

IV. PERSONNEL

4.01 Authority of the Board

The Board shall elect a president of each of said institutions of higher learning; a superintendent of each of said other institutions; a treasurer, and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation. (~~Iowa Code I.C. §262.9[2]; Board of Regents Minutes September 17-18, 1986, pp. 214-216; May 16-17, 1990, p. 626~~)

4.02 State Regent Merit System of Personnel Administration

A. The Regents govern the Regent Merit System pursuant to IC §19A.3(5).

~~The general purpose of this chapter is to establish for the sState of Iowa a system of personnel administration based on the merit principles and scientific methods governing the appointment, promotion, welfare, transfer, layoff, removal, and discipline of its civil employees, and other incidents of state employment. All appointments and promotions to positions in the state service shall be made solely on the basis of merit and fitness, to be ascertained by competitive examinations, except as hereinafter specified. (I.C. Iowa Code §19A.1)~~

B. The ~~m~~Merit ~~s~~System shall apply to all employees of the Regent institutions state and to all positions in the state government now existing or hereinafter established, except the following:

All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the State Board of Regents, State of Iowa.

The State Board of Regents, State of Iowa, shall adopt rules and regulations for their the Regent Merit System as provided by law. ~~employees, which rules [and regulations] shall not be inconsistent with the objectives of this chapter, and which shall be subject to approval of the director of the Department of Personnel. If at any time the director determines that the Board of Regents Merit System does not comply with the intent of this chapter, [the director], subject to the approval of the commission, shall have authority to direct correction thereof and the rules [and regulations] of the Board shall not be in compliance until the corrections are made. (Iowa Code I.C. §19A.3)~~

4.03 Professional and Scientific ~~Pay Plans~~

AA. ~~Classification System:-~~

Proposed changes in Board-approved classification system pay plans for ~~p~~Professional and ~~s~~Scientific staff which involve the assignment of new classes or position titles to pay grades, changes in the pay grade assignment of classes or position titles, ~~or and~~ the deletion or addition of classes or position titles shall be docketed by the institutions for Board approval prior to implementation.

~~B. Changes in the class or position title assignment of incumbents, such as promotions and demotions, shall continue to be reported to the Board in accordance with Section 4.06 of this Guide, Register of Personnel Changes Register of Personnel Changes.~~
Revisions in class or position title descriptions that do not affect pay grade assignments shall not require Board approval. (~~Board of Regents Minutes June 17, 1982, pp. 703-704~~)

B. Pay Plans

Changes in pay plans shall be approved by the Board.

4.04 Appointment of Presidents and Superintendents

The Board of Regents, is responsible under Chapter 262 of the I-CI Iowa Code for the selection of institutional heads. The following guidelines describe the general process ~~for the~~ to conduct ~~of~~ searches for institutional heads and their appointment. The specific procedures to be used in a given search will be determined by the Board and will reflect the unique environment of the institution, ~~for which the head is being chosen.~~

~~A. The process shall be consistent with the Board's statutory authority to appoint institutional heads and shall provide for Regental control of the search, screening, and selection process.~~

A. All rules, procedures, and policies regarding the search, including, but not limited to, the role, composition, and appointment of a search committee, the time schedule for the search, and the use of consultants shall be established by the Board of Regents, State of Iowa. The election of an institutional head shall be the sole responsibility of the Board of Regents, State of Iowa. IC §262.9(2). The process shall provide for:

B. 1. The process shall provide for ~~c~~ Confidentiality of the candidates to the fullest extent possible ~~under the I-C Iowa Code, pursuant to law.~~

- ~~C.~~ 2. ~~The process shall provide for p~~ Participation by institutional constituencies, specifically including the faculty, with respect to the criteria to be used in the selection process and in review of the final candidate.
- ~~D.~~ 3. The process shall be one that can be accomplished within a reasonable period of time set by the Board.
- ~~E.~~ 4. Affirmative action/equal employment opportunity procedures shall be fully utilized.
- ~~F.~~ The election of an institutional head shall be the sole responsibility of the Board of Regents. (~~I.C. Iowa Code, §262.9[2]; Board of Regents Minutes April 18-19, 1984, pp. 555-556)~~)

4.05 Other Board Appointments

- ~~A.~~ Secretaries and treasurers of the institutions shall be nominated by the executive heads of the institutions. Names of secretaries and treasurers shall be submitted annually to the Board for appointment. (~~Iowa Code §262.9[2]; Board of Regents Minutes September 17-18, 1986, pp. 214-216; May 16-17, 1990, p. 626)~~
Annually, the Board shall appoint a secretary and treasurer for each Regent institution with consideration given to nominations made by the institutional heads.
- ~~B.~~ (~~Reserved; See Board of Regents Minutes May 16-17, 1990, p. 626)~~)
- ~~C.~~ B. Provosts, vice presidents, and directors of major units ~~such as the Ames Laboratory and University of Iowa Hospitals and Clinics reporting to the institutional head~~ shall be nominated by the institutional head for appointment by the Board. Appointments to these positions become effective on the date designated by the Board. (~~Board of Regents Minutes July 22-23, 1997, p. 23)~~)

The institutional head shall inform the Board of an impending vacancy in any of these positions and shall apprise the Board of plans for a search for a successor. The Board shall be kept fully informed of the progress of the search and the institutional head shall inform the Board of the finalists before a nomination is made. If the compensation or duties of the successful candidate are to be substantially different from those of the previous person in the position, the Board shall be informed. (~~Board of Regents Minutes October 18, 1989, p. 234)~~)

- ~~D.~~ C. All administrative appointments not included in ~~"C"~~ above shall be reported on the institutional Register of Personnel Changes.

The appointment of Associate Vice-Presidents, Assistant Vice-Presidents, Deans and Associate Directors of major administrative units shall be reported in a separate section of the monthly register and shall be ~~reported at the time the decision to appoint is made.~~ effective at the time designated by the Board.

When making an appointment to the position of Associate Vice-President, Assistant Vice-President, Dean and Associate Director of major units ~~such as Ames Laboratory and University of Iowa Hospitals and Clinics,~~ the institutional head shall inform the Board and ~~Board Office~~ the executive director of the following:

1. an impending vacancy in the position as soon as it is known;
2. plans for conducting a search;
3. periodic progress reports on the search;
4. the names and summary vitae of finalists at the time the individuals are invited to campus for an interview;
5. the name ~~and a complete vita~~ of the person the institution intends to appoint at least one week before the appointment is made. A complete vita will be provided to Regents upon request.
6. Board members having concerns or comments about the proposed appointment of a person should notify the President of the Board or, in the absence of the President, the ~~Executive Director~~ Executive Ddirector. Board members and the head of the institution involved will be notified of the comments or concerns by the President of the Board or the ~~Executive Director~~ Executive Ddirector and arrangements will be made for appropriate consultation.

~~(Board of Regents Minutes November 14, 1990, p. 219)~~

- ~~E.D.~~ A current chart showing the organizational structure of the institution shall be kept on file in the Board's office. Changes proposed in the organizational structure of an institution shall be presented to the Board for its approval, if they are significant. Other changes may be presented for the information of the Board at the discretion of the institutional head. ~~(Board of Regents Minutes September 17-18, 1986, pp. 214-216, and October 18, 1989, p. 234)~~

4.06 Register of Personnel Changes

- A. Once each month each institution shall forward to the ~~executive director~~Executive Director of the Board a list of all personnel changes excluding the appointment of student employees but including the appointment of graduate and teaching assistants made in the preceding month by the institutional executives. This list of personnel changes shall be known as the "Register of Personnel Changes." Each institutional executive shall certify on the register that the personnel changes are in accordance with state law and Board regulations. ~~(Board of Regents Minutes November 14, 1990, p. 219)~~
- B. The ~~executive director~~Executive Director of the Board shall file docket the registers of personnel changes from each institution and the Board Office. ~~The regular Board docket for each institution will carry one item labeled "Request for Approval of Register of Personnel Changes."~~ Approval of the registers shall constitute confirmation of the personnel changes contained therein.
- ~~C. The executive director~~Executive Director shall ~~docket for Board approval as a part of the general docket an item labeled "Board Office Register of Personnel Changes."~~ ~~(Board of Regents Minutes December 12-13, 1957, p. 1503; November 11-12, 1971, p. 234)~~
- ~~D.C.~~ The promotion and tenure actions reported annually to the Board shall be reported as a separate part of the personnel register.

4.07 Appointment to Positions with Tenure and Other Personnel

- A. Appointments or promotions to positions of tenure and those not covered in Section 4.05 shall be made by the institutional ~~executives~~. heads.

- B. All personnel appointments and promotions made under the authority of this section shall be reported to the Board in the monthly Register of Personnel Changes. (~~Board of Regents Minutes July 14-15, 1966, p. 18~~)
- C. Each university shall submit annual reports on the operation of tenure policy that include methods of evaluation of teaching performance. (~~Board of Regents Minutes February 14-15, 1974, p. 5566~~)

4.08 Resignations

- A. Resignations of personnel covered by ~~Section §~~ 4.05 shall be submitted to the Board by the institutional ~~executives heads~~ for acceptance.
- B. Resignations of personnel covered by ~~Section §~~ 4.07 may be accepted by the institutional ~~executives heads~~ and reported in the Register of Personnel Changes.
- C. Each institutional ~~executive head~~ will ~~make to the~~ submit a summary report ~~Board a summary report~~ of resignations for personnel covered under Sections 4.05 and 4.07 ~~to the Board annually~~ at the beginning of each academic year. ~~Such The~~ report shall include, when available, the position the employee is taking and the geographical location of that position. (~~Board of Regents Minutes July 14-15, 1966, pp. 18-19; January 11-12, 1973, p. 4569~~)

4.09 ~~Leaves of Absence Professional Development Assignments~~

- A. The Board shall grant ~~leaves of absence professional development assignments~~ with full or partial compensation to staff members to undertake approved programs of study, research, or other professional activity ~~which that~~, in the judgment of the Board, will contribute to the improvement of the institutions. Any staff member granted such ~~leave assignment~~ shall agree either to return to the institution granting such ~~leave assignment~~ for a period of not less than two years or to repay to the ~~s~~State of Iowa such compensation as [the staff member] shall have received during such ~~leave assignment~~. (~~I-C Iowa Code- IC §262.9[13]~~)
- B. Requests for ~~leaves of absence professional development assignments~~ for personnel covered by ~~Section §~~ 4.05 shall be submitted to the Board by the institutional executives for approval.
- C. Requests for ~~leaves professional development assignments of absence~~ for personnel covered by ~~Section §~~ 4.07, including retired and emeritus faculty and staff, may be granted by the institutional ~~executives heads~~ and reported in the Register of Personnel Changes, except that professional development ~~leaves assignments~~ shall be submitted to the Board by the institutional ~~executives heads~~ for approval.

- D. Each request for a professional development ~~leave assignment~~ shall contain information as to the length of service of the individual and an estimate of additional net budgetary support necessary to finance all ~~leaves assignments~~.
- E. Each institution shall submit a yearly evaluation and report or discussion and costs regarding research assignments and professional development ~~leaves assignments~~.
(~~Board of Regents Minutes July 14-15, 1966, p. 189; February 9-10, 1967, p. 372; March 14-15, 1968, p. 3502; February 14-15, 1974, pp. 5378-539~~)

4.10 Educational Assistance Program (IBSSS and ISD)

- A. The educational assistance program is designed to accomplish the following objectives:
1. To provide for institutional needs in relation to areas of staff development which will aid the schools in better accomplishing their objectives.
 2. To fulfill each school's mission and accomplish goals and objectives to provide staff members who have knowledge and skill to fill needed critical positions for which there is a scarcity of qualified applicants.
 3. To stimulate interest in and provide incentive to staff members who have special abilities in critical areas to increase their knowledge and skill so they may have the opportunity to achieve their potential in their current positions.
 4. To provide added incentive to supervisory personnel to maximize their management potential. For purposes of this program supervisory personnel are those positions excluded from bargaining units due to their supervisory or management responsibilities.
- B. Eligibility
1. Any **full-time** permanent employee of the Iowa Braille and Sight Saving School and the Iowa School for the Deaf who has completed one year of service with the school is ~~entitled~~ eligible for consideration for the benefits provided under this program.
 2. An employee receiving other financial assistance, such as scholarship aid, GI funds, etc., will be eligible to receive educational assistance to the extent that the sum total of all methods of reimbursement does not exceed 100 percent of tuition.
- C. Acceptable Courses of Study

This program is exclusively designed for school-related courses of study. Any course of study must be in an area which has a relationship to the tasks accomplished within the institution, the requirements of the position the individual currently holds and/or requirements for the learning of skills for which the institution has need.

Each individual school shall work out a curriculum for basic courses and degrees needed by the agency in order to fulfill its missions.

D. Educational Institutions

A staff member may, under this program, attend any accredited institution of higher learning within the state. Attendance at out-of-state institutions may be approved on a limited basis, provided there are geographical or educational considerations ~~which~~ that make attendance at a state institution impractical. In this statement, "accreditation" refers to accreditation as an educational institution and a specific program of study ~~which~~ that is approved or accredited by the profession as meeting the standards of the "state of arts."

E. ~~Educational Leaves~~ Tuition Reimbursements for Acceptable Courses of Study

~~Tuition reimbursement courses, part-time school-related courses.~~

1. Employees are required to first seek enrollment into evening and Saturday classes; tuition reimbursement may be granted for a maximum of six credit hours at one time.
2. If the necessary courses are not available during evenings and Saturdays, leave and tuition reimbursement may be granted for a maximum of six credit hours at any one time.
3. When leave is granted, the individual's work schedule will be modified to the extent feasible to accommodate class hours. However, as much as possible, the individual will be expected to make up the time.
4. An employee will be reimbursed for tuition and fees upon submission of an original paid receipt from the academic institution to the designated agency representative.
5. Prior to reimbursement, the employee must provide proof of successful completion of the course.
 - a. Successful completion of undergraduate course shall require attainment of at least a "C" grade.
 - b. Successful completion of a graduate course shall require attainment of at least a "B" grade.
 - c. Successful completion of a vocational or correspondence course shall be recorded by submittal of an official certificate or diploma.

F. ~~Full-Time~~ Educational Leave

5/15/98

1. Without Pay: At the discretion of the superintendent and with the approval of the Board of Regents, a permanent employee may be granted educational leave without pay to attend an accredited institution for courses that are school related. While all educational expenses are covered by the employee, the employee will have the right to return to the position at the same level with the same classification.
2. With Stipends: The school may, subject to the availability of funds, grant a tuition reimbursement (full or partial) or a stipend for an individual who is on leave without pay to attend an accredited educational institution for school-related courses. Stipend is defined as a specific sum of money sufficient to cover all or part of the cost of tuition, books, and other course-related materials.
3. With Pay: The school may, at the discretion of the superintendent and with the approval of the Board of Regents, State of Iowa, approve applications for ~~full-time leave of absence~~ educational assistance programs with pay, as determined by the superintendent, for a limited number of employees based on institutional needs and the availability of funds.

Full-time educational leave may be granted for a period of one academic year, but may be extended upon request of the applicant, subject to the discretion of the superintendent and the Board of Regents, and based upon institutional needs, availability of institutional funds, and academic performance. Leave may be granted for one academic year at one-half pay, or the equivalent of one-half of an academic year at full pay.

~~G. Reimbursement~~

- ~~1. An employee will be reimbursed for tuition and fees upon submission of an original paid receipt from the academic institution to the designated agency representative.~~
- ~~2. Prior to reimbursement, the employee must provide proof of successful completion of the course.~~
 - ~~a. Successful completion of undergraduate course shall require attainment of at least a "C" grade.~~
 - ~~b. Successful completion of a graduate course shall require attainment of at least a "B" grade.~~
 - ~~c. Successful completion of a vocational or correspondence course shall be recorded by submittal of an official certificate or diploma.~~

H.G. Selection of Applicants

While the selection of applicants is at the sole discretion of the superintendent, it is the express policy of the Board of Regents to offer all qualified applicants an equal opportunity to participate in the educational assistance program within the limitations imposed by the availability of funds and agency staffing requirements. The schools will also encourage continued education by allowing employees flexible work schedules and unpaid leaves of absence whenever possible, consistent with the efficient administration of the institution.

I.H. Reporting of Leaves Educational Assistance Programs Participation

Requests for educational leaves may be granted by the superintendent and reported in the Register of Personnel Changes, except that full-time educational leaves assistance programs shall be submitted for approval to the Board by the superintendent. ~~for approval.~~

Each request for a full-time educational leave assistance program shall contain information as to the length of service of the individual and an estimate of additional net budgetary support necessary to finance all leaves.

Each institution shall submit a yearly evaluation and report or discussion and costs regarding educational leaves assistance programs.

4. School Employment Requirements

Any staff member who receives reimbursement for tuition shall agree to remain in the active employment of the school ~~after the receipt of such benefit~~ for a period of one month for every unit of credit earned or to repay to the ~~s~~State of Iowa such compensation as [the staff member] ~~received, shall have received.~~ Months shall be counted beginning with the first full month of active employment following the official semester closing date of the institution wherein the employee is enrolled. (~~Board of Regents Minutes September 17-18, 1996, p. 277~~)

Any staff member granted ~~such leave participation in educational assistance programs~~ shall agree either to return to the institution granting such ~~leave participation~~ for a period of not less than two years or to repay ~~to the s~~State of Iowa such compensation as [the staff member] ~~shall have received~~ during such ~~leave participation.~~ (~~I.C. Iowa Code IC §262.9[12]; Board of Regents Minutes June 18-19, 1980, p. 703~~)

4.11 Nepotism ~~(Note: Consider revision of policy)~~
Pursuant to IC Chapter 71 --

A. A-No person may be employed or continued in employment by an institution in any position which places such person under the administrative supervision of another employee to whom such person is related as follows:

1. By blood: parent, child, brother, sister, first cousin, uncle, aunt, nephew, niece.
2. By marriage: husband, wife, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild.

These provisions shall apply to persons whose marital status changes during employment.

B. Exceptions to the requirements of A, above, may be granted by the Board on prior approval. In the event that such approval is sought during a recruitment process, when waiting for Board approval would prevent an institution from hiring the best possible candidate for a position, the Board president may authorize any appointment subject to board ratification at its next meeting.

~~It is unlawful for any person elected or appointed to any public office or position under the laws of the state to appoint as deputy, clerk, or helper in said office or position to be paid from the public funds any person related by consanguinity or affinity, with the third degree, to the person elected, appointed, or making said appointment, unless~~

~~such appointment shall first be approved by the officer, Board, council, or commission whose duty it is to approve the bond of the principal; provided this provision shall not apply in cases where such person appointed receives compensation at the rate of \$600 per year or less, nor shall it apply to persons teaching in public schools. No person so unlawfully appointed or employed shall be paid to receive any compensation from the public money and such appointment shall be null and void and any person or persons so paying the same or any part thereof, together with their bondsman, shall be liable for any and all moneys so paid. (I.C. Iowa Code. §71)~~

~~B. A person responsible for recommending the employment of staff members for a department shall not employ in any position in that department any person related as follows:~~

~~By blood: parent, child, brother, sister, first cousin, uncle, aunt, nephew, niece.~~

~~By marriage: husband, wife, brother in law, sister in law, father in law, mother in law, son in law, daughter in law, stepparent, stepchild.~~

~~The provisions in paragraph B shall apply to persons whose marital status changes during employment. In such cases, one of the persons affected must leave the position in the department not later than one year after the marital status has changed, but the employee leaving may be reemployed elsewhere in the institution subject to the provisions of paragraph B.~~

~~The provisions in paragraph B shall apply to both full-time and part-time employees (including students), except those who are on a part-time retirement basis, but the chief executive officer of each institution or the officer's designated representative may make exception to the foregoing regulations in cases where such the person appointed receives compensation at the rate of \$600 per year or less. (Board of Regents Minutes November 14-15, 1968, p. 163) (Check this)~~

4.12 Return of University Presidents to Faculty Status

The selection and retention of university presidents does not differ significantly from the selection and retention of other administrators who are members of the faculty. Where the presidents are individuals drawn from a faculty, they desire to retain their academic associations. As in the case of other administrators who are faculty members, personnel and institutional considerations may arise which might make it appropriate for presidents to return to full-time faculty responsibilities. The opportunity to do this should exist within the university itself. The Board of Regents regards this as a personnel matter common to administrators who hold faculty rank and wishes to treat the university presidents in the same way as it does other university administrators who have faculty rank. To this end, the Board acknowledges

its faculty commitment to the president and will provide for the return to the faculty of a president. In doing so, the Board will consider the president's standing in regard to peers in the discipline and the need for reorientation to the discipline. (~~Board of Regents Minutes May 10-11, 1973, p. 766~~)

4.13 Salaries

- A. Changes in salaries of ~~line budget~~ budgeted employees
1. Proposed changes in salaries of personnel covered by Section § 4.05 shall be transmitted by the institutional executives heads to the executive director for transmission to the Board.
 2. Changes in salaries of ~~line budget~~ budgeted personnel covered by Section § 4.07 may be made by the institutional executives subject to the following restrictions:
 - a. Personnel appointed to line budget positions at the same or less salary than provided in the printed budget shall be reported in the Register of Personnel Changes.
 - b. Changes of salaries in line budget positions involving salaries larger than those provided in the printed budget may be made by the institutional executives heads if such increases will not increase the overall budget of the department, college, or other unit involved. Personnel involved in such changes may be placed on the payroll by the institutional executives heads pending approval of the Register of Personnel Changes.
- B. Procedure for changes in the salaries of major institutional administrators as defined in Section § 4.05 (C): (~~Board of Regents Minutes July 22-23, 1997, p. 23~~)
1. Following Board approval of preliminary budgets and approximately 10 days prior to its consideration of final detailed budgets, university presidents shall notify the Board of any requested changes in the salaries of all vice presidents, deans, and other major institutional administrators. (~~Board of Regents Minutes July 22-23, 1997, p. 23~~)
 2. Following Board approval of preliminary budgets and approximately 10 days prior to its consideration of final detailed budgets, the superintendents of the School for the Deaf and the Braille and Sight Saving School shall notify the Board of any requested changes in the salaries of major institutional administrators. (~~Board of Regents Minutes November 13, 1980, pp. 434-436; July 22-23, 1997, p. 23~~)

3. Requested changes in salaries of major institutional administrators as identified in Section 4.05 (C) and equivalent positions in the special schools shall be submitted by the institutional heads to the Board of Regents, State of Iowa, for approval. (~~Board of Regents Minutes July 22-23, 1997, p. 23~~)

C. Compensation for correspondence and extension class work

Changes in rates of pay for teaching correspondence and extension classes may be made by the institutional executives. Changes shall be reported in the monthly Register of Personnel Changes.

D. Salaries of part-time and student employees

The institutional executives heads are authorized to approve part-time and student employees within the limits of departmental budgets. The names and hourly wage rates of these employees shall be reported in the Register of Personnel Changes. Undergraduate student employees need not be reported in the Register of Personnel Changes. (~~Board of Regents Minutes December 12-13, 1957, p. 1502~~)

4.14 Sick Leave

Pursuant to IC §70A.1 and collective bargaining agreements, full-time and permanent part-time employees accrue and can use sick leave.

Sick leave may be converted to annual leave pursuant to IC §70A.1. At retirement, payment for accrued sick leave may be paid pursuant to IC §70A.23.

