

# Professionals' Handbook 2012 - 2013

STATE UNIVERSITY OF NEW YORK



EMPIRE STATE  
COLLEGE



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## PART I. INTRODUCTION

This handbook presents the personnel policies and procedures of SUNY Empire State College for professionals as well as resource information of particular interest to professionals. The primary audience is the professional who is learning about the college, preparing for a personnel review, or seeking a professional development opportunity. The handbook also is an essential guide for supervisors. Upon hiring, the Empire State College Office of Human Resources refers all new professionals to the handbook and a link is available at [www.esc.edu/HR](http://www.esc.edu/HR).

The handbook is intended to provide an accessible treatment of important information. Much of the material is based on other more formal or technical material. In general, the handbook refers the reader to original sources or specific offices or websites for technical information or further details, rather than duplicating such resources. The reader is strongly advised to consult such sources directly.

This introduction describes the larger organizational context for the policies, procedures and resource information contained in the handbook.

The State University of New York, established in 1949, is the largest centrally managed, multilevel system of public higher education in the nation. SUNY's 64 institutions include four university centers; four medical centers (two of which – the Health Sciences Centers at Buffalo and Stony Brook – operate under the administration of their respective University Centers); 13 comprehensive colleges including Empire State College; five specialized colleges; five colleges of technology; five statutory colleges administered in cooperation with Cornell and Alfred universities, and 30 locally sponsored community colleges.

Empire State College was founded in 1971 to create new educational alternatives for the people of New York. In 1974, it was the first public, nontraditional institution of higher education to receive regional accreditation. In 2010, the Middle States Association of Colleges and Schools reaffirmed Empire State College's accreditation for 10 years. The college offers associate, bachelor's and master's degrees.

The college enables highly motivated adult learners to complete rigorous studies and earn degrees through a unique combination of academic features and resources. These include an onsite presence at locations across New York state; individual plans of study; student-centered, mentored study in a variety of teaching and learning modes, from guided independent study to online courses; and advanced-standing credit for college-level learning.

## A. COLLEGE ORGANIZATION AND ADMINISTRATION

### The Regents of the University of the State of New York

The University of the State of New York (as distinct from SUNY) is the organization that supervises New York's entire system of elementary, secondary and higher education. The Board of Regents, elected by the Legislature, governs the University of the State of New York. The chief executive officer is the commissioner of education, appointed by the Regents. The commissioner is responsible for the State Education Department, which oversees all public and private educational practices in New York state. All degrees offered by Empire State College must be registered with the New York State Education Department.

### The Board of Trustees of the State University of New York

SUNY is governed by a board of trustees, which is appointed by the governor. The governor also designates the chairperson and vice chairperson of the board. The trustees appoint the chancellor, the chief executive officer of SUNY. The SUNY Policies of the Board of Trustees (usually referred to as the SUNY Policies) is the basic document that details SUNY's organization, governance, policies and procedures. Copies are available from the Empire State College Office of Human Resources and on the SUNY website.

### SUNY Empire State College

Empire State College is responsible to the SUNY Board of Trustees. The board's authority is vested in the college's president through the chancellor of the university.

The **Empire State College Council**, appointed by the governor, acts as an advisory board to the president and chancellor. The council has particular responsibility for conducting presidential searches.

Empire State College is a single, statewide institution. Appendix 1 shows the college's geographic organization and Appendix 2 shows the college's administrative organization.

Administrative offices and the various services under their supervision are housed at the college's **Coordinating Center** in Saratoga Springs. Through the Coordinating Center, the college administers and coordinates a statewide network of locations and programs associated with seven **regional academic centers** (Niagara Frontier, Genesee Valley, Central New York, Northeast, Hudson Valley, Metropolitan and Long Island), and three **additional academic centers** (Center for Distance Learning, School for Graduate Studies, and The Harry Van Arsdale Jr. Center for Labor Studies). These 10 centers deliver the college's academic programs and services to Empire State College students. Each academic center or program has its own administrative, faculty, professional and support staff. Regional centers administer local units that are staffed by full- and part-time faculty and support staff. Centers have an academic administrator whose title is dean and many centers also have an associate dean. The dean's position is a blend of enrollment and operations management, budgetary responsibility, external relations and academic leadership. The dean (or designee) supervises, evaluates and makes recommendations for reviews and other center personnel actions; is responsible for the overall development, administration and quality of the academic program; and participates in the planning and administration of the college. In most centers, there also is an **associate dean** who collaborates with the dean, faculty and professional staff, focusing especially on academic quality, academic and student services and professional development, and also supervises professionals.

The officers of the college include the president, the provost/vice president for academic affairs and other divisional vice presidents. The **Cabinet** is made up of the officers plus the vice provosts. The Cabinet holds regularly scheduled meetings to address institutional planning, academic, fiscal, personnel, facilities, technology, enrollment, student and alumni/ae affairs, college development, and external relations issues in consultation with appropriate groups and individuals.

The **President's Council** includes the Cabinet, the assistant vice presidents and deans. The President's Council meets approximately bimonthly and serves in an advisory capacity on policy and operational issues. The deans also meet regularly with the provost and others to discuss issues of common concern.

The vice president of each division oversees supervision and evaluation and makes final recommendations about professionals to the president.

Appendix 3 lists the members of the Cabinet and the President's Council.



## **B. COLLEGE GOVERNANCE**

The college's governance organization, as provided by the SUNY Policies, came into being with the adoption and approval of the Empire State College Bylaws in 1973, and has evolved over the years. The college bylaws are posted on the Empire State College governance website and also are available from the Office of Academic Affairs. The provost is the administrative liaison to college governance. Each standing committee has a designated administrative liaison, as does the Senate.

The bylaws call for a college Senate and a number of standing committees. The standing committees are the Academic Personnel Committee (APC), Committee on Undergraduate Studies and Policies (CUSP), Graduate Academic Policies Committee (GSPC), Educational Technology Committee (ETC), Professional Personnel Committee (PPC), Governance Operations and Review Committee (GORC), Student Affairs Committee (SAC) and Support Staff Committee (SSC). In addition, the Program, Planning and Budget Committee (PPBC) advises the president on college planning and budget matters.

Standing committees are committees of the college Senate. Committees make recommendations to the Senate, which approves, modifies or disapproves their recommendations and forwards the result to the president. The college assembly meets once a year. At a plenary session of the assembly, the voting membership receives the annual reports of the president, State University faculty senator, college Senate, standing committees and faculty and professional conferences, and acts upon proposals and amendments to the bylaws.

The professionals' conference is made up of all professional members of the college assembly. The professionals' conference discusses items of interest to professionals and may make recommendations to the college assembly. The faculty conference plays a similar role on behalf of the faculty.

Centers may adopt local bylaws, subject to the approval of the president or designee. A copy of local bylaws may be obtained from the center dean.

## C. EMPIRE STATE COLLEGE FOUNDATION

The Empire State College Foundation is a private, not-for-profit corporation established under the laws of the State of New York for the sole purposes of accepting and encouraging gifts on behalf of Empire State College, and of managing and expending these gifts to advance the development of the college.

Below is the mission and values statement of the Empire State College Foundation, adopted in October 2002:

### Mission

The Empire State College Foundation promotes the quality and visibility of the college. It raises funds to enhance student aid, faculty excellence, and facilities and infrastructure. It promotes innovation, new program development and outreach. The foundation invests and responsibly manages funds to assure the ethical stewardship of gifts. By encouraging philanthropy and stewardship, the foundation supports the future growth of the college in becoming an international model of adult learning.

### Values

The Empire State College Foundation Board of Directors values:

1. The transforming impact of Empire State College;
2. The difference that well informed and connected volunteers can make as advocates for the college; and
3. The power of philanthropy to promote excellence in learning and teaching.

The foundation's board of directors is composed of the college president, the current president of the Alumni Federation Board of Governors who sits ex-officio, and individuals selected from members of the college faculty and staff, the College Council, representatives from regional advisory panels, and friends and graduates of the college.

The Empire State College Foundation provides more than \$1.5 million annually to the college. Priorities include student scholarships and other direct support to students, professional development of college employees, new program initiatives, facilities development, and promotion of the college among its many constituencies. Services provided by the foundation include the administration of accounts for alumni/student associations, grants, scholarship funds and special projects. The foundation also coordinates the sale of Empire State College merchandise through the college's distribution center. The foundation funds many professional development programs and services such as professional development funding, external speakers at college meetings and Empire State College excellence awards.

## D. COLLECTIVE BARGAINING

The New York State Public Employees Fair Employment Act (referred to as The Taylor Law) and NYS Civil Service Law mandate that public employees have the right to bargain collectively with their employers. The Public Employment Relations Board established the State University Professional Services Negotiating Unit for all academic and professionals. Through procedures established by PERB, the collective bargaining unit elected NYS United University Professions as the bargaining agent. Copies of the *Agreement* between the State of New York and the UUP are distributed by UUP and also may be obtained from the Empire State College Office of Human Resources. The *Agreement* and the *Policies* of the Board of Trustees are both available at [www.uupinfo.org](http://www.uupinfo.org) and [www.esc.edu/HR](http://www.esc.edu/HR).

Definitions of terms relating to professional titles and organization are provided in Article II of the SUNY Policies and in Article 4 of the *Agreement*.

In these documents, the term “professional staff” refers to academic and professionals who serve in administrative and/or teaching roles and are members of the Unclassified Service. “Academic employee” refers to employees in the professional services negotiating unit with academic rank or qualified academic rank. The term “professionals” refers to employees in the professional services negotiating unit, other than those with academic or qualified academic rank.

## E. POLICY CONTEXT FOR THIS HANDBOOK

Within Empire State College, center and program procedures must be consistent with college policies and procedures. Empire State College's professional personnel policies must be consistent with the SUNY Policies (herein known as the *Policies*). In the event that the provisions of the Empire State College and the *Policies* differ in substance, the provisions of the *Policies* are controlling.

The collective bargaining agreement between the State of New York and United University Professions (herein known as the *Agreement*) also is relevant. According to the *Policies*, in the event that the provisions of the *Agreement* are different from the provisions of the *Policies*, the provisions of the *Agreement* are controlling.

In the event that local and college-level procedures and policies differ in substance, college-level policies and procedures are controlling.

## **PART II. PROFESSIONAL APPOINTMENT AND SALARY POLICIES AND PROCEDURES**

### **A. INTRODUCTION TO PARTS II AND III**

Policies and procedures for reappointment, permanency and promotion of professionals fall under the heading of “terms and conditions of employment” and are, therefore, subject to labor-management negotiations. Such policies and procedures are found in Parts II and III of this handbook. Part III also provides information on amendment procedures for those sections of the handbook.

The following page is the signature page for the current Memorandum of Agreement on these matters between Empire State College and United University Professionals.

The Office of Human Resources is responsible for the remainder of the information in the Professionals Handbook in consultation with college administrators, governance bodies, SUNY System and others, as appropriate.

City of Saratoga Springs  
 County of Saratoga  
 State of New York

A MEMORANDUM OF AGREEMENT BETWEEN  
 THE STATE UNIVERSITY OF NEW YORK  
 EMPIRE STATE COLLEGE  
 AND  
 UNITED UNIVERSITY PROFESSIONS

THE STATE UNIVERSITY OF NEW YORK, EMPIRE STATE COLLEGE and UNITED UNIVERSITY PROFESSIONS ("the parties") agree to adopt and implement the negotiated Memorandum of Agreement titled "Performance Review of Professionals: Policies and Procedures" hereinafter referred to as "the MOA," including all Article and Appendices thereto. The parties agree that (1) the MOA is binding on both from the date of signing; (2) any changes or amendments to the MOA must be made by mutual consent; and (3) this signed MOA will become part of the Empire State College Professional Handbook and will be published with it.

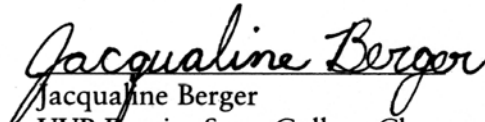
On the 20 day of June, 2012 at Saratoga Springs New York

I, Alan Davis, president of the State University of New York, Empire State College, commit the college to the MOA as specified above.

I, Jacqueline Berger, president of the Empire State College Chapter of the United University Professions, acting with the full knowledge, written consent and authority of Phillip H. Smith, Ph.D., president of United University Professions, commit United University Professions to the MOA as specified above.

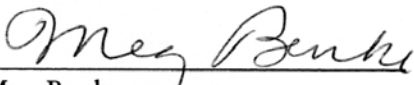


Alan Davis  
 College President

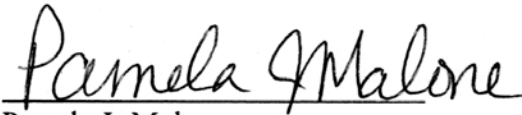


Jacqueline Berger  
 UUP Empire State College Chapter President

Witnesses: We, the undersigned, witness the signing of this MOA.



Meg Benke  
 Provost and Vice President for Academic Affairs  
 Empire State College Negotiations team



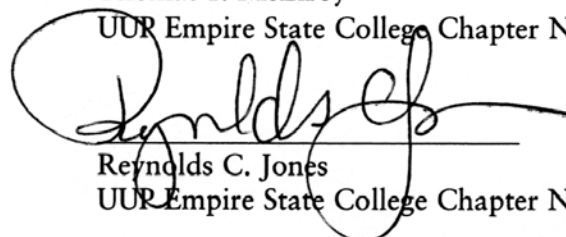
Pamela J. Malone  
 UUP Empire State College Chapter Negotiations team



Paul Tucci  
 Vice President for Administration



Thomas F. McElroy  
 UUP Empire State College Chapter Negotiations team



Reynolds C. Jones  
 UUP Empire State College Chapter Negotiations team

## B. APPOINTMENTS

Professionals may hold full- or part-time appointments. There are differences in the required notice of nonrenewal (*Agreement*, Article 32). Full-time service as a professional normally counts toward consideration for permanent appointment.

Vacant and new full-time positions are generally filled through a search as defined in the Affirmative Action Plan and Search Procedures. Part-time appointments also may follow these procedures or be filled by a direct appointment. The Affirmative Action Plan is posted on the Empire State College intranet ([www.esc.edu/ESCnet](http://www.esc.edu/ESCnet)). Search procedures and forms are on the Office of Human Resources website. The search procedures also are included in the Empire State College Policies, Procedures and Letters of Understanding. The college's affirmative action officer is responsible for the effective implementation of the Affirmative Action Plan and ensures that the college adheres to state and federal requirements. The affirmative action officer and the Office of Human Resources monitor and support searches to fill positions.

In accordance with the goals expressed in its Affirmative Action Plan, Empire State College adheres to the letter and the spirit of affirmative action. Any inquiries with regard to possible noncompliance or discrimination should be directed to the affirmative action officer.

### Notice of Full- and Part-Time Appointments

"All employees shall, upon appointment, receive a letter of appointment or reappointment containing the following information: academic or professional rank, if applicable, and official state title; type of appointment (term, continuing, permanent or temporary); duration of appointment if a term, or expected duration if a temporary appointment; basic annual salary, if appropriate, or rate of compensation; and effective date of appointment" (*Agreement*, Article 30.4(a)).

"Part-time employees shall receive an appointment letter which includes the following information on required assignments if applicable: teaching; advisement and/or governance; research or community service; and in addition, part-time employees shall receive an appointment letter which identifies the benefits for which they are eligible: health leave; and other (specify)" (*Agreement*, Article 30.4(b)).

To accept an appointment, the employee signs and returns the endorsement to OHR. The employee's signature on the endorsement is his/her acceptance of the terms and conditions of the appointment. The employee is expected to begin work on the start date provided in the letter.

The appointment letter also informs the professional as to his/her immediate supervisor as of his/her start date of the appointment. In the event the professional's supervisor is changed, the OHR provides written notice to the professional within 30 calendar days of the change. At any time a professional may submit a written request to OHR and receive a written notice identifying the person designated as the professional's supervisor (*Agreement*, Appendix A-28, Evaluation, V.A1).

