

REACHING NIRVANA

The Path to Permanent Appointment

January 2017

Lynn Berger
Director, Human Resources

Maureen Seidel
NYSUT Labor Relations Specialist

Today's topics

- Reappointment, promotion and tenure process for UUP Professional staff
 - Contractual obligations
 - Administrative process

What is permanent appointment?

- “A permanent appointment shall be an appointment of a professional employee in a professional title which is eligible for a permanent appointment, which shall continue until a change in such title, resignation, retirement, or termination.”
 - *Policies of the Board of Trustees, Article XI, Title C, §1(a)*

When am I eligible for permanent appointment?

- You are eligible after seven consecutive years of full-time employment, the last two of which have to be in the title in which you are to become permanent.
 - *Policies of the Board of Trustees, Article XI, Title C, Section 4(a)*

What if I change jobs during the first seven years?

- You must complete at least seven years total at the College; the last two of which have to be in the title in which you are to become permanent.
 - *Policies of the Board of Trustees, Article XI, Title C, Section 4(a)*
- Example:
 - Joe was hired in August 2010 as a Residence Director.
 - In August 2016, before he received permanency, Joe became an Assistant Director, Residence Life.
 - Joe will be probationary in the new role until July 2017, and would become eligible for permanency in July 2018.
 - If Joe stayed in his original job, he would have been eligible for permanency in July 2017.

What if I change jobs after I am permanent?

- If you hold permanent appointment and then change jobs, once you successfully complete a one year probationary period in your new position, your permanent appointment transfers to the new title.
 - *Policies of the Board of Trustees, Article XI, Title C, §5*
- Example:
 - Jenny was hired in August 2007 as an Admissions Counselor.
 - Jenny became permanent in July 2014.
 - In August 2016, Jenny became an Assistant Director, Admissions.
 - Jenny will be probationary in the new role until July 2017, and would become eligible for permanency in the new role in July 2018.

How does the process start?

- The renewal and permanency process is started by HR.
- It is a time-driven process and requires many levels of approvals.
- SUNY Cobleskill uses Interview Exchange to process the paperwork.

How do renewals (ideally) process in Interview Exchange?

- The renewal process is started by Human Resources creating a requisition in Interview Exchange 2 months before the notice deadline.
- The form goes to the employee's supervisor via Interview Exchange
 - The employee's last performance evaluation is attached to the renewal form.
 - The supervisor recommends renewal or non-renewal and may add comments.
 - The supervisors clicks the approve button (within 5 days).
- The form goes to the employee via Interview Exchange. The employee may add comments and clicks the approve button (within 5 days).
- The form goes to the next level supervisor via Interview Exchange. This may be a Director or VP. The Director/VP may add comments and clicks the approve button (within 5 days).
- The form goes to the employee via Interview Exchange. The employee may add comments and clicks the approve button (within 5 days).
- The form goes to the next level supervisor via Interview Exchange. This is likely a VP. The VP may add comments and clicks the approve button (within 5 days).
- The form goes to the employee via Interview Exchange. The employee may add comments and clicks the approve button (within 5 days).
- The form goes to the President in Interview Exchange. The President may add comments and clicks the approve button (within 5 days).
- Human Resources sends a renewal or non-renewal letter from the President to the employee.

What are the notice dates?

- Written notice that a term appointment is not to be renewed must be given not less than:
 - 45 calendar days* – part time term appointment
 - 3 months* – first year of service
 - For terms ending in June, July, August - no later than March 31
 - 6 months* - second year of service
 - For terms ending in June, July, August - no later than December 15
 - 12 months* - after 2 years of uninterrupted service
 - **Contract, Art. 32.1(d)**

* Prior to the end of the contract

When does permanent appointment happen?

- During your sixth year, your supervisor should make a recommendation up the chain of command regarding permanent appointment using Interview Exchange.
 - This follows a similar process as with renewals.
- Ideally, employees should be notified of non-renewal no later than year 4 or 5 if permanency is unlikely.

Who has the authority to grant permanent appointment?

- You only become a permanent employee once you get a letter from the Chancellor confirming that permanency has been granted.
 - *Policies of the Board of Trustees, Article XI, Title C, Section 4(a)*
- Once a determination has been made on campus to recommend permanency, HR sends a UP-3 form and Oath of Office form to the Chancellor's Office in Albany requesting permanency.
- The Chancellor's Office replies by letter to HR.
 - It usually takes about a month.
 - The employee is contacted by HR to sign the letter.
 - Original goes in the employee's personnel folder.
 - Employee gets a copy for his/her records.

No automatic permanency

- Being here seven years does not mean you are automatically granted permanency.
 - Must go through the process even if it is submitted late.

Can I be considered for permanency sooner?

