

John Jay College Labor-Management Meeting Minutes
Tuesday, December 1, 2020, 1:40-2:55 pm
Conducted via Zoom

Attending:

Labor: E./Z. Hovey, J. Pittman, G. Markowitz, A. Balis, D. Pinello, E. Belcher, E. Sexton, J. P. Narkunas, J. Winter, J. Mooney, J. Epstein, P. Tovar, R. Szajngarten, R. Galloway-Perry, S. Swenson.

Management: K. Mason, K. Chandler, Y. Li, M. Flower, D. Gray, A. Pease, O. Fraser, E. Hartigan, T. Balkissoon.

K. Mason: I am asking for a different tone and conversational approach, talking about what it is you need, how we can be supportive of each other. We can model what makes John Jay special. We always talk about John Jay as the place where people can come and discuss difficult issues and resolve them. I'm asking for a vision of collaboration; where we all have the same interest at heart: what's best for this institution.

J. Pittman: Well, thank you for that President. We proceed by reaching out to our members and sometimes our members reach out to us. And they identify issues and problems that they are facing in their work-a-day world. And many of those issues concern facilities and resources either available or unavailable as a condition of their employment. So when we bring items to this meeting, the reason that we do so is because we want to try to help solve problems that our members face with contractual issues. We feel that this is where we can bring those issues to the administration and try to get them addressed.

I certainly agree that we have many common interests in trying to assure the health and the thriving of our students and our institution, namely City University, and specifically John Jay. We try to get problems solved, which is why we come here with questions. I share your desire to try to minimize the adversary posturing, and I hope that we are not doing that, we are simply trying to get some answers to questions that might be able to help our members.

I. Employment and Health Insurance Transparency.

Z. Hovey: We request information about how many faculty and staff have had their health insurance terminated. We need to know how many adjuncts were not reappointed since March 2020, or had courseloads reduced not out of departmental desires or demands but because they were instructed to make cuts and overload classes and sections. Adjuncts who ordinarily had three classes were teaching two; it's much, much more difficult to sustain oneself. Additionally, we want to hear about efforts to protect non-teaching adjuncts' (NTAs') hours so that they can maintain eligibility for CUNY health insurance and urge the importance of timely informing affected faculty and staff of benefit terminations and COBRA options.

It has been difficult to not really be clear on the magnitude of the challenges that face adjuncts without information about lost positions at the college and those whose number of classes fell. University-wide, the same number of 2800 non-reappointed adjuncts has been used since late June. As you're familiar, classes ended up being added and being cut back, and adjuncts who had reappointments ended up not necessarily getting to teach a class.

K. Chandler: There are important differences between what happened in June versus what's happening in the fall because those are two distinct timeframes, and a lot of things changed in between. When this process started in March, we had a list of people to non-reappoint, provided by the chairs. The Provost Office does not intervene in departmental hiring decisions *unless something unusual happens*. We have budget constraints, so in June, when we actually prepared the letters and distributed them, 151 non-reappointment letters went out. Subsequently 46 of those people were rehired for the fall; it is a moving target. We try to go back to the adjuncts who have already been part of our community rather than hiring others.

The second part of your question was about health insurance coverage. When we had our conversation, you were provided the number three. You were asking which people would lose health insurance: it was three of the people on the list provided to Central Office by the PSC.. This list was not generated on our campus. My response to you at that time was based on that population of people moving forward to the fall semester. Since then, we incorporated changes in the schedule and coverage in departments, so there have also been some changes since then.

You asked the question about how many adjuncts lost courses or hours and who wanted to teach more? That's not something that I could ever answer for you, I can't tell you what someone would want to do. The schedule is not finite until registration ends and it is not the same schedule from semester to semester. Just because a person taught three courses in one semester this does not ever guarantee that they're going to continue to teach 3 or the same three in another semester. We do try to make sure that the adjuncts who have three- and one-year appointments receive priority to get their minimum of two courses per the contract. So that we're in compliance, we schedule those first.

Z. Hovey: We want to acknowledge that you did, and it makes sense and you've respected the three-year and one-year contracts.

K. Chandler: We're trying to find the right balance. It is different in different departments. We want to recognize the culture of departments, the families that they built in their departments, the relationships that they feel are important and let them come to it in a way that works for the department, but that also aligns with the contract and aligns with the demands on us.

