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PERSONNEL POLICY FOR NON-UNIT PROFESSIONAL STAFF

Title

- I.** Terms of Employment
- II.** Annual Performance Review
- III.** Professional Improvement Leave
- IV.** Compensation
- V.** Additional Compensation
- VI.** 43 Week Work Schedule
- VII.** Alternative Fringe Benefits

PREAMBLE

This personnel policy shall apply to non-unit professional staff at the five campuses of the University and in the President's Office. It replaces and supersedes the Personnel Policy for Professional Non-Academic Staff (T73-090A), which was adopted by the Board of Trustees on January 1, 1973 and most recently amended on February 3, 1993. It also replaces and supersedes certain policies currently in effect at the Dartmouth and Lowell campuses. The President shall have authority to implement and interpret this policy. The President shall also have authority to approve in advance any appropriate exceptions to this policy.

In accordance with the Board of Trustees' vote on April 8, 1992, certain athletic coaches may be exempted from any and all provisions of this policy.

The following provisions of this policy shall not apply to the President and the Chancellors: Terms of Employment, Annual Performance Review, Professional Improvement Leave, Compensation (Sections A & B only), Additional Compensation, and 43 Week Work Schedule.

The President shall have authority to establish, approve, and amend certain other policies governing benefits for non-unit professional staff not incorporated herein, including, but not limited, to policies governing vacation accrual, sick leave, and other paid and unpaid leaves.

I. TERMS OF EMPLOYMENT

The following policy shall apply to members of the non-unit professional staff who are employed part-time or full-time in permanent positions, whether funded from state appropriations or continuing trust funds (i.e. trust funds without a terminal date), excluding the President and the Chancellors.

A. Except as provided in Sections B and C below, all non-unit professionals shall serve at the pleasure of the Board of Trustees, acting by and through the President and/or the Chancellor. Subject to the availability of funds, any non-unit professional who is terminated shall be entitled to notification calculated on the basis of one calendar month's notice for each complete year of service at the University or its predecessor institutions of higher education, to a maximum of twelve months' notice; provided, however, that a non-unit professional who has served at least three months but less than two years shall be entitled to one month's notice, subject to the availability of funds. At the discretion of the President or Chancellor, as appropriate, the period of notice for any non-unit professional may be reduced by paying to the employee an amount of money equal to one week's salary for every week by which the notice is foreshortened. Before taking this action, the President or Chancellor, or their respective designee, shall meet with the employee to discuss the implications of such action for the employee's benefits, including health insurance and retirement. A non-unit professional who is terminated for cause shall not be entitled to the required notice or payment in lieu thereof.

B. In exceptional circumstances, a member of the non-unit professional staff may, at the discretion of the President or at the discretion of the Chancellor with the President's approval, be initially appointed with a term contract of employment not to exceed three years in duration. Such a contract will be offered only when, in the judgment of the President or Chancellor, it is clearly in the best interests of the University. During the contract period, the staff member shall be employed on the applicable University campus or in the President's Office in a capacity that utilizes the staff member's professional skills at a level consistent with his/her training and experience, although not necessarily in the specific position to which the individual was initially appointed. This contract shall be subject to the availability of funds, the staff member's satisfactory performance of his/her duties and responsibilities, and his/her conformance with requirements of law and University regulations. Upon the completion of the term contract, such a staff member shall, at the discretion of the President or Chancellor as applicable, either serve under the provisions of Section A, serve under the provisions of Section C, or be terminated in accordance with Section A.

C. A campus may, at the discretion of the Chancellor and with the approval of the President, establish a plan that allows non-unit professionals below the level of Assistant Vice Chancellor or equivalent to be granted term contracts of employment, subject to the following minimal conditions as well as any additional and/or more rigorous campus-level requirements:

- A term contract shall not be offered to any non-unit professional who has fewer than three years of service as a non-unit professional.
- A term contract shall not exceed three years in duration.
- Each term contract shall be subject to the availability of funds (see Section E below), the staff member's satisfactory performance of his/her duties and responsibilities and his/her conformance with requirements of law and University regulations. A staff member terminated for cause shall not be entitled to any required minimum notice period.
- A non-unit professional staff member on a term contract shall be entitled to a notice of non-reappointment equivalent to one month for each year of service, to a maximum of twelve months' notice; provided, however, that if, at the time the staff member is notified of his/her non-reappointment, there remain fewer than this number of months in the current contract term, the current contract shall be extended to provide the full amount of the required notice.

D. Any non-unit professional who, on the effective date of this policy, is serving on a contract shall continue under the terms of such contract until its currently scheduled expiration date. Thereafter, the staff member shall be subject to the provisions of this policy.

