

Guide for *uup* Professionals at SUNY



Welcome from the President

Welcome

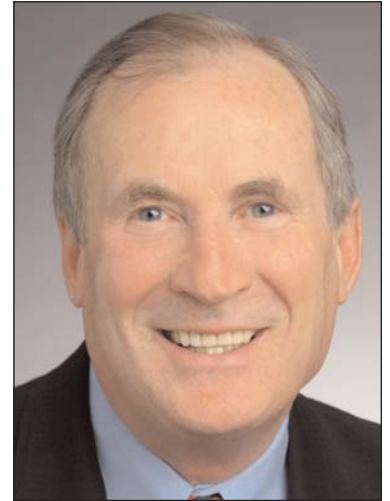
Brothers and Sisters,

On behalf of United University Professions, I'm pleased to present to you this *Guide For Professionals at the State University of New York*. This is just one of our efforts to help you take advantage of all the rights and benefits you have as a SUNY employee and UUP member.

I hope you find this helpful throughout your career at SUNY.

In solidarity,

William E. Scheuerman
UUP President



Welcome from the Vice President for Professionals

The purpose of this handbook for professionals is to provide you with information to guide you through the many aspects of your employment at the State University of New York (SUNY).

This book has been prepared to help you throughout your career and will be a handy resource for many of the rules, terms and regulations that apply to your job. It will be useful for the new professionals, as well as for those who have been with SUNY for a while.

Each section gives examples of many common situations that may arise during your career, in the format of frequently asked questions. Your statewide and chapter union leaders are also important resources and are always available to assist you.

In solidarity,

John J. Marino
UUP Vice President for Professionals



What is United University Professions?

United University Professions (UUP) is the union that represents you and all members of the Professional Services Negotiating Unit (PSNU), bargaining the terms and conditions of employment and employment benefits with the State University of New York (SUNY) and the Governor’s Office of Employee Relations (GOER).

You are one of the 11,000-plus professionals included in UUP. There are more than 31,000 academic and professional employees who are a part of UUP’s 32 chapters at 28 SUNY campuses, plus Empire State College, System Administration, and the New York State Theatre Institute (NYSTI).

UUP represents you by negotiating your contract and representing you in resolving grievances. Democratically elected statewide and local officers act on your behalf on issues and concerns pertaining to our status as state employees and members of the SUNY academic community.

Because we are a democratic, member-driven organization, the most important component of UUP is its membership.

When you begin employment at SUNY, you are given many documents to review and sign. There are four documents that are important to you and UUP. They are:

1. UUP membership application

Signing and returning this card to UUP enrolls you as a member. Enrollment gives you the right to have a voice in your union.

Only members can vote on the Collective Bargaining Agreement (“CBA” or “contract”) and run for a union office.

You can check your membership status by looking at your recent payroll statement; it will say “UUP-Member” or “Agency Fee Payer.” If you do not join as a member, you still will pay an “agency fee,” which is fully equal to member dues, but you will have no voice in the union.

If you have any questions on your membership status, call the UUP chapter office on your campus or the UUP Administrative Office.

2. UUP Benefit Trust Fund enrollment card

If you are eligible for participation in the New York State Health Insurance Program (NYSHIP) for medical and prescription drug coverage, signing and returning this card enrolls you in the following benefit programs administered by UUP: dental; vision; and life insurance. If eligible, your children may also benefit from the UUP fund’s scholarship program.

It is important for UUP to have information about your depend-

ents because they may also be eligible for coverage under the fund.

3. UUP group life insurance beneficiary card

UUP provides a \$6,000 group life insurance policy during your employment. It is important for you to designate a beneficiary. Please complete and return the form.

4. VOTE/COPE voluntary contribution card

VOTE/COPE is the nonpartisan political action fund of UUP and its affiliate, New York State United Teachers (NYSUT). VOTE/COPE coordinates the voluntary contributions of members and makes contributions to UUP/NYSUT-endorsed candidates for public office and to UUP/NYSUT-supported general campaign committees. A contribution of as little as \$1 a paycheck gives you a voice in the political arena; an automatic payroll deduction makes it easy to contribute.

There are many other benefits and programs — such as low-cost auto, home and life insurance — available to you as a member of UUP through our affiliates, NYSUT and the American Federation of Teachers (AFT). Check with your UUP chapter office — or visit the UUP Web site at www.uupinfo.org — for a list of these benefits, as well as new ones as they become available.

How much are my dues?