~~A. Commencing July 1, 1979, permanent full-time and permanent part-time employees of state departments, boards, agencies, and commissions, excluding employees covered under a collective bargaining agreement which provides otherwise, shall accrue sick leave at the rate of one and one-half days for each complete month of full-time employment. The accrual rate for part-time employees shall be prorated to the accrual rate for full-time employees. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease:~~

~~1. Which require the employee's confinement.~~

~~2. Which render the employee unable to perform assigned duties.~~

~~3. When performance of assigned duties would jeopardize the employee's health or recovery.~~

- ~~Separation from state employment shall cancel all unused accrued sick leave. However, if an employee is laid off and the employee is reemployed by any state department, board, agency, or commission within one year of the date of the layoff, accrued sick leave of the employee shall be restored. (I.C. Iowa Code §79.1 70A.1)~~
- ~~B. Permanent employees are entitled to a leave of absence at their normal rate of pay because of sickness or injury to the extent that they have sick time to their credit at the beginning of the leave of absence. The amount of sick leave time which they may have to their credit is the net running balance of sick leave credits accumulated, less sick leave credits used.~~
- ~~C. Sick leave credits accumulate at the rate of one and one half working days per month of service. Persons holding an academic year appointment are considered to be employed for 9 months; those holding a summer session appointment only are considered to be employed for 2 months; those employed during a full academic year and a subsequent summer session are considered to have been employed for a full 12 months.~~
- ~~D. Sick leave credits are used at the rate of one day of sick leave credit for each working day the employee is absent.~~
- ~~E. Sick leave may be granted only on evidence of sickness or injury satisfactory to the chief administrative officer of the institution.~~
- ~~F. Payment for sick leave absence is made on regular payroll days except as indicated in paragraph A.~~
- ~~G. Employees who resign during a sick leave are allowed pay for sick leave to the effective date of resignation, or to the end of the sick leave entitlement, whichever occurs first. (B through G, Board of Regents Minutes February 13-14, 1958, pp. 22524-226; August 12-13, 1971, pp. 9-12)~~
- ~~H. Commencing July 1, 1977, when an employee who is not covered under the provisions of a collective bargaining agreement negotiated under the provisions of Chapter 20 of the I.C. Iowa Code, retires under the provisions of a retirement system in the state maintained in whole or in part by public contributions or payment, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. Until the General Assembly provides a program of credit for accrued sick leave, the number of accrued days credited to an employee upon retirement shall be the same as at the time of the employee's retirement. (Note: Is this the same?)~~
- ~~I. Conversion of Sick Leave to Annual Leave (I.C. Iowa Code §79.1 70A.1)~~

- ~~1. All eligible employees who do not use sick leave for a full calendar month may elect to add up to one half day (4 hours) of vacation to their accrued vacation account in lieu of adding up to one and one half days (12 hours) to their accrued sick leave account. Part-time employees shall be prorated to the accrual rate for full-time employees.~~
- ~~2. Eligible employees are those permanent full-time and permanent part-time employees who are not faculty members with nine-month appointments, who are otherwise eligible for accrued vacation and sick leave benefits, and who have accumulated a minimum of 30 days (240 hours) in their sick leave account.~~
- ~~3. Employees who elect to convert unused sick leave to vacation will not accumulate more than twice the possible annual amount of converted vacation, or 12 days (96 hours), but will be allowed to accumulate that amount in addition to twice their annual vacation entitlement.~~
- ~~4. To elect additional vacation leave in lieu of sick leave, employees must notify their supervisor by the tenth of the month following the calendar month in which there has been no sick leave usage.~~
- ~~5. Employees may also make a one-time election (in writing) to automatically convert sick leave to vacation leave each month they are eligible. The election will remain in effect until the employees notify their employer (in writing) to terminate the original election.~~
- ~~6. Any use of sick leave, including use for doctor's appointments, funeral leave, etc., makes an employee ineligible to make the conversion for the month in which the use occurs.~~
- ~~7. If use of sick leave reduces an eligible employee's sick leave account below 240 hours, the account will have to be built up to 240 hours before eligibility for vacation conversion under this program is restored. (Board of Regents Minutes June 20-21, 1979, pp. 744-746)~~
- ~~J. Payment of Accumulated Sick Leave Credits Upon Retirement (I.C. Iowa Code §79.23 70A.23)~~
 - ~~1. Eligibility. Faculty and staff members of the Board of Regents who (a) have retired on or following July 1, 1979, (b) have applied for benefits under the Iowa Public Employment Retirement System or a retirement system authorized by the Board of Regents, and (c) have credits for unused sick leave available at the time of retirement are eligible to receive a cash payment in lieu of those benefits unless such faculty or staff members are covered under a collective bargaining agreement that provides otherwise.~~

- ~~2. Retroactivity. Faculty and staff members employed at institutions governed by the Board of Regents who retired on or after July 1, 1977, but before July 1, 1979, are also eligible for a cash payment in lieu of unused accrued sick leave unless they were at the time of retirement covered by a collective bargaining agreement that did not provide for the cash payment.~~
- ~~3. Calculation of Payment. The payment shall be calculated by multiplying the number of hours of accumulated unused sick leave available to the employee at the time of retirement by the employee's hourly rate of pay at that time. However, the total cash payment for accumulated unused sick leave shall not exceed \$2,000.~~
- ~~4. Filing Claims. Persons who wish to claim the cash payment for accumulated unused sick leave upon retirement shall file a claim on a form (approved by the Board of Regents) to be provided by the institution at which the person was employed at the time of retirement. Except for those eligible for retroactive payments, employees must file a claim for the cash payment within 30 days from the date of retirement.~~
- ~~5. Deductions from Payment. The payment for accumulated unused sick leave will be made separately from any other payroll transaction. It will be subject to the federal and state income tax withholding appropriate for such a lump sum payment. Social security taxes will not be deducted. Employee contributions for retirement systems will be deducted.~~
- ~~6. Retirement. For purposes of this policy, retirement is defined as termination of employment with no intent to reestablish permanent employment with the institution from which the faculty or staff member retired and which occurs at or following the age at which an employee is eligible to receive retirement payments under the Iowa Public Employment Retirement System. Currently, members of IPERS are eligible to receive benefits at age 55.~~
- ~~7. Payment Limit. No individual may make more than one claim for the cash payment for accumulated unused sick leave. (Board of Regents Minutes June 20-21, 1979, pp. 746-749)~~

4.15 Vacations

- ~~A. Regent Merit System employees earn vacation consistent with IC §70A.1.~~
- ~~A. All employees of the state shall earn two weeks vacation per year during the first year of employment and through the fourth year of employment; three weeks vacation per year during the fifth and through the eleventh year of employment; four weeks~~

~~vacation per year during the twelfth year through the nineteenth year of employment; four and four tenths weeks vacation per year during the twentieth year through the twenty-fourth year of employment; and five weeks vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week of vacation shall be equal to the number of hours in the employee's normal work week. Vacation allowances shall be accrued according to the provisions of Chapter 91A as provided by the rules of the Department of Personnel. The vacations shall be granted at the discretion and convenience of the head of the department, agency or commission, except that an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this paragraph shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency, or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements. In the event that the employment is terminated, the provisions of Chapter 91A relating to the termination shall apply.~~

~~— If said termination of employment shall be by reason of death of the employee, such vacation allowance shall be paid to the estate of the deceased employee if such estate shall be opened for probate. If no estate be opened, the allowance shall be paid to the surviving spouse, if any, or to legal heirs if no spouse survives. (I.C. Iowa Code §79.1 70A.1)~~

- B. ~~All p~~ Professional and ~~s~~ Scientific employees of the University of Iowa, Iowa State University, the University of Northern Iowa, Iowa School for the Deaf, Iowa Braille and Sight Saving School, and the Board Office who are employed full time shall accrue vacation at the rate of one month or 22 working days per year, except where a difference occurs under a collective bargaining agreement. (Board of Regents Minutes June 9-10, 1976, p. 61926)

4.16 Holidays

- A. The following ~~seven~~ holidays are granted annually to employees:

1. New Year's Day;
2. ~~Martin :Luther King, Jr.'s Birthday~~ Martin Luther King, Jr. Day or other holiday designated by institutional head and approved by the Board
- ~~2-3.~~ Memorial Day;
- ~~3-4.~~ Independence Day;
- ~~4-5.~~ Labor Day;
- ~~5-6.~~ Veterans' Day Thanksgiving Day;
- ~~6-7.~~ Thanksgiving Day Friday after Thanksgiving;
- ~~7-8.~~ Friday after Thanksgiving
- ~~9.~~ Christmas Day;

~~B. Two days to be designated by the head of each institution; and~~

- ~~C.B. Two days to be accrued as vacation. (Board of Regents Minutes July 28, 1977, p. 69)~~

4.17 TIAA-CREF Retirement Program

A. Eligibility

1. Each Regent institution will set its own eligibility requirements for participation in its basic retirement program with TIAA-CREF or in a plan substituted in accordance with each institutional policy.

~~All permanent employees of the University of Iowa, Iowa State University, the University of Iowa, the University of Northern Iowa, and the Board Office who have a budgeted annual salary of \$7,800 or more will be eligible to participate in the TIAA-CREF retirement program or in a plan substituted therefor in accordance with existing Board policy. Contributions will continue at the present rate. There will be no waiting period. (Board of Regents Minutes June 27, 1990, p. 718)~~

- ~~2. All employees of record on June 30, 1971, who were eligible for coverage under the old rules continue to be so covered subsequent to that date if their employment is continuous. (Board of Regents Minutes June 24-25, 1971, p. 6056; August 12-13, 1971, p. 78)~~

- ~~3.2. Effective January 1, 1996, all p~~ Permanent employees of Iowa School for the Deaf and Iowa Braille and Sight Saving School will have the option of selecting between IPERS and TIAA-CREF for their retirement program. The rate of contribution will be at the current IPERS rate, which is 5.75 percent for the employer and 3.70 percent for the employee. Contributions during the year will stop when employees reach the IPERS cap of \$44,000 in calendar year 1996. The IPERS cap will increase \$3,000 per year until \$55,000 is reached. ~~(Board of Regents Minutes November 15, 1995, p. 418)~~

B. Options for Former Employees

1. A former employee or retiree who is at least 55 years of age may convert his or her TIAA-CREF account to any financial instrument he or she deems appropriate.
2. A former employee who is less than 55 years of age may convert TIAA-CREF employee contributions to any financial instrument he or she deems appropriate, to the extent permitted by TIAA-CREF.

~~B. Options~~

- ~~1. Employees may at the time of retirement transfer TIAA-CREF accumulation to an approved vehicle which that administers the assets in conformance with Regents policies.~~
- ~~2. Employees who have separated from the Regents institutions shall be governed by the rules of the institution by which they are currently employed and/or from which they retired with regard to cashability and transferability of TIAA-CREF accumulations.~~
- ~~3. The Board will permit eligible participants 55 and over upon termination of employment the right to transfer their TIAA-CREF retirement accumulations to an approved vehicle. If the participant wishes to transfer funds, they must be transferred to a 403b Annuity managed by an authorized carrier who agrees to administer the assets in conformance with Regents policies and institutional retirement plans. This provision complies with Internal Revenue Code Rule 9024 governing transfers.~~
- ~~4. The Board will permit eligible participants 62 and over upon termination of employment to elect a cash distribution of that portion of their retirement accumulation equal to one third of their total TIAA plus CREF accumulation provided that sufficient funds are available in the CREF account to receive this distribution. This cash distribution does not require annuitization if all of the distribution is made from the CREF account.~~

~~(Board of Regents Minutes July 17-18, 1991, p. 51; May 17, 1995, p. 95 (this reference is inaccurate); September 19-20, 1995, p. 232)~~

C. Convertibility

~~1. Convertibility of TIAA-CREF accounts is permissible for retirees and former employees of the Board of Regents, who are at least 55 years of age, to the extent permitted by TIAA-CREF. All of the employee's and employer's contributions and accumulations in the account, including any additional contributions and accumulations made by the employee from the employee's own funds, are convertible.~~

~~2. Convertibility of up to one third of the TIAA-CREF account is permissible for former employees who have terminated employment with a Regent institution and who are less than 55 years of age. All of the employee's contributions and accumulations in the account, including any additional contributions and accumulations made by the employee from the employee's own funds, are convertible.~~

~~(Board of Regents Minutes May 19-20, 1999, p. 843)~~

4.18 Deferred Compensation and Tax Sheltered Annuities Program

~~Each Regent institution, including the Board Office, is authorized to implement a deferred compensation program and a tax sheltered annuity program pursuant to state and federal law. Contributions to such programs shall be provided only from employee contributions, unless otherwise authorized by the Board.~~

~~A. At the request of an employee through contractual agreement, the Board may arrange for the purchase of group or individual annuity contracts for any of its respective employees from any company the employee may choose that is authorized to do business in this state, for retirement or other purposes, and may make payroll deductions in accordance with such arrangements for the purpose of paying the entire premium due and to become due under such contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under Section 403b of the Internal Revenue Code of 1954 and amendments thereto. The employee's rights under such annuity contract shall be nonforfeitable except for the failure to pay premiums.~~

~~Whenever an existing tax sheltered annuity contract is to be replaced by a new contract, the agent or representative of the company shall submit a letter of intent to the company being replaced, to the insurance commissioner of the State of Iowa, and to the agent's own company at least 30 days prior to any action, by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract. (Code I.C. Iowa Code §262.21)~~

~~B. Each Board of Regents institution is authorized to implement a deferred compensation program.~~

~~C. The Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and the Board Office are authorized to purchase tax-sheltered annuities for their employees and to make payroll deductions for the purchase of such in accordance with the requirements of the law. (Code I.C. Iowa Code, §262.21; Board of Regents Minutes December 13-14, 1973, p. 37880)~~

~~4.19 State Employee Suggestion System~~

~~Regents institutions and employees participate in the State Employee Suggestion System (Iowa Code §7D.33 created in Chapter 19.33 of the 1983.~~

~~4.2019 Family Medical Leave~~

A. It is the policy of the Board of Regents that employees of Regent institutions be given family medical leave in accordance with the federal Family Medical Leave Act (FMLA).

~~B. The FMLA allows eligible employees to take job-protected, unpaid leave or to substitute accrued paid leave for up to a total of 12 work weeks in any 12-month period for:~~

~~1. Birth of a child and to care for the newborn child.~~

~~2. Placement of a child with the employee through adoption or for foster care.~~

~~3. Because the employee is needed to care for a family member (child, spouse, parent) with a serious health condition.~~

~~4. Because the employee's own serious health condition makes the employee unable to perform the functions of his or her job.~~

~~C. An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If the employee was is contributing toward the cost of the health benefits, the employee would continue paying the same amount.~~

~~D. The employee generally has a right to return to the same or an equivalent position with equivalent pay, benefits and working conditions.~~

- ~~E. The employer has a right to 30 days advance notice from the employee where practicable prior to taking FMLA leave. The employer may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. The employer may also require that an employee present a certification of fitness to return to work when the absence was required by the employee's serious health condition.~~

~~(Board of Regents Minutes April 19-20, 1995, p. 848)~~

~~4.21 Candidates for Political Office (Do we NEED a policy?)~~

- ~~The Board has no definite policy for employees who are candidates for political office. The institutional executives are to submit recommendations regarding individual employees as such situations develop. (Board of Regents Minutes June 26-28, 1963, p. 524)~~

4.220 Special Security Officers

- A. The Board may authorize any institution under its control to commission one or more of its employees as special security officers pursuant to IC 262.13.
- ~~Special security officers shall have the powers, privileges, and immunities of regular peace officers when acting in the interests of the institution by which they are employed. The Board shall provide as rapidly as practicable for the adequate training of such special security officers at the Iowa Law Enforcement Academy or in an equivalent training program, unless they have already received such training (Code I.C. Iowa Code §262.13).~~
- ~~B. To effect the above action, the following pertains:~~
- ~~1. Each institution under the Board of Regents shall recommend to the Board the name of each security officer to be commissioned as a special security officer. The institutions shall include detailed information concerning the law enforcement training of each officer so recommended.~~
 - ~~2. Any campus security personnel designated as special security officers shall have received basic recruit training at the Iowa Law Enforcement Academy or have the equivalent of such training.~~
 - ~~3. Designated special security officers shall be permitted to carry firearms only upon express authority of the president or the president's designated authority in assignments of extreme danger.~~

5/15/98

- ~~4. Each institution shall take appropriate measures to ensure that its security personnel receive adequate law enforcement training commensurate with their assignment as rapidly as practicable. Except for compelling reasons, security personnel shall not be eligible for basic recruit training at the Iowa Law Enforcement Academy until employed for six months as a security officer at a Regent institution.~~
- ~~5. Institutions under the Board of Regents may recommend to the Board names of employees to be designated as temporary special security officers. All such designations shall extend no longer than one year after such designation by the Board or, if earlier, upon the successful completion of a course of training at the academy or an equivalent training course approved by the Board. No employee shall be eligible for renewal of a temporary designation.~~
- ~~6. All requests for special security officer status must be brought to the Board for appointments, whether such requests be are for regular, temporary, or a change from temporary to regular status. (Board of Regents Minutes March 13-14, 1969, p. 3367; December 9-10, 1971, pp. 3213, 3567)~~

4.231 Teacher Contracts (Special Schools)

- A. Contracts with teachers must be in writing and state the length of time school is to be taught and the compensation to be paid. The contract would state the number of working days covered by the contract.
- B. Contracts shall remain in ~~force and~~ effect for the period stated in the contract. Following a period of ~~two~~ three consecutive years (Pursuant to Iowa Code §279.19), the contract shall be automatically in ~~force and~~ effect for annual periods except as modified or terminated by mutual agreement of the superintendent and the teacher or by dismissal as stated in item D.
- C. Changes in compensation for teachers under continuing contract shall be made through modification of contract forms prepared either after appropriations are known or budgets have been approved by the Board of Regents.
- D. Resignations are to be submitted to the superintendent no later than April 15 of the year in which the resignation is effective.
- E. The superintendents are to use their discretion in the hiring and retention of noncertified teachers. In addition, noncertified teachers employed continuously for ~~two~~ three years shall be subject to the certification requirements in the standard

contract. (~~Board of Regents Minutes September 14-15, 1972, p. 1346; January 11-12, 1973, p. 4447~~)

- F. Reduction in Force Policy. A Reduction In Force (RIF), including a reduction in the number of hours worked by a faculty member, may be proposed by the Superintendent of the school to the Board of Regents whenever there is a lack of work, lack of funds, a reorganization, or a change in enrollment.

Procedures will be developed pursuant to this policy that will guarantee the due process rights of faculty members in accordance with provisions in the ~~Iowa Code I.C.~~ Iowa Code IC §279.15 Notice of termination – request for hearing relating to teacher contract notification/re-notification.

The Superintendent shall notify affected faculty members in writing, not later than April 30, that the Superintendent will recommend in writing to the Board at a regular or special meeting of the Board, held not later than May 15, that the faculty member will be laid off or receive a reduction in hours effective at the end of the current school year. Reasons for the action will be included in the written notice.

Whenever possible, the superintendents shall meet requirements of the statutory process in such a way as to allow the Board to conduct hearings at its regularly scheduled meetings.

~~A faculty member with more than two years of continuous service who has been laid off or received a reduction in hours because of a reduction in force shall be eligible for two years for reemployment in a permanent position or in a temporary position of more than 30 calendar days duration if a vacancy exists for which the faculty member is qualified by certification and endorsement. To exercise recall and reemployment rights, the faculty member must comply with the procedures developed pursuant to this RIF policy. This policy shall not apply to temporary vacancies of less than 30 calendar days.~~

~~Failure to comply with this policy will terminate the faculty member's reemployment rights, except that rejection of recall to a temporary position will not affect a faculty member's right to be recalled to a permanent position.~~

~~If a hearing before the Board is requested by a faculty member in accordance with the procedures developed pursuant to this RIF policy, the hearing will be held pursuant to Iowa Code I.C. Iowa Code §279.15 and 279.16.
(Board of Regents Minutes March 16, 1994, p. 739)~~

~~4.24~~ **Hearings on University Contracts**

5/15/98

~~The Board approves the principle of on-campus hearings on such matters as the establishment of fair internal procedures for determining the effectiveness of university employment contracts. (Board of Regents Minutes November 11-12, 1971, p. 26879; this is where in the minutes a hearing began; the motion began on page 279)~~

4.254 Appeals by Employees to Board

~~A.~~ ~~A.~~ Any employee, including, but not limited to, a faculty member or other teacher, of an institution under the jurisdiction of the State Board of Regents, State of Iowa, who feels aggrieved by any final action of the institution may appeal as follows:

- ~~1. An appeal arising out of a contested case under IC Chapter 17A may be appealed as provided by IAC 681-20.27. adjudicatory order or rule-making decision made by the institution regarding their employment may, after exhausting all remedies within the institution, request the Board to review such final order or decision in accordance with the procedures hereinafter provided. "Adjudicatory order" means all or any part of a final institutional disposition, whether affirmative, negative, or declaratory in form, of any matter of particular applicability to the individual employee regarding the individual's employment. "Rulemaking decision" means all or any part of an institutional statement of general applicability and future effect designed to implement, interpret, or prescribe institutional rules, regulations, or policy regarding employees or conditions of employment.~~
 - ~~2. After exhausting all appeals within the institution, an appeal from an employee grievance or hearing which is not handled as a contested case under IC Chapter 17A, may be appealed as provided by Subparagraph B and C, below.~~
 - ~~3. An appeal from adoption of a rule or policy of the institution is provided by Subparagraph B and C, below. "Rule or policy of the institution" means all or any part of an institutional statement of general applicability and future effect designed to implement the law or Board of Regents rules whose purpose is to regulate or to provide benefits to employees or to prescribe institutional rules, regulations, or policy regarding employees or conditions of employment.~~
- B. Requests for review shall be in writing and shall state the specific reasons ~~therefor~~. Requests shall be submitted to the ~~chief executive officer~~ institutional head of the institution concerned who will forward the request, with the comments of the ~~chief executive officer~~ institutional head, to the ~~executive director~~ Executive Ddirector of the Board. Requests for review of a ~~final adjudicatory order~~ grievance or hearing determination must be submitted to the institutional head within 20 days after the employee receives notice of the order. Requests for review of a rule or policy of the institution may be submitted at any time after all institutional remedies have been

~~exhausted. must be submitted to the chief executive officer of the institution within seven days after the employee receives notice of the order. Requests for review of a rule-making decision may be submitted at any time after all institutional remedies have been exhausted. The employee may ask for an evidentiary hearing before the Board. Such a request must be supported by a statement of reasons for requesting the hearing.~~ Supporting documents may be submitted with the request. The ~~executive director~~Executive Director shall docket the request for consideration by the Board as soon as practicable.

C. The Board may, in its discretion,

~~1. Determine that an evidentiary hearing should be held as provided under subparagraphs D through F. grant or deny the request for review; provided, however, that on appeal from an order dismissing a faculty member with tenure or terminating during its term the appointment of a faculty member without tenure, the Board shall grant the request for review. If the Board grants the request to review the order or decision on the merits, it will then determine whether or not to hold a hearing, as hereinafter provided, and otherwise specify the procedure to be followed. If the Board denies the request, its decision is final. (The employee may thereafter seek judicial review as permitted by law.)~~

~~2. Determine that there is insufficient basis to grant a review of the appeal, and deny review;~~

~~3. Review the matter based on the record and grant or deny the appeal, in whole or part, or modify the institution's action.~~

~~4. Request the parties to present further information in writing, and then grant or deny the appeal, in whole or in part, or modify the institutions, action after reviewing the matter.~~

~~D. If an evidentiary hearing is granted by the Board, the Board shall determine who shall hear the matter, and the procedures to be used. In any case, technical rules of evidence shall not apply at any hearing, and the Board or its delegate shall determine the admissibility of all evidence. The executive director~~Executive Director shall promptly notify the employee and the ~~chief executive officer of the institution~~institutional head, by letter, of the Board's decision and of the time and place of any subsequent hearing.

- E. On appeal from an order dismissing a faculty member with tenure or terminating during its term the appointment of a faculty member without tenure, the faculty members shall, on request, have a right to be heard orally.

~~On appeal from an adjudicatory order, the Board may, in its discretion, (a) review the order on the basis of the record of the proceedings before the final appeal body of the institution; (b) remand all or any part of the order to the final appeal body of the institution for further proceedings as directed by the Board; or (c) hold an evidentiary hearing of its own on all or any part of the order. The employee may, for good cause, request the Board to hold an evidentiary hearing; but the Board shall, in its discretion and as provided by law in Iowa Code §21.5, Closed Session, Section 28A of the Code I.C., determine whether the hearing shall be open or closed. Technical rules of evidence shall not apply at any hearing; and the Board shall, in its discretion, determine the relevancy and admissibility of all evidence. If the Board decides to review the order on the basis of the record of the proceedings before the final appeal body of the institution, the institution shall within seven days of the Board's decision provide the employee with a written copy of the record of such proceedings (which may be either a verbatim transcript or a narrative summary). The employee may dispute the accuracy of all or any part of the record and, if the matter cannot be resolved to the mutual satisfaction of the employee and the institution, the Board shall determine the procedure for settling the record.~~

- F. After the evidentiary hearing, the Board may affirm, modify, remand, or reverse all or any part of the order or decision of the institution and may, based upon either the record or an evidentiary hearing, make independent findings of fact and conclusions on appeal from an adjudicatory order. The Board may, in its discretion, accompany its decision with a written opinion. The decision of the Board on the merits is final. The employee may thereafter seek judicial review as permitted by law.

~~On appeal from a rulemaking decision the Board may, in its discretion, review the decision on the basis of documents and other evidence submitted by the institution and the employee or other interested parties, or it may hold a hearing of its own, which shall be open. The Board shall, in its discretion, determine (a) the scope of inquiry at such hearing, (b) who may testify or present other evidence, and (c) otherwise determine its procedure.~~

- ~~G. On appeal from either an adjudicatory order or rulemaking decision, any interested party may submit a written brief, and the Board may request either the employee or the institution concerned or both to submit written briefs. The Board may, in its discretion, decide the appeal on the basis of such written briefs or it may request the parties to present oral argument. Either party may request the opportunity to present oral argument; but, except as hereinafter provided, shall not have a right to be heard orally. The employee may be represented at any hearing or argument by legal counsel or other advisor. On appeal from an order dismissing a faculty member with~~

~~tenure or terminating during its term the appointment of a faculty member without tenure, the faculty members shall, on request, have a right to be heard orally.~~

- H. ~~Upon review on the merits, the Board may affirm, modify, remand, or reverse all or any part of the order or decision of the institution and may, based upon either the record or an evidentiary hearing, make independent findings of fact and conclusions on appeal from an adjudicatory order. The Board may, in its discretion, accompany its decision with a written opinion. The decision of the Board on the merits is final. (The employee may thereafter seek judicial review as permitted by law.) (Board of Regents Minutes March 11-13, 1970, pp. 3534-355)~~

4.265 ~~Meet and Confer Policy~~ Meetings with Employees and their Organizations

- A. The Board of Regents, State of Iowa, recognizes that all of its employees have the right to organize and join labor unions. ~~The Board further recognizes that each of its employees has the freedom to decide whether or not to join a union. An employee's job does not depend upon whether or not that employee belongs to a union and terms and conditions of employment apply uniformly to all employees whether union or nonunion. The Board's conduct relative to employee organizations and represented employees is governed by IC Chapter 20.~~
- B. The Board deems it to be in the best interests of the institutions under its control that each institution be permitted to meet and confer with individual employees and representatives of employee groups who are not represented by a certified exclusive representative, including union representatives, on matters of mutual interest in order that each institution may obtain information and employee opinion as to wages, hours of work, grievance procedures, and other conditions of employment.

