

# Professional Employment Guidelines

9TH EDITION

## Foreword

This is the NINTH EDITION of the Professional Employment Guidelines of the American Chemical Society (ACS). These Guidelines were prepared by the Council Committee on Economic and Professional Affairs, approved by the Council and adopted by the Board of Directors. Previous editions were adopted by the Society in 1975, 1978, 1983, 1988, 1993, 1998, 2004, and 2008.

The Guidelines offer a broad spectrum of recommended practices in employment for professional scientists and their employers. They include four major sections: Beginning Employment, Employment Environment, Professional Development, and Involuntary Separation.

Some of the special academic employment relationships are dealt with separately in a companion document, the ACS Academic Professional Guidelines, the most recent edition adopted in 2013. Whereas the Guidelines recommend appropriate practices for a variety of employment circumstances, they explicitly do not include many situations already covered by federal or state statutes. We assume that chemical professionals and their employers follow the law. However, the ACS does hereby assert that employment, compensation, and advancement of a chemical professional should be based on professional capabilities alone, and that gender, race, ethnicity, national origin, religion, age, sexual orientation, gender expression, gender identity, presence of disabilities, or any other factor not relevant to the position, should not be a consideration in hiring, firing, or any evaluation of job performance. The ACS opposes all forms of discrimination and believes that employment should be based solely on professional qualifications and job performance.

The American Chemical Society, the world's largest association of professional scientists, has the opportunity to lead in articulating standards of employment for scientists. We believe these Guidelines represent a fair and just balance between the legitimate interests of employers and professional employees, and recommend that these Guidelines be accepted and implemented.

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## Introduction

Successful employer-employee relationships enable employers to achieve their business objectives and employees to remain professionally competitive. The employer-employee relationship should be characterized by mutual expectations, respect, support, and shared goals throughout its duration.

The Professional Employment Guidelines of the American Chemical Society are recommended practices for employment and are intended to foster productive working relationships between chemical professionals and their employers. The ACS advocates the application of these guidelines to promote the security, productivity, and economic well-being of chemical professionals and their employers.

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## Definition of a Chemical Professional

For the purposes of this document, a chemical professional is a person who is eligible for ACS membership. A contract employee and the contract agency providing the contract employee's services to third parties are considered to be "chemical professionals" and employer, respectively, in applying these guidelines. While the third party may meet some of the criteria described herein, it is the responsibility of the contract agency to ensure their application.

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## Beginning Employment

The process of hiring, or being hired, is the key time to establish expectations between chemical professional and employer. Both parties are urged to follow practices which demonstrate professional conduct and initiate a good working relationship.

The employer should list the duties and responsibilities of the available position(s) as well as the qualifications required of the potential employee.

- Prospective employees should apply only for positions for which they genuinely believe they are qualified and have serious interest. The chemical professional should not abuse the funds or facilities of a current employer for the purpose of seeking new employment. Nor should the chemical professional abuse the funds and facilities of a potential employer.
- Upon request, the prospective employee should provide accurate background information, including education, qualifications, employment history and interests, so that proper evaluation can be made. The employer has an obligation to respond promptly to correspondence from the prospective employee, including acknowledgment of the initial application and receipt of documents needed for proper consideration of the applicant. The employer should notify unsuccessful applicants for employment promptly when they are no longer being considered.
- Any interview expenses to be reimbursed should be reported accurately by the prospective employee. If more than one employer is visited on an interview trip, expenses should be prorated fairly.
- The offer of employment and associated compensation should be based solely upon prior applicable education, training and experience, and current professional competence and performance.
- Conditions of employment should be described fully and accurately to the prospective employee. A copy of the proposed employment contract or agreement and a summary of company policies, including professional liability, and benefits, should be supplied to the chemical professional at the time an employment offer is made. The written offer should be consistent with the employer's oral description of the position made at the time of interview. If not, any differences should be clearly stated. Special conditions for the continuation of employment, such as temporary funding or outside contracts, should be specified.

- The chemical professional is obligated to promptly respond in writing to an offer of employment and honor an accepted offer. The employer is obligated to honor a written and accepted offer of a position.
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## **Employment Environment**

### **1) Benefits**

Comprehensive benefit plans, as part of total compensation, should be provided. These should include health, disability and life insurance; personal, sick and family leave; paid holidays and vacations; and financial assistance and planning for retirement. Benefits for special employment situations might be less comprehensive than benefits provided to full-time permanent employees. Benefit plans should be equivalent for employees in the same position.

