

## **Policy 5.09 Higher Education Officer Series**

The Board of Trustees of The City University of New York authorizes the Chancellor to delegate to each college president individually such responsibility, as the Chancellor deems prudent for the purpose of enforcing the Bylaws and policies of the Board of Trustees, to implement this policy, including (BTM-1999-10-25,006,\_E):

- a) Review of the qualifications of candidates for employment in positions in the Higher Education Officer (HEO) series
- b) Recommendation to the Board for approval of the rate of pay for employees in HEO series titles

The college president shall be responsible for certifying to the Board of Trustees that all such delegated personnel actions reported in the Chancellor's and University Reports are in compliance with the Bylaws and policies of the Board of Trustees. (BTM-1999-10-25,006,\_E)

### **2 History**

The HEO series was created by resolution of the Board of Higher Education on 26 September 1966, as part of the instructional staff—i.e., as unclassified civil service titles consistent with New York State Civil Service Law. The New York State Education Law requires the Board of Trustees to "determine to what extent examinations are practicable to ascertain merit and fitness for each of the positions within the educational units covered and administered by it and, in so far as examinations are deemed practicable to determine to what extent it is practicable that such examinations be competitive." In June 1967, the Board of Higher Education approved a document entitled Appointment Procedures and Practicability of Competitive Examinations for Higher Education Officer Series Titles. This document concluded that formal examinations for positions in the HEO series were impracticable for determining merit and fitness and recommended that HEOs be appointed through an "unassembled examination" adapted from the practice used at the time for the selection of faculty. The recruitment and HEO screening process, therefore, is the method adopted by the Board of Trustees to determine merit and fitness in lieu of formal civil service examinations. The details of the selection process are provided in the Guidelines Regarding Recruitment and appointment to HEO Series Positions, revised March 1995. (BTM-1999-10-25,006,\_E)

### **3 Functions**

HEOs perform a variety of functions for the University for which there is no classified civil service counterpart and which are generally not appropriate for faculty. At its inception, examples of duties appropriate to the HEO series included "institutional research, campus planning and development, coordination of relations with community and civic groups, supervision and coordination of all educational data processing, coordination of applications to federal, state and private foundations for educational grants, direction of specific specialized campus activities, function as executive assistant to Chancellor or President, or development of some major aspect of new programs." (BTM-1999-10-25,006,\_E)

#### **4 Classification of Positions**

The responsibility for insuring proper classification is assigned by New York State law to the CUNY Civil Service Commission and to the CUNY Board of Trustees. By delegation, the classification of HEO positions rests with both the colleges and with the Office of Faculty and Staff Relations (OFSR). OFSR has the responsibility for determining whether a position proposed by a college belongs in the classified service or the unclassified, that is, instructional, service and also for determining the proper title. Colleges initiate classification requests to OFSR by submitting Position Vacancy Notices (PVNs) for review and approval. (BTM-1999-10-25,006,\_E)

Maintenance of consistency is essential for job classification in the civil service and bears an important relationship to collective bargaining. (BTM-1999-10-25,006,\_E)

#### **5 Filling Positions**

After a position is approved, the college is expected to conduct a search for qualified candidates to fill the position.' When a candidate is chosen, an offer is made at a specified salary. The appointment is then presented to the Board of Trustees for its approval. OFSR reviews every appointment in the classified staff, higher education officer series, and college laboratory technician series that is recommended to the Board of Trustees, via the Chancellor's or University Reports. OFSR ascertains whether the candidate meets the Bylaw qualifications and is being offered a salary that is consistent with salaries offered throughout the University for similar positions. In this way OFSR assists the Chancellor in meeting his or her obligations to certify to the Board that such entries on the Chancellor's and University Reports conform to Board requirements. (BTM-1999-10-25,006,\_E)

#### **6 Titles within the HEO Series**

The titles within the Series shall be (BTM-1999-10-25,006,\_E):

- a) Assistant to the Higher Education Officer
- b) Higher Education Assistant
- c) Higher Education Associate
- d) Higher Education Officer

This configuration has the advantages of familiarity and acceptance. The policies outlined below will provide the flexibility and efficiency that the colleges need. Primary responsibility for maintaining the integrity of appointments to the HEO series is devolved to the Presidents and, in many instances, a post-audit process will replace a pre-audit process. (BTM-1999-10-25,006,\_E)

