SECTION III
APPOINTMENT AND EMPLOYMENT

The section of the handbook details appointment and employment regulations laid out by contact, State and Federal Law, or those otherwise outside of the scope of Faculty/Staff governance. Most of this section will refer to policies found in the Human Resources Employee Policy Manual. This section is maintained by the Office of Human Resources.

III.A. APPOINTMENT OF EMPLOYEES

Faculty and professional staff are appointed in a variety of ways. The President, after seeking consultation, may appoint, reappoint, or recommend to the Chancellor for reappointment or promotion as appropriate, those persons who in his/her opinion are best qualified. Consultation is defined as consideration of recommendations of academic or professional employees, search committees, or other appropriate sources. See Article XI Policies of the Board of Trustees for additional information.

III.A.1. Continuing Appointment

Continuing appointments are made to positions of academic rank which are unaffected by changes in rank and continue until resignation, retirement or termination. Continuing appointments are made by the Chancellor upon consideration of the recommendations of the President. Continuing appointment as a Professor, Associate Professor, Librarian or Associate Librarian may be made at any time or after initial appointment provided that after three consecutive years of service any further employment must be on a continuing basis. The Master’s degree is the minimum credential for continuing appointment to the teaching ranks at the College. Continuing appointments as Assistant Professor, Instructor, Senior Assistant Librarian or Assistant Librarian may be made by the Chancellor following seven years of service provided, however, that further employment following seven years of service in a position of academic rank must be in a continuing appointment basis. Service credit, up to three years, for any satisfactory full time experience in academic rank at any accredited academic institution of higher education, may be granted by the President or designee, after written request by the employee not later than six months after the initial appointment.

III.A.2. Permanent Appointment

Permanent appointments are made to professional titles, except those titles that are listed in Appendix A of Article XI of the Policies of the Board of Trustees, and continue until a change in title, resignation, retirement or termination.

Permanent appointments are made by the Chancellor upon consideration of recommendations by the President. Professional employees are eligible for permanent appointment, except as indicated below, after completion of seven consecutive years of service, the last two of which have been in the professional title to which permanent appointment may be granted. Up to three years of service credit for service in a professional title at another SUNY unit may be granted at the discretion of the President, after written request by the employee no later than six months after the date of initial appointment.

a. Upon completion of three consecutive years of full-time services as a professional employee at that College, the last year of which has been in that professional title, a professional employee in either a SL-1 or SL-2 ranked position may request early consideration for permanent appointment. Such request must be in writing and submitted to the President of the College no later than nine months prior to the date upon which such employee would otherwise receive written notice that a term appointment is not to be renewed upon expiration. In the event the
President of the College grants the employee’s request for such early consideration, any further employment of that employee after completion of five consecutive years of full-time services as a professional employee at the College, the last two years of which have been in that professional title, must be on the basis of permanent appointment; provided, however, that such appointment shall not be effective until made so by the Chancellor.

b. Upon completion of four consecutive years of full-time service as a professional employee at the College, the last year of which has been in that professional title, a professional employee in either a SL-1 or SL-2 ranked position may request early consideration for permanent appointment. Such request must be in writing and submitted to the President of the College no later than nine months prior to the date upon which such employee would otherwise receive written notice that a term appointment is not to be renewed upon expiration. In the event the President of the College grants the employee’s request for such early consideration, any further employment of that employee after completion of six consecutive years of full-time service as a professional employee at the College, the last two years of which have been in that professional title, must be on the basis of permanent appointment; provided, however, that such appointment shall not be effective until made so by the Chancellor.

III.A.3. Term Appointment

Term appointments may be granted to any person serving in a position in the Professional Services Bargaining Unit and are for a specified period of time up to three years. In the event a term appointment is not to be renewed upon expiration, the appointee will be notified not less than:

a. Three months prior to the end of a term expiring at the end of the employees first year of uninterrupted service, but not later than March 31 for terms ending June, July or August:

b. Six months prior to the end of a term expiring after the completion of one but not more than two years of uninterrupted service, but not later than December 15 for terms ending in June, July or August:

c. Twelve months prior to the expiration of a term after two or more years of uninterrupted service.