4.276 ~~Disclaimer Statement~~

A "disclaimer statement" reading as follows shall be inserted on all class descriptions for the Regents Merit System:

The tasks listed under the heading of Characteristic Duties and Responsibilities are examples of the variety and general nature of the duties that are performed by employees in positions allocated to the class. The list is descriptive only and should be used for no other purpose. It is not intended that any position include every duty listed, nor is it intended that related duties cannot be required. ~~(Board of Regents Minutes April 12-13, 1973, pp. 67985-686)~~

4.28 ~~Regents Merit System~~

5/15/98

~~The activities and operations of the Regents Merit System are reported annually to the Board of Regents. The rules of the Regent Merit System are contained in Iowa Administrative Code §681, Chapter 3.~~

(The following rules and regulations of the Regents Merit System are based upon Chapter 3, Iowa Administrative Code.)

~~ORGANIZATION AND ADMINISTRATION~~

~~3.1(19A) Creation and purpose. The purpose of these rules is to give effect to the provisions of Chapter 19A of the Code I.C. to establish an efficient, effective, and uniform system of personnel administration for Board of Regents institutions and staff, to provide equal employment opportunity for all, and career opportunities comparable to those in business and industry.~~

~~3.2(19A) Covered employees. All employees of the Board of Regents, except those exempted by the state merit employment Act, will be covered under the rules of this system. Employees hired into permanent positions one year or more prior to the date of implementation of these rules will be given permanent status and full rights hereunder. Employees hired less than one year prior to the date of implementation of these rules will be required to complete a probationary period in accordance with 3.90(19A). Service immediately prior to the date these rules are implemented will count as probationary time.~~

~~3.3(19A) Administration. Under authority of the Board of Regents and the supervision of its executive director Executive Director, a merit system director will be appointed who will be responsible for the development, operation, and evaluation of the system in compliance with the objectives and intent of the state merit employment Act and Regent Merit rules. At each Regent institution, the head thereof will designate an administrator to serve as resident director of the system. The resident director will be responsible through the chief executive at the institution for conducting a program of personnel administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions, will be responsible for the direction of the merit system, and will have the authority to ensure the uniform administration of the merit system under provision of these rules.~~

~~(1) Records and reports. The resident directors will maintain an individual file on each employee that will include a record of all personnel transactions affecting that individual. The resident directors will also maintain records on operations conducted under these rules and will periodically as requested, and at least annually, report a summary of such operations to the merit system director. In addition, the resident directors will prepare other reports as may be required by the merit system director to indicate compliance with applicable Regents and state requirements and federal standards. The resident director will establish, in cooperation with employing~~

~~departments, a program that will provide for the regular evaluation, at least annually, of the qualifications and performance of all employees.~~

~~(2) Nondiscrimination. All programs and transactions administered under these rules will be conducted on the basis of merit and fitness without discrimination or favor because of political or religious opinions or affiliations or national origin, race, sex, creed, color, disability, or age except as prescribed or permitted under state and federal law. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~(3) Political Activity. No employees covered under this system will engage in any partisan political activity that is prohibited by law; employees will have the right to freely express their views as citizens and to cast their vote; coercion of employees for political purposes and the use of employees' positions for political purposes will be prohibited.~~

~~Those employees who are by law subject to the provisions of the federal Hatch Act will be informed of such provisions by the resident director at their institution and will be required to adhere thereto.~~

~~(4) Revisions and Additions. In accordance with the provisions of Chapter 19A, these rules may be revised at any time. In addition, supplementary rules subject to Chapter 17A of the Code I.C., not inconsistent with these rules, may be made applicable to any department, program, or service, whenever such additional merit system provisions are required as a condition of eligibility for federal funds.~~

~~(5) Suspension of Merit Increases. During any period of time when merit increases provided under these rules are temporarily suspended by legislative action, the rules providing for such increases shall be suspended for the duration of that legislative mandate. The merit system director shall provide for the administration of such suspension and shall ensure the maintenance of necessary information at each Board of Regents institution as would be necessary for reinstatement of such increases following the temporary suspension. Reinstatement of such increases shall be authorized by the Board upon the recommendation of the merit system director and may include a delay in increases to promote equity among employees. Any such delay, however, cannot exceed one year and must be applied uniformly throughout the system to all employees with like seniority in the system, or in classification of position, or other specified categorization. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~—3.4 to 3.13—Reserved.~~

~~—DEFINITIONS~~

~~—3.14(19A)—Definitions.~~

5/15/98

- ~~(1) "Active service" is a period of paid employment performing the duties of the position. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~(2) "Advanced starting rate" is a rate or step of the pay grade which is greater than the minimum rate (Step 1) of the pay grade for a specific class as provided for in the approved pay plan.~~
- ~~(3) "Base pay" means the employee's rate of pay exclusive of extra pay such as leadworker pay, pay for shift differential, pay for special assignment, on-call pay, call-back pay, or any other incentive premium pay.~~
- ~~(4) "Certification" is the determination, in accordance with the rules, by the resident director of the people from whom an employing department may select to fill a vacancy.~~
- ~~(5) "Class" or "class of position" means one or more positions which are sufficiently similar in duties and responsibilities so that each position in the group can be given the same job title, require the same minimum qualifications as to education and experience, can be filled by substantially the same test of ability or fitness, and can have the same schedule of pay applied with equity to all positions in the class under the same or substantially the same employment conditions.~~
- ~~(6) "Classification appeal" is the act of contesting the classification or reclassification of a position as determined by the merit system director after a review of the duties and responsibilities of the position. (Board of Regents Minutes September 20-21, 1989, p. 163)~~
- ~~(7) "Classification review" is the process initiated by a permanent employee or department head requesting review of the classification of the employee's position. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~(8) "Classify" or "allocate" means to make the original assignment of a position to an appropriate class on the basis of the duties and responsibilities assigned and to be performed.~~
- ~~(9) "Days" means working days unless designated otherwise.~~
- ~~(10) "Demotion" means a change of an employee from a position in a given classification to a position in a classification having a lower pay grade. Demotion may be voluntary, involuntary, or result from a reclassification of a position. (Board of Regents Minutes May 17, 1995, p. 9537)~~

- ~~(11) "Eligibility lists" are lists of the names of qualified applicants who have passed the examination prescribed for a particular class or position.~~
- ~~(12) "Eligibility register" consists of the names of the applicants on the appropriate eligibility list who received the highest six scores.~~
- ~~(13) "Examination" is a test of fitness that is applied to determine the eligibility of an applicant for a class.~~
- ~~(14) "Grievance" is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.~~
- ~~(15) "Lateral transfer" means a change from a position in one class to a different position in the same class in another department or institution, or to a different class having the same last two digit pay grade designation. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~(16) "Maximum rate" is the final step of the pay grade to which a classification is assigned. A "red-circled" rate is above the maximum.~~
- ~~(17) "Minimum rate" is Step 1 of the pay grade to which a classification is assigned. It is less than an "advanced starting rate."~~
- ~~(18) "Pay grade" or "grade" means the numerical designation of a pay schedule having a minimum and maximum with intermediate steps establishing rates of pay. The last two digits of a pay grade shall govern the level of a grade and determine whether a class is lower, higher, or the same as another class to determine a demotion, promotion, or transfer.~~
- ~~(19) "Permanent employee" is an employee who has completed the probationary period and thereby acquired permanent status in accordance with the rules of the system.~~
- ~~(20) "Position" means a group of specific duties, tasks, and responsibilities assigned to be performed by one employee. A position may be 12 month or less, full time or part time, temporary or permanent, occupied or vacant. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~(21) "Probationary period" is a work test period that is part of the examination process following an original appointment. A subsequent probationary period is required for a promotion, voluntary demotion out of series or lateral transfer out of class to determine an employee's fitness for the position. (Board of Regents Minutes May 17, 1995, p. 9537)~~

- ~~(22) "Promotion" means a change in status of permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.~~
- ~~(23) "Rate of pay" or "rate" means the dollar amount of salary or wage prescribed at each step of each pay grade in the approved pay plans (matrices).~~
- ~~(24) "Reclassify" or "reallocate" means to make a reassignment or change in allocation of a position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or difficulty of the tasks, duties, and responsibilities in such position, or because of an amendment to the classification plan, and officially assigning to that position the class title for such appropriate class of position.~~
- ~~(25) "Reduction in force" is a layoff resulting from a shortage of funds or work, a material change in duties or organization, or abolishment of one or more positions.~~
- ~~(26) "Reemployment" is the reappointment of an employee from a reemployment list. An employee may be placed on a reemployment list as a result of (a) layoff or voluntary demotion in lieu of layoff, or (b) medically related disability leave and exhaustion of vacation and medically related disability leave credits, or (c) failure to pass a subsequent probationary period on a promotion, lateral transfer out of class, or demotion out of series. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~(27) "Reinstatement" is the reappointment of a permanent employee who has resigned in good standing.~~
- ~~(28) "Resident director" is the person appointed by the head of each Regent institution to administer the merit system rules of that institution.~~
- ~~(29) "Suspension" is a leave of absence without pay enforced as a disciplinary measure.~~

~~3.15 to 3.24 Reserved.~~

~~CLASSIFICATION~~

- ~~3.25(19A) Preparation and maintenance of the classification plan. The merit system director, in consultation with the resident directors and subject to the approval of the Board of Regents, shall develop and maintain a classification plan so that all positions that are substantially similar and comparable in regard to the kind and difficulty of work and the level or responsibility are included in the same class, so that the same minimum qualifications are required for all positions in the same class (except as provided in 3.69[2]), so that the same examination may be used in filling all positions~~

~~in a class, and so that the same pay schedule may be equitably applied (except for geographical differences) to all positions in the class. For each class of position the plan will include a class title, a definition of the job, examples of the kind of work performed, and the minimum qualifications for the class, including special requirements when applicable.~~

~~— 3.26(19A) Administration of the classification plan. The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend classifications and reclassifications. Employing departments and employees may appeal classification and reclassification in accordance with 3.127 (19A) of these rules.~~

~~— The merit system director, in consultation with the resident directors and subject to the approval of the Board of Regents, may establish new classes and change or abolish existing classes which affect the merit system pay plan in order to meet the needs of the institutions and to properly reflect changes in work and the organization thereof. When the changes do not affect the pay plan of the merit system the merit system director may, in consultation with the resident directors, change existing classes and report such changes annually to the Board of Regents. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided the incumbent meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, the incumbent may be transferred, promoted, demoted, or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions, and dismissal.~~

~~— A review of the allocation of positions to classification, class series, or group of classes may be initiated by the merit system director on a systemwide basis. The administrative review shall preempt the classification appeal procedure provided in 3.127(19A) of these rules. Changes in the classification of positions resulting from a systemwide review shall be effective at the beginning of the next fiscal year unless the Merit System Director establishes an earlier date for implementation. (Board of Regents Minutes July 8, 1987, pp. 27-28; October 21, 1987, p. 245; January 17, 1990, p. 393)~~

~~— 3.27 to 3.36 Reserved.~~

~~— COMPENSATION PLAN~~

~~— 3.37(19A) Preparation, content, and adoption of the pay plan. The Board of Regents will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of a schedule or schedules of numbered grades with minimum, maximum, and intermediate steps for each grade. Each class will be assigned to a pay grade. The plan will be developed to reflect the relative difficulty and responsibility of the work involved in the various classes, what is paid for similar work by other~~

~~employers in the pertinent labor market, and the availability of funds with due regard to the results of a collective bargaining agreement negotiated under the provisions of Chapter 20 of the Code I.C.. The plan will be uniformly applicable to all Regent institutions except for variances approved on the basis of geographical differences. Prior to final approval by the Board of Regents, the plan will be the subject of a public hearing conducted after reasonable and adequate notice at each Board of Regents institution. After approval by the Board of Regents, the plan will be submitted for approval to such other authority as required by law.~~

~~3.38(19A) Review and revision of the pay plan. At least once each year, the complete pay plan will be reviewed for revision by the Board of Regents in the same manner and following the same procedure stated in 3.37(19A). At any time, new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the Board of Regents and other authority as required by law.~~

~~3.39(19A) Administration of the pay plan. Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classes in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid at one of the steps of the pay grade to which the employee's class is assigned and such pay will constitute the total cash remuneration the employee receives for the employee's work in that position. Perquisites, such as subsistence and maintenance allowances will be considered a part of pay; and the value of such will be deducted from an employee's rate of pay. Any employee who is approved for participation in a phased retirement program as provided for by state law and Regent policy shall have the salary provided under these rules adjusted as specified by such law and Regent policy. (Board of Regents Minutes February 12-13, 1985, p. 404)~~

~~(1) Entrance salaries. The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that class of position is assigned or in accordance with the approved pay plan, except as provided for the following:~~

~~a. Appointment based on a scarcity of qualified applicants. At the request of an institution and on the basis of economic or employment conditions which make it difficult or impossible to recruit at the minimum rate of the pay grade to which a class of position is assigned, a resident director, subject to approval by the merit system director, may authorize for a designated period of time recruitment for that class at a rate higher than the minimum. Where such a higher entrance rate is authorized, all employees in the same class and in the same geographical area who are earning less than the higher entrance rate will be increased to that higher rate.~~

~~b. Appointment based on exceptional qualifications. Employees whose qualifications substantially exceed the minimum required for the class, or who possess outstanding experience relative to the demands of the position, may, at the request of an employing department, be appointed at a rate higher than the minimum, provided that the pay of all other employees with similar qualifications working under the same conditions at the same institution are raised to that higher rate. Such appointments must be approved by the resident director and reported to the merit system director. Such appointments, which necessitate the adjustment of the salaries of the employees other than the appointee, will, in addition, require prior approval of the merit system director.~~

~~Increases authorized and granted to other employees as the result of appointments based on the scarcity of qualified applicants, 3.39(1)a, or appointments based on exceptional qualifications, 3.39(1)b, will establish new merit review dates for affected employees. (Board of Regents Minutes May 21, 1986, pp. 646-661)~~

~~c. Appointments based on prior service at the institution. Employees who were employed by an appointing institution in a nonmerit system position and who performed duties of the same character and responsibility as the merit class to which they are being appointed may be paid at a rate higher than the minimum reflecting prior service in a comparable position. Such appointments must be approved by the resident director and reported to the merit system director.~~

~~(2) Merit increases. Permanent and probationary employees on Step 1 in a pay grade will be eligible for a step merit increase upon completion of six months of satisfactory performance in their assigned classification at the same step. Permanent and probationary employees on Step 2 or above in a pay grade will be eligible for a step merit increase upon completion of one year of satisfactory performance in their assigned classification at the same step except that no merit increase will be granted above the last step in the pay grade. The period of satisfactory performance will be measured from the last merit review date, if such date has been established. Merit increases in pay will not be made retroactively, but may be denied or deferred by the employing department on the basis of work performance. Employees whose merit increases are denied or deferred will, prior to the scheduled effective date of increase, be informed of such action by a written statement from their employing department which specifies the reason for the denial or deferral. Denials or deferrals of a merit increase for six months or less for reason of unsatisfactory work performance will not result in the establishment of a revised merit review date. Deferrals resulting from leaves of absence without pay or layoff exceeding 30 calendar days will cause a change of the merit review date equal to the time away from work. Pay for exceptional performance, not to exceed 5 percent of an employee's current annual salary, may be given to an employee at the written request of the employee's department head with appropriate administrative approval and the prior approval of the resident director. The request will describe the nature of the exceptional job~~

~~performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review. (Board of Regents Minutes May 21, 1986, pp. 64657-661; December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836; September 23, 1992, p. 215.)~~

~~————— To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump sum award and will not change the employee's established salary rate. No employee will be eligible for more than one award a year. (Board of Regents Minutes September 23, 1992, p. 215.)~~

~~————— (3) Pay on promotion. An employee who is promoted will be moved to the minimum rate of the new grade, or to the next higher rate on the new grade which provides an adjustment that is the salary equivalent of not less than a step higher than the employee's present base pay. In no event will the adjustment result in pay above the maximum of the new grade. (Board of Regents Minutes May 21, 1986, pp. 64657-661)~~

~~————— If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing department, an increase that is two steps higher than the employee's present base pay. (Board of Regents Minutes May 21, 1986, pp. 64657-661)~~

~~————— For the purpose of calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, on-call pay, pay for overtime, or pay for call-back shall be excluded as part of the employee's present base pay. The merit review date will be computed from the effective date of promotion and in accordance with 3.39(2). Pay on promotion in accordance with the provisions of sub-rule 3.39(1) paragraph "b" may be authorized by a resident director with the approval of the merit system director.~~

~~————— (4) Pay on demotion. Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any step within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted. Merit review date will not change.~~

~~————— If the salary of an employee who is demoted as the result of the reclassification of the employee's position exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to~~

~~exceed one year. An extension not to exceed one additional year may be approved by the Merit System Director. (Board of Regents Minutes July 18, 1990, p. 31)~~

~~If an employee accepts voluntary demotion in lieu of layoff, the salary shall be retained providing funding is available. In no event will the salary exceed the maximum of the new pay grade. (Board of Regents Minutes July 8, 1987, pp. 27-28; October 21, 1987, p. 245)~~

~~(5) Pay on reinstatement, reemployment, or return from leave. An employee who is reinstated to the previously occupied class or a class in the same pay grade as the previously occupied class will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. An employee who is reinstated to a lower class, or who is returned to a merit system position from a professional position, will be paid in accordance with 3.39(4), pay on demotion. The date of reinstatement will be the merit review date. (Board of Regents Minutes February 12-14, 1985, p. 404; December 18, 1997, p. 499)~~

~~An employee who is reemployed to the previously occupied class will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. When a merit increase has been granted to an employee in a position taken through voluntary demotion in lieu of layoff and the merit increase results in a higher rate of pay than last paid to the employee prior to the voluntary demotion in lieu of layoff, the employee may be reemployed to the previously occupied class with the higher rate of pay. Reemployment to the previously occupied position or class of position from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion. The merit review date will not change as a result of the voluntary demotion in lieu of layoff, nor as a result of reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff.~~

~~An employee who is reappointed to the previously occupied position or position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on reemployment as provided above.~~

~~(6) Pay for special assignment. Provided an employee is granted special assignment in accordance with 3.102(2) of these rules, the employee will be paid for the duration of such assignment consistent with:~~

~~a. 3.39(3) Pay on promotion if assigned to a class having a higher pay grade;~~

~~b. 3.39(7) Pay on transfer if assigned to a class having the same pay grade;~~

- ~~c. The present base pay if assigned to a class having a lower pay grade.~~
- ~~(7) Pay on transfer. Employees who are transferred from:~~
- ~~a. One position to another position in the same class shall receive no adjustment in base pay;~~
- ~~b. One class to another class in the same pay plan (matrix) shall receive no adjustment in base pay except as set forth in "d" and "e" below;~~
- ~~c. One class to another class not in the same pay plan (matrix) shall receive an adjustment to the closest rate that provides no reduction in base pay except as set forth in "d" and "f" below;~~
- ~~d. One class with a lower or no advanced starting rate to a class with a higher advanced starting rate shall receive:~~
- ~~1) An adjustment to the higher advanced starting rate, if the base pay prior to transfer is less than the higher advanced starting rate and if the minimum qualifications are met for the class. When the base pay adjustment is the salary equivalent of a step or greater, an adjustment in the merit review date will result, and be computed from the effective date of transfer and in accordance with 3.39(2); or (Board of Regents Minutes May 21, 1986, pp. 64657-661)~~
- ~~2) No adjustment in base pay, if the employee's base pay prior to transfer is not less than the higher advanced starting rate, and if the minimum qualifications are met for the class and the classes are in the same pay plan (matrix); or~~
- ~~3) An adjustment to the closest rate that provides no reduction in base pay, if the employee's base pay prior to transfer is not less than the higher advanced starting rate, and if the minimum qualifications are met for the class and the classes are not in the same pay plan (matrix).~~
- ~~e. One class with a higher advanced starting rate to a class with a lower or no advanced starting rate in the same pay plan (matrix) shall receive, with prior approval of the resident director:~~
- ~~1) No adjustment in base pay; or~~
- ~~2) An adjustment to any rate that is below the base pay prior to transfer.~~

~~f. One class with a higher advanced starting rate to a class with a lower or no advanced starting rate not in the same pay plan (matrix) shall receive, with prior approval of the resident director:~~

~~1) An adjustment to the closest rate that provides no reduction in base pay; or~~

~~2) An adjustment to any rate that is below the base pay prior to transfer.~~

~~The above provisions notwithstanding, no employee will receive base pay above the maximum step of the class following transfer. If the base pay is adjusted to Step 1, the merit review date shall be changed in accordance with 3.39(2) if scheduled more than six months from the effective date of transfer; otherwise it shall remain unchanged. (Board of Regents Minutes May 21, 1986, pp. 64657-661; May 17, 1995, p. 9537)~~

~~(8) Pay on reassignment of a revised class of position to a different pay grade. If the class of position is revised and reassigned to a higher pay grade, 3.39(3), "Pay on promotion," will apply.~~

~~If the class of position is revised and reassigned to a lower pay grade, 3.39(4), "Pay on demotion," will apply.~~

~~(9) Pay for part time employment. Pay for part time employment will be proportionately equivalent to the rate for full time employment.~~

~~(10) Reserved.~~

~~(11) Pay for call back. Employees who are called back to work after completing their regular work schedule will be paid for a minimum period of three hours, regardless of the time worked. Employees who are called back and work in excess of three hours will be paid the actual time worked.~~

~~(12) Lead worker status. On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to regular duties may be designated as lead worker in the classification assigned and paid during the period of such designation a salary equivalent to a one step increase. (Board of Regents Minutes May 21, 1986, pp. 64657-661; May 17, 1995, p. 9537)~~

~~(13) Pay for trainees and apprentices. The schedule of wages for trainees and apprentices will consist of a step in the pay matrix for every year of training required.~~

~~Each employee whose performance is satisfactory as determined by the employing department will progress one half step every six months from the first step of the schedule to the entrance rate established for journey class at the completion of time established for training or apprenticeship. (Board of Regents Minutes May 21, 1986, pp. 646-657-661; May 17, 1995, p. 9537)~~

~~(14) Pay for returning veterans. Veterans who return from military leave will have their rate of pay set at the appropriate merit step they would have attained had they continued in service at the regent institution from which they took military leave. (Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~

~~(15) Reserved.~~

~~(16) Payment of a shift differential. All employees will be paid a shift differential for any shift of which four or more hours occur between 6:00 p.m. and midnight and a shift differential for any shift of which four or more hours occur between midnight and 6:00 a.m. The amount of shift differential shall be determined by the Merit System Director. (Board of Regents Minutes December 18, 1997, p. 499)~~

~~(17) Pay for time on call. At the request of an institution, the Board of Regents may authorize the compensation of employees for time spent on call. At the request of the employer, employees who are off duty and free to engage in their own pursuits shall be considered on call, provided (a) that they leave word with the employer where to be reached if needed, and (b) that they are able to report ready for work within a specified time after being contacted by the employer.~~

~~(18) Pay on reclassification of position. If a position is reclassified, the incumbent's pay will be fixed in accordance with the rules governing pay on demotion, reemployment, transfer, or promotion, whichever is applicable. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~3.40 to 3.49 Reserved.~~

~~APPLICATION AND EXAMINATION~~

~~3.50(19A) Applications. Applications for employment will contain no question prohibited by state or federal statutes, and the truth of statements made on the application will be certified by the signature of the applicant. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~3.51(19A) Examinations. Entrance to the service will be conducted on an open competitive basis. Examinations must be approved by the merit system director. Examinations may, at the designation of the resident director, be conducted on a continuous basis,~~

~~or they may be offered periodically as need or anticipated need for employees arises. Examinations will be practical in nature, constructed to reveal the capacity to successfully perform the job for which the applicant is competing, and will be rated objectively. They will be structured for necessary minimum levels of competence.~~

~~—3.52(19A) Character of examinations. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes which enter into the determination of the relative fitness of applicants.~~

~~—(1) Assembled examinations. Assembled examinations will be conducted for those classes for which written tests are practical. Such examinations may include one or more of the following in addition to the written tests: skill demonstration tests, physical tests, oral interviews, and evaluations of training and experience.~~

~~—(2) Unassembled examinations. For those classes of a craft nature, or where peculiar and exceptional qualifications are required and competition through an assembled examination is impractical, an unassembled examination may be held. Such examinations will consist of an evaluation of a statement of training and experience and such other materials as the applicants may be required to submit as evidence of fitness for a position, and may include oral interviews for evaluation of personal and technical qualifications and evaluations of other factors which enter into the determination of the relative fitness of applicants.~~

~~—(3) Simplified examination procedure. For positions involving unskilled work, where the character or conditions of employment make it impractical to supply the needs of the institutions through procedures prescribed above, the merit system director may authorize the use of such other procedures as the director determines to be appropriate to assure the selection of such employees on the basis of merit and fitness. Examinations so given will conform with and utilize such methods, forms, and techniques as the director may require.~~

~~—(4) Special examination procedure for applicants with disabilities. When the merit system director determines that an examination procedure has the effect of screening out otherwise qualified persons with disabilities on the basis of their disabilities, the merit system director may authorize the use of a modified procedure which will appropriately measure the applicants' ability to perform the essential functions of the position. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~—3.53(19A) Announcement of examinations. Announcement of examinations will be made publicly and will include the title, the minimum qualifications for the class, and the application procedure. Announcements of examinations will, in addition to other publication or distribution prescribed by the resident director, be displayed in the~~

~~institution's employment office and distributed to all the state employment offices of the Iowa Department of Employment Services. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~(1) Continuous examinations. Announcement of examinations that are conducted on a continuous basis will be made at least once every six months and will include a statement to the effect that applications will be accepted until further notice.~~