### Temporary Appointment

"A temporary appointment shall be an appointment which may be terminated at any time. Temporary appointments ordinarily shall be given only when service is to be parttime, consistent with Section 2 of Title D, Article XI, voluntary, or anticipated to be for a period of one year or less, or when an employee's initial appointment in the university is made to a position vacated by a professional who is serving a probationary appointment pursuant to Title C, Section 5 or Title D, Section 6. A temporary appointment is appropriate whenever a position has been vacated by an employee on approved leave" (*Policies*, Article XI, Title F, 1).

Temporary appointments may be terminated at any time, according to the *Policies*. An individual on a temporary appointment is not entitled to any notice of nonrenewal.

### **Term Appointment**

Under the *Policies* (Article XI, Title D) term appointments for most professionals are made for a specific period of not more than three years. "Except as provided in Section 6 this title, a term appointment shall be an appointment for a specified period of not more than three years which shall automatically expire at the end of that period unless terminated earlier because of resignation, retirement or termination" (*Policies*, Article XI, Title D).

### **Nonrenewal of Term Appointments**

Part-time service term appointments of professionals are entitled to 45 days notice of nonrenewal. A full-time professional on a term appointment is entitled to notice of nonrenewal of three, six or 12 months, depending upon the employee's length of service (*Agreement*, Article 32).

### **Five-Year Term Appointment**

Five-year term appointments are appointments which may be granted only to professionals who serve in professional titles listed in Appendix A of the *Policies*. Except for their duration, five-year term appointments shall be subject to the same procedures for the methods of appointment renewal and notice of nonrenewal of term appointments (*Policies*, Article XI, Title D, Section 6a).

### **Permanent Appointment**

Permanent appointment is an appointment of a professional in a professional title which is eligible for a permanent appointment, which shall continue until there is a change in such title, resignation, retirement or termination, in accordance with the *Policies* (Article XI, Title C). The SUNY chancellor grants permanent appointment upon consideration of the college president's recommendation.

Permanent appointment in a professional title is normally granted to a professional after completing seven consecutive years of full-time service in a title eligible for permanent appointment, with the last two years in the same professional title. Eligibility of initial permanent appointment may occur in fewer than seven years (*Policies*, Article XI, Title C, 4(a)(1) and (2)).

If granted by the chancellor, the permanent appointment will begin with year eight. Professionals appointed to positions with titles listed in Appendices A, B and C of Article XI of the *Policies* are not eligible for permanent appointment in those professional titles.

### **Service Credit**

In determining eligibility for permanent appointment under this section, satisfactory full-time prior service in a professional title at any one college of the university may, at the request of the professional and in the discretion of the chancellor, or designee, be credited as service, up to a maximum of three years, at the time of appointment at another college. Waiver of all or part of this service credit shall be granted upon written request of the employee to the chief administrative officer not later than six months after the date of appointment at that college (*Policies*, Article XI, Title C, c(1)).

In computing consecutive years of service for the purposes of appointment or reappointment of professionals, periods of leave of absence at full salary and periods of full-time service in probationary and temporary appointments granted pursuant to this Title shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included but shall not be deemed an interruption of consecutive service for other purposes (*Policies*, Article XI, Title C, c(2)).



### **Probationary Appointment**

“A probationary appointment shall be an appointment for a period of one year which must be granted to a professional holding a professional title in which permanent appointment may be granted at a college of the University when the employee is appointed to a different professional title in which permanent appointment may be granted at the same college, or when the employee is appointed to a professional title listed in Appendix A of the *Policies* at the same college. A probationary appointment may be terminated at any time” (*Policies*, Article IX, Title C, Section 5).

An employee currently holding permanent appointment status in a professional title and successfully completing the one-year probationary period is granted permanent appointment status in the new title. The employee does not retain the permanent appointment in the former title (*Policies*, Article XI, Title C, Section 5a(2)).

### **Concurrent Academic Rank**

At the discretion of the provost/vice president for academic affairs and with the approval of the president, professionals may hold concurrent academic rank appropriate to their academic qualifications and responsibilities. The provost considers concurrent rank only when the employee holds a master's degree or doctorate and her/his responsibilities center directly on academic program delivery. These do not lead to continuing appointment.

### **Appointment Cycles**

Term appointments carry no presumption of an additional appointment beyond that term. Upon hiring, each employee and his or her supervisor receives a table identifying the potential review cycle from OHR. An example in Appendix 7 illustrates the cycle assuming positive results for each reappointment review, for purposes of illustration only.

### **Salary Levels**

The college administers salary in compliance with federal and state laws, the *Agreement*, *Policies* and its own policies. Professionals are compensated according to their professional obligation, the provisions of the *Agreement* and the college's financial ability. Salary levels normally reflect a professional obligation calendar year for Empire State College professionals.

### **Professional Ranks**

- There are six salary levels, designated 1, 2, 3, 4, 5 and 6.
- The higher the number, the greater the scope and complexity of the position, and the higher the salary level.
- Professionals may go to <http://www.esc.edu/ESCnet> or [http://uupinfo.org/docs/5\\_2.htm](http://uupinfo.org/docs/5_2.htm) or [www.esc.edu/HR](http://www.esc.edu/HR) for more information about the budget title, job description and salary level.

The *Agreement* specifies salary minimums for each salary level. Professionals who are hired on a part-time basis are paid a prorated basic annual salary which on a full-time equivalent basis falls within the range of the salary level for his or her state budget title.

Professionals have a state budget title, such as “staff assistant,” and then may have a more descriptive college title. The college title may be the same as the state budget title, but it is usually more specific to the individual's position and responsibility within Empire State College. Individual duties and responsibilities are defined in the employee's annual performance program. A professional's college title is determined by the college for the purpose of providing a better description of the employee's work and to establish consistency within the college's organizational structure.

Salary is a mandatory subject of bargaining. Therefore, any adjustments to a professional's salary must be consistent with the provisions of the *Agreement* (*Agreement*, Articles 20 and 30, Appendix A-28). The employee or management may initiate the process for salary increases. (See section on types of salary increases.)

### **Workload Consultation**

Each instructional center of the college, as well as the Coordinating Center, has a locally developed, ongoing procedure for consultation among the center dean or area vice president and the academic and/or professionals of the center or division in the Coordinating Center regarding the overall distribution and allocation of resources and professional obligations within the center or division (stipulation of settlement of IP charge U-13858, Aug. 10, 1995). The provost/VPAA approves local consultation procedures and provides copies to the Empire State College UUP chapter.

### **Extra Service**

Duties assigned to full-time professionals as set forth in their performance program are considered to fall within their normal scope of professional obligation to the college. Service performed by a full-time professional that is different from or in addition to the employee's professional obligation as set forth in the performance program at his or her own college or state entity other than the one to which the employee is regularly assigned may be compensated by extra service pay.

An extra service request is completed in advance of starting the work and requires the approval of the dean/assistant vice president or designee and submission of the completed documentation prior to the work being performed. Questions should be directed to OHR.

### **Extra Service Policy**

No employee may engage in other employment which interferes with the performance of the employee's professional obligation to SUNY. No full-time employee of the State University may assume another full-time position or obligation either within or without the university while under obligation and receiving compensation from the university.

Extra Service is defined as: Work performed by state employees for a state payroll agency, or the SUNY Research Foundation, other than the one to which the employee is regularly assigned, or special assignments performed at their own campus that are substantially different from or in addition to their regularly assigned duties and responsibilities when the extra service work, in combination with the employee's regular assignment and any other dual appointment or extra service assignment, will exceed full-time service (1.00 FTE).

For employees whose primary appointments are full time, payment for all additional work must be paid on an extra service basis whether performed for their primary agency or for another state payroll agency.

For employees whose primary appointments are part time, they may be paid "concurrent" – not extra service – if the work is for another state payroll agency and the combination does not exceed full time. If the work is for their primary payroll agency, they may have their part-time payroll percent and thus, salary, increased to compensate them or be paid via extra service.

Search committees, unit heads and/or supervisors should attempt to determine the current state employment status of individuals before they recommend them for appointment (particularly part-time appointees) to ensure that appropriate approvals are obtained prior to effecting the appointments of individuals already being paid on state payrolls.

Except for managerial/confidential employees, campuses have been delegated responsibility for developing their own approval processes for extra service performed by their employees for their own campuses.

Except for managerial/confidential employees, campuses also are delegated responsibility for approving extra service with other state payroll agencies, including other SUNY units, for their employees but in this case they must adhere to SUNY/state approval procedures. An approval for extra service compensation – usually a “Dual Appointment Form” except when the other payroll unit is another SUNY campus – also must be obtained from the state payroll agency(ies) from which an individual is currently being paid before s/he may commence any extra service work.

In all cases extra service for M/C employees requires approval of the chancellor or his designee.

Extra service assignments must clearly be in addition to and must not interfere with the individual's regular responsibilities. Such assignments may include service by those holding positions other than academic rank, (i.e., administrators and other professionals – even classified service employees under rare and exceptional circumstances). These assignments may involve, but are not limited to, teaching, research and public service. Extra service must be closely monitored. It must be clearly demonstrated that any extra service exceeds that which is normally performed under the regular obligation and is performed outside of normal working hours. In the exceptional cases where nonexempt classified service employees might be considered for extra service, the campus must ensure that the nature of the work to be performed is clearly and significantly different from the work normally and appropriately assigned to the title to which the employee is appointed. Otherwise, compensation for such services by nonexempt, classified employees must be paid on an overtime (time and one-half) basis. Where such an extra assignment for a classified service employee is with another payroll agency and must be paid on an overtime basis, arrangements need to be made with that agency for them to provide a record of hours worked and to then reimburse the home payroll unit for the related overtime payments. All extra service assignments must have prior approval in accordance with the campuses internal extra service compensation approval procedures, or, for M/C employees, the SUNY approval process.

Compensation for extra service is not to exceed an amount equal to 20 percent of base annual salary in any academic or calendar year. For example, a professional staff member earning a salary of \$25,000 may not be paid more than \$5,000 for extra service during the course of his or her annual professional obligation. Employees with academic year obligations may earn an amount equal to no more than 10 percent during each semester of obligation.

Individuals who are receiving stipends, not to exceed 10 percent for the academic year and 10 percent for the summer, for designations as department chairpersons, may not be paid extra service compensation. However, individuals serving as department chairpersons and not receiving a stipend for such assignment may receive extra service compensation.

Summer session employment does not constitute extra service for academic employees with academic year obligations or professional employees with college year obligations that exclude summers. There are no restrictions on how much such employees may receive from non-SUNY employers during such periods in which such employees have no professional obligation with SUNY.

After the appropriate approval(s) has/have been obtained, payment for extra service will be made periodically as the work is completed based upon the submission of extra service vouchers. Vouchers and additional guidance can be found under “Forms” at the end of this section. Additional guidance may be obtained from the Office of Human Resources or Payroll.

*Policy from SUNY Administration*

## C. PROMOTIONS AND SALARY INCREASES

All references to Appendix 28, Promotion refer to the *Agreement*, Appendix A-28, Memorandum of Understanding Between the State University of New York and United University Professionals Relating to a System of Promotion and Certain Salary Increases for Professionals.

### Definition of Promotion

“Promotion shall mean an increase in a professional’s basic annual salary accompanied by movement to a higher salary level with a change in title resulting from a permanent, significant increase or change in the employee’s duties and responsibilities as a consequence of (1) movement from one position to another of greater scope and complexity of function at the same or different campus; or (2) resulting from a permanent increase in the scope and complexity of function of the employee’s position” (*Agreement*, Appendix A-28).

All professionals may apply for a promotion pursuant to the process outlined in *Agreement*, Appendix A-28, Promotion of the *Agreement*, the MOU between SUNY and UUP relating to a system of evaluation and promotion for professionals.

### Criteria for Promotion

“The criteria to be used in considering an employee for promotion are those which relate to the particular type of duties and responsibilities of the position for which the employee is being considered” (*Agreement*, Appendix A-28, Promotion, III.D(1)(a-e); for example:

- (a) Effectiveness in performance – as demonstrated, for example, by success in carrying out assigned duties and responsibilities, efficiency, productivity and relationship with colleagues. In the case of university professionals, satisfactory supervisory evaluations of a professional’s performance at the present level of duties and responsibilities shall be considered. Additionally, supervisory comments on such evaluation regarding the professional’s projected capabilities to function at an increased level of responsibility also shall be considered.
- (b) Mastery of specialization – as demonstrated, for example, by degrees, licenses, honors, awards and reputation in professional field.
- (c) Professional ability – as demonstrated, for example, by invention or innovation in professional, scientific, administrative, or technical areas; i.e., development or refinement of programs, methods, procedures, or apparatus.
- (d) Effectiveness in University service – as demonstrated, for example, by such things as successful committee work, participation in local campus and University governance, and involvement in campus or University-related student or community activities.
- (e) Continuing growth – as demonstrated, for example, by continuing education, participation in professional organizations, enrollment in training programs and research. The above examples are presented for descriptive and explanatory purposes only and are in no way intended to be all-inclusive” (*Agreement*, Appendix A-28, Promotion, III.D(1)(a-e)).

At Empire State College, involvement in UUP activities and participation in community volunteer activities are examples of university service.

### Methods of Promotion

1. Open Position: A professional may apply for an open position, and through the college’s search process receive a promotion if she or he is the successful candidate.

The college adheres to the Board of Trustees Resolution titled “Professional Salary Administration Guidelines (Appendix 6).”

The college encourages the career growth of professionals within the organization and adheres to affirmative action policies. Under this provision, the college provides an expedited process for full-time professionals who have been hired from an affirmative action search and are seeking a promotion to a vacant position.

Internal promotions to vacant positions are provided for in the memorandum of Understanding Relating to a System of Promotion and Certain Salary Increases for Professionals (*Agreement*, Appendix A-28, Promotion, III.E(1)). For operational purposes, professionals also may seek nonpromotional (lateral) opportunities under this plan.

The *Agreement* (Appendix A-28, Promotion, III. E(1)(c)) states that the college will make a good faith effort to comply with the provisions of the *Agreement* for the method of promotion to a vacant position. However, the failure of the college to follow the described procedures should not invalidate any appointment to a vacant position. In addition, anything contained herein shall not be “construed to require” the college “to make promotions or appointments from among professionals presently employed by the college.”

The following procedures apply to internal promotional opportunities for professionals for vacant positions.

#### Procedures

- OHR announces vacancies in a professional title through established procedures.
- Current professionals have 10 working days to submit an application as specified in the posted vacancy announcement.
- The search committee establishes an internal process that reviews only those internal professional applicants who applied within the first 10 working days of the vacancy announcement. During this time, external applicants and those internal professionals who applied after 10 working days will not be accessible to the search committee. If no appropriate internal professional candidate is identified, the search committee will consider all applicants in the pool, including the early applicants.
- The search committee keeps confidential the identity of all internal applicants.
- Internal professional applicants may apply for a position without notifying their supervisor.
- Internal applicants who are considered qualified candidates are informed by the search committee of their status and are expected to notify their supervisor. Other references provided by the internal candidate are contacted consistent with the committee’s search plan.
- The search committee, after notifying the internal candidate, may contact the internal candidate’s supervisor as appropriate with the search committee’s timetable for completing the search process.
- At the close of the search, all applicants are notified by OHR of the decision on their applications.
- A vacancy created through an appointment of an internal candidate is normally filled via a full search.

#### 2. Present Position: A Professional May Formally Request a Promotion

“Any employee who meets the criteria set forth under “criteria for promotion” defined above may apply for a promotion within his or her present position that results “from a permanent significant increase in the employee’s duties and responsibilities as a consequence of a permanent increase in the scope and complexity of function of the employee’s current position” (*Agreement*, Appendix A-28, II.C(2)).

