



CODE OF PRACTICE

HIGHER EDUCATION OFFICER SERIES

OFFICE OF HUMAN RESOURCES MANAGEMENT

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CODE OF PRACTICE - HIGHER EDUCATION OFFICER SERIES TITLES

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I. PREAMBLE

The Higher Education Officer (HEO) series titles are part of the non-teaching instructional staff of The City University of New York (CUNY). An appointment to a title in this series requires that the person selected possess at least the minimum qualifications, as established in the Code of Practice – Title Descriptions and Minimum Qualifications.¹ Affirmative action procedures are to be followed in the recruitment and selection process.

The policies and procedures outlined below are set forth to assist college staff involved in classifying positions and in recruiting, selecting, and appointing HEO series employees who are represented in collective bargaining by the Professional Staff Congress/CUNY (PSC). The colleges must also be conversant with the requirements contained in the PSC/CUNY collective bargaining agreement. To the extent that any provision of this chapter is inconsistent with a provision of the collective bargaining agreement, the term in the collective bargaining agreement is controlling. While many, but not all, considerations expressed in this chapter of the Code of Practice apply to Higher Education Officer series employees who are excluded from PSC representation by reason of title or function, a separate manual addresses the terms and conditions of employment of such employees.² Success in the implementation of these policies and procedures requires cooperation among various college offices, but in particular, that of the Office of Human Resources and the Chief Diversity Officer.

1.1 TITLES

There are four titles in the Higher Education Officer series: Assistant to HEO (aHEO), Higher Education Assistant (HEa), Higher Education Associate (HEA) and Higher Education Officer (HEO).

These titles are non-promotional; thus movement to a higher title in the series may only occur with the appointment of an individual to a position in a higher title, pursuant to a search, a search waiver or reclassification of the position.

Employees in these titles may be exempt or non-exempt from overtime under the Fair Labor Standards Act (FLSA), based on their functions and responsibilities.

Some employees in these titles may be excluded from the PSC/CUNY collective bargaining agreement based on their title or function. A manual for Excluded Titles is available.

2. CLASSIFICATION

CUNY is deemed a separate employer in the New York State Education Law (Section 6207) and, as such, is subject to the New York State Civil Service Laws. The HEO series was created by resolution of the Board of Higher Education (the precursor of the Board of Trustees) on September 26, 1966, as part of the instructional staff, *i.e.*, as unclassified civil service titles consistent with Article 35 of the New York

¹ Pursuant to New York State Education Law Section 6206.7, the Board of Trustees has the authority to create titles in the instructional staff. By resolution adopted by the Board of Trustees at its meeting on November 28, 2011, the Board of Trustees has delegated to the Chancellor the authority to establish the minimum qualifications and duties for instructional staff titles created by the Board of Trustees other than those contained in Article XI of the *Bylaws of the Board of Trustees*. The Chancellor has delegated this authority to the Vice Chancellor for Human Resources Management. The Vice Chancellor will establish the minimum qualifications and duties for new instructional staff positions created by the Board of Trustees and amend the minimum qualifications and duties of existing instructional staff titles (such as the Higher Education Officer series titles), as required.

² Article 1 of the PSC CUNY Agreement lists the employees in the HEO series who are excluded from the provisions of the collective bargaining unit. In addition to the excluded functions or titles already identified in Article 1, each college and the Central Office may exclude up to three additional positions for employees newly appointed to those positions; no employee's representation status shall be changed while he/she remains in his/her current position.

State Civil Service Law. The New York State Education Law requires the Board of Trustees to "determine to what extent examinations are practicable to ascertain merit and fitness for each of the positions within the educational units covered and administered by it and, in so far as examinations are deemed practicable [to] determine to what extent it is practicable that such examinations be competitive." In June 1967, the Board of Higher Education approved a document entitled *Appointment Procedures and Practicability of Competitive Examinations for Higher Education Officer Series Titles*. This document concluded that formal examinations for positions in the Higher Education Officer series were impracticable for determining merit and fitness and recommended that HEOs be appointed through an "unassembled examination" adapted from the practice used for the selection of faculty. The recruitment and HEO screening process, therefore, is the method adopted by the Board of Trustees to determine merit and fitness in lieu of formal civil service examinations.

The responsibility for ensuring proper classification is assigned by New York State law to the CUNY Civil Service Commission and to the Board of Trustees. Both of these entities have, in turn, directed the Vice Chancellor for the Office of Human Resources Management (OHRM) to manage the day-to-day administration of classification. OHRM determines whether a position proposed by a college belongs in the classified service or the unclassified service (*i.e.*, instructional); it also determines the proper title. Proper classification of a particular position with a particular set of duties requires careful analysis. Certain positions are unambiguously in the unclassified service, including full and part-time teaching, research, administration of student personnel functions, academic administration, and laboratory administration in academic departments. Other administrative positions often are combinations of duties that create less certainty in classification and may require careful distinctions between classified and unclassified tasks. In determining the proper classification, OHRM will weigh the degree to which the tasks in question constitute the primary or core functions of the job.

Other positions, such as clerical, secretarial, and positions in the maintenance and operation of physical facilities are clearly intended for the classified service. For the most part, detailed job specifications for all such positions have been established and positions performing the duties as outlined shall be classified accordingly.

To assist the colleges in allocating and classifying positions to the appropriate contract and functional title, OHRM provides sample, prototypical position templates with general duties and minimum qualifications to be used by the colleges. These templates enable the colleges to manage classification issues.

The University reviews all HEO series job descriptions prior to posting to ensure that positions have been classified accurately and that essential functions and responsibilities are clearly identified. At its meeting on October 25, 1999, the Board of Trustees empowered the Chancellor to delegate certain responsibilities for personnel actions to the College Presidents. Pursuant to that delegation, the College President has the responsibility to certify that the individuals the college recommends for appointment in the HEO series meet the qualifications expressed in the Code of Practice -Title Descriptions and Minimum Qualifications, and to recommend an appropriate salary.³

³ Determination of the appropriate instructional staff title for a position must be consistent with the current title descriptions established by the Vice Chancellor. The Vice Chancellor for Human Resources Management shall establish equivalencies and rule on when such equivalencies satisfy minimum qualifications for any title set forth herein.

2.1. Frequently used terms:

Position Classification is the allocation of positions to established job titles based on factors such as:

- (1) scope and complexity of job duties
- (2) supervisory responsibilities
- (3) necessary knowledge, skills, and abilities required to perform the job
- (4) competencies necessary for successful performance
- (5) reporting relationships, and
- (6) extent of preparation needed to perform the job.

All HEO series job descriptions / templates have been developed and reviewed for accurate classification. New titles required by a college are reviewed by OHRM for the following factors:

- (1) assisting the colleges to conform to classifications as per University policy and the Code of Practice – Title Descriptions and Minimum qualifications, collective bargaining agreements, and CUNY Civil Service Commission rules;
- (2) preserving equity among colleges in the classification system;
- (3) resolving out-of-title classification issues; and
- (4) conducting studies and formulating recommendations for amending the classification system.

Job Families are groups of job titles collected in clusters of related activities, typically providing for progressively more responsible and skilled work, such as from apprentice to managerial. The purpose of such arrangements is to provide a method for comparatively benchmarking positions and setting pay in a range of job responsibilities; job families may also be useful in designing promotional opportunities, career development plans, training programs, etc.

Essential Job Duties are tasks that are fundamental to the position which must be performed. The distinction between essential and non-essential duties is important for compliance with the Americans with Disabilities Act, and ensures that performance issues regarding non-essential tasks are not used to preclude applicants from selection.

Reclassification recognizes the logical changes in a position's functions and responsibilities over a period of time that significantly affect the scope, impact and complexity of the job so as to render the current HEO series title inappropriate.

Reorganization is a management-directed redesign of work and reporting relationships that significantly alters and affects the process and flow of work in the unit(s) and that may result in various organization changes, such as reclassifications and/or reassignments of existing positions. A reorganization may also result in the creation of new vacant positions, which must be filled through established search procedures.

Reassignment is a significant change in duties or responsibilities resulting in a new functional title, but no change in HEO series title.

2.2 Classification of vacant and new positions:

Each time the college establishes a new position and each time an existing position is vacated, the classification of the position should be reviewed by the College Director of Human Resources and discussed with the head of the College HEO Committee. A college may at any time request Human Resources Advisory Services (HRAS) of OHRM to review a classification and provide preliminary

assistance in reaching a classification determination. In highly unusual situations, a college may request HRAS to conduct a classification study prior to the college completing the assignment of the position to a title.

