

CHAPTER 9

PERSONNEL

Section 9-1 Personnel Status.

a. Appointments.

(1) General.

(a) All University employees ultimately serve under the jurisdiction of the Board and shall be appointed by the Board upon recommendation of the President, unless specifically delegated. Such employees shall be assigned the rank, title, and salary appropriate to the duties and responsibilities of such position as defined in the classification system adopted by the Board. No employee shall be afforded a contract aside from the normal employment documents executed for all University employees.

(b) Use of titles. Titles of positions are determined by the Board and no title may be used unless specifically authorized. Members of the faculty in divisions other than instructional, when engaged in teaching, shall bear the instructional title appropriate to their grade.

(2) Executive and Managerial (E/M) Appointments. Appointments to executive and managerial positions shall be made in accordance with the following guidelines:

(a) The President has the responsibility where Board approval is necessary, to recommend personnel appointments to the Board for action.

(b) The President, in developing and making recommendations for Board action, shall insure that the guidelines outlined below are followed:

1. Applicability. These guidelines shall be followed in making all recommendations for appointment to executive and managerial positions.
2. Recruitment of Candidates. Equal Employment Opportunity Commission (EEOC) -Open Hiring requirements shall be followed in all cases. These requirements should not preclude active recruitment of highly qualified candidates including women and minorities for consideration.
3. In considering applications and nominations, the advice of knowledgeable and interested persons and groups may be sought as appropriate, either on specific candidates identified as qualified by the President or other responsible administrator, or on all candidates.

During any phase of the selection process, all candidates shall receive the same treatment.

4. In addition, where appropriate, an advisory committee may be established to advise the President, or other responsible administrator. Where an advisory committee is established, directions shall be provided the committee by the President or other responsible administrator as to:
 - A. The scope of the committee's tasks.
 - B. The criteria to be followed if candidates are to be evaluated.
 - C. Appropriate time limits.
 - D. The form of any recommendations to be made. (Example: each candidate shall be classified as "qualified" or "not qualified" without any indication of ranking.)
 5. Where Chancellors or other senior administrative appointments are involved, the President shall periodically inform the Board of the status of the selection process. On other appointments, the official conducting the search shall periodically report on its progress to the President.
 6. All recommendations for appointments under these guidelines shall be made to the Board by the President.
- (3) Appointments to Department Chairs, Special Program Directors and Chairs of Academic Subdivisions, Graduate Assistants, Lecturers, and Cooperating Teachers/Counselors and Observation/Participation Teachers.
- (a) The President shall have the authority to make appointments.
 - (b) Compensation shall be in accordance with provisions reflected in the most current collective bargaining negotiated between the University and exclusive collective bargaining representative. In the event that the faculty member is not subject to collective bargaining, the President shall have the authority to establish compensation guides.
 - (c) Where there are applicable collective bargaining provisions or in the event that there are conflicts between policies and the collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.
 - (d) The President shall promulgate policies in consultation with University executives setting forth the duties, responsibilities, qualifications, guidelines and timelines for selection, conditions for appointment, compensation and other administrative requirements.

b. Faculty Promotion and Tenure.

- (1) The Board shall grant promotion and/or tenure to members of the faculty upon recommendation of the President.
- (2) The Board may grant tenure upon initial appointment upon recommendation of the President. The Board delegates to the President granting of tenure upon initial appointment to members of the faculty and classified executives who have previously held tenure at a comparable institution. Guidelines are established in Executive Policy.
- (3) The Board delegates to the President the authority to act on behalf of the University on faculty promotion and tenure applications where the recommendation is negative.
- (4) The Board may waive probationary period for new faculty members in accordance with established guidelines and applicable collective bargaining provisions.

c. Civil Service Personnel

The President is designated to act for the Board in making appointments to such positions or changes in the status of employees and to exercise its power as appointing authority in connection with such positions and employees.

d. Resignations and Terminations

The President shall have authority to accept and approve voluntary terminations from University service for reasons of resignation or retirement.

e. Faculty Exchanges

The Board supports exchanges of University faculty with other institutions as a means of furthering the academic and intellectual growth and vitality of our faculty and University. The President shall promulgate policies that include guidelines to implement faculty exchanges.

