



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered.

And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”

-George Orwell, 1984-

PROFESSIONAL STAFF CONGRESS SUES CUNY OVER STAFF AND FACULTY LAYOFFS AFTER CUNY ACCEPTS FEDERAL COVID RELIEF FUNDS

According to a lawsuit filed last week in the United States District Court for the Southern District of New York, the City University of New York (“CUNY”) violated its obligations under the Coronavirus Aid, Relief and Economic Security (“CARES”) Act by laying off thousands of adjunct faculty and staff within weeks of being awarded \$251 million in relief money.

Under the CARES Act, an employer which receives funding must pay its employees during the period of any disruptions or closures related to the pandemic. In the lawsuit, the Union which represents nearly 15,000 CUNY instructional and professional staff, the Professional Staff Congress/CUNY (“PSC”), argues that CUNY violated the CARES Act when it announced in May its plans to lay off thousands of adjunct faculty. Further, as of the filing, CUNY had fired 2,800 employees, representing around 20% of CUNY’s adjunct faculty.

In the complaint, the PSC alleged “it is fair to say there would be no CUNY without adjunct faculty and staff...In spite of this, CUNY has chosen to repay the adjuncts' dedication and hard work with pink slips: it is laying off 2,800 of them.”

The purpose of the CARES Act, passed by Congress and signed by the President in March, was to prevent financial upheaval by requiring employers receiving federal funds to prove that they continued to pay workers “to the greatest extent possible.” Moreover, according to the Union, despite the pandemic, the university system is projected to have \$52 million in reserves by the end of the fiscal year, \$552 million in New York State’s 2020 budget and another \$1.2 billion from New York City’s recently passed 2020 budget. Also, the Union maintains that CUNY has \$132 million from the \$251 million provided by the CARES Act, noting that the university didn’t consider other cost-cutting measures before announcing the adjunct layoffs in May.

The suit seeks the immediate reinstatement of the laid off workers and a direction to cease further layoffs. The case is *Professional Staff Congress/CUNY v. The City University of New York*, case number 1:20-cv-05060.

**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”**
-Mario M. Cuomo-

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