If the professional’s request is denied at an organizational level below the college president, he/she may appeal to the College Review Panel (CRP).

## Procedures

- To request a present-position promotion, the employee must request a recommendation for such promotion from his/her immediate supervisor using the Request for Salary Increase or Promotion form (RSP) (Appendix 4).
- The RSP, in addition to collecting demographic data from the requester, specifies the rationale for the request based upon the criteria for promotion, the submission date of the request and the name of her/his supervisor and area vice president.
- If a request for promotion is denied at an organizational level below that of the college president, an employee may appeal the denial to the College Review Panel (CRP) by filing an Appeal of Denial of Request for Salary Increase or Promotion (Appeal RSP) (*Agreement*, Appendix A-28, Promotion, III.E(2)(a)). If a response to a request for promotion is not received within 45 days at any level below the college president, the employee may consider the request denied and appeal to the CRP.
- The employee notifies his/her chapter president of the appeal. The completed appeal form is submitted to the assistant vice president for human resources. OHR convenes the CRP, provides the members with copies of the appeal form, as well as any supporting documentation and oversees the process. The assistant vice president of human resources assigns a member of OHR staff as a liaison for the CRP.
- In cases where the CRP seeks clarification of the *Agreement* or *Policies*, the CRP chair will contact the AVP for HR and the UUP chapter president to jointly provide such clarification.
- The CRP shall review all such appeals of denials of promotion. If it determines that the increase or change in duties and responsibilities under consideration does not warrant promotion, the Panel shall notify the employee. Further appeal from such determination of the CRP shall not be permitted (*Agreement*, Appendix A-28, Promotion, III.E(2)(b)).
- If the Panel determines that the increase or change in duties and responsibilities under consideration warrants promotion, it shall forward its recommendations to the college president and a copy of such recommendation shall be sent to the applicant.
- “The decision of the college president shall be rendered within 90 calendar days. The president’s decision shall be final, provided, however, that a decision by the college president which is claimed by the applicant to be arbitrary or capricious may be appealed on such basis to the University Review Board by such person in accordance with appropriate provisions stated below. A copy of such appeal also shall be sent to the college president. In the event of such appeal the college president may forward the president’s recommendation to the University Review Board. A copy of such recommendation, if any, shall also be sent to the CRP and the applicant” (*Agreement*, Appendix A-28, Promotion, III.E(2)(b)).
- “In considering appeals from decisions of the college president not to promote which decisions are claimed to be arbitrary and capricious, the University Review Board or its designee shall: review recommendations from the College Review Panel and college president; examine the duties, responsibilities, scope and complexity of the position involved; and determine by appropriate means and standards – which may include but not be limited to tests of internal and external consistency; desk audits; and other commonly accepted review methods – whether promotion is warranted. The University Review Board’s decision shall be final” (*Agreement*, Appendix A-28, III.E(2)(c)).
- Should the president’s decision include a salary increase, at Empire State College the employee’s salary normally is adjusted within 30 days of the president’s decision.
- “Applications for promotion which are disapproved may not be resubmitted for a period of either 18 months, or until the employee’s performance program has been changed, whichever is sooner, following a disapproval by the CRP, by the president – or if an appeal is taken to the University Review Board – by that board” (*Agreement*, Appendix A-28, III.E(2)(d)).

### 3. President's Authority to Promote

In addition to the above procedures, the college president also may promote or recommend for promotion, as the college president's scope of authority permits, any professional on the campus (*Agreement*, Appendix A-28, Promotion and *Policies*, Article XII, Title C, 6). UUP and Empire State College management recognize that certain situations will justify professional promotions being made to vacant positions that bypass the process for internal career movement. These determinations will be made by management after weighing: (1) fairness to the professional by allowing an appropriate promotional opportunity, (2) college affirmative action considerations and qualifications for the position, and (3) the greater needs of the college.

Nothing contained in this document shall serve to modify or lessen the rights and privileges assigned to college management, UUP, or employees under the terms and conditions provided in the *Policies* and the *Agreement*. Within this context, opportunities for promotions are consistent with employee development, qualification and job performance.

#### **Appointments: Part-time Service to Full-time Appointments**

The college has the authority to appoint part-time service professionals to a full-time position. This can be accomplished in two ways. The college may appoint a professional to a vacant full-time position, or the college may convert the professional's current part-time position to a full-time position. In both cases, a search is necessary unless a search waiver is approved by the affirmative action office.

#### **Requests for Contractual Salary Increases**

A professional who has been assigned a permanent and significant increase in duties and responsibilities as demonstrated by the employee's performance program may apply for a salary increase (*Agreement*, Appendix A-28, Promotion, IV).

If the professional's request is denied at an organizational level below the college president, he/she may appeal to the College Review Panel (CRP).

#### **Procedures**

- To request a salary increase, the professional completes and submits the Request for Salary Increase or Promotion form (RSP) and submits it to his/her supervisor (Appendix 4.)
- If a professional's request for salary increase is denied at an organizational level below that of the college president, an employee may appeal the denial to the CRP by filing the appeal form (*Agreement*, Appendix A-28, Promotion, IV). If a response to a request for salary increase is not received within 45 days at any level below the college president, the employee may consider the request denied and appeal to the CRP.
- The professional notifies his/her chapter president of an appeal. The completed appeal form is submitted to the AVP for HR (Appendix 5). OHR convenes the CRP and provides the members with copies of the appeal form and supporting documentation. The AVP for HR assigns a member of OHR staff as a contact for the CRP.
- The CRP reviews requests for salary increase and consults with the advisor from Office of Human Resources to insure internal consistence. The CRP determines whether or not the increase of change in duties and responsibilities under consideration warrants a salary increase. The CRP notifies the employee, college president and immediate supervisor of its determination.
- Should CRP not recommend a salary increase, the employee cannot appeal.
- Should the determination by CRP be "warrants salary increase," it is forwarded to the college president and the requestor with any recommendations.

- The decision to provide a salary increase is within the discretion of the college president. The college president's decision is final and cannot be appealed. Should the president's decision include a salary increase, at Empire State College, the salary is normally adjusted within 30 days of the president's decision.

### **Other Types of Salary Increases**

Across-the-board salary increases must be negotiated for all employees in the Professional Services Negotiating Unit (*Agreement*, Article 20).

Discretionary salary increases also are negotiated and subject to college discretion. In accordance with college-developed discretionary salary increase guidelines, discretionary increases are usually awarded on the basis of merit. They also may address equity or market conditions. OHR posts administrative guidelines for discretionary increases on [www.esc.edu/ESCnet](http://www.esc.edu/ESCnet). This process is subject to annual review and revision as determined by the president. Discretionary salary increases follow the Office of the State Comptroller Payroll Bulletins (if any), and the *Agreement*. However, "nothing contained herein shall prevent the University, in its discretion, from granting further upward salary adjustments to individual employees" (*Agreement*, Article 20.12).

As the name implies, discretionary salary adjustments are awarded at the sole discretion of the president. OHR administers the process according to the terms of the agreement, which normally takes place during the fall. Deans and assistant vice presidents submit their recommendations to their area vice presidents. Criteria used for making these recommendations are found in the posted guidelines. The area vice president, in consultation with the AVP for HR, makes recommendations to the college president. The college president's decision is final.

Professionals are encouraged to speak with their immediate supervisor regarding self-nominating for a discretionary salary increase. Self-nominations generally are submitted to supervisors between July 1 and Aug. 31.



## PART III. PERFORMANCE PROGRAMS AND EVALUATIONS

All references to Appendix A-28, Evaluation refer to the *Agreement*, Appendix A-28, Memorandum of Understanding Between the State University of New York and United University Professionals Relating to a System of Evaluation for Professionals.

### A. PERFORMANCE PROGRAMS

#### Job Descriptions

The college has developed generic job descriptions for selected positions found in multiple locations. These position descriptions are sometimes adapted for individual centers or departments. Performance programs are developed through individual planning by supervisors and employees and if available generic position descriptions or college advertisements. The evaluation is based on the performance program.

#### Purposes of Performance Programs and Evaluations

The following guidelines are based on the *Agreement*, Appendix A-28, Evaluation, II and III, and the *Policies*.

“The performance of each professional is evaluated in order to:

1. provide the college president with consultation in making a decision to renew or nonrenew a professional's appointment;
2. provide a base for performance improvement;
3. serve as a guide to reevaluate job functions;
4. provide the college president with consultation in a decision as to promotions and discretionary salary increases;
5. provide a basis for career growth” (*Agreement*, Appendix A-28, Evaluation, III.A(1-5)).

The evaluation process also should serve to stimulate conversation between the professional and supervisor to identify professional goals and opportunities for professional development for the ensuing evaluation period.

#### Developing the Performance Program

The performance program defines the expectations, responsibilities and criteria upon which the professional's formal, annual evaluation is based. Professionals cannot be negatively evaluated on responsibilities or criteria not contained in the performance program. Developing a thorough, clear, and accurate performance program is therefore very important. The performance program is a forward-looking document that should clearly identify objectives, expectations for performance and professional development, and the SUNY criteria for evaluation (*Agreement*, Appendix A-28, Evaluation, V.A(6)(a) and (8)(a)).

The performance program defines the professional's responsibilities; it is more than just a job description. The performance program is specific. Broad language such as “other duties as assigned” is nonspecific and should be avoided.

Signatures on the performance program must reflect the actual signature date.

### **Initial Performance Program**

When a vacancy is filled, the immediate supervisor of the new professional consults with him or her concerning a performance program and the system of evaluation within the first month of the initial appointment. The performance program shall be established within 15 working days from the date of consultation (*Agreement*, Appendix A-28, Evaluation, V.(5)(a)).

### **Subsequent Performance Programs**

Development of subsequent performance programs takes place at the time of the annual evaluation.

### **The Performance Program**

The performance program should define:

- a. The nature of the professional's duties and responsibilities;
- b. Supervisory relationships;
- c. Functional relationships;
- d. Immediate and long-term objectives;
- e. Criteria for evaluating achievement of objectives (*Agreement*, Appendix A-28, Evaluation, V.A(3)).

### **Functional Relationships and Secondary Sources**

The term functional relationships refers to offices and people who will have some regular working relationship with the professional during the upcoming evaluation period. Secondary sources are "agencies, offices, or individuals which will be involved with the performance of the employee and may affect the employee's ability to achieve the stated objectives" (*Agreement*, Appendix A-28, Evaluation, V.A(5)(a)).

The immediate supervisor, after consultation with the professional, shall identify in the written performance program the secondary sources to be consulted as part of the evaluation process and the relationship between each secondary source and the professional (*Agreement*, Appendix A-28, Evaluation, V.A(5)(b)).

It is easy to confuse secondary sources with functional relationships. In fact, it is likely that some names on the list of functional relationships also will appear on the list of secondary sources. The primary difference is that the *Agreement* does not call for consultation with "functional relationships" while it does call for consultation with "secondary sources" during the evaluation (*Agreement*, Appendix A-28, Evaluation, V.A(5)(b) and V.A(8)(b)).

Persons identified as secondary sources in the performance program shall be notified of their role in the evaluation process at the time the performance program is prepared. It is the responsibility of the immediate supervisor at the time of preparing the evaluation draft to individually and confidentially contact each secondary source.

### **Determination of Objectives and Criteria**

The performance program should identify the objectives for the upcoming evaluation period and define the SUNY criteria and any additional criteria upon which these objectives are to be evaluated. Consistent with the professional's duties and responsibilities, as well as the employee's role in contributing to the aims of the college, the immediate supervisor, after consultation with the professional, shall determine the objectives to be achieved during the evaluation period. Appropriate criteria for evaluating the degree to which objectives are met shall be determined in the same fashion.

“As they relate to the particular duties, responsibilities, and objectives to which the professional employee is assigned, the following criteria, where applicable, should be among those on which the evaluation is based:

- a. Effectiveness in performance – as demonstrated, for example, by success in carrying out assigned duties and responsibilities, efficiency, productivity and relationship with colleagues.
- b. Mastery of specialization – as demonstrated, for example, by degrees, licenses, honors, awards, and reputation in professional field.
- c. Professional ability – as demonstrated, for example, by invention or innovation in professional, scientific, administrative, or technical areas; i.e., development or refinement of programs, methods, procedures or apparatus.
- d. Effectiveness in University service – as demonstrated, for example, by such things as successful committee work, participation in local campus and University governance, and involvement in campus-related or University-related student or community activities.
- e. Continuing growth – as demonstrated, for example, by continuing education, participation in professional organizations, enrollment in training programs, research, improved job performance and increased duties and responsibilities.

The foregoing criteria and examples thereof are presented for descriptive and explanatory purposes only and are in no way intended to be all-inclusive or to limit the immediate supervisor in the selection of appropriate criteria for evaluation” (*Agreement*, Appendix A-28, Evaluation, V.A(4)).

At Empire State College, involvement in UUP activities and participation in community volunteer activities are considered University service.

The results of discussions with the professional [. . .] shall be reduced to writing by the immediate supervisor and shall constitute the performance program upon which formal performance evaluation report for the ensuing evaluation period will be based (*Agreement*, Appendix A-28, Evaluation, V.A(6)(a)).

If the supervisor and the employee do not concur on the performance program, the employee has the right to attach a statement to the performance program within 10 working days from receipt” (*Agreement*, Appendix A-28, Evaluation, V.A(6)(b)).

Signing the performance program is to acknowledge receipt only, not agreement with the content. OHR manages the signature process, distributes the signed copies of the performance program to the supervisor, reviewers (additional signatures), and the professional’s file (*Agreement*, Appendix A-28, Evaluation, V.A(6)(b)).

### **Modifying the Performance Program**

The employee performance program is a dynamic document. Either the professional or the immediate supervisor may initiate a discussion about actual or anticipated changes in the professional’s profession obligation. The same process used to develop the original performance program is used to document changes in the professional’s responsibilities or performance objectives (*Agreement*, Appendix A-28, Evaluation, V.A(7)). The modified performance program normally covers the remainder of the original evaluation period. The end date applies to the modified program. The evaluation of the performance period will include the original and all performance programs for that period.

## B. PERFORMANCE EVALUATIONS

### Annual and Ongoing Evaluation and Assistance

Each professional in the Professional Services Negotiating Unit shall have his or her performance evaluated by the employee's immediate supervisor formally, in writing, once each year during the term of appointment and as changing conditions warrant (*Agreement*, Appendix A-28, Evaluation).

### Responsibility for Evaluation

The immediate supervisor is responsible for evaluating the performance of the professional and for writing the performance evaluation. Such evaluation is based on a performance program determined by the immediate supervisor after consultation with the employee, a copy of which is given to the employee. Formal evaluation is based upon the professional's performance program, modified as appropriate to reflect changing circumstances (*Agreement*, Appendix A-28, Evaluation, IV.A(8)(a)).

These are the principles that guide the evaluation process for reappointment and permanent appointment:

- Centrality of the Individual Performance Program – Evaluation of a professional is based on her/his individual performance program using the SUNY criteria (*Agreement*, Appendix A-28, Evaluation, V.A(4)). Reviewers at all stages of these procedures apply these criteria to evaluate the employee's fulfillment of the performance program (*Policies*, Article XII, Title C, 5).
- Formative and Summative Review – Candid, proactive feedback on performance begins early in an individual's career with the college and is ongoing. Supervisors seek to offer reasonable and constructive suggestions for professional development. If areas of concern are identified, the college provides opportunities and resources, as available, to assist the individual in developing professionally and in improving her/his performance.
- Confidentiality – All participants in the evaluation process must recognize the sensitivity of reviews and the confidentiality necessary and appropriate to them. Employee self-reports and any written materials and recommendations must be treated as confidential.
- Consistency – Consistency of evaluation procedures helps candidates and reviewers across college settings to understand the procedures. Such consistency also provides reviewers with the means to conduct full and fair reviews.
- Right of Employee to Respond – All employees have the right to respond in writing to all written recommendations and documentation (*Agreement*, 31.1(a)).