Section 9-2 Classification Plans and Compensation Schedules.

- a. Except for Civil Service positions, the Board shall classify all positions in the University and establish compensation schedules as appropriate.
- b. The President, with the exception of select undelegated executive and managerial personnel, is authorized, consistent with existing statutes and Board policies, to grant special salary adjustments in situations where funds are available and the adjustments are warranted on the basis of retention, market, equity, and/or merit.

- c. Executive and managerial positions are classified and compensated in accordance with the Executive and Managerial Personnel Policies in Section 9-12.
- d. Compensation shall be in accordance with provisions reflected in the most current collective bargaining agreement negotiated between the University and exclusive collective bargaining representative. In the event that the faculty member is not subject to collective bargaining, the President shall have the authority to establish compensation guides.
- e. The classifications of faculty positions in the University shall be as provided below.
 - (1) Hawai'i State law provides that "The Board of Regents shall classify all members of the faculty of the University including research workers, extension agents, and all personnel engaged in instructional work..." (Hawai'i Revised Statutes, 304-1002).
 - (2) The President is delegated authority to establish a faculty classification plan, administer the plan and make amendments to the plan provided that any new faculty categories or permissible campus faculty groups shall be subject to prior approval of the Board.
 - (a) The plan may include the following faculty categories: Instruction ('I' for all faculty excluding law and clinical medicine faculty; J for law; M for clinical medicine); and C for community colleges); Researcher (R), Specialist (S), Librarian (B), Extension Agent (A), Graduate Teaching Assistant, Lecturer, Visiting and Other Faculty and Non-compensated Faculty.
 - (b) At a minimum, the faculty classification plan shall include general statements of duties and responsibilities and minimum qualification requirements.
 - 1. When the situation warrants, and especially in those fields where advanced degrees are not commonly held by faculty members, other evidences of scholarly, artistic or professional attainment may be accepted in lieu of advanced degrees. In general, "equivalents" will be used sparingly and only when there is clear evidence that the substituted items of training and experience are in fact equivalent in qualifying the faculty member for the individual's duties and responsibilities.
 - (3) Titles of positions are determined by the Board, and no faculty member may use any title not specifically authorized. Members of the faculty in divisions other than instruction, when engaged in teaching, shall bear the instructional title appropriate to their grade.
 - (4) University of Hawai'i at Mānoa Classification Schedules.

(a) The Board faculty classification system includes seven general categories for the University of Hawai'i at Mānoa with grades within each category

1. Instruction ('I' for all faculty excluding law and clinical medicine faculty; J for law; M for clinical medicine), includes graduate teaching assistants, instructors, assistant professors, associate professors, and professors.
2. Researcher (R), includes junior researchers, assistant researchers, associate researchers, and researchers. When applicable, the R series titles substitute the special area for the word "researcher," for example, "Assistant Agronomist," "Associate Meteorologist," or "Plant Pathologist".
3. Specialist (S), includes junior specialists, assistant specialists, associate specialists, and specialists. The S series is used for specialties not primarily involved with research, for example, "Associate Specialist in Student Personnel".
4. Librarian (B), includes ranks II to V.
5. Extension Agent (A), includes junior extension agents, assistant extension agents, associate extension agents, and county extension agents.
6. Graduate Teaching Assistant
7. Lecturer includes persons employed for short-term teaching assignments, usually on a part-time basis.

(b) Clinical titles for non-compensated faculty appointments in Health Science and Social Welfare.

1. The titles Clinical Professor, Associate Clinical Professor, Assistant Clinical Professor, Clinical Instructor and Clinical Teaching Assistant are non-compensated appointments in the Colleges of Health Sciences and Social Welfare (medicine, nursing and dental hygiene, and social work) for practitioners with professional qualifications in the health and welfare sciences who take an active role in formal teaching, tutorials, clinical instruction, hospital practice or field guidance of students.

