioritize. There were really two issues to
15 prioritize and you know, they might have even been a
16 little competing but they were -- I don't have the
17 agreement in front of me. I think we used the word
18 prioritized. They were to both prioritize folks
19 coming up for three year appointments and similarly
20 prioritize folks who would lose health insurance.
21 And so, the presidents were told that and it is part
22 of their review, those principles were to be
23 prioritized but at the same time, their review for
24 example on the three year adjunct appointments
25 includes in addition to folks meeting the service

requirements, includes an assessment of the fiscal and problematic needs of the department and in thinking about that, they need to be able to project forward for the three years because they are making a three year commitment. So, that was entrusted to the presidents.

COUNCIL MEMBER ROSENTHAL: Yeah, did a flag go off for you about Medgar Evers College? You know that at that location, every single adjunct eligible for the three year appointment was laid off, non-reappointed but laid off. Did that raise a red flag for you at all?

PAMELA SILVERBLATT: I was, actually I believe it was the president of the union who brought that to my attention in the spring.

COUNCIL MEMBER ROSENTHAL: And?

PAMELA SILVERBLATT: And --

COUNCIL MEMBER ROSENTHAL: Have you followed up on that in any way. I mean, if she brought that to your attention in the spring, that's a half a year ago at least. So, what was your follow up with Medgar Evers? Because that seems like a pretty blatant move, right?

PAMELA SILVERBLATT: So, there were some discussion with the college at the time as I said. The decision regarding staffing and employment including who to reappoint and --

COUNCIL MEMBER ROSENTHAL: Let me ask you this question. Did you hear from the college all of the efforts, what other efforts did they make before having to do these specific layoffs? Because doesn't it strike you as odd or does it not raise a red flag for you? Maybe this is a usual thing, so it is not strange but wouldn't that raise a flag? Every single adjunct eligible for the three year contract laid off. Something's gotta, I mean, I am a lay person, come on. No red flags, please.

PAMELA SILVERBLATT: Is there a question?

COUNCIL MEMBER ROSENTHAL: Yes, what was your discussion with Medgar Evers? How did they explain that to you?

PAMELA SILVERBLATT: So, they were not asked by me specifically.

COUNCIL MEMBER ROSENTHAL: Then how do you know that they made every effort not to do that?

PAMELA SILVERBLATT: As I said, the presidents were told what to prioritize. They are entrusted to manage their schools -

COUNCIL MEMBER ROSENTHAL: So, and if - I have to tell you, this gets to my overall question with - I don't appreciate your non-answer. I heard you but just like a non-appointment, that was a non-answer and let me just say what I was very disappointed and particularly you Mr. Sapienza, obviously, obviously the world is in a crisis. Like, you don't need half your testimony to tell us that there is a terrible thing going on, right. That takes a sentence and then you tell us that for that reason, you are losing all this support, right, of course. I mean, I had to help negotiate the City's budget in June, right. You don't need to tell us that. But what you didn't tell us was all the steps you took first that was the lowest hanging fruit prior to having to lay off people.

So, in other words, CUNY added to the unemployment problem in New York City, right. You didn't talk about things like well, if the campus isn't open, you don't need toilet paper. You don't need as much paper. What was the lowest hanging

fruit where you were able to get savings right away?

The no brainer stuff.

MATTHEW SAPIENZA: Well, my last name is
pronounced Sapienza.

COUNCIL MEMBER ROSENTHAL: Apologies, I am
terrible with names. I really apologize.

MATTHEW SAPIENZA: No worries. You are not the
first one, you won't be the last. I did touch on
that in my testimony about other things that we were
doing and certainly we had savings from the fact that
we went to distance learning. In terms of not having
to make the purchases that we normally do. We
eliminated all travel costs. We had some savings
from energy costs obviously. So, there is a host of
things that we did.

COUNCIL MEMBER ROSENTHAL: Good, how much was
that worth? What was the dollar value of that?

MATTHEW SAPIENZA: It's very minimal because -

COUNCIL MEMBER ROSENTHAL: Is it \$10, is it \$100.
I just want to hear from you -

MATTHEW SAPIENZA: The energy savings was about
\$6 million. In terms of purchasing savings, we had
some purchasing savings but again, we went to
distance education in mid-March and so, we had a few

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

60

months of that but keep in mind that our budget also was reduced by the City of New York for our community colleges by \$20 million.

COUNCIL MEMBER ROSENTHAL: Right, I get -

MATTHEW SAPIENZA: In the last quarter of the year. So, those savings went towards that target.

COUNCIL MEMBER ROSENTHAL: Yeah, no, look we are all having it rough and it is your job to figure out how to do this, I get that. So, I just want to know how hard, how much you pushed, how much low hanging fruit was there before you had to do the drastic step of adding to the city's unemployment issue and not helping students more. I mean, if there is one thing I have heard from CUNY students is how much they have been disenfranchised. How many suffered because of the terrible lack of planning with closing the campuses and then were you letting students stay or not. So, many lives were disrupted during this period and we are talking about young people. So, people who are juggling so much. And I still don't know what steps, what thoughtful steps you are doing going forward that will get you meaningful savings.

We are in such a different place today than we were in March. You know, there is no love lost

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

61

1 between me and this presidential administration but
2 the guidance to you from the Department of Education
3 was correct. How are you going to do this smart and
4 it's not -- it is your job, you know I am sorry if you
5 think it is hard, that's interesting but of course
6 you have to show the receipts when you get the money
7 from the federal government. That's your job but
8 what are you doing at a time when substantial saving
9 could be made that would not affect students or
10 faculty to get those savings?
11

12 MATTHEW SAPIENZA: So, I will list the items that
13 we have done.

14 COUNCIL MEMBER ROSENTHAL: And the dollar value.
15 I appreciate the dollar value.

16 MATTHEW SAPIENZA: Sure, I mean, well first of
17 all we did not raise tuition for the fall semester.

18 COUNCIL MEMBER ROSENTHAL: There was an add on
19 fee though that I think --

20 MATTHEW SAPIENZA: There was no additional fee
21 for the fall semester.

22 COUNCIL MEMBER ROSENTHAL: Now, the students have
23 told me something different but I don't have the
24 specifics, I will get back to you.
25

MATTHEW SAPIENZA: No, no, that's fine and part
of the confusion may be --

COUNCIL MEMBER ROSENTHAL: I think it was that
they had to pay their student fee, that they weren't
going to get anything out of their student fee. It
was something like that.

MATTHEW SAPIENZA: The student activity waiver --
there was a partial -- the student activity fee
payment I should say, there was a partial waiver in
the spring semester for. Students pay that in the
fall semester.

COUNCIL MEMBER ROSENTHAL: Right, just to be
clear, I mean these are students who hardly have
money for a meal but go ahead.

MATTHEW SAPIENZA: So, we instituted a hiring
freeze immediately in April and we have reduced 268
positions which has saved \$33 million. So, there was
that.

COUNCIL MEMBER ROSENTHAL: And it all went
through the Vacancy Committee right? To review.

MATTHEW SAPIENZA: Correct.

COUNCIL MEMBER ROSENTHAL: Those vacancies right,
so hypothetically it could have even -- did the

layoffs at Medgar Evers go through the Vacancy
Committee as well?

MATTHEW SAPIENZA: When you said the layoffs,
what are you referring to because we haven't done
layoffs.

COUNCIL MEMBER ROSENTHAL: At the adjuncts.

MATTHEW SAPIENZA: The adjunct non-reappointment.
None of the adjunct non-reappointments at any college
went through the Vacancy Review Committee.

COUNCIL MEMBER ROSENTHAL: Non-reappointment
means layoff. I mean if you want to have a
specialized vocabulary with the people you work with,
that's fine but to a human being, it's a layoff.

So, you are saying the layoffs of the adjuncts at
Medgar Evers went through the Vacancy Review
Committee?

MATTHEW SAPIENZA: None of those adjunct
decisions went through the Vacancy Review Committee,
that is correct, they were done by the presidents.

COUNCIL MEMBER ROSENTHAL: Do you know, are you
comfortable that the presidents had a Vacancy Review
Committee among their, in their office.

MATTHEW SAPIENZA: Part of the announcement when
we created the University Vacancy Review Committee

was that each college should create their own vacancy review committee if they didn't have one already. Many of them already have been placed.

COUNCIL MEMBER ROSENTHAL: Does Medgar Evers have one?

MATTHEW SAPIENZA: My understanding is they do.

