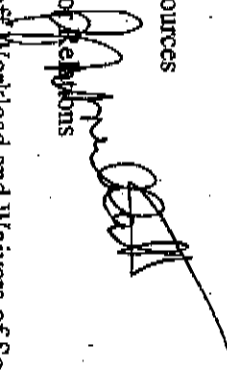




Office of the Vice Chancellor for
Labor Relations
636 East 80th Street
New York, NY 10075
Tel: 212-794-6568
Fax: 212-794-6530

January 26, 2009

TO: Labor Designees
Directors of Human Resources

FROM: Pamela S. Silverblatt
Vice Chancellor for Labor Relations 

SUBJECT: Adjunct Instructional Staff Workload and Waivers of Section 15.2

In regard to the processing of adjunct workload waivers for the spring 2009 semester, the PSC has advised us that it will not consider waiver requests submitted after March 31, 2009 (April 14th for LaGuardia and Kingsborough Community Colleges). The colleges, accordingly, must submit their requests to Jerry Rothman sufficiently in advance of March 31st (April 14th for Kingsborough and LaGuardia) to enable my Office to review them and send them to the PSC. The only exception, according to the PSC, will be those instances where an adjunct overload waiver is needed mid-semester to fill a vacancy owing to the resignation or termination of an adjunct, or to the inability of a full-time faculty member to fulfill an assignment.

As a reminder, the following are the rules governing adjunct instructional staff workload and waivers of section 15.2 of the PSC/CUNY collective bargaining agreement. These rules apply to service performed by hourly, part-time instructional staff. They do not apply to full-time staff who are teaching on an overload basis.

Adjunct Workload

Teaching Adjuncts

Adjunct instructional staff workload during the fall and spring semesters is governed by section 15.2 of the PSC/CUNY collective bargaining agreement. Pursuant to this provision, adjunct teaching faculty (excluding Graduate Assistants) may not be assigned more than nine classroom



contact hours per semester at one unit of The City University and one additional course of not more than six classroom contact hours during the same semester at another unit of The City University. Please note that the workload limitation at the first unit is expressed only in terms of classroom contact hours, while the limitation at the second unit is expressed both in terms of the number of courses (one course) and the number of classroom contact hours (no more than six). Because a semester is, generally speaking, 15 weeks long, the workload limitation has been construed to be 135 (50-minute) periods of instruction at the first unit and 90 (50-minute) periods of instruction at the second unit.¹

Since at least 1985, the University has established limitations on teaching adjunct instructional staff workload during the summer months. Adjunct instructional staff members are limited to 105 hours of instruction during the summer, except in departments with four credit courses for which a 120-hour assignment is permitted.

Non-Teaching Adjuncts

Non-teaching adjunct instructional staff members, including those in college laboratory series titles, are limited to 225 hours per semester and 175 hours during the summer months.

Mixed Teaching and Non-Teaching Assignments

The workload for an adjunct instructional staff member who has both teaching and non-teaching assignments is calculated as follows: Subtracting the actual teaching hours from the maximum teaching assignment yields the remaining permissible teaching hours during the semester, which can be converted into permissible non-teaching hours using the following formula:

$$\text{Remaining permissible teaching hours} = .60x$$

(where x is the total permissible non-teaching hours)

For example, if an adjunct instructional staff member has an assignment that requires 90 hours of instruction during the fall semester, how many hours in a non-teaching assignment may he/she work?

Maximum Teaching Hours	135
Actual Teaching Hours	90
Unused Possible Teaching Hours	45

¹ Not all colleges assign adjunct faculty to 15 weeks of instruction.

$$45 \text{ hours} = .60x$$

$$x = 75 \text{ hours}$$

Hence, an adjunct instructional staff member with a 90-hour teaching assignment during the fall semester may be employed in a non-teaching assignment (at the 60% rate of pay) for 75 hours during the same semester.

This chart may help you in determining the maximum non-teaching assignment an adjunct instructional staff member may have in addition to his/her teaching assignment:

Hours Actually Taught	Maximum Assignment of Non-Teaching Hours (at 60% rate)
15	200 hours
30	175 hours
45	150 hours
60	125 hours
75	100 hours
90	75 hours
105	50 hours
120	25 hours
135	0 hours

Waivers of Adjunct Workload

The colleges are expected to adhere to the workload limitations contained in section 15.2 of the PSC/CUNY collective bargaining agreement². It is recognized, however, that there will be circumstances that compel a college to request a waiver of these limitations. Such waivers require significant justification and are granted only in exceptional circumstances. Because a provision of the collective bargaining agreement is being waived, an agreement with the PSC is necessary before the waiver can be granted.