- Employers should provide access to both health care and disability insurance plans. Professional employees should become eligible for coverage as soon as possible after starting but certainly within 90 days. Employers should provide access to a retirement plan; for example a 401k plan. Vesting of employer matching funds should increment over time to 100% within 5 years. Eligibility to participate should occur within 1 year of employment. These plans should follow the Employee Retirement Income Security Act (ERISA) guidelines. Should employees have a defined-benefit retirement plan, the plans should follow the recommendations set forth in the ACS Policy Statement on Retirement Security.
- Permanent part-time employees should be provided with adjusted benefit programs that are at least proportional to the programs for full-time employees.
- The employer should offer employee-assistance plans that provide options for special arrangements, such as personal leave, flexible work schedules, and part-time employment. The chemical professional should be informed at the time of employment which of these considerations are available and how they may be granted.
- If a company or institution is purchased by or merged with another, an employee's years of service should be calculated from the date employed by the initial company or institution. When an employer re-hires a chemical professional, the employee's years of service before the interruption should be restored immediately for the purpose of determining service-related benefits.
- In the event that the employer requests relocation of a chemical professional, relocation costs should be the responsibility of the employer.

### **2) Intellectual Property**

The chemical professional must respect and maintain the confidentiality of the employer's trade secrets and all proprietary information both technical and business related. Legal obligations of the chemical professional to the employer should be stated clearly in an employment agreement.

- The chemical professional should inform a new employer of any previous employment agreements and should exclude the trade secrets or proprietary information of previous employers from new employment agreements. The chemical professional should not seek or accept employment that involves using or divulging any trade secrets or proprietary information.
- The chemical professional should expect that all inventions created during the time of employment are the intellectual property of the employer if: the employer provides compensation, space, time, labor, or equipment in pursuit of the invention; the invention involves a product or process of the employer; or the invention relates directly to the business of the employer.
- The employer should not assert title to inventions that: were developed on the employee's own time; did not involve the employer's equipment, facilities, supervision, or trade secrets; and do not relate directly to the business of the employer. An employee may consider negotiating the rights to commercialize the technology with the employer.
- The employer should encourage the chemical professional to publish work in scientific journals and to present findings at scientific meetings, and support those activities. It is the responsibility of the chemical professional to obtain appropriate approvals from the employer before submitting work for publication or presenting findings at scientific meetings. Copyright should be assigned appropriately.

### **3) Workplace Atmosphere**

The employer should maintain a work environment that enables the chemical professional to make the best professional contributions. The chemical professional and the employer should both strive to foster a safe, stimulating and productive work atmosphere.

- The chemical professional should perform assignments diligently, judiciously, safely, and ethically, utilizing creative and resourceful ideas for the benefit of the employer. The employer should establish special recognition programs for employees who demonstrate outstanding competence and performance.
- The chemical professional should give appropriate credit to colleagues who contribute to technical accomplishments.
- Unacceptable performance should immediately be brought to the chemical professional's attention.
- The chemical professional and the employer should not tolerate any physical or verbal harassment. Offensive comments or behavior related to a disability or of a sexual, cultural, religious or racial nature, and statements or actions leading to a hostile or offensive work environment, are unacceptable. Written guidelines on harassment should be distributed and posted, and staff should be periodically educated about these guidelines.

### **4) Change in Employment Status**

- The employer should, by appropriate business practices, provide stable employment and avoid terminating employees whenever possible except for cause. The employer should inform the chemical professional, whenever possible, of current and future organizational business and research objectives with appropriate data which could have an impact upon the chemical professional's work or career. The chemical professional should be prepared to adapt to the employer's changing business and research objectives.
- Equal consideration should be given to (and by) both the chemical professional and employer when giving notice of a change in employment status for reasons other than cause.
- In order to maintain continuity of function for the employer and a dignified change in employment status for the chemical professional, a written advance notice of two weeks should be the minimum invoked by either party.
- Before a change in employment status, the chemical professional should provide the employer with all records of technical work accomplished and in progress, including publications, invention disclosures, lab notebooks, technical data, and other related documentation. The employee should also return to the employer all supplies and equipment, such as chemicals, computers, etc. purchased by the employer.

## **5) Safety, Health and the Environment**

Chemical professionals are responsible for working safely and employing all necessary safety procedures in the course of their professional duties. The employer is responsible for providing appropriate information, physical facilities and equipment that enable the chemical professional to work safely, comfortably and efficiently. The chemical professional is responsible for seeking information on the safe handling of chemicals and equipment with which they work.

- The chemical professional should inform the employer and coworkers in writing and/or verbally, as appropriate, of any immediate or potential safety or health hazards.
- The chemical professional should inform their employer of the need for safety education and training for specific high hazard materials, if they do not have experience in working with these materials.
- The chemical professional should be able to recognize, assess, and minimize the risks of hazards in their work, and be prepared to react in the event of emergencies. The employer should inform their employees of hazards in their workplace and the steps to minimize the risks of exposure to these hazards.
- All appropriate personnel should be trained in the proper handling of material and equipment and all pertinent safety procedures to minimize risks.
- The chemical professional must not use alcohol, tobacco products or any other drug, legal or illegal, in such a way as to endanger others or adversely affect professional performance in the workplace.
- The chemical professional and the employer should strive to ensure that products and processes are safe and that potential hazards to human health or the environment, including air emissions, water effluent, and discharges to land should be minimized, properly identified, and handled in such a way as to protect the environment. Employers should conduct appropriate environmental studies to ensure the health and safety of their workers and the surrounding community.