2.3 Reclassification of currently occupied positions:

The criterion for reclassification approval is that the preponderance of duties and job requirements currently fall appropriately in the higher HEO series title. This change in classification may be merited because of an accretion of duties, a significant increase in the volume of work that has the effect of transforming the scope and complexity of the work, a reorganization of functions, a legal mandate changing the nature of the work, or some other significant alteration in the duties previously assigned. A request for reclassification may be initiated by the college administration or by an employee or the appropriate supervisory personnel.

HEO series positions may not generally be reclassified into the Executive Compensation Plan (ECP), nor are reclassifications into the classified service permissible. If, in the opinion of the college, a change in job duties renders an existing HEO position more appropriate to either the ECP or to the classified service, removal of those duties from the HEO position is an option. The college may also wish to consider establishing a new position to encompass the duties in question.

In certain rare circumstances, OHRM may approve ECP appointments in the titles of Assistant Dean / Assistant Administrator/Professional School Assistant Dean/Assistant Administrator for employees in the title of Higher Education Officer (HEO) without requiring a search waiver. Colleges must provide justification, showing significant accretion of duties to support the movement to the ECP title.

2.3.1 College actions in reclassifying currently occupied positions

The College Director of Human Resources will review with the requesting department the position changes that are believed to warrant a reclassification of the title⁴. In most cases, the employee will be the incumbent in the position in question, although, in certain cases, more than one employee may be qualified to perform the assigned work. The approval of the process by the College's Chief Diversity Officer is required, assuring that all similarly situated and equally qualified candidates are given an opportunity to be considered.

When the College Director of Human Resources is satisfied that the new job description is consistent with the requirements of the higher title in the HEO series, the request will be presented first to the College HEO Committee. A positive recommendation from the College HEO Committee shall then be forwarded to the President or the President's designee for consideration. A positive recommendation will then be submitted to HRAS. Since a reclassification is a result of a position's original duties evolving and expanding over time, any HEO series title movement that may be appropriate will most likely be a one level change above the position's current title (*i.e.*, Higher Education Assistant to Higher Education Associate). Careful review should be made if the college believes the new duties change the HEO series title more than one level since this may create an entirely new position and a search will then be most likely warranted.

The college is responsible for determining that the candidate selected (typically the position's incumbent) meets the qualifications of the proposed HEO series title. The college also determines the appropriate new salary in the new title. Employees retain the same annual increment date in the higher

⁴ Refer to Section 17 for reclassification requests submitted by an employee or supervisor.

title, unless a different date is required by University policy.⁵ After the college has completed the internal reclassification process of review and approval, the College Director of Human Resources will submit the following written documentation to HRAS:

- Memorandum justifying the reclassification which outlines the general changes in duties and why the proposed title HEO series title is more appropriate for the position;
- Current and proposed job descriptions;
- Current and proposed unit organizational charts which include employee names, payroll titles, and functional titles;
- The requested salary and effective date of the reclassification (earliest possible effective date is the date the college submits the reclassification documentation to HRAS);
- Employee's current resume;
- For prospective reclassifications, a statement/form signed by the College Chief Diversity Officer indicating that in filling the position selected for reclassification, the process will include consideration of all available candidates in the unit who would be qualified to perform the duties of the newly classified position; and
- Any other documentation the campus believes supports the reclassification.

Once the college has submitted the reclassification request to HRAS, HRAS will review the documentation, contact the college with any questions, and inform the College Director of Human Resources with the University's reclassification decision. If the reclassification is approved, HRAS will confirm the approved salary and effective date. After receiving reclassification approval from HRAS, the college then enters the approved action into CUNYfirst and payroll. The college cannot enter a reclassification into CUNYfirst or payroll until after HRAS approves the reclassification.

2.4 Reorganization of departments/divisions:

When reorganization occurs, movement of HEOs into different titles within the series may become necessary. Reorganizational title changes are considered in total for the affected group. To reorganize a number of positions in a unit, the College submits to HRAS all of the documentation required for reclassification of all positions receiving new or different responsibilities. The memorandum justifying the reorganization will outline the reason for the reorganization and how the college intends to fill each position, *i.e.*, through a search, reclassification, or reassignment. In addition, the reorganization is attested by the Chief Diversity Officer before it is submitted to HRAS. A representative of the college may be required to present the reorganization to OHRM for review and approval. Reorganization salaries, effective dates and CUNYfirst/payroll entering follow the same procedures as outlined in section 2.3.1.

2.5 Reassignments (Changes in functional title):

Reassignments are the prerogative of the college; however, a person may only be reassigned to perform duties appropriate to his/her title. Changes of this nature must be sent to the OHRM with the same documentation required for a reclassification. After receiving reassignment approval from HRAS, the college then enters the approved action into CUNYfirst and payroll. The college cannot enter a reassignment into CUNYfirst or payroll until after HRAS approves the reassignment.

⁵ See Section 8.7

2.6 Classification when duties overlap the Classified Civil Service

Proposals from the colleges to classify positions in the instructional staff that perform duties that may overlap job specifications in the classified civil service pose special problems. Guidelines for determining such classifications follow, but given the unique nature of jobs, a case-by-case review is mandatory.

The areas most frequently impacted by overlapping job specifications are:

- clerical, secretarial, and administrative assistant
- accounting
- purchasing
- reprographics and graphic design
- radio and television technical support
- media services
- engineering, architecture, and interior design
- project management (buildings)
- administrative computing and telecommunications
- administration of buildings and grounds
- administration of public safety operations
- health services for staff and/or students
- special services for staff and/or students with disabilities.

Previous classification approvals for the position and earlier classification approvals of similar positions do not necessarily ensure approval of the position in question. Moderate changes in duty assignments, changes in the weight given to certain responsibilities, the results of new collective bargaining agreements or settlements of classification challenges, recently created titles, and the revisions made periodically to job specifications may all impact, and possibly, alter the standards for weighing the appropriate classification of a particular position.

Colleges should support the requested classification by providing comparable classifications and by indicating the specific functions performed in the job that render it suitable to the unclassified service. In doing so, the following parameters should be considered:

- Positions meeting the criteria in one of the categories below and performing **predominantly** instructional staff duties (*i.e.*, exceeding one-half of total effort) are to be classified in the instructional staff. Those meeting the criteria in one of the categories below and performing **substantial** instructional staff duties (*i.e.*, exceeding one-third of total effort) should be reviewed and described carefully; these positions may be candidates for classification in the instructional staff, depending on a variety of factors
- Positions performing **ancillary** instructional staff duties (*i.e.*, less than one-third of total effort) are uncertain candidates for classification in the instructional staff, even when they meet the below criteria. Certain exceptions may exist; the colleges may wish to discuss such special cases with OHRM before proposing a classification
- Positions in Academic Departments, including Libraries:
 - Academic/professional support positions in academic departments, working directly with faculty and students in a role related to teaching or the supervision of teaching, not merely technical in nature; and
 - Certain high-level professional positions (*e.g.*, academic/professional program administration and educational computing) that may include administrative tasks in the support of sponsored programs, teaching, or the supervision of teaching

- Positions in Academic Computing Departments:
 - Positions in a separate academic computing center (other than those entry level positions of a strictly technical nature); typically these positions will involve assisting faculty and/or students with instructional design, instructional delivery, research, grants, and distance learning
 - Positions in administrative computing centers (or in computing centers with joint academic/administrative responsibility), performing instructional staff duties similar to those that may also be performed in an academic department that are not of a strictly routine, clerical, or technical nature, and comprising a **predominant** part of the total tasks of the position
 - Positions, other than those of a strictly routine, clerical, or technical nature, predominantly devoted to major academic computing systems (*e.g.*, library systems, registration systems, research systems, and distance learning systems) and with substantial policy involvement with faculty (NOTE: does not include such major administrative systems for budgeting, accounting, human resources, payroll, and student records); and
 - Senior managerial positions in an Administrative Computing Center (*e.g.*, Computing Center Director, Deputy Director, and, depending on the duties performed, Associate Director); the duties/level of responsibility in these positions should be **significantly** different from the job specifications of the CUNY managerial service titles in the classified service
- Positions in Administrative Departments Other Than Computing:
 - Positions directly supporting the delivery of instruction, research, instructional design, consultation with faculty or students (directly related to academic matters), grants, academic and community programs; and
- Other managerial/professional positions, other than those for which classified service position specifications are established (including, but not limited to, facility management, public safety, architecture, engineering, accounting, purchasing, and administrative computing).

