To: **College Presidents and Deans of the CUNY-wide and Professional Schools**
Chief Administrative Officers
College Provosts
College Human Resource Directors
College Labor Designees

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Subject: **Guidance on Consideration of College Laboratory Technicians for Promotion**

The 2023-2027 PSC-CUNY Agreement ("the CBA") established a University-wide labor-management committee for CUNY and the PSC to consult on amending the CUNY Office of Human Resources Code of Practice Regarding Instructional Staff Titles: Title Descriptions and Minimum Qualifications ("Code of Practice") to reinforce the consideration of responsibilities in the College Laboratory Technicians ("CLT") promotion process.[1]

This memorandum resulted from that consultation and provides colleges with guidance on how to incorporate the review of responsibilities into the CLT promotion process. It is not intended to modify any existing internal college or CUNY-wide procedures relating to the consideration of CLTs for promotion.

After all required campus-level reviews, CLT promotion requests must be submitted to University Human Resources (UHR) for classification review and approval. UHR's review and approval is limited to ensuring that the proposed duties align with the CLT-series title to which a college is recommending a promotion.

The consideration of a CLT for a promotion requires a recommendation from the College Personnel and Budget (P&B) committee or equivalent committee, based on a determination that:

[1] The Code of Practice amendments are intended to reinforce the consideration of responsibilities in the CLT promotion process. You can view the redlined amendments here.

1. there is a need for a higher-level CLT-series position to permanently perform the responsibilities of a higher-level CLT position, per Sections IV.8.1 and IV.9.1 of the Code of Practice (See also Arbitration Decision); and
2. the applicant for promotion is qualified for the higher-level CLT-series position in accordance with Sections IV.8.2 and IV.9.2 of the Code of Practice.

The determination of the need for a higher-level CLT-series position (staffing) is a managerial prerogative not subject to appeal under the CBA. (See Arbitration Decision).

The positive recommendation of the P&B or its equivalent is subject to the approval of the College President or the President's designee.

Incorporation of Review of Responsibilities into the CLT Promotion Process[2]

In its consideration of a CLT for promotion, a P&B's determination of the need for a higher-level CLT position must include an assessment of whether the preponderance of current job duties of the CLT under consideration for a promotion fall within a higher-level CLT-series title. This assessment includes, but is not limited to, whether the CLT-series employee under consideration for a promotion:

- has permanently accreted higher-level CLT-title job duties such that the preponderance of the job duties performed by the employee fall within a higher level CLT-series title;
- has had a significant increase in the volume of assigned work that had the effect of transforming the complexity of the job duties such that the preponderance of the job duties performed fall within a higher-level CLT-series title;
- has experienced a reorganization of functions such that the preponderance of the job duties performed fall within a higher-level CLT-series title;
- is subject to a legal mandate such that the preponderance of the job duties performed fall within a higher-level CLT-series title; or has had some other significant alteration in duties such that the preponderance of the job duties performed fall within a higher-level CLT-series title.

[2] A positive recommendation for a promotion does not require that a preponderance of job duties performed by the CLT under consideration for a promotion fall within the job duties of a higher level CLT-series position. A positive recommendation requires a determination that there is a permanent need for a higher-level CLT-series position and that the CLT is qualified for the higher-level CLT-series position.

The attached "College Lab Technician Job Duties and Qualifications" chart is intended to assist colleges in assessing whether:

1. there is a permanent need for the performance of job duties of a higher-level CLT position (need for a higher-level CLT-series position);
2. the preponderance of the job duties performed by the CLT under consideration for a promotion fall within a higher-level CLT-series title; and
3. the CLT under consideration for a promotion is qualified for the higher-level CLT-series title.

In conducting this assessment, P&Bs or other reviewing bodies are encouraged to seek assistance from their campus's human resources office.

Information for Review of Responsibilities in CLT Promotion Process

To facilitate and support the review of responsibilities in the CLT promotion process, colleges are encouraged to request documentation that includes, but is not limited to, the following as part a CLT's application for a promotion:

1. Resume or other documentation establishing qualifications for the higher-level CLT position (degrees and/or prior work experience);
2. Current job description;
3. Supervisor's and/or employee's summary of current job duties; and
4. Performance evaluations or other documentation reflecting current job duties.

The following information/criteria are not a basis for CLT promotion and should not be considered:

1. Longevity;
2. Productivity/Efficiency;
3. Retention;
4. Excellence in Performance/Dedication;
5. Volume of work unless there is a significant increase in the volume of assigned work that has the effect of transforming the complexity of the job duties such that the preponderance of the job duties performed fall within a higher-level CLT-series title; and/or
6. Future projects.

