



Office of the Senior Vice Chancellor
for Labor Relations

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TO: The College Presidents
The Deans of the Professional Schools
The Human Resources Directors
The Labor Designees

FROM: Senior Vice Chancellor Pamela S. Silverblatt 

DATE: April 29, 2021

SUBJECT: Return to Campus

As you know, CUNY is planning for a safe, partial return to in-person instruction and support services effective with the start of the Fall 2021 semester. The University's primary objective, now and in the future, is to ensure that the reopening of the Colleges' classrooms and all other spaces prioritizes the health and safety of all students, faculty and staff in accordance with each College's phased reopening plan. As the Colleges continue to plan for the Fall 2021 semester, it is vital that you regularly communicate with the unions representing your employees about your planning and keep them updated concerning when employees will be required to return in-person.

Communication is the single best way to alleviate the concerns of unions and employees, and to prevent disputes that could threaten a smooth implementation of your return-to-campus plan. Unions should be informed of the following information as soon as possible in advance of the return-to-campus date(s):

- Which employees will be returning;
- Which work locations will be utilized;
- What COVID safety measures, including occupancy limits, health screenings, and workspace preparation, are being implemented;
- Alternate scheduling practices the College will be implementing pursuant to its reopening plan;
- Plans for partial remote work; and
- Any other information you believe is relevant to the interests of those employees the union represents as they are returned to your campus.

Information regarding return-to-campus should be shared with unions before it is shared with employees when possible, or concurrently when it cannot be shared in advance. To the extent your College holds information sessions for employees, you may want to consider inviting unions representing those employees to attend. You are reminded that upon request, unions are entitled to schedule campus walkthroughs. This return to the campus may be challenging for many employees, and they will turn to their unions for support.

Keeping unions aware of relevant information will help ensure that labor and management can work together to address the concerns of both.

We strongly encourage the Colleges to maintain open communication with the unions representing your employees and attempt to discuss and address concerns that arise. As always, the relevant offices in Central Office (including Operations, Environmental Health, Safety and Risk Management; Labor Relations; Human Resources; Facilities; Public Safety) are available as a resource to assist the Colleges in working through these complex issues.

- c: Félix V. Matos Rodríguez, Chancellor
- Hector Batista, Executive Vice Chancellor and Chief Operating Officer
- Howard Apsan, University Executive Director of Environmental, Health, Safety and Risk Management
- André Brown, University Executive Director of Public Safety
- Doriane Gloria, Vice Chancellor for Human Resources Management
- Chancellor's Senior Staff

Attachments: [210330-Ventilation Recommendations Overview.pdf](#)
[Preparing for Changing Guidance in Social Distancing.pdf](#)
[Guidance Memo Return-to-Office April 2021.final.pdf](#)
[suggestionsforwalkthroughs 4.2.21.pdf](#)

FYI

From: Hector Batista

Sent: Tuesday, May 4, 2021 3:47 PM

Subject: Additional Guidance re Physical Distancing Requirements, Air Quality, and Union Engagement

Dear CUNY College Presidents and Deans,

As more students, faculty and staff in our CUNY community get vaccinated, we expect that decreased levels of COVID-19 could result in changes in local, state and federal guidance to physical distancing requirements which may allow for our classrooms and facilities to be occupied at higher levels.

Our facility engineering teams have been working diligently across campuses to ensure buildings are operating in accordance with CDC and ASHRAE guidelines for ventilation and filtration, including maximizing the amount of air that can be delivered through ventilation systems, installing air filters with greater capture efficiencies and encouraging opening of windows when possible. I have reattached hereto the Ventilation Recommendations Overview document that was previously shared with you. I'd like to call your attention to this again as it provides an important summary of industry and regulatory guidelines on ventilation during the COVID-19 pandemic and main drivers related to ventilation best practices.

With increased building occupancy, in addition to ventilation, campuses will need to consider logistical and spatial factors such as modified classroom configurations, appropriate use of elevators/stairwells, and transportation. To help you think about some of these important considerations, attached is some additional

guidance on Preparing Reopening Plans to Maximize Rapidly Changing Guidance that outlines what you need to take into account when planning for campus reopening under two scenarios: (1) a social distancing requirement of 6 feet; (2) a social distancing requirement of 3 feet.

CUNY will also continue to follow guidance regarding face coverings and adhere to a high standard of cleanliness in our buildings. While these steps will help reduce risk and ensure a safe space to work and learn, the greatest benefit and confidence is obtained through encouraging everyone in our community to get vaccinated.