### Timing of the Evaluation Process

The performance of each professional is evaluated by the professional's immediate supervisor formally, in writing, once each year during the term of appointment and as changing conditions warrant, except where the employee is serving a final year on the college following notice of non renewal. In the *Agreement* (Appendix A-28, Evaluation, V.A), "evaluation is a continuous process carried out on a daily basis. A formal evaluation should be the expression of this ongoing process." Professionals and their immediate supervisors have a shared responsibility to maintain an open line of communication and are to engage in a continuous informal discussion. The formal evaluation provides the opportunity for the professional and his/her immediate supervisor to meet to discuss the employee's progress and status in relation to the duties, responsibilities, and performance objectives specifically outlined in the performance program.

For compliance with the *Agreement* and with *Policies* regarding notification of non renewal, the evaluation period at Empire State College does not correspond exactly with the professional's appointment dates. The initial evaluation period normally does not cover one full year. At Empire State College, the initial

performance program normally begins with the initial start date of the appointment and covers the professional's first four months. The first formal evaluation is held between four and six months. Each subsequent performance program normally covers between 10 and 12 months subsequent to the end date of the initial evaluation period. This process allows the start/end dates of the performance evaluation to coincide with the start/end dates on the performance program. See the following sample evaluation schedule:

**Sample Schedule for a Professional with a start date of Jan. 1 and with no breaks in service:**

Year of Service	Appointment Dates	Performance Program Dates	Evaluation Dates	Evaluation Due Date	PAF Due Date	Notice of Nonrenewal Date (if applicable)
1	1/1 through 12/31	1/1 to 5/1	1/1 to 5/1	5/1	8/1	8/15
2	1/1 through 12/31	5/2 to 5/1	5/2 to 5/1	5/1	5/1	5/15
3	1/1 through	5/2 to 5/1	5/2 to 5/1	5/1	9/1	11/15
4	12/31 (2-year appointment)	5/2 to 5/1	5/2 to 5/1	5/1	None	11/15
5	1/1 through	5/2 to 5/1	5/2 to 5/1	5/1	9/1	11/15
6	12/31 (2-year appointment)	5/2 to 5/1	5/2 to 5/1	5/1	9/1	11/15
7	1/1 through 12/31	5/2 to 5/1	5/2 to 5/1	5/1	9/1	11/15
8+	Permanency	5/2 to 5/1	5/2 to 5/1	5/1		

The beginning and end dates of the program identify the performance evaluation period. The formal, written evaluation covers only that evaluation period.

Hiring officers prepare a draft performance program as part of the search process to fill professionals' openings. On or about the appointment start date of a professional, OHR provides to the employee and his/her immediate supervisor a link describing due dates for performance programs, written performance evaluations, expected date of permanent appointment, and a submission schedule for personnel action forms. After hiring, the immediate supervisor consults with the professional within the first month of the initial appointment to review the draft program and to make final the initial performance program. The performance program shall be established within 15 working days from the date of that consultation (*Agreement*, Appendix A-28, Evaluation, V.A(2)(a)).

The OHR is responsible for enabling all professionals to receive timely performance program and performance evaluations and distributing two signed copies back to immediate supervisors for their records and for distribution to employees records.

**Evaluation Process for Employees with Permanent Appointment**

- Performance evaluation review periods are from Sept. 1 through Aug. 31;
- Supervisors complete performance programs and evaluations with permanent employee and submit to OHR by Aug. 1;
- OHR obtains signature from respective area vice presidents if appropriate.

Ongoing evaluation of performance also is a continuing process that takes place day-by-day. If the immediate supervisor identifies any continuing need for improvement in the employee's performance, the supervisor should discuss, without delay, improvement needs and provide specific suggestions. Every reasonable effort must be made to provide professionals with constructive assistance that will help them successfully meet performance review criteria.

## Reappointment

“When appropriate, the preliminary and final evaluations also include recommendations regarding renewal or nonrenewal of appointment, promotion, discretionary salary increase, or other actions affecting the employment status of the professional. The employee receives the recommendation pertaining to reappointment from his or her immediate supervisor no later than 45 days prior to the date upon which notice of nonrenewal is due” (*Agreement*, Appendix A-28, Evaluation, V.A(8)(b)).

## Final Evaluation

After discussion with the professional, the immediate supervisor writes the final evaluation and finalizes the new performance program. The final evaluation shall summarize the nature of the professional's performance based on the identified criteria (*Agreement*, Appendix A-28, Evaluation, V.A(4)(a-e)) and clearly identify all recommendations. The original performance program and modifications and amendments are attached to the final evaluation and submitted along with the new performance program.

“The employee's signature on the final evaluation report signifies only that the employee has received and discussed it with the immediate supervisor, and does not represent agreement or disagreement with the evaluation” (*Agreement*, Appendix A-28, Evaluation, V.A(8)(f)). Under the *Agreement*, at Article 31.4, the employee has a right to review his or her official personnel file and may file a statement in response to his or her evaluation.

## Professionals Serving in Final Year

A professional serving a final year in the college following a notice of nonrenewal does not receive a formal performance evaluation for the last year of service prior to the separation date (*Agreement*, Appendix A-28, Evaluation V.A(2)(b)).

The immediate supervisor will provide the professional with a dated copy of the final evaluation report as soon after completion of the evaluation process as practicable, but not less than 45 calendar days prior to the notification date for nonrenewal of a term appointment for a professional serving on such appointment. The original written, dated and signed evaluation report will be placed in the professional's personnel file, a copy of which shall be forwarded to the evaluator's supervisor and the next level supervisors.

## Amendments and Rebuttals

Any amendment to or modification of the performance program or performance evaluation, proposed after the employee and supervisor have signed the document, must be discussed and reviewed by the supervisor and employee prior to the further processing of the documents and submitted through the Office of Human Resources. The employee has the right to submit a response to the personnel file. The employee's response may not be rebutted by the individual or group of individuals who wrote the recommendation to which the employee is responding.

## Satisfactory Rating with Partially Unsatisfactory Work

An evaluation report can only be characterized as “satisfactory” or “unsatisfactory.” The overall characterization of the employee's performance should be consistent with the rating (*Agreement*, Appendix A-28, Evaluation, V.A(8)(b)). Some of the elements of an evaluation may be characterized as “unsatisfactory” even if an overall satisfactory evaluation is given. A final evaluation report characterized as satisfactory cannot be appealed. Constructive criticism can and should be identified by a supervisor, even if a satisfactory overall characterization of the final evaluation report is given.

## Performance Evaluation as Distinct from Discipline

No reviewer may use the performance evaluation process as a disciplinary tool. Allegations of professional misconduct (e.g., unauthorized absence, sexual harassment, etc.) and any other alleged violation of the employment relationship must be processed in conformity with the provisions specified in Article 19 of the *Agreement*. Questions regarding such issues may be addressed to OHR.

## Single Step Review Process

Each participant in an employee's performance evaluation process may only participate in one capacity.

## Appeals of Performance Evaluations

The *Agreement* gives professionals the right to seek a review of a final evaluation report characterized as "unsatisfactory." A professional who seeks a review of a final evaluation characterized as "unsatisfactory" must inform in writing his/her immediate supervisor, the director of HR (the college president's designee), and the UUP chapter president within 10 working days of receipt of the unsatisfactory characterization of the final evaluation report. The director of HR is responsible for notifying and convening the college's Committee on Professional Evaluation, which is responsible for the review (*Agreement*, Appendix A-28, Evaluation, V.A(9)(b)).

## Committee on Professional Evaluation (CPE)

The CPE comprises five people – three professionals elected by and from positions in their UUP chapter, and two members selected by the college president. In the event of a resignation or inability to serve, a member shall be replaced within 30 calendar days.

When the CPE is convened, a representative from OHR provides the committee with its charge. The OHR representative is not a member of the CPE. After selecting a chair, the CPE reviews its charge. The CPE review shall address both the procedures and substance of the unsatisfactory evaluation. If, during a review of a professional's evaluation categorized as "unsatisfactory," a member of the CPE is no longer able to serve, that member shall be replaced as appropriate to allow the CPE to complete its work.

As part of its review, the CPE at its discretion shall have access to all previous formal evaluations of the professional concerned; may request and consider any additional comments by either the immediate supervisor or the professional; may request information pertinent to the review from secondary sources; may request that the immediate supervisor and/or the appellant meet with the CPE and respond to inquiries; and shall be free to call upon any other individual whom they believe has information relative to the evaluation. All individuals shall be encouraged to cooperative with the CPE if so requested (*Agreement*, Appendix A-28, Evaluation, VI.B(3)(a-e)).

The OHR representative's role also is that of liaison to the CPE. In this role, the liaison works with the CPE chair to coordinate the CPE requests for information and interviews of personnel. In cases where the CPE seeks clarification of the *Agreement* or *Policies*, the CPE chair will contact the AVP for HR and the UUP chapter president to jointly provide such clarification.

The CPE will complete a written recommendation within 25 working days from the date of appeal and provide copies to the professional, supervisor, the evaluator's supervisor and the college president. The CPE may ask the AVP for HR for an extension, which may be granted upon the mutual agreement of the AVP for HR and the UUP chapter president or their designees.

Within 10 working days of the issuance of the report, the president shall take such action as she or he deems appropriate and provide written notice to the employee, his or her supervisor, the evaluator's supervisor and the CPE.

“If the final evaluation report sent to the college president is not to be reviewed by the CPE, the college president will take such actions as deemed appropriate with respect to recommendations contained in such report. Otherwise, action shall be delayed until the CPE has completed its review and submitted its recommendations to the college president or designee; however, failure of the committee to initiate and complete a timely review shall not prevent the college president from acting upon recommendations in the final evaluation report to conform with notice requirements in event of nonrenewal of term appointments” (*Agreement*, Appendix A-28, Evaluation, V.A(9)(d)).

### **Responsibilities of Departing Supervisors and Assignment of New Supervisors**

Supervisors maintain and keep current the performance programs and evaluations of all professionals. In the event the college designates a new immediate supervisor, it is the responsibility of management to review the conditions of the departure of any supervisor, and to determine whether the departing supervisor should complete a midterm evaluation. In general, it is in the professional's best interest that the most comprehensive evaluation be completed. When the supervisor leaves the college before the date of the annual evaluation, the professional should be evaluated by the departing supervisor on those parts of the performance program that are appropriate. An orderly continuation of the evaluative process is essential for both the professional and the college.

The college administration, usually the area vice president, will notify OHR of professional supervisory changes within his/her area of responsibility. It is the responsibility of the AVP for human resources, or designee, to inform the departing supervisor of the requirements. When the departing supervisor does a preliminary evaluation, standard procedures, consultations and signatures are required. This preliminary evaluation also should be attached to the final evaluation by the new supervisor.



## C. PERMANENT APPOINTMENT

Both the college and SUNY take a permanent appointment, and all of the rights that accompany it, very seriously. Employees who have been granted a permanent appointment have demonstrated knowledge and skills that represent areas of continued institutional need. Periods of leave or of part-time service, promotions or other changes may affect the permanency date. Professionals in part-time service appointments and those appointed to positions with titles listed in Appendices A, B and C to Article XI of the *Policies* are not eligible for permanent appointment. Because permanent appointment eligibility is complex, contact OHR if there is a need for any individual clarification.

### Procedure for Early Consideration for Permanent Appointment

A professional may apply for early consideration of permanency. Early consideration is a complex issue that carries potentially adverse employment consequences; thus employees should consult with the supervisor, human resources and the union representative. Instructions for requesting early consideration of permanency are in the *Policies* (Article XI, Title C, 4(a)(1) and (2)).

### Procedure for Permanent Appointment

The OHR notifies supervisors and the appropriate area vice president of professionals nearing permanency consideration. Thorough and adequate annual performance evaluations form a basis for decisions regarding renewal, nonrenewal and permanent appointment.

It is the immediate supervisor's responsibility to prepare the initial recommendation for a professional's permanent appointment. No later than 45 days prior to the date upon which the professional must receive notice of nonrenewal (one year prior to the end of his or her term appointment), the supervisor will notify the employee of his or her decision regarding the permanent appointment.

The college's decision to recommend permanent appointment is critically important. The employee may submit a self-reflective statement or document to his/her supervisor during the time that the permanency decision is considered. The document highlights achieved objectives of particular importance from the employee's annual performance evaluations and/or summarizes major accomplishments during the employee's employment at the college. This gives the employee the opportunity to demonstrate his/her continued value and dedication to the college. Information in the employee's self-reflective statement is considered in making the decision regarding permanent appointment. The absence of a statement will not negatively influence the college's decision regarding permanency; however, the submission of a statement may provide additional information that may not be readily known and could influence positively the permanency decision.

While deficiencies in performance could become apparent late in the cycle of reappointments leading to the permanent appointment decision or the renewal of five-year term appointments (*Policies*, Article XI, Title D, Section 6) such instances should be the exception. It is reasonable for professionals without permanent appointment who have not been informed of any deficiencies during prior personnel actions, or who have addressed any noted deficiencies to the satisfaction of reviewers in prior performance reviews, to assume that they are making satisfactory progress toward permanent appointment or renewal of five-year term appointments, and that when the time comes for the permanent appointment or five-year term appointment review, positive recommendations are likely to be submitted for the president's decision.

Sometimes, a professional may be performing in a satisfactory manner, but programmatic or operational needs dictate change in staffing.

On the written final evaluation report in the year preceding the permanency decision, the supervisor of a professional is responsible for providing two critical and distinct decisions. The first decision is the supervisor's characterization of the professional's performance; and the second is the supervisor's recommendation as to whether permanent appointment should be offered.

There may be situations where a professional's immediate supervisor, in the year before the decision for permanency is considered, does not recommend permanency, but instead recommends nonrenewal of an appointment. In these situations, the characterization of the professional's performance should be based on an appropriately conceived and issued performance program in order to substantiate the nonrenewal recommendation.

The *Agreement* and the *Policies* dictate proper procedures to be followed in cases of nonrenewal. In the case of employee nonrenewal, supervisors should work directly with OHR to ensure the accomplishment of the college's needs and the employee's rights.

The college president normally makes the final campus decision on permanent appointments in year six, and the decision for permanent appointment is made by the chancellor of the State University of New York. The campus president makes a recommendation to the chancellor and notifies the candidate of his/her recommendation by the end of year six. The candidate receives subsequent notification of the chancellor's action.

### **Requests for Reason for Nonrenewal in Year Six**

A professional, " ... within 10 working days following" written receipt of written notice that the professional's term appointment will not be renewed upon its expiration, further employment following which expiration would be required by the *Policies* of the Board of Trustees to be on the basis of continuing or permanent appointment, as the case may be, may submit to the college president, in writing, a request that the employee be apprised of the reasons for the notice of nonrenewal (*Agreement*, 33.2). "When the professional's immediate supervisor has recommended that the employee not be granted permanent appointment, the college president shall indicate that the notice of nonrenewal was provided in conformity with the recommendation of the appropriate member of the professional staff and the employee shall receive no further consideration of the nonrenewal of the term appointment" (*Agreement*, Article 33.3(b)(1)).

"However, where, throughout the employee's employment, if each of the employee's formal, written evaluation reports prepared in accordance with provisions of Article XII, Title C, Section 4 of the *Policies* have characterized the employee's performance as 'satisfactory' but the employee's immediate supervisor has recommended that the employee not be granted permanent appointment, the college president shall indicate the reasons for notice of nonrenewal and shall inform the employee of the right to a review (*Agreement*, 33.3(b)(1))."

### **Dual Process**

The requests for reasons of nonrenewal when a further appointment would be required by the *Policies* to be on a permanent appointment, and the right to appeal a rating of "unsatisfactory" on a performance program evaluation are two distinct processes. See the section on unsatisfactory performance evaluations in Part III Section A of this handbook.

