

**Memorandum of Understanding  
Between  
The State University of New York  
And  
United University Professions  
Regarding  
Mandatory COVID 19 Testing of Employees  
In the Professional Services Negotiating Unit**

Due to the unprecedented public health crisis presented by the COVID 19 pandemic and the critical need to quickly identify and control the spread of COVID 19 infections on state-operated SUNY campuses, and in the best interest of the entire SUNY community, the State University of New York and the United University Professions hereby reach the following agreement:

- 1) Effective immediately and continuing through December 31, 2020, all state operated colleges, universities, and hospitals shall conduct testing of Professional Services Negotiating Unit (PSNU) employees who are required to report in person to campus to conduct some or all of their work obligation.
- 2) The campus will consult with their UUP chapter representatives in development of the testing protocol of the PSNU.
- 3) Testing of PSNU employees shall be conducted in concert with regular surveillance testing in campus plans required under the Chancellor's September 3, 2020 directive, no less frequently than testing that occurs for the student population, utilizing self-administered saliva tests, short swab rapid tests, or other short swab tests selected by the campus. If a campus elects to utilize long swab testing employees will not be mandated but may be asked to volunteer for the test. Employees to be tested in each testing cycle shall be selected to best ensure that potential outbreaks across the campus population can be identified.
- 4) The campus testing plan and associated information regarding how samples for testing are constructed, including such things as the size of pools and the number and demographics (e.g. which departments or units are represented) of employees to be tested in each testing cycle shall be provided to UUP chapter representatives on each campus.
- 5) Procedures must ensure that:
  - a. The identity of individual employees selected for testing each week remains confidential and is only accessible on a need to know basis.
  - b. The testing is conducted in manner which protects the privacy of the employee being tested to the extent possible.

- c. The identity of any individual employees who test positive remains confidential to the extent possible.
- 6) Employees subject to testing shall be tested during their regular work hours. The testing shall be conducted without cost to the employee.
- 7) Test results shall not be retained in personnel files or other personnel records and shall not otherwise be retained by the campus any longer than is necessary to comply with public health requirements associated with the COVID 19 pandemic or used for any purpose other than compliance with such public health requirements
- 8) Employees who are quarantined or isolated following a positive test at public health, medical or campus direction shall be allowed to telecommute to the greatest extent possible. If telecommuting is not possible, the employee shall be permitted to use applicable statutory leaves in accordance with state and federal law and leave accruals as contractually appropriate.
- 9) Any conflict arising from this MOU may be raised by a campus or a UUP chapter representative to the signatories of this agreement, or their designees for prompt response and resolution.
- 10) This agreement shall expire close of business on December 31, 2020 unless extended by mutual agreement between the parties.

For the State University of New York:



Jim Malatras  
Chancellor

For United University Professions:



Frederick E. Kowal  
President

Dated: September 14, 2020