The annual dues for full-time employees are 1 percent of your gross annual salary. Part-time employees who are paid less than the unit’s minimum salary pay 0.9 percent of salary. Dues are tax deductible to the full extent of applicable law, state and federal. Check with your tax consultant.

What is the Taylor Law?

The Taylor Law is the popular name for the New York State Public Employees Fair Employment Act, which is Section 14 of the Civil Service Law of New York state. The legal statute grants mandatory collective bargaining rights to public employees, certifies which union represents a specific group of employees, prohibits discrimination against employees for involvement in union activity and requires that the union fairly represent members of its bargaining unit. The Public Employment Relations Board (PERB) administers the Taylor Law.

How do I get information from UUP?

UUP can be reached at 1-800-342-4206 or at 518-640-6600. After normal business hours, you can leave a message and we will return your call.

The Voice is UUP’s official monthly publication that is mailed to





every member's home address on file. Each month during the academic year, there is an update from the statewide president on what's been going on. There is also a section on benefits, which alerts you to changes and deadlines you need to know.

The UUP Web site — www.uupinfo.org — offers information you need, past issues of the membership magazine *The Voice*, links to other organizations and employment benefits carriers and vendors, and important phone numbers. You can easily send an e-mail to any of the statewide officers, as well as anyone else in the UUP office you need to contact; simply click on the name of the person you need.

You can also contact the UUP chapter on your campus.

UUP also does mailings, as necessary, to inform members of timely issues that may affect them, such as events and changes in employment benefits, if any.

How do I have input on the contract?

UUP uses multiple approaches to determine members' needs in preparation for collective bargaining. Negotiations surveys are mailed to all members and are available at www.uupinfo.org. The Negotiations Team also visits every chapter to solicit information directly from members during chapter meetings. The Negotiations Team encourages members to send their comments, if they are unable to attend the chapter meetings or think of something after sending in the survey. Every chapter is also represented on the Negotiations Committee. The committee reviews all information gathered from the membership and decides which demands UUP will present to New York state and SUNY.

How does the contract get ratified?

The membership ratifies the contract by direct vote.

After the Negotiations Team reaches a tentative agreement with the state, the tentative contract is presented to the Negotiations Committee to ensure that it is acceptable for a membership vote. The tentative agreement is printed in a special edition of *The Voice* and mailed to members. The Negotiations Team again visits all the chapters and answers any questions members may have at chapter meetings.

After these processes, every member — but no agency fee payer — receives a ballot in the mail and can either vote for or against the tentative contract.

Can anyone vote on the contract?

No, just UUP members who have signed and sent in their UUP membership application. Agency fee payers on the census date are not eligible.

How can I be sure I am a member?

Check your recent payroll statement. It should say "UUP-Member." If you have any questions on your membership status, contact your UUP chapter office or the UUP Administrative Office in Albany at 1-800-342-4206.

What is a UUP chapter and how do I get involved?

There is a UUP chapter at every state-operated SUNY campus; at SUNY System Administration; at Empire State College; and at the New York State Theatre Institute. Chapter sizes range from 25 to more than 2,500 members of the collective bargaining unit represented by UUP.

Chapter officers are members elected by the membership of that particular chapter. Chapters elect a president, vice president for professionals, vice president for academics, treasurer, secretary and part-time concerns officer. Smaller chapters have combined some officer positions and elect, for example, a secretary-treasurer.

The NYSTI and System Administration chapters do not have vice presidents for academics, because all the members at these chapters are currently professional employees, as compared to academic employees.

Some chapters also elect or appoint other officers, such as a grievance officer and a membership development officer, as outlined in the chapter bylaws.

For every 75 members at a chapter, one delegate is elected to represent members at the statewide UUP Delegate Assemblies, which are currently held three times a year. Delegates serve two-year terms, and elections take place in odd-numbered years. Anyone who is a member can run for delegate. The call for nominations is mailed in January of the election year. Someone else can nominate a member with the member's consent, or you can nominate yourself.

There are also various committees at each chapter, including academic and professional concerns, part-time concerns, membership development, legislation and political action. The chapter president generally appoints committee chairs and members, and may do so in concert with the chapter executive board.

Many chapters also have developed a "department rep" system for the two-way communication between groups of members and the chapter elected officers, including the executive board.

There are also labor/management committees, and appeals committees like the College Review Panel and Professional Evaluation Committee.

The first step to getting involved in UUP is signing the membership application. There are many other levels of union activism for





you to consider. One is to simply share knowledge you have gained about UUP with your colleagues, because it's their union too. The strength of our collective bargaining is directly proportional to the activity of the membership. The more people included as members who are involved and active, the greater our bargaining power at the negotiations table.

