

# Professional Employment Guidelines

7TH EDITION



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**American Chemical Society**

Committee on Economic and Professional Affairs



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# Professional Employment Guidelines

7<sup>TH</sup> EDITION

## Foreword

This is the SEVENTH 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 and 1998.

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 Termination.

Some of the special academic employment relationships are dealt with separately in a companion document, the *ACS Academic Professional Guidelines*, adopted in 1991. While 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 of a chemical professional should be based on professional capabilities alone, and that gender, race, national origin, religion, age, sexual orientation, gender expression and gender identity, physical disability, 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 which are not based on professional qualifications and job performance.

The American Chemical Society, the world's largest association of professional scientists, has the opportunity

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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.

*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.

*4. Fourth Edition:*

Approved by the Council, September 28, 1988, and adopted by the Board of Directors, December 11, 1988.

*5. Fifth Edition:*

Approved by the Council, August 25, 1993, and adopted by the Board of Directors, December 5, 1993.

*6. Sixth Edition:*

Approved by the Council, August 28, 1998, and adopted by the Board of Directors, December 6, 1998.

*7. Seventh Edition:*

Approved by the Council, August 25, 2004, and adopted by the Board of Directors, December 5, 2004.

## Introduction

Successful employer-employee relationships enable employers to achieve their business objectives and employees to remain professionally competitive. While the employer-employee relationship lasts, it should be characterized by mutual respect and support.

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.

## Definition of a Chemical Professional

For the purposes of this document, a chemical professional is a person who is eligible for ACS membership and who develops, applies, or communicates the principles of the chemical profession.

- An individual who is in a special employment situation, such as industrial postdoctoral fellow, temporary employment, or part-time employment, and who fulfills the ACS “Definition of a Chemical Professional” (above) is considered to be a “chemical professional” in applying these Guidelines.
- A contract employee and the contractor providing the contract employee’s services to third parties are considered to be “chemical professionals” and employer, respectively, in applying these guidelines.

## 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.
- 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

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initial application and receipt of documents needed for proper consideration of the applicant. The employer should notify unsuccessful applicants for employment 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 upon prior education, training and experience, and current professional competence and performance, without regard to gender, race, national origin, religion, age, sexual orientation, gender expression and gender identity, physical disability, or any other factor not relevant to the position.
- Conditions of employment should be described fully to the prospective employee. A written statement of these conditions, including a copy of the proposed employment contract or agreement and a summary of company policies and benefits, should be supplied to the chemical professional at the time an employment offer is made. The employer should notify employees, in writing, of the employer's policy on professional liability. 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.

# 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 a retirement plan that includes both pension and insurance. Benefits for special employment situations might be less comprehensive than benefits provided to full-time permanent employees. These benefit plans should be fully specified in writing when an employment offer is extended.

- All professional employees should be fully vested in a qualified portable pension plan, including provisions for survivor benefits, after a maximum of five years of employment. Partial vesting for employees with less than five years' service should be available.
- Employers with defined-benefit plans should offer employees the opportunity for additional savings via a savings plan (contributions on an after-tax basis), a tax-deferred investment plan (before-tax basis), or both.
- Employers should regularly adjust pension payments and benefits to retirees to reflect changes in the cost of living. The fund supporting the pension plan should not revert to the employer until vested employee interests have been met.
- 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 the granting of personal leaves, flexible working 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.

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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 proprietary information. 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 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 promptly disclose and convey title to all inventions to 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 and give the opportunity to the chemical professional to publish work in scientific journals and to present findings at scientific meetings. 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 will enable the chemical professional to make the best professional contributions. The chemical professional and the employer should both strive to foster a stimulating and productive work atmosphere.

- The chemical professional should perform assignments diligently, judiciously, 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 credit to colleagues who contribute to technical accomplishments.
- 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.

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

- The employer should, by appropriate business practices, provide stable employment and avoid terminating employees 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 chemical professional and employer when giving notice of a change in employment status for reasons other than cause.

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- 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 occurs, the chemical professional should provide the employer with sufficient records of technical work accomplished, including publications, invention disclosures, and other related documentation, and also arrange for disposition of chemicals and other materials which will no longer be required.

## 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 physical facilities that enable the chemical professional to work safely, comfortably and efficiently. The chemical professional and the employer should work to reduce risks to the environment.

- The chemical professional should inform the employer of any immediate or potential safety or health hazards.
- New 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 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 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 effluents, and discharges to land are properly identified. 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 skills. The performance review should be a thorough, objective evaluation of job performance. Compensation and advancement should be based upon professional competence without regard to gender, race, national origin, religion, age, sexual orientation, physical disability, gender expression or gender identity, or any other factor that is not relevant to the position.

- 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 supervisor should also consider the evaluation of the chemical professional's performance by other appropriate supervisors, peers, and direct reports.
- The supervisor 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 supervisor to indicate that the review has been discussed with the employee. The review should include an action plan and time table for improving performance to acceptable standards.
- The employer should provide the employee, upon request, access to that employee's personnel files.

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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 financially support their chemical professionals to develop and maintain technical competence via courses, scientific meetings and other means.

- Employers should encourage their chemical professionals to 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 organizations.
- The chemical professional should be encouraged to interact with other professionals in the field so as 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 who wish to: further their education to meet present or potential organizational responsibilities, obtain an academic degree related to such assignments, or maintain or improve scientific knowledge.
- The employer should incorporate into the job sufficient time for training for job-related performance and other professional responsibilities.
- The chemical professional should serve the public by using professional specialized knowledge to advance the good of the community. Such participation should be undertaken solely as a 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.

## Involuntary Termination

The *Professional Employment Guidelines* do not apply to involuntary termination for cause. However, when a chemical professional is involuntarily terminated for whatever reason, care should be taken to assure the dignity of the employee during this difficult time.

- 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.
- During the period of notice, the employer should detail, in writing, all 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 in these matters will be protected.
- The terminated chemical professional should provide the employer with sufficient records of technical work accomplished, including publications, invention disclosures, and other related documentation, and also arrange for disposition of chemicals 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.
- 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

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professional should be given assistance in finding employment elsewhere.

- 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.
- An outplacement service should be offered to the terminated parties.
- No chemical professional should be terminated for inadequate performance or for cause without documented evidence. This evidence should be reviewed by two levels 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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