

Minutes of the Council of HEOs October 20, 2008

Opening:

The first general meeting of the Council of HEOs for the academic year 2008-2009 was convened by President Carina Quintian at 12:10PM in room 630T

Members Present:

A list of members present is attached.

Approval of Minutes:

Minutes for the meeting on March 20, 2008 were unanimously approved.

Announcements:

Election Results:

Carina Quintian – President
Dana Trimboli – Vice President
Nilsa Lam – Secretary
Marva Lilly – Treasurer

Irene O'Donnell – Member-at-Large
Michael Scaduto – Member-at-Large
Inez Brown – Member-at-Large
Janice Carrington – Member-at-Large

Sylvia Lopez-Crespo – College Council Representative
Helen Cedeno – College Council Representative
Sandra Palleja – College Council Representative
Nancy Marshall – College Council Representative
Katherine Killoran – College Council Representative (Alternate)

President Carina Quintian gave an update on the Strategic Planning Committee that handles the planning of space at the College. The next meeting is scheduled for October 21, 2008. More information will be provided in the next general HEO Council meeting.

A new committee will be amended into our HEO Charter. The Elections Committee will primarily handle the election ballots in HEO election. More information on the committee will be available when the details are finalized.

Secretary Nilsa Lam announced on behalf of Christel Colon regarding this year's CUNY Campaign. There will be a kick off on Monday October 27, 2008 at 10AM in the Theatre Lobby. A Charity Expo with representatives from approximately 20 charities will be attending. Our institutional goal is to reach \$30,000 and a participation level to at least 100 donors.

New Business:

Kinya Chandler gave updates on the Budget Committee. She asked the floor for any volunteers to be on the committee to email Dana, Carina, or Nilsa. She also went through the Budget presentation which was sent via the HEO listserv. Page 7 of the presentation was also distributed to the members. HEOs should not assume that because of budget cuts, there will be no merit increases or reclassification. We should assume, however, that directors and VPs should build a cushion into their Personnel Services (PS) budget for this purpose.

Peter Zweibach, the Director of Legal Affairs for PSC, gave a presentation on HEO overtime and compensatory time. Overtime worked must be pre-authorized and have a mechanism in place to record it. While overtime is not mandated work hours, Mr. Zweibach strongly encourages members to document their decline of working overtime in case that it is brought up during evaluation. He differentiated the two bases for overtime: overtime worked between 35 to 40 hours per week and overtime worked above 40 hours per week. Overtime worked from 35 to 40 hours qualifies the employee compensatory time in the ratio of one hour compensatory time for every one hour worked. Overtime worked above 40 hours per week qualifies the employee to overtime payment of time and a half for every hour worked. Members were particularly concerned with how to address college issued cell phones or work related phone calls received during vacation or weekends. Mr. Zweibach encourages members to have a dialogue with the supervisors and/or seek assistance with a union grievance counselor. Irene O'Donnell and President Carina Quintian also encourage members to come forward if severe cases of overtime work or unfair work schedule are imposed. Members are welcomed to seek assistance individually with PSC or as a group. In explaining the process of filing a grievance, Mr. Zweibach particularly notes that members have 30 business days from when the incident happened to file a grievance. In response to the concern Mr. Zweibach had in regards to recording the overtime worked, President Carina Quintian pointed out that John Jay College's Human Resources Department has a form on the Inside John Jay website that members should record their overtime worked on a weekly basis.

Agenda for Next Meeting:

No notations.

Adjournment:

A motion to adjourn the meeting was made by Vice President Dana Trimboli at 1:23PM and second by Rosalie Macaluso. Next Council of HEOs meeting is November 18, 2008 at 12PM in room 630T.