COUNCIL MEMBER ROSENTHAL: And is it your understanding that all of the layoffs there went through the Vacancy Review Committee or is it just for central office?

MATTHEW SAPIENZA: I don't know about specifically about Medgar Evers. We would have to confirm that and get back to you.

COUNCIL MEMBER ROSENTHAL: I think it is really important to the Committee that you come back to us with an understanding of how you reviewed the savings due to layoffs at Medgar Evers, right and how you understood that they had made every effort before these layoffs happened. Can you come back to the Committee with that?

MATTHEW SAPIENZA: We will.

COUNCIL MEMBER ROSENTHAL: Will that take a long time?

MATTHEW SAPIENZA: It should not, no.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

65

COUNCIL MEMBER ROSENTHAL: Okay, so I leave that
to the Chair's and the staff. Thank you very much.
Thank you for the extended time Chair's.

CHAIRPERSON BARRON: You are more than welcome,
thank you very much and your round of questioning in
fact extends my opening question to the panel about
who was involved in making --

COMMITTEE COUNSEL: Council Member Barron, your
microphone.

CHAIRPERSON BARRON: Okay, can you hear me now?

COMMITTEE COUNSEL: Thank you, yes.

CHAIRPERSON BARRON: Yes, the extended line of
questing from Council Member Rosenthal was in fact my
opening question to the panel. In terms of the non-
reappointments of adjuncts, who made that decision
and if there were department heads who in fact wanted
to retain personnel for various reasons as you have
highlighted. Course offerings, number of students in
enrollments or whatever, how was that considered and
was that a determining factor. Because I am
concerned about the role of the presidents and
whether or not there is any kind of transparency or
accountability in the decisions that presidents are
making as to who will not be reappointed.

1
2 I am glad that my colleague extended that line of
3 questioning and pursued it even more deeply than my
4 opening questions and we are glad for that and we
5 look forward to the responses to that and if in fact,
6 there is some measure of inequity or some measure of
7 some personal considerations as to whether or not a
8 person was reappointed, what recourse do those
9 individuals have?

10 PAMELA SILVERBLATT: Well, I guess that's
11 directed at me. So, to the extent that someone feels
12 that they were treated outside the bounds of the
13 contract or the law, they have those options
14 available to them. To the extent that they think
15 that you know, they just weren't treated well or
16 nicely, then they presumably can go back to the Chair
17 and try again. There is local union representation
18 at the colleges. They can consult with their local
19 union representatives and determine whether there is
20 a course of action for them. So, those would be the
21 options Chair Barron.

22 CHAIRPERSON BARRON: Okay, I have my second round
23 of questions and then I will ask my Co-Chair for his
24 second round of questions and then any other
25 colleagues that may have question.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

67

First, let me ask Ms. Rivera, are their other members who have raised their hands for questions?

COMMITTEE COUNSEL: No, not at this time. Just a reminder that Council Members may use the raise hand function in Zoom in order to indicate that they have a question for this panel. Thank you.

CHAIRPERSON BARRON: Thank you and again, I apologize. I have been juggling my papers but I am going to be mindful to keep them to the side. And regarding the Cares Act, the Federal Cares Act generally provided funds for universities, half of which had to be allocated to students and CUNY has allocated approximately 236 million for the purposes of the students. Half of which 118 million have – some have argued could have been used to retain adjunct faculty. Because certainly we are talking now about the impact on students because courses are not being offered.

Why hasn't CUNY used these funds to reduce the fall 2020 adjunct faculty layoff?

MATTHEW SAPIENZA: So, a couple things on that Chair Barron if I may. One, is as you pointed out the first tranche of money that we got from the Cares allocation 118 million was for student emergency

1 grants. We moved very quickly in getting that money
2 out to the students. I think as of last check, which
3 was a couple of days ago. I think we only had about
4 \$700,000 that was remaining to be allocated. So, we
5 distributed it in a very short time. \$117 million,
6 over \$117 million to students and 197,000 students
7 have benefited from that.
8

9 The second tranche of money, which was a mirror
10 image of that \$118 for students was what they call
11 the institutional aid and again, it was laid out by
12 each particular campus in CUNY received a specific
13 amount. The same amount that they received for the
14 students.

15 The U.S. Department of Ed which is administering
16 this grant does have specific guidelines regarding
17 the use of these funds. They are mainly to be used,
18 as I mentioned in my testimony, for things that are
19 related to the move for distance education and for
20 helping students along with any additional costs that
21 they have incurred.

22 So, again, our plan is and we have given out \$41
23 million of those funds already but our plan is a very
24 student focused plan. We want to try to use that
25 money to help students in the best way possible, so

1
2 that they can continue their education and that our
3 enrollment doesn't continue to go down and that we
4 can retain students and recruit new ones and the
5 benefit of that will be that we can maintain our
6 enrollment. Although in our enrollment, we will have
7 a need for hiring back or hiring more additional
8 faculty.

9 So, the Cares money doesn't allow specifically to
10 hire adjuncts. However, if the move to distance
11 learning required additional adjuncts to be hired,
12 then yes, then we can use it for that but our plan is
13 very student focused and I hope there is that we can
14 help our students continue towards the pursuit of
15 their degree and maintain our enrollment models.

16 CHAIRPERSON BARRON: So, since you are not
17 indicating that in fact, that money that's remaining
18 would be considered to be used to reappoint,
19 particularly as we are looking at the adjuncts who I
20 did find the data, who teach overall 56 percent of
21 the undergraduate classes. So, since you are not
22 looking to make a commitment to say that any portion
23 of that money would be used to rehire, reappoint the
24 adjuncts who have not been appointed. What can the
25 Chancellor do to look to those as has been referenced

who were appointed. Who were up for three year contracts and who were not given those three year contracts, particularly Medgar Evers College. What can we expect that the Chancellor will do on behalf of those adjuncts who according to the guidelines for this period were not given that kind of consideration?

MATTHEW SAPIENZA: Well, I think a couple of things. One is that you know, we did make a commitment that if we had the need that we would hire back some of these adjuncts that didn't get reappointed and refund that. I think there were about 600 over 650 of those adjuncts that were non-reappointed have been rehired since then.

In addition, we also received a grant from the Mellon Foundation. I just want to take a minute to describe because this also benefited us in terms of hiring more adjuncts. We received a \$500,000 gift from the Andrew Mellon Foundation. We matched it with university funds, so there was \$1 million that became available and the goal of this grant was to increase courses in the humanities and so, by using that money we created 157 additional course sessions for the fall semester and we hired additional

adjuncts to cover those courses. And so, 54 of the adjuncts that were non-reappointed were hired back from the result of this grant and the university match of those funds.

So, we are looking at ways and opportunities when they come up at various campuses on a university wide level to reappoint some of these adjuncts that were non-reappointed. And so, we are looking at ways that we can do that.

CHAIRPERSON BARRON: And I also want to make note that is not just Medgar Evers College where this existed but I will also have information that it is also at Bronx Community College where there were adjuncts who were recommended by their departments with three year appointments and they were not offered. So, I want to make sure that both of those colleges are cited in that.

I am going to ask my Co-Chair if he would like to continue with a second round of questions. So, I will give it back to Ms. Rivera, thank you.

CHAIRPERSON MILLER: Thank you Chair Barron. Yeah, I just, I have a few and I really want to get to our next panel and I know there are a number of questions that we do have left. I want to see also

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

72

1
2 if our colleagues have something. I would love to
3 hear from them and if not, then I will jump back in
4 and ask my final questions. Any hands raised here?

5 COMMITTEE COUNSEL: No, no hands raised at this
6 time. Thank you Chair Miller.

7 CHAIRPERSON MILLER: Okay, I did have some final
8 questions about implementation of the 2017 agreement.
9 Have there been any postponements on any of the
10 provisions, compensations or raises from the 2017
11 collective bargaining agreement? If so, you know, do
12 you anticipate any? And if so, have there been
13 compensation with PSC about what that would look
14 like?

15 PAMELA SILVERBLATT: Sure, so you probably saw a
16 couple of weeks ago that the city delayed a very
17 significant lump sum payments to their teachers as a
18 result of owing to a very old contract they had.
19 They had hundreds of millions of dollars in payments
20 due. Those payments were delayed. Other union
21 payments in the city, similarly as well as payments
22 to various funds. The state delayed their wage
23 increases last spring. They have now been delayed a
24 few time to their employees.