### **Chancellor's Advisory Committee**

Candidates who are denied permanent appointment, and who are eligible to appeal the decision (see below) have 10 working days of receiving a denial to do so. Candidates in this situation are strongly encouraged to contact OHR and the union chapter to better understand the provisions of the *Agreement*, at Article, 33, Job Security Review Procedures.

- These provide for a review procedure in those cases where a professional receives a positive recommendation for permanent appointment from his/her immediate supervisor but is denied permanent appointment at a subsequent administrative level or received a negative recommendation from his/her immediate supervisor but had always received “satisfactory” annual performance appraisals prior to being considered for permanent appointment.
- This review procedure requires that the employee be apprised of the reasons for the denial of permanent appointment and that upon request of the employee, the chancellor, or designee, will appoint a three-member “Chancellor’s Advisory Committee” to review the reasons for denial of permanent appointment.
- Following receipt of the recommendations of the committee, the chancellor shall take such action as may, in the chancellor’s judgment be appropriate and shall notify in writing the employee, the committee and the president within 60 calendar days (*Agreement*, Article 33.4(g)).

## **D. AMENDMENT PROCEDURE**

### **Initiation**

Amendments to the procedures for the evaluation of professionals contained as Part II and Part III in the Empire State College Professional Handbook, may be initiated by the Empire State College president or designee, or by the president of UUP, or designee.

### **Procedure**

Notice of a proposed amendment shall be presented at a regularly scheduled labor-management meeting. Labor and management agree upon one of the following approaches:

1. When the proposal involves relatively minor technical changes, labor and management take up the proposal as part of regular labor-management meetings.
2. When the proposal involves relatively complex and/or substantive issues, the Empire State College president or designee, and the UUP president or designee, appoint and establish a charge for a negotiating team. In this case, at least one member appointed to each team is not a participant in regularly scheduled labor management meetings. The teams decide on meeting schedules and locations for their deliberations. Negotiations and agreement on amendments by the teams should normally be completed within three months of the appointment of the teams.

### **Adoption**

Adoption of amendments shall be by written agreement of the Empire State College president or designee, and by the UUP president or designee.

## PART IV. RELATED PROCEDURES

### A. RELATED PROCEDURES FOR PROFESSIONALS

The related procedures section is managed by the Office of Human Resources and not included in the negotiated section.

#### Access to Employee Files

A professional may review his or her personnel file. Requests to review the personnel file may be submitted to the director of human resources or designee by email or phone. OHR arranges the file review process. If the employee wishes, he or she can request a UUP representative to review the file or to accompany him or her to the file review (*Agreement*, Article 31).

#### Participation in College Governance

Professionals are eligible to serve on the college Senate and college governance committees, as specified in the Empire State College Bylaws. Effective college governance participation is one way of fulfilling the SUNY evaluation criterion of “effectiveness in university service.” If a professional is elected to governance, it should be noted on the performance program and evaluation.

A professional who serves as chair of a college-level governance body receives two days per month of release from regular responsibilities to fulfill the responsibilities of chair. A professional who serves as co-chair of a college-level governance body receives one day per month of release from regular responsibilities to fulfill the responsibilities of co-chair. The Office of Academic Affairs notifies the employee and her/his supervisor regarding expected release time for such service.

#### Paychecks

Pay dates for state checks are Wednesdays on a biweekly schedule. Employees are paid for the two-week period that ended two weeks prior to the pay date. Employees beginning work on the first day of a pay period wait four weeks before receiving their first paycheck. Paychecks and direct deposit advises are distributed to departments on Wednesday paydays. Checks may be deposited directly to any financial institution that is a member of the New York Automated Clearing House. For more information and forms, contact OHR.

#### Professional Ethics

The New York State Ethics in Government Act applies to all professional staff and prohibits involvement in any activity that is in, or gives the appearance of, substantial conflict with the proper discharge of duties in the public interest. Any potential conflict of interest interfering with full performance of professional obligations to the university may be subject to university review as well as review by other NYS entities. In addition to any penalty contained in any other provision of the law, anyone who knowingly and intentionally violates these provisions may be fined, suspended, or removed from office or employment in the manner provided by law. See the NYS Public Officers Law, through [www.nyintegrity.org](http://www.nyintegrity.org).

The college is required by law to obtain and file a signed oath of office for each state employee. Employees whose annual salary is at or above a specified level (subject to change) are required to file an annual financial disclosure statement in accordance with the rules of the Commission on Public Integrity.

## **Honoraria and Gifts**

All state employees, regardless of annual salary are required to report the receipt of honoraria and or travel expense reimbursement above \$1,000. There also are restrictions on receiving honoraria for presentations directly tied to responsibilities.

All state employees have restrictions on receiving gifts from outside entities. Review the regulations with a supervisor and or the Office of Affirmative Action should questions arise.

Professionals may be subject to additional reporting mandates if required by New York state or federal laws or other professional standards that are specific to the job duties, licenses, or certifications of the employee.

**The Federal Drug-Free Workplace Act of 1988** informs employees of consequences if they are involved in the unlawful use, possession, manufacture, dispensation or distribution of controlled substances in the workplace. The NYS Drug and Alcohol in the Workplace Policy also is relevant. Additional information concerning these policies is available at [www.esc.edu/HR](http://www.esc.edu/HR).

**The NYS Public Officers Law** contains provisions regarding the defense and indemnification of state officers and employees.

The college's **Computer Use Statement – Faculty and Staff** is published on the Empire State College website and in the Policies and Procedures manual.

**Student Confidentiality** – It is required that all employees are responsible for protecting the confidentiality of student information in accordance with the Federal Educational Rights and Privacy Act and other relevant regulations. See the college website for more information.

**Confidentiality of Employee Information** – Employees, who in the course of their duties receive confidential information, are responsible for protecting that confidentiality.

**Intellectual Property** – The policies governing patents and copyrights are outlined in Article XI, Title J. In addition, the SUNY Computer Software Policy is available at [www.uupinfo.org](http://www.uupinfo.org). Also see Appendix A-23 of the *Agreement*.

## **Workplace Violence Policy Prevention and Response Procedures**

### **I. Statement of Policy**

A. The college is committed to providing a safe work environment for all employees and students. The college responds promptly to threats, acts of violence, and acts of aggression by employees or against employees by coworkers, students, members of the public or others. This document sets forth standards for employee conduct, guidelines for reasonable precautions, and outlines appropriate responses to violent acts or threats of violence should they occur in the workplace. This policy is in accordance with federal and state laws regarding workplace safety.

B. Any employee, student or visitor who makes threats of violence, implied or direct, on college property or any college location may be subject to removal from the premises.

## II. Prohibited Conduct

A. The college will address any threat or actual act of violence made in the workplace, on college property, or while an employee or student is engaged in a college-sponsored activity.<sup>1</sup> This includes situations occurring outside a college location or college-sponsored event that may negatively affect the work environment and will be addressed.

B. Workplace violence involves physical assault, threatening behavior or verbal abuse occurring in a work setting, such conduct includes:

1. the use of force with the intent to cause harm (e.g. physical attacks, any unwanted contact such as hitting, fighting, pushing or throwing objects)
2. acts or threats that are intended to intimidate, harass, threaten, coerce or cause fear of harm whether directly or indirectly
3. acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm

C. Targeting victims with the intent to cause harm intentionally because of actual or perceived race, gender, age, religion, sexual orientation, ethnicity or disability will be considered hate or bias crimes.<sup>2</sup>

D. Empire State College prohibits any person from possessing firearms at any college facility or college-sponsored event without the written authorization of the college president. This policy applies also to law enforcement officials who may otherwise be authorized to carry firearms while off duty and to other individuals who may be licensed to carry firearms. This procedure prohibiting the possession of firearms does not apply to law enforcement officials on official duty when authorized by federal or state law.<sup>3</sup>

## III. Workplace Violence Prevention Program

A. The college president has appointed a President's Advisory Committee who is charged with ensuring that workplace violence prevention policies and response procedures are followed across the college and those employees are trained and educated in these procedures.

B. The college has a written workplace violence prevention program that includes:

1. a definition of workplace violence
2. a statement of commitment to zero tolerance of workplace violence
3. techniques on how to recognize and avoid workplace violence situations
4. identification of high-risk occupations (such as working in a public setting or working late at night)
5. the importance of reporting all workplace violence incidents, and the procedure to do so

## IV. Information and Training for Employees

A. The college Workplace Violence Policy and Prevention Response Procedures is readily available to all employees. A copy resides in every center/unit of the college and is available on the Web and upon request through the Office of Safety and Security.

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<sup>1</sup> Student Conduct Policy

<sup>2</sup> Bias Related and Hate Crimes; Nondiscrimination Policy

<sup>3</sup> Fire Arms Policy

B. At the time of initial appointment, and annually thereafter, the college provides employees with information regarding risks of violence within the workplace that includes:

1. the requirements of NYS Labor Law § 27-b<sup>4</sup>
2. the risk factors in their workplace(s), as supplied by the Office of Safety and Security
3. the location and availability of the written workplace violence prevention program that would identify measures individuals can take to protect themselves from such risks, including specific safety procedures implemented to protect the college community.

## V. Retaliation

A. Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action may be subject to disciplinary action.

B. All employees should become familiar with the College Incident Reporting Procedures<sup>5</sup> located on the college's Office of Safety and Security website.

## VI. Reporting Procedures

A. Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any member of the college community. Workplace violence should promptly be reported to appropriate college officials and, when necessary, to the police in accordance with the College Incident Reporting Procedure.

Additionally, all members of the college community are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment.

1. An individual involved in or witness to an incident of danger, such as personal injury, violence involving weapons or threat of weapons, should immediately report it to police (dial 911). The employee should also immediately notify his/her supervisor, associate dean, dean, director, assistant vice president or vice provost.
2. An employee involved in or witness to an incident without weapons or personal injury should report it immediately to his/her supervisor, associate dean, director, or assistant vice president.
3. The employee or supervisor is responsible for reporting such incidents to the Office of Safety and Security (518-587-2100, ext. 2800, the incident reporting line at ext. 2899, Thomas.Vumbaco@esc.edu), as soon as possible or within 24 hours following the incident. A copy of the report will be automatically forwarded to the Office of Human Resources, director of student affairs or affirmative action officer, as appropriate.

## VII. Preventive Measures

A. All employee and students are responsible for helping to maintain a safe work and educational environment and are urged to take reasonable precautions to prevent violence and other unsafe conditions in the workplace and report indicators of increased risk of violent behavior.

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<sup>4</sup> NYS Labor Law § 27-b

<sup>5</sup> Empire State College Incident Reporting Procedures



B. An employee is expected to notify his/her supervisor, associate dean, dean, director, assistant vice president, or vice provost as well as the Office of Human Resources, whenever a protective restraining order is granted, which mentions college property, involves a college employee, or a person working at or attending the college, and provide a copy of the order. OHR will provide information to the Office of Safety and Security as necessary. Appropriate efforts will be made to protect the privacy and sensitivity of the information provided.

C. Victims of domestic violence<sup>6</sup> who believe the violence may extend into the workplace should act responsibly. If an employee believes that domestic or other personal matters may result in their being subject to violence extending into the workplace, they are encouraged to notify their supervisor, associate dean, dean or director, assistant vice president or vice provost as soon as possible, as well as the Office of Safety and Security. Confidentiality will be maintained to the extent possible.

## VIII. Responsibilities

### A. Dean/Director/Vice President

1. Each dean, director, vice president or assigned delegate is responsible within his/her area of jurisdiction for the implementation of this policy.

### B. Office of Safety and Security

1. Assist supervisors, center deans/directors, other college officials, and police in responding to workplace violence incidents
2. Disseminate this policy annually to all employees and post it on the college's website
3. Facilitate appropriate responses to reported incidents of workplace violence
4. Notify authorities, if appropriate, of reported workplace violence incidents
5. Immediately log all incidents of workplace violence and notify the respective center deans/directors of an incident with his/her employee, or other appropriate college officials of an incident involving a student
6. Maintain an internal tracking system of all threats and incidents of violence
7. Prepares annual reports for the college president, detailing the number and description of workplace violence incidents, the disposition of the incidents, and recommend policy changes, training issues, or security issues that were or should be implemented to maintain a safe working and learning environment.

### C. Other Assigned Offices

1. The Office of Human Resources provides new employees with a copy of the Workplace Violence Policy and Prevention Response Procedures at the time of hire.
2. The Office of Human Resources maintains a record of Orders of Protection and notifies the Office of Safety and Security.
3. The Office of Safety and Security, and the Office of Human Resources, conducts employee training to include awareness and prevention of workplace violence.
4. The Office of Safety and Security investigates and communicates the incident with the dean/director and initiates appropriate actions.

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<sup>6</sup> College Domestic Violence Policy

## **Prohibiting Discrimination and Harassment**

It is the policy of Empire State College, State University of New York, to provide equal opportunity in education and employment for all qualified persons and prohibit discrimination on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status.

Empire State College complies with state and federal laws prohibiting discrimination and sexual harassment, including Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendment of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; and the Age Discrimination Act.

In accordance with the Vietnam Era Veterans' Readjustment Assistance Act, special disabled, Vietnam-era, newly separated and other protected veterans are assured of nondiscriminatory treatment.

The college adheres to the dictates of the Governor's Executive Order No. 28 that prohibits discrimination relating to employment based on sexual orientation and to the policy of the State University of New York's board of trustees that requires that personal preferences of individuals unrelated to performance, such as sexual orientation, shall provide no basis for judgment of such individuals.

The college's Affirmative Action Plan reflects the commitment of the college and the State University of New York to the ideals of fairness, access and excellence. Further, the college believes that its mission as an institution of higher education requires it to increase the representation of protected groups throughout its workforce, thus promoting pluralism and diversity among its administration, faculty, staff and student body.

Empire State College, in prohibiting discrimination and sexual harassment based on sex or other protected characteristics, provides a confidential grievance procedure for students and employees to file complaints of discrimination and harassment. A PDF copy of the Discrimination Complaint Procedure can be found on the college's website ([www.esc.edu](http://www.esc.edu)) under Faculty and Staff/Human Resources/Affirmative Action/Procedure for Review of Allegations of Harassment or Discrimination/Procedure for Review of Allegations of Harassment or Discrimination/Discrimination Complaint Procedure PDF. Appendix A of this document provides specific information on prohibited acts and behaviors.

Employees and students of either gender may make a claim of discrimination or harassment using this procedure or may take such a complaint to one of the state or federal agencies listed in the procedure as Appendix B.

The college's Affirmative Action Plan describes initiatives undertaken to prevent discrimination and harassment and nurture an inclusive, respectful and collegial environment among employees, students and visitors. The plan has been prepared in accordance with State University of New York policy and the regulations promulgated by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 41 CFR Chapter 60 and Executive Order 11246. A link to a PDF copy of the plan can be found on the college's website ([www.esc.edu](http://www.esc.edu)) under Affirmative Action.

Inquiries regarding the Discrimination Complaint Procedure or the Affirmative Action Plan may be directed to Mary Morton, affirmative action officer, 518-587-2100, ext. 2265, located at 2 Union Ave., Saratoga Springs, NY 12866-4390.

*Approved: March 2007*

## **Sexual Harassment Policy**

Empire State College is committed to ensuring an environment for all employees and students which is fair, humane and respectful, an environment which supports and rewards employee and student performance on the basis of ability and effort.

In November 1980, the Equal Employment Opportunity Commission issued final guidelines on sexual harassment in the work place, reaffirming that sexual harassment is an unlawful employment practice under Section 703 of Title VII of the Civil Rights Act of 1964, as amended.

The Federal Equal Employment Opportunity Commission has defined sexual harassment as: “Unwelcome sexual advances, requests for favors and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.”

In an educational institution, these guidelines should be interpreted to apply not only to employees but also to students. A beneficial relationship between students and faculty seeks the establishment of trust, aims to increase knowledge and insight, and also to strengthen and encourage students in productive independent functioning. In no way, therefore, should students be subject to sexual behavior that, either explicitly or implicitly, is a term or condition of academic decisions affecting them.