3. RECRUITMENT

CUNY, as a federal contractor and pursuant to Board of Trustees' policy, has adopted an affirmative action program that governs the process by which positions are filled. The search, a process by which recruiting and assessing the credentials as presented in resumes and interviews to determine merit and fitness, constitutes the University's approach to fulfilling its obligations to administer unassembled examinations. The search process preserves the integrity of campus selection procedures and increases the opportunity for members of protected classes to be represented in candidate pools and be selected at rates that reflect their availability in the labor market. The College Chief Diversity Officer is responsible for maintaining the integrity of this process, with guidance from the University Office of Recruitment and Diversity.

The Board of Trustees has delegated the setting of qualifications to the Vice Chancellor for Human Resources Management (OHRM). The "Code of Practice" document issued by the Office of Human Resources Management describes available titles and minimum qualifications for each title. The Board serves as the approving body for these titles (through the "Chancellor's University Report").

3.1 Search for vacant positions

Most positions are filled through the use of a standard search. A standard search requires a recruitment plan which outlines an aggressive outreach to potential applicants at the regional and national level, as determined by the College Chief Diversity Officer. The college is required to post the position for a minimum of one month with wide advertising on at least a regional level (New Jersey, New York, Pennsylvania, and Connecticut).

Shorter posting periods are possible in situations of strong need where the possibility of a large, diverse candidate pool is high. In such cases, the minimum posting period should be two weeks. The CDO may also approve a "CUNY-only" search where the possibility of a large, diverse candidate pool consisting of CUNY employees is high. This may be done based on a thorough review of the data from the Affirmative Action Plan.

Job postings for HEO positions **may** include the following:

- Colleges may wish to indicate the proposed salary either by specifying the full salary range (including the five-year and the seven-year steps), a part of the range, or by stating that the salary is "commensurate with experience," consistent with the contractual payroll title being posted. If the college chooses to identify a salary range, they must give considerable thought to the salary steps chosen, because applicant pools reflect the salaries offered. If it becomes desirable to offer a salary higher than that advertised, the college Chief Diversity Officer will determine if the effect on the applicant pool is significant enough to require reopening the search.
- Additional preferred job-related qualifications that may give prospective candidates an indication of skills that the college believes will allow the candidate to perform the job duties more effectively, but that are not required by the Code of Practice or University policy, may be posted.
- A degree beyond the baccalaureate as appropriate to perform the duties of a particular Higher Education Associate or Higher Education Officer position may be required.

A search committee is required for all searches. With guidance from the Chief Diversity Officer, the composition of the search committee is determined as a group of faculty and/or professionals convened for the sole purpose of identifying the most qualified candidate(s) to fill a vacant position. Search Committees consist of individuals who have enough knowledge and skill to effectively evaluate candidates. Members may also be potential colleagues, internal customers, or knowledgeable experts in a field or discipline.

3.2 Search Exceptions

Search exceptions are rare and are considered on a case-by-case basis.

These include:

- Search Waivers
- Substitute Appointments
- Waivers of minimum qualifications.

Search Waivers

Search waivers are exceptions that should be evaluated carefully on the merits of each situation and CDOs are charged with investigating the reasons behind each request. To request a waiver,

departments/hiring units (in consultation with HR) must contact the CDO and submit a letter of justification with details of the appointment (title/rank, functional title if any, department, start date, and proposed salary) and the reasons for the requested search waiver.

CDOs should consider the following:

- The candidate possesses rare and unique expertise which could not be found in the course of the search
- The position's functional and payroll title along with the individual's unique qualifications
- To be considered simultaneously are other candidates in the same unit who may be similarly qualified
- Impact on the institution's hiring goals/utilization with careful consideration of under-utilized or under-represented minorities and women in the areas and departments under question
- The position is an excluded/confidential position
- Institutionalization of a grant funded position; for example, transfer of funding from the Research Foundation to tax levy status
- Management reorganization in which new positions and contract titles are created. If the reorganization only requires a revision of functional titles, a search waiver is not required.

To request approval of a search waiver, the CDO submits to the appropriate OHRM email dropbox, a Search Waiver Form, a letter of justification addressed to the University Dean for Recruitment and Diversity (Dean), as well as the other standard appointment documentation. The letter of justification includes the reasons for requesting the search waiver, effective start date, the title (contract title and functional title) and salary offered. The submission should also include the resume/CV of the candidate, proposed job description, and the current and proposed organization charts of the hiring department. The OHRM unit responsible for the email dropbox will verify that the required documents have been submitted and that the position has been classified correctly. The unit will then forward the search waiver request to the Dean for consideration. The college's CDO and HR Director will be notified of the actions on the search waiver and the appointment, at the same time.

Substitute Appointments⁶

Staff may be appointed temporarily to allow continuation of current operations and services and to address emergency situations. Substitute appointments may also be made to cover for individuals on certain leaves.

All vacant positions must be eventually filled either through a search process or search waiver. Prior to making a substitute appointment to a vacant position, plans must be in place to fill the position as soon as practicable. This is especially important to ensure a fair, unbiased process in which the most qualified candidate can be identified. Currently, the college must advertise the position when requesting approval for a second 6-month substitute appointment.

CDOs are responsible for ensuring that the proposed substitute employee meets the minimum qualifications of the title. They should also confirm that persons in a substitute appointment have been advised that their position is subject to a search, they may apply for the position when advertised, and will be subject to the search process.

⁶ See Section 7 for additional Substitute Policy and procedures

Waivers of Minimum Qualifications

Waivers may be granted for candidates for Instructional positions who do not possess the minimum qualifications for the position specified in the Code of Practice Regarding Instructional Staff Titles: Title Descriptions and Minimum Qualifications.

Waivers of minimum qualifications are always accompanied with a search waiver and should be evaluated by the CDO and requested by the College President. Requests for waivers of minimum qualifications should be in writing and addressed to the Vice Chancellor for the Office of Human Resources Management and submitted to HRAS, along with all other required search waiver documentation.

4. APPOINTMENTS

The normal appointment year for employees in the HEO series shall be July 1 through June 30. Appointments effective on or after July 1 but on or before September 1 shall be considered as if they were full-year appointments for purposes of applying Article 13 of the PSC/CUNY Collective Bargaining Agreement.

An employee serving in a multiple year appointment shall continue to serve until the expiration of that appointment.

Employees who are hired effective September 1, 1987 or later who continue to serve in the same title shall be subject to the following appointment and reappointment schedule:

First full year appointment:	one year
First reappointment:	one year
Second reappointment:	one year
Third reappointment:	one year
Fourth reappointment:	two years
Fifth reappointment:	two years

The schedule of reappointments vary for HEO series employees if they are appointed to a higher title. See Article 13 of the PSC/CUNY collective bargaining agreement.

4.1 Appointment from one college to another college – service towards 13.3 b

In the event an employee has continuous full-time service at more than one college or other CUNY unit, such service in the HEO series titles, including service in the HEO Aide title or in the former Business Manager series, shall be totaled and credited for the purpose of establishing eligibility for future appointments, including 13.3 b appointments, provided that the first full-year appointment at the new college or unit shall be for one full year.

Thereafter, reappointments in the same title shall be based upon total University service in the HEO series and the former Business Manager series. If the appointment is to a higher title in the HEO series, it shall be governed by sections 13.8 or 13.9 of the PSC/CUNY collective bargaining agreement. If based upon prior service, an employee would be placed, as of the reappointment date, in the midst of a two-year appointment, then the employee shall be given an appointment which shall run to the terminal date of the two-year appointment.

4.2 Appointment from an excluded HEO series position to an included position

An employee in the HEO series (or the former Business Manager series) initially hired to serve in a position excluded from the bargaining unit who is thereafter appointed during the normal appointment year to a position within the bargaining unit shall, if subsequently reappointed, receive a one-year appointment for the first full year following such change. Thereafter, reappointments are to be made as if all prior service had been in a position included in the bargaining unit. If, based upon prior service, an employee would be placed, as of the reappointment date, in the midst of a two-year appointment, then the employee shall be given an appointment which shall run to the terminal date of the two-year appointment.

4.3 Appointment to an included position from an excluded HEO series position with prior service in an included position

An employee in the HEO series (or the former Business Manager series) who formerly held a position included in the bargaining unit, who, without a break in full-time service, was appointed to an excluded HEO series position, and who, without a break in full-time service is subsequently appointed, once again, to an included position, will be considered for future reappointments in accordance with the following paragraphs:

4.3.1 If such an employee held a multiple year reappointment prior to appointment to an excluded position and the expiration date of that previously held multiple year reappointment has not yet occurred, then such employee's multiple year reappointment shall continue until its expiration date. Thereafter, the length of an employee's reappointment shall be based upon total service in both included and excluded positions within the HEO series (including the former Business Manager series).