Make sure everyone you work with has signed a membership application, and give membership cards to people who haven't signed. If you enjoy doing this, you might consider becoming your department rep. Even if your department has a representative, it is always advantageous to have more people active in the chapter.

As mentioned previously, there are many committees that might interest you. By serving on a committee and discussing issues of concern at your chapter, you help your fellow members and help your chapter leaders address these concerns. You will also be doing a great service for the entire campus community, because sometimes issues discussed affect not only UUP members but everyone else associated with the campus.

Chapter newsletters are a very important way to keep the general membership informed of local and statewide issues. You might consider writing articles, designing or editing your chapter newsletter.

Serving as a chapter delegate or officer is one of the most rewarding and important things you can do for your union and fellow members. Experience is not necessary. There are many dedicated activists who are willing to help you. Also, each chapter is assigned a UUP/NYSUT labor relations specialist (LRS) who knows our contract and can give expert advice.

The Delegate Assembly is the policy-making body of UUP. As a delegate, you will represent members of your chapter at the Delegate Assemblies held three times a year. You will meet with chapter and statewide leaders of the organization and discuss issues facing our union today.

What pension benefits will I receive?

If you are full-time employee, you are given the choice of the pension system to which you and the state will contribute when you start your employment. You have the option of joining one of two plans: the NYS Employees' Retirement System (ERS) or the Optional Retirement Plan (ORP). The NYS ERS plan is a defined *benefit* plan, while the ORP is a defined *contribution* plan.

ERS uses a formula based on the number of years of service and your final average salary to calculate your yearly retirement pay-

ments, which are paid out through your (or your spouse's) lifetime.

Like the NYS ERS, if you choose the ORP, you — along with the state — will make contributions into the plan during the course of your employment, which you will be able to draw on when you retire. In the ORP, you will have the right to choose the plan funds to which the contributions will be made. This decision requires careful consideration. There is no right option for all individuals, and the right choices may change over time depending on your individual or your family's circumstances. It is important to talk with your financial advisor before you decide or change your contribution allocations.

Part-time employees are also eligible for participation in a pension system, but they have the ability to opt out of participation in the system if they wish, which is not true for full-time employees. In many cases, part-time employees choose the ORP, in which the vesting period is the first day of the second year of SUNY employment. The vesting period for ERS is five full calendar years.

Further, all employees have the right to participate in supplemental retirement accounts where they may put pre-tax dollars into a 403(b) and a 457 fund, so that they can reduce their current tax liabilities and increase their future retirement income.

What exactly are the SUNY policies of the Board of Trustees, and where do I find them?

The "policies" govern the general operations of the University and each campus, including essential definitions; faculty appointments; evaluations and promotions; faculty governance; and many other aspects of University life. It is important that you review them at various stages of your professional career. Copies of the policies may be obtained from your department chair, dean or campus human resources office.

What is a professional employee?

A professional employee is anyone employed in a position in the Professional Services Negotiating Unit (PSNU) other than employees with academic or qualified academic rank.

There are more than 300 approved state payroll titles, and dozens of local titles, assigned to professional positions in the PSNU. Some examples are: financial aid advisor; academic advisement assistant; residence hall director; senior staff associate; and admissions advisors. At the SUNY teaching hospitals, "TH" precedes professional titles. For example: TH-respiratory technologist or TH-nurse practitioner.





What is an academic employee?

As defined by the policies of the SUNY Board of Trustees, an academic is “an employee in the PSNU with academic or qualified academic rank.” The Trustees’ policies define Academic Rank as “the rank held by those members of the professional staff having the titles of professor, associate professor, assistant professor, instructor, and assistant instructor, including geographic full-time faculty members having such titles, and rank held by members of the professional staff having the titles of librarian, associate librarian, senior assistant librarian, and assistant librarian. A geographic full-time faculty member is a person serving on the faculty of a medical center who is not employed on a full-time basis for the purpose of fixing compensation payable by the state but all of whose professional services and activities are conducted at the medical center or its affiliated hospitals and are available to the state on a full-time basis for clinical and instructional purposes.” The policies define Qualified Academic Rank as “the rank held by those members of the academic staff having titles of lecturer, or titles of academic rank preceded by the designations ‘clinical’ or ‘visiting’ or other similar designations.”

What is a salary level?