III.A.4. Five Year Term Appointments

Five year term appointments may be granted to persons serving in titles listed in Appendix A Title XI of the Policies of the Board of Trustees and are subject to the same appointment and renewal procedures as term appointments:

III.A.5. Part-Time Service Term Appointments

A term appointment may be given to any person appointed to or serving in a position designated as being in the Professional Services Negotiating Unit. In the event a part-time term appointment is not to be renewed upon expiration, the employee will be notified not less than 45 calendar days prior to the end of a part-time service appointment.

Further employment at any college of an individual who has been employed at that College on a part-time basis for six consecutive semesters in a position designated as being in the Professional Services Negotiating Unit shall be on the basis of a term appointment. In computing consecutive semesters of part-time service for the purposes of appointment or reappointment under this subdivision, periods of leave of absence at partial salary or without salary shall not be included, but shall not be deemed an interruption of otherwise consecutive service. An individual who has been granted term appointment but for whom classroom enrollment is inadequate shall have no entitlement to salary, benefits, or any other

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rights or privileges.

In the event the service of such an individual is interrupted for a period of four consecutive semesters or more, the Chief Administrative Officer of the College may grant the employee any type of appointment as in his judgment is appropriate.

III.A.6. Temporary Appointments

Temporary appointments may be given to any person serving in a position in the Professional Services Bargaining Unit and are made by the President. Temporary appointments may be terminated at any time and are normally given when service is part-time, voluntary, anticipated to be for a period of one year or less and in situations where appointment is made to a position vacated by a professional employee serving a probationary appointment.

III.B. ATTENDANCE AND LEAVE

For institutional accountability and protection of the employee, any absence from campus, on college business, requires the completion of an application for absence form. This form should be submitted to and approved by the immediate supervisor no later than three (3) days prior to absence and may be required for all absences in certain instances. In addition, all employees must complete a monthly record of attendance form which must be returned to the Human Resources Office no later than two (2) weeks following the end of the month. (see Article XIII SUNY Policies of Board of Trustees)

III.B.1. Sick Leave

All members of the Professional Services Negotiating Unit accrue sick leave on a monthly basis for any month in which they are in full pay status for more than half of the month. Full time employees hired prior to July 1, 1982 accrue sick leave at the rate of 1.75 days for each month of their professional obligation. Full time employees hired on or after July 1, 1982 accrue sick leave at the following rate:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Monthly accrual rate</th>
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<tbody>
<tr>
<td>0-1</td>
<td>1.25 days</td>
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<tr>
<td>2</td>
<td>1.33 days</td>
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<td>3, 4, 5</td>
<td>1.50 days</td>
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<tr>
<td>6</td>
<td>1.67 days</td>
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<tr>
<td>7</td>
<td>1.75 days</td>
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Sick leave may be accumulated up to a maximum of 200 days.

Part-time employees accrue sick leave as follows:

- Academic employees who teach:
  - 1 course ¼ day per month
  - 2 courses ½ day per month
  - 3 courses 1 day per month

- Professional employees who earn:
  - up to $12,483 ¼ day per month

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$12,484 to $18,835  1/□ day per month
$18,836 to $25,186  1 day per month
$25,187 or higher  1 ¼ day per month

Sick leave may be used for any temporary mental or physical impairment of health which disables an employee from the full performance of duty. The President may require an employee to provide suitable medical evidence from the employee’s physician to substantiate a claimed temporary disability.

Sick leave, up to a maximum of thirty days and subject to the approval of the President, may be utilized for absences necessitated by a death or illness in the employee’s family.

Additional sick leave may be granted at the discretion of the President following the exhaustion of available sick leave accruals.

III.B.2. Sick Leave Monitoring Program

The College routinely monitors the amounts of sick leave utilized, as well as the way it is utilized, as a part of a sick leave monitoring program for all employees. One purpose of the program is to reduce excessive absenteeism and to help identify patterns of potential abuse. Another purpose is to assist employees in understanding the significant benefit of sick leave towards the cost of retiree health insurance and in the benefits of paid time off during a time of extended illness.