Empire State College prohibits such conduct. Thus, it is an official college policy that sexual harassment of either employees or students will not be tolerated. The college accepts the proposition that sexual harassment, like any civil rights violation, generates a harmful atmosphere. The college will act positively to investigate alleged harassment and to effect remedy when an allegation is substantiated.

Empire State College has a discrimination grievance procedure that is available for use by any employee or student who feels that he or she has been the victim of sexual harassment or other unlawful discrimination. Persons wishing to discuss an incident or use the discrimination procedure may contact the director of personnel and affirmative action at 518-587-2100, ext. 2240 or 2241, or the appropriate center director. All inquiries are confidential and will be dealt with promptly.

*Approved: September 1989*

*Revised: February 1996*

## **Affirmative Action**

Empire State College’s Affirmative Action Plan and search procedures appear on the Empire State College website. The search procedures also are included in the Empire State College Policies, Procedures and Letters of Understanding ([www.esc.edu/ESCnet](http://www.esc.edu/ESCnet)). The college’s affirmative action officer is responsible for the effective implementation of the Affirmative Action Plan and ensures that the college adheres to state and federal requirements.

The Office of Human Resources and the affirmative action officer monitor and support searches to fill professional staff positions.

In accordance with the goals expressed in its Affirmative Action Plan, Empire State College adheres to the letter and the spirit of affirmative action. Any inquiries with regard to possible noncompliance or discrimination should be directed to the affirmative action officer.

## **Affirmative Action Policy**

The State University of New York as an institution of higher education is committed to excellence in its three purposes: education, the production of new knowledge, and service to the community. In this regard, diversity is a necessary condition for excellence. To achieve this excellence it is necessary for the university to draw faculty, staff and students from a diverse population. Included in the university's mission to provide higher education and service to the community, is the responsibility to service students in such a way as to increase the numbers of college educated people of color, women and other appropriate groupings in the State of New York.

Empire State College as part of SUNY acknowledges this responsibility. The unique educational structure and mission to serve previously bypassed populations allows Empire State College special opportunity in this area. The college acknowledges its obligation to provide professional opportunities within the institution to employees regardless of race, color, sex, national origin, religion, age or conditions of handicap as well as to increase the number of qualified peoples of color, women and other appropriate groupings through the educational process.

Empire State College has developed an affirmative action policy in accordance with the guidelines stated in the SUNY Affirmative Action Policy and State and Federal Laws. Empire State College is committed to an affirmative action policy which provides equal employment opportunity to all citizens of New York state.

The college's affirmative action policy applies to two groups: employees and students, both those currently associated with the institution and those who will be associated in the future. In the area of employment Empire State College is committed to removing inequities in the area of recruitment, selection, salary, promotion, retention and career development opportunities, and to correcting any identified underrepresentation and inappropriate utilization of women, peoples of color and other appropriate groupings, to provide these with equal compensation, career development opportunities, and promotion in accordance with the principles of equal employment opportunity and applicable government directives and laws.

In addressing inequities for students and potential students, the college focuses on five areas: recruitment, admissions, financial aid, individualized academic programs and support services. Given our mission to increase the numbers of college educated peoples of color, women and other appropriate groupings the college is committed to devoting sufficient resources to the recruitment and support of students in these groups.

Only in this way can be guarantee the diversity of populations within the college that is necessary to ensure the excellence that we seek.

*Approved: October 1979*

*Revised: February 1996*

## **Authorized Travel**

Travel in connection with college duties is subject to regulations applicable to all state employees. The college's Office of Administration is responsible for administering these regulations. An employee must have the approval of her/his supervisor before undertaking any travel for which s/he expects to be reimbursed. All out-of-state travel must be approved in advance by the area vice president and ultimately by the Office of the State Comptroller. Approval of out-of-state travel may take up to six weeks. An employee should request approval for out-of-state travel as early as possible.

Travel regulations and procedures are modified on the basis of current budget situations. Current information is available from the Office of Administration. Prior to making a commitment for a trip involving major expenses, employees should bring themselves up-to-date on current travel restrictions, if any.

Mode of travel should be determined in relation to efficiency, expense, liability factors and environmental impact. If a private car is used for professional travel, the regular state per mile allowance is provided, regardless of the number of people sharing the car.

Employees obtain travel expense vouchers through local administrative units and submit them with receipts within 30 days to the direct supervisor, regardless of source of payment. The supervisor must sign vouchers before they are sent to the Business Office with all appropriate receipts. SUNY employees may receive an advance for travel while on official business. Specific policies and procedures relating to travel advances are available from the Business Office. The supervisor must approve requests for advances.

Examples of college supported travel could include conference participation, other professional development activities, and/or college business. There may be other approved travel such as workman's compensation claims – please consult with the Office of Human Resources.

## **B. END OF APPOINTMENT**

### **End of Appointment Procedures**

Employees separating from the college receive a separation letter upon notification. The letter reminds the employee to return college property within his/her possession, and the disposition of salary, accruals, and, if applicable, benefits (health, dental, vision and retirement). OHR distributes an exit interview with the departing employee.

### **Resignation and Responsibilities Prior to Departure**

The UUP Agreement provides for professionals to give 30 days notice to the president or president's designee (*Agreement*, 32.2). Ideally, a professional submits a letter of resignation to her/his supervisor with sufficient notice to allow for an orderly transition for her or his professional responsibilities. A professional who is leaving the college for any reason has a responsibility to work with the supervisor and others to achieve closure on or an orderly transition of projects and responsibilities. Any departing professional should consult her or his supervisor and contact OHR to complete separation from service procedures. In the event the employee fails to provide 30 days notice, it is within the discretion of the college president or designee to withhold from the final check an amount equal to the employee's daily rate of pay for each day less than the required 30 days. This shall not constitute discipline. (*Agreement*, 32.2).

If the employee is a supervisor, he or she has evaluation responsibilities (see section on responsibilities relating to departing supervisors.)

### **Retirement**

State law defines the availability of a retirement system. Procedures governing retirement are outlined in Article XV of the *Policies*. Individual retirement benefits are determined by the system in which one participates.

### **Termination**

Procedures governing termination of service conform to those outlined in *Policies* (Article XIV) and the *Agreement* (articles 19, 30, 31, 32, 33).

### **Retrenchment**

Article 35 of the *Agreement* defines retrenchment procedures. In such cases, OHR advises the college on issues of compliance and implementation.

## C. HOURS OF OPERATION, LEAVE ACCRUALS AND HOLIDAYS

### The College's Normal Hours of Operation

It is college policy to provide consistent and accessible service to all students throughout Empire State College's many locations. The college recognizes that some of its centers are open beyond the hours listed below. The college recognizes that its ability to meet normal hours of operations may mean all employees at a location will not share the same start and end time for their workdays. Employees' fulfillment of their professional obligation enables the college to meet its operating schedule.

Deans and directors are encouraged to work individually with each professional to determine his/her work schedule in a way that is both consistent with the college's policy and mindful of hardships expressed by the employee. Professionals establish schedules that enable them to fulfill their professional obligations, with the approval of their supervisors.

With the exception of legal holidays, Empire State College is open year round. Professionals accrue leave for each month of service in accordance with the *Policies* and the *Agreement* (Article 23). Professionals submit requests for vacation leave to the supervisor in advance. The supervisor approves such requests on behalf of the president, taking into account the timing of a leave in relation to individual and office responsibilities.

College's Normal Hours of Operation:

Coordinating Center Monday - Friday

8:30 a.m. to 5 p.m.

Student Information Center Monday - Friday

8:30 a.m. to 5 p.m.

Regional Centers\* Monday - Thursday

8:30 a.m. to 7 p.m. Friday

8:30 a.m. to 5 p.m.

Office of Integrated Technology Help Desk and Library Reference Services Monday - Thursday 9 a.m. to 9 p.m. Friday 9 a.m. to 5 p.m. Sunday 1 to 9 p.m.

\*All hours are subject to change.

## Attendance Records and Accruals

All professionals, whether full or part time, must certify their presence and record any absence by submitting an attendance record each month. The professional submits the attendance record to the supervisor or designee for approval within one week after the end of the month. The supervisor or designee forwards approved attendance records to the Office of Human Resources. Attendance records may be obtained directly from the Office of Human Resources (*Agreement*, Article 23.9).

Professionals are required to certify their presence, record any absences and indicate accruals to be charged on the appropriate attendance record. An employee's attendance record is a certification of his/her presence or absence from work. Professional attendance records are due in OHR the 10th of the following month, and must be certified as accurate by the employee and his/her supervisor. The supervisor's signature certifies the accuracy of the report. It is college policy that attendance records are accurate and submitted in a timely manner.

Most professionals are eligible to accrue vacation (*Agreement*, Article 23.2) and sick leave (*Agreement*, Article 23.4). Accruals earned in the current month are available to use on the first of the following month. Accruals may be used in 1/4 day increments. Employees are eligible to earn leave credits for the month, when they work and/or charge leave credits for the greater portion of the month. New employees must be on the payroll for the majority of the month in order to earn leave credits for that month.

## Holiday Leave

Professionals are eligible to observe the following days prescribed by law as holidays: New Year's Day, Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Election Day, Thanksgiving and Christmas. For the term of this *Agreement*, the college president may designate an alternate date upon which one of the holidays is to be observed. If a second holiday is designated, the employee may select a date on which to observe the second holiday, with the approval of the employee's supervisor and consistent with the operating needs of the campus. The employee must observe such second holiday before the beginning of the next academic year. The college president's designation shall be announced following consultation with UUP in September of the academic year (*Agreement*, Article 23.5(a-c)).

"A part-time employee who is employed on a fee-for-service, per diem or hourly basis, whose professional obligation is less than a day of work per week, shall not be considered an eligible employee for purposes of holiday leave." (*Agreement*, Article 23.5(a)).

## Working from a Different Location

Supervisors may approve work from a different location. This must be approved in advance by the supervisor. Employees may not work from home unless approved in advance.

## Compensatory Time

There are three types of compensatory time off. The first type occurs when employees work a holiday or when holidays fall on Saturdays or Sundays. Holidays are referenced in the *Agreement* (*Agreement*, Article 23.5(a-c)). Employees must use this type of compensatory time prior to separating from service.

The second type of compensatory time off is for service above and beyond the professional obligation and is normally achieved through additional hours worked. Compensatory time off is granted in advance by the immediate supervisor. It should be scheduled at a later date mutually convenient to the employee and the college. The amount of compensatory time granted to an employee is at the discretion of management and its determination is not calculated on a strict hour-for-hour basis. There are no reporting requirements on the attendance record. However, an employee can request documentation (*Agreement*,



Appendix 29). At separation from the college, unused compensatory time of this type is forfeited. For recent examples of compensatory time and overtime, review the Guide for UUP Professionals at SUNY available at [www.uupinfo.org](http://www.uupinfo.org).

The third type is for employees not exempt from the Fair Labor Standards Act overtime provisions. A nonexempt employee earns 1.5 hours of compensatory time for every hour worked beyond 40 in a work week. At the time of separation from the college, unused compensatory time of this type is paid to the employee at his/her current rate of pay.

Compensatory time is an agreement in advance between the employee and the supervisor. When compensatory time is granted, employees are regarded as having been present and fulfilling their required professional obligation.

### **Additional Part-time Assignments**

Professional staff members serving in part-time service appointments are not eligible for extra service at Empire State College. By college policy, all combined part-time assignments normally do not exceed 75 percent of a full-time line. If a temporary assignment is added to an existing part-time service appointment, it must be beyond the scope of the existing service appointment and it must be added through a separate appointment with approval of the existing supervisor.

### **Vacation Leave**

Full-time professionals earn vacation credit on a graduated scale depending upon years of employment outlined on form. Part-time staff accrue vacation time according to their salary level outlined on form. Vacation accruals may exceed 40 days during the calendar year; however no more than 40 days will be carried over to the new calendar year. Employees need to use or lose vacation leave over 40 days by Dec. 31.

On Jan. 2 of each year, full-time professionals are credited with one bonus vacation day. The maximum payment for vacation accruals upon separation from state service is 30 days.

Employees wishing to use vacation/holiday credits must have advance approval from the supervisor.

### **Part-Time Service Appointed Professionals' Vacation Accruals**

To accrue credits for vacation leave during each month, eligible part-time service appointed professionals must be in pay status consistent with their part-time service appointment for such month, or major fraction thereof. A part-time service appointed employee who is employed on a fee-for-service, per diem or hourly basis, whose professional obligation is less than a day of work per week, shall not be considered an eligible employee for purposes of accrual of vacation leave.

### **Sick Leave**

The primary purpose of sick leave is to provide a measure of protection against loss of income because of absences from work due to illness or for medical or dental appointments or temporary disabilities. Absences due to illness are reported to the supervisor. The college has the right to direct an employee to present medical documentation for sick leave absences of any length. These requests should be given in a timely enough manner to permit compliance.

Sick leave credits accrue up to a maximum of 200 days.

Full-time employees earn sick leave credit on a scale depending on the length of service (*Agreement*, Article 23.4). Part-time service appointed professionals accrue sick time according to his or her salary level.

### **Presidential Sick Leave**

Unused compensatory time or accrued vacation may be used if additional sick leave is needed. Consideration shall be given to requests for time off without pay in excess of the above if conditions warrant (*Agreement*, Article 23.4(g)). This permits employees to request additional sick leave from the college president. This leave can be at full pay, partial pay, or no pay. Leave at full or partial pay cannot exceed six months (including the time off already taken with pay using the employee's accruals). Leave with no pay cannot exceed one year. The employee should apply for this leave well before days run out. The request should be made in writing to the supervisor. The supervisor makes a recommendation and forwards that recommendation along with the request to OHR for a determination of eligibility. The request is then forwarded to the president for consideration.

### **Family Sick Leave and Bereavement**

Employees may use up to a maximum of 30 days per year of sick leave for absences necessitated by illness and/or bereavement for death in an employee's immediate family. Use of sick leave credits for these purposes requires advanced approval of the college president or designee, and should not be unreasonably withheld. Professionals are encouraged to consult with their immediate supervisor and OHR in order to determine if the situation qualifies and how best to proceed (*Agreement*, Article 23.4(f)(4)).

### **Concurrent Use**

The Family and Medical Leave Act and FSL and/or vacation and/or compensatory time provisions can run concurrently. Contact OHR and or UUP with any questions.

### **Retirement Conversion of Sick Leave**

There are very specific procedures to convert available unused sick time after retirement to help offset health care costs. Employees are advised to check with OHR for details and options. There also are options that an employee may select upon retirement related to extending this benefit to a spouse or dependents. This is time-sensitive so retiring employees should check directly with OHR.

### **Leave Donation Program**

The intent of the Leave Donation Program is to provide a means to assist employees who, because of a long-term personal illness, have exhausted their leave benefits and would otherwise be subject to a severe loss of income during a continuing absence from work (*Agreement*, Article 45).

The employee informs OHR of his or her interest in using the leave donation program. OHR establishes the employee's eligibility to receive leave donations and advises about the program features and asks the employee's preference for soliciting leave donations. OHR notifies the preferred solicitor of the employee's request and recommends to the solicitor as appropriate to use a template letter to inform other employees about the request for leave donations.

### **Breast Cancer Screening**

Professionals are allowed to take up to four hours of paid leave annually without charges to accruals for breast cancer screening. Employees are entitled to a leave of absence for breast cancer screening scheduled during the employee's regular work hours. Employees who undergo screenings outside their regular work schedule do so on their own time. Leave for breast cancer screening is not cumulative and expires at the close of business on the last day of each calendar year. Breast cancer screening includes physical exams and mammograms for the detection of breast cancer. Travel time is included in this four-hour cap. Satisfactory medical documentation stating that the employee's absence was for the purpose of screening for breast cancer should be attached to the employee's attendance record. Absence beyond the four-hour cap must be charged to sick leave credits.