Additionally, in the third attachment, we are providing guidance from the Office of the Vice Chancellor for Labor Relations about the importance of regular and open communications with labor unions regarding your plans for a more in-person fall. The memo lays out the type of information that should be shared and the appropriate timeline for engaging unions about the return to campus. A second related attachment, which was previously provided to you at our most recent COPS meeting, outlines the suggested steps to take when conducting union walk-throughs. We encourage you to review both documents closely and follow this labor guidance in order to ensure the smooth implementation of your fall reopening plans, which as a reminder, are due to my office by June 15th.

Best,
Hector

Hector Batista
Executive Vice Chancellor and Chief Operating Officer



Preparing Reopening Plans to Maximize Rapidly Changing Guidance

The CUNY reopening guidelines are based on current guidance from the CDC and New York State. But that guidance is changing rapidly, especially as more and more of the population gets vaccinated and the focus shifts to getting greater numbers of people back to work and school. Therefore, while campuses prepare reopening plans based on current guidelines, they should be prepared for guidance that will facilitate additional capacity by reducing the social distancing requirement.

CUNY Reopening Plans are due June 15; these plans should have two sections: the first should indicate how the campus will comply with current guidelines, which include a social distancing requirement of 6 feet; the second section should lay out how the campus would comply with a reduction in social distancing to 3 feet. Under both sets of requirements, efforts to encourage the CUNY community to get vaccinated should be foremost; the key to increasing reopening capacity is increasing vaccination rates in the campus and surrounding communities so as to reduce risks.

CUNY campuses can expect that ventilation/HVAC requirements will continue to be significant. Our facility engineering teams have been working diligently across campuses to ensure buildings are operating in accordance with CDC and ASHRAE guidelines for ventilation and filtration, including maximizing the amount of air that can be delivered through ventilation systems, installing air filters with greater capture efficiencies and encouraging opening of windows when possible. Campuses should continue to work with our engineering teams to implement these improvements

With increased building occupancy campuses will also need to address changes to the logistical and spatial requirements in the guidelines currently geared to social distancing of 6 feet. In preparing the second section of your plans, you will need to address the following social distancing requirements:

1. Masking: New York State requirements state, “Any time individuals come within six feet of another person who does not reside in the same residence, acceptable face coverings must be worn (44). Individuals must be prepared to put on a face covering if another person unexpectedly comes within six feet.”
 - a. This should continue being a requirement, regardless of whether distancing guidelines are relaxed.
2. Determining Occupancy: The CUNY Guidelines for Safe Campus Reopening suggest colleges can establish occupancy limits based on square footage per person or by using floorplans to establish a six foot radius around every work station, classroom desk, seat, sink, etc.
 - a. If distancing requirements are relaxed, colleges must reestablish occupancy limits by either reducing the required square footage per person or updating floor plans to reflect the smaller required radius for each location.
3. Reconfiguring Furniture: Current guidelines suggest that colleges reconfigure work stations, such as removing and/or blocking off seats, desks, sinks, etc. to ensure adequate distancing.
 - a. If distancing rules are relaxed, colleges can reconfigure furniture to allow for lesser distances between occupants.
4. Demarcating Safe Distance: Current guidelines suggest that colleges demarcate safe distances, such as marking six feet of distance around work stations and marking safe distances for areas where people gather, such as standing in line.
 - a. If distancing requirements are relaxed, demarcations will need to be reestablished with shorter distances between markings.
5. Universal Signage: NYS Guidelines require that signage must be used to remind individuals to adhere to social distancing requirements.
 - a. If distancing requirements are relaxed, universal signage will need to be updated to reflect new distancing requirements.
6. Elevators: CUNY’s Guidelines for Safe Campus Reopening state, “If the elevator must be used, limit to one person per elevator car, if possible. If more than one person must use the elevator at the same time, stand in opposite corners and face away from each other. A maximum of four people can use an elevator car at one time if each is standing in

a corner." In addition, NYS Guidelines require that even with face masks in use, occupancy in small spaces (such as elevators) must not exceed 50% capacity of the space.

- a. If distancing requirements are relaxed, colleges should determine if the shorter distances would allow for more than 4 individuals on an elevator at one time. If shorter distancing allows for more individuals to occupy an elevator at one time, the college must ensure that the distancing occupancy does not exceed 50%.
7. Training: Guidelines require that staff, student and faculty watch training videos prior to returning to campus.
 - a. If distancing requirements are relaxed, training materials may need to be updated to reflect new distancing requirements.
8. Agreements: The guidelines recommend having students and/or staff sign documentation agreeing to social distancing requirements.
 - a. If distancing requirements are relaxed, documentation may need to be updated, and/or the new distancing requirements should be effectively communicated.

Remote Work Agreement

This Remote Work Agreement will be in effect during the period specified within.