4.3.2 If such an employee held a multiple year reappointment prior to appointment to an excluded position, but the multiple year reappointment had already expired prior to the employee's appointment, once again, to an included position, then the employee's appointment in the included position shall continue until the expiration date of the reappointment in the excluded position. Thereafter, the length of an employee's reappointment shall be based upon total service in both included and excluded positions.

4.3.3 If the employee's service in the excluded position was at a higher title in the particular series than the employee had previously held prior to service in the excluded position, then the college or other CUNY unit shall not be obligated to offer reappointment in the higher title and may offer reappointment in the title held immediately prior to service in the excluded position. If the college or other CUNY unit offers reappointment in a title higher than the title previously held, then such reappointment shall be for one full year only. Thereafter, the length of an employee's appointment shall be based upon the total service in both included and excluded positions.

4.4 Appointment to an included position from a position within the ECP with prior service in an included position

An employee in the HEO series who formerly held a HEO (or Business Manager) series position included in the bargaining unit, who, without a break in full-time service, was appointed to a position within the ECP, and who, without a break in full-time service, is subsequently appointed, once again, to an included HEO position, will be considered for reappointment, in accordance with the following paragraphs:

4.4.1 If such an employee held a multiple year reappointment prior to an appointment within the ECP and the previously held multiple year reappointment has not yet expired, then such employee's

multiple year reappointment shall continue until its expiration date. Thereafter, the length of an employee's reappointment shall be based upon total service in the HEO series position, including the period the employee was on leave from the multiple year appointment in the HEO series title to serve in the ECP title, provided that the employee serves at least one full year in the HEO series title immediately preceding consideration for a 13.3b appointment.

4.4.2 If such an employee held a HEO (or Business Manager) series appointment prior to appointment to a title within the ECP and the multiple year reappointment has expired, and the college in its discretion, appoints the employee to an included HEO series position, then the period served in an ECP title following the expiration of the multiple year reappointment shall be bridged in determining total years of service for purposes of future HEO appointments.

The length of an employee's reappointment shall be based upon total service in the HEO series position, provided that the employee serves at least one full year in the HEO series title immediately preceding consideration for a 13.3b appointment.

If, at the college's discretion, the employee is appointed to a higher HEO series title than the one held prior to appointment within the ECP, then such appointment shall be for one full year only. Thereafter, the employee's total service, excluding the period served in an ECP title without an underlying HEO title, shall be calculated to determine future HEO appointments.

4.5 Appointment to an included position from a position within the ECP with prior service in an excluded HEO series position

An employee in the HEO series who formerly held a HEO (or Business Manager) series position excluded from the bargaining unit, who, without a break in full-time service, was appointed to a position within the ECP, and who, without a break in full-time service, is subsequently appointed to an included HEO position, shall receive a one-year appointment for the first full year following such change. Thereafter, the length of an employee's reappointment shall be based on total service in the excluded position within the HEO series, and the period served in an ECP title shall be bridged in determining total years of service for purposes of future HEO appointments.

4.6 Appointment from an ECP title to a HEO series title

An employee who is initially appointed to an ECP title and is subsequently appointed to a HEO series title is considered a new employee for purposes of applying Article 13.

4.7 Reappointments and Certificate of Continual Administrative Service (13.3.b)

Reappointments are scheduled as three one-year appointments followed by two two-year appointments. Upon recommendation of the president and approval of the Board of Trustees, an employee who is granted a subsequent reappointment after the 5th reappointment, shall receive a Certificate of Continual Administrative Service ("13.3 b"). Such an employee shall not be subject to annual or multi-year reappointments.

Written notice of non-reappointment must be given on or before April 1. For employees who first assumed their position on or after October 1 of the preceding year, the notice of non-reappointment (for first reappointment only) shall be given on or before May 1.

4.8 Guidance

The following guidance is intended to be helpful to colleges in making decisions about appointments:

1. Required years of work experience as set forth in the Code of Practice – Title Descriptions and Qualifications are interpreted to mean full-time or equivalent work related to the field in which the person is being employed. Only properly documented related work experience is to be counted.
2. For HEO appointments, degree requirements need not be in a directly related field, unless the position is a highly technical one requiring a degree (*e.g.*, a college attorney). The job posting may specify a desired degree, but it may not be overly narrow if the position does not, in fact, require a specific degree.
3. Applicants must have the required degree at the time of application. The college must verify the degree and may require evidence of the degree at the time of appointment. If not required earlier, evidence that the employee holds the required degree must be presented to the designated college official at the time of appointment. Degrees from foreign institutions should be carefully reviewed. Neither degrees from non-accredited schools nor honorary degrees are acceptable in meeting degree requirements.
4. Where through appointment, reclassification or reorganization, a HEO series employee is to report to and be supervised by another individual in the same HEO rank, justification must be provided to the College HEO Committee. Approval by the Committee should be conditioned on (1) satisfactory justification, and (2) the salary of the individual upon appointment, reclassification or reorganization being less than the salary of the individual's supervisor. In very rare circumstances, a subordinate's salary can be at or above a supervisor's salary based on specific and unique justification.
5. Colleges are responsible for maintaining copies of applications for three years from the closing date on the job posting, in accordance with the University's record retention regulations.

5. EVALUATION

As per Article 18.3 of the collective bargaining agreement, annual evaluations may be done preferably once each semester, but at least once each year. The evaluation conference should be with the supervisor to be designated by the appropriate dean or president. An appropriate HEO evaluation form is available for this purpose. At the conference, the employee's total performance and professional progress shall be reviewed. Following the conference, the designated official shall prepare a record of the evaluation discussion in memorandum form for inclusion in the employee's personal file. A copy of the report shall be given to the employee within ten (10) working days following the conference.

Article 18.3 further provides that in the event an evaluation conference is scheduled, and the employee fails to attend without reasonable cause, the conference shall be rescheduled. The employee shall be notified in writing of the date of the rescheduled conference. If the employee again fails to attend the evaluation conference without reasonable cause, the designated official may prepare an evaluation in memorandum form for inclusion in the employee's personal file without holding a conference. A copy of the memorandum shall be sent to the employee within 10 working days from the scheduled date of the rescheduled conference by regular mail at his/her address on file and by email to his/her college email address.

In the event that a date for yearly evaluation is not scheduled by March 1, the employee shall, within ten (10) working days thereafter, file a request for an observation and/or conference with the supervisor. A copy of the request shall be sent to the appropriate dean and the office of the president. Failure of the employee to file the request shall bar the employee from subsequent complaint regarding such non-compliance with the above-stated scheduling requirement. Upon receipt of this request, the dean or president shall cause appropriate remedial action to be taken to insure compliance with this provision.

In those institutions that operate on a basis other than semester (such as trimester or quarter system), the evaluation provisions of the article, where applicable shall apply only to two of the three trimesters or two of the four quarters.

Annual evaluations for HEO series employees shall state whether the evaluation is satisfactory or unsatisfactory and will form the basis for reappointment.

An employee with a Certificate of Continual Administrative Service (13.3b) may be terminated after at least three consecutive unsatisfactory evaluations in three successive fiscal years or must have three consecutive evaluations in three successive years in which institutional factors resulting in the abolition of the position /functions are outlined.

When a decision is made to terminate an employee under the above conditions, the President or his/her designee shall advise the candidate in writing that his /her employment shall be terminated 120 calendar days from the date of such communication.

6. ABANDONMENT

When a non-certificated member of the instructional staff does not appear at the college to perform his/her duties and fails to receive an authorized leave of absence, it is considered an abandonment of position and the college shall have no further obligation to that individual under the following circumstances: for a full-time employee such abandonment shall be deemed to have occurred after 10 consecutive days of absence, other than Saturdays, Sundays and legal holidays. The college shall notify the employee in writing by certified mail that abandonment of position has occurred.

7. SUBSTITUTE APPOINTMENTS

Article 9.7 of the PSC-CUNY collective bargaining agreement stipulates that “substitutes are temporary employees appointed to fill vacancies caused by leaves and/or emergencies.”

To fill a non-teaching instructional staff position during a search, a person may be appointed as a substitute. An individual may serve at a particular college for no more than two six-month periods out of any 24 months. Then, the individual may not serve as a substitute in any instructional staff position (*i.e.*, either teaching or non-teaching) at that college for at least 12 months. (Note that an individual may be appointed as a substitute in the Higher Education Officer series for a period of time up to the length of time needed to fulfill the requirement of Section 13.10 of the collective bargaining agreement.)