There are six salary levels for professionals: SL-1 through SL-6. The higher the salary rank, the more responsibility given the position. SL-4 and SL-5 are generally supervisory positions and SL-6 is generally a director of a department. However, some directors can be an SL-4 or SL-5 and some supervisors are SL-3. There are also some professional employees who have an SL-4 or higher who do not have supervisory responsibilities. Each position and state payroll title is classified in one of the six salary levels. Your salary level is important information as you pursue a promotion or as the duties and complexity of your job increase.

What are the terms of appointment for professionals?

When you start working at SUNY, the terms of your appointment are contained in a letter from the college president. It should state your salary level (SL rank), your state payroll title, the type of appointment (term or temporary), the duration of the appointment (may be one, but not more than three years), your basic annual salary or rate of compensation, and the effective date of your appointment. If you are a part-time employee, the appointment letter will also tell you what leave you earn and whether you qualify for health benefits. Your appointment letter and other official cor-

respondence are important documents and should be kept in a safe place.

What are temporary, term, five-year term, probationary and permanent appointments?

The types of appointments for professionals are outlined in Article XI – Appointment of Employees, in the State University of New York Policies of the Board of Trustees.

A temporary appointment *is an appointment which may be terminated at any time.*

A term appointment *shall be an appointment for a specified period of not more than three years which shall automatically expire at the end of that period unless terminated earlier because of resignation, retirement or termination. For part-time employees, 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.*

Five-year term appointments *are appointments which may be granted only to persons who serve in a professional title listed in Appendix A to Article XI of the Policies of the Board of Trustees.*

A probationary appointment *shall be an appointment for a period of one year which must be granted to a professional employee holding a professional title in which permanent appointment may be granted at a college of the University when the employee is appointed to a different professional title in which permanent appointment may be granted at the same college, or when the employee is appointed to a professional title listed in Appendix A to Article XI at the same college.*

A permanent appointment *shall be an appointment of a professional employee in a professional title which is eligible for permanent appointment, which shall continue until a change in such title, resignation, retirement, or termination. This is SUNY’s equivalent for professional employees to “continuing appointment” for academic employees.*

There are many eligibility requirements involved in professional appointments at SUNY. If you have any questions, contact your UUP chapter officers for clarification and assistance. Have your appointment letter available for review and/or discussion.

What type of job security does each type of appointment give me?

A temporary appointment does not give much job security as the employee can be terminated at any time without notice.

A term appointment can be renewed for terms of not more than





three years before it expires, and has different notice requirements if the appointment will not be renewed, depending on how long you have been employed at the college and whether you are employed full time or part time.

If you are a part-time employee with a term appointment, you must receive a notice of nonrenewal in writing 45 calendar days prior to the end of your current appointment expiration date.

If you are a full-time employee with a term appointment and receive a notice of nonrenewal, you must be notified in writing: three months prior to the end of your first year of uninterrupted service, but no later than March 31 for appointments ending in June, July or August; six months prior to the end of a term expiring after the completion of your first year, but not after more than two years of uninterrupted service; and 12 months prior to the expiration of a term, after two or more years of uninterrupted service. Employees in Title B-1 and B-2 of the Policies of the Board of Trustees must receive six months notice.

Permanent appointment may be granted to a professional employee after completing seven consecutive years of full-time service, with the last two years served in that professional title. Procedures are available to apply for early consideration for permanent appointment. A permanent appointment is not in effect until you receive a letter from the SUNY chancellor. If you attain permanent appointment, you cannot be nonrenewed. Permanent appointment for professionals is similar to continuing appointment for academics, and is sometimes referred to as tenure. Part-time employees, temporary, probationary, and those employees with Appendix A and Appendix B titles are not eligible for permanent appointment.

Most full-time professional employees are hired at SUNY on a term appointment for a duration not to exceed three years.

Temporary appointments are given for specific reasons as outlined in the Policies of the Board of Trustees. If you don't believe your appointment complies with one of those categories, it is important for you to contact your UUP chapter officers.

What do I do if I get a notice of nonrenewal?

If you have a term appointment and receive a notice of nonrenewal, contact your UUP chapter officers to make sure that your contractual rights have not been violated and that you have been given appropriate notice.

A temporary appointment gives you little recourse because it may be terminated at any time. Check all of your documents. It is very easy when signing many documents and forms to over-

look "temporary appointment" when it should say "term appointment."

What is a performance program?

The performance program is a written document that spells out the expectations of your work for the university. The letter of appointment from the college president must contain the name of your immediate supervisor, who will be responsible for establishing your performance program. The performance program is the result of discussions between you and your supervisor, and outlines your duties, responsibilities and objectives for the upcoming year.