III.B.3. Maternity Leave

Disabilities arising from pregnancy or childbirth are treated the same as other disabilities in terms of eligibility for sick leave with and/or without pay. Employees may charge any absence during the period of medical disability prior to and after birth to accumulated sick leave. Other leave credits may be utilized after the period of disability, subject to the approval of the President.

III.B.4. Vacation Leave

Professional staff accrue vacation leave on a monthly basis for any month in which they are in full pay status for more than half the month. Full time employees hired prior to July 1, 1982 accrue vacation leave at the rate of 1.75 days for each month of their professional obligation. One additional day of annual leave is accrued on January 2. Full time employees hired on or after July 1, 1982 accrue vacation leave at the following rate:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Monthly accrual rate</th>
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</thead>
<tbody>
<tr>
<td>0-1</td>
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<td>1.67 days</td>
</tr>
<tr>
<td>7</td>
<td>1.75 days</td>
</tr>
</tbody>
</table>

Vacation leave may be accumulated up to a maximum of 40 days. Part time employees accrue vacation leave as follows:

<table>
<thead>
<tr>
<th>Professional employees who earn:</th>
<th>receive:</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to $12,483</td>
<td>¼ day per month</td>
</tr>
</tbody>
</table>

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$12,484 to $18,835  1/□ day per month
$18,836 to $25,186  1 day per month
$25,187 or higher  1 ¼ day per month

The use of vacation leave requires the prior approval of the immediate supervisor.

III.B.5. Holiday Leave

Professional staff are eligible to observe the following state holidays:

- New Year’s Day
- Martin Luther King Day
- Lincoln’s Birthday
- Washington’s Birthday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veteran’s Day
- Thanksgiving Day
- Christmas Day

In the event one of the listed holidays falls on a Saturday or an employee is required to work on a holiday, compensatory time is granted. Compensatory days off must be scheduled at times mutually convenient to the employee and the College within three months from the day they are granted.

III.B.6. Sabbatical Leave

Academic employees having continuing appointment may be granted a sabbatical leave, for professional development, which shall have an objective of increasing an employee’s value to the College and thereby improving or enriching its programs. Sabbatical leave must be approved by the President. Sabbatical leaves may be granted for periods of one year at a salary rate that does not exceed one half of the employees basic annual salary or one half year at a salary rate which does not exceed full annual salary. Employees must file a statement indicating that they will continue as a member of the professional staff at the College for a minimum of one year following a sabbatical leave. Vacation and sick leave credits are not accrued or used during a sabbatical leave.

III.B.7. Disability Leave

An employee discontinued from service as a result of a disability which prevents performance of his/her duties, will be granted a leave without pay until the disability ceases, the employee reaches age sixty-five or death, whichever occurs first.

III.B.8. Family and Medical Leave

The Family and Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks of unpaid job protected leave, in a designated year, for certain family and medical reasons. During a period of FMLA leave employees may continue health coverage at the normal group rate.

An FMLA leave may require advance notice by the employee. Questions may be referred to the Human Resources Office.

III.B.9. Other Leaves

The President may recommend to the Chancellor other leaves of absence at full or reduced salary or without pay, for academic or professional staff for the purpose of professional development, acceptance

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of assignments of limited duration with other universities or colleges, governmental agencies, foreign nations, private foundations, corporations and similar agencies, as a faculty member, expert, consultant or for any other purposes consistent with the needs and interests of the College.

III. fringe benefits

III.C. Health Insurance

Because circumstances and situations differ, employees are offered a choice between two health insurance options, either the Empire Plan or participation in a variety of Health Maintenance Organizations (HMO’s). The cost of coverage is dependent upon the plan chosen and whether individual or family coverage is selected.

The Empire Plan is a comprehensive health benefit package which features:

Blue Cross hospitalization which provides 365 days of paid-in-full inpatient hospital coverage plus a wide range of other paid-in-full hospital benefits.

