

**BUSINESS AFFAIRS AND HUMAN RESOURCES
FEBRUARY 16, 2012**

TAB	DESCRIPTION	ACTION
1	AMENDMENT TO BOARD POLICY Section II.G.1.b. – Policies Regarding Faculty – Second Reading	Motion to approve
2	AMENDMENT TO BOARD POLICY Section II.I.4. – Leaves (All Employees) – First Reading	Motion to approve

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SUBJECT

Amendments to Board Policy, Section II. Subsection G.1. – Second Reading: proposal to allow institutional authority to offer multi-year contracts for non-tenure track faculty

REFERENCE

October, 2006	Board discussion item related to the approval of individual extended contracts approved at the same meeting. Board asked CAAP to work on a proposal for review.
December, 2011	Board approved first reading

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section II.G.1.b.

BACKGROUND/DISCUSSION

In December 2011 the Board approved the first reading to amend Board policy II.G.1.b. to establish parameters under which the institutions may enter into multi-year contracts for certain non-tenure faculty classifications, for a maximum term of three years.

IMPACT

Some level of job security will enhance applicant pools for national searches and encourage applicants to relocate as needed. Cost savings are anticipated as a result of minimized training and failed search costs.

ATTACHMENTS

Attachment 1 – Policy II.G.1. Policies Regarding Faculty Page 3

STAFF COMMENTS AND RECOMMENDATIONS

There was one change from first reading per Board discussion at the December, 2011 Board meeting. In II.G.1.b. the phrase “without prior Board approval” was added to requirement (1) in the third sentence. The requirement reads in full: “no contract of appointment may exceed three (3) years without prior Board approval.”

Staff recommends approval.

BOARD ACTION

I move to approve the second reading of the amendments to Board Policy II.G.1.b., as presented.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Subsection: G. Policies Regarding Faculty (Institutional Faculty Only) February 2012

1. Letters of Employment

- a. All faculty employees serve pursuant to employment contracts. The employment contract must include the period of the appointment, salary, pay periods, position title, employment status and such other information as the institution may elect to include in order to define the contract of employment. Non-tenured faculty employees have no continued expectation of employment beyond their current contract of employment. Each faculty employee must acknowledge receipt and acceptance of the terms of the employment contract by signing and returning a copy to the institution initiating the offer of appointment. Failure or refusal of the faculty employee to sign and return a copy of the employment contract within the time specified in the contract is deemed to be a rejection of the offer of employment unless the parties have mutually agreed in writing to extend the time. Nothing in this paragraph prohibits the institution from extending another offer to the employee in the event the initial offer was not signed and returned in a timely manner. Any alteration by the employee of the offer is deemed a counter-offer requiring an affirmative act of acceptance by an officer authorized to enter into contracts of employment binding the institution. Each contract of employment must include a statement to the following effect and intent: "The terms of employment set forth in this letter (contract) of employment are also subject to the Governing Policies and Procedures of the State Board of Education (or the Board of Regents of the University of Idaho, in the case of the University of Idaho), and the policies and procedures of (the institution)."
- b. Term of Appointment - All non-tenure faculty employees have fixed terms of employment. Except as provided herein, no contract of employment with such an employee may exceed one (1) year. The institutions may implement policies allowing for multi-year contracts for certain classifications of non-tenure track faculty members. Such policies must include, at a minimum, the following requirements: (1) no contract of appointment may exceed three (3) years without prior Board approval; (2) all multi-year employment contracts shall be approved in writing by the institution's Chief Executive Officer or designee; and (3) all multi-year contracts must be reported to the Board at the next regular meeting. Employment is subject to satisfactory annual performance review with informal review at the end of each semester.

A multi-year contract shall also state that it may be terminated at any time for adequate cause, as defined in Section II.L. of Board policy, or when the Board declares a state of financial exigency, as defined in Section II.N. of Board policy. The contract shall also state that it may be non-renewed pursuant to Section II.G.5. of Board policy.

Employment beyond the contract period may not be legally presumed. Reappointment of a faculty employment contract is subject solely to the

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discretion of the chief executive officer of the institution, and, where applicable, of the Board.

- c. Non-tenured faculty and tenured faculty, who serve pursuant to contracts of employment or notices (letters) of appointment containing a stated salary are not guaranteed such salary in subsequent contracts or appointments, and such salary is subject to adjustment during the contract period due to financial exigency (as provided for in Section II.N of Board Policy) or through furlough or work hour adjustments (as provided for in section II.B.2.c of Board Policy).
- d. Faculty Rank and Promotion
 - i. There are four (4) primary faculty ranks at each institution: (a) professor, (b) associate professor, (c) assistant professor, and (d) instructor. Each institution may establish additional faculty ranks, specify the title of each rank, and delineate the requirements for each faculty rank so established. Recommendations for additional faculty ranks must be submitted by the chief executive officer to the Board for approval.
 - ii. Faculty rank, including initial appointment to faculty rank and any promotion to a higher rank at an institution, is located in a department or equivalent unit.
 - iii. Each institution must establish criteria for initial appointment to faculty rank and for promotion in rank at the institution. Such criteria must be submitted to the Board for approval, and upon approval must be published and made available to the faculty.
 - iv. Persons who have made substantial contributions to their fields of specialization or who have demonstrated exceptional scholarship and competence or appropriate creative accomplishment of recognized outstanding quality may be appointed to faculty rank without satisfying established institutional criteria for initial appointment or promotion, provided that the qualifications of such individuals have been reviewed in accordance with institutional procedures and the appointment is recommended by the chief executive officer and approved by the Board.
 - v. A non-classified employee may hold faculty rank in a department or equivalent unit in which rank has previously been established by the institution. A non-classified employee may be granted rank at the time of appointment or subsequent thereto, or may be promoted in rank, if such employee meets the criteria for rank as established by the institution and approved by the Board.