Name: _____

Job Title: _____

Campus: _____

Supervisor: _____

FLSA Status: Exempt: Non-Exempt:

This temporary telecommuting agreement will begin and end on the following dates:

Start Date: _____ End Date: _____

Temporary Work Location: _____

Employee Schedule

	Regular Schedule	Modified Schedule, as Agreed to by Supervisor and Employee
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		

Approval for Short-Term (expiring no later than 8/31/2022) Remote Work is granted under the following conditions:

- This approval is granted on a temporary basis. The employee will be given a minimum of seven (7) calendar days' notice of a requirement to return to on-site work. Where possible, fourteen (14) days' notice will be provided. Additional time to return to on-site work will be granted if necessary to meet documented travel restrictions or quarantine requirements.
- Remote work arrangements are not a right or entitlement of employment and, as such, are discretionary and subject to operational needs.
- This approval is not intended to alter the employee's normal work responsibilities or to appreciably increase the employee's normal work responsibilities and will not modify any policies set forth by CUNY. The employee must continue to comply with all applicable CUNY policies and conduct rules.
- The employee agrees to be available during their working hours, which hours may be modified in agreement with the supervisor (see above), and to be responsive to clients, coworkers and supervisors while working remotely. The employee should be actively attending to work responsibilities throughout the agreed-upon workday and should be reachable by email, Microsoft Teams, or emergency contact telephone number provided by the employee for use during their scheduled working hours. The employee will also have a telephone or cell phone available to make or return phone calls.
- An employee who had not received training in Microsoft Teams or other software or platforms required for remote work prior to the start of remote work shall receive training, and the training shall be conducted during the employee's normal or modified work hours. Appropriate technical support shall be reasonably available to the employee even after training has been completed.
- Supervisors may not require employees to be available for more hours per week than contractually required.
- Existing policies and practices regarding recording all hours worked and meal periods, and regarding obtaining supervisory approval prior to working unscheduled overtime hours or taking time off will remain in effect.
- Employee agrees to maintain a safe and secure work environment and to report work-related injuries to employee's supervisor at the earliest opportunity. Employee agrees to hold CUNY harmless for injury to any other individual at the alternate work site, except if

that individual is a CUNY employee who is present at the alternate work site at CUNY's direction.

- Employee understands that all equipment, if any, records and materials provided by CUNY shall remain the property of CUNY.
- Employee agrees to use reasonable care to protect CUNY-owned equipment, records, and materials from unauthorized or accidental access, use, modification or damage.
- If equipment (including internet service) relied upon as a condition for remote work is not operational on a scheduled workday, the employee will be required to promptly contact the supervisor to discuss alternate remote or assignment arrangements.
- Employee agrees to promptly report to the supervisor any incidents of loss, damage, or unauthorized access.
- While working remotely, CUNY employees shall not maintain Personal Identifiable Information (PII) or Personal Health Information (PHI) without permission from their supervisor and in accordance with CUNY policies, practices and procedures.

By signing this agreement, the employee attests that s/he has read and will observe the terms outlined in the remote work policy, and understands that all terms and conditions of employment remain unchanged except those specifically addressed in this agreement. This agreement may be modified by mutual agreement of CUNY and the employee.

My typing of my name in the signature box constitutes my electronic signature.

SIGNATURE OF EMPLOYEE: _____

DATE: _____

SUPERVISOR APPROVAL: _____

DATE: _____

Reducing the Risk of Transmission of COVID-19: Overview of concepts

March 30, 2021

Ventilation

There are two primary organizations that are providing recommendations for ventilation during the COVID-19 pandemic, ASHRAE and the CDC.

ASHRAE (The American Society of Heating, Refrigerating and Air-Conditioning Engineers) is a professional organization for ventilation engineers and provides technical guidance specific to ventilation systems.

CDC (The US Centers for Disease Control and Prevention) is a national public health organization in the US. It develops and disseminates information (its own and information developed by other agencies) about disease transmission and how to prevent it. CDC relies on ASHRAE's guidance on ventilation systems to provide recommendations for reducing the risk of spreading COVID-19.

- Neither CDC or AHSRAE guidelines are enforceable regulatory standards, they are recommendations that are often viewed as best practice.
- CDC provides material meant both for medical professionals and for the general public as a target audience. ASHRAE provides the technical details, intended for engineers.
- The CDCs bullet point type guidelines often provide links to ASHRAE to be used if more detail is needed.
- As an example, CDC guidance indicates the need to have ventilation systems operating properly and to bring in outdoor air. In contrast, ASHRAE Standard 62.1 defines proper operation including specific outdoor air volumes for different types of spaces including specifics for lecture classrooms, science labs, cafeterias, etc.