25

1
2 And so, similar to the city and state actions, we
3 have delayed the wage increases that we have due to a
4 few unions. We have wage increase due both in
5 November and December to a few different unions and
6 those wage increases are being delayed and to your
7 question, the PSC leadership was advised of this last
8 week.

9 CHAIRPERSON MILLER: They were advised. Was
10 there negotiations around this because certainly, the
11 city has not arbitrarily or overall withheld upcoming
12 raises. Very specifically the UFT but there is other
13 areas of compensation that have occurred that allow
14 that to happen. And so, in order for that to happen,
15 I would suspect there would some form of impact
16 bargaining happening that you know, we can't do this
17 but we can do this.

18 I expect for those kind of conversations to
19 happen but also, I don't think that the minimal
20 amount of compensation in comparison to that of the
21 UFT is — we are not doing it because this is sort of
22 a reverse pattern bargaining. They are doing it; we
23 are going to do it to. How do you justify as we move
24 forward? Have we discussed and aggregated the
25

savings and then discussed with the union as to what has to be done?

Part of that bargaining is that there maybe other things that can be done in the interim that would negate the need for -- look, at this time, more than ever where people have additional responsibilities. Folks in households, everybody is not working in the household that you know, that the stream of income is not the same. That you know, people are depending on those negotiated wage increases and so, I would like to think that there are ways to certainly get around it. That we are not arbitrarily because someone else is doing it but I would also hope that we take a broader look at labor relations in general throughout you are right whether it is the City of New York but look at individual bargaining units and see where they stand. Where agencies stand in their ability to really fulfill their responsibilities. And so, I just, you know, that's the easy out to say that they did that but here is what I know, is that there are so many other levels of compensation that have been negotiated that allows -- that really mitigates the lowest of that increase. And so, I hope that you guys are talking to make sure that that happened and

1 as you indicated, yeah we informed them. I would
2 hate to have been informed when I was a union
3 president that I wasn't getting something that I
4 negotiated on behalf of my membership. That that's
5 how that conversation took place and knowing PSC,
6 that's probably not but again, I don't want this once
7 again to be on the backs of workers. We are talking
8 about compensation that was already earned in the
9 past pre-COVID and now you know, folks are not
10 receiving that now.

12 So, we are very much concerned about that as we
13 move forward but I just want to make sure that the
14 dialogue and the transparency is there so that
15 [INAUDIBLE 1:40:25] that this is happening in a very
16 transparent way and this way, beyond what we are
17 doing now, we don't have to weigh in again in the
18 future but we will.

19 So, you know, I just want to leave it at that. I
20 do want to speak with the other panelists and want to
21 hear from our colleagues. So, thank you all so very
22 much for your testimony, your candor and for the work
23 that you guys are doing with our most precious
24 resource. No, it is not easy and I speak with our
25 local presidents on a pretty regular basis and it is

1 a partnership. It is an absolute partnership that we
2 have here but you know, we say here that you know, it
3 is the teamwork that makes the dreamwork but that is
4 you know, we have to sometimes do this or whether we
5 are doing it in formal setting and sometimes it has
6 to be this, so that the world knows that we are
7 working really hard to serve our academic community
8 and those who provide those critical services and
9 there are assumptions that CUNY faculty including and
10 not limited to the adjuncts just make it so seamless
11 and all of our public servants and how services get
12 delivered and as I said, make the quality of life for
13 so many New Yorkers so seamless, that we take them
14 for granted. And I just, you know, I want people to
15 really appreciate what these folks do to enhance the
16 educational experience of so many here in this city.

18 MATTHEW SAPIENZA: Thanks Chair Miller and just
19 in closing want to say sincere thanks to the City
20 Council for their continued strong support for CUNY
21 and again, you know recognition of the great work
22 that our faculty has done in pivoting so quickly to
23 distance learning and continuing to serve our
24 students so well.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

77

CHAIRPERSON MILLER: Okay, thank you so much. Oh
and just in hindsight Council Member Barron.

CHAIRPERSON BARRON: Yes.

CHAIRPERSON MILLER: I think we got arrested a
few times so that they get a raise but that's not
being vague, give them their money. Thank you guys.

MATTHEW SAPIENZA: Have a good day.

CHAIRPERSON BARRON: Just to wrap up. One final
concluding remarks I want to make. What percentage
of the adjunct faculty are Black, Brown, on the
record, so-called underrepresented minorities. What
percent of the faculty, adjunct faculty is Black,
Brown and other so-called minorities?

MATTHEW SAPIENZA: I am sorry Chair Barron; I
don't have that data with me but it is obviously data
the university has.

CHAIRPERSON BARRON: That question, you know I am
always concerned about the specifics and the
subgroups but I would imagine that is it is a large
percentage and I would look forward to that data.
And so, now we are seeing another impact of COVID.
We know that COVID has exposed much of the racial
inequities that exist in our society and now here
with this large number of adjuncts who have not been

reappointed or slash laid off. We are contributing
and in fact exacerbating that same problem of Blacks
and Browns and other underrepresented

minorities not getting their fair share and in
fact baring a larger brunt of the oppressive
conditions during this economic and health situation.

So, we need to again factor that in and
understand how that is contributing also to the
inequities that we see in this system of racial
inequity. And I also want to again have you consider
how we could use the Cares money in a way that
benefits students as well as faculty by hiring the
adjuncts because we know the class sizes have
expanded tremendously. We didn't talk about that but
the increase now load of instructors. Adjunct
instructors and other instructors that have expanded
class size and that's another burden and then
finally, I do want to say that the agreement that
CUNY signed, that PSC last spring specified that the
Chancellor would direct colleges to make every effort
to maintain employment for adjuncts eligible for the
three year appointments and adjuncts on CUNY's health
insurance and we want to know how the Chancellor is

holding those presidents responsible to his
directives. We want an answer to that as well.

Okay, thank you so much. Ms. Rivera, are there
any other members that may have been overlooked that
have questions?

COMMITTEE COUNSEL: No, there are no raised hands
in Zoom at the moment. Seeing no other Council
Members waiting to ask questions, we have concluded
CUNY's testimony and we can turn to public testimony.

CHAIRPERSON BARRON: Thank you. Thank you to the
panel.

COMMITTEE COUNSEL: So, first I would like to
remind everyone that individuals will be called up in
panels. Once your name is called, a member of our
staff will unmute you and you may begin your
testimony once the Sergeant at Arms sets the clock
and gives you the queue. All testimony will be
limited to three minutes. Note that there is a few
second delay when you are unmuted before we can hear
you. Please wait for the Sergeant at Arms to
announce that you may begin starting your testimony.
The first panel in order of speaking will include
Barbara Bowen President of the Professional Staff
Congress CUNY, Rosa Squillacote Vice President for

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

80

Part-Time Personnel at PSC CUNY, Blanca Vazquez
Executive Council Member for the Part-Time Personnel
at PSC CUNY, Robert Farrell Chapter Chair at PSC CUNY
and Scott Cally Chapter Chair at PSC CUNY.

I will now call on PSC President Bowen.

SERGEANT AT ARMS: Time starts now.

BARBARA BOWEN: Can you start my clock again
please, I hadn't gotten the signal to unmute, okay.

SERGEANT AT ARMS: Yes ma'am, thank you.

BARBARA BOWEN: Thank you. Thanks very much.

Good afternoon and thank you so much Committee
Chair's on Higher Education and Civil Service and
Labor and Council Members, really fabulous job today
and obviously, from what you have said today it is so
clear that oversight is needed.

There is a lot to say in response to what's been
said already. I just want to correct a couple of
things. When we speak about layoffs, the union uses
that terms even though we understand that someone's
technical appointment may have ended. When somebody
has worked at CUNY for a decade or twenty years and
then they are suddenly non-reappointed, that is a
layoff. CUNY can't have it both ways and make
adjuncts the main stay of the teaching force and then

1 suddenly they are disposable when it is time for
2 layoffs.
3

4 Also, we did not get the numbers of layoffs by
5 colleges. We got the numbers of adjuncts who were
6 not up for a renewal health insurance. So, it is
7 important that we heard them today.

8 I will just say briefly that Higher Education in
9 general has one of the worst labor systems of any
10 industry and I would say, certainly the worst in the
11 professions but even within this disgraceful national
12 system, CUNY is an outlier for successive and growing
13 use of part-time labor. And I just want to emphasize
14 and this has come up that CUNY adjuncts are both
15 part-time and contingent. Their work is not full
16 time and they don't have the full protections of
17 tenure or permanents.