### **Prostate Cancer Screening**

Professionals are allowed up to four hours of paid leave annually without charges to the accruals for prostate cancer screening. Employees are entitled to a leave of absence for prostate cancer screening scheduled during the employees' regular work hours. Employees who undergo screenings outside their regular work schedules do so on their own time. Leave for prostate cancer screening is not cumulative and expires at the close of business on the last day of each calendar year. Prostate cancer screening includes physical exams and blood work for the detection of prostate cancer. Travel time is included in this four-hour cap. Satisfactory medical documentation stating that the employee's absence was for the purpose of screening for prostate cancer should be attached to the employee's attendance record. Absence beyond the four-hour cap must be charged to sick leave credits.

### **Jury Duty**

Employees must inform supervisors of the dates needed for reporting for jury duty. The employee obtains a signed certificate of attendance from the court clerk and attaches a copy to the attendance record and does not charge leave accruals (*Agreement*, Article 26).

### **Military Leave**

Pursuant to the New York State Military Law, an employee is eligible for leave(s) of absence with pay for "ordered military duty" for up to 30 calendar days or 22 working days (whichever is greater) in a calendar year. Requests for leave of absence with pay for "ordered military duty" should be submitted on a Change of Status Form. A copy of the employee's orders should accompany the request for leave. Employees are entitled to leave in addition to the above. Contact OHR for specific information.

### **Maternity and Child Care Leave**

After depleting sick leave accruals, leave for pregnancy, childbirth, adoption and child care is governed by the *Agreement*, at Appendix 42. Sick leave may only be used during a period of medical disability. Generally, that period is deemed to commence four weeks prior to delivery and to continue for six weeks following delivery. After depleting sick leave accruals, additional sick leave without pay can be requested and given through a chief administrative officer or designee. Vacation also may be charged by the employee. Employees are entitled to leave without pay for childcare for up to seven months following the date of delivery or adoption (*Policies*, Article XII, Title C(5) and Article 7 of the Domestic Relations Law). Consultation with OHR on the use of these credits is advised.

## D. PROFESSIONAL DEVELOPMENT AND PROFESSIONAL LEAVES

### Professional Development Resources

Professional development for professionals can take various forms, including training that is very specific to the employee's duties, obtaining additional credentials or professional certificates, or attending presentations of interest. Professionals' development can be supported in many ways:

- **Locally:** A professional's center, program or department may choose to support professional development activities through approved time off to attend and/or to directly fund the activities as needed or desired by the professional and his/her division through his or her supervisor.
- **College-held professional training events:** The college offers in-house training in a number of areas, delivered both centrally and locally. In addition, the college holds events such as All College and the professionals conference. Information about such trainings and events is posted on Empire State College News and the Technology Training Calendar on ESCnet.
- **College-provided professional development funds** are available for development activities for professionals. Information about professional funding is posted as an Empire State College News item and also is available through the PE Zone ([www.esc.edu/pezzone](http://www.esc.edu/pezzone)).
- **The Joint State/UUP Labor/Management Committee** offers professional development funding through an Individual Development Awards Program that is administered jointly by labor and management. Visit [www.uupinfo.org](http://www.uupinfo.org) and click on "JLM Grant Programs" and watch Empire State College News for more information.

### Professional Leave Requests and Reassignments

There are several ways to approach professional development leaves and/or reassignments. A short or simple standard professional development opportunity for a conference or other activity may be approved by a supervisor. A more extensive professional leave request may be appropriate when the professional wishes to pursue a professional development opportunity for several weeks. A professional requesting professional leave submits the request in writing to the supervisor, who makes a recommendation to the relevant vice president. The relevant vice president approves or denies the request. The college also may periodically advertise or provide opportunities for reassignments. Approval for a reassignment rests with the supervisor and the area vice president.

The college president also may grant other leaves of absence for professionals at full or reduced salary (*Agreement*, Article 23.7(b)) for the purpose of professional development; acceptance of assignments of limited duration with other universities and colleges, governmental agencies, foreign nations, foundations, corporations and similar agencies, as a faculty member, expert, consultant or in a similar capacity; or for other appropriate purposes consistent with the needs of the college. Leaves of absence without salary also may be granted under appropriate circumstances.

Professional leaves may affect other benefits. Details should be reviewed with OHR and/or UUP.

## **E. EMPLOYEE BENEFITS**

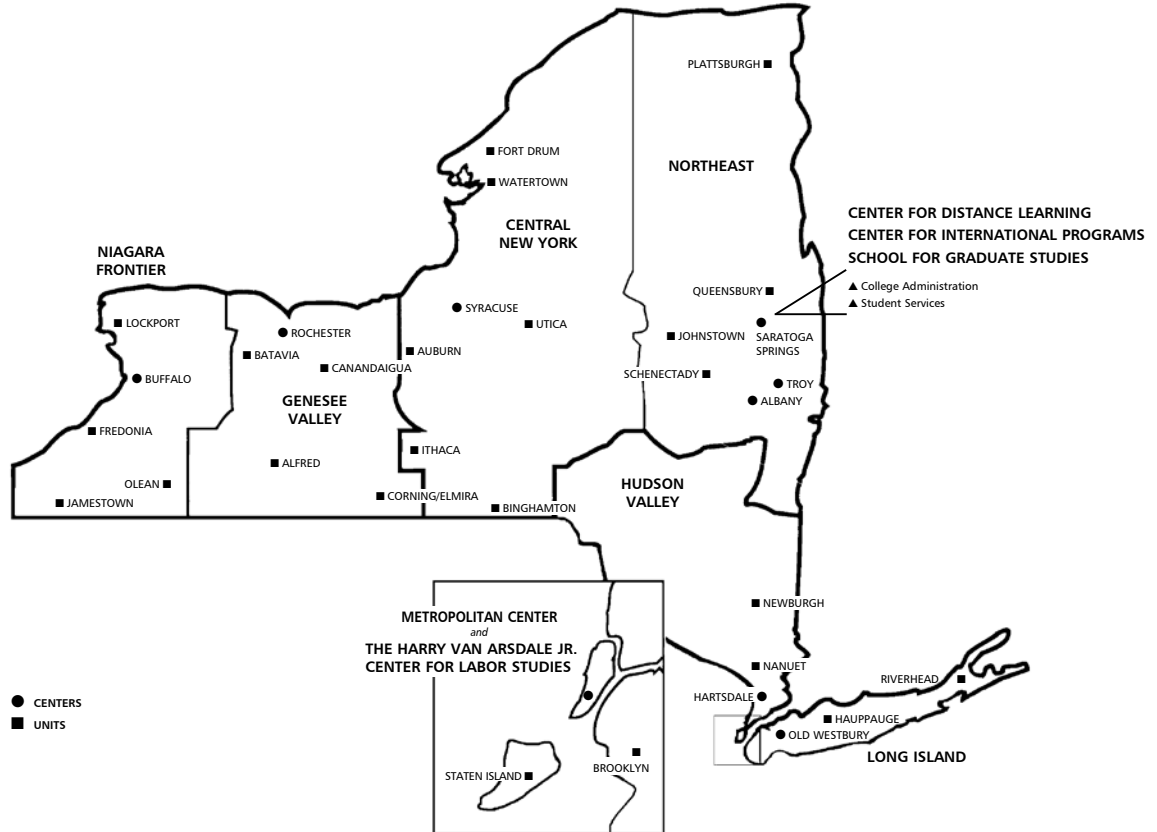
The Office of Human Resources maintains a benefits website at [www.esc.edu/HR](http://www.esc.edu/HR). UUP benefits are described at [www.uupinfo.org](http://www.uupinfo.org).

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## APPENDICES

## APPENDIX 1

## SUNY EMPIRE STATE COLLEGE GEOGRAPHIC ORGANIZATION



**College Administrative and Student Services Offices**  
 2 Union Ave.  
 Saratoga Springs, NY  
 12866-4390  
 800-847-3000

**Center for Distance Learning**  
 113 West Ave.  
 Saratoga Springs, NY  
 12866-6079  
 800-847-3000

**Center for International Programs**  
 111 West Ave.  
 Saratoga Springs, NY  
 12866-6069  
 800-847-3000

**School for Graduate Studies**  
 111 West Ave.  
 Saratoga Springs, NY  
 12866-6069  
 800-847-3000

**Niagara Frontier Center**  
 AppleTree Business Park  
 2875 Union Road  
 Cheektowaga, NY  
 14227-1461  
 716-686-7800  
**Other locations:**  
 Fredonia  
 716-673-1200  
 Jamestown  
 716-338-1370  
 Lockport  
 716-434-0272  
 Olean  
 716-376-7511

**Genesee Valley Center**  
 1475 Winton Road North  
 Rochester, NY 14609-5803  
 585-224-3200  
**Other locations:**  
 Alfred  
 607-587-4140  
 Batavia  
 585-343-2307  
 Canandaigua  
 585-394-1110  
 Corning/Elmira  
 607-962-1421

**Central New York Center**  
 6333 State Route 298  
 East Syracuse, NY  
 13057-1058  
 315-472-5730  
**Other locations:**  
 Auburn  
 315-255-2794  
 Binghamton  
 607 721-8651  
 Fort Drum  
 315-773-6139  
 Ithaca  
 607-273-4536  
 Utica  
 315-793-2684  
 Watertown  
 315-785-2418

**Hudson Valley Center**  
 200 North Central Ave.  
 Hartsdale, NY 10530-1999  
 914-948-6206  
**Other locations:**  
 Nanuet  
 845-517-1294  
 Newburgh  
 845-563-9905

**Northeast Center**  
 21 British American Blvd.  
 Latham, NY 12110-1405  
 518-783-6203  
**Other locations and special programs:**  
 Johnstown  
 518-736-3622, ext. 8923  
 Plattsburgh  
 518-564-2837  
 Queensbury (Adirondack)  
 518-832-7616  
 Saratoga  
 518-581-5300  
 Schenectady  
 518-388-0483  
 Troy  
 518-279-5180  
 Empire State Plaza  
 518-473-4034

**Long Island Center**  
 Trainor House  
 223 Store Hill Road  
 P.O. Box 130  
 Old Westbury, NY  
 11568-0130  
 516-997-4700  
**Other locations:**  
 Hauppauge  
 631-360-1215  
 Riverhead  
 631-208-2970

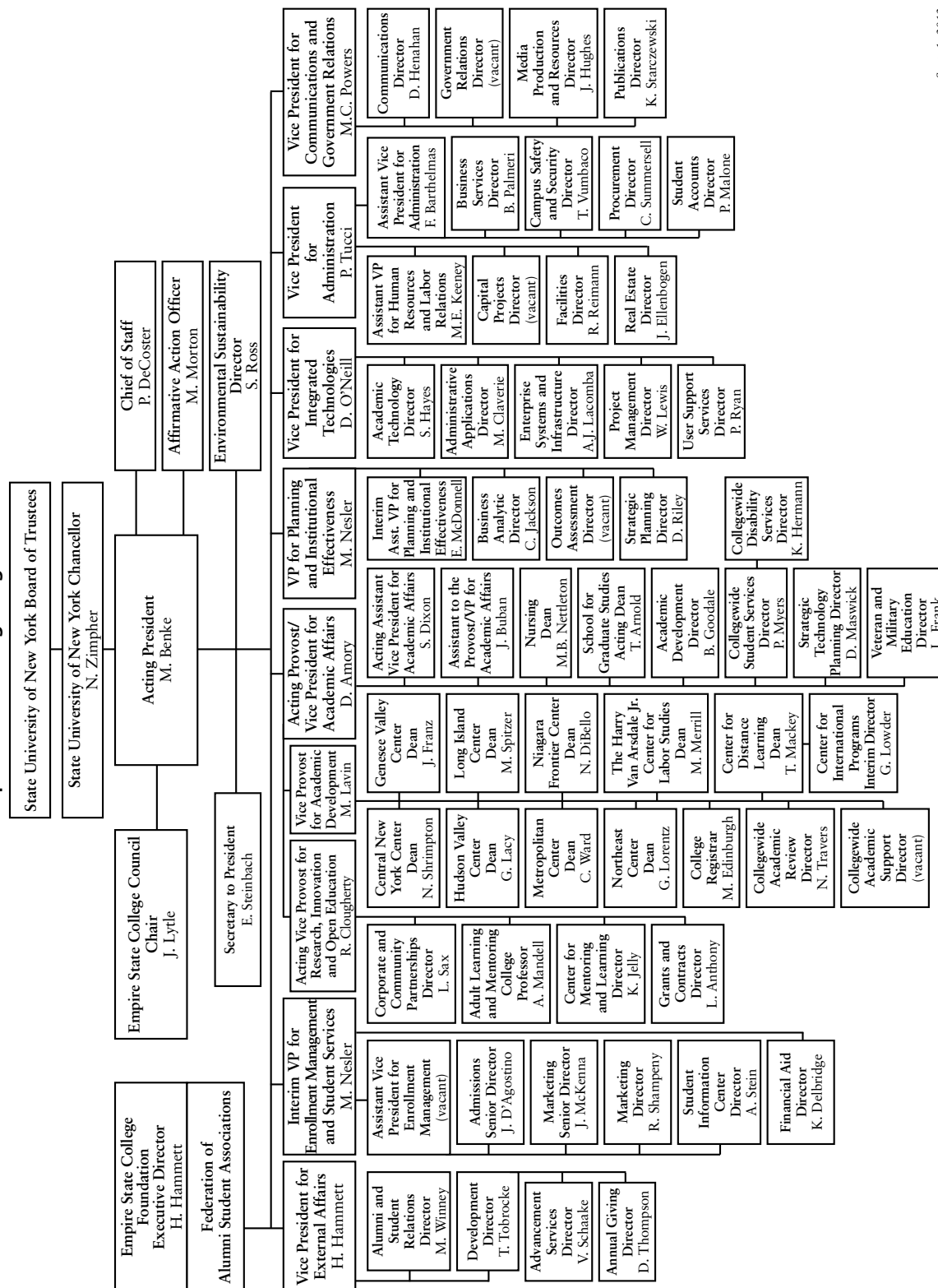
**Metropolitan Center**  
 325 Hudson St., 5th Floor  
 New York, NY  
 10013-1005  
 212-647-7800  
**Other locations:**  
 Brooklyn  
 718-783-4400  
 Staten Island  
 718-667-7524

**The Harry Van Arsdale Jr. Center for Labor Studies**  
 325 Hudson St., 6th Floor,  
 Suite 600  
 New York, NY  
 10013-1005  
 212-647-7801

APPENDIX 2

SUNY EMPIRE STATE COLLEGE ADMINISTRATIVE ORGANIZATION

SUNY Empire State College Organization Chart



Sept. 1, 2012



## APPENDIX 3

### MEMBERS OF PRESIDENT'S CABINET AND PRESIDENT'S COUNCIL

#### President's Cabinet

Meg Benke, Acting President

Deborah Amory, Acting Provost/Vice President for Academic Affairs

Robert Clougherty, Acting Vice Provost for Research, Innovation and Open Education

Patrice DeCoster, Chief of Staff

Hugh Hammett, Vice President for External Affairs and Empire State College Foundation Executive Director

Marjorie Lavin, Vice Provost for Academic Development

Mitchell Nesler, Vice President for Planning and Institutional Effectiveness, Interim Vice President for Enrollment Management and Student Services

David O'Neill, Vice President for Integrated Technologies

Mary Caroline Powers, Vice President for Communications and Government Relations

Paul Tucci, Vice President for Administration

#### President's Council

Meg Benke, Acting President

Deborah Amory, Acting Provost/Vice President for Academic Affairs

Tai Arnold, Acting Dean, School for Graduate Studies

Rick Barthelmas, Assistant Vice President for Administration

Robert Clougherty, Acting Vice Provost for Research, Innovation and Open Education