Minutes submitted by: Nilsa Lam

HEO Meeting Attendees
October 20, 2008

	Last Name	First Name
1.	Baerga	Christine
2.	Brazoban	Narollineg
3.	Brown	Inez
4.	Cedeno	Helen
5.	Chandler	Kinya
6.	Clarke	Malaine
7.	Crespo-Lopez	Sylvia
8.	Daniels	Marlon Antoine
9.	Del Rosario	Ariel
10.	Devine	William
11.	Dikambi	Sandrine
12.	Doney	Michele
13.	Fibleuil	Yvette
14.	Galloway	Rulisa
15.	Garcia	Maria
16.	Jiggetts	Raymond
17.	Johnson	Herbert
18.	Kemp	Jerylle
19.	Killoran	Katherine
20.	Lam	Nilsa
21.	Laudando	Christopher
22.	Lilly	Marva
23.	Lorenzo	Jennifer
24.	Lugo	Jo Alejandra
25.	Macaluso	Rosalie
26.	Marshall	Nancy
27.	Mathurin	Emmanuela
28.	Mendes	Susy
29.	O'Donnell	Irene
30.	Pangburn	William
31.	Parker	Debra
32.	Pitcavage	Victoria
33.	Quintian	Carina
34.	Rutherford	Sandra
35.	Santiago	Nilsa
36.	Scaduto	Michael
37.	Torres	Doris
38.	Trimboli	Dana
39.	Velez	Ana
40.	Walsh	Declan
41.	Williams	Nikisha
42.	Winter	Janet



JOHN JAY COLLEGE
THE CITY UNIVERSITY OF NEW YORK
OF CRIMINAL JUSTICE

FY 2009 Financial Plan

Higher Education Officer
Council Meeting
October 20, 2008

* Original presentation submitted to the College Budget & Planning Committee on 9/29/08

Overview of the Financial Plan Process

- University Budget Office (UBO) issues budget allocations to the CUNY colleges (7/28/08).
- College staff prepares expenditure and allocation estimates based on UBO instructions and current and prior year spending.
- Draft Financial Plan is developed in consultation with executive staff and the Financial Planning Subcommittee of the Budget Committee (meetings held 8/4/08 and 9/22/08).
- Budget and Planning Committee reviews draft plan and makes recommendations on the financial and budgetary matters of the College .
- Financial Plan due to University by October 6, 2008

FY 2009 University Allocation

- Initial allocation- \$17.7 million reduction to CUNY's allocation
- Reduction met through:
 - Vacancy Control (Hiring "Pause")
 - Reductions in lump sums
 - Reductions to Temporary Services (TS) and OTPS
- Impact on John Jay : \$1 million
 - \$755,600 base budget reduction
 - \$145,000 reduction to CUE (Coordinated Undergraduate Education) program
 - \$100,000 reduction to other lump sums (Neighborhood Work Project, Testing , College Now, Supplemental Funding)

FY 2009 University Allocation (con't.)

- Additional reductions announced in late August – \$50.6 million University-wide as part of the budget agreement with the State
- University absorbed most of the reduction centrally through:
 - Use of reserves
 - Capital financing of equipment purchases
 - Savings on fringe associated with Hiring Pause

University Measures for Colleges to Manage Reductions

- Reduction of 1.5% of College base budgets - (Impact on John Jay- \$916,000)
- FY 2009 CUNY COMPACT deferred to 2010
- Hiring “Pause” on administrative positions
- Replacement of full time faculty, Investment Plan 2 positions and staff who provide direct student services are exempt from the hiring pause
- Increase in Student Technology Fee (\$25 per semester)
- Reduction in Revenue Targets to FY 2007 Target

New Initiatives Funded in the University Allocation

- Investment Plan 2 -(8 positions, \$1,286,000)
 - Faculty Conversions - \$420,000
 - Library Acquisitions - \$50,000
 - Student Recruitment Retention Programs - \$621,000
 - Philanthropy and Institutional Support - \$194,623
- Mental Health Counseling (\$100,000)
- Adjunct Conversion Initiative (3 conversions)
- Doctoral Student Health Insurance (allocated in University budget)