## 6) Performance Reviews, Advancement and Compensation

Management should periodically review each chemical professional's performance and capabilities and, within the framework of job requirements, make assignments to best use the employee's knowledge, skills, and abilities. The performance review should be a thorough, objective evaluation of job performance. During the review process, the chemical professional should have the opportunity to provide input on his/her long-term goals. This input should be considered when planning any projects, activities, or professional development opportunities in the upcoming year.

- Formal performance reviews of the chemical professional should occur at least annually. Judgment of the chemical professional's performance should be rendered by a direct supervisor. The reviewer should also consider the evaluation of the chemical professional's performance by other appropriate supervisors, peers, and direct reports.
- The reviewer has the responsibility to discuss fully and promptly with the chemical professional any unacceptable performance and to document the results of this review. Confidential written records of such reviews should be signed by the employee and the reviewer to indicate that the review has been discussed with the employee. An action plan and time table for improving performance to acceptable standards should be documented and implemented.
- Employers should hold all employees fully accountable for safety in their performance reviews.
- The employer should provide the employee, upon request, access to that employee's personnel files, and protect it from unauthorized access by others. Copies of employee's documents should be made available to the employee at no cost to the employee.
- Compensation and advancement should be based solely upon professional competence.

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## Professional Development

Chemical professionals are responsible for managing their own careers. To maximize their value to their employers and maintain employability, employers should encourage and support their chemical professionals to develop and maintain technical competence via courses, scientific meetings and other means.

- Employers should encourage their chemical professionals to actively participate in appropriate technical societies. The chemical professional should be allowed sufficient time, consistent with the performance of regular duties, to participate in both the technical and administrative activities of such affiliations.
- The chemical professional should be encouraged to interact with other professionals in the field to enhance the individual chemical professional's capabilities.
- The employer should encourage professional development throughout a chemical professional's career by providing reasonable financial assistance, including compensated leaves of absence, to employees for training to meet present or potential organizational responsibilities, obtain an academic degree related to such assignments, or maintain or improve scientific knowledge.

- Employers should encourage attendance at conferences relevant to the employee's position. Presentations and publications should be encouraged where appropriate. If the employer is unable to reimburse employee expenses, it is recommended that paid time off be given to attend the conference.
  - The employer should incorporate sufficient time for training for job-related performance and other professional responsibilities into the job.
  - The chemical professional should serve the public by using professional specialized knowledge to advance the welfare of the community. Such participation should be undertaken solely as the responsibility of the individual, unless specifically acting on behalf of the employer. The employer should respect the right of the chemical professional to participate as an individual in political and community activities.
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## **Involuntary Separation**

Except for the final section herein, the Professional Employment Guidelines do not apply to involuntary termination for cause. However, when a chemical professional is involuntarily terminated for any reason, care should be taken to assure the dignity of the employee.

- In order to maintain continuity of function for the employer and a dignified termination process for the chemical professional, a written advance notice of four weeks is preferred. A two week advance notice should be the minimum invoked by the employer.
- Upon notice of termination, the employer should detail, in writing, the benefits available to the terminated chemical professional under present law, including coverage extension of medical, dental, vision, and life insurance, some or all of which may be offered by the employer. During this time, the employee should be entitled to continue to accrue vacation and pension benefits.
- The employer should notify the terminated chemical professional in writing of rights and obligations regarding pertinent patents, planned patent applications, and publications, and provide assurance that the employee's rights and interests in these matters will be protected.
- The terminated chemical professional should provide the employer with all records of technical work accomplished and in progress, including publications, invention disclosures, and other related documentation, and also arrange for disposition of chemicals, computers and other materials that will no longer be required. In return, the employer should provide the employee a reasonable length of time to leave the premises and allow them to take personal effects and information.
- If an employer reorganizes operations involving chemical professionals, every effort should be made to offer the affected chemical professionals other suitable positions within the organization. Appropriate additional training and education should be provided to facilitate such transfer. If no other positions are available, the chemical professional should be given assistance in finding employment elsewhere through use of appropriate outplacement services.
- If the employer seeks to encourage chemical professionals to retire, this should be done solely by means of offering an adequate financial incentive.

- A chemical professional terminated for any reason other than cause should receive severance pay consisting of at least two weeks' salary for each year of service. Such severance pay is beyond the regular pay provided for work during the advance notice period and beyond any accrued vacation pay.
- No chemical professional should be terminated for inadequate performance or for cause without documented evidence. The chemical professional about to be terminated for cause should be given the opportunity to review the specific charges and to respond to them. This evidence should be reviewed by human resources and at least one level of management above the immediate supervisor, provided such levels exist. When inadequate performance is alleged, the opinions of appropriate professional peers should also be sought and considered.

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## Document History

1. First Edition: Approved by the Council and adopted by the Board of Directors, April 19, 1975.
2. Second Edition: Approved by the Council, March 15, 1978, and adopted by the Board of Directors, June 10, 1978.
3. Third Edition: Approved by the Council, August 31, 1983, and adopted by the Board of Directors, September 23, 1983.
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