The first written performance program should be provided to you within 45 calendar days of your initial date of employment. A new performance program should be provided yearly, whenever your duties and responsibilities change, or when you get a promotion.

If you are classified as Fair Labor Standards Act (FLSA) nonexempt, you are eligible to receive overtime when you work more than 40 hours in a work week and your performance program should include the normal hours or shifts you are expected to report for work.

If you are classified as FLSA exempt, you are not entitled to overtime. You are entitled to compensatory time off for service provided above and beyond your normal professional obligation.

Your performance program and its evaluation are official records of your work and will be placed in your personnel file. It is important that it is accurate and up to date. Annual evaluations are based on the conduct of your performance program. The performance program can be very helpful when seeking a promotion or salary increase, as it can show an increase in duties and responsibilities from year to year, and from one performance program to another.

What is my professional obligation?

Your professional obligation is specified as the duties and responsibilities in your current performance program. It is what you are expected to do during the course of a normal work week.

What is an annual evaluation?

Your annual evaluation is based on the contents of your performance program as outlined the previous year. You and your immediate supervisor should discuss aspects of the evaluation.

What can I do if I disagree with my evaluation?

If you and your supervisor disagree about your evaluation and you believe you received an inaccurate assessment of your performance, there are a number of things you can do. Discussing your evaluation with your supervisor is very important. The evaluation may only





include elements of duties and responsibilities contained in your current performance program. If any of the statements in your evaluation are unclear, ask for clarification. Sometimes the wording in the evaluation can be changed to give a more accurate picture of how you performed and you can and should make suggestions.

An evaluation should be used to help you excel and improve in your position. Criticism should be constructive, not harmful.

If you believe you need more training or help, ask for it.

Sometimes the performance program you received the year before was unrealistic. It might be necessary to have a more realistic performance program put in place.

If agreement cannot be reached with your immediate supervisor, you may write a reply and submit it to your official personnel file and to your performance evaluation. If the evaluation is unsatisfactory, you can appeal to the Professional Evaluation Review Committee at your UUP chapter. There is a 10-working-day time limit for requesting a review, so it is important to make the request as soon as you receive an unsatisfactory evaluation.

What do I do if my evaluation has been characterized as “satisfactory,” but the content of the evaluation is not?

This is not uncommon, since evaluations can only be characterized as “satisfactory” or “unsatisfactory.” Many supervisors don’t want to check “unsatisfactory,” but feel a poor evaluation will “send a message.” This should not be the intent of an evaluation; rather, it should be a tool to help you excel. You should follow the suggestions in the previous section and contact your UUP chapter leaders.

What is the difference between compensatory time and overtime?

Many professionals in SUNY normally work a professional obligation and are not tied to particular hours. These employees are entitled to compensatory time for service worked beyond their normal professional obligation as outlined in the contract (Appendix A-29). For example, you normally work Monday to Friday and are asked to work on Saturday because the college is holding an event. You are entitled to ask for compensatory time off at a later date that is mutually agreeable to you and your supervisor. These employees would be classified as “exempt” and are not eligible to receive overtime under FLSA.

There are other professionals whose professional obligation is directly tied to hours worked. These employees would be classified as “nonexempt” and are eligible for overtime under FLSA. When more than 40 hours in a week are worked, these employees

are entitled to accrue overtime. Overtime is calculated at 1.5 times their hourly wage.

There are also some members who have a defined week of 37.5 hours. If they work more, they receive straight-time compensatory time for up to 40 hours and 1.5 times their hourly wage for more than 40 hours worked.

Up to 240 hours of overtime can be banked. After you have reached 240 hours, you must be paid in salary for your overtime in your bi-weekly check. You are paid for the hours in this bank at the rate you are earning when you leave SUNY.

There are many professionals who are not classified correctly and are not receiving what they should for additional service or hours worked. If you think you are incorrectly classified, you should contact your UUP chapter office. Be sure to bring your performance program with you.

My supervisor says there is no such thing as comp time. Is that true?

Not true. Compensatory time has been around for a long time and it is referenced in a memorandum in our contract (Appendix A-29).

All professionals who are exempt from earning overtime under the FLSA can earn compensatory time. Contact your UUP chapter officers if this is not acknowledged by your immediate supervisor.

Is there a clear example of comp time?

Compensatory time can be earned for doing your normal duties beyond your normal professional obligation. For example, you normally work Monday through Friday. On Thursday, your supervisor asks you to work Saturday because of a college function. You ask your supervisor if you can take Friday off for working Saturday, but are denied because you are needed to prepare for the function. You then ask for Monday off and your supervisor agrees.