FY 2009 Financial Plan

	<u>FY 2008 Financial Plan</u>	<u>FY 2008 Year End</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
BUDGET ALLOCATION AND REVENUE					
CUNY Revenue Target	\$55,424,000	\$54,457,000	\$57,523,000	\$57,523,000	\$57,523,000
Actual Enrollment / FY08-09 Projection	10,922	11,057	11,124	11,124	11,130
Base Allocation	\$56,537,480	\$56,486,000	\$59,334,400	\$59,334,400	\$59,334,400
Lump Sum Allocations	\$7,000,300	\$7,099,796	\$6,707,800	\$6,707,800	\$6,707,800
Additional Allocations	\$3,943,493	\$6,661,651	\$6,236,149	\$6,236,149	\$6,236,149
Current Year Gross Tuition Revenue expected above CUNY Target	\$4,186,998	\$5,403,046	\$2,420,090	\$1,920,090	\$1,949,925
TOTAL BASE BUDGET ALLOCATION	\$71,668,271	\$75,650,493	\$74,698,439	\$74,198,439	\$74,228,274
Prior Year CUTRA Balance	\$1,359,789	\$1,010,700	\$1,081,586	\$0	\$0
Lease Revenue	\$1,612,825	\$1,447,660	\$1,447,660	\$883,169	\$417,999
TOTAL ADDITIONAL REVENUES	\$2,972,614	\$2,458,360	\$2,529,246	\$883,169	\$417,999
TOTAL BUDGET ALLOCATION	\$74,640,885	\$78,108,853	\$77,227,685	\$75,081,608	\$74,646,273
EXPENDITURES					
Personnel Services (PS)	\$ 51,267,249	\$ 50,142,685	\$ 52,973,633	\$ 52,973,633	\$ 52,973,633
Adjuncts (TS)	\$ 10,053,951	\$ 10,435,058	\$ 9,400,000	\$ 8,900,000	\$ 8,800,000
Temp Services (TS):	\$ 5,914,758	\$ 7,236,863	\$ 6,840,871	\$ 6,840,871	\$ 6,840,871
TOTAL PS:	\$67,235,958	\$67,814,606	\$69,214,504	\$68,714,504	\$68,614,504
OTPS	\$ 6,750,195	\$ 7,765,000	\$ 7,930,012	\$ 6,949,105	\$ 7,241,145
UBO Adjustment					
TOTAL OTPS :	\$6,750,195	\$ 7,765,000	\$ 7,930,012	\$ 6,949,105	\$ 7,241,145
TOTAL FINANCIAL PLAN EXPENDITURES:	\$73,986,152	\$ 75,579,606	\$ 77,144,516	\$ 75,663,609	\$ 75,855,649
Additional Reductions/Offsets			\$ (800,000)	\$ (1,000,000)	\$ (1,400,000)
YEAR-END BALANCE:	\$654,733	\$2,529,246	\$883,169	\$417,999	\$190,623

Financial Plan

Allocation Assumptions

Enrollment/Revenue/Allocation Assumptions

- Enrollment will remain flat at 11,124 FTE's.
- Revenue Target remains frozen at adjusted FY 2007 level (\$57,523,000).
- FY 2009 COMPACT allocation and revenue target removed.
- FY 2009 Reductions to College allocation considered as recurring base reductions.
- Additional Allocations will remain constant and include IP1, IP2, Adjunct Professional Hour, PSC contractual release time, and collective bargaining.

Financial Plan

Expenditure Assumptions

(PS)

Personal Service

- All faculty vacancies will be filled and recruitment for tenure track replacements will continue.
- Hiring plan assumes hiring pause for non-exempt positions. All new non-exempt administrative vacancies will be filled four (4) months after separation. Assumes all administrative vacancies will be filled by end of fiscal year.
- Adjunct expenditures will be reduced due to appointment of substitute full time faculty.
- Temporary Services spending adjusted to reflect conversion of some part-time college assistants to full-time staff.
- No reduction in lump sum program spending

Financial Plan

Expenditure Assumptions (OTPS)

Other Than Personal Service

- Assume same level of spending as FY 2008 actual for procurement of goods and services except for one time expenditures (i.e. Honors College and 54th St) and new initiatives.
- ½ year savings from University change in credit card processing policy included in OTPS projection.
- New initiatives including North Hall space expansion and reorganization.
- No reduction in lump sum program OTPS spending.