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SUBJECT

Amendment to Board Policy, Section II.I.4. – First Reading

APPLICABLE STATUTES, RULE OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section II.I

BACKGROUND / DISCUSSION

Board policy establishes all holidays to be observed by institutions and agencies governed by the Board. The policy provides “If a chief executive officer desires to designate a holiday that is different from those specified above, the Chief Executive Officer must notify the Executive Director.”

IMPACT

Elimination of this notification requirement and directly authorizing presidents to designate alternate holidays will align policy with current practice and eliminate unnecessary paperwork and reporting.

ATTACHMENTS

Attachment 1 – Policy II.I. Leaves – All Employees

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STAFF COMMENTS AND RECOMMENDATIONS

In February 2010, the Board revised its policy to clarify the powers delegated to the institution presidents to manage their workforce. Staff continues to review Board policy to ensure internal consistency with respect to this delegated authority. Staff finds the notification requirement in II.I.4.d. is unnecessary and recommends approval.

BOARD ACTION

I move to approve the first reading of the amendment to Board Policy II.I., as presented.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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ATTACHMENT 1

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1. Annual Leave

For all categories of employees, annual leave shall be as set forth in the respective subsection outlining policies for that category of employee (i.e., classified, non-classified, faculty, etc.)

2. Sick Leave

a. All employees accrue sick leave as provided for in Chapter 53, Title 67, Idaho Code, and rules of the Idaho Division of Human Resources. Sick leave shall be used in accordance with state law and internal institution or agency policies.

b. At the employee's option, annual leave may be used in lieu of sick leave.

3. Disability, Workers' Compensation, and Family Medical Leave

Disability, Workers' Compensation, and Family Medical leave shall be in accordance with applicable state and federal law.

4. Holidays

A holiday is a day of exemption from work granted to employees and for which they are compensated as if they had actually worked.

a. The following holidays are recognized by statute and the Board:

January 1 (New Year's Day)
Third Monday in January (Martin Luther King, Jr. Day/Human Rights Day)
Third Monday in February (Presidents' Day)
Last Monday in May (Memorial Day or Decoration Day)
July 4 (Independence Day)
First Monday in September (Labor Day)
Second Monday in October (Columbus Day)
November 11 (Veterans Day)
Fourth Thursday in November (Thanksgiving)
December 25 (Christmas)

b. In addition, any day may be designated by the President of the United States or the Governor of Idaho for a public fast, Thanksgiving, or holiday.

c. In the event that a holiday occurs on a Saturday, the preceding Friday is recognized as a holiday. If a holiday falls on a Sunday, the following Monday is recognized as a holiday.

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- d. ~~If a chief executive officer desires to designate a holiday that is different from those specified above, the Chief Executive Officer must notify the Executive Director. Institution chief executive officers are authorized to designate holidays different than those specified above in order to accommodate planning for academic calendars.~~

5. Other Leave

All other types of leave for classified employees shall be in accordance with Chapter 53, Title 67, Idaho Code, and the rules of the State Division of Human Resources. Other types of leave for University of Idaho classified employees shall be in accordance with the policies of the University of Idaho.

All other types of leave for non-classified employees, including faculty employees, shall be in accordance with the internal policies of each institution or agency and with the following:

a. Leave for Court Required Service

- i. An employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency will be granted leave with pay and any jury or witness fees may be retained by the employee.
- ii. An employee must request annual leave or leave without compensation for:
 - 1) appearing as a party in a non-job-related proceeding involving the employee;
 - 2) appearing as an expert witness when the employee is compensated for such appearance; or
 - 3) appearing as a plaintiff or complainant, or as counsel for a plaintiff or complainant, in a proceeding in which the Board or any of its institutions or agencies is a defendant or respondent.

b. Military Leave

Leave for the purpose of military service shall be in accordance with applicable state and federal law.

c. Leave Without Pay

- i. Any employee may apply for leave without pay. Leave without pay is granted at the discretion of the Chief Executive Officer. The initial grant of leave

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- without pay may be for a period of up to one (1) calendar year. Extensions of such leave for one (1) year at a time may be granted by the Chief Executive Officer not to exceed a total of three (3) successive calendar years.
- ii. It is the Board's intent that the state salary not be duplicated to an employee serving in the Legislature. Therefore, an employee of an institution or agency who is elected or appointed to the Idaho State Legislature must be placed on leave without compensation for hours not worked during such time as the Legislature is in session. Any such employee must complete a time sheet every pay period during the session and may only be compensated for actual hours worked for the institution or agency. All hours short of forty (40) per week must be leave without compensation.
 - iii. Benefits While on Leave Without Pay. An employee who has received approval from the chief executive officer for leave without pay may continue to contribute toward and receive the benefits of any state or institutional insurance and retirement programs, if the laws, rules, regulations, policies, and procedures governing the administration of such insurance and retirement programs permit.
 - d. At the discretion of the Chief Executive Officer, an employee may be granted administrative leave with pay when the agency or institution will benefit as a result of such leave.

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