You then work Saturday from 8 a.m. to 6 p.m. You worked 10 hours and you would get Monday off. Or you work Saturday from 8 a.m. until noon. You worked four hours and you may still get Monday off. There are other scenarios on how to earn and use comp time, but the basic thing is that professionals can earn it. However, it is not hour for hour, and it can be used at a mutually agreed upon time in the future.

What is on-call?

On-call is the employee’s way of providing services during an employees off-hours and is very common in the health care industry. In some cases it is part of your job. Physicians and other spe-





cialized health care providers and high-level administrators are frequently on-call as a part of their normal duties. However, many other people get additional compensation as outlined in Appendix A-16.

On-call is defined as an employee's being required to be available to return to work within a reasonable period of time after having completed the professional obligation and having left the workstation. A limited number of employees are so assigned. Their geographic movements are restricted and they remain on-call and available for immediate recall.

Unless you must respond and return to work, the mere carrying of a pager, cell phone, palm pilot, or any other communication device does not fit the definition. Carrying any of these devices during your normal professional obligation also does not fit the definition.

What if I am given on-call but I am not compensated?

On-call duty is a mandatory subject of negotiation as defined by case law decisions of the PERB established by the NYS Fair Employment Act. This means management must discuss adding this duty with you or your union representative as it is a term and condition of employment. It is also an increase in duties. Employees can and do get compensated for it, and if you are FLSA eligible you could be entitled to overtime pay.

In this world of technology it is increasingly common to have professional work extended to personal time. It can also seem like no big deal at first, but can easily become a nightmare. The only recourse is to insist on getting some compensation for this increase in duties.

UUP's long-term goal is to have all members who participate in on-call duties compensated as outlined in the contract. If you have questions, please contact your UUP chapter officers.

Does SUNY have a software policy, and how does it affect the software I create?

SUNY has a software policy and it is more detailed and clearer than its policy on intellectual property. Please note that this policy applies only to software and software support materials. Here is the policy:

Introduction: The use of computers within the University may result in the creation of computer software. Computer software can be either copyrighted or patented, depending on the particular circumstances, and can often be licensed for commercial use. This policy covers the various aspects of ownership, administration and

promotion of such computer software. The proprietary interests of several parties can be involved when computer software is generated within the University: the creator(s), the University or the Research Foundation, or an outside sponsoring agency. The University wishes to clarify and protect the rights and interests of all of these parties. This policy addresses only computer software and software support materials and not other literary and instructional works nor dramatic, musical and artistic works created by faculty, employees, or students of the State University of New York.

Disclosure: Computer software and software support materials shall be disclosed promptly to the Research Foundation (Technology Transfer Office), which functions by formal agreement as the agent of the State University of New York for the administration of such materials. All concerned shall cooperate to insure copyright protection is secured when needed.

Definitions:

Scope of Employment shall mean tasks assigned in a job description, letter of appointment, or other specific written document.

Work for Hire shall mean work done by faculty, employees or students under campus consultation, extra service or technical assistance arrangements, through contract, consultancy or purchase order, but not within the Scope of Employment.

Software shall mean computer programs in machine readable or interpreted form, including printed listings or printout forms produced from machine-readable input, required operating documentation, input information, or formal specifications necessary for operating of the program.

Software Support Materials shall mean all additional materials pertaining to software, including narrative and instructional documentation; user and operational guides; and program training guides.

Creator shall mean one who originates the computer software code or who makes a significant contribution to structure or organization of the software.

Royalties shall mean the gross amount of all payments received from the commercialization of software and software support materials.

Ownership: Title to computer software support materials developed by faculty, employees, and students of the State University of New York or employees of the Research Foundation shall belong solely to the State University of New York or the Research Foundation unless all of the following conditions exist; then it belongs to the creator:





- I. The work was not created within the scope of the employment of the creator;
- II. The work created was not the result of a work-for-hire situation;
- III. The work created was not a product or byproduct of sponsored or contracted activity;
- IV. The work was not developed through the use of facilities, funds or personnel of the University or the Research Foundation or under the control of the University or the Research Foundation.

Royalties: Where software is created within the scope of employment or is the result of a work-for-hire situation, the Research Foundation shall retain all royalties generated by the commercialization, for distribution in accordance with the policies of the University and the Research Foundation. If the work was developed through the use of University or Research Foundation facilities, funds, or personnel, or resulted from sponsor-funded or contracted activities, the creator shall receive 40 percent of all gross royalties received for products or services which embody the creator's work, unless the payment exceeds the limits fixed by applicable regulations of the relevant sponsoring agency, which will control in such cases. The remaining royalties will be distributed in accordance with the policies of the University and the Research Foundation. These remaining royalties, after deduction of an administrative fee, are deposited in a royalty account under the control of the campus president where the software was created. The originating academic units, laboratories, or centers, as determined by the campus president, may receive a percentage of the royalties thus returned to the campus.