E. This policy is not intended to supersede any policy adopted by the Board of Trustees to govern the reduction in force of non-unit professionals necessitated by an anticipated or actual shortage of funds.

II. ANNUAL PERFORMANCE REVIEW

Except as is provided in Document T93-080 (University Guidelines on the Review and Evaluation of Senior Administrators), the University shall maintain a minimum requirement of annual evaluation for all non-unit professional staff members. This evaluation shall normally occur within 60 days following each staff member's anniversary date or on an alternative schedule approved by the President and shall be conducted on an evaluation form which states or includes the specific job description of the position held by the staff member.

Staff members shall have the opportunity to assess their evaluation with supervisors and to discuss frankly and openly its implications. As part of the annual evaluation process, supervisors shall also assess whether or not employees should be recommended for a merit increase and/or any other appropriate personnel action.

Each campus will develop detailed procedures to implement these policies.

III. PROFESSIONAL IMPROVEMENT LEAVE

A. Non-unit professional staff shall be eligible for professional improvement leave in cases where it can be clearly demonstrated that such leave will result in specific benefit to the University. Such leave shall be available as a matter of privilege rather than as a right

and shall be granted to eligible staff members only in those cases where the following conditions have been met:

- (1) Such leave shall require prior approval of a specific proposal that outlines the benefits expected for both the University and staff member. This approval must be given by the President for staff in the President's Office, and the Chancellors for staff on their respective campuses.
- (2) The non-unit professional staff member must have completed at least six years of full-time equivalent professional service at the University, or at least six years of such service since the last professional improvement leave.
- (3) Professional improvement leave shall not exceed five and one-half months at full salary or eleven months at half salary, but leave may be for shorter periods at greater frequency as may mutually benefit the individual and the University.
- (4) Professional improvement leave will not result in a net salary cost increase to either the University or the department with which the staff member is associated.
- (5) The University may consider payment of tuition and registration or similar costs attendant to such leave. Payment requires approval by the Chancellor or President, as applicable.
- (6) Staff members who receive approval for professional improvement leave must return to their duties at the University for at least one full year of service immediately following the expiration of the leave. Failure to comply will obligate the individual to return the salary received during the leave and any other costs paid by the University unless an exception is approved by the Chancellor or President, as applicable.

B. In addition, a non-unit professional may be granted shorter-term professional leave after two years of full-time equivalent service to the University. Such leave may be of varying duration not to exceed two months within any two-year period and shall be at full pay. Such leave shall be approved at the discretion of the President for staff in the President's Office, and at the discretion of the Chancellors for staff on their respective campuses. This approval shall be based upon a proposal which clearly demonstrates the benefit to be gained by the University from the staff member's exposure to new ideas, skills and practices. Exceptions to these requirements are possible only upon special justification made to the officer whose approval is required. Paragraphs A(4), A(5), and A(6) above shall also apply to this shorter-term leave, except that six months' service upon return instead of one year shall be required.

IV. COMPENSATION

Compensation for non-unit professional staff at or above the level of Assistant Vice Chancellor or equivalent (campus) or Assistant Vice President or equivalent (President's Office) shall be determined in accordance with Section A, Management Compensation Program. For other non-unit professional staff, compensation shall be determined in accordance with Section B, Professional Staff Salary Administration Program.

A. Management Compensation Program

There shall be established a Management Compensation Program which shall apply to the following non-unit positions:

- senior administrative positions at the campuses at or above the level of Assistant Vice Chancellor or equivalent.
- senior administrative positions in the President's Office at or above the level of Assistant Vice President or equivalent.
- Each position included under this Management Compensation Program shall be assigned to one of the following classifications:

Senior Administrator I
Senior Administrator II
Senior Administrator III
Senior Administrator IV

The titles included under the Management Compensation Program, the classifications to which those titles are assigned, and the salary ranges at each campus and in the President's Office shall be determined by the President, who shall keep the Board of Trustees informed. In making such determinations for campus level positions, the President shall seek and consider recommendations from the Chancellors.

The salary for each employee holding a position in the Management Compensation Program shall be no less than the minimum and no more than the maximum of the salary range for the applicable classification at that campus or in the President's Office.

In setting the salary within the salary range for an individual newly appointed to a position included under the Management Compensation Program, the President or the Chancellor, as appropriate, shall take into consideration such factors as the requirements of the applicable job description, salary norms for peer institutions/organizations, the appointee's years of relevant experience and academic credentials, and any special qualifications identified in filling the position.

Consistent with the requirements of this Management Compensation Program, the President shall have the authority to approve salaries for covered positions in the President's Office.