- If you have previously worked for another SUNY campus, you can apply for credit for your prior service -- up to a maximum of three years – which then counts towards your seven years. You must make a request within six months of being hired by SUNY Cobleskill.
 - Policies of the Board of Trustees, Article XI, Title C, Section 4(c)

Any other way to be considered sooner?

- You can apply for early consideration for permanent appointment if you have completed three or four consecutive years of service with the last year in the current title that is within the first four SL levels.
- The request must be in writing and *received* by the Chancellor's designee (i.e. College President) no later than nine months prior to term renewal notice date.
 - *Policies of the Board of Trustees, Article XI, Title C, Section 4(a)(1) and (2)*

Can the tenure clock be stopped?

- SUNY has a qualified professional title (“special” before a title) that does not accrue time towards tenure.
 - *Policies of the Board of Trustees, Article II, §1(p)*
- If there is a reason that you want additional time before being considered for tenure, please talk with your chapter officers.

What happens if I'm denied permanent appointment?

- If you are considered for permanent appointment, and are notified that you are NOT being granted it, you will be given written notice that your term appointment will not be renewed not less than 1 year prior to the expiration of the term.
 - Contract, Art. 32.1(d)

Appeal process

- The appeal process only applies to a non-renewal that is coupled with a denial of permanent appointment.
 - i.e. You are notified in year 6 that you are being non-renewed.

What should I do?

- You have 10 working days to request the reasons for denial. That request should be made in writing to the College President.
 - Contract, Art. 33.2
- The College President has 10 days to respond.
 - Contract Art. 33.3

What happens next?

- If your immediate supervisor has recommended that you not receive permanent appointment, the College President's letter that the nonrenewal was in conformity with the recommendations is the last step.
 - i.e. No appeal
 - **Contract, Art. 33.3(b)(2)**
- If your immediate supervisor has recommended that you do receive permanent appointment, the College President's letter will give the reasons for the denial and inform you of the right to a review.
 - **Contract, Art. 33.3(b)**

What happens next? cont.

- If your immediate supervisor has recommended that you not receive permanent appointment and you have received all satisfactory evaluations, the College President's letter will give the reasons for the denial and inform you of the right to a review.
 - Contract, Art. 33.3(b)(1)

What happens next cont'd?

- Within 10 working days of receiving the College President's reasons for non renewal, the employee may request the Chancellor's designee review the reasons given. The President's letter should be included.
 - **Contract, Art. 33.4**
 - *Please contact the UUP Vice President for Professionals. He/she will help you meet the time lines and ensure compliance with the contract.*

Who does the review?

- Reviews are conducted by a three-party panel (known as the *Chancellor's Advisory Committee*), which makes recommendations to the Chancellor. Both you and the College President get to appoint one member to the Committee, and they pick the chair from a UUP pre-approved list.
 - **Contract, Art. 33.4**
 - *The UUP Vice President for Professionals can help you with your selection.*

What happens next?

- Within 5 working days of designating the chair, the Committee shall convene to review the reasons for the nonrenewal.
 - Contract, Article 33.4(d)

What does the Committee review?

- Where the reasons given for the nonrenewal were your performance, the Committee may review the substance of the judgments made.
 - Contract, Article 33.4(e)(1)
- Where the reasons given for the nonrenewal were matters of program, the Committee may only consider whether the non renewal was in fact based upon such considerations when issued.
 - The Committee may not consider the correctness of the determination other than performance.
 - Contract, Article 33.4(e)(2)

How long does the Committee have?

- The Committee shall conclude its review within 45 calendar days following the designation of the Chair. Within 5 working days of concluding, it shall forward its written recommendations to the Chancellor with copies to you, the Committee and the College President.
 - **Contract Article 33.4(f)**

When will I be notified of the Chancellor's recommendations?

- Within 60 days, s/he may take any action s/he deems appropriate and notifies you, the Committee and the Chancellor's designee in writing.
 - Contract Article 33.4(g)

Are there any other actions that are taken?

- If a majority of the Committee has recommended in favor of giving you a permanent appointment and the Chancellor does not award such appointment, the College President shall either reconsider the nonrenewal in light of the Committee's recommendations and take whatever action s/he deems appropriate or offer you a leave at either full or reduced salary for the remainder of the term appointment.
 - You must respond to the latter in writing and your election is final and binding.
 - **Contract, Article 33.4(h)**

Is there anything else I should know?

- The forgoing procedures are not permitted to be grieved under Article 7 of the contract.
 - **Contract Article 33.7**

The materials herein have been created by or used with the consent of its author(s) for the purpose of the demonstrating principles during the workshop at which it has been shown/distributed. No reproduction, redistribution or other use without consent of its author(s) is authorized.