Substitute appointments are made

- To fill a position during a contractual disciplinary proceeding or legal proceeding challenging the severance of an incumbent’s employment, the appointment may be for the duration of proceedings until a final disposition

- To fill a position during the prolonged disability of an incumbent, a substitute may be appointed until the return of the incumbent or the severance of the incumbent's employment (at which time the rules governing vacancies during a search pertain as long as the authorization to conduct a search is issued during the same semester as the severance of employment or at the beginning of the next semester)
- To fill a vacancy owing to the death or unanticipated resignation or retirement of an incumbent, a six-month appointment may be made up to a maximum of two consecutive six-month periods. (As soon as authorization to fill the vacancy is issued, the rules governing searches pertain)
- To fill a vacancy owing to a leave of absence, including Travia Leave, a substitute appointment may be made for the duration of the leave.

Note that these limitations do not prevent individuals from serving in regular, non-substitute positions or in hourly positions at the college, or from serving in substitute positions at another college during the period in which they cannot be appointed in a substitute position at the first college.

Particular situations may require that the limitations on consecutive substitute appointments be waived. Such waivers must be signed by the PSC President and the Chancellor, or their designees. For this purpose, the Chancellor's designee is the University Executive Director for HR Policy and Strategy. Requests for waivers require extensive justification and are considered on a case-by-case basis.

While a search is not necessary to fill a position with a substitute appointee (*e.g.*, prolonged disability leave, Travia leave, etc.), the search for the position in which a substitute is placed because it is vacant must commence as soon as possible. It is recommended that the posting for the position be made simultaneously with the substitute appointment.

7.1 Service Credit:

Substitute service occurring between creditable service before and after the substitute service, with no break in service, acts as a bridge.

Service as a substitute counts for purposes of movement within salary schedule and salary schedule changes.

An individual who has served as a substitute in a Higher Education series title and who then receives a consecutive regular appointment in a Higher Education series title at the same college may receive up to two (2) years of service credit toward a 13.3 b appointment for the substitute service under two scenarios:

- a) If an individual serves as a substitute for two consecutive years and then receives a consecutive regular appointment, both years of substitute service are creditable.
- b) Where substitute service is not consecutive, an individual may still earn up to two years of creditable service provided that one year of substitute service immediately precedes the regular appointment and no more than one year intervenes between the years of substitute service.

All other rules for the calculation of service credit for substitute service will be the same as for other service. The following example illustrates this principle:

An individual receives the following appointments:

7/1/13 – 6/30/14:	2 six-month appointments as a substitute
7/1/14 – 6/30/15:	no regular or substitute appointments
7/1/15 – 6/30/16:	2 six month appointments as a substitute
7/1/16 - 6/30-17:	a regular appointment as a Higher Education Assistant

In the above example, the individual would receive two years of service credit for the substitute service because:

- 1) the substitute service occurred at the same college,
- 2) no more than one year intervened between the two years of substitute service, and
- 3) at least one of the years of substitute service was immediately contiguous to the regular appointment.

The individual's regular appointment on 7/1/16 will be considered the second reappointment, *i.e.*, the beginning of the person's third year of service, for purposes of credit toward a 13.3 b appointment, as well as for the schedule of notification of reappointment under Article 13.13.

Notwithstanding the foregoing, an individual appointed to a position in the Higher Education Officer series must serve at least one full year in the position before achieving a 13.3 b appointment.

7.2 Evaluation:

Substitutes must be evaluated in accordance with the terms of Article 18 of the PSC-CUNY Agreement. Substitutes are not subject to the reappointment process. They do not receive notice of reappointment, inasmuch as they are not considered for reappointment. Substitutes may be given up to a six-month appointment as substitute, consistent with the terms of the settlement agreement.

7.3 Benefits:

Substitute instructional staff members have the same welfare and pension benefits as regularly-appointed, annual-salaried instructional staff. Except as limited under existing University leave policies, substitute instructional staff members have the same leave entitlements as regularly-appointed annual-salaried instructional staff.

8. COMPENSATION

Salary schedules and special compensation programs applicable to HEOs are included in the PSC/CUNY collective bargaining agreement and may not be modified for employees who are covered by the collective bargaining agreement.

The compensation system for HEOs nonetheless serves many purposes and provides the colleges with considerable flexibility in using the system to attract new talent, retain existing employees, acknowledge years of service, recognize excellence in performance, and compensate increased responsibilities. In exercising this discretion, the colleges must be vigilant in applying the requirements of the PSC/CUNY collective bargaining agreement, University policies, and good compensation practice.

The colleges have considerable discretion in determining compensation; all salary steps are regarded as appropriate within a HEO title. In making initial salary offers or pay changes, the college should consider the experience and expertise that the person brings to the particular position, the market for such skills, opportunities for advancing to higher steps in the pay structure, and the comparable pay of others in

the organization performing work of similar value. The colleges must exercise prudent fiduciary management and comply with applicable laws and contractual constraints.

OHRM is available to consult with colleges, when requested, regarding compensation models, comparability across colleges, and particular rates in specialized fields. All compensation decisions are subject to audit. The University will intervene in compensation determinations only in those situations in which actions taken by the college conflict with contracts, specific University policies, sound compensation practices or applicable laws.

8.1 Salary Increases Based On Additional Responsibilities

The colleges may from time to time recognize increased responsibility by granting a salary increase. The purpose of such an increase is to relate the employee's compensation to the level of responsibility. When additional responsibilities have been assumed (short of warranting reclassification), a salary increase may be appropriate. In reviewing and approving these adjustments to compensation, the College HEO Committee should be guided by the following considerations:

One and Two Step Increases:

The College HEO Committee should be satisfied that a significant increase in responsibilities is documented. College Presidents may recommend salary increases within the salary schedule of one or two steps to the Board of Trustees.

Increases of Three or More Steps

In addition to the above, the College HEO Committee should consider the following:

- the employee's entire performance history and contributions to the college, including specifics about the extraordinary nature of the accomplishments;
- the salary history of the employee at the college, including all full-time appointments and any other increases which the employee has received;
- pre- and post-job descriptions which clearly identify the new job duties when those duties are a factor in the justification for the multiple step increase

Increases of three or more steps should only be considered by the College HEO Committee in cases of significant expansion of job responsibilities. Recommendation of three or more steps require extensive justification and OHRM review and approval.

8.2 Five-Year And Seven-Year Steps

The last two steps on the salary schedule are known as the five-year step and the seven-year step. The five-year step derives its name from the fact that, in general, an employee must serve five years on the step immediately preceding it (known as the last one-year step) before becoming eligible for the increment. Similarly, the seven-year step derives its name from the fact that an employee must, in general, serve two additional years, at the five-year step, before becoming eligible for it.

A college may find it necessary to use the five-year and seven-year steps in recruiting for particular positions, however, the college must remain mindful of salary stagnation for the individual and issue of equity on campus.

8.3 Salary Above Base

In rare and unusual circumstances, a college may request a salary above the base for a HEO series employee in the Higher Education Assistant, Higher Education Associate and Higher Education Officer

titles for purposes of recruitment and retention. The procedure in Appendix C of the PSC-CUNY collective bargaining agreement apply and the College must submit extensive justification for such an action to be approved by OHRM.

8.4 Salary Differentials

Based on advanced degree:

Section 24.8 of the PSC/CUNY collective bargaining agreement provides that Assistants to HEO who hold a master's degree from an accredited university in a field related to their work will receive an annual salary differential of \$1,000. Employees in the Assistant to HEO title who hold a doctorate in a job-related field from an accredited university will receive an annual salary differential of \$2,500. Employees reclassified to other titles will no longer be eligible for the salary differential.

Employees appointed to *substitute* CLT Series titles and Assistant to HEO titles are not eligible for the annual Advanced Degree Salary Differentials.

Based on excellence in performance or increased responsibilities within title:

Section 22.5 of the PSC/CUNY collective bargaining agreement provides that Assistants to HEO, HEO Assistants, or HEO Associates who have completed one or more years of service at the top salary step in their respective salary schedules shall be eligible for a discretionary assignment differential of \$2,500 to be added to their annual base salary, based upon excellence in performance or increased responsibilities within the title.

Eligible employees may be nominated by their supervisors or may nominate themselves to receive the differential. Initial review of nominations shall be performed by the labor-management committee as constituted in Section 15.4 (f) of the collective bargaining agreement. Positive recommendations from the labor-management committee shall be forwarded to the College HEO Committee; positive recommendations from the College HEO Committee shall then be forwarded to the President or the President's designee for decision, subject to approval by the Board of Trustees. These transactions will be effective the date of the President's/President's designee's approval.

College HR must verify that the employee has completed one or more years of service at the top salary step in his/her respective salary schedule. It is recommended that the college HR Office review the statement outlining the rationale for the differential to determine if the employee's job description should be updated and/or a reclassification or functional title change is warranted.