Consistent with the requirements of this Management Compensation Program, the Chancellors are delegated authority to approve salaries for covered positions at the campuses; provided, however, that the President must approve in advance any initial or changed salary for any position (except when such change results from a cost-of-living or merit increase authorized by the Board of Trustees) that exceeds \$100,000.*

The Board of Trustees shall retain the authority to approve cost-of-living salary increases applicable to the non-unit professional staff as a whole.

B. Professional Staff Salary Administration Program

Each campus and the President's Office/Central Administrative Services shall submit to the President for review and approval a Professional Staff Salary Administration Program (PSSAP). The PSSAP shall be applicable to non-unit professional positions that are not included in the Management Compensation Program.

Each campus PSSAP shall be developed in accordance with guidelines and salary parameters established by the President and shall incorporate the following features:

- a set of salary ranges or a salary schedule applicable to covered non-unit positions.
- guidelines for determining starting salaries and salary adjustments based on promotion, assumption of additional duties, meritorious performance, or other considerations.
- procedures for establishing and reviewing the classification of positions.
- a list of covered non-unit position titles (upon approval by the President, certain titles may be excluded from the PSSAP for good and sufficient reason).
- The Board of Trustees shall retain the authority to approve cost-of-living salary increases for the non-unit professional staff as a whole.

**This threshold may be adjusted periodically by the President in the same manner as the maximum salaries of the ranges.*

C. Annual Merit Salary Program

There shall be established an Annual Merit Salary Program applicable, as provided below, to the Chancellors and all non-unit professional staff at or above the level of Senior Administrator I. Under the Annual Merit Salary Program, the President shall establish a merit pool with a range of minimum and maximum increases to be available for distribution throughout the year to eligible employees on their annual review date. Merit recommendations shall be based on a routine annual performance review, which shall not substitute for any evaluation required to be conducted periodically under the terms of Document T93-080.

Salary increases may be awarded at the discretion of the Chancellors for eligible employees on the campuses, subject to approval of the President, and by the President for Chancellors and eligible employees in the President's Office. The total of all merit awards for eligible employees shall not exceed the pool available at the campus or in the President's Office.

In addition to or as an alternative to any base-rate merit increase awarded, employees may be eligible on their annual review date for a non-base-rate cash bonus. Such a bonus may be awarded in recognition of exceptional performance over the past year on a one-time program, project, or initiative of major significance to the campus or University. All bonuses must be approved by the President or Chancellor, as applicable. No bonus shall, as a percentage of the employee's annual salary, exceed the percentage used to establish the base-rate merit salary pool during the then current fiscal year.

The President shall be eligible to receive annual salary adjustments as determined by the Board of Trustees in an annual merit review.

A campus may, at the discretion of the Chancellor and with the approval of the President and Board of Trustees, establish a plan to implement a merit salary program for non-unit professional staff below the level of Senior Administrator I. The President may, at his/her discretion and with the approval of the Board of Trustees, implement a merit salary program for non-unit professional staff below the level of Senior Administrator I in the President's Office.

The President shall be responsible for establishing the guidelines for the Annual Merit Salary Program and shall report annually to the Board of Trustees on the Program.

V. ADDITIONAL COMPENSATION

This policy shall apply to all non-unit professional staff in the employ of the University, regardless of source of funding or classification. All professional staff shall be eligible for additional compensation as outlined in this document except when specifically excluded or prohibited (see Section D).

A. In recognition of the significant levels of education and professional experience of the non-unit professional staff at the University, and to provide the University with a highly professional pool of resources for additional duties as a benefit to the University or as a service to citizens of the state and the nation, it is the policy of the University to permit compensation to non-unit professional staff for certain additional professional services within the following principles:

- (1) Each member of the non-unit professional staff is under obligation to render to the University and to his/her department/unit the highest level of service of which he/she is capable. No additional services shall be undertaken, with or without compensation, that interfere with the discharge of assigned duties and responsibilities.
- (2) When additional compensation is to be paid by grant or trust monies, such funds must be budgeted and encumbered in advance, and all payments must conform to any regulation governing the grant or trust fund.
- (3) When additional compensation is to be paid by state monies, state subsidiary account AA will be the only acceptable payment source, subject to the regulations established by the state, University, and department/unit.
- (4) Should the use of University facilities, equipment, or supplies be required, approval must be obtained in advance from the appropriate Department Head, Director, Dean, or Vice Chancellor. A reasonable fee may be levied by the University for use of such facilities, equipment, and supplies, and shall be determined by the Treasurer of the University, upon recommendation of the respective Department Head, Director, Dean, or Vice Chancellor.

(5) All requests for participation in and payment of additional compensation are subject to the prior written approval of the designated campus officer(s) responsible for determining appropriateness and eligibility.

