THE CITY UNIVERSITY OF NEW YORK

Titles or Duties Excluded from Agreements with
The Professional Staff Congress/CUNY

RESOLVED, That effective October 20, 2010, the articles identified below of the October 20, 2010–November 30, 2017 collective bargaining agreement between The City University of New York and the Professional Staff Congress/CUNY* shall apply to instructional staff employees, other than those in the Executive Compensation Plan, the Medical Series, and the Law School Series, in functions or titles that are otherwise excluded from the agreement pursuant to Article 1 thereof for the period October 20, 2010 through November 30, 2017. Such application shall prevail during the time of service of a person in the designated titles or while the person is performing the functional duties that are the basis for exclusion from the agreement:

Article 1 Recognition (insofar as exclusions from the unit are identified)
Article 14 Leaves and Holidays (Except Section 14.9)
Article 16 Temporary Disability and Parental Leave
Article 17 Jury Duty
Article 24 Salary Schedules (in the regular appointment title, exclusive of rem)
Article 25 Research, Fellowship and Scholar Incentive Awards (for persons with faculty responsibility)
Article 26 Welfare Benefits
Article 27 Retirement
Article 29 Waiver of Tuition Fees
Article 30 Facilities and Services
Article 31 Rehiring of Persons Who Are Discontinued
Article 33 Faculty and Staff Development
Article 36 Resident Series
Article 43 Duration

and be it further

RESOLVED, That effective October 20, 2010, Articles 24.3, 26 (Welfare Benefits), 27 (Retirement), 34.1 or 35.1, as applicable, and 43 (Duration) of the October 20, 2010 – November 30, 2017 collective bargaining agreement between The City University of New York and the Professional Staff Congress/CUNY shall apply to all employees in the Medical Series and the Law School Series, other than those in the Executive Compensation Plan, in the functions and titles that are excluded from the agreement pursuant to Article 1 thereof for the period October 20, 2010 through November 30, 2017. Such application shall prevail during the time of service of a person in the designated titles or while a person is performing the functional duties that are the basis for exclusion; and be it further

RESOLVED, That with respect to articles of the aforesaid agreement not made applicable to the titles and functions referred to above, the Chancellor may issue such rules as he deems appropriate to regulate matters otherwise covered by the agreement.
EXPLANATION: In establishing the collective bargaining unit and during the course of subsequent negotiations with the Professional Staff Congress/CUNY, certain employees of the University have been excluded from coverage under the agreement by virtue of their titles or functions, based upon the confidential, policy, or managerial responsibilities of the affected employees. University employees assigned to the titles or duties excluding them from the negotiated agreement, however, hold instructional staff titles that would otherwise be covered by the agreement. The University in entering into a collective bargaining agreement did not intend to deprive its excluded employees of the provisions contained in the articles referred to in the resolution. The resolution is consistent with previous actions adopted following Board approval of the predecessor collective bargaining agreements.

*As the 2010-2017 PSC/CUNY collective bargaining agreement has not yet been drafted, the numbers of the articles referenced in this resolution are those in the 2007-2010 PSC/CUNY collective bargaining agreement. The equivalent provisions in the 2010-2017 PSC/CUNY collective bargaining agreement are made applicable to excluded instructional staff by this resolution.