~~(2) Noncontinuous examinations. Announcements of examinations not conducted on a continuous basis will include a statement indicating the latest date for filing application, and will be made public at least 15 calendar days before the closing date for accepting applications. If, at the closing date, the resident director determines that the number of qualified applicants is insufficient to warrant offering the examination, the resident director may extend that date and reschedule the examination, providing that persons who have applied to take the examination are notified. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~3.54(19A) Eligibility to compete in examinations. Anyone who applies for employment in a specific class at a Regent institution, who meets the minimum qualifications prescribed for that class, and who is not rejected or disqualified under 3.55(19A) will have the right to take an examination when offered for that class.~~

~~3.55(19A) Rejection or disqualification of applicants.~~

~~The resident director may reject any applicant or, after examination, may refuse to certify any candidate, if it is found that the person~~

~~1. Does not meet the minimum required qualifications for the class.~~

~~2. Cannot perform the essential functions of the position due to a disability. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~3. Habitually uses narcotics or uses intoxicating beverages to excess.~~

~~4. Has made a false statement of material fact in the application.~~

~~5. Has information concerning the examination to which the person is not entitled.~~

~~6. Has been convicted of a felony which makes the person unsuitable for employment in a particular class or position. (Board of Regents Minutes May 17, 1995, p. 9537)~~

- ~~7. Has been dismissed from private or public service for a cause that would be detrimental to the Regents institution employing the applicant. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~A disqualified applicant or eligible will promptly be notified in writing of such action at the last known address. A disqualified applicant or eligible may request review of the reason for disqualification. Such request will be in writing and upon receipt of the request, the resident director will give full consideration to the request and notify the applicant of the resident director's decision in writing.~~

~~3.56(19A) — Administering the examination program.~~

- ~~(1) Security. Necessary security precautions and procedures will be exercised by the resident director to maintain the highest integrity in the examination program.~~
- ~~(2) Notification of results. Applicants will be notified in writing of the results of their test(s) as soon as possible; and test scores will be made available only to the applicant, the resident director and the director's staff, prospective employing departments, and the merit system director.~~
- ~~(3) Review of ratings. Applicants may request a review of their test ratings, provided such a request is made within 15 working days after notification of examination results. Such reviews will be made available only to the applicant and prospective employment departments.~~
- ~~(4) Retaking examinations. Applicants may apply to retake examinations, but may not take the same form of a written examination more than once in any 3-month period. Performance examinations, such as typing and shorthand tests, may, at the discretion of the resident director, be retaken after one week but may not thereafter be repeated more than once a month.~~
- ~~(5) Transfer of examination results. At the request of an applicant whose name is on the eligibility list for a class at any Regent institution, the results of the examination(s) the applicant has taken for that class will be forwarded to any other Regent institution, and the name of that applicant will be placed on the eligibility list for that class at that institution in accordance with these rules. Such a request will be made by the applicant in writing to the resident director at the institution where the examination was taken, will specify the other Regent institutions at which the applicant wishes to be considered for employment, and will contain a statement from the applicant indicating that the applicant will be reasonably available for interviews should the applicant's name be certified for appointment. The examination results will be forwarded by the resident director at the examining institution to the resident director at the institution(s) specified by the applicant, and the resident director who receives the examination results will notify the applicant of said receipt. (Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~
- ~~(6) Applicant's address. It will, at all times, be the responsibility of the applicant to see that the applicant's address on file with the resident director is current and correct. Failure to do so may result in the removal of the applicant's name from an eligibility list as set forth in 3.67(1)"f."~~
- ~~(7) Disposition of examinations. After an examination is completed and scored, the completed examination will be kept on file at the institution by the resident director for a period of time to be designated by the merit system director.~~

~~(8) Veterans preference shall be given by the addition of extra points to examination scores as provided by law. (Code I.C. §19A.9[21])~~

~~3.57 to 3.66 Reserved.~~

~~CERTIFICATION AND SELECTION~~

~~3.67(19A) Eligibility lists. Insofar as possible, eligibility lists will be established and maintained by the resident director to fill the employment needs of the institution. Three kinds of eligibility lists are provided: Reemployment, employment, and promotional, each of which will be maintained by class of position. (Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~

~~Reemployment lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically related disability leave, in accordance with 3.104(4)"j" and 3.143(19A). These lists will be maintained in order by retention points calculated in accordance with the approved formula for reduction in force, beginning with the person with the highest number of points. Reemployment rights apply only to classes for which the employee is eligible in accordance with these rules.~~

~~Employment lists will be established as the result of competitive examinations and will consist of the names of all applicants who have qualified by passing examinations and who have not been disqualified in accordance with these rules. Employment lists will be maintained in order of test score achievement beginning with the highest. (Board of Regents Minutes December 9-10, 1987; pp. 362-363; May 25, 1988, pp. 835-836)~~

~~Promotional eligibility lists will consist of the names of all permanent employees who are qualified and have requested consideration for promotion unless an employing department requests that the promotional list be limited to permanent employees of that department. (Board of Regents Minutes December 9-10, 1987; pp. 362-363; May 25, 1988, pp. 835-836)~~

~~(1) Removal of names from eligibility lists. In addition to the causes for rejection or disqualification set forth under 3.55(19A), the resident director may permanently or temporarily remove names from eligibility lists for the following reasons:~~

~~a. On receipt of a written statement from the eligibles that they no longer desire consideration for a position in the class.~~

~~b. Appointment through certification from such eligibility list to fill a permanent position.~~

- ~~_____ c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.~~
- ~~_____ d. Declination of appointment without good cause or under conditions which the eligible previously indicated they would accept.~~
- ~~_____ e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.~~
- ~~_____ f. Failure to maintain a record of their current address with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.~~
- ~~_____ g. Willful violation of any of the provisions of these rules.~~
- ~~_____ h. If a department passes over the name of an applicant certified to fill a vacancy in the same class and employs applicants with lower scores on three separate occasions, the department may request that the Resident Director not refer the applicant to that department for future vacancies in that class for a period not to exceed two years. (Board of Regents Minutes January 17, 1990, p. 393)~~
- ~~_____ (2) Duration of eligibility lists. Employment and promotional eligibility lists will exist for a period of time no less than one year and no more than three years as designated by the resident director. Reemployment eligibility lists will exist for a period of two years. Names may be added to or deleted from eligibility lists in accordance with these rules. The names of applicants who have not been appointed or otherwise removed from lists will be removed at the termination of the designated period of time. (Board of Regents Minutes July 8, 1987; pp. 27-28; October 21, 1987, p. 245; December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~
- ~~_____ (3) Notification of removal from eligibility lists. Applicants whose names are removed from eligibility lists for any reason other than 3.67(1)"a", 3.67(1)"b", 3.67(1)"c", or 3.67(1)"f" will be immediately notified of such removal in writing by the resident director. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~_____ (4) Precedence of eligibility lists. For appointment to permanent positions, eligibility lists will be used as follows:

Reemployment lists will supersede employment and promotional lists. (Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~
- ~~_____ 3.68(19A) Personnel requisitions. Requests to fill vacancies in permanent positions will be initiated in writing by the requesting department and forwarded to the resident~~

~~director. The request will include the class of the position to be filled, the number of vacancies, and the date of need.~~

~~3.69(19A) Certification from eligibility lists. The resident director will certify the names of eligible candidates in the following manner:~~

~~From a reemployment list the resident director will certify for appointment in the following order:~~

~~1. If the vacancy occurs in a college or operating division in which employees on the reemployment list for that class were last employed, the resident director will certify the one employee highest on the list who was laid off, demoted, or took a medically related disability leave from that college or division; or~~

~~2. If the vacancy occurs in a college or operating division other than the one in which any employee on the reemployment list for that class was last employed, the resident director will certify the names of the six employees standing highest on the reemployment list.~~

~~When the reemployment list for a class has been exhausted, the resident director will certify for employment candidates on the eligibility register of the employment list for the appropriate class or the names of candidates on the promotional lists for the appropriate class. Employing departments may request the names of candidates from either or both lists. (Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~

~~(1) Eligibility registers. An eligibility register will consist of the names of the applicants on the appropriate employment eligibility list who received the highest six scores. (Board of Regents Minutes December 9-10, 1987; pp. 362-363; May 25, 1988, pp. 835-836)~~

~~In the interest of speed and efficiency in the selection process, candidates may be certified and referred to more than one vacancy at the same time. However, with reasonable regard for candidates standing highest on eligibility lists, a resident director will not be required to make simultaneous certification of the same name on different certifications made concurrently for the same class of position. If more than one vacancy in the same class exists at the same time in one department, the resident director may certify and refer to that department the names of applicants on the eligibility list who received the next score below those included on the register. Such an additional certification may be made for each vacancy in excess of one.~~

~~For positions in traditionally segregated job classes in which there is a manifest imbalance reflecting substantial underrepresentation of women or minorities, the resident director shall, if possible, certify for inclusion on the eligibility register the~~

~~names of female or minority applicants receiving the highest score on the competitive examination if women or minorities are not already included in the highest six scores.~~

~~Traditionally segregated job classes in which there is a manifest imbalance reflecting substantial underrepresentation of women or minorities shall be defined as the job groups identified as problem areas in the most recent affirmative action plan of the regent institution in which the position is available. (Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~

~~(2) Special qualifications. An employing department may request in writing that the resident director certify for appointment candidates who have special qualifications in addition to the minimum qualifications prescribed in the class specifications. If, in the judgment of the resident director, such a request is validly related to job performance, the resident director may certify, in the order of their standing on the eligibility list, only the names of the eligibles who have such special qualifications.~~

~~3.70(19A) Selection of employees. Employing departments will notify the resident director of all vacancies in permanent positions as far in advance of the date of need as possible. The resident director will certify as approved for appointment names of candidates in accordance with these rules. Final selection will be made by the employing department. Nothing in these rules will require the hiring of any candidate. When a properly certified candidate is selected by a department, the department will so notify the resident director. (Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836; May 17, 1995, p. 9537)~~

~~3.71 to 3.80 Reserved.~~

~~APPOINTMENTS AND PROBATION~~

~~3.81(19A) Appointments. All appointments under this system will be made in accordance with all the provisions of these rules, including those concerning certification and selection, unless otherwise specified; and no appointment shall be made without the prior approval of the resident director.~~

~~3.82(19A) Temporary appointments. Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Employees appointed on this basis will not work more than 960 hours in any fiscal year, but may, at the request of an employing department, be returned to duty in successive years. (Board of Regents Minutes July 8, 1987, pp. 27-28; October 21, 1987, p. 245)~~

~~3.83(19A) Emergency appointments. Appointments may be made without reference to the provisions of these rules regarding minimum qualifications, certification, and selection to provide for services needed in cases of emergency. Appointments shall not~~

~~exceed 480 hours during a fiscal year for any individual at any or all employing departments of Board of Regents institutions. (Board of Regents Minutes July 8, 1987, pp. 27-28; October 21, 1987, p. 245)~~

~~— 3.84(19A) Trainee, apprentice, or career development appointment. When a position within a class cannot be filled because of the lack of qualified eligibles or applicants meeting the minimum qualifications for the class, or the institution specifically designates a position for trainee, apprentice, or career development purposes, the institution may appoint a person who meets the minimum qualifications established in programs approved by the merit system director for this type of appointment.~~

~~— 3.85(19A) Project appointment. When it is known that a particular job, project, grant, or contract will require the services of an employee for a limited duration, a project appointment may be made. Such an appointment will not be made for more than one year. While an extension beyond one year may be approved by the merit system director on the basis of a limited need that could not otherwise be efficiently and effectively filled, successive project appointments will not be allowed.~~

~~— Such appointments will not confer to the individual any right of position, transfer, demotion, or promotion; but incumbents shall be eligible for vacation and sick leave, except that a project appointment made for less than 120 days or 960 hours will be considered a temporary appointment under rule 3.82(19A) without conferring rights or eligibility for vacation or sick leave.~~

~~— 3.86(19A) Provisional appointments. In the absence of an eligibility list, the resident director may approve a provisional appointment for a person who meets the minimum qualifications of the class in which the vacancy exists but who has not passed the examination for that class. A provisional appointee must immediately apply for examination and be examined as soon as practical. After certification from an appropriate register and successful completion of six months of active service in the class in accordance with 3.90(2) of these rules, provisional appointees will have completed their probationary period and will have permanent status.~~

~~— A provisional appointment will not exceed six months and successive provisional appointments will not be allowed.~~

~~— 3.87(19A) Permanent appointments. A candidate who is certified from an eligibility register and appointed with the approval of the resident director to a permanent position and who successfully completes a probationary period in accordance with these rules will have permanent status.~~

~~— 3.88(19A) Work test appointments. Work test appointments may be made and approved by the resident director to those positions for which a simplified examination procedure (3.52[3]) has been approved. At the successful completion of six months~~

of service in a class to which a person received a work test appointment, the person will have permanent status in that class.

~~3.89(19A) Reinstatement. A permanent employee who has resigned in good standing may be reappointed without certification from an eligibility list to a position in the same class or pay grade from which the employee resigned or a lower class for which qualified, provided that such reappointment is made within a period of time no greater than the period of the employee's previous employment and in no case more than two years after the date of the employee's resignation and provided there is no re-employment list for that class. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~With approval of the resident director, an employee who achieved permanent status in a merit system classification and was promoted subsequently to a professional position at a Regent institution may be returned during the employee's current continuous employment to a vacant position in the employee's previous classification or to a vacant position in a lower classification provided the employee meets current minimum requirements and there is no reemployment register for the class. (Board of Regents Minutes February 12-13, 1985, p. 404)~~

~~3.90(19A) Probationary period.~~

~~(1) Purpose. The probationary period will be an important part of the examination and selection process and will be used by the employing department to closely observe and evaluate the employees' work, to train and aid the employees in adjustment to their position, and to reject and dismiss any employee whose performance fails to meet standards.~~

~~(2) Duration of probation. A candidate who is certified from an employment list and appointed to a permanent position will be on probation until the person completes six months of active service in the position to which appointed. If a probationary employee is not dismissed during this time, the person will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service. Employees who are promoted from one class to another, or who transfer out of class, will serve a period of probation for either three or six months during which time they will retain all of their rights under the merit system except that of permanency in the new class. The duration of said probation shall be three months unless prior to the promotion the employee's department head requests and receives approval of the resident director to provide a six-month probationary period, and so informs the employee. Employees who voluntarily demote out of a classification series will serve a period of probation for three months during which time they will retain all of their rights under the merit system except that of permanency in the new class. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~(3) Layoffs during probation. Certified employees who are laid off without prejudice during their probationary period will, upon written request from the resident director, be returned to the eligibility list from which they were certified.~~

~~(4) Dismissal during probation. Certified employees who are rejected and dismissed during their probationary period may be returned to the eligibility list from which they were appointed or placed on the re-employment list for a previously held classification in the case of a promotional probation if, in the judgment of the resident director, they may be able to perform satisfactorily in another position.~~

~~3.91 to 3.100 Reserved.~~

~~PROMOTIONS, DEMOTIONS, TRANSFERS, AND TERMINATIONS~~

~~3.101(19A) Promotions. Vacancies will be filled by promotion of qualified permanent employees in accordance with these rules whenever practicable and feasible.~~

~~(Board of Regents Minutes December 9-10, 1987, pp. 362-363; May 25, 1988, pp. 835-836)~~

~~3.102(19A) Transfers.~~

~~(1) Reassignments. Employees with the approval of the resident director may be reassigned at any time from one position to another in the same class within an institution, except that probationary employees who were certified to fill their position on the basis of special qualifications as provided in 3.69(2) will not be reassigned unless the new position requires the same special qualifications which justified the original certification. (Board of Regents Minutes May 17, 1995, p. 953~~7~~)~~

~~(2) Special assignment. When the services of employees are temporarily needed in a position in the same or a different class within the institution other than the position to which the employees are assigned, they may be given special assignment, with the prior approval of the resident director and involved departments, to perform the duties of such position for a period not to exceed six months without change in title or status. In unusual circumstances, an extension of a special assignment for no more than one additional six-month period may be approved by the merit system director on written request from the resident director. Employees will be paid for special assignment in accordance with 3.39(6). (Board of Regents Minutes May 17, 1995, p. 953~~7~~)~~

~~(3) Intra and interinstitutional transfers. With permanent employees' approval, they may be transferred from one position to another in the same class or to a position in another class in the same pay grade, from one department to another department in the same or different institution under this system, provided both departments~~

~~involved approve the transfer and the resident director certifies that the employee meets the minimum qualifications for the class. (Board of Regents Minutes September 20-21, 1989, p. 163)~~

~~Transfers to higher or lower classes will be governed by the provisions of these rules concerning promotion or demotion, respectively.~~

~~3.103(19A) Demotion (voluntary). If, for any reason, an employee wishes to be demoted to a position in a lower class, the resident director may, upon written request from the employee and with the approval of involved departments, effect such a demotion, provided the employee is certified by the resident director as meeting the qualifications required for the lower class. Voluntary demotion will not be subject to appeal.~~

~~3.104(19A) Terminations.~~

~~(1) Resignations. To resign in good standing, employees must notify the employing department of their intention to resign in writing at least 10 days prior to the effective date of resignation, except in cases where the employing department agrees to a shorter period of notice. An employee who fails to give proper notice may, at the request of the employing department, be barred from future certification to that department or from reinstatement as provided for in these rules. Employees who resign will have no rights of appeal under these rules.~~

~~(2) Termination on expiration of appointment. On expiration of appointment of limited duration, the employing department will report such action in writing to the resident director.~~

~~(3) Retirement. Employees who retire will be considered to have terminated in good standing and without prejudice and will have no rights of appeal under these rules. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~(4) Reduction in force. An institution may lay off an employee when it deems necessary because of shortage of funds or work, a material change in duties or organization, or abolishment of one or more positions. When individual(s) directly affected are identified, they may request and accept layoff with reemployment rights as provided in 3.104(4) "j". If an individual(s) directly affected do not request layoff with reemployment rights, the reduction in force procedures which follow shall be implemented. Reduction in force shall be accomplished in a systematic manner and will be made in accordance with formula developed by the institution and reviewed and approved by the merit system director for its conformance to these rules:~~

~~a. Reduction in force will be made by class of position.~~

- ~~b. Reduction in force may be made by organizational unit within an institution or institution-wide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.~~
- ~~c. The order of reduction in force will be by type of appointment as follows: emergency, temporary, provisional, trainee, initial probationary, permanent. (Board of Regents Minutes May 17, 1995, p. 9537)~~
- ~~d. Each employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 20 days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice. (Board of Regents Minutes July 8, 1987, pp. 27-28; October 21, 1987, p. 245)~~
- ~~e. There will be competition among all employees in the class of position or positions affected by the layoff based on a retention points system that will consist of points for length of service and performance evaluation of all employees in the class within the organizational unit or units affected. Retention points will be calculated as follows: (Board of Regents Minutes July 13, 1981, p. 134; May 17, 1995, p. 9537)~~
- ~~1) Length of service credit will be allowed at the rate of one point for each month of service. For the purpose of computing length of service credits, the institution will include all continuous periods of employment between the date of the original appointment and the date of layoff. Approved leaves of absence without pay, suspensions, and layoffs for periods exceeding 15 consecutive days will not be counted; however, the periods of service immediately preceding and following such period will be counted. An employee who is returned to duty following approved military service will have all such time counted as continuous service. When an employee is off the payroll of the institution for more than 15 consecutive days for a reason other than an approved leave of absence, suspension, layoff, or military service, the date that the employee returns to duty will be considered the date of original appointment for purposes of computing retention points.~~
- ~~2) Performance evaluation credit will be allowed at the rate of one point for each month of service rated as satisfactory under a performance evaluation plan approved by the institutions and the merit system director. An additional point will be added for each month of service during which performance is rated one or more levels above satisfactory. No credit will be allowed for service rated less than satisfactory. No performance evaluations which are made less than three months prior to a reduction in force will be used in determining performance evaluation credits. In the absence of a performance evaluation review, service will be considered as satisfactory and one point will be given for each month thereof.~~

- ~~3) Length of service and performance evaluation points for service less than full time will be prorated in accordance with the percent of fractional employment. Reduction in force retention points will be the total of length of service and performance evaluation points in accordance with the approved formula.~~
- ~~f. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at the top. Layoffs will be made from the list in reverse order. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least 10 days prior to the effective date of the layoff.~~
- ~~g. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee who has the highest total earnings in the class of position affected by the layoff, excluding pay for special assignment, overtime, call back, lead worker status, shift differential, and on call.~~
- ~~h. The reduction in force formula approved by the merit system director will be posted by the resident director so that all employees will have access to it.~~
- ~~i. An affected employee may appeal a reduction in force by filing, within five days after notification as provided in paragraph "d" of this subrule, a written grievance with the resident director (at Step 3 of the grievance procedure provided in 3.129[19A] or at a comparable step of a procedure approved under 3.129[1]). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.~~
- ~~j. A permanent employee in a class of position in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower class of position in the same series, or, in the absence of a lower class in the same series, to a class of position which the employee has formerly occupied while in the continuous employment of the institution. Such demotion or the occupying of a formerly held position will not be permitted, however, if the result thereof would be to cause the layoff of a permanent employee with a greater combined total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held position in lieu of layoff, the employee must notify the resident director in writing of such election not later than five days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein. Employees who are laid off or who accept voluntary demotion in lieu of layoff will, at their request, have their name placed on the reemployment eligibility list(s) for the class from which they were laid off, either the lower class(es) in the same series, or a class formerly occupied in accordance with 3.67(19A) to 3.70(19A) or both.~~

~~(5) Abandonment of position. Employees who are absent from duty for three consecutive work days without proper notification and authorization thereof shall be deemed to have resigned their position.~~

~~3.105 to 3.114 Reserved.~~

~~DISCIPLINARY ACTIONS~~

~~3.115(19A) Causes for disciplinary action. All employees may be subject to disciplinary action for any of the reasons specified in Section 19A.9(16).~~

~~3.116(19A) Disciplinary actions. Disciplinary action will be reasonable, timely, and related in severity to the seriousness of the offense; however, this will not preclude reasonable penalties of varying severity for an accumulation of offenses.~~

~~(1) Suspension. A department head may, for cause in accordance with 3.115(19A), suspend any employee for such length of time as it considers appropriate, but not to exceed 10 days at any one time or 20 days in any 12-month period. The department head will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee's personal file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or to a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.~~

~~(2) Reduction of pay within grade. A department head may, for cause in accordance with 3.115(19A), reduce the pay of an employee to a lower step within the pay grade assigned to the class of position. The department head will notify the affected employee of the reduction, the reasons therefor, and the duration thereof, in writing within 24 hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee's personal file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.~~

~~(3) Demotion. A department head may, for cause in accordance with 3.115(19A), demote an employee to a vacant position in a lower class, provided the employee meets the qualifications for that lower class. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours~~

~~of the time the action is taken. A copy of the notice of demotion will be sent by the department to the resident director and will be maintained in the employee's personal file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employees may pursue the appeal in accordance with the grievance procedure.~~

~~(4) Discharge. A department head may, for cause in accordance with 3.115(19A), discharge any employee. The department head will notify the affected employee of the discharge and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of discharge will be sent by the department to the resident director and will be maintained in the employee's personal file. The employee may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure. (3.115 and 3.116, filed July 12, 1971)~~

~~3.117 to 3.126 Reserved.~~

GRIEVANCES AND APPEALS

~~3.127(19A) Reviews of position classification. Permanent employees and department heads may request a position classification review and such requests shall be in written form. The employee's request will be forwarded to the resident director with a recommendation from the department head within ten working days of the date of the request. The resident director shall review the employee's and department head's request and, with a recommendation, forward the request to the merit system director within 20 working days. The merit system director shall review and respond within 20 working days to the resident director who will inform the employee and department head. If the employee or department head is not satisfied with the merit system director's decision, that person may appeal the decision in writing within 15 working days of the merit system director's decision to a qualified classification appeal committee appointed in accordance with procedures approved by the Board of Regents. (Board of Regents Minutes May 17, 1995, p. 9537)~~

~~The classification appeal committee will conduct such investigation as it deems necessary to determine the proper allocation of the position and will notify the involved parties of its decision within 45 calendar days after the committee receives the appeal. Any further requests for review of the same position must be presented to the resident director in compliance with this section and will be considered a new classification review. A new classification review will not be allowed for one year following the final decision on a request for review unless there have been substantial changes in the duties and responsibilities of the position. An appeal will be con-~~

sidered on the basis of duties and responsibilities assigned at the time of the original classification review, and in no case will the assignment of additional duties and responsibilities following the resident director's investigation of the original request for review be considered during the process of appeal as outlined above. (Board of Regents Minutes September 20-21, 1989, p. 163)

- ~~— 3.128(19A) — Appeals on application, examination, and certification procedures. Applicants may appeal an action which they allege to be in violation of these rules concerning applications, examinations, or certification. The aggrieved applicant will first discuss the matter with the resident director and, if not satisfied with the explanation and decision given, may, within 20 days after the occurrence of the alleged violation, file a written appeal with the resident director at Step 3 of the grievance procedure provided in 3.129(19A) or at a comparable step of a procedure approved under 3.129(1). If the applicant is not satisfied with the decision rendered at that step, the applicant may pursue the appeal in accordance with the grievance procedure. If the grievance concerns the form or content of the application or an examination as approved by the merit system director, the director will act jointly with the resident director and at subsequent steps in response to an appeal.~~
- ~~— Appeals by applicants alleging improper discrimination on the basis of political or religious opinions or affiliations, or national origin, race, sex, disability or age in selection, will be filed at Step 3 in the grievance procedure provided in 3.129 or at a comparable step of a procedure approved under 3.129(1).~~
- ~~— 3.129(19A) — Grievances. Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in 3.127[19A] and 3.128[19A]) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with 3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal in writing at steps within the institution. The institutional representative may permit an oral presentation at any step if the institutional representative deems one necessary. At each step of the grievance procedure, the employee may be represented by one or two persons of the employee's choosing. The name of such representative will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof. If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If an institutional representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next~~