A summary of some of the CDC's recommendations for ventilation are provided below. These were taken from their page titled "Ventilation in Buildings" that was updated March 23, 2021. The CDC indicates that *"not all interventions will work in all scenarios"* and to *"consider using some or all of the following tools to improve ventilation"*.

The following list includes summarized examples and does not include every CDC recommendation. These will be incorporated into considerations for building re-occupancy.

- Open outdoor air dampers to reduce the amount of air recirculation
- Open windows and doors (weather permitting)
- Use fans in open windows but fan placement is important not to blow contaminated air from one person to another
- Ensure ventilation systems operate properly.
- Disable demand control ventilation or systems that turn the fans off when thermostats are satisfied, fans should run continuously
- Increase air filtration to as high as possible without significantly reducing design airflow.
- Make sure filters are properly sized
- Ensure bathroom exhausts are functioning at operating at full capacity
- Consider portable high-efficiency particulate air (HEPA) fan/filtration systems to enhance air cleaning
- Direct air movement to be from clean to less clean areas

Cleaning and Disinfection

- When the COVID-19 pandemic first became evident, public health agencies like CDC and WHO (World Health Organization) focused on transmission occurring due to contact with contaminated objects (“fomites”), and there was a strong emphasis on cleaning and disinfecting spaces and surfaces.
- Over time, it became clear that transmission is much more likely to occur from inhalation exposures than from touch exposures.
- Even though inhalation exposure is the primary route of infection, cleaning and disinfection, observing proper cough/sneeze etiquette, and good hand hygiene practices are all likely to help reduce the spread of COVID-19.
- The CDC updated its general guidance on cleaning and disinfecting on January 5, 2021; these guidelines suggest focusing on, but not limiting to, high-touch surfaces such as tables, door knobs, light switches, etc. ([Cleaning and Disinfecting Your Facility | CDC](#), accessed March 29, 2021). Some highlights include:
 - Staff performing cleaning and disinfection should be educated in the recommended procedures and in the use of personal protective equipment (PPE)
 - Proper personal protective equipment, including disposable gowns and gloves, should be used for all cleaning and disinfection tasks
 - Cleaning can be accomplished using soap and water
 - Disinfection should follow cleaning; disinfectants should be selected from the EPA List N
 - Disinfection is especially important, and extra steps should be taken if a person with COVID-19 has been on the premises within the last 7 days (see the guidance for details). If it has been more than 7 days since a sick person was present, no additional steps beyond routine cleaning and disinfection are needed.
- Guidance for Institutions of Higher Education (IHE) was last updated by CDC on December 31, 2020 ([Considerations for Institutions of Higher Education | CDC](#), last accessed March 29, 2021). This guidance includes
 - Overarching principles
 - Definitions of lower and higher risk activities and situations pertinent to IHE
 - Discussion of the factors to consider in developing preparedness and response plans
 - Cleaning and disinfection guidance specific to IHE, including the types of objects and spaces that should be cleaned and disinfected, and recommended frequencies of cleaning and disinfection
 - Considerations for ventilation systems
 - Discussion of the physical configuration and uses of spaces that may reduce risk of spreading infection
 - Guidance for managing individual cases and outbreaks of numbers of cases of COVID-19 in the campus community

1. The President identifies a point person (e.g., Human Resources Director, Labor Designee) to be the contact for all unions to schedule walkthroughs with, to lead walkthroughs, and to coordinate with relevant college departments.
2. The college identifies a multi-department team responsible for the functions related to walkthroughs (e.g., Human Resources, Labor Relations, Facilities, Health and Safety, Security).
3. Where possible, at least two of the college team members should participate in all walkthroughs.
4. The college will make the point person known to the unions and the unions will schedule and coordinate all walkthroughs with the point person.
5. Walkthroughs will be scheduled at mutually convenient times within reasonable timeframes.
6. At the time of requesting a walkthrough the union will identify the areas which it seeks to visit.
7. The union will notify the college of the names and titles of the walkthrough participants.
8. The union will be permitted to bring staff, such as the Director of Health and Safety, from its central staff.
9. Where possible, the union will make known any specific issues or areas of concern prior to the walkthrough.
10. Upon request, the college will advise the union of specific rooms and or areas that are in use and where the unions' members are working or located.
11. Where possible, an equal number of union and administration representatives will participate in the walkthrough.
12. The purpose of the walkthrough is to conduct a visual inspection.
13. During the COVID pandemic, the college should review its reopening plan in advance of any walkthrough to ensure compliance with the representations to which the college previously committed.
14. Where possible, at the conclusion of the walkthrough the union and the college will create a joint list of any items that require follow-up and any action items agreed upon.