(5) University of Hawai'i - Hilo and University of Hawai'i - West O'ahu

(a) The faculty classification system includes three categories for the University of Hawai'i-Hilo and the University of Hawai'i – West O'ahu, with grades within each category:

1. Instruction ('I' for all faculty), includes graduate teaching assistants, instructors, assistant professors, associate professors, and professors.
2. Lecturers include persons employed for short-term teaching assignments, usually on a part-time basis.
3. Affiliate Faculty is a non-compensated appointment usually to professional personnel with a particular interest or capability which may contribute to the teaching or research program of the campus; except for occasional lectures or consulting with individual students, affiliate faculty do no teaching. Authority to appoint Affiliate Faculty is delegated to the President who shall promulgate policies and procedures relating to the selection and appointment of Affiliated Faculty.

(6) Community College and Maui College Classification Schedule

(a) The faculty classification system includes one category for the community colleges and Maui College with grades within each category:

1. Instruction includes lecturers, instructors, assistant professors, associate professors, and professors.

(b) The plan may include statements of classification principles for use in the classification of community college faculty.

f. High Demand Disciplines.

(1) The President is delegated authority to establish high demand academic disciplines for which recruitment and/or retention of faculty of quality desired by the University exceed the maximum of the appropriate salary schedule.

(2) The President is authorized to recruit faculty in the recognized high demand disciplines at salaries that exceed the maximum of the appropriate salary schedule.

g. Graduate Assistants.

The President shall have the authority to establish, amend, and administer a classification and compensation plan for graduate assistants.

h. Administrative, Professional and Technical (APT) Positions.

(1) APT Classification and Pay System.

(a) The Board delegates to the President authority to:

1. Adopt, revise, and abolish career group standards and bands.

2. Assign positions to career groups and bands.
 3. Determine designated new hire rates for career groups and bands.
- (b) The APT Appeals Board shall adjudicate appeals filed on the banding of individual positions. The Appeals Board shall support its decisions by findings based on fact.

The APT Appeals Board shall consist of three members serving staggered terms of three years. One member shall be recommended by the University and one by the exclusive representative of APT employees, in accordance with Chapter 89, Hawai'i Revised Statutes. The third member shall be recommended by the University and exclusive representative. The appointment of all three members shall be referred by the President to the Board for approval. If there is no agreement as to the third member, the Board shall appoint such member.

Members of the APT Appeals Board shall be familiar with State organization and personnel functions and preferably have knowledge of University organization and functions and position classification. Such members may be excluded personnel or members of other governmental or private firms. However, they shall not be employees or officers of the University or of any State bargaining unit or employee organization which represents State bargaining unit members unless mutually agreed to by the parties concerned.

The members of the APT Appeals Board shall select a chairperson. (Dec. 9, 1976; am: Mar. 15, 2002)

(Note: For amended listing of the APT career groups and pay bands, refer to Administrative Procedures A 9.210 of the University of Hawai'i Systemwide Administrative Procedures Manual.)

- (2) Positions for coaches in the major intercollegiate sports of football, basketball, baseball, volleyball, softball, swimming and diving, golf, tennis, women's soccer, women's cross country/track and field, women's water polo, women's outrigger canoe paddling, the football video specialist, and the administrative assistant for football operations are exempted from the APT Classification Plan. With respect to their classification, compensation and employment the Board delegates to the President authority to promulgate policies relating to the "Employment and Compensation of Coaches in the Major Intercollegiate Sports of Football, Basketball, Baseball, Volleyball, Softball, Swimming, Golf, Tennis, Women's Soccer, Women's Cross Country/Track and Field, and Women's Water Polo."

Candidates for head coaching positions in football, baseball, men's and women's basketball and men's and women's volleyball at the University of Hawai'i at Mānoa and in baseball, basketball, and volleyball at the University

of Hawai'i at Hilo may have initial appointments not exceeding five years, subject to Board of Regents' approval. After five years of service, all head coaches at the University of Hawai'i may have appointments not exceeding five years, subject to Board of Regents' approval.

Upon recommendation of the Chancellor and the President, the Chair and Vice Chair of the Board of Regents, or designated alternate Regent, shall approve appointments and reappointments for coaches of more than three (3) years in duration as well as appointments, reappointments and salary adjustments for coaches exceeding the salary schedule by more than twenty-five percent (25%) and/or exceeding \$500,000 annually.