~~step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.~~

~~Step 1. A dissatisfied employee will first discuss their problem with their immediate supervisor. It is presumed that the majority of disputes, complaints, or misunderstandings will be resolved at this point. If the employee is still dissatisfied after such discussion, the employee may, within 10 days after the occurrence of the matter leading to the grievance or within 10 days after such time that the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with the employee's immediate supervisor. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of the occurrence. It will specify the institutional or merit system rule which has allegedly been violated and will state the corrective action desired by the employee. The supervisor will review the grievance with the employee and will transmit the supervisor's decision to the employee in writing within five days after receiving the grievance.~~

~~Step 2. If the employee is not satisfied with the decision of the supervisor, the employee may, within five days after receiving that decision, appeal it to the department head. Such an appeal will be in writing and will contain all of the information included in the initial grievance, the decision of the supervisor, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee. The department head will investigate the grievance and will give the employee or a representative of the employee's choosing the right to present the employee's case orally. The department head may affirm, reverse, or modify the supervisor's decision and will notify the employee of the decision in writing within 10 days after receiving the appeal.~~

~~Step 3. If the employee is not satisfied with the decision of the department head, the employee may, within five days after receiving that decision, appeal it to the dean of the college or the head of the major operating division in which employed. The dean or the division head and the resident director or designee(s) will jointly represent the institution at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.~~

~~The dean of the college or head of the division and the resident director or designee(s) will investigate the grievance and will give the employee or a representative of the employee's choosing the right to present the employee's case orally. The institutional representatives may affirm, reverse, or modify the decision of the department head, and will notify the employee of their decision in writing within 10 days after receiving the appeal.~~

~~Step 4. If the employee is not satisfied with the decision rendered at Step 3 of the grievance procedure, the employee may, within five days after receiving that decision, appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.~~

~~The chief administrator or the administrator's designee will investigate the grievance and will give the employee the right to present the employee's case orally. The chief administrator may affirm, reverse, or modify the decision rendered at Step 3 and will notify the employee of the decision, in writing, within 10 days after receiving the appeal.~~

~~Step 5. Employees not satisfied with the decision rendered under Step 4 may within five days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.~~

~~The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under 3.129(2). The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.~~

~~The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The Board of Regents shall retain jurisdiction to review decisions of the merit director as to whether a matter is grievable or arbitrable upon appeal by an employee.~~

~~(1) Institutional grievance procedure. An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in 3.129(19A), provided that such procedure begins with discussion between the employee and the employee's immediate supervisor and provides for a final hearing in accordance with Step 5 of the grievance procedure prescribed herein. Such an institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system director. In the absence of an approved institutional procedure, 3.129(19A) will apply.~~

- ~~(2) Appeals. The Board of Regents will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service, with a preference for those Iowans so certified.~~
- ~~The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.~~
- ~~The arbitrator will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the Board or Regents within the prescribed time.~~
- ~~3.130 to 3.139 Reserved.~~

~~VACATIONS AND LEAVES OF ABSENCE~~

- ~~3.140(19A) Attendance. Employing departments will establish work schedules and other regulations regarding attendance that they deem necessary in accordance with these rules and the policy and rules of their institution, and such schedules and rules will be made known to affected employees.~~
- ~~3.141(19A) Vacations. Permanent and probationary employees will accrue and take vacations as provided by law. Employees will be entitled to take only that vacation time which they have accrued and, while employee preferences will be given major consideration, employing departments will have final authority to schedule vacations.~~
- ~~Permanent and probationary part-time employees will accrue vacation in an amount equivalent to their fractional employment. An employee who is transferred, promoted, or demoted from one position to another position under this system will not lose any accumulated vacation time as a result thereof.~~
- ~~3.142(19A) Holidays. Permanent and probationary employees will be granted holidays approved by the Board of Regents.~~
- ~~3.143(19A) Medically related disability leave. Permanent and probationary employees will accrue medically related disability leave as provided by law and will be entitled to such leave on presentation of satisfactory evidence of medically related disability. Permanent part-time employees will accrue medically related disability leave in an amount equivalent to their fractional employment; and no employees will be granted medically related disability leave in excess of their accumulation.~~

- ~~———— An employee who is transferred, promoted, or demoted from one position to another position under this system will not lose any accumulated medically-related disability leave as a result thereof.~~

- ~~———— Permanent employees who are still incapacitated after exhausting all accumulated medically-related disability leave and vacation time will, at their request, be placed on the reemployment lists for the class or position they previously occupied and on reemployment lists for lower level classes for which qualified, when the employee is able and qualified to return to work. Such an employee's acceptance of reemployment in a lower class will not affect their standing on the reemployment list for the class that the employee formerly occupied.~~

- ~~———— 3.144(19A) — Military leave. Permanent and probationary employees will be granted military leave as provided by law, with pay not to exceed 30 calendar days in any 12-month period.~~

- ~~———— 3.145(19A) — Family leave. Eligible employees will be granted family leave in accordance with federal law and Board of Regents and institutional policies and procedures. (Board of Regents Minutes May 17, 1995, p. 9537)~~

- ~~———— 3.146(19A) — Court and jury service. When, in obedience to the subpoena or direction by proper authority, employees appears as a witness or serve as members of a jury in any public or private litigation, they will be entitled to regular compensation provided they surrender to their employing institution any pay they receive, other than reimbursement for travel or personal expenses, for such service.~~

- ~~———— 3.147(19A) — Voting leave. Any person entitled to vote in a public election is entitled to time off from work with pay on any public election day for a period not to exceed two hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor. Time off for voting may be granted only if the employee's working hours do not allow a three-hour period outside of working hours during which the polls are open.~~

- ~~———— 3.148(19A) — Emergency and funeral leave. An employing department will, when satisfied by evidence presented, grant an employee time off with pay:~~
 - ~~———— 1. Not to exceed three days for each occurrence in the case of death in the employee's immediate family;~~

 - ~~———— 2. Not to exceed one day for each occurrence for service as pallbearer at the funeral of a person not a member of the employee's immediate family; and~~

- ~~3. Not to exceed five days a year for the temporary emergency care of ill or injured members of the employee's immediate family for the time necessary to permit the employee to make other arrangements.~~
- ~~All such time off will be charged to the employee's accrued medically related disability leave and will not be granted in excess of the employee's accrued leave. For the purpose of this rule, immediate family is defined as and limited to wife, husband, children (and their spouses), parents, grandparents, grandchildren, foster children (and their spouses), brothers (and their spouses), sisters (and their spouses) of the employee or spouse; aunts and uncles of the employee; or other relatives residing in the employee's immediate household.~~
- ~~3.149(19A) Leave of absence without pay. In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee's request for a leave of absence without pay for up to one year. With the same approval, such a leave may be extended for no more than one additional year.~~
- ~~On conclusion of a leave of absence without pay, employees, if qualified, will be returned to the position from which they were granted leave or to another position in the same class. If such a position no longer exists, the layoff provisions of these rules will take effect.~~
- ~~3.150(19A) Election leave. Employees who become candidates for public office will be granted election leaves as provided by law.~~
- ~~3.151(19A) Disaster Service Volunteer Leave. Subject to approval of the appointing authority, an employee who is certified disaster service volunteer for the American Red Cross may, at the request of the American Red Cross, be granted leave with pay to participate in disaster relief services relating to a disaster in the state of Iowa. Such leave shall be only for hours regularly scheduled to work and shall not be for more than 15 workdays in a fiscal year. Employees granted such leave shall not lose any rights or benefits of employment while on such leave. An employee while on leave under this rule shall not be deemed to be an employee of the state for purposes of workers' compensation or for the purposes of the Iowa Tort Claims Act. (Board of Regents Minutes September 20, 1995, p. 242)~~

~~4.29~~ **Equal Opportunity and Merit System**

~~(See Section 5.09, this Guide.)~~

4.3027 Time Off for Grievance Investigation for Employee Representatives

5/15/98

The Board interprets the Merit System Rule 3.129 as not providing employee representatives with unlimited and unconditional released time to investigate grievances personally. The Board recognizes the merit of providing related time in certain situations for an employee's representative to investigate a grievance, therefore:

- A. An employee's representative may be present at every stage of the grievance procedure, including the first, oral stage.
- B. If deemed necessary by the grievant, the grievant may request released time from work for a representative to investigate a grievance at any time following the oral stage of Step 1 of the grievance procedure.
- C. Such a request is to be made in writing to the representative's supervisor, with a copy to the resident director, and should contain an indication of the reason released time is necessary.
- D. The representative's supervisor, with the approval of the resident director when required by the institution, shall provide a reasonable amount of released time for the investigation, such time being scheduled as soon as reasonably possible and preferably within the same work day, consistent with the normal functioning of the employee's department.

Furthermore, it will be a violation of institutional policy to restrain, interfere, coerce, or discriminate against an employee acting as a grievant representative in accordance with this procedure.

On the other hand, an employee acting as a grievant's representative shall not use time provided for grievance investigation for other matters and will conduct business with dispatch. If such a representative's use of regular working hours for consultation with employees or supervisors interferes unduly with the proper performance of official duties as an employee, the matter will be objectively discussed with the employee in order to find a satisfactory solution. (~~Board of Regents Minutes April 11-12, 1974, p. 7458~~)

4.3428 Moving Expenses

Regent institutions under the Board of Regents and the Board Office may pay reasonable moving expenses up to \$7,500 in accordance with state and/or institutional policies for packing and moving of a person's household goods and other personal effects for full-time employees, including faculty and institutional officials, professional and scientific staff, and other full-time employees who are comparable in

rank to assistant professor or above. Packing and moving expenses for full-time employees not defined above may be granted by specific approval of the appropriate dean/director or their designee. Reimbursement for moving expenses shall not include reimbursement for the expense of moving animals. (~~Board of Regents Minutes September 18-19, 1975, p. 77; October 18, 1995, p. 324~~)

~~4.32 (Reserved)~~

4.3329 Committee Membership

~~Unless negotiated in a collective bargaining agreement, e~~Employees in organized bargaining units covered by collective bargaining contracts shall not serve as members of ~~the Merit System Classification and Compensation Advisory Committee or of other various~~ of institutional committees that participate in the governance of the institutions and which deal with mandatory subjects of bargaining, in whole or in part.

~~4.34~~ **Volunteerism (IBSSS and ISD)**

~~Nothing in this section shall be construed in any way so as to limit an institutional employee from performing noncompensated voluntary services for that institution in the same manner as any other private citizen. Such voluntary services shall be provided outside the employee's work time for the institution and the performance or non-performance of such voluntary services shall not be considered in any case as having a bearing on the employment relationship between that institution and the employee. (Board of Regents Minutes February 15-16, 1984, pp. 436-437)~~

4.350 Changes in Insurance Benefits, Contributions, and Providers

Changes in benefits, contributions, and providers for all insurance benefits provided by the Board require Board approval. To facilitate changes in benefits, contributions, and providers, the ~~executive director~~Executive Director is authorized to determine if such changes should be docketed for Board approval. The ~~executive director~~Executive Director is authorized to approve changes in benefits, contributions, and providers on behalf of the Board unless the changes involve new programs, major changes in policies, or unusual circumstances. Changes approved by the ~~executive director~~Executive Director on behalf of the Board shall be reported to the Board president and shall be contained in the Board's annual fringe benefit report. ~~(Board of Regents Minutes September 17-18, 1986, pp. 214-216)~~

4.361 Special Assignment, Institutional Heads

The Board of Regents may, in its discretion, place an institutional head on special assignment for up to one semester with full pay and benefits. An institutional head who has served in that capacity for the Board of Regents for at least five years is eligible to apply for such an assignment. The assignment may be for the purpose of advanced study, for research, for creative work, and for other worthwhile projects. Such assignment must be requested in writing to the Board of Regents with a copy to the ~~executive director~~Executive Director and will be docketed for formal Board approval. ~~(Board of Regents Minutes April 22-23, 1987, pp. 837-838)~~

4.372 Policies on Harassment

A. ~~Policy on Sexual Harassment: (Note: Policy under revision by university counsels.)~~

It is the policy of the Board of Regents, State of Iowa, to provide a campus environment for students, faculty, and staff that is free from sexual harassment; to provide appropriate institutional complaint and appeal processes to ensure thorough and prompt investigation of allegations of sexual harassment; and to apply appropriate disciplinary sanctions to those who engage in sexual harassment. ~~This policy and institutional policies and procedures established to implement it, including rights of appeal, are to be communicated to students, faculty, and staff. The policies shall be explained to all new faculty and staff during their employment interviews or at the onset of their employment. Orientation sessions for new students will include an explanation of institutional policies on sexual harassment. The institutions shall provide education and training as necessary to effectuate the policy of the Board. (Board of Regents Minutes October 21, 1987, pp. 211-212; February 20, 1991, p. 403)~~

1. No employee or student may engage in sexual harassment as defined by federal and state law, including rules adopted by the Equal Employment Opportunity Commission, the United State Department of Education and the Iowa Civil Rights Commission. Nor may any employee or student engage in sexually inappropriate conduct contributing to a sexually hostile environment. This rule shall not be interpreted so as to restrict the right of free expression and academic freedom consistent with the educational mission of the Regent institutions.
2. Regent institutions shall adopt internal guidelines and policies to inform employees and students of the kinds of behavior that will result in disciplinary actions. The Regent institutions shall also adopt procedures for filing complaints or grievances of sexual harassment, for investigation of allegations of harassment, for appeals relating to the findings of such investigations and for the application of appropriate sanctions when they determine harassment has occurred.
3. This policy and institutional policies and procedures established to implement it, including rights of appeal, are to be communicated to students, faculty, and staff. The policies shall be explained to all new faculty and staff during their employment interviews or at the onset of their employment. Orientation sessions for new students will include an explanation of institutional policies on sexual harassment. The institutions shall provide education and training as necessary to effectuate the policy of the Board.

B. Policy on Harassment and Violence

The ~~Iowa State~~ Board of Regents, State of Iowa, is committed to the ideal of educational institutions as forums for the free exchange of ideas. Diversity of people and ideas is a goal of these institutions and tolerant, civil discourse is their trademark. The faculty, staff and students of institutions under the governance of the Board of Regents, State of Iowa, comprise communities whose common commitment is to learning. This commitment requires that the highest value be placed on the use of reason and that harassment and violence involving Regent institutions be renounced as inimical to their goals. Although some views may be unpopular and shocking to members in an educational community, as well as to visitors, the right to express those views within legal limits is protected by the first amendment to the United States Constitution. This protection, although broad, does not extend to illegally discriminatory or violent conduct toward individuals. Such conduct will not be tolerated.

It is the policy of the Board of Regents to provide campus environments for students, faculty and staff that are free from conduct which constitutes illegal discriminatory harassment based on individual characteristics of race, ethnic or national origin, gender, color, disability, creed, religion, affectional or associational preference, age or any other basis protected by law or policy.

Regent institutions shall take appropriate action when any act or misconduct in violation of this policy occurs in one of the following circumstances:

1. the act is committed on the campus or at an institution-sponsored activity.
2. the act is committed by an institutional community member while acting in an official capacity or while conducting institutional business.

The above following acts, when committed under one of the circumstances which follow, ~~will~~ may trigger institutional action.

1. Any acts ~~proscribed- prohibited~~ by the Iowa Criminal Code, Chapter 707 (Murder); 708 (Assault and Harassment); 709 (Sexual Abuse); those sections of Chapter 710 which deal with kidnapping and false imprisonment; and 711 (Robbery and Extortion); Chapter 712 (Arson); those acts under 713 (Burglary) when accompanied by an element of assault; Chapter 723.4(1) and (3) (Disorderly Conduct); H.F. 2025 an Act of the 74th General Assembly (Stalking became §708.11 — Make a complete sentence.); Chapter 729.4 (Infringement of civil rights in employment); and Chapter 729.5 (Infringement of civil rights by violence); or

2. Any conduct, ~~such as those examples listed below~~, which has the purpose or reasonably foreseeable effect of unreasonably interfering with an individual's academic efforts, employment, participation in institutional-sponsored extracurricular activities, or personal health, safety and security.

The following examples are illustrative of the acts proscribed by this policy, but are not meant to be exclusive:

1. Physical assault or abuse.
2. Sexual assault or abuse.
3. Stalking.
4. Threats with a weapon (display of a weapon accompanied by statements or actions which cause justifiable fear or apprehension).
5. Verbal or other threats of physical or sexual assault.
6. Damage or destruction of another's private property for the purpose of demeaning the owner or owners.
7. Intimidation by threat of violence.

Regent institutions will have in place appropriate institutional appeal procedures to ensure thorough and prompt investigations of allegations of harassment and violent conduct under this policy and shall apply appropriate disciplinary sanctions to those who engage in such conduct.

This policy and institutional policies and procedures utilized to implement it, including rights of appeal, are to be communicated to students, faculty and staff. The institutions shall provide education and training as necessary to effectuate this policy. (~~Board of Regents Minutes May 20, 1992, p. 865~~)

4.3833 ~~Policy on a~~ Drug-Free Environment and Controlled Substances

- A. It is the policy of the Board of Regents, State of Iowa, to provide ~~for~~ a drug-free workplace and learning environment for students and employees of Regent institutions and the ~~employees of the~~ Board Office. The unlawful possession, use or distribution of controlled substances by students and employees on property owned or leased by a Regent institution or in conjunction with a sponsored activity of an institution governed by the Board is strictly prohibited. ~~(Board of Regents Minutes May 21-22, 1997, p. 976)~~
- B. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance at any institution under the governance of the Board of Regents, State of Iowa, or at any activity sponsored by a Regent institution is prohibited. Violations of this policy shall result in sanctions pursuant to appropriate institutional procedures for employees or students.
- C. The Board of Regents recognizes that the abuse of controlled substances, including alcohol, can interfere with the ability to perform important functions physically, mentally and socially. All employees are expected and required to report to work in an appropriate mental and physical condition to carry out their responsibilities safely and effectively, absent any impairment because of use of controlled substances and alcohol. Failure to comply by the employee with this expectation may result in serious disciplinary sanctions, up to and including the termination of an individual's employment. In cases in which an institution has probable cause to believe an employee's ability to perform the employee's duties is impaired due to the use of alcohol or controlled substances, the institution should confront the employee and require testing and/or treatment. Failure to comply by the employee would be the basis for serious disciplinary action. Dependency upon controlled substances and/or alcohol is also recognized as an illness that poses a major health problem as well as presenting other serious safety and welfare implications for employees and students on the campus. ~~(Board of Regents Minutes October 19, 1994, p. 387.)~~
- D. Institutions governed by the Board shall make available to students and staff educational programs directed toward the elimination of substance abuse. Employees with drug or alcohol problems are encouraged to use employee assistance programs or other community-based assistance programs as appropriate. Students are encouraged to seek assistance via appropriate counseling programs.
- E. Pursuant to the Drug-Free Workplace Act of 1988, employees must report any conviction under a criminal drug statute for violations occurring while conducting official business on or off Regent premises. Such a report must be made within five days following the date of conviction. ~~(Board of Regents Minutes October 19, 1994, p. 387.)~~

- F. The University of Iowa, Iowa State University of Science and Technology, University of Northern Iowa, Iowa School for the Deaf, and the Iowa Braille and Sight Saving School shall develop institutional policies consistent with the Board policy. Such

institutional policies shall be disseminated to employees and students. (~~Board of Regents Minutes March 15, 1989, pp. 657-658; June 27, 1990, p. 721~~)

- G. Pursuant to the U.S. Department of Transportation regulations implementing the Omnibus Transportation Employee Testing Act of 1991, employees in safety sensitive aviation, motor carrier, or mass transit positions in Board of Regents institutions will be required to submit to mandated alcohol and drug testing, consistent with regulations. (~~Board of Regents Minutes October 19, 1994, p. 387.~~)

4.394 Policies on Evaluation

- A. Evaluation of Institutional Heads

1. Institutional heads will be evaluated annually between the months of June and September. The institutional head will be provided with an opportunity to submit a self-evaluation as determined by the Board from time to time. Other evaluation sessions may be conducted by the Board with the institutional head at any time the Board deems appropriate.
2. The evaluation shall address such issues as the operations and management of the institution, effectiveness of the planning process, external relationships, and other issues selected by the Board. (~~Board of Regents Minutes December 14-15, 1988, pp. 377-378; April 12-13, 1989, pp. 701-702~~)

- B. Evaluation of Institutional Officials and Other Administrators

1. The institutional head is responsible for ensuring that all institutional officials and other administrators who report to the institutional head receive an annual written evaluation ~~which that~~ reflects the individual's accomplishments relative to the goals and mission of the institution as related to the individual's areas of responsibility. A written evaluation shall be completed at least once during each fiscal year. Other evaluations of an individual may be conducted at the discretion of the institutional head.

- ~~2.~~ 2. All other administrators who do not report directly to the institutional head shall receive an annual written evaluation by the administrator to whom each reports. (~~Board of Regents Minutes April 12-13, 1989, pp. 701-702~~)

C. It is the policy of the Board of Regents, State of Iowa, that all other employees will receive a written evaluation annually from their supervisor or the person to whom they report.

4.4035 Catastrophic Illness Policy (~~Board of Regents Minutes September 20, 1995, p. 233~~)

A. Policy

Eligible employees may donate accrued vacation leave to another eligible employee for use as sick leave during a catastrophic illness or injury. Eligible employees are nonorganized faculty and staff who accrue vacation.

This contribution to an employee is converted to sick leave and used for a catastrophic illness or injury when the employee has exhausted all the sick leave, vacation, converted sick leave and compensatory time to which that employee is otherwise entitled and has not yet satisfied the waiting period for long-term disability benefits.

B. Definition of Catastrophic Illness or Injury

“Catastrophic illness or injury” means an illness or injury resulting in a medical condition for which a physician has certified the condition is likely to result in a loss of 30 or more work days.

C. Eligibility

All ~~nonorganized~~ faculty and staff who accrue vacation and are eligible for long-term disability coverage are eligible to receive donations provided that they meet the standard and provide the certification as set forth in item B. above, have exhausted all paid leave and are not receiving any other supplemental payments (e.g., worker compensation or long-term disability).

D. Relationship to Policy Under Collective Bargaining Agreements

Nonorganized faculty and staff covered by this policy are able to contribute vacation to and to receive vacation from those covered by collective bargaining agreements, which contain reciprocal catastrophic illness policies.

E. Leave can only be transferred between employees in the same Regent institution.

F. Leave shall be donated in increments of one hour or more.

G. Leave shall be calculated and distributed in actual hourly dollars.

H. The total leave donations received by an employee shall not exceed the amount necessary to cover the long-term disability waiting period.

- I. Each Regent institution will develop a process by which eligible faculty and staff members may make the contributions provided in this policy.

4.35 4.41 Professional and Scientific Staff Policies ~~(Should be dropped? Covered elsewhere.)~~

The Regent institutions and the Board Office shall develop policies for Professional and Scientific employees addressing terms and conditions of employment.

