REGULATION TITLE:
Employee Compensation and Classification Plans

REGULATION NO:
FGCU-PR5.001

SUMMARY:
This Regulation is being amended to add clarifying language to the definitions of the classifications, as well as additional information about the classifications themselves.

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

AUTHORITY:
§§ 110.131, 110.501, and 1001.706 Florida Statutes; Board of Governors Regulation 1.001

UNIVERSITY OFFICIAL INITIATING THE PROPOSED/REVISED REGULATION:
Vee Leonard, Vice President and General Counsel

UNIVERSITY OFFICIAL APPROVING THE PROPOSED/REVISED REGULATION:
Vee Leonard, Vice President and General Counsel

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Any person may submit written comments concerning a proposed regulation, amendment, or repeal to the contact person identified above within 14 days after the date this notice was posted. The comment(s) must identify the regulation to which you are commenting.

This Notice was posted on the FGCU website on May 5, 2016.
A. **GENERAL APPLICABILITY**

1. FGCU-PR5 regulations contain personnel regulations for University employees. These regulations have University-wide application by virtue of the authority granted to the University in Chapter 1001 Florida Statutes, and are supplemented by other University regulations, 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.

2. 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.

B. **DEFINITIONS**

B. For the purpose of administering and interpreting the regulations and procedures of Chapter PR5, the following definitions and abbreviations shall apply:

1. **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.

2. **Administrative & Professional (A&P)**: Appointments Classification that provides 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 (FLSA).

3. **Executive Service**: Appointments Classification designated by the President, for those who report directly to the President; and whose positions are defined as responsible for policy-making at the executive level. Executive Services classification meets the criteria for exempt status under the FLSA.

4. **Faculty**: An employee whose appointment includes teaching, scholarship, and 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,
emitus, affiliate, joint college, phased retirement and fixed and continuous multi-year.

a) \textit{In-unit:} Classifications 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.

b) \textit{Out-of-unit:} Academic Administrator classifications which have not been designated by the Public Employee Relations Commission as being included in 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.

5. \textsc{fTE:} a designation which connotes a regular full-time \textsc{equivalent} position, or part thereof, as stated.

5.6. \textsc{Probationary:} A modifier to the \textsc{Support Personnel} classification which indicates that the employee is on probation for a certain period of time.

6.7. \textsc{Support Personnel (SP):} \textsc{Classification} for paraprofessional, secretarial, clerical, technical, skilled crafts, service, maintenance, and other responsibilities. Support Personnel \textsc{classification} \textsc{appointment status} modifiers include regular, probationary, trainee, temporary, emergency, and time-limited, \textsc{and may be exempt or non-exempt under the FLSA}. An employee earns regular status in the classification after successful completion of the designated probationary period.

7.8. \textsc{Temporary positions:} \textsc{Employees who are hired on a temporary for a period of time not to exceed one year on an at-will basis by the University and are not entitled to receive benefits, except those required and/or provided by law.} They provide exempt or non-exempt temporary employment.

8.9. \textsc{Volunteer/Courtesy Faculty:} a \textsc{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.}

\textbf{C. \textsc{Appointments and Classifications}}

\textsc{C. The University shall provide employment agreements for the following appointments and classifications, provided such are consistent with the following Collective Bargaining Agreement (CBA), as appropriate:}

1. Faculty Appointments

a) 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.
b) For out-of-unit faculty, the following appointments apply:

1) 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.

2) 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).

3) 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.

2. A&P Appointments and SP Classification

   a) 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.

   b) 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 C.2.a) above.

3. Other Personal Services (OPS) Appointments Classification

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

4. Executive Service Classification

All persons classified as executive service serve at the pleasure of the President, and may be reassigned, reclassified, or separated as the President deems appropriate, consistent with the provisions of FGCU-PR5.023, Separation from Employment.
D. REHIRING OF FORMER EMPLOYEES

D. 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 for cause due to, including, but not limited to, unsatisfactory performance, job abandonment, or misconduct are ineligible for rehire. Former employees who resigned in lieu of termination are also not eligible for rehire.

E. DISMISSAL/DISCIPLINE

E. The University may dismiss or discipline an employee for cause during the term of employment or any appointment in accordance with FGCU-PR5.016, Disciplinary Action; FGCU-PR5.023, Separation from Employment; and any other applicable university regulations, policies, procedures, and applicable collective bargaining agreements.