

# FLORIDA GULF COAST UNIVERSITY

## NOTICE OF REGULATORY ACTION

September 19, 2008

**REGULATION TITLE:**

Employee Compensation and Classification Plans

**REGULATION NO.:**

FGCU-PR5.001

**SUMMARY:**

This regulation is revised to provide for clarification on classification plans.

**FULL TEXT:**

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

**LAW IMPLEMENTED:**

Specific Authority §§110.131, 110.501,1001.74, F.S.

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Steve Belcher, Director Human Resources

**UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:**

Dr. Joseph Shepard, Vice President for Administration and Finance

**PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:**

Diane St. John, Administrative Assistant, [dstjohn@fgcu.edu](mailto:dstjohn@fgcu.edu); (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

**ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE OCTOBER 3, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.**

**THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: SEPTEMBER 19, 2008.**



## REGULATION: FGCU-PR5.001

### Descriptions, Definitions and Abbreviations

Effective  
Date of  
Regulation:  
06/17/08

### Employee Compensation and

### Classification Plans

(1) General Applicability.

(a) FGCU-PR5 regulations contains personnel regulations for University employees. ~~which~~ These regulations have University-wide application by virtue of the authority granted to the University in Chapter 1001 Florida Statutes, and ~~These regulations~~ are supplemented by other University regulations, ~~contained in FGCU-PR5.001 through FGCU-PR5.023~~, the Florida Board of Governors' (BOG) regulations, applicable federal and state laws, collective bargaining agreements and internal management memoranda containing procedures and guidelines for implementing University policies.

(b) For purposes of these regulations, University employees are those persons who have been hired by the University into regular or temporary appointments and receive financial compensation to perform services for the University, and whose work is directed and controlled by the University. The term "employee" does not include volunteers or independent contractors.

(2) Definitions. For the purpose of administering and interpreting the regulations and procedures of ~~this chapter~~ Chapter PR5, the following definitions and abbreviations shall apply:

(a) Faculty -- an employee whose appointment ~~assignment~~ includes teaching, scholarship, or public service activities or who has administrative responsibility for functions directly related to the University's academic mission. Faculty titles or modifiers include: regular, acting, interim, adjunct, provisional, visiting, joint, research, clinical, courtesy, honorary/honoris causa, emeritus, affiliate, joint college, phased retirement and fixed and continuous multi-year.

(b) Academic Administrator - an employee appointed in the General Faculty classification and pay plan, with responsibilities for University-wide academic programs at the college, unit, department or comparable levels. Such positions carry titles including Dean, Director and Chairperson. Faculty employees with administrative responsibilities serve at the pleasure of the university and, such responsibilities may be removed with or without cause.

(c) Administrative & Professional (A&P) ~~--~~ appointments that provide management direction and control to university departments and/or work requiring knowledge of an advanced professional nature; and whose level of job duties meets the criteria for exemption under the Fair Labor Standards Act.

~~contractual employees who provide administrative, managerial or professional services to the University and whose titles are identified in the State University System Employment Plan as part of the A&P Staff.~~

(d) Executive Service ~~--~~ appointments ~~Administrative & Professional employees,~~ designated by the President, who report directly to the President, and whose positions are defined as responsible for policy-making at the executive level.

(e) ~~University Support Personnel System (USPS) — support staff employees in authorized and established~~ appointments are positions for paraprofessional, secretarial, clerical, technical, skilled crafts, service, maintenance and other responsibilities. Support Personnel USPS appointment status modifiers include regular, probationary, trainee, temporary, emergency and time-limited. An employee earns regular status in the classification after successful completion of the designated probationary period.

(f) Temporary positions -- employees who are hired on a temporary, at-will basis by the University and are not entitled to receive benefits. They provide exempt or non-exempt temporary employment.

(g) In-unit -- classifications~~positions~~ which have been designated by the Public Employee Relations Commission as being part of a recognized bargaining unit that is represented by a bargaining agent.

(h) ~~Out-of-Non-unit — Academic Administrator~~ classifications ~~positions~~ which have not been designated by the Public Employee Relations Commission as being ~~included~~excluded in from a recognized bargaining unit and which are not represented by a bargaining agent or employees who serve as members of the University Board of Trustees.

(i) FTE -- a designation which connotes a regular full-time position or part thereof as stated~~its equivalent.~~

(j) Volunteer/Courtesy Faculty -- a person who provides services to the University with no expectation of monetary or other material compensation or consideration, or as part of a court-ordered program on a continuous, occasional, or one-time basis.

(3) The University shall provide employment agreements consistent with the following:

(a) Faculty Appointments

1. For in-unit employees, the terms, conditions and use of fixed and continuous multi-year appointments, tenure appointments and visiting appointments shall be in accordance with the provisions of the Collective Bargaining Agreement.

2. For out-of-unit faculty, the following appointments apply:

a. Continuing Multi-Year Appointments (CMYA), consist of an initial three (3) year term extendible annually on the basis of overall satisfactory annual performance as determined through the evaluation criteria, standards, and procedures

b. Fixed Multi-Year Appointments (FMYA) are for a defined period of two (2) to five (5) years. Such agreements may include the prospect of non-renewal at the end of the multi-year term, an offer of a successive fixed multi-year appointment, or the opportunity to request conversion to a Continuing Multi-Year Agreement (CMYA).

c. Visiting Appointments are fixed appointments of specific duration to a person who has appropriate professional qualifications but is not expected to be available for more than a limited period, or for a person in a position which the university does not expect to be available

for more than a limited period. There is no commitment for renewal and the appointment may not exceed a total of four (4) consecutive years.

(b) A&P Appointments

1. An A&P appointment for one year may be offered to A&P employees. Such appointments automatically renew on a year-to-year basis for subsequent terms to run concurrently with the University's fiscal year.

2. An A&P Appointment for a period of two (2) to five (5) years. Such agreements may include the prospect of non-renewal at the end of the multi-year term, or an offer of a successive fixed multi-year appointment or as described in (3)(b)1 above.

(c) Other Personal Services (OPS) Appointments

OPS appointments are temporary in nature, provide only those entitlements required by state and/or federal laws and are exempt or non-exempt employment.

(4) Former employees seeking re-employment will apply to and be processed by the Human Resources Department in the same manner as new applicants. Former employees who were terminated due to unsatisfactory performance, job abandonment, or misconduct are ineligible.

(5) The University may dismiss or discipline an employee for cause during the term of any appointment in accordance with university regulations, policies, procedures, and applicable collective bargaining agreements.

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Law Implemented:

§§ 110.131, 110.501, 1001.74 Florida Statutes

History of Rule:

New 04/17/97

History of Regulation:

New 01/15/08; Amended 06/17/08, \_\_\_\_\_

Effective Date of Regulation:

~~06/17/08~~ \_\_\_\_\_