~~A. University of Iowa~~

- ~~1. Staff Members Covered. All professional and scientific staff members employed in that capacity for 50 percent or more of their time will be covered except those whose administrative, policy-making or other responsibilities make it inappropriate to confer career status upon them. (A listing of positions covered under this policy is available from the Office of the Associate Vice President for Finance and University Services and the Board Office.) Those professional and scientific staff members excluded from coverage under this policy will continue to be appointed "at will". References to "staff member" in the policy mean those staff members covered by the policy.~~
- ~~2. Categories. Each staff member will be appointed to one of the following four categories and given specific written notice of the category at the time of appointment: (a) Career Status; (b) Probationary Status; (c) Term Status; (d) Temporary Status.~~
- ~~3. Career Status~~
 - ~~a. Probationary staff members can earn career status upon completion of continuous and satisfactory performance in a position during the probationary period established for that staff member in the position. Part-time employment for 50 percent or more of a person's time will count toward completion of the probationary period in proportion to the percentage of time employed. For example, two years in a half time position will complete one year of the probationary period.~~
 - ~~b. In an action of dismissal for cause relating to the staff member's lack of satisfactory performance or university-related conduct, career status will carry with it the right to place the burden of proof on the university in an appeal through the professional and scientific grievance procedure.~~
 - ~~c. Persons with appropriate experience may be appointed initially with career status if that status is specifically authorized by each of the university~~

~~officials who acts on the appointment, and, in the case of appointments to an academic unit, by the Vice President for Academic Affairs.~~

~~4. Probationary Status.~~

- ~~a. Probationary status is that time during which a staff member's performance is evaluated to determine whether the staff member is demonstrating the capacity for continued performance at a level necessary to meet the department's or unit's standards set for the position.~~
- ~~b. At the time of their appointment to probationary status, staff members will be given notice of the time period they must serve in probationary status in that position prior to earning career status.~~
- ~~c. The maximum probationary period shall be for four years. A shorter period may be designated for the position, pursuant to general university guidelines. The period also may be shortened in the case of a particular person with appropriate experience who may receive credit for that experience, pursuant to general university guidelines. A minimum of two years of probationary service will be required before career status will be granted, except as provided in Sections 3(c), 5 and 9.~~
- ~~d. Within general guidelines established by the university, the employing unit may set standards of performance for the individual position. In the absence of departmental or unit standards, the university standards will be deemed to have been adopted as the departmental or unit standards. The standards may be adjusted to reflect changes in the nature or scope of the position and should be used as the basis for periodic performance reviews.~~
- ~~e. During the probationary period, departments or units will be reminded by the Office of the Vice President for Finance and University Services to provide a staff member with a written statement evaluating their performance at least annually.~~
- ~~f. Probationary staff members may be terminated at any time during the probationary period. The only ground for appeal through the grievance procedure for professional and scientific staff of the release of a probationary staff member or the failure to grant such person career status will be that the decision was made on grounds which are prohibited by constitution or statute, such as discrimination based on race or sex. In such an appeal, the burden of proof will be on the staff member.~~
- ~~g. If a staff member believes that his/her termination was improper for reasons other than those which entitled a staff member to file an appeal through the~~

~~professional and scientific grievance procedures, that staff member can appeal the termination through administrative channels to the next administrative level beyond which the decision to terminate was made and if necessary to the appropriate university-wide officer responsible for the general area in which the unit is located.~~

~~5. Probation Upon Appointment to a New Position.~~

- ~~a. Professional and scientific staff members with career status or Regents Merit System staff members with permanent status and at least four years of service, who change positions and assume duties in a position covered by this policy will serve a one-year probationary period without career status in the new position, except as provided in Section 3(c).~~
 - ~~b. Career status staff members and persons with permanent status under the Regents Merit System referred to in Section 5(a) above who do not achieve career status in the new position will be considered to have been furloughed from their prior position and have the rights specified in Section 10.~~
 - ~~c. Staff members who are appointed to a new position while in probationary status will start their probationary status anew unless the letter of appointment to the new position specifically provides that all or part of prior probationary service will count as such service in the new position. A minimum of one year of probationary service will be required, except as provided in Section 3(c).~~
 - ~~d. A staff member with career status whose position is reassigned to a classification in a different pay grade will retain career status in the new classification. (Board of Regents Minutes, May 19, 1993, p. 815)~~
 - ~~e. A staff member with career status who suffers an involuntary break in service because of loss of funding will not lose career status if reappointed to the same position. If reappointed to a different position in the same pay grade or the same classification series, the staff member will ordinarily be reappointed with career status, but may be asked to serve a probationary period or term appointment of no more than one year before returning to career status. (Board of Regents Minutes, May 19, 1993, p. 815)~~
- ~~6. Term Status. Staff members may be appointed to term status for a specific term not to exceed three years in order to accomplish a specific purpose.~~
- ~~a. Reappointments may be made to term status, provided that the total period in term status does not exceed six years.~~

- ~~1) A staff member who is reappointed after the completion of six years in term status in the same position will be reappointed with career status even if the position has been reclassified during the period in term status. For purposes of this section, a "position" is defined as a consistent set of duties performed within the same department, center or project. (Board of Regents Minutes, May 19, 1993, p. 815)~~

- ~~2) Following six years of service in term status in any combination of professional and scientific positions a staff member may be appointed, with the staff member's concurrence, to a probationary period or to term status, in a position not previously held, for a period of no more than one year prior to the granting of career status. (Board of Regents Minutes, May 19, 1993, p. 815)~~
 - ~~b. The nature and duration of term appointments may be limited by contract. In the absence of special contract terms, term appointees may complete their terms unless they fail to demonstrate continued performance at a level necessary to meet the department's standards for the position.~~

 - ~~c. In an appeal from a termination during the term of an appointment, the burden of proof shall be on the staff member. No right of reappointment shall be implied by an initial appointment.~~

- ~~7. Temporary Status. Staff members may serve "at-will" for a period of not more than one year in order to fill a temporary need of the university. Such persons shall be deemed to be in temporary status.~~

- ~~8. Transfers from Term or Temporary Status. In appropriate circumstances, term and temporary staff members may be transferred to probationary status. In such instances, service in term or temporary status will not count as probationary service unless the letter of appointment to probationary status specifically states that all or part of such service will count as probationary service. A minimum of one year of probationary service will be required before career status can be earned, except as provided in Section 3(c).~~

- ~~9. Terminations for Other Than Cause.~~
 - ~~a. Staff members in probationary or term status who are terminated for reasons other than causes relating to the staff member's lack of satisfactory performance or university-related conduct, e.g., reasons of funding, reorganization and the like in the project, department, college or university, will receive notice in accordance with the following schedule:
 - ~~1) one month notice during the first year of employment;~~~~

~~2) three months notice thereafter.~~

~~The notice provisions of this subsection will not apply if the Vice President for Finance and University Services determines that notice of such duration would seriously impair the financial integrity of a major administrative unit of the university.~~

~~b. Staff members in career status will receive the following notice if furloughed for reasons stated in Section 9(a):~~

~~1) six months if furloughed during the first four years of career status;~~

~~2) nine months if furloughed during the next four years of career status;~~

~~3) twelve months if furloughed thereafter.~~

~~The notice provisions of this subsection will not apply if the Vice President for Finance and University Services determines that notice of such duration would seriously impair the financial integrity of a major administrative unit of the university.~~

~~10. Furloughs.~~

- ~~a. "Furlough" means assuming inactive status without salary, or an involuntary reduction in time accompanied by a proportionate reduction in salary.~~
- ~~b. If qualified, staff members in career status who are furloughed will have priority status with regard to open professional and scientific positions at the university comparable to the position from which they were furloughed. The procedures established in Section 10(b) (1) and (2) will be followed.~~
 - ~~1) Prior to advertising any such position which is in a pay grade no higher than the pay grade of the position from which the staff member was furloughed, the furloughed staff member will have the right to be considered for the position. All staff members eligible for Section 10(b) priority status will be given an equal opportunity to be considered for such position. If no such eligible furloughed staff member is employed, the department must indicate its reason in writing.~~
 - ~~2) Furlough rights will exist for one year from the beginning of the furlough period unless during that period the staff member fails to accept appointment to a comparable position for which he/she qualifies and which carries a salary at least equal to the staff member's previous salary.~~

~~11. Policy Establishing Grievance Procedures for Professional and Scientific Personnel. (Board of Regents Minutes June 19, 1991, p. 685)~~

~~Statement of Purpose. This procedure has been established to promote the harmonious and just resolution of disputes which may arise between the university (including individual departments and supervisors) and its professional and scientific staff members. The procedure is intended to be fair and usable and to encourage settlement of disputes at the earliest possible stage. It is also intended to provide a formal process to resolve internal disputes without retaliation against the staff member or members. If a staff member prefers to use an informal dispute resolution mechanism, relief may be sought through the University Ombudsperson and, where appropriate, the Office of Affirmative Action.~~

~~Section 1. Scope of Policy. Except as provided in subsection 1.f. below, this policy establishes procedures which a staff member, as defined in Section 2 below, must follow in seeking resolution of a grievance concerning administrative action or non-action relating to the staff member which:~~

- ~~_____ a. for any covered staff member, involves improper discrimination prohibited by the Constitution, statute, or university policy (such as the university policy on human rights);~~
- ~~_____ b. for any covered staff member, involves the wrongful interpretation or application of established university, collegiate and departmental policies governing terms and condition of employment;~~
- ~~_____ c. for any covered staff member, results in disciplinary action, including written reprimand, suspension, demotion, or dismissal, based on misconduct, for reasons unrelated to job performance or job-related conduct; or~~
- ~~_____ d. for a staff member holding career status, results in disciplinary action including written reprimand, suspension, demotion, or dismissal, based on misconduct, when the action is based on an allegation of lack of satisfactory performance or on university-related misconduct.~~
- ~~_____ e. for a staff member in term status, results in termination before the end of the staff member's term of appointment, when the action is based on allegation of lack of satisfactory performance or on university-related misconduct.~~
- ~~_____ f. Areas of complaint as defined under the university's policy on human rights, including the policy on sexual harassment and consensual relations, may be brought under the procedures provided in that policy.~~

~~_____ Matters not covered under a., b., c., d., e. and f. above may be brought forward through regular administrative channels but are not covered by this procedure.~~

~~_____ Section 2. Definitions. As used in this policy, each of the following words has the indicated meaning:~~

- ~~_____ a. "Administrator" means the person or persons designated by the President to perform the functions assigned by this policy to the Administrator. (At the present time the duties of the Administrator are assigned to the Associate Vice President for Finance and University Services.)~~
- ~~_____ b. "Hearing Officer" means the person selected as provided in Section 8 of this policy.~~
- ~~_____ c. "Reviewing Officer" means the Vice President for Finance and University Services, except that in cases in which the grievant holds a position in the division of Finance and University Services, the Reviewing Officer will be the Vice President for Academic Affairs.~~

- ~~d. "Staff member" means a person holding an appointment in a professional and scientific classification. A listing of classifications is obtainable from the Associate Vice President for Finance and University Services.~~

~~Section 3. Rights of Staff Members.~~

- ~~a. No retaliatory action shall be taken against a staff member because he/she utilized these regulations or was a witness in a proceeding. A staff member who requests a hearing under these regulations may spend a reasonable period of time during working hours, ordinarily not to exceed a total of eight hours, in preparing for the hearing. Such staff member shall be paid for the time so spent. Similarly, the staff member has the right to attend the hearing and, if the hearing is during working hours, the right to be paid for the time so spent. Denial of reasonable time to prepare for a grievance is grievable under Section 1.b. of this policy.~~

- ~~b. The staff member, at the staff member's own expense, may be represented by an advisor of his/her choosing in all proceedings provided for in these regulations, except legal counsel at Step One. Legal counsel may be present at Step One by mutual agreement. The advisor, if a staff member, shall have the same protections as those provided in Section 3.a. to the person being advised.~~

- ~~c. A letter of reprimand issued more than two (2) years before the occurrence giving rise to the grievance is not available for use as evidence against the staff member in the grievance procedure unless the staff member has been subject to further disciplinary action subsequent to receipt of the letter.~~

~~Section 4. Limitations. A staff member may utilize the procedures established in this policy only on her/his own behalf, and may not utilize them:~~

- ~~a. to question general salary scales, general salary adjustments or the substance of university policies;~~
- ~~b. to raise questions relating to the classification of his/her position; or~~
- ~~c. to raise issues on behalf of persons similarly situated. However, if a staff member files a grievance raising the same issue as that raised in a grievance filed by another staff member, these grievances may be grouped for hearing by mutual consent of the parties (each grievant and each supervisor).~~

~~Issues excluded from the grievance procedure may be raised through administrative channels (departments, dean or vice president) and/or through the Staff Council.~~

~~Section 5. Time Periods.~~

~~a. Calendar days will be used in computing any period of time prescribed or allowed by this policy, and the day of the act or event from which the designated period of time begins to run shall not be included in the computation. For example, the day a grievant receives a response from an administrator will not be counted as part of the time period. The last day of the period so computed shall be included, unless general university offices are not open on that day, in which event the period runs until the end of the next day on which general university offices are open.~~

~~b. A staff member must file a grievance under this policy within twenty-one (21) days of the staff member's discovery of the action or non-action giving rise to the grievance, but in any event, the grievance must be filed no later than eighteen months from the date of the action or non-action of which the staff member complains.~~

~~c. If the grievant fails to act within the time period specified in this policy, the grievance shall be deemed to have been satisfied by the administrative response and the grievance may not be raised again.~~

~~d. Time limits may be waived in writing by mutual consent of the parties.~~

~~e. When this policy requires that some action in the grievance procedure be taken within a specified time period by a representative of the university and such action is not taken, the time limit governing the grievant's next step shall run from the latest time the omitted action should have been taken.~~

~~Section 6. Pre-Hearing Procedures.~~

~~a. Step One. A grievance must begin with submission of a written request for a conference sent by the grieving staff member to the person to whom the staff member is immediately responsible. The request will state in general terms the matter about which the grievant seeks a remedy. Within nine (9) days of receipt of the written request, the immediate supervisor will confer with the grievant and the parties will seek to find a mutually satisfactory remedy to the grievance. If such a remedy is not found the immediate supervisor will, within three (3) days thereafter, give an oral response to the grievant.~~

~~b. Step Two. If the oral response fails to satisfy the grievant, the grievant, within seven (7) days of the oral response, may begin Step Two by filing a written grievance with the executive officer (e.g., head, chair or director) of the department in which the grievant is employed. The written grievance will state with reasonable particularity:~~

- ~~1) the events concerning which the grievant feels aggrieved;~~
- ~~2) the date or dates on which the events complained of occurred;~~
- ~~3) the date of the oral response in Step One, if such a response was made, and the grievant's understanding of that oral response; and~~
- ~~4) the remedy requested.~~

~~In preparing the statement required by this step of the grievance procedure, the staff member may have access to his/her personnel file. Step Two is waived if the person to whom the grievant is immediately responsible is also the executive officer of the department in which the grievant is employed. Within ten (10) days of receiving the written grievance, the executive officer of the university department in which the staff member is employed will respond in writing to the grievant, stating with reasonable particularity her/his understanding of the facts and of the oral response made, if either or both differ from the understanding of the grievant as stated in the written grievance. The written response also will state whether or not the requested remedy will be granted. The written response will include copies of any documents used by the executive officer in preparing the response.~~

~~c. Step Three. If the grievant still feels aggrieved after receiving the written response called for in Step Two, the grievant, within seven (7) days of the receipt of that response, will file a request for review with the head of the major administrative unit in which the grievant is employed, e.g., with the dean, vice president, or director (or designee), as appropriate. The request for review will be accompanied by a copy of all materials required to be submitted in Step Two plus the written response, if any. (Step Three is waived if the person to whom the staff member is immediately responsible is also the head of the major administrative unit.) The head of the major administrative unit, or designee, will confer with the grievant within seven (7) days of the filing of the request for review. Following the conference, the person reviewing the grievance shall have ten (10) days in which to respond in writing to the grievant.~~

~~Section 7. Request for Hearing. A grievant who is dissatisfied with the response of the head of the administrative unit, or designee, and wishes a hearing may~~

~~obtain one by filing, within ten (10) days of the receipt of such response, a request for hearing with the Administrator. The request will be accompanied by copies of all documents developed while the grievant proceeded from Step One through Step Three. Upon receipt of the request, the administrator will take the necessary steps to convene a hearing.~~

~~Section 8. Hearing Officer. The administrator and the grievant will select the Hearing Officer. They may choose a Hearing Officer from within the university or from outside. If they do not agree on a Hearing Officer within ten (10) days of the request for a hearing, the administrator will seek a list of ten persons who are skilled in the resolution of disputes dealing with professional staff in institutions of higher education from the American Arbitration Association. The persons named may be from within the university or from outside. The parties will then select the Hearing Officer by alternately striking a single name until one name remains. The parties will decide who strikes first by flipping a coin. The grievant's department will pay the arbitrator's fee.~~

~~Section 9. Hearing. The Hearing Officer will conduct the hearing to assure that the grievant is accorded a full and fair hearing and all due process to which the grievant is entitled, according to the standards usually followed in arbitrations sanctioned by the American Arbitration Association.~~

~~a. Scheduling the Hearing. Within fourteen (14) days of the appointment of the Hearing Officer, the Hearing Officer shall notify the parties in writing of the time, date, and place of the hearing. The hearing shall be scheduled not earlier than ten (10) days nor more than twenty (20) days after notice has been given, subject to the availability of the Hearing Officer selected.~~

~~b. Record to be Kept. Any party wishing a stenographic record shall make arrangements directly with a stenographer and shall notify the other parties of such arrangements in advance of the hearing. The requesting party or parties shall pay the cost of such record. If such stenographic record is agreed by the parties to be, or in appropriate cases determined by the arbitrator to be, the official record of the proceeding, it must be made available to the arbitrator and to the other party for inspection, at a time and place determined by the arbitrator. If no stenographic record is kept, a tape recording shall be made of the hearing, if requested by either of the parties, except that on order of the Hearing Officer, procedural matters may be discussed off the record. After the hearing has been completed, the tapes and all documents shall be turned over by the Hearing Officer to the Administrator, who shall keep them. The tapes and documents will be available only to both parties and the reviewing officer. After all appeals related to the grievance have been completed, the Administrator shall file the record and documents in the University Archives. The material will~~

~~continue its status as personal information in a confidential personnel record and will be available only to the parties.~~

~~c. Burden of Proof. (1) In cases in which a staff member holding career status has appealed a disciplinary action based on lack of satisfactory performance or university-related misconduct, the university shall have the burden of proving that it had just cause to take the action. The university will present evidence first.~~

~~(2) Except in cases in which a staff member holding career status has appealed a disciplinary action based on lack of satisfactory performance or university-related misconduct (as defined in Section 1.d.), the grievant shall have the burden of proving that the action or non-action complained of is improper under one or more of the grounds established in Section 1 of this policy. The grievant will present evidence first.~~

~~d. Hearing Officer's Written Report. The Hearing Officer's written report shall be submitted to the Reviewing Officer as soon as reasonably possible, but not later than sixty (60) days after the end of the hearing. The report shall be confidential unless the parties mutually agree otherwise. The report shall include findings of fact, conclusions drawn from such findings, and the recommended action, if any. The Reviewing Officer shall distribute the report to the parties.~~

~~Section 10. Reviewing Officer's Review.~~

~~a. Review. The Hearing Officer's report and recommendations and the record made in the case will be forwarded to the Reviewing Officer for review. There will be no oral argument before the Reviewing Officer, but either party may submit a brief in support of the party's position. Such briefs shall be submitted to the Reviewing Officer and the other party within five (5) days of the case being referred to the Reviewing Officer. The other party shall have five (5) days to submit a response brief. If a response brief is submitted, the party who first submitted a brief will have five days to submit a rebuttal brief.~~

~~b. Decision. After reviewing the report, recommendations, briefs (if any), and the record if deemed necessary, the Reviewing Officer will determine what administrative action, if any, shall be taken. In making a decision, the Reviewing Officer will give great weight to the recommendations made by the Hearing Officer and will not reverse the Hearing Officer's decision unless (1) the decision was unsupported by substantial evidence in the record made before the administrative hearing officer when that record is viewed as a whole; (2) the decision as a whole was unreasonable, arbitrary,~~

~~or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion, or (3) the procedures were not properly followed. The Reviewing Officer's written decision will constitute final institutional action, subject only to a decision by the Board of Regents to grant the staff member's request for review. (Board of Regents Minutes February 20-21, 1980, p. 415)~~

- ~~c. Within thirty (30) days following the reviewing officer's decision, the grievant may contact the reviewing officer if the decision has not been fully implemented or if retaliation has taken place. Subsequent retaliation may be treated as a separate grievance.~~

~~B. Iowa State University~~

~~Professional and scientific employees of Iowa State University occupy a wide range of positions and pursue a variety of occupations. They perform functions which are necessary to the effective pursuit of the university's teaching, research, and public service mission. Professional and scientific employees are involved with faculty from many departments in scientific research; they work closely with faculty in the delivery of student services; they promote the mission of the university throughout the state through extension activities; and they provide professional management and administration services.~~

~~That this group, so important to the effective functioning of a major university, may obtain a clearer understanding of its relationship with the university, the following policies and procedures have been developed:~~

- ~~1. Appointment Base. Professional and scientific employees are appointed to an AP pay base. Appointments are made on a regular or temporary basis. Terms and conditions of each appointment are stated in a Letter of Intent which shall conform to the policies and procedures set forth in this document.~~

~~2. Regular Appointment.~~

- ~~a. Regular appointments imply a commitment on the part of the university for continuous employment subject to the conditions of Section 9, Performance Appraisal, and Section 10, Dismissal. However, persons may be employed on a limited basis through a regular appointment as specified in a Letter of Intent.~~

- ~~b. Regular AP appointments are budgeted on a fiscal year basis or project-period basis.~~

~~3. Temporary Appointment.~~

- ~~a. Temporary appointment is a short term appointment, normally not in the budget, to meet an emergency within the department.~~
- ~~b. Length of appointment is generally not longer than one year.~~
- ~~c. Temporary appointments may be renewed only as long as the conditions under which the appointment was originally made continue to apply.~~
- ~~4. Classification Plan. Each position within the professional and scientific system has an approved title and description of major duties and responsibilities as well as minimum qualifications and special requirements needed for the position. The Personnel Office will review each position within the system at intervals at the request of the appointing authority, or at the request of a professional and scientific employee.~~
- ~~5. Salary Administration. A comprehensive salary structure has been established for professional and scientific positions, with each position assigned to the appropriate pay grade within the structure based on up-to-date position descriptions, surveyed market values and consideration of internal salary equity and university organizational relationships. Each position has been assigned one of eight pay grades. Specific salary ranges for the forthcoming fiscal year are distributed to departmental executive officers each spring during the budgeting process, and are available in the Personnel Office. Salary ranges for each pay grade are found in the Office Procedure Guide, or may be obtained from the Personnel Office. Determinations of initial salaries and salary adjustments shall be made in accordance with university policy.~~
- ~~6. Transfer Procedure.~~
 - ~~a. A transfer may be defined as a change in a position at the same grade level.~~
 - ~~b. Transfers within an administrative unit will be effected only after posting the job vacancy in conspicuous locations throughout the unit for a minimum period of five days.~~
 - ~~c. Opportunities to transfer to other administrative units within the university must be announced throughout the university according to existing Affirmative Action policies.~~
 - ~~d. Where transfers are used to fill existing vacancies, the individual accepting the transfer will do so at his/her current salary unless insufficient funds are available in the unit to which the transfer is to be made. Salary adjustment~~

~~to transferees may be made only for the purpose of maintaining salary equity or to recognize significant changes in position responsibility.~~

- ~~7. Promotion Procedure. Promotion may be defined as a change in status from one position to another having a higher salary grade. A regular professional and scientific employee who meets the minimum qualifications for vacant professional and scientific positions may be promoted without an external search. In filling vacancies through promotions, the appointing official may:
 - ~~a. Promote from among current employees within the work unit experiencing the vacancy. Posting the job vacancy outside the unit is not required.~~
 - ~~b. Promote from among current employees in the broader administrative unit. When promotions are to be made outside of the work unit in which the vacancy occurs, but only from the current employees in the broader administrative unit, the vacancy to be filled must be posted throughout the administrative unit for a period of ten (10) days.~~
 - ~~c. Promote from within the entire university. Notice of the job vacancy must be announced in accordance with existing Affirmative Action policies.~~~~
-
- ~~8. Demotion Procedure. Demotion may be defined as a change of an employee from a position with a higher salary grade level to one having a lower salary grade level. Demotion may be voluntary, involuntary or as a result of reclassification of a position. Any regular employee may be transferred to lower classification for cause or upon the request of the individual with the approval of the appointing official. The standards and procedures used for involuntary demotion shall be the same as those used in performance appraisal and dismissal as outlined in Subsections, 9(b), 10(a), 10(c) and 10(d).~~
-
- ~~9. Performance Appraisal.
 - ~~a. Periodic performance appraisals will be conducted at least annually between the supervisor and the employee to give both the supervisor and the employee an opportunity to assess employee performance of the past year and to establish performance objectives. Such interaction should, of course, be a continual part of the supervisor-employee relationship.~~
 - ~~b. A new employee shall undergo an initial written appraisal at the end of three months, followed by additional appraisals at other appropriate times.~~
 - ~~c. A record signed by the employee and supervisor that the appraisal occurred will be maintained by the department of the employee.~~~~

~~10. Dismissal.~~

- ~~a. Dismissal of professional and scientific employees due to elimination of positions may occur as a result of reorganization or severe financial conditions. The existence of these situations shall be determined by the university. In such cases written notification to the employee will be made with a minimum notice period of three months. If a regular professional and scientific employee is dismissed because of lack of funding, the released employee's position will not be filled by replacement within a period of two years unless the released employee has been offered reappointment and has declined or failed to reply to the offer in writing not later than 15 calendar days after confirmed receipt of such offer.~~
- ~~b. The university will assist whenever possible in the placement of employees dislocated by reorganization through 1) reassignment and 2) relocation.~~
- ~~c. During the first year of employment an employee may be dismissed after receiving an unsatisfactory written performance appraisal which includes a notice of dismissal. The date of termination may not be less than 30 calendar days following receipt of the notice of dismissal.~~
- ~~d. A person employed for more than one year shall not be dismissed because of unsatisfactory performance until a period of formal review has been completed. The period of formal review must be initiated on the occasion of a written performance appraisal by a warning notice to the employee which clearly indicates in writing to the employee that his/her work is unsatisfactory and that a period of formal review is being initiated. The review period shall end with a satisfactory written performance appraisal at any time or with an unsatisfactory written performance appraisal which includes a notice of dismissal. Failure to notify an employee of dismissal within eleven months from the beginning of the period of formal review shall be deemed to constitute a satisfactory performance appraisal. The date of termination may not be earlier than 30 calendar days following receipt of the notice of dismissal. For a person employed more than three years, the date of termination may not be earlier than twelve months following the date of initiation of the period of formal review. During the second and third years of employment, the date of termination may not be earlier than three months and six months, respectively, following the initiation of the period of formal review.~~
- ~~e. Cause for summary dismissal shall be conduct seriously prejudicial to the university through deliberate infraction of law, through moral turpitude, or through substantial neglect of duty. Procedures recited in Subparagraphs (a) through (d), above, shall not apply to dismissal under this subparagraph.~~

~~11. Consulting.~~

- ~~a. Prior to undertaking consulting, staff members shall review university policies regarding consulting activities and conflicts of interests.~~
- ~~b. A staff member shall undertake a consulting activity only after obtaining approval from the head of the administrative unit.~~
- ~~c. Staff members are required to report consulting activities annually to their administrative unit head.~~

~~12. Tuition Reimbursement.~~

- ~~a. Professional and scientific employees are encouraged to continue in their professional growth and increased competence in their position. The university provides funds through the Tuition Reimbursement Program to allow qualified employees to take university classes. Funds for this program are limited and are awarded on a competitive basis. Guidelines for this program are available through the Personnel Office.~~
- ~~b. Employees on full time employment shall not carry more than a maximum of 20 quarter credits or the equivalent per year. Time to be taken for course work during the normal working day must have appropriate administrative approval.~~

~~13. Visiting Classes.~~

~~Professional and scientific employees who wish to visit university classes informally or on a non-credit basis rather than to enroll as auditors should obtain the permission of the instructor in charge.~~

