



# Supervising Professional Staff

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# Introduction

- Overview of rules, requirements, processes pertaining to employment of UUP Professional Staff.
- Your role and responsibilities as a supervisor.
- Sensitive issues specific to individual employee should be addressed in a private meeting in HR.

# Today's Topics:

- Appointment Types
- Job Descriptions, Performance Programs and Evaluations
- Appointment Review Process and Notification Requirements
- Professional Obligation
  - Compensatory Time for Professional Employees
  - Time and Attendance
- Addressing Performance Issues
- Promotions/Salary Increases

# Appointment Types

- Temporary
  - Policies Article XI, Title F
  - Can be terminated at any time
  - FT Temporary should not exceed one year (Some exceptions)
  - FT Temporary service counts toward Permanent Appointment Eligibility
  - No notice requirements
  - After 2 years PT Temporary, further employment should be PT Term

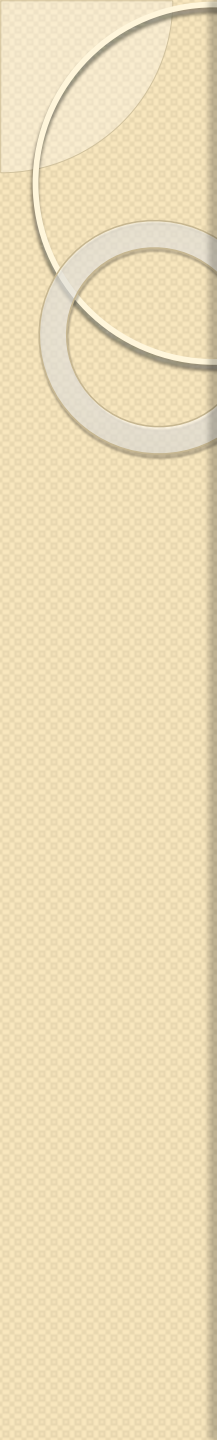
# Appointment Types, Continued

- Term Appointments
  - Policies Article XI, Title D
  - Maximum term 3 years
  - Notice Required if not renewed:
    - 45 Days for Part Time Term
    - 3 Months for FT Term in First Year
    - 6 Months for FT after 1 Year, but not more than 2
    - 12 Months for FT after 2 Years



# Titles Not Eligible for Permanent Appointment

- Appendix A of Article XI
  - Includes certain Director titles
  - After 3 Years, Terms must be 5 Years
- Appendix B (Coaching Titles) and Appendix C (Fundraising Titles)
  - After 4 years, Terms must be 3 Years



# Performance Evaluation and Professional Development System

## PEPDS

- Forms and Guidance on HR Website  
<http://hr.buffalostate.edu/performance-evaluation-and-professional-development-system-pepds>.
- Every Professional Employee should have:
  - Up-to-Date Job Description
  - Performance Program for coming year
  - Annual Evaluation that is based on Performance Program

**Note: This includes employees with Permanent Appointment!**

# Unsatisfactory Ratings

- Overall Rating of “Unsatisfactory”
  - Defined as: *Needs significant improvement, performance below acceptable level, lacks basic understanding of position duties and responsibilities. Many tasks require extra direction by supervisor. Supervisor may find it necessary to avoid assigning tasks to employee.*
  - Comments on individual goals should be consistent with overall rating of “Satisfactory” or “Unsatisfactory.”



# Unsatisfactory Ratings, Continued

- Employee may request review of an overall “Unsatisfactory” rating from College Committee on Professional Evaluation. Committee makes recommendations to VP/President regarding the rating.
- Consult with HR if considering rating of “Unsatisfactory” overall.

# Time Periods for Evaluations

- For employees with Term Appointments that must be reviewed for renewal, HR will send reminder notices.
- For employees with Permanent Appointments, we suggest using July 1 to June 30 as period for performance programs and evaluations  
(Consistent with period for Annual Reports)

# Appointment Review Process

- Supervisor initiates with performance evaluation and recommendation. HR provides guidance, reminders on dates.
- Finalize evaluation at least 45 days prior to Notification Deadline.
- Any written evaluation or recommendation pertaining to appointment **MUST** be shared with employee at time it is prepared (UUP Contract Article 3 I)

# Appointment Review Process

- Submit recommendations by dates in reminder from memo from HR.
- Allows sufficient time for other reviews/recommendations, required 5 day “review and respond” (UUP contract Article 31), decision by VP/Provost/CIO or President.
- Remember that you are making **RECOMMENDATION**. Only VP/Provost/CIO/President can actually renew or non-renew a term appointment.