To initiate a waiver request, the labor designee must send a memorandum to Jerry Rothman containing the following information regarding the adjunct for whom the waiver is being requested:

Name
Title
Department
Semester
Total Hours
Number of Courses

This memorandum must be accompanied by a detailed explanation of the reasons necessitating the request and by a copy of the Adjunct Instructional Staff and Graduate Assistant Workload Reporting Form, on which the adjunct lists all of his/her hourly assignments at all units of the University. Both the adjunct and the Department Chair sign the form.

After review and approval of the request by the Office of Labor Relations, the PSC is approached regarding an agreement. If the PSC agrees to waive the limitations upon the number of adjunct teaching or non-teaching hours, the Office of Labor Relations will then send a memorandum to the labor designee notifying him/her that the agreement has been executed and that the waiver has been fully approved. At the senior colleges, this memorandum will be accompanied by a letter to the Department of Audit and Control of the State Comptroller's Office. This letter must be attached to the PR 75 for each senior college adjunct employee with excess hours. State audit will not process a PR 75 containing excess hours unless this letter is attached.

Pursuant to an agreement reached with the PSC for the spring 2009 semester, the Colleges may pay the adjunct based upon the actual number of hours taught for the applicable pay period, including any hours taught in excess of the adjunct contractual limit, pending review and agreement by the PSC. However, the PSC must still approve the waiver request, and the adjunct payments are subject to audit by the applicable payroll system. If the PSC does not approve the waiver request, the College will have to make the necessary

² Section 15.2 does not apply to work performed during the summer. Colleges must apply to the Office of Labor Relations for a waiver of the limitations on summer employment.

adjustment in the number of hours assigned to the adjunct to bring the hours within the limitations set forth in section 15.2 of the collective bargaining agreement.

The colleges are urged to submit waiver requests as early in the semester as possible. The PSC has advised us that it will not consider waiver requests submitted after March 31st for the spring 2009 semester (April 14th for LaGuardia and Kingsborough Community Colleges. The colleges, accordingly, must submit their requests to Jerry Rothman sufficiently in advance of March 31st (April 14th for Kingsborough and LaGuardia) to enable my Office to review them and send them to the PSC. The only exception, according to the PSC, will be those instances where an adjunct overload waiver is needed mid-semester to fill a vacancy owing to the resignation or termination of an adjunct, or to the inability of a full-time faculty member to fulfill an assignment.

Given the fact that a waiver of the workload limitations for adjunct faculty contained in section 15.2 requires the union's consent, it is imperative that the colleges take the union's self-imposed deadline for approving such waivers very seriously. Please advise department chairs and all other personnel involved in the processing of adjunct overload waiver requests of the union's position and reinforce with them the necessity of making requests for waivers in a timely manner, with appropriate justifications for the waivers.

For excess hours during the summer, the colleges should submit the same memorandum, listing the name of the employee, the employee's title, the department, the semester, the total hours requested, and the number of courses. The excess hours may not be paid until the college receives authorization from OLR.

Intercession Basic Skills Immersion Program, American Sign Language Courses and Clinical Nursing Courses

In recent years, the University has entered into annual agreements with the PSC under which persons in adjunct titles may be assigned up to one course in the Intercession Basic Skills Immersion Program in excess of the limitations established by section 15.2 of the PSC/CUNY collective bargaining agreement. Even when such agreements are in place, the senior colleges must nevertheless notify Jerry Rothman of any adjuncts whose service in the Intercession Basic Skills Immersion Program will cause them to exceed 135 hours for the fall semester. State audit will not permit payment of the excess hours without explicit authorization from the Office of Labor Relations.

We have standing agreements with the PSC permitting adjuncts teaching American Sign Language courses and clinical nursing courses to exceed the contractual maximum number of hours without a specific agreement covering the individual adjunct. Adjunct faculty teaching American Sign Language courses are permitted to teach two courses totaling not more than 12 classroom contact hours (180 hours of instruction) during the fall and spring semesters.

Adjuncts teaching clinical nursing courses are permitted to teach a maximum of 12 classroom contact hours (180 hours of instruction) during the fall and spring semesters. These agreements with the PSC notwithstanding, the colleges must still submit a request to the Office of Labor Relations. In the senior colleges, state audit will not permit payment of the excess hours without explicit authorization from the Office of Labor Relations.

It is our desire in restating these rules to ensure that section 15.2 of the collective bargaining agreement and University requirements are understood and followed. We are also concerned that adjunct faculty members be paid promptly. In order to achieve these two goals, the colleges must disseminate these rules widely so that the entire college community, including department chairs and adjunct instructional staff, understand the rules. Furthermore, colleges must give priority to waiver requests so that they are processed expeditiously.

We look forward to working with you in this area. Please call Jerry Rothman at (212) 794-5626 if you have any questions.

Thank you for your cooperation.