The Public Employer, The City University of New York (“CUNY”), submits this Notification of Impasse to notify the Public Employment Relations Board (the “Board”) of the existence of an impasse within the meaning of Civ. Serv. Law § 209 between CUNY and the Employee Organization, Professional Staff Congress/CUNY (“PSC”). CUNY requests the assignment of a mediator to assist the parties in their efforts to reach a new labor agreement. In compliance with 4 N.Y.C.R.R. § 205.1(b), CUNY declares:

1. This Notification of Impasse is made on behalf of CUNY by:

   Frederick P. Schaffer  
   General Counsel and Senior Vice Chancellor for Legal Affairs  
   The City University of New York  
   205 East 42rd Street  
   New York, NY 10017  
   Telephone: (646) 664-9210  
   Facsimile: (646) 664-2964  
   Email: frederick.schaffer@cuny.edu

2. CUNY and PSC are parties to a collective bargaining agreement covering the period of September 20, 2007 to October 19, 2010 (“2007-2010 Agreement”). The 2007-2010 Agreement is annexed hereto as Exhibit 1.

3. At present, the parties are working under the terms of the 2007-2010 Agreement.
4. The PSC was certified by the Board as a negotiating agent on June 16, 1972.

5. The name, title, address, telephone number, facsimile number, and email address of the Representative of PSC to whom the Board should direct correspondence is:

   Barbara Bowen, President
   Professional Staff Congress/CUNY
   61 Broadway, 15th Floor
   New York, NY 1006
   Telephone: (212) 354-1252
   Facsimile: (212) 302-7815
   Email: bbowen@pscmail.org

6. The bargaining unit consists of approximately 12,500 full-time and 16,250 part-time members. A list of job titles represented in the bargaining unit is set forth in Article 1 of the 2007-2010 Agreement. See Ex. 1 at 1-5.

7. CUNY’s current fiscal year commenced on July 1, 2015 and runs through June 30, 2016.

8. To date, the parties have held twenty-six negotiation sessions and approximately twenty-three smaller committee meetings in furtherance of reaching a new labor agreement. The timeline of these sessions and meetings is as follows:

   Opening Session:  January 26, 2011

   Negotiation Session 1:  June 20, 2014

   Negotiation Session 2:  July 8, 2014

   Negotiation Session 3:  July 30, 2014

   Costing Committee Meeting:  August 6, 2014

   Grievance and Disciplinary Committee Meeting:  August 6, 2014

   Grievance and Disciplinary Committee Meeting:  August 14, 2014
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<td>Salary-Above-Base Committee Meeting</td>
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<td>Negotiation Session 9</td>
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<td>Negotiation Session 10</td>
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Negotiation Session 11: April 24, 2015

Costing Committee Meeting: April 27, 2015

CLIP/CUNY Start Program Committee Meeting: April 30, 2015

Educational Technology Committee Meeting: May 7, 2015

Negotiation Session 12: May 13, 2015

Grievance and Disciplinary Committee Meeting: May 27, 2015

Negotiation Session 13: June 4, 2015

Negotiation Session 14: June 22, 2015

Negotiation Session 15: July 1, 2015

Negotiation Session 16: July 15, 2015

Negotiation Session 17: July 28, 2015

Article 21 Sub-group Meeting: August 11, 2015

Negotiation Session 18: August 13, 2015

Article 21 Sub-group Meeting: September 21, 2015

Negotiation Session 19: September 24, 2015

Article 21 Sub-group Meeting: October 15, 2015

Negotiation Session 20: October 20, 2015

Negotiation Session 21: November 4, 2015

Negotiation Session 22: November 13, 2015

Negotiation Session 23: November 19, 2015
The unresolved bargaining issues presented by CUNY are:

a. The contract term;

b. The percentage wage increase(s) and timing of those increase(s);

c. Increasing the cap on the number of Distinguished Professors University-wide;

d. Increasing the amount of the salary-above-base limit;

e. Designating three additional titles as eligible to receive salary-above-base;

f. Authorizing the Chancellor discretion to exceed salary-above-base increment for a specified number of employees per year;

9. g. Increasing the cap on the number of Distinguished Lecturers and Clinical Professors University-wide;

h. Eliminating the length of service limit for Distinguished Lecturers and Clinical Professors;

i. Implementing a new salary schedule for the Zicklin School of Business at Baruch College;

j. Eliminating the Step II process for disciplinary cases seeking a penalty greater than a reprimand;

k. Establishing a medical separation procedure;
l. Identifying additional funding to support previously negotiated benefits, such as paid parental leave, Educational Opportunity Center (“EOC”) Adjuncts health insurance, and PSC-CUNY Research Awards; and

m. Incorporating the 2014 NYC-MLC Health Benefits Agreement.