Plan to Reduce Spending and Increase Revenues

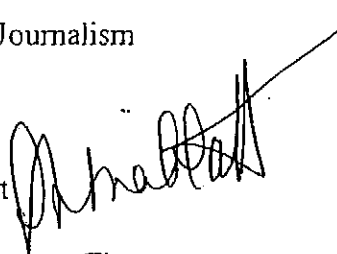
Expenditure Reductions		
Reduce 2009 - 2011 Temp Services by 2%	\$	(83,000)
Reduce FY 2009 - 2011 OTPS by 1%	\$	(77,000)
Reduce Administrative Travel Expenditures		(\$100,000)
Reduce printing of some materials available on Web		(\$15,000)
Additional Accruals from not filling all Admin Vacancies or further delay hiring		(\$200,000)
Potential Expense Savings		(\$475,000)
Revenue Offsets		
Offsets from Continuing Education, Centers and Institutes		(\$125,000)
Increase Summer/Winter Session Enrollment by 10% in 09 and 10 (net increase after expenses)		(\$200,000)
Potential Revenue Increases/Offsets		(\$325,000)
Total Potential Savings/Revenue Offsets		(\$800,000)
Additional Savings/Offsets for FY 2010		(200,000)
Additional Savings/Offsets for FY 2011		(400,000)

Next Steps

- Discussion and feedback to President Travis.
- President approves final Financial Plan.
- Approved plan submitted to University on October 6, 2008.
- Follow –up with Budget and Planning Committee and Financial Planning Subcommittee
 - Year End FY 2008 All Funds Report
 - 1st Quarter FY 2009 Reports
 - Quarterly Meetings

July 17, 2008

TO: The Presidents of the Colleges
The Dean of the Sophie Davis School of Biomedical Education
The Dean of the CUNY Law School
The Dean of the Graduate School of Journalism
Labor Designees
Directors of Human Resources

FROM: Vice Chancellor Pamela S. Silverblatt 

SUBJECT: Implementation of the HEO Compensatory Time Agreement

Compensatory Time

In order to implement the Decision and Award of Arbitrator Howard Edelman in the matter of PSC v. CUNY (AAA Case No. 13 390 1282 06), CUNY and the PSC recently entered into an agreement (copy attached) setting forth the guidelines for the grant of compensatory time for employees in the HEO series represented by the PSC, who are assigned to work in excess of 35 hours in a week.

- (1) HEO series employees represented by the PSC who are **non-exempt** under the Fair Labor Standards Act (FLSA) and who are assigned by their supervisor to work more than 35 hours during the workweek shall receive compensatory time, on an hour for hour basis, for hours assigned between 35 and 40 hours.

As before, employees who are non-exempt under the FLSA shall receive payment at the rate of time and one-half for the hours worked in excess of 40 hours in a week.

- (2) HEO series employees represented by the PSC who are **exempt** under the FLSA shall receive compensatory time, on an hour for hour basis, for hours assigned by their supervisor in excess of 35 hours in a week.

Eligibility Requirements

In order for a HEO series employee to be eligible for overtime, the following standards apply:

- Assigned overtime hours are defined as hours a HEO series employee is assigned to work in excess of his/her usual 35-hour workweek, as, for example, when a supervisor assigns a HEO series employee to work for three hours on a Saturday in addition to his/her regular Monday to Friday 35-hour workweek.
- Assigned overtime hours are also hours a supervisor assigns to a HEO series employee to perform a specific project in addition to his/her usual responsibilities, which, in the opinion of the supervisor, will require the employee to work beyond his/her regularly scheduled 35-hour workweek for a defined period in order to complete the project on time.
- Assigned hours beyond the 35-hour workweek must be authorized in advance in writing by such administrator(s) as designated by the College President. The employee's time records must reflect the additional hours worked. In situations where it is not practical for the duly authorized administrator to provide such advance written authorization (*i.e.*, an emergency), such authorization shall be put in writing as soon thereafter as practicable by such administrator(s) as designated by the College President.
- To the extent possible, the supervisor shall provide the employee with 48 hours' notice of the assigned overtime in either of the above-described situations defining assigned overtime hours.