Z. Hovey: Given these constraints, do we see any prospect for assuring NTAs of health insurance, because while they have a month-to-month contract, must we tell them at the outset of the semester, that they don't have health insurance? And can we have a more consistent system of being notified? Because, you know, we can't go backwards. But people did not get the notification or understanding that they had to find health insurance.

K. Mason: I want to take us back a little bit, globally. To understand the situation we're in, you probably know that CUNY has not approved a budget yet for the year. The state has not made it clear what cuts it's going to require of state agencies and we are a state agency. At the beginning of the semester, they allocated money to us on a month to month basis. That's how they allocated our funds for OTPS and personnel. We can't make long term decisions when we don't know what the long term funding is going to be. They did eventually decide to at least give us funding through January, to allow us to give people the opportunity to project at least through January. We don't know what they're going to allocate after that.

J. Pittman: I think there was another part of the question that had to do with the notification that was given to people that either they were going to be reinstated on health insurance or not. And there was some degree of confusion among some of the people who got those notifications. So maybe, if we can hear a little bit about whether that was actually a problem there or whether it was just misunderstanding. I believe there HR had sent out a notice or had responded to an inquiry that sent people off in the wrong direction about whether they were going to have health care. So I'd like to hear some clarification of that.

O. Fraser: So the role of the campus basically is to ensure that we tend to input the workload of the adjuncts in the system so that CUNY's Office of university benefits can make determinations as to who is certified for health insurance for a specific semester. Whenever they make determinations that someone has not made the eligibility requirements, the COBRA notices are sent out from that office. So the campus human resources doesn't have a role in terms of the notice for adjuncts. Except that **if we have adjuncts who for some reason reach out to us, we can intervene and work with CUNY central office to ensure that we rectify if there's an issue**, and we've done that a couple of times.

E. Belcher: There are at least three non-teaching adjuncts (NTAs) that I know of had their health insurance quickly terminated on August 31, which I believe is even before the one month notification letter came to them. I don't know what data CUNY HR was working on. But by the middle of September, at least two of them received COBRA notifications that their health insurance had indeed been terminated on August 31. They were informed by John Jay HR to ignore those because they would continue to be covered. That is what they said they received. They each have emails that they received that told them that they should ignore the COBRA notice. Therefore, they ignored it and assumed they would get back on health insurance. They only discovered recently when they tried to use their health insurance that they are not covered.

O. Fraser: Thank you, I think what would be helpful is to help me to get the names of those individuals, so that **we can certainly look at those specific cases**.

E. Belcher: I recommended that you consult with HR staff for more information on specific cases. I will pass on your contact information to these affected individuals.

II. Student and Peer Evaluations.

J. Epstein: Thank you. So speaking about people being concerned, members are concerned about the use of faculty and staff evaluation mechanisms for this semester. We've already agreed, informally, that the evaluations for this semester would come with an asterisk and significant asterisk because of the difficult situation in which faculty find themselves. Given that common recognition, what are evaluations being used for exactly this semester? The question applies to both student and peer evaluations.

Yi Li: A little bit of background for the spring, given the mandated closure of campuses and disruptions, the CUNY central policy and guidance about the student evaluations and the peer evaluation for that spring semester was that we would do neither of them. Coming into the fall, this decision was made by CUNY central to change that for multiple reasons. The primary reason is that when students signed up for the Spring of 2020, most did not sign up for online education. Faculty actually chose different course modes and also did not foresee this change. For the fall, however, we did have the planning time during summer. To my knowledge, there's been no change in policy or contractually. So, we are conducting student evaluations, and we are conducting peer evaluations for faculty. I have not received any communication to ignore the evaluations for the semester. But we have the understanding; everybody would agree that we are in a very unusual time; it is not a normal year. **So when we evaluate faculty, we want to take all this into consideration.**

J. Pittman: I thought that there was some agreement, we need to clarify this, because we think it would be appropriate to have some kind of a specific official indication on the forms, or in the process, that this was a very problematic semester, and that should be taken into account in looking at those evaluations.