#### **7 Classification**

Through its classification activities, the University maintains consistent enforcement of employment laws, collective bargaining agreements, and arbitration decisions. In addition, OFSR certifies to the Board that classification is consistent with Board directives and safeguards the Board's long standing interest in fair employment practices and in minimizing competition among colleges for employees. The benefits of a good classification system include (BTM-1999-10-25,006,\_E):

- a) Providing equity in hiring decisions, in work assignments, and in compensating employees
- b) Meeting the requirements of civil service and employment laws
- c) Clarifying employee responsibilities and performance expectations
- d) Providing a basis for managerial direction and evaluation
- e) Distinguishing those tasks that are essential
- f) Identifying accomplishments that may be rewarded

Classification specifications, other than the limited guidance in the Bylaws, do not currently exist to assist the colleges or the University. Consequently, colleges base position classification on previous classifications, individual candidate traits, or salary needs, all of which may serve to distort classification, especially as jobs transform. The University HEO Committee in reviewing classification requests and appeals, frequently refers to former submissions and to the submissions of other colleges for similar positions rather than to established specifications in order to arrive at a reasonable decision. (BTM-1999-10-25,006,\_E)

OFSR reviews classification requests on behalf of the Board. This review shall continue, with the following modifications (BTM-1999-10-25,006,\_E):

- a) In order to make the classification of HEO positions easier for the colleges and more consistent across the University, OFSR, with the assistance of the colleges, will develop classification specifications. The specifications will provide sample, benchmarked positions with characteristic duties covering all major categories of unclassified service work in the University (e.g., budget, student services, finance, academic administration, etc.). It would be advisable to engage the services of a classification consultant to assist OFSR in evaluating the final product and in validating the specifications. (BTM-1999-10-25,006,\_E)
- b) The process of obtaining position classification clearance from OFSR using the new classification specifications will be significantly revised. The current double classification review, i.e., at both the PVN stage and at the candidate appointment stage, will be reduced to a single front-end verification that the college has slotted the vacant position into the proper benchmarked classification. In those cases in which the college combines job tasks into a unique specification not covered by the benchmarked jobs, OFSR will review the submission at the PVN stage only and, after consultation with the college, assign a classification. (BTM-1999-10-25,006,\_E)
- c) For job duties for which there is considerable overlap between the classified and the unclassified (instructional) civil service, classification approval from OFSR prior to posting vacancies will continue to be required: i.e., for positions entailing substantial clerical, accounting, purchasing, computing, security, or facilities management duties. (BTM-1999-10-25,006,\_E)
- d) Requests for reclassification of existing filled positions will continue to require prior approval by OFSR. (BTM-1999-10-25,006,\_E)

## **8 Qualifications**

The Bylaws of the Board of Trustees set the minimum qualifications for appointment to HEO series titles. The Bylaws require, at a minimum, a baccalaureate degree and years of experience in higher education related to the position. (BTM-1999-10-25,006,\_E)

Responsibility is delegated to the colleges for certifying directly to the Board of Trustees that candidates meet the minimum qualifications, subject to periodic post-audits by OFSR. Vesting such responsibility in the College Presidents, eliminates the requirement that OFSR certify the Chancellor's and University Reports entries on behalf of the Chancellor. (BTM-1999-10-25,006,\_E)

OFSR maintains responsibility for reviewing Bylaw waiver requests submitted by the colleges and seeking appropriate Board approval. (BTM-1999-10-25,006,\_E)

## **9 Compensation and Movement Between Titles**

HEO series are not promotional. HEO positions are unlike faculty positions in which a person may be promoted from assistant professor to associate professor and, finally, to full professor. In these cases, the nature of the faculty position does not change. Assistant professors, associate professors and full professors all perform essentially the same functions, e.g., teaching, research, student advisement, and service to the college and university. Unlike faculty positions, the very design and description of the HEO titles make it clear that different functions and levels of responsibility are appropriate to each title. For example, the job duties appropriate to an Assistant to HEO, essentially to support the work of a higher education officer or dean, are not appropriate to full HEO, who is expected to undertake major responsibilities on behalf of the University. However, were the series to become promotional, an Assistant to HEO would during his or her career, expect to be promoted, ultimately to a full HEO, even though his or her job duties have remained unchanged. Such a change in a series with only four titles that represent such broad levels of skill and responsibility would likely result in an expedited journey to the highest title based solely on performance or length of service with little or no significant change in scope of work. (BTM-1999-10-25,006,\_E)

The following policies will obtain within the context of a non-promotional series (BTM-1999-10-25,006,\_E):

An incumbent is not required to serve for a minimum of two years before his or her position can be reclassified, provided that the reclassification is justified by a demonstrable, substantial change in, or addition to, current duties. (BTM-1999-10-25,006,\_E)