Exception or Waiver: In all cases, creators of software are entitled to request a waiver or exception to the provisions of this computer software policy. This waiver or exception will be reviewed by the appropriate Patent Policy Board of the State University of New York, which will make a recommendation on the request to the Chancellor.

This policy is available in Q&A format at www.uupinfo.org.

What should I do if I still have questions about SUNY's software policy?

UUP's Web site — www.uupinfo.org — has a link (under Reports) to a document titled, "Questions & Answers — Intellectual Property, Software and Distance Learning: SUNY Policy and UUP Recommendations." This informative document may answer many of the questions you're likely to have on this

topic. However, don't hesitate to call your UUP chapter officers if you have additional questions or for further clarification. Applicable numbers can be found at the end of this guide.

What do I do if my duties and responsibilities are increased?

Ask that your performance program reflect the additional duties and responsibilities. Request a salary increase. If your request for a salary increase is denied, ask your supervisor which duties you will not be responsible for and have them removed from your performance program. If the additional duties remain, you can appeal the denial of a promotion or salary increase to the College Review Panel. Your chapter leaders can help you access and use the process.

What is an example of an increase in duties and responsibilities?

A common example of an increase in duties is the responsibility of being "on-call" for work during off-hours, such as weekends and nights. Employees frequently accept this type of duty and are available by pager, phone or other communication device without asking for compensation, salary increase, or reduction in other duties. In the beginning, it doesn't seem like a burden because calls are infrequent. But as the demand grows, so does the amount of work during your time off-duty. There are many other duties that can become part of your position that would entitle you to compensation. If you have any questions or think your duties have been increased, call your UUP chapter officers for help.

How can I get a promotion and/or salary increase?

A promotion is an increase in basic annual salary accompanied by movement to a higher salary level with a change in title. You can request a recommendation for a promotion from your immediate supervisor any time that you believe it is appropriate.

You should first make a written request for a promotion to your immediate supervisor. Your supervisor has 45 calendar days to respond to your request. If you do not receive a response, either positive or negative, within the 45-day period, it is deemed a "no" response.

If your request for a promotion has been denied at any organizational level below that of the college president, you may appeal for a review of your case by the College Review Panel. The panel is elected by professional employees in the PSNU at your campus. The college president has 90 calendar days to respond to the recommendation of the College Review Panel.

If you receive a promotion, you should make sure the increased duties and responsibilities are included in your performance program.

Forms you may need to request a promotion should be available





at your campus human resources office.

You can also request an increase in salary without a title change in the same manner as stated above. While this is not defined as a promotion, a denial can also be appealed to the College Review Panel.

What is a contract grievance?

A grievance is a claim that a specific provision of the collective bargaining agreement has been misinterpreted, misapplied or violated.

Is there a time limit for filing a grievance?

Yes. It is 45 calendar days from the date of the occurrence or omission of an act.

I'm not sure if I have a grievance. What should I do?

As the filing of a grievance is time-sensitive, you should contact your UUP chapter officers as soon as possible.

Not all complaints are grievances but, even if a complaint is not technically a grievance, there are many other techniques for problem-solving that the chapter can use. Your chapter leaders can talk to a supervisor, put the issue on a labor/management agenda or otherwise raise your concern with people who can resolve the problem. At the very least, you can get advice on how to deal with the problem from your UUP chapter officers who may have dealt with similar issues before.

Who will represent me?

UUP has an obligation to represent all members of the PSNU.

How can my supervisor also be a member of UUP?

It is a bit confusing, but the PSNU includes all professional titles, both academic and professional, below the level of management. It includes assistant deans, department chairs, teaching and professional faculty, and supervisors. All of them work under the direction of management. PERB decides who can be designated as management.

Who represents whom if both sides in a grievance are members?

Over the years, UUP has developed ways to represent members of such a diverse bargaining unit. Every individual has a right to full representation no matter who may be involved in the issue. When supervisors act as supervisors, they are acting as an agent of management, and management is held responsible for any contract violation or other improper action.

What do I do if I receive a notice of discipline?

You have 10 working days to file a disciplinary grievance. If you fail to file, the penalty will be imposed. Contact your UUP chapter officers immediately.