~~14. Professional Meetings. Each professional and scientific staff member is encouraged to become a member of professional organizations and participate in professional activities appropriate to his/her discipline and duties. With appropriate administrative approval, time for travel and attendance at meetings, conferences and workshops can be counted as official duty. Reimbursement for expenses will be handled in accordance with university policy as outlined in the ISU Office Procedure Guide. Employees are encouraged to review educational opportunities at Iowa State University to maintain and extend their professional development.~~

~~15. Grievance Procedure.~~

~~a. Any professional and scientific staff member has the right to present a matter of personal concern or dissatisfaction regarding his/her employment to the university and have it considered on its merits. Presentation of a grievance will not cause any reflection on his/her standing as a staff member. All complaints will be investigated. Written grievances will be answered in writing. Time standards are established to encourage resolution on a timely basis while providing time for thorough discussion and investigation and deliberation at each step.~~

~~b. An appeal shall contain a statement of the grievance by indicating the issue involved; the relief sought; the date the incident or violation took place, if known; and the specific university policy or procedure involved, if any. The grievant may terminate the appeal at any stage. (Appeals concerning position classification are specifically excluded from this grievance procedure. A separate appeal procedure is available for concerns regarding position classification.)~~

~~c. The Grievance procedure consists of the following steps:~~

~~Step 1—A dissatisfied employee will first discuss his/her problem informally with the immediate supervisor. If the employee is not satisfied with the answer received, he/she should contact the Personnel Office to obtain the necessary form and information about filing a formal, written grievance. This grievance must be filed within thirty calendar days from the date the employee becomes aware of the situation giving rise to the grievance. The employee should then submit the form to his/her immediate supervisor for a~~

~~written answer. The supervisor shall reply in writing to the employee within seven working days.~~

~~Step 2 If the grievant is not satisfied with his/her supervisor's written reply, or none is received, a written appeal may be submitted to the department head (or equivalent level of supervision) within six working days. Within ten working days the department head (or equivalent level of supervisor) shall call a meeting of those concerned to discuss the grievance. The grievant will be present at the meeting along with his/her immediate supervisor. The grievant may be accompanied by one other representative to this meeting to assist in presenting his/her case. The department head (or equivalent level of supervision) shall reply in writing within fifteen working days after the meeting. The original copy of the written reply shall be given to the grievant.~~

~~Step 3 If the grievant is not satisfied with the decision made at Step 2 or none is received, a written appeal may be submitted within six working days to the principal administrative head of the grievant's unit, as designated by the appropriate vice president. A copy of the written grievance should be forwarded to the Personnel Department. Within fifteen working days after the grievance has been submitted, the principal administrative head shall call a meeting to discuss the grievance. The grievant shall be present at the meeting. The Personnel Director and the administrative personnel involved in Steps 1 and 2 may also be present. The grievant may be accompanied by one other representative to this meeting to assist in presenting his/her case. The principal administrative head shall have fifteen working days after the hearing to reply in writing. A written reply shall be given to the grievant. A copy shall also be forwarded to the Personnel Office.~~

~~Step 4 If the grievant is still not satisfied with the decision made at Step 3, or none is received, he/she may appeal the decision to the university Professional and Scientific Grievance Review Committee within six working days. Within fifteen working days after the grievance has been submitted to the Professional and Scientific Grievance Review Committee, the Chairperson shall call a meeting to discuss the grievance. Within twenty working days the Committee shall render the decision on the grievance.~~

~~Step 5 If the grievant is still not satisfied with the decision made at Step 4 or none is received, he/she may appeal the decision to the President in writing within seven working days. The President shall reply in writing to this grievance within fifteen working days.~~

~~d. Appeal to the Board of Regents.~~

~~Pursuant to Board policy an appeal to the Board of Regents may be initiated only after exhausting the above procedures.~~

~~e. Time Standards.~~

~~Time standards for review meetings and answers may be adjusted only by mutual agreement of the grievant and the person responsible for considering the grievance or when the person responsible for considering the grievance is absent from his/her office or when the grievant is unable to meet within the established time period. If the grievant does not appeal within the specified time period, the grievance shall be terminated on the basis of the finding of the prior step.~~

~~f. No Loss of Time or Pay.~~

~~A grievant may make his/her oral presentation, and attend his/her complaint review meetings during normal working hours without loss of time or pay.~~

~~g. Assistance in Review Meetings.~~

~~A grievant may select any individual to assist him/her in the review meetings beyond Step 1. If a staff member is selected, that staff member will not be penalized for attending meetings held during his/her normal working hours.~~

~~h. Discipline Grievance.~~

~~Grievances regarding discharge or disciplinary suspension shall not be subject to Steps 1 and 2 and shall be heard initially under Step 3.~~

~~i. Discrimination Grievance.~~

~~Grievance regarding discrimination on the basis of race, creed, color, national origin, sex, handicap, or age should be directed to the Affirmative Action Office for review.~~

~~j. University Professional and Scientific Grievance Review Committee.~~

~~The Professional and Scientific Grievance Review Committee shall consist of the Vice President for Academic Affairs, as Chairperson; the University Personnel Director (or their designated representatives); and one representative to be selected by the Professional and Scientific Council.~~

~~16. Exempt Positions.~~

~~a. All professional and scientific staff members will be covered by these policies and procedures except those whose administrative policy-making or other responsibilities make it inappropriate for them to be granted regular~~

~~appointments under the preceding policies and procedures. Exempt positions shall include all major administrative positions assigned to pay grades 7 and 8. (See appendix for specific exempt positions.)~~

- ~~b. In addition to these specific exemptions, changed or new positions of comparable responsibility will be exempt from these policies and procedures. At the time of their appointment, new staff members hired to exempt positions will be so informed. Although the university's policy is to provide fair and equitable treatment to all, individuals in major administrative positions serve at the pleasure of the administration and may have the conditions of their employment modified or terminated for reasons other than cause. Exempt positions will be provided an opportunity for appropriate administrative review. These positions do not have access to the established grievance procedures of Section 15 which are available to professional and scientific employees. However, after appropriate administrative review, pursuant to Board policy, an appeal to the Board of Regents may be initiated by an exempt employee. (Board of Regents Minutes February 20-21, 1980, p. 447)~~

~~APPENDIX~~

~~Positions Exempt from P & S Policies and Procedures~~

~~Pay Grade 16~~

~~Assistant Director, State Relations~~

~~Pay Grade 17~~

~~Associate Director, Governmental Relations~~

~~Pay Grade 18~~

~~Affirmative Action Officer~~

~~Director, Institutional Research~~

~~Director, Internal Audit~~

~~Director, Media Resources~~

~~Director, Extension Area Education~~

~~Assistant to Vice Provost, Extension~~

~~Director, Admissions~~

~~Director, Financial Aid~~

~~Director, Minority Student Affairs~~

~~Director, International Students and Scholars~~

~~Director, Museum~~

~~Pay Grade 19~~

~~Director, University Legal Services~~

- ~~Executive Assistant to the President~~
- ~~Director, Small Business Development Center~~
- ~~Director, Planning and Technology/Ames Lab~~
- ~~Director, Administrative Services/Ames Lab~~
- ~~Pay Grade 19 (continued)~~
- ~~Associate Director, IPRT~~
- ~~Contracts and Grants Officer~~
- ~~Director, Iowa Energy Center~~
- ~~Director, Research Park~~
- ~~Director, Extended and Continuing Education~~
- ~~Director, Youth and 4-H~~
- ~~Director, Personnel~~
- ~~Director, Public Safety~~
- ~~Director, Telecommunications~~
- ~~Treasurer~~
- ~~Director, Facilities Management~~
- ~~Director, Facilities Planning~~
- ~~Director, Utilities~~
- ~~Registrar~~
- ~~Director, Counseling Service~~
- ~~Director, Student Health~~
- ~~Director, Alumni~~
- ~~Director, Development Services~~
- ~~Director, Giving Programs~~

- ~~Pay Grade 20~~
- ~~Director, Governmental Relations~~
- ~~Assistant Provost, Budget, Facilities and Finance~~
- ~~Director, Operations/Ames Lab~~
- ~~Director, Intellectual Property and Technology Transfer~~
- ~~Associate Vice President, Facilities~~
- ~~Assistant Vice President, Business and Finance~~
- ~~Director, ADP Center~~
- ~~Director, Business Affairs~~
- ~~Director, Environmental Health and Safety~~
- ~~Dean of Students~~
- ~~Director, Housing and Food Service~~
- ~~Associate Vice President, External Affairs~~
- ~~Director, Intercollegiate Athletics~~
- ~~Director, University Relations~~

- ~~(Board of Regents Minutes November 20, 1991, p. 405⁶; July 19, 1995, p. 24)~~

- ~~C. University of Northern Iowa~~

~~University professional and scientific position assignments are designed to aid in the attainment of goals and objectives established in accordance with the mission of the institution. To this end, professional and scientific personnel assist in the formulation and administration of institutional policies and aid in the execution of academic, student and administrative services as required with university operations. Professional and scientific personnel serve in both staff and line positions to provide advisory and consultant services, direct a wide range of activities within functional departments and render general assistance with planning, scheduling, and coordination of programs offered by the university.~~

~~University personnel serving with professional and scientific positions have, in most instances, received training in a specialized area and hold appropriate academic degree(s) or possess equivalent experience. Such personnel are also certified or registered, as required, with the profession and/or position assignment.~~

~~Criteria applicable with U.S. Department of Labor regulations relative to exemption under the Fair Labor Standards Act are used by the university in establishing and designating positions as professional and scientific.~~

~~Professional and Scientific Personnel Policies and Procedures are applicable to university personnel so designated. Policies and procedures relative to position status and non-reappointment are not considered to be effective for professional and scientific staff members serving with position assignments covered by or related to Section 4.05, Other Board Appointments, of this Guide. Policies applicable with such position assignments as are noted with this document.~~

1. ~~Position Appointment Assignments~~

~~The nature of existing university professional and scientific positions (permanent-temporary) and the position service dates for assigned personnel determined the appointment category applicable for staff members according to the following position assignments.~~

a. ~~Exempt Position Assignments~~

~~Professional and scientific staff members in administrative positions designed as exempt from identified university Professional and Scientific Personnel Policies and Procedures as a result of policy making and other related exempt duties and responsibilities are upon the recommendation of the appropriate division vice president and nomination by the President of the university granted an annual appointment by the Board in connection with Section 4.05, Other Board Appointments, of this Guide. Staff members~~

~~so nominated are formally advised as to their reserve or pending continuing service status.~~

~~b. Non-Exempt Position Assignments. Professional and scientific staff members serving in positions with which university Professional and Scientific Personnel Policies and Procedures are applicable are granted an appointment in accordance with the following conditions:~~

~~1) Temporary Position Assignments. Position duties require performance of tasks temporarily required for an uncertain period of time or in connection with a specific function/assignment. Temporary position assignments may be supported with temporary and/or permanent funds.~~

~~2) Term Position Assignments. Position services are arranged for a specific period of time in connection with a project, grant, contract, special activity offering, or with a program for which a limited funding period may exist and/or periodic renewed funding may be required. Such initial term assignments may be designated when service is to be provided with a schedule of no less than half-time for a period of at least two consecutive years. Subsequent term position assignments may be granted in accordance with such appointment provisions under the Appointment Categories and Notice of Non-Reappointment sections of the Appointment and Service Status Policy.~~

~~3) Contract Position Assignment. Position services are normally granted for an annual period paralleling an athletic program schedule. A subsequent contract position assignment may be granted in accordance with the contract appointment provision.~~

~~4) Permanent Position Assignments. Position duty assignment of a continuing nature, designated with the university budget as sustained by appropriated funds and/or funding identified by the university as permanent rather than temporary. In no event may a permanent position assignment occur with funding in whole or in part from University Organized Education Activities (1XXXX), Current Restricted Funds (2XXXX) and Federal Agency Fund (95XXXX) accounts.~~

~~2. Service Status Description~~

~~Professional and scientific personnel who are granted an annual or provisional appointment will be accorded probationary or continuing service status on the basis of their period of continuous university service and conditions formally noted at the time of university employment or identified in writing with their~~

~~current position placement. Tenure status outside of an academic department as presently applicable for certain assigned professional and scientific staff members will be continued in effect. All conditions and privileges of university employment, which have been provided in accordance with recognized university procedures, and formally communicated in writing to individual professional and scientific staff members, will be continued in effect unless otherwise dictated by Board action. Professional and Scientific Personnel Policies and Procedures with respect to conditions and privileges of university employment will be otherwise effective.~~

~~— Service status once established with Professional and Scientific Personnel Policies and Procedures will be communicated formally to individual professional and scientific staff members.~~

a. ~~Appointment Categories~~

~~———— The appointment categories noted below are applicable for university professional and scientific personnel in connection with permanent and probationary position assignments. Both the appointment category and service status effective for a professional and scientific staff member are identified when a temporary, term, contract, probationary, or continuing service appointment exists. The service status of the professional and scientific staff member serving with an annual or provisional appointment may be either probationary or continuing service, depending upon appointment conditions established at the time of position placement and/or the staff member's period of university service.~~

~~1) Temporary Appointment is designated when the services of a professional and scientific staff member temporarily are required for an uncertain period of time to complete a particular project or to carry out certain duties and responsibilities. Such service may be rendered with a full or part-time schedule for an appointment period which shall not extend beyond two (2) consecutive fiscal years. Service with a temporary appointment of half time or more may be credited toward a probationary appointment period when such service immediately precedes the probationary appointment and a provision for credited service is specified in writing at the time the latter appointment is made.~~

~~2) Term Appointment is designated when the services of a professional and scientific staff member are for a specific period of time required with a project, grant, contract, special activity offering, or in connection with a program for which a limited funding period may exist and/or renewed funding periodically may be required. An initial term~~

~~appointment may be designated with a full or part time schedule when service is to be provided for no less than half time during a period of at least two consecutive years. Subsequent term appointments involving a like service schedule may be granted. A term appointment may be extended for a period of less than two years when continued service is required with the extension of a grant. Up to two (2) years of term service which involves a schedule of half-time or more may be credited to a probationary period when such service immediately precedes the probationary appointment and a provision for credited service is, at the time of the latter appointment, specified in writing.~~

~~3) Contract Appointment is designated when the service of a professional and scientific staff member is arranged with a schedule of half-time or more for an annual period paralleling an athletic program schedule. Subsequent contract appointments may be granted. Up to one year of contract service may be credited toward a probationary period when such service immediately precedes a probationary appointment and a provision for credited service is, at the time of appointment, specified in writing.~~

~~4) Probationary Appointment is designated for the staff member serving with a permanent professional and scientific position (see Permanent Position Definition) assignment during the initial period of such university service. The probationary appointment continues for an initial service period of not less than three (3) nor more than five (5) fiscal years during which time the staff member's performance is evaluated to determine whether the continuing service appointment is to be designated. Probationary service credit continues to accrue when a staff member holding a probationary appointment experiences a position reassignment as the result of promotion, demotion, or transfer; however, a provisional appointment (see No. 6 below) may be effective immediately upon successful completion of such a period provided a provision for same is established in writing at the time of the position reassignment.~~

~~5) Continuing Service Appointment is designated upon successful completion of a probationary or provisional appointment for the professional and scientific staff member serving in a permanent position (see Permanent Position Definition) for which university Professional and Scientific Personnel Policies and Procedures are applicable. Position rights and privileges conferred with a continuing service appointment remain effective for the professional and scientific staff member in the absence of an annual (see below) or provisional appointment. Rights with respect to a continuing service appointment~~

are forfeited for the duration of an annual appointment and with a provisional appointment must be re-established in accordance with applicable provisions. (See Continuing Service Status Definition.)

- 6) ~~Provisional Appointment~~ is designated for the professional and scientific staff member holding continuing service status when a reassignment to a permanent position occurs with a promotion, demotion, or transfer action. The provisional appointment is, at the time of position placement, designated for a period of up to two (2) fiscal years. The staff member with promotion or transfer may, in accordance with performance during the provisional appointment period, regain a continuing service position appointment or be returned to his/her former position provided an opening exists. If the former position is not available, the staff member will be assigned to a comparable position. The university administration's decision to return a staff member holding continuing service status and a provisional appointment to a former assignment or comparable position is not subject to grievance proceedings. The staff member holding a provisional appointment with a demotion action may regain a continuing service position appointment or be subject to separation from university service in accordance with proceedings defined with the Notice of Non-Reappointment provision.
- 7) ~~Annual Appointment~~ is designated for the professional and scientific staff member serving in a position identified by the university administration as covered by Section 4.05, Other Board Appointments, of this Guide thus exempt from university Professional and Scientific Personnel Policies and Procedures relating to service rights and privileges conferred with continuing service status. The annual appointment is designated with position service involving major administrative assignments, policy development, and/or other related exempt duties and responsibilities. University service rights and privileges associated with continuing service status, and a like appointment, are not considered to be applicable with a position assignment involving an annual appointment. A professional and scientific staff member may qualify for and receive continuing service status while serving with an annual appointment; however, rights and privileges with such status will be considered applicable only upon the staff member's reassignment and appointment to a position covered by Professional and Scientific Personnel Policies and Procedures.

b. ~~Appointment Procedures~~

~~Temporary, term, contract, probationary, provisional, and continuing service appointments are arranged and recorded according to existing university reporting procedures with the concurrence of the affected staff member upon the recommendation of designated administrators and/or department head (dean, as applicable) and with the approval of the appropriate division vice president. The annual appointment is established with the concurrence of the affected staff member upon the recommendation of the appropriate department director and division vice president and is, with the approval of the university President, reported to the Board of Regents in accordance with Section 4.05, Other Board Appointments, of this Guide.~~

~~c. Appointment with Staff Unit Transfer~~

~~1) Instructional – Professional and Scientific. By mutual agreement between the university administration and a full or part-time faculty member, reassignment to a professional and scientific position can be effected. A faculty member holding a temporary, probationary, term or tenure appointment may voluntarily be reassigned in accordance with Professional and Scientific Personnel Policies and Procedures applicable with appropriate appointment provisions.~~

~~Tenure status is applicable only to the faculty member holding academic rank in an academic department. Continuing service status may be granted in lieu of tenure status with reassignment from a faculty position to a permanent professional and scientific position upon the recommendation of the designated department head (dean, as applicable), the approval of the appropriate division vice president, and with the concurrence of the affected faculty member.~~

~~Professional and scientific staff members may be granted temporary, part-time instructional appointments which carry lecturer or adjunct status.~~

~~2) Professional and Scientific – Regents Merit System. A transfer from Regents Merit System employment to professional and scientific service may occur as a result of a position reassignment or reallocation. The former occurs when the staff member serving with a Regents Merit System position accepts reassignment to a university professional and scientific position. Reallocation occurs when a Regents Merit System position, as a result of revised duties and responsibilities, is judged in accordance with non-exempt duty standards to be a professional and scientific position.~~

~~The university employee serving under the Regents Merit System with a permanent appointment may be reinstated to a former or related position in accordance with applicable Regents Merit System regulations. The university administration's decision to return a staff member holding a probationary appointment to a former Regents Merit System assignment or comparable position is not subject to grievance proceedings. University service is considered to be continuous for the professional and scientific staff member who returns to a position within the Regents Merit System when service with the latter employment group is contiguous with the former.~~

~~The Regents Merit System employee holding a permanent appointment will, upon reallocation of his/her position, be given an opportunity to accept service as a professional and scientific staff member or elect transfer to another Regents Merit System position. Service conditions cited above with reassignment of a Regents Merit System employee to a professional and scientific position will be applicable for the staff member who elects to accept latter service in connection with a position reallocation.~~

~~Professional and Scientific Personnel Policies and Procedures effective with probationary and continuing service appointments will be applicable with the reassignment and/or reallocation of Regents Merit System employees and positions to the university's professional and scientific unit.~~

Permanent Position – Definition

The permanent professional and scientific position, as identified by the university budget, involves a duty assignment of a continuing nature performed with an annual service schedule of seven hundred twenty (720) hours or more and is sustained in total by appropriated and/or permanent university funds rather than by temporary funding.

Continuing Service Status – Definition

Continuing Service is a status awarded following successful completion of the probationary period. Such service status remains in effect unless the staff member is terminated under conditions outlined with the Continuing Service Appointment section of the Notice of Non-Reappointment provision and the Recall portion of the Reduction in Force Proceedings provision.

Notice of Non-Reappointment

A professional and scientific staff member's appointment is considered to be renewed unless he/she is specifically advised in writing of non-reappointment. Notice of non-reappointment is provided in accordance with the following appointment categories.

- a. Temporary Appointment. The nature of the service required with this type of appointment causes the notice of non-reappointment provision to be inapplicable. The university administration will, however, make every effort to keep staff members serving with such an appointment advised as to when services will be concluded.
- b. Term Appointment. The period of service established at the time of appointment will determine the date for notice of non-reappointment. Notice confirming non-reappointment or granting a subsequent appointment will be given in writing and, normally, will not be later than sixty (60) calendar days prior to the termination date specified with the term appointment.
- c. Contract Appointment. The nature of the service required with this type of appointment and the program area in which it is granted permits separation from university service to be effected with limited prior notice. The university administration will make every effort to keep staff members serving with such an appointment advised as to when services will be concluded.
- d. Probationary Appointment. Notification of non-reappointment will be provided in writing following oral and written notice of such pending action.

~~Such notification of non-reappointment normally will take place no later than sixty (60) calendar days prior to the date of termination and will contain in summary the reason(s) for the action.~~

~~e. Provisional Appointment. Notification of non-reappointment will be provided in writing following oral and written notice of such pending action. The period of notice and date of reassignment or termination will depend, in part, upon conditions existing at the time of and applicable with such appointment, the staff member's assignment interests, university's service needs, and the nature of the duties required with positions open at the time. Unless conditions dictate otherwise, notice of non-reappointment with reason(s) for such action will be provided in writing no later than ninety (90) days prior to reassignment or termination.~~

~~f. Continuing Service Appointment. Notification of non-reappointment for a staff member holding a continuing service appointment will, except under unusual circumstances, be provided no later than ninety (90) calendar days prior to the date of termination. Such formal notification will be preceded with record evidence clearly noting that the staff member was advised orally and in writing on a periodic basis over a reasonable period of time of conditions in question and actions necessary to rectify same.~~

~~A continuing service appointment may be terminated as a result of retirement, resignation, abandonment of position, documented unsatisfactory performance of duties, misconduct or gross violation of university and/or Board of Regents policies. A continuing service appointment may also be concluded as a result of program and/or budget curtailment (see Reduction in Force Proceedings). Abandonment of position, for the purpose of this provision, shall be considered to have taken place when a staff member is absent from duty for three consecutive working days without proper notification and authorization.~~

~~Suspension pending discharge may be immediately effective in the event of substantial neglect of duty, misconduct or gross abuse of university and/or Board of Regents policies and procedures or with violation of institutional and Board rules of personal conduct.~~

~~3. Performance Appraisal Program~~

~~a. Standards of Performance~~

~~As representatives of the University of Northern Iowa, professional and scientific staff members are expected at all times to perform their duties promptly and efficiently, and conduct themselves in accordance with~~

~~generally accepted standards as well as with specific standards prescribed by law, Board of Regents regulations, and/or university policies.~~

~~b. Appraisal Program~~

~~The University Performance Appraisal Program for professional and scientific personnel is designed to evaluate the accomplishments of individual staff members in terms of mutually agreed-upon performance objectives. Such objectives are identified by the professional and scientific staff member and his/her department head to insure consistency with formally established department and division objectives and goals.~~

~~The appraisal program, with applicable forms and procedures, is designed to assist the professional and scientific staff member in assessing past performance and developing plans for future action in cooperation with and under the guidance of his/her department head. Included in such review and planning procedures is the development of objectives relating to both position performance and personal professional development.~~

~~c. Appraisal Proceedings~~

~~Performance appraisal proceedings call for review and planning procedures to be completed with each professional and scientific staff member no later than thirty (30) days prior to the date the designated review period is to be concluded in order to permit defined objectives and goals to develop in a consistent manner at department and division levels.~~

~~Performance evaluation proceedings are conducted annually; however, a more frequent assessment of performance may be arranged as required with a position reclassification, reassignment, promotion or demotion. A staff member may also request from his/her department head a performance evaluation at any time. At a designated time the department head and staff member separately appraise performance with respect to cooperatively established and mutually agreed-upon objectives. Such performance reviews completed with specially developed materials (Self Appraisal and Performance Appraisal forms) are designed to prepare appraisal program participants for a constructive discussion of their independent findings during the joint performance appraisal interview. During the appraisal interview, participants review and discuss the findings evidenced with prepared assessment materials; reach a common agreement as to objectives realized; and define goals yet to be attained. Primary considerations during such interviews include:~~

- ~~1) existing understandings with respect to position duties and responsibilities,~~

- ~~2) the extent to which job performance and professional development objectives have been realized during the service period under review,~~
- ~~3) job performance goals and professional self-development plans for the ensuing period, and~~
- ~~4) development of a precise statement concerning performance objectives and self-development plans so that participants are fully knowledgeable as to when goals are to be accomplished.~~

~~The Performance Appraisal form is, following the interview, completed with copies retained by the staff member and the department head. During the ensuing review period, planning outlined with the appraisal form is used as a reference with review of performance goals and follow-up sessions between the department head and staff member. Timing for follow-up sessions during a review period depends in part upon the service period, learning time required for proficiency, nature and extent of duty assignments, level of performance, etc. Performance plans are employed throughout the review period as well as at the conclusion to compare accomplishments with objectives. It is on the basis of service scheduled/rendered, performance demonstrated, skills developed, experience, judgment, etc., evidenced with position service, that merit salary allowances are awarded.~~