All multi-year contracts shall contain performance criteria. Criteria which coaches shall be expected to meet will be developed for each coach. At a minimum, coaches with multi-year contracts shall be expected to meet established standards in the following areas: (1) academic performance of student athletes; (2) personal behavior; (3) conduct of assistant coaches, staff, and players; and (4) program development.

- i. Civil Service employees in positions in the University subject to Hawai'i Revised Statutes, Chapter 76, shall be appointed, compensated and otherwise governed by the provisions of law applicable to such positions.
- j. Special Compensation — University of Hawai'i at Mānoa and University of Hawai'i at Hilo Faculty.

(1) Visiting Summer Session Faculty. Visiting summer session faculty members receive a travel differential in addition to salary. The differential is incorporated in the salary of such faculty members and is as follows:

Pacific Coast	\$300.00
Midwest	\$400.00
East Coast	\$500.00
Asia or Europe	\$700.00

(2) "Occasional" Lecturers. "Occasional" lecturers in summer session courses approved with provision for guest lecturers are paid honoraria based on a rate of \$25.00 per hour. Such lecturers are paid by voucher on a requisition signed by the instructor in charge of the course and the Dean of the Summer Session. (Jan. 16, 1958; Dec. 2, 1959; Aug. 19, 1969)

(3) A faculty member who prepares and grades a comprehensive examination for students who wish to obtain credit for a course by taking such an examination is paid a stipend of \$5.00 per credit hour plus \$5.00 for each additional student. (Apr. 16, 1969)

Section 9-3 Collective Bargaining.

The University shall negotiate and consult with the exclusive employee representative and administer the collective bargaining agreement in accordance with Chapter 89, Collective Bargaining in Public Employment, Hawai'i Revised Statutes, as amended.

- a. Personnel in Bargaining Units. Wages, hours, and other terms and conditions of employment shall be subject to the provisions of negotiated agreements listed below between the exclusive representative and the employer.
 - (1) Agreement between the University of Hawai'i and the exclusive representative for the faculty of the University of Hawai'i (Bargaining Unit 7).
 - (2) Agreement between the University of Hawai'i and the exclusive representative for the personnel of the University other than faculty (APT—Bargaining Unit 8).
 - (3) Agreements for the respective bargaining units for civil service personnel shall be as negotiated by the State of Hawai'i and the exclusive representative for each bargaining unit.
- b. Personnel not in Bargaining Units. Wages, hours, and other terms and conditions of employment for all personnel excluded from a bargaining unit shall be provided by law or action of the Board whichever is applicable.

Section 9-4 Employment of Relatives.

The following Statement on Nepotism shall govern the employment of relatives.

- a. The recruitment procedures shall insure the employment of the most qualified person for each position, and the employment of a relative of a Board or faculty member shall be determined by the same principles that apply to the employment of any other faculty member.
- b. In the case of supervisory relationships involving relatives, there shall be guarantees that those will not inhibit the free and open operation of the other members of the unit, and the relative that is in the supervisory position must disqualify himself/herself from all deliberations and actions affecting economic benefits of the relative and other actions where appropriate. Evaluation of performance and professional competence shall be carried out objectively and fairly through committees and outside review.
- c. For the purpose of this action, "relative" includes husband-wife, parent-child, sibling, and any other familial relationship, including domestic partners.

Section 9-5 Political Activity (See also the appropriate collective bargaining agreement).

The Board believes that it is the right of employees as citizens to engage in politics so long as these activities do not interfere with their University duties or violate established rules of the University. Furthermore, the Board has expressed the belief that political activities by employees, in accordance with the following statement, should result in no embarrassment to the University.

- a. It is expected that University employees will use appropriate discretion in the exercise of the political rights which they share in common with other citizens; that they will be careful always to emphasize that their utterances and actions in political matters are theirs as individuals and in no manner represent the University; that they will always recognize that their first obligation is to the University; that they will accord the University administration the courtesy of prior notice of any political commitment which is likely to bring them into prominence.
- b. Because of a conflict in interest and/or an appearance of impropriety in campaigning for and holding a public elective office and being employed at the University, the Board has established the following policy in regard to campaigning for and holding such an office.
- c. All employees under the jurisdiction of the Board seeking a public elective office shall, without exception:
 - (1) Request, or in absence of such request, to be placed on a leave of absence without pay in accordance with University policy upon actively seeking political office, but in no event later than the filing of nomination papers or the announcement of candidacy for such office;
 - (2) Be subject to the general University policies governing appearances and activities of political candidates on campus;
 - (3) Insure that they do not give the appearance that their views, utterances and/or actions are representative of the University; and
 - (4) Be separated from University service through either resignation, or termination upon assumption of the elective office.