A two-part Medical Expense Benefit Plan, underwritten by United Health Care

1. A Participating Provider Program which offers paid-in-full benefits when covered medical services are rendered by a Participating Provider (employee co-payment required).

2. A Major Medical Program which reimburses for the reasonable and customary charges for covered services rendered by non-participating providers subject to deductible and coinsurance.

3. Other parts include:

   - A mental health and substance abuse program,
   - Prescription drug coverage with an employee co-payment
   - Home care services, skilled nursing services, and durable medical equipment and supplies
   - Chiropractic treatment and physical therapy

HMO’s are a form of prepaid medical care which place an emphasis on preventative care while providing a wide range of health services from routine office care to medical treatment and hospitalization as well as prescription drug coverage.

Both health insurance options require a 42-day waiting period.

III.C.2. Retirement Plans

There are three retirement programs available to faculty and professional staff.

1. New York State and Local Employees’ Retirement System (ERS)
2. New York State Teachers’ Retirement System (TRS)
3. Optional Retirement Program (Aetna, Met Life, TIAA/CREF, ING, and Valic)

All three retirement systems require a 3% contribution by the employee. Retirement option election is permanent and must be made within 30 days of the effective date of appointment. If timely election is not

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made, the employee is automatically enrolled in TRS.

ERS and TRS are called “defined benefit” plans. Both ERS and TRS provide a specific or defined retirement pension based on a formula which includes years of service and final average salary in the pension calculation. Employees in tiers 2, 3, and 4 are vested (guaranteed rights to a pension or annuity) after they have accrued 5 years of service credit. Employees in tier 5 are vested after they have accrued 10 years of service credit.

The ORP is called a defined contribution plan. Under this program the University makes a specific or defined contribution to employee ORP contracts. Retirement benefits are based upon the value of the contracts at the start of retirement. Employees are vested in ORP as soon as they own the ORP contracts. New employees, who do not already own contracts, are required to serve thirteen months before contracts are issued.

III.C.3. Disability Insurance

The SUNY Group Disability Insurance Program is designed to protect the income and retirement benefits of employees who incur total disabilities which are expected to last six months or more. The program supplements several other programs and benefits which often provide other means of compensation or income during periods of disability. Group disability insurance benefits together with benefits from other university, state and federal programs, if applicable, insure a replacement of a substantial part of income during normal working years and during subsequent retirement. Employees are covered on the first day of the month coinciding with or next following completion of one year of service. The entire cost of the program is assumed by SUNY.

III.C.4. Financial Services

Employees may join the Mohawk Valley Federal Credit Union or the United States Savings Bond payroll deduction program and have a fixed amount of money deducted from each bi-weekly pay check. Employees may also participate in tax deferred annuity programs, and in the New York State Deferred Compensation Program.

III.C.5. Direct Deposit

Your check can be automatically deposited into your checking and/or savings account at virtually any bank or credit union in the United States.

III.C.6. Long Term Care

New York State offers two long-term care insurance plans thru MedAmerica Insurance Company. Medical underwriting is not required in the first 60 days of employment.

III.C.7. Tuition Assistance

Members of the Professional Services negotiating unit may enroll in one course per semester at any SUNY unit on a space available basis. When space is available, employees may enroll in a course on a tuition free basis. (See Article 49 UUP Agreement)

Additional tuition funding is available for use primarily at SUNY Units. Tuition funding granted is subject to the availability of funds in a particular year.

Further information and required forms are available in the Human Resources Office, 4th Floor.

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III.C.8. Approval Process for Full-Time Employees Enrolling in College Credit Courses

Following is the policy to be followed when employees wish to enroll in college credit courses.

Any employee enrolling in college credit courses requesting tuition reimbursement must have the approval of their immediate supervisor, and/or the Vice President for Academic Affairs.

Any employee requesting more than a total of six hours of college credit per semester must have the approval of their immediate supervisor, the Vice President for Academic Affairs, and the President.

