

**From:** Barbara Bowen <[psc2334b@pscmail.org](mailto:psc2334b@pscmail.org)>

**Date:** March 18, 2020 at 11:26:41 PM EDT

**To:** [Michael@mandiberg.com](mailto:Michael@mandiberg.com)

**Subject:** What to do if you are asked to report to work on campus tomorrow

**Reply-To:** [psc2334b@pscmail.org](mailto:psc2334b@pscmail.org)

Good evening,

If you have been told to report to work on campus or at another CUNY location tomorrow, the PSC offers the following guidance. We are here to support you and protect your legal rights.

First, find out if there have been any changes in the status of your college or workplace by checking online. Under [intense and public pressure by PSC members](#), several colleges have taken action late this afternoon and closed some libraries and other services. Others have closed because of confirmed cases of the virus. Make sure your information is up to date. Just tonight, for example, the Queens College president announced that the campus would be closed for the next two days because of two suspected cases. If your college has not yet done the right thing to protect public health, [send a message to your college president](#) demanding that it does.

- If it appears that your worksite is still open and arrangements have not been made for you to work remotely, check with your supervisor before traveling in to work. Make sure you are still being asked to come in to work physically.
- If you feel unwell for any reason, stay home. Use your sick days or personal emergency leave days (for adjunct CLTs and non-teaching adjuncts) and report in the usual way that you will be home sick. The Centers for Disease Control and both State and City government strongly caution against going to work while sick, regardless of the reason for your illness. You risk contracting COVID-19 yourself when your immune system is stressed, and you risk spreading your illness at a time when the population is vulnerable.
- If you were formally designated "essential staff" when you accepted your job or prior to the COVID-19 outbreak, demand that you have adequate protective clothing, mask, gloves or other gear required to do your job. You are entitled under both federal and state law, as well as the PSC contract, to a workplace "free from recognized hazards." The union recommends that you ask your supervisor for a written explanation of why your job is considered

"essential" during this emergency and that you supply a copy of the explanation to the PSC.

- Even if you know that your job is considered an "essential staff" job, you should not be at work if you are in one of the groups categorized as [higher risk](#) by the Centers for Disease Control or if you share a household with someone who is. According to the CDC, the higher risk category includes older adults, people with asthma, people with HIV, and pregnant women, as well as people with certain underlying health conditions, such as diabetes. Contact your supervisor before traveling in to work and ask for an accommodation because of your circumstances. The CUNY chancellor has informed the union that colleges have been open to such accommodations when they are requested. If your request was not accepted, contact the PSC at [psc@pscmail.org](mailto:psc@pscmail.org) and let us know.
- If you were not formally designated "essential staff" when you accepted your position or prior to the outbreak of coronavirus and you believe that being designated "essential" now is an error or abuse of discretion, contact the PSC at [psc@pscmail.org](mailto:psc@pscmail.org) and let us know. The union is pushing back hard against CUNY management's overbroad definition of "essential employees." As a result of PSC pressure, several campuses have now closed almost all campus offices and transferred work to distance technology.
- If you are still being told to report and none of the situations above apply to you, you still have legal rights in the workplace. It has taken unions and activists generations to win these rights, and they are still not as robust as we would like. As a general rule, if you are ordered to work, the law requires you to obey the order to report to work. In some limited cases, where there is an imminent threat of serious injury or death, you may lawfully refuse to perform the work as ordered.
- According to the regulations of the [US Department of Labor](#), when an employee is confronted with a choice between not performing assigned tasks and subjecting him/herself to serious injury or death because of a dangerous condition at the workplace, there are some circumstances in which the employee is permitted to refuse to perform the assigned work. The dangerous condition must be such that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a real danger of death or serious injury with insufficient time to remedy the problem.

- If you believe that such a danger exists and you have not yet notified your supervisor, you must notify your supervisor-in writing-that you consider your workplace unsafe, whether because you cannot maintain social distancing from other employees or because you are concerned that it was not adequately decontaminated. You should state explicitly that there is insufficient time to eliminate the danger through regular legal channels. The result may be that you are relocated. But if you can be relocated, you should also be able to work remotely.
- The PSC believes that no one should be placed in danger of death by their workplace. While the law on employee safety rights, passed against fierce resistance by employers, does not provide all the rights we believe it should, it does offer you protection. The PSC will make every effort to defend you if you do assert your rights under the law and are subject to repercussions.

It is outrageous that anyone, especially someone who has given their life's work to CUNY, would be put in the position of making the choices described above. That's why the PSC has demanded that all of our members' work be conducted remotely and why we will continue to push until every member is safe in their job. Discussions with management are going on tonight, and I hope to hear of more colleges doing the right thing by tomorrow morning.

Take care of yourself, and stay in touch with your union.

In solidarity,  
Barbara Bowen  
President, PSC/CUNY