Section 9-6 Faculty and Staff Renewal and Vitality Plans.

Each Vice President or Chancellor as may be applicable, in the University shall prepare plans for faculty and staff renewal and vitality in accordance with the following Regents' directive for faculty and staff renewal and vitality plans:

- a. The Board is committed to retaining and recruiting an excellent faculty and staff in recognition of the fact that high quality personnel is an essential ingredient of a good University. To assist in accomplishing this objective, the Board confirms its intent, as evidenced in current personnel policies, programs, and practices to

maintain and develop a personnel system that attracts, maintains, and retains quality faculty and staff. It recognizes as paramount the value of maintaining an institutional environment which encourages and rewards effective and outstanding performance, professional advancement, productivity, and the contribution of faculty and staff to the mission of the University and the well being of the State.

- b. The Board affirms the importance and necessity for the University to articulate clearly in policy and planning its best efforts to promote, encourage, nurture, and reward continuing quality professional renewal and vitality in its faculty and staff; it is equally important to protect and enhance the traditional institutions of tenure and the sabbatical as contributors to these objectives. In order to assist in accomplishing these objectives and to articulate more clearly the Board's intentions and goals, the following directive on faculty and staffing renewal and vitality is adopted.
- c. The Board reaffirms the policy of the University to recruit, retain, and develop a high quality and vigorous professional faculty and staff, and to this end each unit headed by a Chancellor is directed to develop and maintain a Faculty and Staff Renewal and Vitality Plan ("Plan"). Such a Plan shall include, but not be limited to:
 - (1) a comprehensive recruitment and appointment plan, which among other objectives makes provision for opportunities for the regular recruitment of new personnel;
 - (2) a systematic and thorough faculty and staff professional opportunity and improvement program;
 - (3) the identification of program and curricular areas and appropriate faculty and staff resources to be required on the basis of enrollment and mission projections for each during the next six years, and policies and procedures which cause faculty and staff resources to be allocated in a balanced manner according to these enrollment and other programmatic needs and demands; and
 - (4) clear delineation of responsibilities for implementing the Plan.
- d. The Plan of each Unit shall be utilized by the respective Chancellors in recommendations to the President, and in turn by the President, in recommendations to the Board concerning academic and service programs, budgets, appointments, promotion, tenure, and other related personnel actions.
- e. The President shall implement this directive by directing each Unit to prepare a Plan in consultation with his/her staff and with appropriate Unit and Campus faculty, their representatives, and administrators. Further, the President is delegated the authority to approve such Plans and requested to periodically report to the Board concerning Unit Plans approved by him/her.

Section 9-7 Outside Employment.

- a. Faculty and other personnel involved in outside employment as consultants shall make clear to all concerned that such consultation work is in no way connected with or sponsored by the University.
- b. Outside employment for compensation shall be governed by the provisions specified herein except as modified or superseded by a collective bargaining agreement.

(1) Members of the University faculty and staff are encouraged to promote the cultural and economic development of the state by utilizing their special abilities and skills in research, teaching, scholarly or artistic production, and consulting over and above the full requirements of the position to which they are appointed. Such additional supplementary activity must in no way interfere with the creditable performance of the primary obligation to the University. Outside employment must be of a professional nature, and it should contribute to the professional competence of the faculty member.

(2) Ethical considerations.