18 CUNY's system really is a disgrace and it has
19 everything to do with racist disinvestment and then I
20 would have to say that is reinforced by institutional
21 silence on what is going on. And ultimately the use
22 of the adjunct system as we pointed out today
23 undermines our students because students, when they
24 have 55 or 56 percent of their classes taught by
25 people who do not have the security of a permanent

1 appointment, who do not in some cases have an office,
2 who do not have adequate pay, those people cannot
3 serve the students in the way they need to be served.
4

5 And CUNY's budget strategy and this is the
6 important part for me. CUNY's budget strategy in the
7 face of cuts, yes, we know there have been cuts and I
8 would say racist disinvestment in CUNY for 35 or more
9 years. CUNY's strategy, rather than resisting and
10 showing that CUNY cannot do what it must do on that
11 small amount of money, CUNY's strategy has been to
12 cut their biggest cost, labor and replace full time
13 positions with part-time positions. That's what they
14 have done and by doing that, they provide a glide
15 path, an easy pathway for applying more cuts because
16 CUNY has made it possible to create the illusion that
17 we can still do what we should do just with part-time
18 faculty.

19 And I want to show you something, I hope it comes
20 up on the screen. This is a chart that shows the
21 percentage of full-time and part-time employees at
22 CUNY in the different categories. The one that's all
23 blue - can you see it. Yeah, represents the
24 executive compensation. That's the management and
25 you will notice that in management, 100 percent of

the employees are full-time. In the other two categories, instructional and non-instructional or classified rather, it is about half who are part-time.

So, when managers set up their own provisions and their own work, they make sure they are 100 percent full time but the rest of us are half part-time. And worse, the trend is toward increasing, not decreasing but increasing the reliance on part-time and contingent labor. In 2000, CUNY had 5,500 full-time faculty and 6,200 part-time. In 2020, that number has gone up to 12,000 part-time and also at the same time and you should be aware of this, that CUNY is also increasingly part-timing the professional staff. There are now about 2,000 people in the professional staff that would be people working in libraries, people working on counseling. Those are part-time too and I have to say that under Chancellor Matos Rodriguez, even though I certainly appreciate what Pam Silverblatt said and she was a great negotiating partner on the health insurance and worked very hard for that but I have to say under Chancellor Matos Rodriguez, things in some ways have gotten worse.

Number one, CUNY rushed to layoff adjuncts in June, even before the cuts were applied and that revealed the deep structural problem of contingency. That contingency makes it convenient to lay people off while presenting that as simply ending their appointment.

Two, so CUNY exploited that structure in a moment of danger for the whole institution instead of holding on to those folks for our students. What's more important for students than to keep their faculty in the classroom? Instead of doing that, CUNY exploited an already bad system to allow them to do mass layoffs. And I think it's important that and third, I would say CUNY did not use the Cares Act money to keep those adjuncts employed.

When Vice Chancellor Sapienza talked about the guidance from the Department of Ed on the Cares Act money, he left out the provision in the law itself, not just guidance. That says that every -- that to the extent practicable, institutions that receive Cares Act money should keep employees on payroll. The cost of keeping the laid off adjuncts on payroll was about \$30 million, would have been. Instead,

CUNY is sitting on that Cares Act money and has not used it to keep adjuncts on payroll.

Next, as we heard earlier, CUNY failed to ensure adherence with their agreement to protect adjuncts on health insurance to the greatest extent they could and those eligible for three year appointments and now, they are stonewalling and not even providing to the union the names of those who have been laid off. So, as you have said, you know, we would like to reach out to them, work with them, help them. We have spent months trying to get that data.

So, to finish up, I want to say to the Chair's we thank you so much for the questions and the concerns you have raised. Everyone knows this is a difficult time. We all know that but a budget is choices and there are choices of what to do in a budget shortfall. CUNY has rushed to layoff adjuncts who are already extremely vulnerable.

I would propose humbly that the Council give CUNY a one week deadline to produce the names of the adjuncts laid off in the spring and those who were reappointed and those who lost their health insurance, one week. I would demand that CUNY use a relatively small share of the remaining institutional

1 Cares Act money, which is allowed to be used and
2 there is guidance to use it this way and put those
3 adjuncts back on payroll. And instead of, I don't
4 know accepting the abuse of the perhaps the governor,
5 governors budget director, who is of course on CUNY's
6 board.
7

8 Next, I would call on you as the Council Chair's,
9 the Committee Chair's to demand an account and I
10 think you have done this already today, of how the
11 Chancellor held colleges to the June 30th agreement
12 about protecting adjuncts who were eligible and
13 recommended those adjuncts at Medgar Evers where
14 students desperately need their guidance and help and
15 support were recommended by their departments after a
16 serious review and years of services and yet, the
17 college laid them all off.

18 I would urge you also to call on CUNY to bargain
19 with the union as you have mentioned Daneek, Council
20 Chair, to bargain on the impact of changes in class
21 size and on class size itself. CUNY refuses to
22 bargain on class size, that is the key workload
23 issue.

24 And finally, I would ask you and I think you have
25 done this magnificently and that is to demand that

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

87

1 CUNY, as an institution that could be a beacon, could
2 be a leader at this moment. Could be a leader when
3 finally people are realizing that Black lives matter.
4 Finally, we have not Trump, well soon not in the
5 White House. This is a moment where CUNY could step
6 out and lead and say, we must have more money in
7 Albany. There must be new revenue bills. The
8 governor must support new revenue bills, not just
9 hope for a stimulus and CUNY must stop providing a
10 too easy way to disguise the crushing impact on the
11 individual employees and on our students of just
12 absorbing more and more and more disinvestment by
13 providing an easy out and say, we will just make more
14 and more people part-time and we will underpay them.
15 That is disgraceful, this is not the moment to stand
16 down. It is the moment to stand up and I call on
17 CUNY to do that and I know the Council will join me
18 in that. Thank you very much.

20 COMMITTEE COUNSEL: Thank you for your testimony
21 President Bowen. Before I call on the next witness,
22 I would like to recognize that we have been joined by
23 Majority Leader Cumbo and Council Member Dromm. Now,
24 Vice President Squillacote, you may begin once a
25

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

88

member of our staff unmutes you and the Sergeant
gives you the queue.

SERGEANT AT ARMS: Time starts now.

ROSA SQUILLACOTE: Thank you very much. Good
morning, good afternoon Council Members and thank you
for your time today. My name is Rosa Squillacote, I
am the Vice President of Part-Time Personnel. I have
been an adjunct for almost nine years and I am also
actually a graduate of Hunter College where the
majority of my classes were taught by adjuncts.

It is not an exaggeration to say that CUNY runs
on adjunct and part-time labor. CUNY relies
disproportionately on adjuncts to teach classes as
well as part-time workers like non-teaching adjuncts,
continuing education teachers and college laboratory
technicians. All these people, almost half the CUNY
workforce work tirelessly to provide support in a
world class education for our working class students
and students of color. You don't become an adjunct
at CUNY unless you care about your students. What we
need, what adjuncts need are better working
conditions and protections, so that we can provide
the educational and emotional support our students
need by helping with difficult course work, making

time to listen to students concerns or connecting
students to other resources that they may need.

Every adjunct knows students who have experienced
the death of a family member or faced a job loss or
become sick themselves during the COVID-pandemic. We
cannot support our students if we ourselves are
worried about losing our jobs and health insurance or
if we are juggling 5, 10, 20 or more students a
class. Which by the way, best practices for online
teaching suggest about 12 students a class.

Part-timers at CUNY deserve to be recognized and
respected for the work that we do to make CUNY what
it is and yet we are treated as disposable. We are
neither paid sufficiently for our work nor given job
security. In fact, as we have heard, CUNY
Administration made the decision to layoff almost
3,000 part-time workers in the immediate aftermath of
the COVID pandemic.

Thanks to the union's advocacy, some workers were
able to regain their jobs but many others are left
without income and without any insurance during one
of the most serious health and economic crisis of our
time and COBRA is simply not a financial option for
many adjuncts, as the cheapest option is about \$900 a

month. I mean, and then on top of this, at Medgar Evers and Bronx Community College, CUNY fired dozens of adjuncts who had been offered a three year contract, which is one of the few sources of job security that is available to adjuncts. This is an insult both to workers and the union.