10. The unresolved bargaining issues presented by PSC are:

   a. The contract term;

   b. The percentage wage increase(s) and timing of those increase(s);

   c. Provision of the value of the signing bonus comparable to that offered by the City of New York in recent labor agreements;

   d. Equity salary increases for Adjuncts;

   e. Reducing the workload of tenured and certificated faculty;

   f. Increasing library faculty annual leave;

   g. Creating a discretionary assignment differential for non-teaching instructional staff in the lower three titles in the HEO series;

   h. Amending the HEO guidelines to expand reclassification criteria;

   i. Annualizing salaries for teachers in CLIP and CUNY Start Programs;

   j. Expanding eligibility for benefits, including tuition waivers, year-round health insurance, job security and access to parental leave, to teachers in CLIP and CUNY Start Programs;

   k. Creating new multiyear appointments for teaching Adjuncts;

   l. Increasing the employer’s contributions to the welfare fund;

   m. Maintaining salary and benefit parity for employees at the EOCs;
n. Improve salaries for Assistant Teachers at the Hunter College Campus Schools;
o. Making (unspecified) improvements for employees at Hunter College Campus Schools;
p. Forming a Labor-Management Committee to develop relevant protocols on classroom teaching observations for online courses and address mutually agreed upon issues relating to educational technology;
q. Providing compensation for online course development;
r. Authorizing the creator of online course development to retain copyright;
s. Authorizing assignment of tuition waivers to children/step-children;
t. Decreasing the semester requirement and crediting University-wide service for teaching Adjuncts to qualify for tuition waivers;
u. Expanding eligibility for tuition waivers to non-teaching Adjuncts;
v. Identifying additional funding to support the PSC-CUNY Research Awards;
w. Employer recurring contributions or a one-time cash contribution to the Adjunct Professional Development Fund;
x. Entitlement to bereavement leave;
y. Authorizing Graduate Assistants’ service to be credited toward Adjunct benefits;
z. Establishing penalties for the employer for late disbursement of payroll checks to Adjuncts and Graduate Assistants;
aa. Authorizing a one semester break, owing to lack of course assignments, to serve as a bridge for Adjunct benefits;
bb. Authorizing the accrual of leave for Adjunct employees;

c. Establishing a deadline for Presidents to respond to appeals from negative personnel actions;

dd. Expanding eligibility for CCE (Certificate of Continuous Employment) to Medical Lecturers;

e. Forming a Labor-Management Committee to consider renaming the College Laboratory Technician series and making revisions to the qualification requirements for those positions;

ff. Restoring Adjuncts who have experienced up to a one-year break in service back to their pre-break salary;

gg. Execution of a side letter incorporating diversity language from the Distinguished Professors Nomination Guidelines; and

hh. Incorporating provisions of previously negotiated agreements, including the provisions on Adjunct health insurance, paid parental leave, and the PSC-CUNY Research Awards.

11. In view of the length of time since employees last received salary increases, the need to reach a fair and equitable agreement is paramount. CUNY is requesting Third Party assistance to be certain that we have made use of all available resources to help conclude these negotiations so that we can provide much needed wage increases for our workforce.

12. In a message from PSC President Barbara Bowen dated October 20, 2015, the PSC announced its intention to hold a strike authorization vote. A copy of President Bowen’s October 20, 2015 message is annexed hereto as Exhibit 2 and can be found at: [http://www.psc-cuny.org/our-campaigns/planned-strike-authorization-vote](http://www.psc-cuny.org/our-campaigns/planned-strike-authorization-vote).
13. In a message from President Bowen to PSC members dated December 16, 2015, President Bowen announced that the PSC was making available to them an opportunity “to sign a public statement of commitment to vote ‘yes’ on the upcoming strike authorization vote.” Her message goes on to state: “That's why I am asking you today to pledge your commitment to vote ‘yes’ on strike authorization. Please consider the pledge carefully and add your name. Give the union the power we need. By signing, you pledge that you will vote ‘yes’--and indicate that you are prepared, if necessary, to join a strike or other job action.” A copy of President Bowen’s December 16, 2015 message is annexed hereto as Exhibit 3 and can be found at: http://psc-cuny.org/our-campaigns/heres-what-comes-next.

14. The parties’ inability to agree to terms of a successor agreement after several years and many bargaining sessions and the PSC’s publicized campaign strategy to seek a strike authorization vote and a public commitment by its members that they will, in fact, strike demonstrate that the parties have reached an impasse which they cannot resolve without the assistance of the Board.

15. A copy of the Board’s Conciliation Form Declaration of Impasse, together with this Notification of Impasse and annexed Exhibits, is being simultaneously served on PSC. Attached is an Affirmation of Service.

CUNY declares that a state of impasse exists within the meaning of Civ. Serv. Law § 209 between CUNY and PSC and requests the assignment of a mediator to assist the parties in their efforts to reach a new labor agreement for the period beginning October 19, 2010. CUNY is desirous of reaching a prompt and equitable resolution of the outstanding issues. With a collective bargaining agreement that has been expired for more than five years and the last across-the-board increases paid more than six years ago, it is critical for the stability of the
workplace and morale of our faculty and staff that a process be put in place that will aid in a resolution.

Dated: New York, New York
January 26, 2016

The City University of New York

By: Frederick P. Schaffer
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