Is there grant money available to me?

The State of New York/UUP Joint Labor/Management Committees address mutually identified issues affecting the quality and productivity of the SUNY system. Six Joint Labor/Management Committees (JLMCs) are funded in the 2003-2007 Agreement between UUP and the state of New York:

- The Affirmative Action/Diversity Committee reviews and develops recommendations in the areas of equal employment and affirmative action with preference given to minorities, women, persons with disabilities, and Vietnam-era veterans.
- The Employment Committee studies employee displacement problems arising from reductions in force due to programmatic reductions, curtailments, relocations, reallocation of resources, consolidations and technological changes. The committee makes recommendations for the solution of these problems, including but not limited to making available state job opportunities and resources, transitioning to work in the labor market beyond State employment, and the training or retraining of retrenched or high-risk employees for other employment.
- The Professional Development Committee provides funding for professional development activities, which include: providing training to improve job performance; assisting employees in developing their full professional potential; and preparing for advancement.
 - The Individual Development Awards Program is the largest of all state/UUP JLMC programs. Proportional allocations are assigned to each campus based on unit member population.
 - The Special Projects Fund Program is designed to provide release time and salary for a replacement, so that eligible employees can participate in activities in preparation for advancement.
- The Safety and Health Committee identifies and reviews safety-related issues affecting employees, and recommends a plan for





the correction of such matters. The Dr. Herbert N. Wright Memorial Safety and Health Training Award Program provides safety, health and environmental training that enables employees to refine or develop skills to increase job effectiveness.

- The Technology Committee identifies, reviews, and explores issues of mutual concern pertaining to the application of technology to work performed by unit members.

- The Campus Grants Committee encompasses all the programmatic committees. Funding is provided for unit members' needs, such as making the work place safer; encouraging and promoting professional development; expanding affirmative action/diversity opportunities for women, Vietnam-era veterans and minorities; and promoting funding opportunities for employees with disabilities. Campus grants may be used for creative technological needs that are not provided by the campus.

This program enables unit members to submit proposals that address mutually identified needs among the other five committees.

Be sure to visit your UUP chapter officers or the UUP Web site for applications, deadlines and other important information.

What do I do if I get hurt on the job?

You should get emergency medical treatment, if needed.

Notify your employer about the accident. You should do so as soon as practical, but you have up to 30 days.

Place yourself under the care of a physician who treats workers' compensation patients. No claim can be established without medical documentation that the injury was caused by your work.

To file your claim with the New York State Workers' Compensation Board, you need to file a C-3 form. Notifying your employer does *not* automatically start a workers' compensation claim.

What is NYS Worker's Compensation?

New York State Workers' Compensation is a statutory benefit, paid solely by SUNY. This benefit entitles you to full coverage of all related medical care and hospital treatment for all job-related illnesses or injuries. It provides for partial wage replacement for temporary or permanent loss of earnings.

It also entitles you to compensation in the form of cash payments

for loss or partial loss of use of fingers, hands, arms, toes, feet, legs, vision, hearing or facial scarring, as well as a variety of death and survivor benefits.

If your claim is established, you are entitled to medical benefits and possible cash compensation for a job-related injury or illness — even if there is no lost time from work.

Do I need an attorney for my workers' compensation claim?

An attorney is recommended because the workers' compensation process is complicated, cumbersome and confusing. Also, your employer will always be represented by legal counsel at a New York State Workers' Compensation Board hearing.

Can UUP help me get an attorney for a workers' compensation claim?

Yes. In a continuing effort to expand and improve benefits for its members, UUP has entered into an agreement with a statewide law firm that concentrates on workers' compensation and Social Security disability. The firm — Fine, Olin and Anderman, LLP (FOA) — has offices throughout New York state, with more than 70 attorneys and support staff.

FOA — at no cost to you — will help you fill out the necessary paperwork (C-3 form) to file your claim with the NYS Workers' Compensation Board, represent you at hearings and answer your questions.

You can reach FOA at 1-866-FOA-4-UUP.

What other benefits do I get from UUP?

Benefits provided by the UUP Benefit Trust Fund are dental and vision programs, life insurance and a dependent-child scholarship program for attendance at a SUNY state-operated institution.

In addition, UUP members have access to many benefits provided by our affiliates, NYSUT and the AFT, such as low-cost auto, homeowners and life insurance and many others.

You can review many of the additional benefits programs by visiting the UUP Web site at www.uupinfo.org.

If you have any questions, you can contact the UUP Benefit Trust Fund at 1-800-UUP-FUND.