We are demanding that laid off part-time workers get their jobs and health insurance back. CUNY Administration would have us believe that they are strapped for cash but among you know the Cares Act money, which they could use to preserve jobs, other university administrators have taken meaningful pay cuts, more than like a five day furlough that have allowed their universities to continue to function. We have seen no such decency from CUNY.

More generally, part-timers simply --

SERGEANT AT ARMS: Time is expired.

ROSA SQUILLACOTE: Need to be paid a decent wage. If I were to work as a full-time adjunct and I make on the higher range of what adjuncts make teaching six classes a year, I would only make \$30,000 pre-tax and that's despite the fact that I have a law degree and a family to provide for.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

91

Adjuncts should be paid at least \$7,000 a class, should have meaningful job security and should be given the ability to transition to a full-time position. What CUNY really needs and specifically with the workers and students need, is a free and fully funded CUNY. It is past time to invest in public institutions like CUNY through legislation like the Millionaires Tax and the New Deal for CUNY.

Our dignity and safety demand it. New York's recovery demands it. Thank you very much for your time.

COMMITTEE COUNSEL: Thank you for your testimony.
Executive Council Member Vazquez.

SERGEANT AT ARMS: Time starts now.

BLANCA VAZQUEZ: Have I been called on?

COMMITTEE COUNSEL: Yes, you may begin.

BLANCA VAZQUEZ: I am sorry, okay. Alright, so let me quick. I am Blanca Vazquez; I am a retired actually now adjunct at Hunter College and I am on the PSC Executive Council.

I have to contradict what the Vice Chancellor Silverblatt said about where there cuts start. Just last week at Hunter, we began to get these alarming emails from adjuncts about increases in class sizes

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

92

and cuts. The directives came from the cap, right.

Chairs were ordered to in English to cancel two

sections and raise caps are remaining sections to 28

for a 100 class. For a 200 class, cancel 11 sections

and hold an additional 3 as tentative. Raise caps to

30. Class sizes are being raised in English

composition classes, which are very labor intensive

for adjuncts.

So, here is what adjuncts are reporting. One

says, a music class; now the student cap in this

course, for your course doubled, more than doubled.

Going from 35 to 80. Another report said his two lab

classes were combined into one and another increased

to 25 to 40. All these increases are basically

making me teach double the students for half the pay

I should be receiving.

An adjuncts knows that this wrong on so many

levels and we worry about what affect these increases

will have on students GPA, on retention and on

graduation rates and ultimately our mission at CUNY,

which is to educate students. New Yorkers don't know

that this is happening and how quickly our working

conditions are being eroded.

1
2 As everybody has noted, right this pandemic has
3 exacerbated all the racial inequities in American
4 history, right and it is falling hardest on those at
5 the bottom. Here we go at CUNY. Cuts at CUNY are
6 falling hardest on the lowest tier of CUNY's labor
7 structure, right. The part-time faculty that teach
8 the majority of courses. They have also fallen on
9 college assistance, CLT's and non-teaching adjuncts
10 who are the support system for all of our classes and
11 they make a difference, right. Healthcare right,
12 from the start, we have urged CUNY to protect
13 healthcare, they haven't.

14 By the way, I don't understand how all of a
15 sudden colleges are independent systems, right. So,
16 that John Tay can do whatever he wants and CUNY
17 Administration has kind of no responsibility for
18 policy and for implementing policy that they put in
19 writing to the colleges. I mean, all of a sudden,
20 colleges — so I don't understand that. That's not
21 management.

22 Alright, so here we are. Exploitation, right,
23 what CUNY has chosen to do is to super exploit the
24 already exploited and the problem with class size is
25

not only that it exploits the laborer, right, the
worker. You know but what is it doing to students?

SERGEANT AT ARMS: Time expired.

BLANCA VAZQUEZ: I am so concerned about that.
This isn't the time, right. This is not the time to
retrench at CUNY. This is not the time to make it
more difficult for our students to be there. CUNY is
actually more important than ever. So, what we are
urging City Council and the State and everybody else,
is that CUNY is a priority. You know, higher
education is a priority.

You know, it's not just get a better job. I
mean, it's the only way that most of us will move
from the working class to the middle class. That's
CUNY's mission, that's what makes CUNY unique. So,
this is about yes, new deal for CUNY. You know
because we are in that kind of dire circumstances.
You know, where we have to create a new deal. Thank
you.

COMMITTEE COUNSEL: Thank you for your testimony.
Chapter Chair Farrell.

SERGEANT AT ARMS: Time starts now.

ROBERT FARRELL: Thank you Council Members for
this hearing. I am Robert Farrell; PSA Chapter Chair

at Newman College and I am here to speak about the situation of non-teaching adjuncts NTA's in CUNY. Specifically those in the CUNY libraries.

As VP Sapienza noted and I wish he were still here, MTA's performed work identical to full time faculty in their areas including counseling, advising and librarianship. Yet NTA's are paid at an extremely low rate 60 percent not of their full-time peers but of teaching adjuncts who themselves make a fraction of full-time wages.

Many of these employees are in the academic gig economy and so in desperate need of even this form of exploited employment to survive.

In the libraries, NTA's provide essential reference instruction and other services. As full time staffing levels have dropped and as the hiring freeze has been extended, NTA's have been essential in maintaining any semblance of normal service levels for the CUNY students and faculty, who depend on the libraries for their academic and scholarly success.

Additionally, they have been at the heart of CUNY's open educational resources but we are initiatives that saved students hundreds and hundreds of thousands of dollars. But as a result of CUNY's

voluntary and unnecessary decision to follow Betsy DeVos's optional guidance and the universities failure to act independently to use Cares Act money to keep workers on payroll as congress intended, many NTA's have had their hours cut. Many have been left scrambling to find enough hours to keep their health insurance.

NTA's were one of several titles in the PSC to experience harrowing month to month employment prior to CUNY adopting a temporary budget and they may be in that position again going forward. The precarity of our adjuncts is already terrible and the level of precarity inflicted on them in recent months is wholly unacceptable. It must not happen again.

In addition to having hours cut and receiving monthly contracts, some NTA's were from the onset of the semester only given work until the end of October and are now not receiving a paycheck. Other library NTA's, particularly those working in the area of where we are were reappointed but still haven't been called back to work due to state allocated OER funding not having yet come through. Part of the additional austerity CUNY is experiencing.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

97

It is shameful that the most vulnerable employees in CUNY are bearing the brunt of CUNY's most guided choices. It bears noting that despite the current crisis, CUNY enrollment is near an all time high. We need investment in CUNY not only to keep our NTA's on the job and in the service of our students but as Rosa mentioned, so that we can fill full time vacancies with these amazing faculty and grow our services to meet the need of our record breaking enrollments. Thank you so much.

COMMITTEE COUNSEL: Thank you for your testimony.
Chapter Chair Cally.

SERGEANT AT ARMS: Time starts now.

SCOTT CALLY: Thank you. Good afternoon, my name is Scott Cally and I am a Professor of Theater and Chair of the Professional Staff Congress Chapter at Kingsborough Community College.

This past summer, more than 100 part-time positions were eliminated at Kingsborough and many others had their hours severely curtailed. Among these positions were advisors, laboratory technicians, library assistants and other student support positions. Some of these people had worked at Kingsborough for more than 20 years and some of

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

98

1
2 them were given less than 10 hours of notice that
3 their employment was ended. 10 hours for 20 years;
4 that is unforgivable.

5 No committee or any other form of shared
6 governments were consulted in decisions to non-
7 reappoint a KCC. The comments of the CUNY Chancellor
8 notwithstanding. That did not happen at
9 Kingsborough, I could defer.

10 Chair Barron, your concerns about transparency
11 and accountability of the college presidents are very
12 well founded because there is almost none. They
13 certainly aren't receiving it from CUNY Central. I
14 can only hope that our elected officials will
15 exercise the oversight necessary that CUNY management
16 has abrogated of the colleges.

17 Community college students are among the most
18 disadvantaged in New York City and they are the least
19 prepared for college. They need more individualized
20 attention, not less. They are more likely to have
21 special needs. They are more likely to be
22 unprepared. They are more likely to be housing and
23 food insecure. They are more likely to have
24 connectivity issues in connecting to their online
25

1
2 classes and yes, they are more likely to be Black and
3 Brown.

4 CUNY is making up for lost adjuncts by crowding
5 students into larger classes. Another answer to your
6 question Chair Barron on how are these courses being
7 replaced, that CUNY denied answer, they are just
8 jamming the students into bigger classes. That's how
9 they are doing it. How are they doing it? They are
10 lowering the quality of the education for classes that
11 were already too big.

