**INTERPRETIVE AGREEMENT NO.: 2-97  DATE: 3-4-97**

**REGULATION REFERENCE NO.: 5**

**SUBJECT OF REGULATION REFERENCE:** The Terms Under Which a CUNY CPO (Level I, II, or III) will be Permitted to Move to the CSO (Level I) Title Following Denial of Special Patrolman Status by the NYPD or Upon the Revocation of Such Status.

**ISSUE:** The following memorandum is a signed agreement between the Vice Chancellor for Faculty and Staff Relations and Teamsters 237 for dealing with cases of denial or revocation of Special Patrolman status when the college elects to retain the officer on the payroll while pursuing a satisfactory resolution of the Special Patrolman status with the NYPD.

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**The City University of New York**

**Office of the Vice Chancellor for Faculty and Staff Relations**

335 East 80 Street, New York, N.Y. 10021

(212) 794-3344

**July 29, 1997**

**TO:** Mr. Nick Mancuso
IBT, Local 237

**FROM:** Mr. Samuel T. Phillips
Mr. Eric Washington

**RE:** THE TERMS UNDER WHICH A CUNY CPO (LEVEL I, II OR III) WILL BE PERMITTED TO MOVE TO THE CSO (LEVEL I) TITLE FOLLOWING DENIAL OF SPECIAL PATROLMAN STATUS BY THE NYPD OR UPON THE REVOCATION OF SUCH STATUS.

The following is the proposed University policy for dealing with cases of denial or revocation of Special Patrolman Status which meet certain University criteria.

**A. Policy and Procedures for Retention of an Officer**

When the denial or revocation of the special patrolman status is the result of a finding by NYPD regarding criminal charges against an officer and the officer has exhausted without success the appeals procedures set forth elsewhere in University policy, the college that wishes to retain the services of the officer in a security capacity may, at the college's discretion, take the following action in lieu of termination:

A college may allow the officer, if permanent or in probationary status in the CPO title, to take a leave of absence for no more than one year from the CPO position and to agree voluntarily to serve during that year as a provisional employee in the CSO title (Level I at the minimum salary). There will be salary advancement during this year only to the degree that the minimum of the title rises with any across the board salary increases that are collective bargained and in compliance with applicable agreements regarding longevity or service awards.

Within the one year, the officer in question shall have resolved satisfactorily the issue of the Special Patrolman status with the NYPD, at which time the officer shall be reinstated to the former CPO position at the former salary. If the issue is not resolved satisfactorily with the NYPD, the officer's appointment in the CSO title shall be terminated and the employee brought up on disciplinary charges for incompetence unable to meet the requirements of the position.

**APPROVED**
B. Limitations on the College for Utilizing the Policy

Notwithstanding the policy outlined in Section A. above, certain criminal charges or convictions render the Officer unsuited for security work in the University. Therefore appointments that are permissible in Section A. above are further limited as follows:

An officer will be ineligible for appointment in the CSO title under the terms outlined in Section A. if the reason for the denial or revocation by the NYPD is based on a criminal record or military dismissal including but not limited to:

a felony

a charge that originated as a felony and was subsequently reduced to a lesser offense

a criminal act that would call into question the ability of the officer to enforce the University’s Rules, Regulations, etc.

e.g.

one involving violence on the part of the officer
one involving drugs
one involving illegal weapons
a sexually motivated crime against another person
a crime against another person’s civil rights based on race, gender, ethnicity, creed, national origin, sexual preference, or handicap status
a criminally fraudulent act
a criminal act committed on campus

In those instances in which, for a crime that is cited above, the arrest is not associated with a conviction, the college President may consider mitigating circumstances. If she/he believes the circumstances of the arrest warrant the retention of the officer despite the fact that the criminal charge is sufficient for the NYPD to deny Special Patrolman status, the President may authorize a provisional appointment as outlined in Section A above. Such mitigating circumstances (e.g. the length of time that has passed since the alleged offence, the age of the officer at the time of the arrest, the record of rehabilitation or performance since the arrest, the evidence leading to dismissal or adjournment of the arrest, etc.) must be documented in writing by the President and attached the appointment papers for the CSO title provided to the Office of Faculty and Staff Relations.

[Signatures]

Brenda R Malone for the University

Nick Mancuso for the Teamsters

[Approved]