Use of Compensatory Time

- Compensatory time earned during a quarter of the contractual HEO "leave year" (September 1 – August 31) shall be scheduled to be used as promptly as possible within the quarter but no later than thirty (30) calendar days after the end of the quarter in which the compensatory time was earned. The use of compensatory time shall be scheduled by the supervisor, in consultation with the employee.
- Represented HEOs shall be provided with quarterly statements of compensatory time accrued and/or taken.

Implementation of the Agreement

- Represented HEOs who have worked more than 35 hours on assignments that meet the eligibility standards set forth above in any week between July 19, 2007, and June 24, 2008 (the effective date of this implementation agreement) may submit a claim for compensatory time to their college Human Resources Director by August 24, 2008.
- Such claims must be accompanied by documentation or other evidence that the time worked was authorized.

- Should a college dispute any such claim, it shall have ten (10) days from the date the claim was submitted to the college Human Resources Director to produce documentation or other evidence demonstrating that the time was not authorized.
- Approved compensatory time shall be scheduled by the supervisor, in consultation with the employee, within six (6) months of the Human Resources Director's approval of the request.

The Presidents are reminded of their responsibility under this agreement to designate the administrator(s) who are authorized to approve overtime hours for HEOs, as set forth above. In addition, supervisors must be made aware of the need to obtain written authorization from such administrator(s) before assigning overtime, or as soon thereafter as practicable in an emergency situation.

Inasmuch as the guidelines were negotiated as the result of an arbitration decision, we anticipate that the PSC will be closely monitoring the college's compliance therewith and that it will not hesitate to file another grievance in the event of perceived non-compliance.

If you have any questions concerning the implementation of this agreement please contact Laura Blank at (212) 794-5347 or Jerry Rothman at (212) 794-5626.

Attachment

AGREEMENT

The Professional Staff Congress/CUNY

and

The City University of New York

The following constitutes the agreement between CUNY and the PSC regarding CUNY's implementation of the Decision and Award by Arbitrator Howard Edelman in PSC v. CUNY, AAA Case No. 13 390 1282 06 ("Arbitration Decision"), dated July 19, 2007.

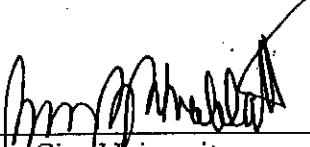
1. Employees in the Higher Education Officer ("HEO") series represented by the PSC have a 35-hour workweek as assigned. Those who are non-exempt under the Fair Labor Standards Act ("FLSA") will receive compensatory time for the hours assigned between 35 and 40 hours, on an hour for hour basis, and will receive payment, instead of compensatory time, at the rate of time and one half for hours worked in excess of 40 hours in a week. Employees in the HEO series represented by the PSC who are exempt under the FLSA will receive compensatory time, on an hour for hour basis, for hours assigned in excess of 35 hours in a week. Eligibility for the compensatory time is set forth in paragraph 2 below
2. Assigned overtime hours are hours a HEO series employee is assigned to work in excess of his/her usual 35-hour workweek, as, for example, when a supervisor assigns an employee in the HEO series to work for three hours on a Saturday in addition to his/her regular Monday to Friday 35-hour workweek.

Assigned overtime hours are also hours a supervisor assigns to a HEO series employee to perform a specific project in addition to his/her usual responsibilities, which, in the opinion of the supervisor, will require the employee to work beyond his/her regularly-scheduled 35-hour workweek for a defined period in order to complete the project on time.

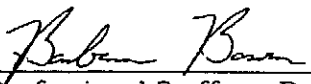
To the extent possible, the supervisor shall provide the employee with 48 hours^{BB} notice of the assigned overtime in either of the above-described situations.