A candidate's current position does not have to be searched for before allowing reclassification. (BTM-1999-10-25,006,\_E)

OFSR is not required to approve contractual merit increases of one and two steps, but notification to OFSR is required. OFSR approves merit increases of more than two steps and early movement to the fifth and seventh year step increments. (BTM-1999-10-25,006,\_E)

The responsibility to ensure equitable and appropriate salary placement upon appointment or reclassification is vested in the Presidents. (BTM-1999-10-25,006,\_E)

## 10 Searches

Conducting a search—recruiting outside of the University and assessing credentials as presented in resumes and interviews to determine merit and fitness—has constituted the University's approach to the unassembled exam. In 1967 The Board of Higher Education, in rejecting the use of formal examinations, specifically noted that formal exams would limit opportunities to those already in the system and would prevent broad outreach to qualified candidates except at perhaps the entry level. (BTM-1999-10-25,006,\_E)

The search is also the cornerstone of the University's affirmative action program. As the University considered the implementation of its affirmative action program in 1970, it decided to pursue a "process oriented" approach to affirmative action as opposed to a "results oriented" approach which would focus on numbers. Because the search was already an integral part of the hiring process, the affirmative action program was built around a strengthened search procedure which required broad outreach to members of historically under-represented groups. In making this process the norm for filling positions in CUNY, the University fulfilled its obligation to provide opportunity for individuals from protected classes to apply and be considered for positions. The process has been successfully used in legal proceedings as evidence of the University's compliance with equal employment opportunity and affirmative action regulations. Because the program mandates that the best qualified person be chosen, it preserves the integrity of the campuses' selection procedures while increasing the likelihood that members of the protected classes will be significantly represented in candidate pools and will be selected at rates that reflect their availability in the labor market. (BTM-1999-10-25,006,\_E)

The practice of searching for all appointments in the HEO series is tied to the concept of the vacancy. Before 1995, every opening in a HEO title was considered a "vacancy" subject to a search or search waiver. In 1995, with the promulgation of the HEO Guidelines, the concept of reclassification--allowing movement of an incumbent to a higher HEO title based on increased job responsibilities--was introduced, thereby altering the strict search requirement. To address residual concerns, the following policies regarding the HEO search procedures are adopted (BTM-1999-10-25,006,\_E):

- a) Searches must be conducted for vacant positions, but the scope of the search is to be determined by the campus affirmative action officer. Affirmative action officers have the option of requiring (BTM-1999-10-25,006,\_E):
  - (i) A standard search which includes posting of a PVN along with aggressive outreach to potential applicants at the national or regional level
  - (ii) A University-wide search which would rely on the posting of the PVN throughout the University both in hard copy and electronically on the University's or college's web site
  - (iii) A college-wide search which would rely on posting a PVN throughout the college and on the college's website. College-wide searches may be limited to college employees
- b) The affirmative action officer has the responsibility of examining all data, including underutilization, overall representation and hiring patterns, before the college can engage in a University or college-wide search. If underutilization is apparent, a college-wide search cannot be authorized. Site visits by the University Affirmative Action Office shall be used to confirm

compliance. Annual plans shall specifically cite the number of searches conducted at each level and the outcome in terms of candidate pools and selection of candidates. (BTM-1999-10-25,006,\_E)

- c) A candidate's current position does not need to be searched for before allowing reclassification. A search waiver granted in the past shall not be used to deny reclassification. (BTM-1999-10-25,006,\_E)

## **11 Post Audit**

This policy reflects significant delegations of responsibility to the colleges. Commensurate with such delegation is the need to safeguard the interests of the Board in maintaining the consistency and fairness of the University's human resource system. The colleges are required to retain all records related to their personnel actions and decisions and will make available to OFSR for review all documents for audited actions. OFSR will audit on a regular basis those actions taken by the colleges under this newly delegated authority such as classification determinations, qualification assessments, compensation designations, and search parameters. Prior to finalizing the audit, OFSR will confer with the college to discuss findings and appropriate remedies. (BTM-1999-10-25,006,\_E)

A range of actions may be implemented as necessary, including but not limited to (BTM-1999-10-25,006,\_E):

- a) Taking corrective actions to undo errors
- b) Imposing hiring restrictions
- c) Requiring pre-approval by OFSR for personnel actions

OFSR will report to the Board of Trustees periodically regarding college compliance with these revised procedures. (BTM-1999-10-25,006,\_E)