4. Reduction in Force Proceedings

a. Reduction in Services

~~In the event it becomes necessary for the university to reduce its professional and scientific staff services as a consequence of a shortage of funds, lack of work, revision in work, unit organization, curtailment in program offerings, abolishment of position(s) or a like action, an effort will be made to accomplish adjustment of staff through attrition, rotation and reassignment of personnel, adjusted service periods, and similar means provided such steps can be arranged in a manner that will not impair the efficiency of affected service units of the university as a whole.~~

b. Reduction in Staff

~~Should further curtailment of operations be required, the below-cited procedures shall be invoked by the university administration following consultation with the Professional and Scientific Council when forced separation of personnel is required as a result of above-noted operational conditions.~~

~~c. Order of Staff Reduction~~

~~In the event it becomes necessary to reduce the number of professional and scientific staff members, such reduction shall be based on program need as determined by the university and such determination shall occur in accordance with the following standards:~~

- ~~1) Staff members serving with temporary and term appointments shall be subject first to staff reduction proceedings with notice of separation provided in accordance with Professional and Scientific Personnel Policies and Procedures relating to appointments (Appointment and Service Status). Personnel serving with such appointments may elect to compete for vacant professional and scientific positions, but shall be given no priority consideration.~~
- ~~2) Professional and scientific personnel serving with part and full-time probationary appointments will be subject to reduction in staff proceedings following the separation of staff members with temporary and term appointments. Personnel serving with probationary service status may elect to be reassigned to any open professional and scientific position provided they are fully qualified to perform the work as established with prior related university service. Staff members with probationary service status who have been separated from university service as a result of reduction in force proceedings may, in the event of an absence of separated personnel with continuing service status, be given consideration for placement prior to the initiation of normal recruitment procedures to fill a vacant professional and scientific staff position.~~
- ~~3) Only after reduction in force proceedings have been made applicable for temporary, term and probationary staff members will same be effective for staff members with continuing service status. Such personnel may elect to be reassigned to any open professional and scientific position in the system provided they are fully qualified to perform the work as established with prior related university service. Personnel with continuing service status who have been separated from active university service with reduction in force proceedings will be given priority consideration for placement when a vacant professional and scientific position exists.~~

~~d. Standards for Staff Reduction~~

~~During periods of staff reduction the following criteria will be applied according to the appointment categories listed in the previous section of this~~

~~policy statement to effect reduced staffing while maintaining an optimum level of operational efficiency. (The sequence of criteria listed does not indicate order of priority and/or importance.)~~

- ~~1) Present and prior related position assignments with the university.~~
- ~~2) Professional preparation and previous work experience related to university operations.~~
- ~~3) Relative skills ability and performance demonstrated with university assignments as evidenced with appraisal procedures.~~
- ~~4) Applicable affirmative action laws and regulations.~~
- ~~5) University service units and/or programs directly affected.~~

~~e. Notification of Non-Reappointment with Staff Reduction~~

~~Notification of non-reappointment with reduction in force proceedings will be provided in writing following oral and written notice of such pending action. Such notification of non-reappointment will normally occur no later than thirty (30) calendar days prior to the effective date active service is to be concluded.~~

~~f. Recall~~

~~Professional and scientific personnel serving with probationary or continuing service status at the time of separation from active university service, as a consequence of staff reduction, will be eligible for recall to their same status in accordance with the following provisions:~~

- ~~1) Professional and scientific staff members with probationary service status may request annually in writing to be continued on the recall roster for a period equal to active service up to three (3) years. Such staff members are eligible upon application to be considered for recall for positions for which they possess the necessary professional qualifications (i.e., applicable degrees, training and experience, etc.)~~
- ~~2) With an annual request in writing, professional and scientific staff members with continuing service status will be considered for vacant university positions for a period equal to active service up to five (5) years. Upon application, such staff members will be interviewed and evaluated for vacant professional and scientific positions prior to the initiation of normal recruitment procedures. If an inactive university~~

~~staff member with continuing service status is not, following application and interview, selected for an open professional and scientific position, he/she will be advised in writing by the employing administrator as to the reason(s) for the rejection. The university administration's decision to reject placement of such a staff member is not subject to grievance proceedings.~~

~~g. General Provisions~~

~~Staff members to be interviewed for return to active service will be notified of position vacancies by the university. Notification will be by certified mail return receipt requested. The inactive staff member is to keep the University Personnel Services Department advised of his/her current mailing address, telephone number, recall interest, and positions in which qualification for placement is claimed. Failure to respond to a request to be interviewed for a position opening within fifteen (15) calendar days of the date on which notification is provided shall constitute a decline of notice for that position. A period of inactive service upon recall will be considered as a leave of absence for purposes of university and position service, salary, fringe benefit allowances and other conditions of employment.~~

~~5. Complaints and Grievances~~

~~a. Grievance Procedure~~

~~Complaints and grievances by professional and scientific personnel will be resolved in accordance with the procedures set forth below. A professional and scientific staff member has the right to present a matter of concern or dissatisfaction relating to:~~

- ~~1) interpretation, application or alleged violation of written university or Board of Regents policies and/or procedures governing conditions of employment, work schedule, compensation (other than general salary schedule and general salary adjustments); and~~
- ~~2) administrative action involving employer discrimination based on age, national origin, physical disability, race, religion, sex or other criteria prohibited by law.~~

~~(This process is not designed to resolve professional and scientific position classification matters; such conditions are undertaken with Position Classification Review proceedings.)~~

~~A professional and scientific staff member (or group of professional and scientific personnel) alleging a policy misinterpretation and/or misapplication, discrimination, or taking objection to a disciplinary action will seek, initially, to resolve such complaint by informal means and/or through administrative channels. Such informal procedures (e.g., Personnel Services Department inquiry, contact with supervisor, department head, and/or division vice president, etc.) must be initiated within thirty (30) working days following the time the staff member(s) first became aware or should have become aware of the condition necessitating the complaint.~~

~~— Failing resolution by informal means, the formal grievance procedure may be initiated. Such procedure must be initiated no later than forty five (45) working days following the date the grievant(s) first became aware of, or should have become aware of, the occurrence of such grievance; however, under no circumstances shall a grievance be considered timely after six (6) months from the date of occurrence.~~

~~— A formal grievance statement is to be prepared and submitted on an established grievance form which will be maintained with the original copy of documents related to the grievance and will serve as the grievance file. The grievance form shall contain a statement as to the description of the grievance with pertinent circumstances and date(s) of occurrence(s) noted. Such statement is to identify the policy allegedly violated, the grievance issue, and cite the relief sought.~~

~~— b. Formal Grievance Levels~~

~~— Grievance actions will be resolved in conformity with the following review levels:~~

~~— Level I. The grievance statement shall be dated and filed with the grievant's immediate supervisor who shall conduct an investigation, give the aggrieved and/or a representative of his/her choosing the right to present the matter in question orally and respond in writing within ten (10) working days indicating his/her disposition and reasons for same. (This level is waived if the person to whom the staff member is immediately responsible is also the department head.)~~

~~— Level II. If the grievant is not satisfied with the decision rendered at Level I, or if a decision is not rendered in a timely manner, he/she may, within five (5) working days of receipt of this decision, appeal in writing to his/her department head (dean, as applicable) and the university personnel director. The department head and the personnel director shall, within ten (10) working days of receipt of the grievance file, investigate the conditions~~

~~cited with same, give the aggrieved and/or a representative of his/her choosing the right to present the case orally, and provide a response in writing.~~

~~Level III. If a disposition is not issued within the prescribed period or if the grievant finds the decision as rendered at Level II to be unsatisfactory, he/she may, within five (5) working days, appeal in writing to his/her division vice president. Such appeal will include all of the information contained in the initial grievance and subsequent reviews, all decisions related thereto, and any other pertinent information the aggrieved staff member may wish to submit. The appeal will be signed and dated by the staff member. Within twenty (20) working days of receipt of an appeal the division vice president or his/her designee will complete an investigation of the grievance, which shall include an oral hearing. Notification as to the time, date and place of the hearing shall be provided to the aggrieved staff member within five (5) working days following receipt of the appeal at Level III. Such hearing shall be scheduled not earlier than ten (10) nor more than fifteen (15) working days following receipt of the appeal at Level III. Within five (5) working days following conclusion of the hearing and completion of the investigation the division vice president or his/her designee will submit his/her findings in writing to the aggrieved. The vice president or his/her designee may affirm, reverse, or modify the decision rendered at Level II.~~

~~Level IV. If the grievant finds the decision at Level III to be unacceptable or if a decision is not rendered in a timely manner within the prescribed period, he/she may within five (5) working days appeal to the President of the university to initiate advisory arbitration proceedings.~~

~~Except where the university and the aggrieved agree to an alternative selection procedure, a joint written request for a list of arbitrators shall be made to the Federal Mediation and Conciliation Service. Such list is to contain the names of seven (7) potential arbitrators. The parties will within ten (10) working days of receipt of the list select the arbitrator to hear the case by alternatively striking a single name until one name remains. The grievant will be the first to strike a name. The person whose name remains shall be the arbitrator. The arbitrator so selected shall hold a hearing promptly and issue a report to the President no later than thirty (30) days from the date of the close of the hearing. Such report shall be in writing and shall set forth findings of fact, reasoning, and conclusion on the issue(s) submitted.~~

~~The President or his/her designee will review the report of the arbitrator, vice president's disposition, the hearing officer's report and other pertinent information submitted with the case record. After reviewing such materials,~~

~~the President or his/her designee may complete a further investigation, conduct an oral hearing, or take other appropriate action. A decision will, on the basis of information compiled with such actions, be rendered within fifteen (15) working days following receipt of the arbitrator's findings and recommendation(s).~~

~~c. Miscellaneous Provisions~~

~~The following general conditions will be applicable with grievance proceedings.~~

- ~~1) Alternate Procedures. The university shall not be required to process the same or a substantially equivalent claim or complaint through the grievance procedure when such a complaint has been filed or it has been adjudicated in any form other than under the procedures described.~~
- ~~2) Settlement Offers. No offer of settlement of a grievance by an aggrieved staff member or a university administrator will be admissible as evidence in later grievance proceedings or elsewhere. No settlement of a grievance shall constitute a binding precedent in the settlement of similar grievance.~~
- ~~3) Grievance Review Standards. If a grievance concerns non-reappointment, salary, denial of promotion, denial of continuing service status, or placement rejection with continuing service, the review standard will be limited to determining whether the action taken failed to follow procedures.~~

~~The staff member holding continuing service status who is serving with a provisional appointment shall not have the right to grieve reassignment to a former or comparable position. Neither shall the university administration's decision to return a staff member holding a probationary appointment to a former Regents Merit System assignment or comparable position be subject to grievance proceedings.~~

~~4) Open or Closed Arbitration Hearings.~~

~~Unless the grievant requests otherwise, grievance arbitration hearings will be open. Should the aggrieved staff member request that the hearing be closed, same shall notify the arbitrator and the university of such interest at least two (2) working days in advance of a scheduled hearing.~~

~~5) Burden of Proof~~

~~Except in cases involving the dismissal of a staff member with continuing service status, the grievant shall have the burden of proving by clear and convincing evidence that the action grieved is improper under one or more of the standards cited above. In the case involving the dismissal of a staff member with continuing service status, the university will have the burden of proving grounds exist to justify termination of the appointment of the aggrieved. The party with the burden of proof will present evidence first.~~

~~6) Time Standards~~

~~If an aggrieved employee does not appeal a decision rendered at a level of the grievance procedure within the time prescribed, the decision will become final. If a university representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next level. With the consent of both parties, designated time limits may be extended.~~

~~7) Representation~~

~~A professional and scientific employee may be represented by a representative of his/her choosing at each level of the grievance procedure. The name of such representative is to be noted with the initial grievance filing and at each subsequent appeal level. Presentations, review, investigations, and hearings held under the grievance procedure may be conducted during working hours without loss of regular earnings.~~

~~No retaliatory action shall be taken against a staff member because he/she utilized the grievance procedure, served as a representative, or acted as a witness with such proceedings. (Board of Regents Minutes February 20-21, 1980, p. 462)~~

~~D. Iowa School for the Deaf, Iowa Braille and Sight Saving School, and Board of Regents Office~~

~~1. Covered Staff~~

~~The following policies will apply to professional and scientific employees of Iowa School for the Deaf, Iowa Braille and Sight Saving School and the Board Office, except major administrators at the director level, whose titles are shown in~~

~~Appendix A. Exempted staff serve at the pleasure of the superintendents of the special schools or the Executive Director of the Board of Regents, respectively.~~

~~2. Appointments~~

~~All appointments will be made on a regular, term (Board Office), or temporary basis. Regular appointments imply a commitment for continuous employment, subject to the other provisions of these policies. Temporary appointments, normally not to exceed one year, may be made to fill special short term needs. A temporary appointment may be renewed only as long as the conditions under which the original appointment was made continue to exist. Term appointments (Board Office) may be for a specified period of time, not to exceed three years, and may be renewed for up to an additional three years. (Board of Regents Minutes November 20-21, 1996, p. 414~~5~~)~~

~~3. Probationary Period~~

~~Professional and scientific employees, other than those given a temporary appointment, will serve a probationary period of not less than two years and not more than three years. A staff member who has achieved permanent status in a position and accepts a promotion to a new position will serve a probationary period of one year before being granted permanent status in the new position. A permanent professional staff member or a permanent merit system employee who is promoted to a professional staff position and does not achieve permanent status in that position will be given priority consideration for vacancies comparable to the position from which promoted. In recognition of appropriate prior experience, the length of a probationary period for a staff member may be reduced with the approval of the superintendent or the Executive Director of the Board.~~

~~4. Salary Administration~~

~~Professional staff jobs as defined in current position descriptions will be assigned to pay grades on the basis of internal equity and outside market considerations, subject to approval of the Board of Regents. Salaries will be adjusted within ranges on the basis of performance and policy established by the Board.~~

~~5. Performance Evaluations~~

~~Formal performance evaluations will be conducted by supervisors with professional staff members at least annually, in order to appraise past performance, to establish future objectives, and to assist staff to improve performance and achieve objectives.~~

~~6. Terminations~~

~~Professional staff members may be dismissed or demoted because of unsatisfactory performance, because of the elimination of positions as the result of departmental reorganization or the lack of funding, or because of misconduct prejudicial to the institution or the Board Office.~~

~~a. Deliberate infraction of law, moral turpitude, substantial neglect of duty, or other misconduct prejudicial to the institution or the Board Office may be cause for summary dismissal.~~

~~b. When the position of a professional staff member is to be eliminated because of departmental reorganization or lack of funding, the employee will be so advised as soon as is reasonably possible and not less than three months prior to termination. However, when a professional position is eliminated because of lack of funding that is the result of action external to the institution or the Board Office, the notification provisions of this policy shall not require the employment of a staff member beyond the time that salary funds allocated for his or her position are available, and shall not require the displacement of another employee. An exception to the notification provision because of lack of funding that is the result of action external to the institution or the Board Office must be approved by the appropriate superintendent or the Executive Secretary.~~

~~At the request of an employee whose position has been eliminated, he or she will be given priority consideration for comparable vacancies that occur within one year thereafter.~~

~~c. Notification of the dismissal of a professional staff member for unsatisfactory performance shall be communicated to the staff member in writing at least one month prior to the date of termination. Prior to notification of dismissal for unsatisfactory performance, a professional staff member who has successfully completed a probationary period and has been given permanent status shall be given:~~

~~1) written notice informing the staff member of an unsatisfactory performance evaluation and the reasons therefore, and that the continuation of such performance will constitute grounds for dismissal, and~~

~~2) the opportunity to correct such performance during a period of review that will commence with the notice of unsatisfactory performance and continue for no less than two months and no longer than eleven months. The review period will terminate after eleven months, or~~

~~earlier as the result of a satisfactory performance appraisal or a notice of dismissal.~~

~~7. Appeals~~

~~Professional staff members are encouraged to discuss their concerns with their appropriate department head or unit supervisor. Unresolved differences or complaints alleging violation of established rules and regulations concerning terms and conditions of employment may be formally appealed by a professional staff member in accordance with the following procedure:~~

~~a. A written statement of the staff member's complaint including a general description of the circumstances, citation of the rule or regulation allegedly violated, and the remedy requested shall be presented to the staff member's immediate supervisor within 14 days after the occurrence of the matter leading to the grievance, or within 14 days of such time that the employee has, or could reasonably be expected to have, knowledge of such occurrence. The supervisor will investigate the complaint and respond in writing to the grievant within seven days after its receipt.~~

~~b. If the staff member is not satisfied with the response, he or she may appeal in writing within seven days to the Executive Director if the grievant is a member of the Board Office staff, or to the appropriate superintendent if the grievant is employed at Iowa School for the Deaf or Iowa Braille and Sight Saving School. The Executive Director or superintendent, or his or her designee, will conduct a hearing on the matter as soon as reasonably possible. The decision of the Executive Director or the superintendent will be communicated to the grievant in writing within fourteen days following the hearing.~~

~~While the early resolution of grievance is encouraged, with the consent of both parties the time limitations prescribed in the above procedure may be waived. Professional staff members in probationary status or with temporary appointments will be permitted access to the appeal procedure with the right to pursue a grievance at steps within the institution or the Board Office. Permanent staff may appeal to the Board of Regents only after exhausting the above noted appeal procedure. (Board of Regents Minutes February 20-21, 1980, p. 407)~~

~~APPENDIX A~~

~~The lists of professional and scientific positions at the Iowa School for the Deaf, the Iowa Braille and Sight Saving School and the Board Office are on file in the Board of Regents Office. (Board of Regents Minutes April 21, 1993, p. 717)~~

~~4.42 4.39~~ Early and Phased and Early Retirement Policies (Board of Regents Minutes June 19, 1996, P. 1028)

~~A. Early Retirement Incentives Program~~
~~A. Phased Retirement Policy~~

Eligibility: Faculty of Regent universities and the special schools and professional and scientific staff of the Regent institutions and Board Office who have attained the age of 57 with at least 15 years of service with the Board of Regents are eligible for participation in the phased retirement program. Merit system employees who have attained age 60 and have at least 20 years of service with the Board of Regents are eligible for participation.

Approval: At various levels within the institution, no right to enter a phased retirement agreement without approval by all officials as designated by the institutions is conferred by this policy. The Board of Regents will ratify entries into the phased retirement program as a part of the monthly Register of Personnel Changes.

Schedule of Phasing: A staff member may reduce from full-time to no more than a half-time appointment either directly or via a stepped schedule. At no time during the phasing period may an employee hold greater than a 65 percent appointment. The maximum phasing period will be five years with full retirement required at the end of the specified phasing period. Once phased retirement is initiated, employees may not return to full-time appointment.

Compensation: During the first four years of the phasing period, the salary received will reflect the reduced responsibilities plus an additional 10 percent of the budgeted salary, had the person worked full time. In the fifth year following the initiation of phased retirement, the staff member's appointment will be no greater than fifty percent, and the salary will be proportional to the budgeted salary had the person worked full-time.

Benefits: During the first four years of the phasing period, institution and staff member contributions will continue for life insurance, health insurance, and disability insurance at the same levels that would have prevailed had the staff member continued at a full-time appointment. Retirement contributions to TIAA/CREF will be based on the salary which would have been obtained had the individual continued a full-time appointment. As mandated by law, FICA contributions will be based on the staff member's actual salary during the partial or pre-retirement period. The same is true for retirement contributions for those participating in the Iowa Public Employees Retirement System or Federal Civil Service System. Accrual of vacation and sick leave will be based on percentage of appointment.

Duration of Program: Subject to annual review, the program will expire on June 30, 2002, unless renewed by the Board prior to expiration.

Reporting Requirements: Annual report to the Board of Regents. Individual participants will be reported to the Board on the monthly Register of Personnel Transactions.

Eligibility: Faculty, professional and scientific and merit system staff members employed by the Board of Regents, who have attained the age of 57 and have 15 years of service with the Board of Regents are eligible for participation in the Retirement Incentives Program.

Approval: All requests for admission to the retirement incentives program must receive approval from the appropriate administrative offices of the institution by which they are employed. The program does not create a right for the employee and the request to enter the program may not be approved if it is not in the best interest of the institution.

Incentives:

1. Life Insurance — a paid-up life insurance policy of \$2,000 to \$4,000 equal to what the individual would have received if he/she had retired at the age of 65, and
2. Retirement — The employer will pay the employer's and the employee's retirement contribution for three years and the employer's contribution only for another two years or until the participant is eligible for full Social Security benefits, whichever is first. The benefit is payable for a maximum of 5 years.
3. Health and Dental Insurance — The employer will pay its standard share for health and dental insurance until the employee is eligible for Medicare benefits. This contribution shall be equal to the amount contributed for an active employee in the same plan.

Alternative Plan Method: If the employer agrees, upon request from the participant, the employer's contributions for any of the benefit programs may be paid in lump sum equal to the present value of the benefit cost. The interest rate used in the calculation of the present value shall be determined annually by the Board.

Duration of Program: Subject to annual review, the program will expire on June 30, 2002, unless renewed by the Board prior to expiration.

Reporting Requirements: Annual reports are made to the Board of Regents. Individual participants are to be reported to the Board on the monthly Register of Personnel Transactions.

~~Miscellaneous Information: Employees participating in the phased retirement program may transfer into the retirement incentives program with approval of the appropriate administrative offices of the institution for which they are employed. Eligibility for benefits will be reduced by one month for each month of participation in phased retirement.~~

B. Phased Retirement Policy Early Retirement Program

The Board may approve early retirement programs for employees to meet specific institutional needs.

Eligibility: Faculty of Regent universities and the special schools and professional and scientific staff of the Regent institutions and Board Office who have attained the age of 57 with at least 15 years of service with the Board of Regents are eligible for participation in the phased retirement program. Merit system employees who have attained age 60 and have at least 20 years of service with the Board of Regents are eligible for participation.

Approval: At various levels within the institution, no right to enter a phased retirement agreement without approval by all officials as designated by the institutions is conferred by this policy. The Board of Regents will ratify entries into the phased retirement program as a part of the monthly Register of Personnel Changes.

Schedule of Phasing: A staff member may reduce from full time to no more than a half time appointment either directly or via a stepped schedule. At no time during the phasing period may an employee hold greater than a 65 percent appointment. The maximum phasing period will be five years with full retirement required at the end of the specified phasing period. Once phased retirement is initiated, employees may not return to full time appointment.

Compensation: During the first four years of the phasing period, the salary received will reflect the reduced responsibilities plus an additional 10 percent of the budgeted salary, had the person worked full time. In the fifth year following the initiation of phased retirement, the staff member's appointment will be no greater than fifty percent, and the salary will be proportional to the budgeted salary had the person worked full time.

Benefits: During the first four years of the phasing period, institution and staff member contributions will continue for life insurance, health insurance, and disability insurance at the same levels which would have prevailed had the staff member continued at a full time appointment. Retirement contributions to TIAA/GREF will be based on the salary which would have been obtained had the individual continued a full time appointment. As mandated by law, FICA contributions will be based on the

~~staff member's actual salary during the partial or pre-retirement period. The same is true for retirement contributions for those participating in the Iowa Public Employees Retirement System or Federal Civil Service System. Accrual of vacation and sick leave will be based on percentage of appointment.~~

~~Duration of Program: Subject to annual review, the program will expire on June 30, 2002, unless renewed by the Board prior to expiration.~~

~~Reporting Requirements: Annual report to the Board of Regents. Individual participants will be reported to the Board on the monthly Register of Personnel Transactions.~~

~~4.43~~ **4.40** Loss of License, Registration, or Certificate Required as a Condition of Employment by a Regent Institution Employee (~~Board of Regents Minutes January 15, 1998, p. 550~~)

A. Policy:

Since the Regent institutions have numerous job classifications and positions that require employees to be licensed to practice their professions or to drive Regent and/or state vehicles, this policy addressing the loss of license, registration or certificate was developed. The policy complies with [Iowa Code I.C. Iowa Code IC Chapters 321J \(Operating a motor vehicle while intoxicated\)](#) and [252J \(Child Support – Sanctions\)](#).

1. Employees whose job classification or position REQUIRES the possession and maintenance of a license, permit, certificate, registration, or approval in order to perform the essential functions of that position's assigned duties and who subsequently have that license, permit, certificate, registration, or approval revoked, rescinded, suspended, or renewal denied may be, after the exhaustion of all administrative contested case proceedings before the licensing agency, terminated from employment for failure to maintain the necessary qualifications required for that position.
 - a. "Requires the possession and maintenance of" means as stated in the minimum qualifications or selective certification provisions for the job class or positions. NOTE: This definition requires that the specific license, permit, certificate, registration or approval cited must be documented in the class description and/or position description questionnaire.
2. Employees whose job classification or position occasionally require the employee to use a vehicle for the conduct of Regent institution business, and who subsequently have their driving privileges suspended, revoked, or barred

either for violations of statutes relating to Operating While Intoxicated, habitual violations, or failure to satisfy court ordered child support payments shall, for the period of suspension, revocation, or bar, not operate any Regent institution or state vehicles.

3. If the job requires the employee to travel, employees whose driving privileges are restricted by a temporary driving permit that requires the installation of an ignition interlock device will either use a personal vehicle or arrange alternate transportation. ~~The Regents WILL NOT install or allow the installation of an An~~ ignition interlock device may NOT be installed on any vehicle owned by Regent institutions or the state.

B. Definition of License:

The term "license" shall be defined as a license, certification, registration, permit, approval, renewal, or other similar authorization issued by a licensing authority which evidences the admission to, or granting of authority to engage in a profession, occupation, business, or industry, or to operate or register a motor vehicle.