12 I will give you a case and point. For the Spring
13 2021 semester, upcoming, English Composition 1
14 classes at Kingsborough are capped at 29 students.
15 Whereby at Baruch, the same English comp. classes are
16 capped at only 15 students. I ask the Council to
17 consider the following question. Why is it that CUNY
18 sets course caps at one of its flagship campuses in
19 line with national norms, yet has no problem with
20 crowding Kingsborough students into classes almost
21 twice the size?

22 CUNY repeatedly publicizes commitment to equity
23 and I would ask the City Council, does this sound
24 like equity to you? That the least prepared students
25 are in the largest classes. That CUNY is an

institution where inequity is allowed to flourish is obvious to anyone who works for CUNY.

The time has come for elected officials to demand answer from the decision makers as to why they have allowed this to happen. Kingsborough students –

SERGEANT AT ARMS: Time has expired.

SCOTT CALLY: And it is time to stop treating them as though they are. Thank you for your time.

COMMITTEE COUNSEL: Thank you for your testimony. Before I turn to Chair Barron for questions, I would like to remind Council Members to use the raise hand function in Zoom to indicate that you have questions for this panel. Chair Barron.

CHAIRPERSON BARRON: Thank you. I want to particularly thank the panel that are the ones that are in the trenches doing the work and understanding and being able to share with us the impact of what is happening when we talk about laying off of the adjuncts. And I am so glad that Mr. Cally raised the question or answered the question that I asked, which was well, what's been the impact on courses being dropped because the instructors are not there? And it has been made very apparent through your comments, well there may not be courses being dropped because

1 the classes are being expanded even more than double.
2 So, I am glad you put it that way. It made it very
3 clear to me and it will further make it important for
4 me to get that data from CUNY.
5

6 Well, what do you mean you haven't dropped 20
7 classes because you have dropped the instructors that
8 would have taught those 20 classes, so I am glad for
9 that to have been shared. And to our second
10 panelist, Ms. Squillacote, I hope I pronounced that
11 right. You said something in your testimony that has
12 always been a rallying cry of mine. Free and fully
13 funded CUNY. I went to CUNY, many of you know, I say
14 it often because it was free. That was back in the
15 60's and it was an entitlement for high school
16 students in the city if they maintained a certain
17 average, that they were entitled to go to CUNY and
18 that's certainly what we are going to work to
19 address. CUNY should not be operating on tuition
20 paid by students who can barely afford their own
21 housing and food needs. We see that often, so that's
22 another part and certainly we want to again talk
23 about and address that issue of how actual and
24 factual is it that there exists any kind of shared
25 governance. And that was again, one of my opening

questions that so, presidents at each of the colleges have their own criteria for how they are going to function and what happens when presidents act in direct contradiction to a directive from the Chancellor.

So, I want to thank you for your input and thank you for your testimony and encourage you to continue to do the great work that you do. It is so important and it is so relevant and we are going to continue to fight for permanency and for better working conditions on behalf of all of you. And I will turn it now to my Co-Chair Council Member Miller. Council Member Miller, are you there? Are you on mute?

CHAIRPERSON MILLER: I am now unmuted.

CHAIRPERSON BARRON: Okay.

CHAIRPERSON MILLER: Thank you Chair Barron and thank you to the panelists for their testimony. Clearly, as you said, these are the people in the trenches and doing the work and their interpretation of the work and how those services get delivered are distinctly different from the testimony that we heard from the Administration. And so, I kind of want to just take a small dive into that and Barbara talk about impact bargaining for sure. Right, because

there is a lot of movement parts that are happening now and it is disturbing to me when I hear agencies or administrators say that the union was told. The union is a partner and you don't tell your partner. You sit down and you negotiate and you talk about it and so, if you can kind of give us a very brief synopsis of what those impact bargaining's look like or have they occurred? What is happening? They did so-called commit to future conversations around impact bargaining but what have they amounted to as of yet considering that we are having these conversations about larger class sizes and don't know if that came with any additional compensation and some of the other things that certainly have occurred. And then, certainly, the implementation of the 2017 agreement. Whether it is further compensations, wage compensations or other provisions afforded in the agreement. Where are we with that? Is it ongoing and if you could speak specifically to some of the things that are ongoing or that you have not been able to reach an agreement with and as well as class sizes and certainly the impact of the increased sizes and on the delivery of instructions to our scholars.

1
2 BARBARA BOWEN: Right, thank you so much. Thank
3 you for your attentiveness as the Labor Chair and a
4 Union person yourself to impact bargaining, which is
5 often not fully understood. We went to CUNY with a
6 list of demands for impact bargaining in April or May
7 and the first of those was no layoffs and we call
8 them layoffs for a reason, that I think I explained.
9 But technically they are non-reappointments but when
10 somebody has worked there for 20 years and even if
11 they are just teaching one course each semester for
12 20 years and you tell them don't come back, that's a
13 layoff.

14 At CUNY can't have it both ways and say that
15 these are temporary and contingent disposable workers
16 when they want to treat them that way and they are
17 the backbone of instruction when they want them to be
18 the backbone. So, that was our first demand. As you
19 can see that was not met and not even really
20 entertained. We are still fighting over a second
21 demand which was on reopening. CUNY has kept most
22 classes off campus, about 98 percent off campus but
23 we had to struggle and fight to make sure that
24 especially that our members whom we represent but
25 they are not classroom teachers, that they, like

1 librarians that they were able to do their work
2 safely off campus also to make that transition.

3 And we are very concerned about reopening issues.
4 At the one K-12 school we represent, we actually
5 represent a K-12 school at Hunter College. They have
6 a Hunter College school there and we were hours away
7 from a strike with them. We had ordered the porta
8 potties for the picket lines. I will tell you,
9 that's how close we were because they were refusing
10 to allow an independent inspector, a neutral outside
11 independent inspector to do an inspection to see if
12 the ventilation in that very problematic closed
13 building was safe. And we had to bring it to a
14 strike and the inspector sitting outside for hours
15 before they finally let him in.

16 So, we had demands on safety on reopening that
17 still haven't been met. And then I will just raise
18 the others that you spoke about, class size. I am
19 really glad you mentioned that and highlighted that
20 because as Scott Cally said, in many cases, CUNY's
21 response to laying off adjuncts reducing the teaching
22 workforce has been to say, okay, we still have to
23 teach those courses, we will just cram more students
24
25

1 into them. And that means that we necessarily can do
2 less for students.
3

4 I mean, if you have 45, I mean, at Medgar Evers
5 it went from 26 as a cap for students. At first, the
6 college Administration at Medgar said it is going to
7 go to 50. The union pushed back, we got it down to
8 42 and I believe now it is at 40 but 40 is
9 unconscionable. The students as Scott said, the most
10 vulnerable students are the ones who are going to get
11 least attention.

12 So, that was one "solution" that CUNY took. Just
13 you know, pack them into the classes, who cares about
14 the quality of the education. Who cares about
15 retention. Let's just pack them in there. And their
16 other strategy was to cut courses. So, at Brooklyn
17 College and other places, they actually did cut
18 sections of classes and I think Blanca spoke about
19 this at Hunter, core sections being cut. So, that
20 means that students already I believe a 42 percent of
21 our students at CUNY in a survey said that they have
22 trouble getting a course. This was before COVID,
23 getting the course they need in order to graduate.
24 Now, think of what that percentage is. You know,
25 CUNY puts obstacles in the way of students who have

1 already overcome huge obstacles just to be in your
2 class. I mean huge obstacles. They are heroic just
3 to get there and then to find, oh, you can't get that
4 course because now we no longer offer it or we no
5 longer offer it in the evenings or it is only Sunday
6 mornings or something like that.
7

8 So, that was their other strategy but on class
9 size Chair Miller and this is really critical. CUNY
10 has steadfastly refused to bargain over class size.
11 Under the Taylor Law, the impact of a change in class
12 size, this is where we get to impact bargaining.

13 The impact of changes in class size is a
14 mandatory subject of bargaining and CUNY has sat at
15 the bargaining table, bargaining Zoom with us and
16 refused to bargain over that. We are taking other
17 action to try to compel them under the law but we
18 should not have to take CUNY to court to get them to
19 follow the law on bargaining, on the impact of
20 changes in class size. People need not only more
21 compensation if they are teaching double the students
22 but they need less work load because no matter how
23 much you pay somebody, they can't manufacture time.
24 They can't turn themselves into somebody who can give
25

an hour a week to 42 students. If they are teaching three classes, their whole week is gone.