# Appointment Review Process

- Policies of Board of Trustees Article XI, Title D:
  - *“No term appointment, of itself, shall be deemed to create any manner of legal right, interest or expectancy in any other appointment or renewal.”*
- UUP Contract, Article 7.2 (Grievance Procedure)
  - Defines Grievances, and provides that *“with respect to matters involving appointment of employees a grievance shall be deemed to mean a claimed failure by the State **to follow the procedural steps** relating to appointment contained in the Policies of the Board of Trustees.*



# Process for Permanent Appointment

- Further employment after 7 years **MUST** be on basis of Permanent Appointment
- Permanent Appointment essentially a lifetime appointment, so recommendations should be very carefully considered.
- Recommendation should reference performance since in the position (not just past year)



# Permanent Appointment

- Consider using criteria for Professional Employees in Policies and UUP Contract in your recommendation:
  - Mastery of Specialization
  - Professional Ability
  - Effectiveness in University Service
  - Continuing Growth

# Permanent Appointment

- Article 33 Review Possible
  - If all evaluations are “Satisfactory” but not recommended for Permanent Appointment
  - If supervisor recommends Permanent but final decision is Expiration of Term
  - Review by ad hoc tripartite committee (Chancellor’s Advisory Committee)
    - Review substance of judgment of performance OR
    - Review whether non-renewal was based on program issues



# Professional Obligation

- UUP Professional Employees do not have defined number of hours in work day or work week.
- Professional Obligation defined in Job Description and Performance Program.
  - Some obligations may include work on evenings, weekends.
- Concept requires flexibility by both employee and supervisor.

# Time and Attendance

- Can be challenging to manage for group with no defined work hours.
- Focus on work vs. hours:
  - Do you need person present to provide services?
  - Are projects and assignments completed according to expectations?
  - Build operational needs into Performance Programs

# Time and Attendance

- Vacation Requests should be submitted and approved in advance.
- Vacation Requests can be denied for operational reasons – but supervisor must be fair, reasonable. Try to offer compromise, if possible.
- May be required to provide reason for denial in writing.

# Time and Attendance

- Sick Leave is usually unscheduled absence.
- Contact HR if concerned that use of sick leave is excessive.
- Do NOT require employee to bring in a doctor's note!
- If employee requires sick leave beyond a week, refer them to HR for guidance on requesting extended leave, providing medical documentation.
- All medical documentation should be sent to HR ONLY.

# Time and Attendance

- Both Employee and Supervisor are held accountable for Certification that monthly time records are accurate.
- Time Off using accruals must be documented in monthly reports.
- Charge to accruals should not be in less than .25 day increments: requires flexibility by employee and supervisor.

# Compensatory Time

- “Non-Holiday Compensatory Time” can be confusing, often misunderstood.
- Compensatory Time is only available when an employee is required to work above and beyond the normal professional obligation.
- Compensatory Time can only be accrued and used following the approval of management or designated supervisor.

# Compensatory Time

- Compensatory Time is NOT calculated on a strict hour for hour basis.
- This type of Compensatory Time is not recorded on the monthly attendance records.
- Unused Compensatory Time not paid out at separation.



# Sample Memo to Document Compensatory Time

This memo will confirm our mutual agreement that you will not be reporting to campus on (DATE) for the full time that the office is normally open. The use of this time is in recognition of the services you have performed beyond your normal professional obligation. For attendance purposes, you are regarded as having been present at that date sufficient to meet your required obligation.

(UUP Contract A-29)



# Addressing Performance Issues

- Counseling: NOT Discipline
  - Conversation between Supervisor and Employee
  - No right to representation
  - Constructive: Intended to improve performance, not to accuse or punish



# Addressing Performance Issues

- Informal Counseling
- Formal Counseling:
  - Counseling Memo: Consult with HR
- Directives



## ... Performance Issues

- Employee cannot be disciplined for act that addressed with Counseling
- Consult with HR if there may be misconduct or wrong doing
- STOP counseling session if new, serious issues come up that may warrant disciplinary action.



## ... Performance Issues

- HR investigates matters that may lead to discipline
- Interrogation of employee requires representation
- Cannot use statements in disciplinary action if representation not provided

# Promotions and Salary Increases

- Appendix A-28 of UUP Agreement
- Promotion
  - Increase in salary with movement to higher salary level, change in title
    - Permanent and Significant increase in duties and responsibilities in current job, or movement to new job
    - Reflected in Performance Program

# Promotions/Salary Increases

- Must be approved by President
- If increase in duties in current position:
  - Propose promotion/salary increase FIRST, before changing duties
  - Consult with HR re appropriate title, level
  - Clearly define what has been added

# Promotions/Salary Increases

- Promotion to higher level requires a salary increase
  - No specific dollar amount
  - Salary must be at least minimum for SL
  - May change date eligible for Permanent Appointment

# Promotions/Salary Increases

- Salary Increases (without Promotion)
  - Significant and permanent increase in duties/responsibilities
  - Reflected in Performance Program
  - Clearly define what has been added



# Promotions/Salary Increases

- Employee Request for Promotion/Salary Increase
  - Supervisor makes recommendation but is not final approval
  - Must identify source of funds for salary increase
  - If denied at level below President, employee may take to College Review Panel
  - Review Panel makes recommendation
  - Denial of Promotion may go to University Review Board
  - Decision on Salary Increase at President's discretion

# Questions?

- Future Sessions:
  - Expand on topics covered today?
  - New topics?

Please send e-mail or call to discuss