- (a) No teacher or teaching assistant of any grade or classification shall accept pay to tutor students in the subject matter of the courses they teach.
- (b) The results of research conducted by the University shall be published or otherwise made available to the public, and no researcher will sell the results of research conducted by and for the University, unless authorized by the President.
- (c) No faculty member shall accept any fee, gift, or payment of expenses over and above authorized compensation for services rendered in the post for which he/she has been appointed, except with specific approval of the President.
- (d) No faculty member shall use the University facilities, supplies, or equipment other than in the course of his/her University duties, except with prior approval of the President.
- (e) No faculty member shall accept off-campus positions or appointments, whether paid or not, when such activities may impair the judgment of the faculty member in the discharge of University duties.
- (f) Although faculty members may not accept compensation for special information known to them by virtue of their employment with the University, they may charge a fee or accept a retainer for the utilization of their special competence, knowledge and skill in consulting, design, or research directed toward the solution of specific problems for a specific employer or client.

- (3) Compensation for University grant or contract research. Research is one of the normal functions of a member of the faculty and grants, contracts, or university-sponsored research funds may not be used to augment the total salary of a faculty member except during summer months or during authorized leave periods. Extra compensation may be received for services performed during summer months or authorized annual leave periods at a uniform rate determined by the percentage of effort of the faculty member, the member's annual salary, and the duration of the service. Faculty work schedules allowing for no vacation period will not be regularly permitted. Faculty members who claim extra compensation for summer months or annual leave periods must file a Quarterly Effort Report with the Director of Research Services.
- (4) Compensation for teaching night classes or during summer sessions. Faculty members and staff may receive extra compensation to teach night classes or summer session classes. The rate of compensation will be determined by the number of credit hours taught and the rank of the faculty member in accordance with the schedule approved by the Board. The total number of credit hours of evening and summer session teaching for which a faculty member may receive compensation is limited to nine semester hours for those on academic year schedules, or five semester hours for those on calendar year schedules. These totals may not be exceeded in any one year commencing with the beginning of the fall semester. Non-credit courses will be counted on the basis of fifteen lecture hours for each credit hour. Generally, teaching load reductions for research will not be authorized during a semester in which a faculty member receives extra compensation to teach evening classes, and extra compensation for summer session instruction will not be allowed simultaneously with extra compensation for summer research.
- (5) Consulting, contract, and private employment. Faculty members may engage in consulting, contract, or private employment under the general rules for non-interference with University obligations and duties. Such activity should not exceed the equivalent of one eight-hour work day per calendar week.
- (6) Record of outside employment. Before undertaking compensated outside activity, faculty members shall file with the department chairman or other administrative supervisor a form provided for this purpose. The department chairperson will endorse thereon a recommendation and forward it to the dean or director concerned. If the appropriate administrator approves the project, the chairperson and the individual concerned will be so notified. If the project is disapproved, the individual may appeal to the President. If at any time the department chairperson considers that the project interferes with the performance of the official duties of the faculty member, the situation shall be reported to the dean or director.

c. University Employees Working for a Legislator

- (1) Reassignment of University employees to work for legislators shall comply with the policies for Executive Branch employees set forth by the Governor or the Governor's designee.
- (2) In the event that a University employee should request to work for a legislator on a temporary inter- or intra-governmental assignment or exchange as provided for by Section 78-27, HRS, the agreement between the parties as required by statute shall specify that the University employee's participation shall be conditioned on the employee being on an approved leave without pay from the University.

Section 9-8 Relocation Allowances.

- a. A relocation allowance may be provided to Board of Regents' appointees to assist in defraying travel and transportation expenses associated with the relocation of the employee and dependents from the mainland, another island within the State or a foreign country to the location of permanent employment with the University. This policy is intended only for full-time Board appointees in compensated positions.
- b. The President shall develop implementing administrative policies and procedures to provide for reasonable relocation allowances, subject to the availability of funds, to Board appointees where such allowances are in the best interest of the University.