Possible Outcomes in the Consideration of CLTs for Promotion

There are six possible scenarios in the application of the three above-referenced factors in the consideration of CLTs for promotion. The attached "Possible Outcomes in the Consideration of CLTs for Promotion" Chart summarizes the possible outcomes in the consideration of CLTs for promotion.

A P&B may recommend a promotion for a CLT when the P&B determines that:

a. there is a permanent need for the higher-level CLT-series position (permanent need for the performance of higher-level CLT-series position job duties) and the employee is qualified for the higher-level CLT-series position; or
b. the preponderance of the employee's job duties fall within their current CLT-series title and there is a permanent need for the performance of higher-level CLT-series position job duties; and
c. the employee is qualified for the higher level CLT-series position.

A P&B should not recommend a CLT for a promotion when the P&B determines that:

a. there is no permanent need for the higher-level CLT-series position;
b. there is no permanent need for the performance of higher-level CLT-series position job duties when the preponderance of the job duties performed by the CLT fall within a higher-level CLT-series title; or
c. the CLT is not qualified for the higher-level CLT-series position.

A determination that the preponderance of the job duties performed by a CLT under consideration for a promotion fall within the duties of a higher-level CLT-series title alone does not require a recommendation for a promotion. Rather, it requires that a college consider whether there is a need for the CLT to permanently perform the higher-level CLT duties. As such, notwithstanding a determination that the preponderance of the job duties performed by a CLT under consideration for a promotion fall within the duties of a higher-level CLT-series title, a P&B must also determine whether the department has a permanent need for the CLT under consideration to perform these higher-level CLT job duties. In the event a college decides that it does not have a permanent need and the CLT is qualified for the higher-level CLT-series title, it must either:

1. reassign the higher-level CLT-series title work such that the preponderance of the CLTs job duties fall within the duties of their current CLT-series position; or
2. pay the CLT at the rate for the higher-level CLT-series title for performing work at the higher-level CLT title until such time that the preponderance of the job duties performed by them fall within their current CLT-series title.

In the event the college decides that it does not have a permanent need for a higher-level CLT-series position or the CLT is not qualified for the higher-level CLT-series position, it must discontinue the assignment of the higher-level CLT-series job duties to the CLT such that the preponderance of their job duties fall within the job duties of their current CLT-series title.

Please contact your Human Resources Director or Alex Bernstein at the Office of Labor Relations with any questions about the above guidance.

COLLEGE LAB TECHNICAL SERIES JOB DUTIES AND QUALIFICATIONS

	College Lab Technician	Senior College Lab Technician	Chief College Lab Technician
Duties and Job Requirements	Performs highly-skilled laboratory functions and other technical duties of a highly skilled nature.	Performs supervisory and/or complex technical functions in laboratories in support of coursework .	directs and/or trains other lab or technical personnel and performs highly specialized work requiring significant theoretical knowledge, scientific and technical expertise, professional judgment and insight in oe of the fields of laboratory or applied science
Example of Duties and Job Requirements:	set-ups, maintains, and organizes student laboratories; assists students with setting up experiments of equipment and other learning exercises; and manages equipment and materials inventory.	Maintains, fabricates, modifies, and repairs equipment; determines equipment requirements and prepares purchase specifications; trains and supervises CLTs, College Assistants, and other laboratory staff.	Development of research designs and fabrication, modification, repair, maintenance and operation of highly complex research or technical equipment.
Supervisory Responsibilities:	None	Skills to to perform clearly defined supervisory functions.	Skills and experience to direct and/or train other lab or technical personnel
Qualifications:	HS Diploma plus either: (1) 4 years of relevant work experience; (2) Associates Degree with 2 years of relevant work experience; (3) BS degree; or (4) combination of 4 years of education beyond HS and relevant work experience.	HS Diploma plus either (1) a minimum of 8 years of relevant work experience; (2) Associates Degree with 6 years of relevant experience; (3) BS with 4 years of relevenat experience; or (4) any combination of 8 years of eduction beyond HS and relevant work experience.	HS Diploma plus either (1) a minimum of 12 years of relevant work experience; (2) Associates Degree with 10 years of relevant experience; (3) BS with 8 years of relevenat experience; or (4) any combination of 12 years of eduction beyond HS and relevant work experience.