Florida Gulf Coast University Board of Trustees
October 21, 2008

SUBJECT: Employee Compensation and Classification Plans (PR5.001) 
Recruitment, Selection and Appointment (FGCU-PR5.005)

PROPOSED BOARD ACTION

Approve revision to university regulation as well as the repeal of the Recruitment, 
Selection and Appointment Regulation (FGCU-PR5.005).

BACKGROUND INFORMATION

The regulation, Descriptions, Definitions and Abbreviations, is being renamed to 
Employee Compensation and Classification Plans and being updated to define 
the various classification pay plans and the associated appointment types 
covering Faculty, Administrative & Professional (A&P), Support Personnel, Other 
Personnel Services (OPS) and Volunteers/Courtesy Faculty. This change is in 
conjunction with the repeal of the Recruitment, Selection and Appointment 
Regulation.

All state universities are required to utilize the Board of Governors (BOG) 
Regulation Development Procedure. This updated FGCU measure assists in 
handling matters based upon today’s current practices and expectations.

Supporting Documentation Included: Notices and Recruitment, Selection and 
Appointment and Employee Compensation and Classification Plans Regulations 
(PR5.001 and FGCU-PR5.005)

Prepared by: Director of Human Resources Steven Belcher

Legal Review by: General Counsel Vee Leonard (9/18/08)

Submitted by: Vice President for Administration and Finance Joseph Shepard
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; (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

Employee Compensation and Classification Plans

(1) General Applicability.

(a) FGCU-PR5 regulations contain personnel regulations for University employees, which 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 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, the following definitions and abbreviations shall apply:

(a) Faculty -- an employee whose appointment 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 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 designates 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.

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
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION
September 19, 2008

REGULATION TITLE:
Recruitment, Selection and Appointment

REGULATION NO.:
FGCU-PR5.005

SUMMARY:
Approve repeal of the regulation, FGCU-PR5.005 Recruitment, Selection and Appointment. Language contained within this regulation is being combined and consolidated with FGCU-PR5.001.

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:
Not Applicable

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Steven Belcher, Director of Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Dr. Joseph Shepard, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Administrative Assistant, 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.
Recruitment, Selection, and Appointment

(1) General. Florida Gulf Coast University is an equal opportunity/equal access employer. The recruitment, selection and appointment criteria set forth in these rules are designed to promote, attract and retain a diverse workforce which possesses the highest caliber of skills and competency.

(2) Recruitment, selection, and appointment shall be conducted in accordance with Chapter 6C-5.910, F.A.C.

(3) Minors seeking employment with the University must be at least sixteen (16) years of age, but may be fourteen (14) years of age when enrolled and participating in a career education program approved by the Jobs and Benefits Division of the State Department of Labor and Employment Security.

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

(5) Faculty appointed as academic administrators serve in their appointments at the pleasure of the President or President’s designee and are subject to reassignment or reclassification to other faculty or administrative duties upon notice. The reclassification and reassignment of Academic Administrators shall not affect the tenure status of tenured faculty, the multi-year
appointment status, or the permanent status of employees who have such status; however the salary rate and appointment period may be adjusted to reflect a change in responsibilities.

(6) Multi-year Appointments.

(a) Multi-year employment contracts for Faculty and A&P employees shall contain the statement required by Section 287.0582, F.S.

(b) Multi-year appointment provides employment for a fixed period of years. It may include the prospect of non-renewal at the end of the multi-year term, an offer of a successive multi-year appointment or crediting the time worked at the University toward tenure.

(c) A multi-year appointment is non-tenure earning and may range from two (2) to five (5) years in duration determined by the needs of the University.

(d) Multi-year appointments for faculty shall designate academic rank and/or a concurrent assignment of independent administrative responsibilities for academic appointments, such as serving as the chairperson for a department.

(e) An annual performance plan shall be developed by the faculty or A&P employee and the appropriate University administrator and an evaluation shall be conducted each year prior to the final year of the multi-year appointment.
(f) The failure of a faculty or A&P employee and the University to reach agreement on a successive multi-year appointment shall not confer any rights or expectation of employment to the faculty or A&P employee as the term of employment expires at the end of the existing contract.

(g) The University may dismiss or discipline a faculty or A&P employee for cause during the term of any multi-year appointment.

(h) The University may, with the agreement of the faculty member, convert a multi-year appointment to a tenure-earning track appointment or a tenure-track appointment to a multi-year appointment. If a multi-year appointment is later converted to a tenure-track appointment, the University may, with the agreement of the faculty member, credit some or all of the multi-year time served toward tenure.

(i) Multi-year appointment use, terms, and conditions shall be within the provisions of the Collective Bargaining Agreement for bargaining unit employees.

(7) Volunteer Program. Each college, department, and operational unit is authorized and encouraged to utilize volunteers to assist in carrying out its activities.

Specific Authority 240.227(1), (5), FS. Law Implemented 240.227(1), (5) FS. History — New 4-17-97.