Employees will not be permitted to take more than one three-credit course during regular work hours each semester, and they will only be approved for this release time after careful review of their work station.

Request for release time is not covered by any union agreement, and approval should not be automatic. Employees should be approved only at the convenience of the College.

Any questions relating to this policy should be referred to the Director of Human Resources.

III.D. EVALUATION OF FACULTY

III.D.1. Purpose

Authority to conduct faculty evaluations is granted to the President in the Policies of the Board of Trustees. (See Article XII) The actual evaluation methodology utilized is left to the discretion of each college. The faculty evaluation procedure for this college is as follows:

It shall be the policy of the College to periodically evaluate the academic faculty. The results of such evaluation may be used to aid the faculty member in developing a planned program of professional development, aid in the planning of faculty development activities campus wide, aid the faculty members in efforts to improve instruction and to aid administration in personnel decisions.

At the time of the initial evaluation, the supervising Administrator* shall prepare an evaluation folder. The contents of the folder shall be dated and placed in chronological order. Except when being used as part of the evaluation process or in making recommendations, the evaluation folder shall be placed in the official personnel file. Included will be evaluation reports completed by the initiating officer and other components of the evaluation system selected by the faculty.

The faculty member may include in his/her folder any supporting documentation compiled from evaluative tools mutually agreed upon by the faculty member and the supervising administrator. It is not intended that any single evaluation report be used as the sole basis of judgment. The faculty member may place a response to any evaluation report in the folder.

Evaluations shall be completed by December 1 and March 1 for first year faculty and then annually for non-tenured faculty. A faculty member can request more frequent evaluations at any time.

* Management / Confidential Employee

III.D.2. Evaluation Components

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All of the evaluations shall be included in the folder. Of the following components, a faculty member must select number one and two and a minimum of one of the remaining items to be included in the evaluation. These will be identified by the faculty member at the beginning of the academic year he/she is being evaluated.

1. Evaluation by the Dean or Associate Dean (Nursing Division) or Head Librarian.
2. Student evaluations.
3. Peer evaluations.
5. Evaluation by Alumni and/or professionals in the field.
6. Other as agreed upon by the faculty member and the Dean.

The evaluations (with the exception of numbers two and five) shall include, but may not be limited to mastery of subject matter, effectiveness in teaching, scholarly ability, effectiveness of University service, and continuing growth. The form(s) to be used will be mutually agreed upon by the faculty member and his/her supervisor.

The evaluation folder shall be available to the faculty member, Associate Dean, School Dean, Vice President for Academic Affairs and the President. The supervising administrator shall be responsible for removing materials more than eight years old and returning them to the faculty member. Any further access to the folder will be only by written permission of the faculty member involved.

III.D.3. Supervisor’s Evaluation (Dean, Associate Dean, or Head Librarian)

The evaluation by the supervising administrator will be completed on a form to be mutually agreed upon by the supervising administrator and the faculty member. The supervising administrator will meet with the faculty member before the evaluation is written to discuss the individual’s strengths and those areas needing improvement. After this meeting, the evaluation will be written and a signed copy given to the faculty member and the original placed in the personnel file.

III.D.4. Peer Evaluations

If the faculty member chooses to use Peer Evaluation, the supervising administrator will request written comments from faculty members in the evaluee’s department. The evaluee may also identify other faculty from whom the administrator will request written comments.

III.D.5. Student Reactions

If the faculty member chooses to use student reactions, they shall be the responsibility of the supervising administrator and should be conducted by prearrangement with the evaluee. The evaluee shall not conduct the survey. All students currently enrolled in the evaluee’s classes shall have the opportunity to participate in the survey. The student reaction survey shall be conducted prior to exam week.

An analysis of the student reaction survey, written by the faculty member, shall be placed in the faculty member’s folder after the faculty member has studied the results, in consultation with the supervising administrator.