B. Members of the non-unit professional staff are permitted to participate with or without compensation, in

- (1) all authorized programs administered by the Division of Continuing Education,
- (2) programs that provide new processes for development by Massachusetts industrial and agricultural interests, programs requiring the performance of a service role to and for the citizens by undertaking programs from agencies of the state and federal government, foundations, or other sources for the use and benefit of all,
- (3) programs or services sponsored by a University unit, which promote personal or professional growth and enrichment and provide benefit to the University,

provided such participation conforms to the following stated principles:

- (a) Non-unit professional staff members may not participate in any approved program without prior written approval from their Department Head, Director, Dean, or Vice Chancellor.
- (b) Requests for participation in programs under Items 2 and 3 above must be accompanied by a brief description of the service to be provided, the unit to be served, and its potential benefit to the University prior to any commitment being made.
- (c) All such services and participation shall be in addition to and exclusive of the regularly assigned duties and responsibilities normally performed by the non-unit professional staff member, so agreed to by the University and the staff member and as reflected in the current job description of record.

C. Total compensation for all such services with the exception of compensation paid to Athletic Coaches engaged in Summer Sports Programs may not exceed, in a given calendar year, an amount greater than twelve percent of the staff member's then current base annual salary, and may be administered at rates established by existing compensation schedules such as that, for instance, used by the Division of Continuing Education, or at rates based on existing compensation for comparable service and required expertise, provided it can be determined that such additional duties do not fall within the scope of duties and responsibilities assigned said staff member in his/her official job description. Should it be determined that the additional services fall within the scope of duties and responsibilities assigned in the official job description, no additional compensation shall be paid.

D. No non-unit staff member may receive additional compensation if:

(1) The additional duties would bring him/her into conflict with Chapter 268A of the Massachusetts General Laws, or the interests of the University of Massachusetts, or the interests of the Commonwealth of Massachusetts.

(2) The additional duties occur in what would be defined and/or perceived by the supervisor as falling within the normally scheduled working hours, unless the staff member requests and is granted the use of personal time, vacation time, or leave without pay. The use of such vacation time, personal time, or leave without pay may be denied if, in the opinion of the appointing authority, it is impossible or impractical because of work schedules or other contingencies.

VI. 43 WEEK WORK SCHEDULE

A. All non-unit professional staff employed on a 52 week schedule shall be given the opportunity to request a 43 week schedule with a 15 percent reduction in base annual salary. Similarly, those employees on a 43 week schedule shall be given the opportunity to request a 52 week schedule with a 15 percent increase in base annual salary.* All such requests are subject to approval by the President or Chancellor, or their respective designee.

In certain positions or classes of positions designated by the University, the University may request employees to transfer to a 43 week schedule with a 15 percent reduction in base annual salary, but shall not require them to do so except when a fiscal shortfall exists or is anticipated.

B. All new appointees in specific positions or classes of positions designated in advance by the University would be employed on a 43 week schedule at a salary within 85 percent of the present base 52 week schedule salary range for the same classification.

C. In all cases the recommendation of the appropriate campus administrative officers and consultation with the campus Human Resources Office will be required.

D. The University shall determine and specify the periods of employment. Normally, the total nine week period of non-responsibility to the University shall not be divided into more than two components. The period of annual vacation leave shall not be counted as one of these two allowed periods. The annual salary shall be paid over a 52 week period as is currently the policy for faculty members employed on an academic year basis.

**The method of annual salary calculation for a non-unit professional staff member transferring from a 52 week schedule to a 43 week schedule shall be to divide the annual 52 week salary by 1.15 to arrive at the annual 43 week salary. The method of annual salary calculation for a professional staff member transferring from a 43 week schedule to a 52 week schedule shall be to multiple the annual 43 week salary by 1.15 to arrive at the annual 52 week salary.*

E. Should a staff member employed on a 43 week schedule perform, at the request of the University, service in excess of the stipulated period(s) in the position in which he/she is

regularly employed, the staff member shall be compensated at his/her current rate of salary in accordance with pertinent policies, rules, and regulations.

F. Fringe benefits such as, but not limited to, health insurance, life insurance, retirement, and disability income insurance shall not be affected by the employment of an individual on a 43 week schedule. However, vacation leave, sick leave, and paid personal leave shall be prorated.

VII. ALTERNATIVE FRINGE BENEFITS

A. In accordance with the authority vested in the University Board of Trustees, as such authority may be supplemented by the provisions of Chapter 163 of the Acts of 1997, the President shall have the authority to establish, approve and amend an alternative program of employee fringe benefits including, but not limited to compensated absences, industrial accident coverage, and group insurance coverage.

B. Such programs may be made applicable to such campuses, groups of employees, professional staff and/or faculty, or subgroups thereof, including those subjects to collective bargaining agreements, at the discretion of the President, subject to the University's obligation to bargain in good faith.