K. Mason: I'm looking back at my notes, that when people do their self-evaluations, and I think it was Paul advising people to do this, that they begin it by recognizing that those years were the years when we were impacted by COVID. This notion of an asterisk on the evaluation of themselves, what the understanding is, is that faculty self evaluate, that you will put in, so there's a record in the file that year, " that this was impacted by COVID" and then go on with their evaluation and the material. We wouldn't put an asterisk itself on the evaluations, but just have that as a record in what goes into file.

Yi Li: Both peer evaluation and the student evaluation actually serve two purposes. One is for the process of evaluation in terms of progression of program toward promotion, tenure, but second, also really to help other faculty members for many years. I have received bad evaluations as well as good evaluations.

J. Paul Narkunas: It should be known by everybody ideally. You may not know a lot of what you're talking about relies on having an activist chair or having somebody who's going to have that conversation with the faculty member. I've found in my time at John Jay that that doesn't always happen.

I think it's a great suggestion, a really productive one. I won't take credit for it, I think it was somebody else. It needs to be communicated either from the provost's office or directly by the provost. Word through the chairs trickle down; I know it's not something that's probably getting everywhere.

I want to say a few other things about the evaluation mechanism. I did bring up last time there's a lot of people who haven't been trained in online teaching and didn't sign up for it. We all kind of acknowledged this is going to be an issue. So when I hear, I hear your statements on the importance of getting this information back. A lot of this information is for people who are basically, having to drive in the night without headlights. This is a real new experience for a lot of them and many of them have tremendous experience teaching in the classroom. Even if they're doing a hybrid and they're staring at a group of names and no faces it's really hard to read the room. It's a very different kind of experience in teaching.

And the other variable is how hard a time students are having. This is really important because the faculty are living with this every day, At first it was "things are going fine" then as the students get more and more stressed out because of the situation, things get more hairy and they become overwhelmed with life. The coronavirus situation is suddenly not so fine anymore, and a lot of students are really struggling. Because of the online format, faculty do not necessarily know how the students are doing. This is compounded by problems such as zoom going down or blackboard being out - and students can take these difficulties out on faculty, impacting on evaluations. Faculty-student relations are particularly problematic in an asynchronous class where you never actually see the people, except as an image or maybe when you have an office hour - but even then you can't require a student to come.

And so this new modality has a lot of learning curves, both for faculty and for students. And we know this is acknowledged and this is not a critique, but this does need to be more formally addressed. For those newbies it's important that we have evaluations, particularly for adjuncts who, for example, if they don't get an evaluation may find themselves now in violation of a contract, and not getting renewed so we really need to have these evaluations for departments to protect them. I totally get that legalistically, even if I find it horrific in terms of the basic humanity of a process. We were just thinking, "what kind of formal mechanisms can we have to help faculty?" Trying to problem solve. If we aren't really supposed to hope for that, then going back to Jonathan's point. What will the evaluations be used for, if they may not be a good record of the teacher's experience, particularly in this extremely trying time.

Yi Li: I did send out an email to the chairs and in a bi-weekly update. Li mentions the online teaching training that A. Pease's office offers.

J. Paul Narkunas: I would like to give two very concrete suggestions. First, I offer that there could be some way of indicating whether someone has gone through the online training or not, that's something that I think would be useful for the both the college, and to the individual member as a form of protection because if you haven't gone through the online training, chances are you're

really struggling. And that would be a very simple checkmark on whatever form ends up being adopted. It would also be useful for people to know that, because it would inform the peer who is conducting the observation of what they can expect. Secondly, because we outsource the electronic student evaluations to Iota systems, it seems very easy to ask IO systems to indicate "This is a COVID-19 semester.", somewhere on the form for all the evaluations. They probably just have to input it on one data point line, when they generate the reports. And that could be a very easy way that would cause no work for people at John Jay because you're already paying for the service. That would be a great way of marking this challenging time and formalizing it actually on the evaluation.

R. Galloway-Perry: For HEOs, evaluations also need to be addressed. And is there some mechanisms for that to be noted on HEOs evaluation time. Most HEOs are working remotely for the first time. And were not trained to be working remotely.

O. Fraser: So I think the general guidance would be for the employee and supervisor to identify this year as a year where there's COVID and adjust expectations. I'm sure there may be expectations that were prior to COVID that were almost impossible to meet during the COVID time. I think it's about having that conversation with the respective supervisors, to be able to make such notation on the actual form, because again it's a paper instrument, I don't know that we can. And it's a CUNY general instrument and not John Jay's form. So I don't know if there is any space enough for him to make such a notation.