Section 9-9 Faculty Housing.

a. Waahila Faculty Housing

- (1) Purpose: The purpose of the Waahila faculty housing is to provide temporary, transitional housing for new faculty and executive/managerial appointees of the University of Hawai'i during their first year of employment. The maximum period of occupancy at the faculty housing is one year. The University has the discretion, in extenuating circumstances, to extend the period of occupancy.
- (2) Eligibility: Eligibility for units at the Waahila faculty housing is based on the tenant being a new faculty or executive/managerial appointee of the University. If the tenant ceases to be an employee of the University, then neither the tenant nor tenant's family may continue to reside in the premises.
- (3) Assignment priority:
 - (a) Assistant Professor/Researcher, Rank 3 (tenure track)
 - (b) Associate Professor/Researcher, Rank 4 (tenure track)
 - (c) Assistant Specialist, Rank 3 (tenure track)
 - (d) Associate Specialist, Rank 4 (tenure track)
 - (e) Professor/Researcher, Rank 5 (tenure track)

- (f) Specialist, Rank 5 (tenure track)
- (g) Executive, UH System
- (h) Managerial, UH-Mānoa
- (i) Endowed Chairs
- (j) Visiting faculty
- (k) Librarians (tenure track)
- (l) Extension agents (tenure track)
- (m) Junior Specialist, Rank 2, (tenure track)
- (n) Researchers (non-tenured track)
- (o) Instructors (non-tenured track)
- (p) Post doctoral appointees
- (q) All others

(4) The President shall adopt rules applicable to the Waahila faculty housing and a University Housing Assistance Program.

b. University Housing Assistance Program

The President shall promulgate policies to implement a University housing assistance program.

Section 9-10 Faculty Sick Leave Policy.

Faculty Sick Leave Policy for Unit 7 Faculty of the University shall be in accordance with the provisions of the most current collective bargaining agreement or, in the absence of applicable collective bargaining provisions, in accordance with policies promulgated by the President.

Section 9-11 Health Fund, Retirement, and Other Benefits.

Employee benefits, including health care and retirement, shall be in accordance with provisions of the Hawai'i Revised Statutes and/or of the most current applicable collective bargaining agreement. Any additional benefits and/or allowances beyond those specified in this policy or granted by statutes and/or collective bargaining shall require the prior approval of the Board.

a. Health, Retirement and Other Benefits.

- (1) For the purpose of these policies, lecturers who teach six semester hours or less on Mānoa, Hilo and West O'ahu campuses and have no other faculty duties are considered to be less than half-time employees. A teaching load of six semester hours with other assigned faculty duties; or, a teaching load of seven semester hours or more is considered to be at least half-time equivalent. Community College lecturers who teach seven or less credit hours and have no administrative duties are considered to be less than half-

time. A teaching load of eight semester hours or more is considered to be at least half-time.

- (2) Graduate assistants are excluded from membership in the State Retirement System and from Social Security coverage.
- (3) Payment for the cost of "fringe benefits" is traditionally shared by the employee and the employer. For employees on extramural funds, the University's share of the cost of "fringe benefits" is a direct cost; that is, it cannot be taken from the indirect costs category of a grant or contract.
- (4) Principal investigators, in preparing proposals for research grants and contracts that involve employees, must make realistic provisions for the inclusion of the University's contribution to fringe benefits in the direct costs of their proposals. Investigators must appreciate that for retirement and social security benefits, the University's contribution is mandatory, and furthermore that the University has no funds for such purpose except those included in the direct costs category of grants and contracts. Responsibility for the availability of the University's contribution rests with the principal investigator; if the grant or contract does not include fund earmarked for this purpose, the principal investigator will be required to transfer funds from another category of the grant or contract to cover these costs.
- (5) When the investigator preparing a proposal for a grant or contract is not clear about the regulations here stated, the investigator should discuss the specific case with the Director of Research Services (if a research grant/contract) or the appropriate dean (if a training grant/contract). Budgets of proposals should always be reviewed by the appropriate administrator while still in draft form.

b. Tax Deferred Annuity Program.

- (1) The University of Hawai'i's Tax Deferred Annuity Program is established for the benefit of eligible employees who elect to purchase 403(b) annuity contracts and/or establish 403(b)(7) custodial accounts.
- (2) Participation in the University's Tax Deferred Annuity Program shall be in accordance with the requirements of the Federal Internal Revenue Code and Hawai'i Revised Statutes and the University's plan document.
- (3) The President or designee shall be authorized and responsible to amend or update the program; ensure compliance with applicable regulatory and statutory provisions; for establishing procedures to administer the Tax Deferred Annuity Program, and authorize service providers from which employees may purchase 403(b) annuity contracts and/or establish 403(b)(7) custodial accounts.

c. Emeritus/Emerita Title.