III.D.6. Self-Evaluation

If a faculty member chooses to use self-evaluations, he/she will prepare a self-assessment of his/her...
III.D.7. Evaluation by Alumni and/or Professionals in the Field

If the faculty member chooses to use alumni and/or professionals in the field, he/she should select a minimum of twenty alumni representing more than one graduating class or five professionals in the field. A faculty member may also select a combination of alumni and professionals in the field to fulfill the requirements for this component.

III.D.8. Review Board for Faculty Evaluations

If a faculty member wishes to appeal an evaluation or any disagreement with a supervisor about the process and forms, he/she may do so to the Review Board. The Review Board shall be comprised of a faculty member selected by the individual who is appealing the evaluation, a faculty member appointed by the President or his designee, and a faculty member appointed by the Speaker of Faculty Congress. The faculty member appointed by the Speaker will serve as Chairman of the Review Board. The Review Board will have a maximum of thirty days to report their findings and make their recommendation to the President.

III.E. EVALUATION OF PROFESSIONAL STAFF

It is the policy of the State University of New York to evaluate the performance of all professional employees in the Professional Services Negotiating Unit. The guidelines for the system of evaluation are outlined in the 1981 Memorandum of Understanding between SUNY and UUP. The following outlines the evaluation process at this campus:

III.E.1. Purposes

1. Provide the college president with consultation in making a decision to renew or non-renew a professional employee’s appointment.
2. Provide a basis for performance improvement.
4. Provide the college president with consultation in a decision as to promotions and discretionary salary increases.
5. Provide a basis for career growth.

III.E.2. Performance Program

Prior to the preparation of a performance program, the immediate supervisor should meet with the employee for the purpose of discussing:

1. The nature of the professional employee’s duties and responsibilities;
2. Supervisory relationships;
3. Functional relationships;
4. Immediate and long-term objectives;
5. Criteria for evaluating achievement of objectives;
6. Secondary sources to be consulted.

The consultation between the employee and the supervisor provides the basis for the performance program.

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The program shall identify each of the major areas of assigned responsibility, performance objectives for the evaluation period, and criteria for evaluating the employee’s performance. The criteria may include, but are not limited to the following:

1. Effectiveness performance;
2. Mastery of specialization;
3. Professional ability;
4. Effective in University services;
5. Continuing growth.

Once the completed performance program has been reviewed, the form should be signed by the employee and distributed as indicated. If the employee and supervisor do not concur on the performance program, the employee may attach a rebuttal.

III.F. DISCRETIONARY SALARY INCREASES

The terms of the negotiated agreement between the State and the bargaining agent for faculty and professional staff have traditionally provided for a pool of funds over and above across the board percentage salary increases for eligible employees. This pool of funds is distributed to eligible employees at the discretion of the Board of Trustees of the State University of New York.

Procedures

1. A faculty member who desires to be considered for discretionary pay is free to submit written support as to his/her meeting of the established criteria: mastery of subject matter, effectiveness in teaching, scholarly ability, effectiveness of university service, and continuing growth. This written document would be given to the department chairperson for his/her perusal. This person would then discuss the document with the School Dean and leave it with the School Dean for his/her review. The department chairperson would be encouraged to submit his/her own written support for discretionary pay to his/her school dean. The written supports would be retained by the School Dean and not forwarded with his/her recommended list unless requested.

   Faculty members and department chairpersons could also request an interview with the School Dean to orally support their bids for discretionary pay, with or without the written support document. In addition, School Deans would be encouraged to consider personnel for discretionary pay who submitted no support, either written or oral, on their own behalf.

2. Professional employees would follow similar procedures so that their written and/or oral bids for discretionary pay would reach their supervising personnel.

3. School Dean and other supervising personnel may make available to their personnel the names of their recommended candidates after their selection.

   The School Deans and other supervising personnel should be available to discuss with individuals who were not recommended by them for discretionary pay the areas where improvement could lead to future discretionary increases.

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4. Appeals of the supervisor’s recommendation by a faculty or staff member should begin with the Vice President for Academic Affairs, Dean of Students, and Vice President for Administrative Services. If the faculty or staff member is not satisfied and wishes to seek further redress, then he/she should appeal the decisions to the President.