G. Markowitz: To Rulisa's question and comment - maybe a message can come out from the vice presidents, to the various supervisors, suggesting that such a notation be made on each of their evaluations.

III. Health and Safety Questions

- A. **Governance & communications** What is the governance process for moving between phases on campus? How will they be communicated?
- B. **Phase Step back/Campus shutdown criteria** What metrics are being monitored that would close the campus to all but designated essential workers? Is it triggered by the number of COVID cases on the campus grounds or community prevalence or prevalence in students' neighborhoods? By NYC zone designations?
- C. **Faculty and staff wellness in the remote workplace.** We seek an update on efforts underway to provide safe and productive remote work environments for our members, including provisions for computer hardware, *ergonomic furniture and training.*

[At the end of the minutes, originally on p. 3 of the agenda, appear additional health and safety questions. Comments in the 10/15/20 LaborManagement meeting notwithstanding, we assert that answering such questions benefits labor relations and members confidence in the process. We encourage communication between the Provost's task force and Health & Safety Committee Chair Ellen Belcher.]

E. Belcher: Given the COVID situation in the country, state and city, what data is being reported and recorded by the Covid coordinator, Mark Flower? Are you monitoring external city and state

data or is it internal data which informs the criteria that would trigger a step back and/or a complete shutdown of campus to everyone but essential workers, that's our main concern.

K. Mason: Concerning whether we close or not, we follow the protocols issued by the state and by CUNY, and by the city. So a shutdown would depend on the Chancellor making that decision. Mark, talk about what the protocols are.

M. Flower: On a daily basis, we are sending information to both CUNY and the state that we receive from people reporting into Everbridge; we then get feedback from CUNY. And the decision will be given to us from CUNY, so we're not making that decision locally. And I'm sure CUNY is getting directions from the state as well.

E. Belcher: So what about COVID reporting, cases on campus? We haven't heard of any but we know that they're happening on other campuses. Why make the reports to CUNY, and to the state, but not to the community?

K. Mason: There is a tracing process, CUNY has protocols that follow the city and the state protocols. If anyone is identified as positive, there is a process of contacting people who may have been in contact with that person.

E. Belcher: We know from other campuses that people are learning about test positive cases and the community has been informed, but that's not the practice here at John Jay. I'm making an assumption that we've had positive cases. I have heard unofficial reports of people being out with COVID.

M. Flower: Here's an example of the reporting and notifications that we are doing. There was a student who failed the Everbridge app, but took it again and passed it. The Everbridge app has now been corrected; that you can no longer go back and fix it anymore. But the student managed to get into a lab that they shouldn't have; we found out, asked the student to leave campus and get tested and we notified all of the people that were exposed to that student in the lab. Fortunately, the student did test negative; we then notified the people that were exposed that the student tested negative. So in an incident like that we are notifying the people that came in contact with whomever we were aware of, but we're not sending out that notice to the general population.

E. Belcher: None of us working in the remote workplace have received any hardware -- software yes, but not hardware to complete our work. Particularly, very hard-hit are HEOs and teaching adjuncts.

M. Flower: I have been sending out not only Chromebooks, but the college has purchased laptop computers as well, and have been mailing them out to people that have submitted requests for technology that they need in order to perform their tasks at home; including requests for ADA compliance, as well. For example, someone had a chair in their office that helped with ADA compliance, we've allowed people to remove needed equipment. They've had to fill out property removal form, to let us know they'll be responsible for bringing it back once we return to campus.

If you know people that do not have technology or need technology, please ask them to submit a HelpDesk ticket because we have made every effort to try to accommodate those needs. Have them go through Oswald for furniture or email me.

E Belcher We are concerned about contractors on campus. We observe that a lot of construction work is happening in Haaren Hall.. Are the contractors following COVID protocols while on campus, including density, social distancing and masks? Reports from members coming in to work on affected floors are that there's a lot of dust and debris.