Assigned hours beyond the 35-hour workweek must be authorized in advance in writing by such administrator(s) as designated by the College President, and the employee's time records must reflect the additional hours worked. In cases where it is not practical to provide such advance written authorization (i.e., an emergency) such authorization shall be put in writing as soon thereafter as practicable by such administrator(s) as designated by the College President.

3. Compensatory time earned during a quarter of the contractual HEO "leave year" (September 1 – August 31) shall be scheduled to be used as promptly as possible within the quarter, but no later than 30 calendar days after the end of the quarter in which the compensatory time was earned. The use of compensatory time shall be scheduled by the supervisor, in consultation with the employee.
4. Represented HEOs shall be given quarterly statements of compensatory time accrued and/or taken.
5. Represented employees in the HEO Series who have worked more than 35 hours on assignments that meet the eligibility for compensatory time set forth in paragraph 2 above in any week between July 19, 2007 and the effective date of this implementation agreement may submit a claim for compensatory time to their college Human Resources Director within 60 days of the effective date of this agreement. Such claims must be accompanied by documentation or other evidence that the time worked was authorized. Should a college dispute any such claim, it shall have ten (10) days from the date the claim was submitted to the college Human Resources Director to produce documentation or other evidence showing that the time was not authorized. Approved compensatory time shall be scheduled by the supervisor, in consultation with the employee, within six months of the approval of the request by the Human Resources Director. In all other respects, the time frames set forth in this implementation agreement shall take effect as of the effective date of this agreement, which shall be the date of the last signature listed below.
6. Except for matters expressly covered in this agreement, nothing shall prevent the PSC and/or an employee in the HEO series from pursuing grievances consistent with article 15.4 b. and/or c. of the 2002-2007 PSC-CUNY collective bargaining agreement and any successor collective bargaining agreement.
7. This is the entire agreement of the parties and cannot be amended, supplemented or modified except by written agreement of the parties. Any claimed violation of this agreement shall be subject to the grievance/arbitration provisions of the 2002-2007 PSC-CUNY collective bargaining agreement and any successor collective bargaining agreement.



The City University of New York Date 6/24/08



Professional Staff Date 6/17/08
Congress/CUNY

OVERTIME RECORD KEEPING FORM - JOHN JAY COLLEGE OF CRIMINAL JUSTICE
HEO Series

Employee's Name: _____ Last 4 digits of SS#: _____

Title: Asst. to HEO HEO Asst. (FLSA: Exempt: Nonexempt:) HEO Assoc. HEO

Department: _____ Division: _____

Date	Day	Time Actually Worked		Total Hours Worked <i>(Not including Lunch)</i>	
		From	To		
	Sunday				
	Monday				
	Tuesday				
	Wednesday				
	Thursday				
	Friday				
	Saturday				
TOTAL HOURS WORKED this Week				Hrs.	<div style="border: 1px solid black; padding: 5px;"> <p align="center">FLSA EXEMPT Staff are eligible for compensatory time for hours WORKED in excess of the regularly scheduled 35 hours per week.</p> </div>
COMPENSATORY Time (Total hours worked – 35hours)				Hrs.	
OVERTIME (<i>NONEXEMPT STAFF ONLY</i>) (Subtract 40 Hours from Total Hours Worked)				Hrs.	
<p align="center"><i>FLSA NONEXEMPT employees are eligible for Compensatory time for time WORKED between 35 and 40 hours per week; and payment at the rate of 1.5 for time WORKED over 40 hours per week.</i></p>				<p align="center">x 1.5 hours</p>	

Employee's Signature _____ Date _____

Supervisor's Signature _____ Date _____

Vice President's Signature _____ Date _____

****Please Note****

'Date' is to be filled out for the appropriate authorized 7day work week Sunday at 12:01 AM through Saturday at Midnight.
 'Total Hours Worked' is to be recorded in units not less than quarter hours.