So, that's what we really need is support and we need smaller classes. I mean, I will just say this to end it. You know, I have taught at small private expensive colleges and I know what parents want when they send their children to those colleges. The same professors that we have, the same qualifications, it is not that. What they want are small classes and individual attention and if you have 7 students in your class as Wellesley and you have 42 at Medgar Evers, you can be sure which students already with more support and farther, perhaps with more resources when they come in, which students are going to do better.

So, not bargaining on class size is setting up our students to fail. Forget the rhetoric, it is a plan for our students to fail. Not just neglect, I would say it's a plan for our students to fail.

So, anything you can do especially as Chair of Labor to say to CUNY, don't force this union to take you to court to bargain on a mandatory subject.

CHAIRPERSON MILLER: Yeah, so obviously you know, what you are saying, you are saying that there has

1 been no good faith bargaining as indicated by the
2 Taylor Law around mandatory subjects of bargaining.
3 Okay, so that is certainly something that we are
4 going to as a Committee take into consideration and
5 something that I think both Committee's can agree
6 upon being supportive. Clearly, you know we are
7 doing something different with remote and distant
8 learning. I don't know if -- I know it was mentioned,
9 someone mentioned earlier on the panel about what is
10 national accepted standards and whether or not those
11 standards are being adhered to, apparently not. And
12 so, that kind of gives us leverage to address that
13 but we have seen that even in other areas of our
14 young folks educational experience be it the DOE or
15 otherwise that we are lacking tremendously in the
16 skills to be able to transition and provide these
17 services, right.

18 And so, I know that your team is more than
19 willing to avail themselves of that and you know,
20 most things are subject to bargaining. With that
21 being said, when it come down to professional
22 development around the areas of remote learning, how
23 much additional training. You know they indicated
24 for which it was compensated. Was that negotiated,
25

1 was it real compensation and what other areas aside
2 from the class size, so we know that there is
3 tremendous impact on you know, increase in class
4 sizes and attempting to do more with less in that
5 area but is there any other areas that you want to
6 highlight in terms of upcoming impact bargaining?
7

8 BARBARA BOWEN: Thank you very much and I will
9 say I mean; they have bargained on various things.
10 As Vice Chancellor Silverblatt said, we have made
11 agreements on provisions that had to be adjusted
12 because people were teaching remotely. Certain
13 things that talk about observing the class in-person
14 and things like that, that you can't do when you are
15 remote, you have to adjust those provisions.

16 So, there has been some bargaining but not
17 nearly, not nearly enough. Not with enough urgency
18 on their part. So, on the issue of supporting people
19 who have had to make the transition to remote work
20 and maybe some of my colleagues want to speak about
21 that to. Pam Silverblatt said, you know, they have
22 been compensated. Well, let me tell you about that.
23 First of all, not everybody has even been paid for
24 it. I know of adjuncts who did that training and
25 haven't been paid still and they did it in July and

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

111

1
2 maybe Blanca knows if some have been caught up but I
3 can think of one right now who was not paid from July
4 from Kingsborough.

5 And second, the compensation, I believe was \$500
6 for doing a course that was and maybe Scott or Robert
7 can help here, I believe 10 hours of instruction and
8 another at least 10 of work that you had to do
9 outside of class, more than that and 15 outside
10 classes got more.

11 SCOTT CALLY: Significantly more.

12 BARBARA BOWEN: Significantly more. I didn't
13 take it. I should and we called for much higher
14 compensation level and that's in our demands and we
15 also called for equity compensation for adjuncts who
16 did that work and for additional compensation for
17 adjuncts who you know, are paid technically by the
18 hour but really by the course.

19 So, during the summer, most of the full-time
20 faculty spent tons of time re-educating themselves
21 about a whole new way of teaching. Adjuncts did that
22 to but adjuncts were a non-salary. So, we have not
23 had a successful outcome. They did not bargain on
24 that compensation and I see Professor Farrell
25

probably wants to add to that. So, I hope he can be unmuted if that's possible.

ROBERT FARRELL: Yeah, thank you Barbara. I just wanted to mention that there were also different tiers or qualities of online instruction training that some faculty, particularly part-time faculty were excluded from. The higher tiers of the training. Both that had better quality of instruction, more compensation, etc.

And I also want to mention that the professional staff, while transitioning to fully online work received no support, no training, often have to use their own equipment in their remote work and the transition to remote work for those — some faculty but mostly professional staff has been shamefully neglected by CUNY.

BARBARA BOWEN: And Chair Miller, we don't have Frankie Lowda[SP?] with us. The one who wrote the ABET that you mentioned Chair Barron. He was planning to come; he has got a very heavy schedule and I will make sure you get his ABET. He is fantastic and we also have — he has spoken in public before, maybe I can get you the tape of that because it is great that we have two adjuncts here at least

so far. There may be others who are going to speak, Rosa Squillacote and Blanca Vazquez, Frankie has a lot to say also. So, I am looking forward to having them have more chance to speak.

CHAIRPERSON MILLER: Okay, thank you. So, and then finally, in the area of health benefits, was there any negotiations around that for any extended — where there an extended period of time where people actually were laid off for which CUNY, whomever picked up the premiums?

BARBARA BOWEN: No, zero and that was one of our demands that CUNY continue health insurance for any person who was laid off or discontinued to at least the end of the pandemic. The end of this coming academic —

CHAIRPERSON MILLER: Yeah.

BARBARA BOWEN: Sorry.

CHAIRPERSON MILLER: I said no, I was just saying yeah, certainly, that's not a precedent.

BARBARA BOWEN: No, it's not.

CHAIRPERSON MILLER: At all, that's usually the first thing you ask for, particularly in a time that we are in a national health crisis, a pandemic. I

1 think that that would be a priority you know, in
2 keeping everyone safe.

3
4 BARBARA BOWEN: Yes, that's right because its not
5 just you yourself but if you get sick that puts
6 burdens on other people to care for you and exposes
7 other workers and in a public health crisis, it is
8 insane not to continue that. I will say that because
9 of negotiations that we did and I think Pam
10 Silverblatt mentioned this, an adjunct who taught
11 through the spring, only just the spring, their health
12 insurance extended through July and if you taught in
13 the fall and the spring your insurance extended
14 through August but that's not enough and we pushed
15 for much longer. And I have also been trying to work
16 and this is where I would love to see if the Council
17 could be advocates in addition. I have worked
18 directly with Renee Campion, the Labor Commissioner
19 for the City, really, really saying if the City can
20 do something. It is not a huge expense for a few
21 months.

22 CHAIRPERSON MILLER: Exactly the point. Exactly
23 the point, yeah exactly. That should be a priority.

24 BARBARA BOWEN: I think Blanca wanted to say
25 something. Blanca Vazquez.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

115

1
2 BLANCA VAZQUEZ: Okay but there is a real overlap
3 between the three year appointment and healthcare
4 because people who get the three year appointment
5 have seniority right. So, that when you layoff three
6 year people, you are actually laying off people on
7 healthcare.

8 So, I mean, think about the impact of that at
9 John Jay for example. You know, so it's a real
10 hardship, it is a real hardship.

11 CHAIRPERSON MILLER: Okay. Chair Barron.

12 CHAIRPERSON BARRON: Okay, thank you so much. I
13 do want to acknowledge that we have also been joined
14 by Council Member Rodriguez. We welcome him as well.

15 To Ms. Rivera, are there any Council Members who
16 would like to raise questions?

17 COMMITTEE COUNSEL: If can Council Members have
18 Questions for this panel, please use the raise hand
19 function in Zoom, so we can call on you.

20 Seeing no raised hands, we can continue. Chair
21 Barron, should we go to the next panel?

22 CHAIRPERSON BARRON: I just want to thank this
23 panel once again because they are the persons who are
24 in the front in the ranks, in the trenches and
25 understand all of the complexities of what it is that

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

116

1 we are looking at. We want to thank you and say that
2 we are going to continue to work on behalf of your
3 membership to make sure that we get equity and
4 justice and accountability and transparency for your
5 members, because it is certainly what they are
6 entitled to. Thank you so much.

7
8 CHAIRPERSON BARRON: Thank you. I echo those
9 sentiments.