M. Flower: All the workers on campus are working for independent contractors that DASNY has contracted with, but all of them come through the public safety desk on 59th Street and are all screened on a daily basis. They're asked the same five questions that are on the Everbridge app as well. And if anyone fails those, they are not allowed in the building. We are taking advantage of limited campus access at this point in time, to expedite a number of the construction projects. For example, all of the women's bathrooms in Haaren Hall needed to be shut down because there was a stack ventilation pipe that ran from the first floor bathroom all the way up to the sixth floor bathroom. So we took advantage of the fact that there was no one in the building, to be able to shut down all the bathrooms at the same time, to complete that construction. As a result when we do return, we'll have brand new bathrooms on all of Haaren Hall; we felt that the inconvenience to the minimum number of people that were there would be greatly outweighed by the fact that we'd be able to complete these projects in a more timely and efficient manner.

E. Belcher: The inconvenience is something you need to communicate to us: when someone who works on the fifth floor makes an appointment to come into their office and finds themselves on the fifth floor without a women's bathroom you don't want people wandering around the campus. They just need to know that when they're making an appointment to come into the building.

K. Mason: I think **we can make sure that we put on the website to remind people where construction is happening.** The screening process is the same for everybody who comes on campus.

E. Belcher: If they test positive for Covid what's the reporting structure, it's not through Everbridge.

K. Mason: You're dealing with people's personal privacy issues. I think we follow the rules that the state has put in place, people who need to know get contacted, but I don't think that we're in the business of notifying everybody every time that somebody is positive. You follow the public health protocols.

E. Belcher: If a sub subcontractor of DASNY tests positive, does that end up coming back to Mark?

M. Flower: if they come to campus, and they answer the question that they have tested positive for Covid, they will not be allowed on campus and yes that will be reported back to both CUNY and the state.

Class Size

J. Pittman: There's a quick question about the class caps because I believe some people have noticed that when they go online to look at their courses that classes are capped at 36, whereas I think we had been operating at least this semester with a class cap of 30, I guess, or 28, and so I'm wondering whether that difference is going to be rectified going forward, once it's been determined that in fact we are not having in-person classes in the spring.

K. Mason: First, we are going to be primarily remote in the spring, that's already been decided.

Y. Li: Except for the courses that have gone through the process for in-person approval, all other courses are online, with a cap of 30, and many of which will also have applications of overtally from the current semester. I'm not aware of any situation where the remote class is still set at 36.

If you are aware of such situations please encourage that faculty member to reach out to me, or the chair.

IV. Use of Outside Consultants during a Budget Crisis.

J. Winter: We're concerned about the reliance on outside consultants despite the dramatic budget constraints. We request a copy of the contract between ABC Insights and the college. ABC Insights is providing actionable data, measuring human capital efficiencies that could lead to layoffs or departmental transfers. We want you to know if this data has been used for any personnel changes.

K. Mason: So, let me take a step back and explain why we engaged ABC. First, we did not use tax levy money to do that. When COVID hit, the Chronicle of Higher Education and many others advised all of us to really look at our financial house and think about how we were all going to survive financially through COVID. We were already in a situation where we were chronically in deficit and CUNY, the state and the city were going to be impacted by this. So we looked to make sure that we were organizationally structured in the best way. We had frozen hiring because that was a requirement for the bailout we got from CUNY last year. We decided to look at efficiencies and best practices, to rethink ourselves. COVID is an opportunity for us and we've learned a lot about how we operate, how we function. So it was a prospective examination so that as we put forward our hiring plans to CUNY, we've had the benefit of understanding the best way to approach things. We did some realignment and decided there are certain functions that we're doing away with; **for example, testing was going away.** How do we move people to where there's a greater need? We were looking at things to make sure we're structuring ourselves to serve, where we want to go in the future.

M. Flower: I think that's a good synopsis but, specifically, no positions have been eliminated as a result of what we've gotten back from ABC insight. As a matter of fact they've confirmed that John Jay is very efficient in terms of its staffing levels compared to the colleges that we've been benchmarked against.

J. Paul Narkunas: In the spirit of working together -- would it be possible to see the contract with ABC consulting, as it is, it should be a public document. I know that tax levy funds weren't used, but you know the auxiliary funds were used and given budget crises, a lot of these funding sources start to, you know, bleed into each other just to help out and I know that auxiliary in particular is taking a real hit this year, given that we can't rent out the building anymore. So could we see the contract?

K. Mason: **Let me look into that. And we'll let you know.**

J. Pittman: Well, thank you everyone for this exchange of information. We appreciate it, and we look forward to many more of these in the years to come.

END