



Office of the Vice Chancellor for Faculty and Staff Relations

535 East 80 Street, New York, N. Y. 10021

212/360-2233

April 2, 1974

To: College Presidents  
From: David Newton *DN*  
Subject: Members of the Staff in Titles Excluded from the PSC Agreement

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The Agreement between the Board of Higher Education and the Professional Staff Congress/CUNY specifically excludes certain employees by virtue of their function or titles. The Board of Higher Education, by resolution in September of 1973, assured excluded personnel the financial benefits of the Agreement.

Attached, for your information and guidance, is a copy of the University-wide personnel policy with regard to excluded personnel. Under separate cover, additional copies are being sent to your Labor Designee for distribution to appropriate campus authorities.

DN:mj  
Enc.

cc: Labor Designees  
Personnel Officers

# UNIVERSITY PERSONNEL POLICY FOR INSTRUCTIONAL STAFF

## EXCLUDED FROM THE PSC AGREEMENT

Employees in the following functions or titles, including those appointed in the Higher Education Officer and Business Manager series, are specifically excluded from the provisions of the Agreement between the Professional Staff Congress/CUNY and the Board of Higher Education:

Chancellor	Visiting Professor
Deputy Chancellor	Visiting Associate Professor
Vice Chancellor	Visiting Assistant Professor
President	Distinguished Professor from outside CUNY
Deputy to the President	Provost
Vice President	Office of the Vice Chancellor for Faculty and Staff Relations
Assistant Vice President	Office of the General Counsel of the Board of Higher Education
Dean	Labor Designees
Associate Dean	Administrator Series
Assistant Dean	University Directors
Principal - Hunter College	SEEK and College Discovery Directors
Elementary and High Schools	Urban Center Directors
Executive Assistants to:	Student Center Directors
The Board Chairman	Public Relations Directors
Chancellor	Data Processing and Computer Directors
Vice Chancellors	Planning and Facilities Directors
College Presidents	Personnel Directors
Vice Presidents (one per Vice President)	Campus Security Directors
Chief Librarian	

However, by resolution of the Board of Higher Education dated September 12, 1973, certain articles of the Agreement were extended to cover these excluded employees. It should be noted that the following articles of the Agreement were not extended by the Board's action; note especially the underlined articles:

2. Board-PSC Relationships
3. Unit Stability
4. Check-off and Agency Shop
5. Information and Data
6. Released Time
7. Organizational Use of Facilities
8. Non-discrimination
9. Appointment and Reappointment
10. Schedule for Notification of Reappointment and Non-reappointment
11. Classification of Titles

12. Certificate of Continuous Employment
13. Multiple Year Appointments for Business Managers and Higher Education Officer Series
15. Workload
16. Temporary Disability or Parental Leave
18. Professional Evaluation
19. Personnel Files
20. Complaint, Grievance and Arbitration Procedures
21. Disciplinary Actions
23. Distinguished Professorships
31. No Strike Pledge
32. Legislative Action
33. Duration

1. Procedures for appointment to excluded positions:

A. Tenure Eligible Series (Professor, Associate Professor, Assistant Professor)

Persons appointed to functions which are excluded from the Agreement shall be appointed or reappointed annually in their tenure eligible title. The dates of notice for this series shall be on or before April 1 in the first year of appointment and on or before December 1 for any subsequent appointments. If the original appointment is made after September 30 the date of notice in the subsequent appointment shall be on or before April 1.

Prior to appointment, reappointment or assignment to an excluded position, all persons in the tenure eligible series who are excluded from the Agreement shall be required to sign a waiver of the observation and evaluation requirements outlined in the Max-Kahn policy and specified in the Agreement. Such waiver shall be a condition for appointment or reappointment to an excluded position.

B. Tenured

Members of the staff who have tenure may be assigned to a function or title which excludes them from the Agreement. Such assignments must be made in writing. The assignment may be for a specified period or indefinite period at the discretion of the president.

C. HEO and Business Manager Series

Excluded employees in the Higher Education Office or Business Manager series are eligible for annual appointments and reappointments on a fiscal year basis. The dates of notice for excluded employees in the Higher Education Officer and Business Manager series shall be on or before June 1 for the first year of appointment or fraction thereof and on or before May 1 for any subsequent appointments.

D. REM Positions

Persons appointed to positions covered by the executive pay plan which carry a "rem" (such as dean, administrator, president or vice chancellor) are appointed to such duties and are eligible to receive the "rem" only at the pleasure of a president or the chancellor, subject to approval of the Board of Higher Education. Such appointments must be in writing and shall state that the assignment is for an indefinite period at the pleasure of a president or the chancellor.

2. Non-reappointment or removal

A. Tenure Eligible Series

Persons who will not be reappointed must be notified in accordance with the Bylaws, that is not later than April 1 preceding the expiration of the first full year of service and not later than December 1 of each succeeding year of service. If, however, it is determined that the individual should not be permitted to continue to perform or must resign the duties of the excluded position for the duration of the appointment, the person should be assigned other appropriate duties. This action may be taken prior to the scheduled reappointment notification date. If the original appointment was in an academic department, the person should return to that department. The department will assign appropriate duties for the duration of the current appointment period. The department may, if time permits, observe, evaluate and take appropriate action regarding reappointment in accordance with regular procedures.

The above is not applicable where the removal from the position is for cause, in which case circumstances might constitute a barrier to the person's continued employment at the college. In such instances, the colleges are requested to consult with the Vice Chancellor for Legal Affairs.

B. Tenured Personnel

Persons in excluded positions shall be returned to the department in which they obtained tenure and assigned to appropriate duties by the department.

C. HEO and Business Manager Series

Persons shall be notified of non-reappointment not later than June 1 in the first year of service and May 1 in all subsequent years. If it is determined that the person should not be permitted to perform the duties of the excluded position, that person may be assigned to other appropriate duties for the duration of the appointment. If the case for removal is such that the person should be removed from the campus, a president or the chancellor may terminate the appointment, subject to the procedures provided in Article 7 of the Bylaws.

D. REM Positions

The employment of a person in a "rem" position may be discontinued at any time by a president or the Chancellor. The conditions of employment stated above would ordinarily apply as appropriate, i.e.; a tenured Professor would be returned to his department, a tenure eligible Associate Professor would be returned to his department, a HEO would be assigned other duties for the duration of the appointment.

3. Reviews

Excluded personnel who are terminated or non-reappointed may request a review by the Vice Chancellor for Faculty and Staff Relations.

4. Evaluations

At the time of reappointment, it is recommended that a written evaluation be developed by an appropriate supervisor, signed by the excluded staff member and placed in the personnel file.

There is no bar to a president or chancellor following the observation and evaluation procedures contained in the collective bargaining agreement, but there is no requirement to do so.