

April 25, 2016

MEMORANDUM

To: College Presidents
College Vice Presidents for Finance and Administration
College Provosts
College Directors of Human Resources

From: Frederick P. Schaffer, General Counsel and Senior Vice Chancellor for Legal Affairs *FS*
Gloriana B. Waters, Vice Chancellor for Human Resources Management *GW*

Re: CUNY's Multiple Position Policy

I. Introduction

This memorandum provides guidance regarding the limits that CUNY's Multiple Position Policy ("the Policy") imposes on the ability of faculty members to hold multiple positions within the University. It pertains only to the portion of the policy covering faculty members who seek paid, non-teaching multiple positions during the academic year within CUNY. (Manual of General Policy, Article V, Policy 5.14(c)). This memorandum does not cover the provisions of the Policy pertaining to overload teaching assignments, summer salary or compensated work performed outside CUNY.

The teaching or organization of continuing education courses or programs are considered "non-teaching" for the purposes of the Multiple Position Policy and thus are covered by this memorandum. Faculty members who teach continuing education courses must be employed in the "Continuing Education Teacher" title as set forth in the Supplemental Agreement on Continuing Education to the Collective Bargaining Agreement between the CUNY/PSC and CUNY.

II. Multiple Position Policy – Non-Teaching Work Within CUNY

Pursuant to CUNY's multiple position policy, faculty members generally are not permitted to receive any extra compensation for non-teaching work at CUNY. Importantly, this portion of the Policy applies to all non-teaching work at CUNY that faculty members perform in addition to the hours of required teaching that they are contractually obligated to complete.

The Policy provides:

The faculty is given full-time annual paid employment to cover all the activities of teaching, research, consulting, curriculum development, counseling, committee work, etc. When special funding in support of research is available, it is presumed to make possible, or easier, the scholarly activity that faculty and students wish to or are willing to pursue. Accordingly, **it is the policy of the Board of Trustees that there may not be paid any extra compensation to full-time members of the faculty for work done during the academic work year.** This limitation applies to research, consulting, or any other employment with The City University or any of its associated organizations, regardless of the source of funds.

Multiple Position Policy, 2(c) (emphasis added)
http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.14/pdf/#Navigation_Location.

Ordinarily, when non-teaching work at CUNY exceeds the level that is expected of all faculty members in order to complete their service obligations, reassigned time may be granted. However, in very limited circumstances, a College President may authorize extra compensation for non-teaching work at CUNY. In this regard, the Policy provides:

Under the special circumstances of an urgently needed short-term administrative and/or service assignment, a President or Vice Chancellor in the Central Office may authorize specific extra compensation for a faculty member whose services are required as an overload. This authorization must define both time and money limitations, and must state that it was not possible to relieve the faculty member of other duties to an equivalent extent. Such non-teaching overload assignments will be limited to 150 hours per semester at the nonteaching hourly rate, or a total of 300 hours for the entire academic year. Further adjustments may be authorized by the Chancellor or the Chancellor's designee.

Multiple Position Policy, 2(c).

As the Policy states, if a multiple position within CUNY is authorized, the faculty member is not permitted to receive payment for more than 150 hours per semester or 300 hours for the entire academic year. Furthermore, the hourly compensation rate may not exceed the faculty member's non-teaching adjunct hourly rate, which is set forth in the Collective Bargaining Agreement between the Professional Staff Congress/CUNY and CUNY.

In other words, if a faculty member's non-teaching adjunct hourly rate is \$64.23 (the highest rate available), then the maximum amount of extra compensation that the College may approve for a non-teaching multiple position is \$9,634.50 per academic semester or \$19,269 for the academic year.

These limitations apply regardless of the source of the funds that are to be used to pay the extra compensation. Thus, these limits apply to payments from tax levy fund, non-tax levy funds, including funds from related entities, continuing education revenue, grant funds, including funds administered by the Research Foundation, and any other funding source. Similarly, the restriction that the faculty member may only receive additional compensation for 150 hours per semester or 300 hours for the academic year applies to faculty members who are doing continuing education work.

Although the Policy generally requires that the multiple position be an urgently needed, short-term assignment, the Policy does permit further adjustments to be made by the Chancellor or the Chancellor's Designee. Colleges that wish to exceed the limitations may request a waiver from the limitations from the Vice Chancellor for Human Resources Management.

III. Best Practices

All campuses must designate either the College Provost or a member of the Provost's Office to serve as the President's designee for the purpose of determining whether to approve extra compensation to faculty members for non-teaching work at CUNY. Whenever the President or Provost approves extra compensation for non-teaching work, the multiple position form must reflect the approval and must be kept in the Provost's Office or any other college office charged with administering this policy, regardless of whether the payments will be made from tax levy or non-tax levy funds including funds from related entities, continuing education revenue, grant funds, including funds administered by the Research Foundation, and any other funding source. Faculty members are not permitted to receive monetary disbursements other than reimbursements for out-of-pocket expenses until they obtain approval from their academic Department Chair and the Provost.

Department Chairs who seek a multiple position cannot approve their own requests. Therefore, a Department Chair must seek approval from his/her Dean, before seeking approval from the Provost.

Other than reimbursements for reasonable out-of-pocket expenses, payments to faculty members, including payments from non-tax levy funds, are not permitted until the President's and/or Provost's approval is verified and a copy of the faculty member's multiple position form is obtained. To the extent non-tax levy payments are administered pursuant to a separate payroll mechanism and/or by personnel in each College's Office of Finance and Administration, Continuing Education, or any other Office/personnel responsible for disbursing College funds, these offices must not disburse any such payments to faculty members before receiving verification, including the approved multiple position form from the President's Office and/or the Provost's Office, that payment in the amount requested has been authorized and does not exceed the limits set forth in the Multiple Position Policy.

To ensure that this process is followed, each campus must provide the following training/information to its employees:

- College personnel involved in payroll and the disbursement of non-tax levy or other funds, including Continuing Education Administrators, must receive training on the Multiple Position Policy and the required approval process described above.
- Designated Provost Office and Human Resources employees must receive training on the Multiple Position Policy and the required approval process described above.
- Colleges should not authorize College Foundations to disburse compensation to faculty members from grant funds. To the extent particular circumstances arise in which a College permits a Foundation to administer grant funds, Foundation employees should be advised of CUNY's Multiple Position Policy and must be instructed not to make any payments directly to faculty members before obtaining approval from the Provost's Office and the Office of Finance and Administration.
- Colleges should advise their related entities not to disburse compensation to faculty members without obtaining the appropriate approval from the College's Provost and Office of Finance and Administration.
- Department Chairs and Deans must receive training on CUNY's Multiple Position Policy and the required approval process described above.
- All faculty members must be advised semi-annually that they must seek and obtain the approvals listed above before they are permitted to receive any extra compensation for work performed at CUNY.

Finally, it is strongly recommended that each College's Office of Finance and Administration (or whichever College Office is responsible for disbursing non-tax levy funds, including funds from continuing education and related entities) submit an annual report to the College's President and Provost reflecting the total annual disbursements to faculty members during the academic year and, if possible the number of hours worked by each faculty member in the multiple position during the academic year.