8.5 Other Compensation Issues

8.5.1 Salary Upon Reclassification to a Higher Title

There is no obligation on the part of the college to accompany a reclassification with a salary adjustment. The college may choose to offer an advancement of one or more steps at its discretion. Attention should be paid that such discretion is exercised in a consistent manner for persons similarly situated.

8.5.2 Frequency of Salary Adjustments

As a general rule, salary adjustments should be limited to not more than once a year.

8.5.3 Salary Upon Return of a Substitute to a Lower Title

When a substitute appointment to a higher title ends, pay increases associated with the special service in the higher title are not retained upon the return of the employee to the prior lower position.

However, the person is eligible for the “automatic step increase” due in the lower title and would be placed accordingly in the salary step schedule.

8.6 Intra-University Mobility Policy

Colleges must bear in mind the requirements of the Intra University Mobility Policy. The Director of Human Resources of the hiring college must consult with the Director of Human Resources of the college at which the incumbent is employed before a formal offer is made to the employee.

The college at which the incumbent is employed may make efforts to retain the individual or, in the alternative, prepare for the employee’s departure. It is anticipated, for example, that the college of current employment would negotiate the effective date of the appointment with the new college.

If the job offered is at the same payroll title and involves functions similar to those currently being performed, the salary offered may not exceed the applicant’s current salary by more than 10%. If the job offered presents special circumstances, such as unusual complexity, an additional amount up to 10% of the applicant’s current salary may be approved by the Vice Chancellor for Human Resources Management.

If the job offered is at a different payroll title and involves functions substantially different from those being currently performed, the salary offered should be established at a rate appropriate to that function in the University consistent with market considerations. (The term “market considerations” means, for these purposes, those considerations normally used in establishing an appropriate salary, including, but not limited to, salary comparisons with similar positions within the University and outside of the University, and the college’s budgetary capacity).

8.7 Step Movement Date/Anniversary Date

HEO series employees are subject to the step movement as outlined in the salary schedule. An employee’s step movement date will most likely not change if appointed to a different HEO series position, either within or across colleges without a break in service (*e.g.*, if the employee’s step movement is January 1 in the old position, then the employee’s step movement date remains January 1).

The step movement date of an individual in a HEO series title will change from January 1 to July 1, or *vice versa*, if all of the following circumstances are present:

- 1) the individual was reclassified or otherwise appointed to a higher title in the series;
- 2) the individual had been on a step in the lower title for longer than 11 months (*e.g.*, on the last one-year step or on the five-year step; and
- 3) the other step movement date is closer in time to the new appointment than the individual's current step movement date.

(Example: Jane Doe, a Higher Education Associate who has a July 1 increment date, has been on the last one-year step for three years. Her position is reclassified to a Higher Education Officer position, effective September 1, and she has been placed in the middle of the Higher Education Officer salary schedule. Because she has served over 11 months at the last one-year step on the Higher Education Associate salary schedule, she will be eligible for an increment on the following January 1 on the Higher Education Officer schedule.)

An employee appointed at the last one year step or 5 year step will move to the next salary step exactly 5 years or 2 years respectively, on the employee’s anniversary date. For example, an employee is hired

on November 11, 2015 at the last one year step, s/he will move to the 5 year step on November 11, 2020.

9. WORKLOAD

As per Article 15.4 (b), members of the non-classroom Instructional staff shall have a workweek of thirty-five hours as assigned. Employees assigned to a non-air-conditioned facility shall end their work day one hour earlier than scheduled commencing on the Monday following the Spring commencement through August 29 of that year.

Employees shall not be required to work an excessive number of hours, or to be assigned an unreasonable schedule, it being recognized by the parties that members of the staff have the obligation to perform their responsibilities in keeping with the proper staffing of the day session, evening session, summer session, extension divisions and special programs of the University.

It is understood that split schedules do not meet the definition of a reasonable schedule. A split schedule is a schedule in which the hours assigned are not consecutive except for meal periods.

9.1 FLSA Status and Overtime /Compensatory Time

HEO Series employees represented by the PSC who are exempt and non-exempt under the FLSA and who are assigned by their supervisor to work more than 35 hours during the workweek shall receive compensatory time, on an hour for hour basis, for hours assigned between 35 and 40 hours.

Employees who are exempt under the FLSA and who are assigned by their supervisor to work in excess of 40 hours during the workweek shall receive compensatory time, on an hour for hour basis for hours assigned in excess of 40 hours a week.

Employees who are non-exempt under the FLSA shall receive overtime payment at the rate of time and one-half for the hours worked in excess of 40 hours in a week.

In order for a HEO series employee to be eligible for compensatory time and overtime, the following standards apply:

- Assigned hours calculated towards compensatory time or overtime are defined as hours a HEO series employee is assigned to work in excess of his/her usual 35-hour workweek, as, for example, when a supervisor assigns a HEO series employee to work for three hours on a Saturday, in addition to his/her regular Monday to Friday 35-hour workweek.
- Assigned hours calculated towards compensatory time or overtime could also be hours a supervisor assigns to a HEO series employee to perform a specific project in addition to his/her usual responsibilities, which in the opinion of the supervisor, will require the employee to work beyond his/her regularly scheduled 35-hour workweek for a defined period in order to complete the project in time.
- The general rule for HEOs is that any assigned hours beyond the 35-hour workweek must be approved in advance in writing by the manager or supervisor and by such administrator(s) as designated by the College President. The employee's time records must reflect the additional hours worked. Any urgent or emergency situations that result in extended hours should be approved as soon as possible within the bi-weekly period in which they occur barring extraordinary circumstances.

- To the extent possible, the supervisor shall provide the employee with 48 hours' notice of the assigned compensatory time or overtime.

Use of compensatory time

- Compensatory time earned during a quarter of the contractual HEO "leave year" (September 1 – August 31) shall be scheduled to be used as promptly as possible within the quarter but no later than thirty (30) calendar days after the end of the quarter in which the compensatory time was earned. The use of compensatory time shall be scheduled by the supervisor, in consultation with the employee.
- All represented HEOs shall be provided with a quarterly balance statement of compensatory time. This will include accrued and used compensatory time, if any.

10. MULTIPLE POSITION

A multiple position is an assignment to a different job than the employee's regular full-time employment. A continuation of the employee's normal work at the employee's college of full time employment beyond the hours specified in the collective bargaining agreement is not a multiple position.

No multiple position may be assigned during the employee's normal working hours.

Employees accepting multiple position employment at a CUNY college other than in the unit of full-time employment must give written notice to the Director of Human Resources of the unit of full-time employment prior to commencing the assignment.

Employment on a multiple position for extra compensation is limited to an average of three classroom contact hours per week for teaching assignments or six hours per week for non-teaching assignments University-wide. Under special circumstances, the president may approve an additional teaching assignment of up to three classroom contact hours.

Employees shall receive the appropriate contractual non-teaching adjunct rate for non-teaching assignments and the appropriate contractual teaching adjunct rate for teaching assignments and psychological counseling.

11. LEAVES

11.1 Annual Leave:

HEO series employees accrue annual leave as follows:

- During the first year of service: 15 days
- During the 2nd through 11th year of service and thereafter: 15 days plus on additional day for each year of service to a maximum of 25 days.

Employees who had full-time continuous service in the classified Civil Service shall receive credit for the years of service for the purpose of determining the annual leave entitlement.

HEO series employees working a 35-hour workweek receive regular holidays with pay for the following:

- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving and following Friday
- Christmas Eve and Christmas
- New Year's Eve and New Year
- Martin Luther King, Jr.'s Birthday
- Lincoln's Birthday
- Presidents' Day
- Memorial Day

Holidays that Occur on a Saturday or Sunday:

If a holiday falls on a Saturday or a Sunday, which is not a regular work day for the employee, it is observed on the Friday before or the Monday following as designated by the University or, at the option of the University, may be designated as an unscheduled holiday, to be taken following the holiday for which it is substituted, but prior to the end of the annual leave year, with the prior approval of the employee's supervisor.

Use of Annual Leave:

Employees are expected to use their annual leave time within the annual leave year in which it is earned. Employees are allowed to accumulate earned but unused annual leave up to a maximum accrual not to exceed forty-five (45) working days as of August 31 of any year. However, any employee, who has, as of August 1, 1987, accumulated annual leave in excess of 45 days working days shall have a personal accrual maximum equal to the number of days accrued as of August 31, 1987.

Not later than March 1, any employee who will have an annual leave accumulation in excess of forty-five (45) days or in excess of the personal accrual maximum unless sufficient annual leave time is taken prior to August 31, shall submit to their supervisor a written request to use such excess annual leave before the end of the current annual leave year (September 1 – August 31). The office shall in writing approve the annual leave request or if the office so requires, offer an annual leave schedule within the current annual leave year.