Patrice DeCoster, Chief of Staff, Office of the President

Nan DiBello, Dean, Niagara Frontier Center

Shelley Dixon, Acting Assistant Vice President for Academic Affairs

Jonathan Franz, Dean, Genesee Valley Center

Hugh Hammett, Vice President for External Affairs and Empire State College Foundation Executive Director

David Henahan, Director, Communications

Mary Ellen Keeney, Assistant Vice President for Human Resources and Labor Relations

Gary Lacy, Dean, Hudson Valley Center

Marjorie Lavin, Vice Provost for Academic Development

Gerald Lorentz, Dean, Northeast Center

Tom Mackey, Dean, Center for Distance Learning

Eileen McDonnell, Interim Assistant Vice President for Planning and Institutional Effectiveness

Michael Merrill, Dean, The Harry Van Arsdale Jr. Center for Labor Studies

Mitchell Nesler, Vice President for Planning and Institutional Effectiveness, Interim Vice President for Enrollment Management and Student Services

Bridget Nettleton, Dean, Nursing

David O'Neill, Vice President for Integrated Technologies

Mary Caroline Powers, Vice President for Communications and Government Relations

Dawn Riley, Director, Strategic Planning

Nikki Shrimpton, Dean, Central New York Center

Michael Spitzer, Dean, Long Island Center

Paul Tucci, Vice President for Administration

Cynthia Ward, Dean, Metropolitan Center

vacant, Assistant Vice President for Enrollment Management

vacant, Director, Government Relations

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## **APPENDIX 4**

### **PROFESSIONAL REQUEST FOR SALARY INCREASE OR PROMOTION FORM AND INSTRUCTIONS**

# REQUEST FOR SALARY INCREASE OR PROMOTION

## PROFESSIONAL STAFF

### STEP ONE

**The employee must read the Empire State College Instructions for Requesting a Promotion or Salary Increase.**

### STEP TWO

**To be completed by the employee (please print).**

**If you have a question about budget titles or salary levels, contact the Office of Human Resources for assistance.**

Employee name \_\_\_\_\_ Immediate supervisor's name \_\_\_\_\_

- I wish to apply for a salary and/or salary level increase without a change in title.  
Present salary \_\_\_\_\_ Requested salary \_\_\_\_\_
- I wish to apply for a promotion because of a prior change in title.  
Old budget title \_\_\_\_\_ Present salary \_\_\_\_\_ Current salary level (SL) \_\_\_\_\_  
Present budget title \_\_\_\_\_ Requested salary \_\_\_\_\_ Requested salary level (SL) \_\_\_\_\_
- I wish to apply for a promotion with a change in title, salary level and a salary increase.  
Present budget title \_\_\_\_\_ Present salary \_\_\_\_\_ Current salary level (SL) \_\_\_\_\_  
Requested budget title \_\_\_\_\_ Requested salary \_\_\_\_\_ Requested salary level (SL) \_\_\_\_\_

### STEP THREE

**Attachments to be submitted by the employee**

- A cover letter detailing your rationale for the promotion and/or salary increase.
- Your most recent performance program illustrating a permanent, significant increase in duties.
- Other materials that you feel are pertinent to your request (optional). Please list supporting document titles:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

### STEP FOUR

**Signature of employee and date forwarded to immediate supervisor**

Signature \_\_\_\_\_ Date forwarded to immediate supervisor \_\_\_\_\_

### STEP FIVE

**Routing Path**

**Supervisors:** The UUP Agreement indicates that if an employee makes an application for promotion or salary increase and does not receive an answer or reply within 45 calendar days, the application is considered to be denied and the employee has the right to appeal the application to the College Review Panel.

\_\_\_\_\_  
Immediate supervisor's signature \_\_\_\_\_ Date \_\_\_\_\_ **(Attach Recommendation)**

\_\_\_\_\_  
Dept. head/dean's signature \_\_\_\_\_ Date \_\_\_\_\_ **(Attach Recommendation)**  
(skip if immediate supervisor is a dept. head or dean)

\_\_\_\_\_  
Vice president's signature \_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_

- Approved
- Promotion denied but salary increase approved
- Denied (A form for appeal to the College Review Panel is attached) because:
  - \_\_\_ not a permanent increase in duties \_\_\_ not sufficiently significant
  - \_\_\_ Other (explanation attached)

**Return a copy of this form and all attachments to the employee as documentation of the outcome of this request.**

## REQUEST FOR SALARY INCREASE OR PROMOTION

### PROFESSIONAL STAFF

An employee who has been assigned a permanent and significant increase in duties and responsibilities as demonstrated by the employee's performance program may be eligible for a salary increase. Before requesting a salary increase or promotion, see *Appendix A-28, Memoranda of Understanding between the State University of New York and United University Professions Relating to Systems of Evaluation and Promotion for Professional Employees, Revised 1989*; and the *Memorandum of Understanding Relating to a System of Promotion and Certain Salary Increases for Professional Employees*.

There is a difference between a promotion and a salary increase. A **promotion** is an increase in a professional employee's basic annual salary accompanied by movement to a higher salary level with a change in title resulting from a **permanent and significant increase in the employee's duties and responsibilities** as a consequence of a permanent increase in the scope and complexity of function of the employee's position. An employee who has been assigned a permanent and significant increase in duties and responsibilities as demonstrated by the employee's performance program also may apply for a salary increase without a change in title (Agreement, A-28.II(c)).

The following procedures apply to employee-requested promotions and salary adjustments. The college administration can promote or make upward salary adjustments independently. If you have a question about college or state titles or salary levels, contact the Office of Human Resources for assistance. If possible, discuss your application with someone in the same title for which you are applying so that you may have a better understanding of that title and its responsibilities.

Procedures for requesting a promotion or salary increase:

1. Fill out the Professional Employee Request for Salary Increase or Promotion form available on the Empire State College Human Resources intranet.
2. Gather supporting documentation. Your application packet must include:
  - a. a detailed cover letter that specifies the rationale for your request based upon the criteria for promotion as listed in the Memorandum of Understanding;
  - b. a copy of your most recent Performance Program;
  - c. letters of recommendation from colleagues, letters of commendation and other documents that would support your request (optional).
3. The "time clock" for the formal process of review and approval of your request begins when you submit your application and supporting documentation to your immediate supervisor. On the form, be sure to fill in the date you submitted your application to your immediate supervisor. Keep a copy of you entire application package.
4. Your application must be reviewed by your immediate supervisor, the dean or director supervising your immediate supervisor and the appropriate vice president. If your immediate supervisor is a dean or director, the second state of review would be with the appropriate vice president. Each supervisor below vice president must attach to the form a written statement that indicates his or her rationale for either the support or denial of your request. The vice president will approve or deny your request. The process of review and approval at the level below the college president must be completed within 45 calendar days. If you do not receive a response within 45 calendar days, the request is considered to be denied and may be appealed to the College Review Panel (CRP).
5. If your request is denied at the level below the college president, you may appeal the decision to the CRP within 10 days. A request for appeal will accompany the written denial from the vice president. You have 10 calendar days from the receipt of the denial to file an appeal with the CRP or to request an extension from the AVP for OHR.
6. The CRP will review your appeal for promotion and increase in salary. The CRP reviews materials submitted by the employee and may consult with OHR for internal consistency. The Panel should examine the performance program(s) for significant changes in the duties, responsibilities, scope and complexity of the position involved. The only decision the CRP may render is whether or not your application merits consideration. The Panel will complete its work within 45 calendar days, unless additional time is requested from OHR. OHR will notify you of any extensions.
  - a. If the panel determines that the increase or change in duties and responsibilities under consideration does not warrant promotion, the panel will notify you, the college president and your immediate supervisor.
  - b. If the panel determines that the increase or change in duties and responsibilities under consideration warrant promotion, it will forward its recommendation to the college president, your immediate supervisor and you. The college president will render a decision within 90 days of notification by the panel and notify you, your immediate supervisor and the CRP of said decision.
7. If the college president denies a promotion, and the applicant feels that the decision is arbitrary or capricious, an appeal may be filed with the University Review Board in accordance with the provisions of A-28, Promotion III(e).2.b,c,d.) within 10 calendar days. Requests for salary increases are not eligible for appeal to the University Review Board.
8. The presidential approval will include an effective date. Increases in salary will be payable as soon as practicable but not to exceed 30 days.
9. Applications for promotion which are denied by the CRP, college president or by the University Review Board (if an appeal is taken to that board), may not be resubmitted for a period of 18 months, or until the employee's performance program has been changed, whichever is sooner.

## **APPENDIX 5**

### **APPEAL OF DENIAL OF REQUEST FOR SALARY INCREASE OR PROMOTION FORM AND INSTRUCTIONS**

# APPEAL OF DENIAL OF REQUEST FOR SALARY INCREASE OR PROMOTION

## PROFESSIONAL STAFF

PRINT APPLICANT'S NAME \_\_\_\_\_ APPLICANT SIGNATURE \_\_\_\_\_

On \_\_\_\_\_ I received notification that I was denied\* a salary increase or promotion at an organizational level below that of the college president. I wish to appeal that decision to the College Review Panel.

**\* A lack of response to a request for promotion over 45 calendar days is to be considered a denial. The applicant has 10 calendar days from the receipt of the denial to file an appeal with the College Review Panel or to request an extension from the Office of Human Resources.**

### STEP ONE (PLEASE MARK ONE BOX)

- I am appealing the denial of my application for a promotion with a change in title.
- I am appealing the denial of my application for a salary increase without a change in title.
- I am appealing the denial of my application for promotion because of a prior change in title.

### STEP TWO

Notify the UUP Empire State College chapter president that you are requesting that the College Review Panel review the denial of your request for a salary increase or promotion. The chapter president will contact the Office of Human Resources (OHR) so that the members of the College Review Panel can be convened.

### STEP THREE

Submit the following to OHR:

1. a copy of your denied\* promotion/salary increase application, cover letter, performance program(s) and all other supporting documentation;
  2. employee statement of rebuttal and/or clarification (optional);
  3. other relevant written communications.
- A lack of response after 45 calendar days to a request for promotion is to be considered a denial.

Date materials were forwarded to OHR \_\_\_\_\_

## COLLEGE REVIEW PANEL RECOMMENDATION

### STEP FOUR

- |                                |  |
|--------------------------------|--|
| <b>Promotion request</b>       | <input type="checkbox"/> Recommended: Attach recommendation to the college president |
|                                | <input type="checkbox"/> Not recommended: Reasons attached                           |
| <b>Salary increase request</b> | <input type="checkbox"/> Recommended: Attach recommendation to the college president |
|                                | <input type="checkbox"/> Not recommended: Reasons attached                           |

College Review Panel chair's signature \_\_\_\_\_ Date \_\_\_\_\_

\*

- If appeal is denied, the College Review Panel chair will return the original Appeal of Denial of Request for Salary or Promotion form to the employee with copies to the college president and the employee's immediate supervisor.
- If appeal is supported, the College Review Panel chair will forward the original Appeal of Denial of Request for Salary or Promotion form to the college president with copies to the employees and the employee's immediate supervisor.

**APPEAL OF DENIAL OF REQUEST FOR SALARY INCREASE OR PROMOTION  
INSTRUCTIONS**

**PROFESSIONAL STAFF**

**IMPORTANT NOTE:** The applicant has **10 calendar days** from the receipt of a promotion or salary increase denial to file an appeal with the College Review Panel or to request an extension from the Office of Human Resources.

If an employee's request for a promotion and/or salary increase is denied at a level below the college president, the employee may appeal the denial to the College Review Panel as per Appendix A-28 of the *Agreement*.

**The College Review Panel (CRP)**

The CRP consists of no fewer than five nor more than seven members elected at large by all professional employees in the negotiating unit. The CRP shall review all applications for promotions resulting from a permanent, significant increase or change in duties and responsibilities as a consequence of a permanent increase in the scope and complexity of function of the professional position. They also will review salary increases that are not accompanied by a change in salary or rank.

**Procedure**

If you have applied for a promotion and/or salary increase and it has been denied at a level below the college president and wish to appeal that decision you must do the following:

1. Complete the Appeal of Denial of Request for Salary Increase or Promotion form available on the Empire State College Office of Human Resources intranet.
2. Notify the UUP Empire State College chapter president that you are requesting that the College Review Panel review the denial of your request for a salary increase or promotion.
3. Submit a copy of your denied promotion/salary increase application, cover letter, performance program(s) and all other supporting documentation including a statement of rebuttal and/or clarification to the Office of Human Resources.

**Criteria for Promotion**

The criteria to be used in considering an employee for promotion shall be those which relate to the particulate type of duties and responsibilities for which the employee is being considered, for example:

1. effectiveness in performance
2. mastery of specialization
3. professional ability
4. effectiveness in university service
5. continuing growth

**College Review Panel's Recommendation**

If the panel determines that the increase or change in duties and responsibilities under consideration does not warrant promotion or salary increase, the panel shall notify the employee and copy the college president and the applicant's immediate supervisor.

If the panel determines that the increase or change in duties and responsibility under consideration warrants promotion or a salary increase, it shall forward its recommendation to the college president. A copy of such recommendation shall be sent to the applicant and the applicant's immediate supervisor.

**College President's Decision**

The decision of the college president shall be rendered within 90 calendar days. The decision of the college president *for promotion* shall be final. However, a decision by the college president, which is claimed by the applicant to be arbitrary and capricious, may be appealed on such basis to the University Review Board by such person in accordance with the appropriate provisions stated in Appendix A-28.

The decision to provide a *salary increase* is within the discretion of the college president and the college president's decision shall be final.

Applications for promotion which are denied by the College Review Panel, the college president or if an appeal is taken to the University Review Board, by that board may not be resubmitted for a period of either 18 months, or until the employee's performance program is changed, whichever is sooner.

**University Review Board**

If the college president denies the promotion, and the applicant believes the decision is arbitrary or capricious, an appeal may be filed with the University Review Board in accordance with appropriate provisions of the UUP Agreement. The applicant should contact the UUP Empire State College chapter president within 10 calendar days of receipt of the college president's denial for more information or to request that the University Review Board be convened.

## APPENDIX 6

### **BOARD OF TRUSTEES/UUP RESOLUTION – PROFESSIONAL SALARY ADMINISTRATION GUIDELINES**

“The following administrative guidelines are applicable to the professional salary structure:

1. The salary of the newly hired professional is within campus discretion for any salary between the minimum and the maximum of the appropriate salary level.
2. Promotion is defined as a permanent and significant increase in duties accompanied by a change in title, level and salary.
3. Salary adjustments after initial appointment are within campus discretion for any salary between the minimum and the maximum of the appropriate level.
4. A professional who is promoted must receive a salary increase and must receive an annual salary rate that is at least equal to the minimum salary for the new level.
5. When a professional is assigned to a lower level position, either voluntarily or involuntarily, the annual salary will be reconstructed as if the person had continuously served in the lower level position.
6. The professional salary structure is converted to an academic/college year rate by dividing the calendar year salary by 1.2 and rounding to the next higher whole dollar.”



## APPENDIX 7

### APPOINTMENT CYCLES EXAMPLE

Normal Cycle	Appointment Duration
First Appointment	One Year
First Renewal	One Year
Second Renewal	Two Years
Third Renewal	Two Years
Fourth Renewal	One Year (may result in permanency)
	Permanent

Term appointments normally follow the pattern below:

1. The initial appointment duration is one year in length;
2. The first renewal of appointment, if granted, also is one year in duration;
3. The second and third renewals of appointment, if granted, each are two years in duration;
4. The fourth renewal of appointment, if granted, may or may not result in permanency and is one year in duration.

The OHR provides due dates for performance program, performance evaluation, expected date of permanent appointment and personnel action form submission schedules for each employee and supervisor when hired, and these are posted on ESCnet. Hiring officers prepare a draft performance program as part of the search process to fill professional openings.

The OHR is responsible for enabling all employees to receive timely performance programs and performance evaluations and distributing two copies back to the supervisor (one for supervisor records and the other for the employee).

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