10 COMMITTEE COUNSEL: Thank you. This panel has
11 now been concluded. I will now call witnesses in
12 order for the next panel of public testimony. We
13 will have Ian Ross Singleton Professor of Writing and
14 Sara Ortiz Vice Chair of Graduate Affairs for the
15 University Student Senate.

16 Once your name is called, a member of our staff
17 will unmute you and you may begin your testimony.
18 Remember that there is a few second delay when you
19 are unmuted before we can hear you. Please wait for
20 the Sergeant to announce that you may begin before
21 starting your testimony.

22 I will not call on Professor Singleton.

23 SERGEANT AT ARMS: Time starts now.

24 COMMITTEE COUNSEL: Oh, it looks like we may have
25 lost Professor Singleton, so we will call on Ms.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

117

Ortiz Vice Chair of Graduate Affairs to University
Student Senate.

SERGEANT AT ARMS: Time starts now.

SARA ORTIZ: Thank you all for this important
conversation. Thank you esteemed members of the
Committee and Vice Chair's. I am so inspired by all
of you and thank you so much for your advocacy on
behalf of the students.

I just want to say a few comments. American
Public School Teacher and Adjunct Instructor once
said, being a teacher is not what I do, it is who I
am. This dedicated former adjunct who taught English
at Northern Virginia Community College earned \$82,022
according to her tax returns in 2011. This former
adjunct is Dr. Jill Biden, wife of President elect
Joe Biden. Regardless of what this tempestuous
hurricane of election season and year we find
ourselves grasping for, in light of the enduring
reality of a global pandemic, economic crises and
tectonic shifts and racial disparities, it has become
clear that there will be a push for a recalibration
of resources for increased funding and support for
both teachers, especially adjunct instructors and

1 students in higher education here in the United
2 States.

3
4 So, thank you so much for the opportunity to
5 speak. My name is Sara Ortiz and I am testifying as
6 Vice Chair for Graduate Affairs on behalf of the CUNY
7 University Student Senate. We are in full support of
8 the adjuncts and I thank you all again for having
9 this very important conversation today.

10 I am a Latinx graduate student in my second year
11 of the International Migration Studies program at the
12 graduate center CUNY where I serve as also a student
13 representative on our Programs Executive Committee.

14 I am going to stop there and just go off script
15 and just say my dear friend is an adjunct instructor
16 at Hunter and this year she had to deal with not only
17 the precarity of her employment but also her only
18 daughter was actually diagnosed with terminal brain
19 cancer. So, she has — we have our own thread for our
20 group and she has just been, we have been back and
21 forth about whether or not she is going to have
22 employment.

23 Now, actually today I said, can I speak to you
24 know what you are going through and she said, yes, I
25 am teaching but I will only have one class at CUNY.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

119

I am also teaching at two SUNY schools. So, three part-time jobs, many adjunct have a similar story.

So, I just want you to sort of understand the precarity that my friends adjunct professors are facing who are also CUNY students. So, in addition to these increased class sizes like, you know, what everyone has mentioned, many of the students are also adjunct professors. And so, on behalf of the Graduate Council and on behalf of the Doctoral and Graduate Students Council and University Student Senate, I want to say we are in full support of adjunct faculty and we just want to make sure that the increased funding for the Cares Act is allocated equitably in a way that really honors the labor that people put in. A lot of the folks who are actually putting in extra hours are adjunct faculty. As far as like, you know, a lot of our international students have actually be excluded because of federal policies. So a lot of our adjunct faculty have stepped up in saying, I will teach in central park. So, there is no reason why faculty should be donating their time. They should be equitably compensated and there should be also support in terms of not only

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

120

equitable pay but health care and contracts for our
faculty.

So, thank you so much for the opportunity to
speak. I appreciate the conversation of today.

COMMITTEE COUNSEL: Thank you for your testimony.
If we have inadvertently missed anyone who wanted to
testify at this hearing, please use the raise hand
function in Zoom and we will call on you. In the
meantime, we also ask Council Members have questions
for this panel to please use the raise hand function
in Zoom and we will call on you in the order in which
you have raised your hands. I will now turn to Chair
Barron for her questions.

CHAIRPERSON BARRON: Thank you so much. I do
want to thank the representative on behalf of the
graduate program, Graduate Affairs because we
understand that this is a problem that is not limited
to just our community colleges and senior colleges
and the undergraduate program, the undergraduate
course officing and we thank you for your testimony
and we do extend our prayers and best wishes on
behalf of your friends child that there would be a
positive, a great outcome at the end of what we are

going through. I want to extend that to you as well.
Thank you.

COMMITTEE COUNSEL: Chair Miller, do you have any
questions for this panel?

CHAIRPERSON MILLER: Most importantly I would
like to thank them for participating. We need to
hear from everyone and so that we are addressing this
holistically and we know who are target audience is.
We know who are student body is throughout and we
know who are providing instruction to the student
body and so have been underserved, marginalized
communities. We want to make sure that we are
lifting up those voices and that those voices are
heard. So, it is important that everyone comes out
and not assume that someone else is telling your
story at this hearing here today. Your story is
unique and it needs to be told.

So, I want to thank all for coming out and
sharing their voices this morning, now afternoon.

COMMITTEE COUNSEL: Thank you. Seeing no hands
raised by either members of the public or Council
Members. This concludes our testimony for today's
hearing. We appreciate everyone's time and presence.

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

122

1 Seeing no one else, I would like to note that
2
3 written testimony, which will be reviewed in full by
4 Committee staff maybe submitted to the record up to
5 72 hours after the close of this hearing by emailing
6 it to testimony@council.nyc.gov.

7 Chair's Barron and Miller, we have concluded
8 public testimony for this hearing. Chair Barron, if
9 you have any closing remarks?

10 CHAIRPERSON BARRON: Just to say, I am so pleased
11 with everyone who took the time to come and to share
12 their experiences, firsthand knowledge of what the
13 problems are that we face and we know that every
14 problem has a solution and we are going to make sure
15 that as we move forward, that we keep a pressure, a
16 constant pressure on what's happening. So, to not
17 get pushed to the side. Someone had suggested we
18 give a weeks framework for them to respond to
19 questions that we have asked. Also, I am
20 disappointed the CUNY did not stay in the hearing. I
21 don't see them noted here, perhaps they are just
22 going to observe it but we will send questions as we
23 always do and we will get a response and we will
24 share that with you as well. Council Member Chair
25 Miller?

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

123

CHAIRPERSON MILLER: Thank you Chair Barron. I would say that I look forward to collaborating with you and your Committee and really putting together a letter, not just question but of demands of CUNY based on what we have learned here this afternoon and I think that we have learned a lot. We had some very specific questions that we wanted to drill down on.

There was also a lot that we didn't learn that is necessary about how we continue to move forward and advancing you know, the educational experience of CUNY students but more importantly, those who provide those services because we always say here that all labor that uplifts humanity has dignity and shall be undertaken with painstaking excellence. And that's what they do each and every day and as was highlighted, sometimes we do it with two and three different jobs, right. And that is a story that once again needs to be told.

I thank everyone for coming out and sharing their experiences and telling their story. I thank the members of the Committee's for coming and staying with us this afternoon. I know it has been relatively long but absolutely necessary and I look forward to really hearing from CUNY in the very near

COMMITTEE ON HIGHER EDUCATION JOINTLY WITH
COMMITTEE ON CIVIL SERVICE AND LABOR

124

1 future. So, thank you everyone and once again Chair
2 Barron, thank you for allowing me to be a part asking
3 this Committee to be a part is really essential that
4 we do this, so thank you so much.
5

6 CHAIRPERSON BARRON: Thank you so much and we are
7 so glad that you were able to add your expertise in
8 this field to this hearing. And with that, being no
9 further business to be conducted, I will have my
10 shake array to gavel out and end this and adjourn
11 this hearing. Thank you. [GAVEL]

12 CHLOE RIVERA: Alright, I ended the live. Thank
13 you all.

14 CHAIRPERSON BARRON: Oh, Chloe, great job. I
15 forget to acknowledge you Chloe, you did a great job.
16 Thank you so much.

17 CHLOE RIVERA: Oh, that's fine, thank you so
18 much.

19 CHAIRPERSON BARRON: All of you behind the
20 scenes, we couldn't do it without you. Thank you.

21 CHLOE RIVERA: Thank you. Take care, have a good
22 day.

23 CHAIRPERSON BARRON: Everybody, enjoy your day.
24
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 14, 2020