If the supervisor has denied the request and has not offered an alternative plan or has not acted by April 1, the employee shall submit a written request to the senior executive designated by the President of the college who shall in writing within 30 calendar days of receipt of the employee's request, approve the annual leave, provide an alternate plan for the use of the excess time, and, if there are compelling institutional reasons approve of the carry-over of the excess annual leave time.

Unless the above procedure is followed, the annual leave balance in excess of forty-five working days or in excess of the personal accrual maximum as of August 31, 1987 will be deducted from the employee's accrual balance on each August 31, at the close of business.

Should the employee resign, retire or die, the college will compensate the employee or the employee's estate for the actual balance on record as of the last date of employment. In the case of an employee whose original date of appointment to a full-time position in the instructional staff is January 1, 1988 or later, payment shall be for not more than 45 days or the actual accrual, whichever is less, unless the accrual in excess of 45 days has been approved, in accordance with the provisions of Article 14.9 of the PSC/CUNY collective bargaining agreement.

Attendance at professional conferences which are approved by the college and enhance the individual's professional performance and growth shall not be charged to annual leave.

Scheduling Annual Leave:

Annual leave periods, including leave taken to reduce excess accruals, must be scheduled with the approval of supervisors, subject to review and approval by a senior executive of the college, at times when there will be no disruption of the normal functioning of the college.. Except when used for personal emergencies, annual leave must be scheduled and approved in advance.

11.2 Unscheduled Holidays:

There are four unscheduled holidays in the period September 1 - August 31 to be taken within the annual leave year. The record of unscheduled holidays available to and taken by each employee is maintained separately from annual leave balances or temporary disability leave balances. In no event are unscheduled holidays converted to annual leave or temporary disability leave.

The four established unscheduled holidays are made available for the use of employees who are in active pay status on September 1.

Calculating the use of Unscheduled Holidays:

In the event an employer-employee relationship ends prior to the specific dates listed below, an appropriate adjustment shall be made on a full-day basis, in the employee’s annual leave balance or the final paycheck of the employee.

Date	Number of unscheduled holidays to which an employee is entitled
July 1	One (1) day
October 1	One (1) day
January 1	One (1) day
April 1	One (1) day

Thus, an employee who uses four unscheduled holidays in July and resigns in December shall owe to the University two days of annual leave or two days’ pay. Employees who join the University or are appointed after July 1, October 1, or January 1, but prior to April 1, shall have a proportional number of unscheduled holidays available in units of one (1) full day. Thus, an employee who is appointed in December shall have two (2) unscheduled holidays available.

Use of Unscheduled Holidays:

A request to take a specific day as an unscheduled holiday is made in accordance with the usual practices at the college. Unscheduled holidays must be taken within the annual leave year in which they are earned, and they may not be carried into the next annual leave year.

11.3 Temporary Disability Leave (Sick Leave):

Temporary Disability Leave is defined as any temporary physical or mental incapacity including pregnancy, complications of pregnancy and childbirth. Employees are granted temporary disability leave of twenty (20) calendar days, exclusive of Saturdays, Sundays, and authorized holidays and recesses during each year of service. The unused portion of such temporary disability leave shall be cumulative to a maximum of one hundred sixty (160) calendar days during which the college is in regular session.

For the purpose of determining an individual’s allotment of temporary disability leave, this provision is effective as of the date of the employee’s appointment. Temporary disability leave is earned only after a full calendar month of service and no accruals or partial accruals shall be granted for service of less

than a full calendar month. A full calendar month of service shall represent service from the first working day through the last working day of a given month.

Computation of Temporary Disability Leave Use:

Temporary disability leave is calculated commencing from the date of first absence from assigned duties and includes all additional calendar days, exclusive of Saturdays, Sundays, and authorized holidays and recesses until such person's return.

Employees absent from duty because of temporary disability must inform their supervisor promptly who in turn shall inform Human Resources should the leave extend beyond 5 working days. In this instance, appropriate forms for Family and Medical Leave Act (FMLA) must be filed.

When the service of the employee is interrupted by reason of absence on a leave for the purpose of caring for a newborn infant, as outlined in Article 16.9 of the PSC/CUNY collective bargaining agreement, the period of creditable service immediately preceding such absence shall be counted in computing the years of service required for the granting of a Certificate of Continual Administrative Service (13.3 b)

Absence in Excess of Allotment:

Any absences in excess of the cumulative temporary disability leave accrued to the absentee shall be taken without pay, except that the Board of Trustees may, in cases of protracted disability or unusual hardship, hear recommendations from the President that this provision be waived in exceptional circumstances, without thereby establishing a precedent.

Leave Advance and Repayment:

Employees entitled to disability insurance benefits who have exhausted their temporary disability leave balance are advanced paid disability leave from the date of commencement of their temporary disability up to the commencement of disability insurance benefit payments, only upon presentation to the Director of Human Resources of satisfactory evidence, provided by a duly-licensed physician, of illness and a prognosis that such illness is reasonably certain to result in a long-term disability that will last more than six consecutive months. Upon the employee's return to duty such advanced temporary disability leave that had been provided must be repaid through assignment of future accruals. In the event the employee resigns or voluntarily leaves the University, the remaining value of the advanced temporary disability leave shall be deducted from remaining paychecks or otherwise reimbursed to the University.

11.4 Parental Leave:

Paid Parental Leave:

HEO series employees with a minimum of one year of service are entitled to a leave of absence with full pay to care for a newborn or newly adopted child up to one year of age for a period not to exceed eight weeks. Paid parental leave must be taken immediately upon the birth or adoption of the child. Substitutes who do not have an underlying regular annual appointment are not eligible for this leave.

The employee must give notice of intent to take paid parental leave to his/her department chair or unit head and to the Director of Human Resources at least three months prior to the proposed date of the leave or when the employee has knowledge of the impending birth or adoption, whichever occurs later.

If both parents are CUNY employees, one parent must postpone the commencement of his/her paid parental leave until the expiration of the other parent's paid parental leave. The couple would be

eligible for two consecutive leaves limited to a combined total of 14 rather than 16 weeks.

As with other paid leaves, the period during which the employee is on paid parental leave will count as service. Paid parental leave taken pursuant to this program will run concurrently with Family Medical Leave Act (“FMLA”) leave and the unpaid parental leave provided below, to the extent that such leave is available to the employee.

Unpaid Parental Leave:

Special leaves for the purpose of caring for a newborn infant are granted to upon notification to the President and application for such leave, provided the applicant has legal responsibility for the care and/or support of said child. Insofar as it is practicable, such leave shall begin on February 1 or September 1 unless the date of the birth of the child is such as to render these times inappropriate. The duration of the leave is ordinarily for one full semester. In exceptional cases, the President may terminate such leave during the college term, provided that there is an appropriate opening in which the applicant’s service may be utilized. An extension of such leave is permitted on request for a period not in excess of one year from the end of the original leave. No further extensions are permitted. If the duration of the leave is less than one calendar year, it is credited toward salary increments; if it is one calendar year or more, it is not to be credited toward salary increments.

11.5 Family and Medical Leave:

Employees are covered under the provisions of the Family and Medical Leave Act, which permits an eligible staff member to take a leave for the following purposes: for the birth of a son or daughter and to care for the newborn child, for placement with the employee of a son or daughter for adoption or foster care, to care for the employee’s spouse, domestic partner, or parent with a serious medical condition, or for the employee’s own serious medical condition or for any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

11.6 Dedicated Sick Leave Program

HEO series employees are eligible to participate in The City University of New York Dedicated Sick Leave Program. This program enables individuals who are employed full-time on an annual salary basis to donate sick leave and/or annual leave for use as sick leave by a seriously ill or injured eligible employee who has been designated by the donor. Eligible recipients may receive up to one-hundred and twenty (120) days or six (6) months of paid sick leave, whichever is greater, in any one program year (September 1 – August 31), inclusive of the annual leave period for teaching faculty. Donated leave may be approved in increments not exceeding two (2) months. The Dedicated Sick Leave Program permits donations of annual leave and/or sick leave across campuses and across titles. Staff members should contact the Human Resources Office for information regarding the details of the program.

11.7 Catastrophic Sick Leave Bank

HEO series employees are eligible to participate in The City University of New York Catastrophic Sick Leave Bank on the same basis as other CUNY employees. The Catastrophic Sick Leave Bank (CSLB) is a pool of sick leave and annual leave voluntarily donated by individuals who are employed full-time on an annual salary basis for potential use as sick leave by eligible full-time employees who are also donors to the bank. Eligible recipients may receive up to ninety (90) days of paid CSLB leave in any one (1) program year (September 1 – August 31). CSLB leave may be approved in increments not to exceed one (1) month. The Catastrophic Sick Leave Bank is administered centrally by the University’s Benefits Office.

Staff members should contact the Human Resources Office for information regarding the details of the program.

11.8 Bereavement Leave

All full-time instructional staff members shall be entitled to up to four (4) days of paid bereavement leave for a death in the immediate family (defined as spouse, domestic partner, parent, step-parent, father-in-law, mother-in-law, child, stepchild, sibling, grandparent or grandchild). Proof of bereavement shall be provided upon request made by the department chair, supervisor, or the College Human Resources Department. Instructional staff members shall notify their department chair or supervisor of the need for the leave as soon as possible.

12. RETIREMENT

HEO Series employees are covered by Article 27 of the PSC CUNY collective bargaining agreement.

Staff who are members of a public retirement system and who meet the eligibility requirements for service retirement, and those who are members of the optional retirement program and who meet similar eligibility requirements to those of the public retirement system, who announce their bona fide intention to retire and file the appropriate application to retire, are granted a retirement leave of absence with full pay (known as "Travia Leave") consisting of one-half of their accumulated unused temporary disability leave up to a maximum of one semester, or the equivalent number of school days, if the employee has the maximum accrual of 160 days. The terms and conditions relating to the counting of such days, intervening vacation periods, cancellation of such leave, reinstatement to active service, etc., are governed by Section 3107 of the State Education Law.

While on Travia Leave, the staff member remains on payroll, and pension benefits may not begin until the Travia Leave is exhausted and the employee is no longer on the payroll. He/she does not continue to earn temporary disability leave, annual leave or unscheduled holidays while on Travia Leave.

To receive Travia Leave, the employee must:

- a. Participate in one of the public retirement systems (such as NYCERS or TRS) or the Optional Retirement Program (TIAA/CREF) and be eligible for pension benefits;
- b. Announce his/her bona fide intention to retire and file the appropriate retirement application;

For employees who participate in one of the public retirement systems (*e.g.*, NYCERS or TRS), the eligibility requirements for Travia Leave are the same as the eligibility requirements for paid service retirement, *i.e.*, a combination of years of service and age, which vary depending upon the date of hire.

For employees who participate in the Optional Retirement Program, the eligibility requirements for Travia Leave are generally 55 years of age with a minimum of five years of service.

13. JURY DUTY

HEO series employees required to serve on a jury or are required to report to court in person in response to a jury duty summons or are required to report for jury examination or to qualify for jury duty shall receive their regular salary during such absences, provided that they remit to the university an amount equal to the compensation received by them, if any for jury duty.

14. WAIVER OF TUITION FEES

HEO series employees are eligible for a waiver of tuition fees for unlimited undergraduate credit-bearing courses and six (6) graduate credit-bearing courses offered by the University during fall or spring semesters in accordance with the CUNY Employee Tuition Waiver Policy.

15. PROFESSIONAL DEVELOPMENT

Full-time employees in the HEO series are eligible to apply for professional development grants pursuant to Article 33.5 (a) of the collective bargaining agreement.

16. REVIEWS OF DELEGATED COLLEGE PERSONNEL ACTIONS

HRAS will conduct periodic, routine and specialized reviews of personnel actions pertaining to the HEO series. These reviews are intended primarily to ensure compliance with University policies and procedures.

17. COLLEGE HEO COMMITTEE

The College HEO Committee, whose members are named by the president, shall review and recommend to the president appointments, salary step increases, reclassifications, reorganizations, and such other personnel actions as may be appropriate for the higher education series employees. Colleges must provide written notification of the name and title of the chair of the college's HEO Committee to OHRM, and written notification if there is a change of the chairperson.

It is recommended that the college's Human Resources Director, the Chief Diversity Officer and the Labor Designee be appointed to the committee in an ex-officio capacity. They may be either voting or non-voting members of the committee. The college Human Resources Director also serves as liaison to OHRM. In addition, one member of the HEO Committee must be designated as the committee's secretary.

All documents pertaining to appointments, salary increases, reclassifications, reorganizations and other personnel actions considered and approved must be signed by the Chair of the College HEO Committee.

The Office of Human Resources will provide supervisors and managers with the schedule of the College HEO Committee meetings and the name and title of the chair of the Committee at the beginning of the academic year. Employees requesting the schedule of meetings may contact the Office of Human Resources.

A request for reclassification may be initiated by an employee or the appropriate supervisory personnel by submitting the **Higher Education officer Series – College HEO Committee Form for Reclassifications submitted by Employee or Supervisor**, and relevant documents to the Chair of the College HEO Committee. *(A college may follow its existing processes when the reclassification request is submitted by the college administration.)* The Chair of the College HEO Committee may request the College HR Director to undertake any of the following in order to facilitate the review by the College HEO Committee:

- a preliminary review of the submitted documents
- confirmation of the description of the current duties and responsibilities, as provided by the requester, which may include discussions with the immediate supervisor, if the request has been made by an employee
- securing any missing or additional documents that the College HEO Committee deems necessary to inform their review of the request

As with all reclassification requests, a positive recommendation from the College HEO Committee shall be forwarded to the President or the President's designee for consideration. A President's or President's designee's positive recommendation will be forwarded to the College HR Director. The College HR Director will prepare the appropriate documents for submission to OHRM/HRAS for consideration and approval. HRAS will review the documentation, contact the college with any questions, and provide the College Director of Human Resources of the University's reclassification decision. If the reclassification is approved, HRAS will confirm the approved salary and effective date. After receiving reclassification approval from HRAS, the college then enters the approved action into CUNYfirst and payroll. The college cannot enter a reclassification into CUNYfirst or payroll until after HRAS approves the reclassification.

It is recommended that the college HR Director inform the requester (employee or supervisor) of the date when the College HEO Committee will consider the reclassification request. Subsequently, the College HR Director shall notify the person who has submitted the request of the determination by the College HEO Committee and the President/President's designee, by providing a copy of the application to the employee or supervisor.

18. HEO LABOR MANAGEMENT COMMITTEE

There will be a Labor-Management Committee on each campus composed of three (3) members designated by the President of the College and three (3) members designated by the PSC. Responsibility of chairing the committee will alternate annually between labor and management representatives. The committee will hear concerns from individuals in the Higher Education Officer series concerning workload and will also provide the initial review of requests for an assignment differential, in accordance with Section 22.5 of the Agreement.

Request for Workload Review:

A HEO series employee who has concerns about his/her workload must complete the **Higher Education Officer Series – Labor –Management Committee – Workload Concerns Form**, including any and all necessary documentation outlined on the form. The form and documentation must be submitted to the College's Labor Designee for transmission to the Chair of the HEO Labor-Management Committee for review by the HEO Labor-Management Committee. The Committee may make a non-binding recommendation and forward the recommendation to the President and the College's Labor Designee. A copy of the form should be returned to the employee who submitted the request.

Request for Assignment Differential:

Assistants to HEO, HE Assistants, and HE Associates who have completed one or more years of service at the top salary step in their respective salary schedules shall be eligible for a discretionary assignment differential of \$2,500 to be added to their annual base salary, based upon excellence in performance or increased responsibilities within the title. Eligible employees may be nominated by their supervisors or may nominate themselves to receive the differential.

Assistants to HEO, HE Assistants, and HE Associates or their supervisors must complete the **Higher Education Officer Series – Labor –Management Committee – Application for Assignment Differential** and submit it along with relevant documentation outlined on the form to the College HR Director. The College HR Director will verify that the employee has completed one or more years of service at the top salary step in his/her respective salary schedule.

The College HR Director will forward the documents to the Chair of the HEO Labor-Management Committee for review. The HEO-Labor Management Committee may request additional documents to support the request from the person submitting the request. A positive recommendation from the HEO Labor-Management Committee shall be forwarded to the College HEO Committee for review. A positive recommendation from the College HEO Committee shall be forwarded to the President/President's Designee. If approved, the college should enter the transaction in CUNYfirst.

The transaction will be effective the date of the President's/President's Designee's approval. Assignment differentials cannot be effective retroactively or prospectively. The college does not have to submit this transaction to OHRM/HR Advisory Services (HRAS) for approval.

19. CHANCELLOR'S UNIVERSITY REPORTS

All appointments, reappointments, reclassifications, and salary adjustments are reported in the Chancellor's University Report for approval by the Board of Trustees.

It is the responsibility of the college to ensure the accuracy of all actions submitted to the Board of Trustees through the Chancellor's University Report.