- (1) The emeritus/emerita title is an honor bestowed by the Board upon retiring or retired faculty members in recognition of dedicated and honorable service rendered to the University and to administrators who have made exceptional contributions to the University and provided long and distinguished service, and who are recognized as distinguished leaders in their profession.
- (2) The emeritus/emerita title is conferred, upon recommendation of the President, to those persons retiring with the rank of full professor or its equivalent at baccalaureate campuses, or professor, community colleges rank at the Community Colleges or service in the position of vice president, chancellor, or vice chancellor for five or more years to the University at that rank or position.
- (3) Individuals holding equivalent or higher positions, who report to the Board may be considered by the Board for the emeritus/emerita title using the above criteria.

d. Exemptions from tuition and other fees. (see Section 6-4e)

Section 9-12 Executive and Managerial Personnel Policies.

The Executive and Managerial Personnel Policies shall govern the executive and managerial personnel system for individuals appointed to executive and managerial positions which are excluded from an appropriate bargaining unit. These policies, including the classification and compensation plan, the recruitment and appointment of personnel, the conditions of service and other provisions, are contained at the end of this chapter.

SECTION 9-12

EXECUTIVE AND MANAGERIAL PERSONNEL POLICIES

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- V. ATTACHMENTS

Attachment 1 - Rights and Benefits

EXECUTIVE AND MANAGERIAL PERSONNEL POLICIES

PART I

INTRODUCTION

- A. Purpose/Applicability. The purpose of these policies is to specify the conditions of service applicable to individuals appointed by the Board of Regents ("Board") to executive and managerial positions which are excluded from an appropriate bargaining unit as specified in Section 89-6, Hawai'i Revised Statutes, due to top-level executive, managerial, and administrative responsibilities.
- B. Authority. These policies are established pursuant to the authority granted to the Board by Article X, Section 6 of the Constitution of the State of Hawai'i, and by Sections 76-16(11), 304-11, and 304-13, Hawai'i Revised Statutes (as amended from time to time).
- C. Definition. Executive and Managerial personnel shall include the following:
1. **Executive:** Those personnel with system wide, campus wide or major campus program responsibility who generally report directly to the President or Board of Regents, that is, Executive Administrator and Secretary of the Board, Vice Presidents, Chancellors, Vice Chancellors, Deans (University), the Directors of the Institute for Astronomy and Cancer Research Center, and the Internal Auditor. Consequently, by virtue of reporting lines, policy and statute, the President is not defined as an executive employee, but in a singular category with appointment and terms and conditions of employment subject to the discretion of the Board.
 2. **Managerial:** Those who are the heads of major organizational segments of the University or represent the President in their area of cognizance in dealing with the executive and legislative branches of government, e.g., Associate Vice Presidents, Deans at the Community Colleges, Associate Deans (University and Community Colleges), Assistant Deans (University and Community Colleges), and Directors and Associate/Assistant Directors of academic and administrative units, and Executive Assistants.
- D. Review. These policies, including the appropriateness of utilizing the College and University Professional Association for Human Resources (CUPA-HR) salary survey and salaries derived therefrom, shall be reviewed at least once every two years by a committee of executive and managerial personnel appointed by the President. Appropriate recommendations shall be transmitted to the President for review and forwarding to the Board for its approval.
- E. Implementation. These policies supersede all prior policies and practices which may conflict with any provision contained herein. The President shall be responsible for the implementation and compliance of these policies by all personnel of the

University. Exceptions to the Board policies contained herein may be made only upon approval of the Board.

PART II

RECRUITMENT AND APPOINTMENT OF EXECUTIVE AND MANAGERIAL PERSONNEL

A. General. Recruitment of and appointments to executive and managerial positions shall be made in accordance with the following policies.

B. Recruitment/Selection of Candidates.

1. Executive and managerial vacancies shall be advertised in locations which are considered appropriate sources of recruitment and shall be in compliance with applicable equal employment opportunity/affirmative action requirements. Executive and managerial positions which directly supervise or have responsibility over instruction or research programs shall normally require a terminal degree in the field of involvement. Such positions shall be filled through national recruitment.

Executive and managerial positions which have supervision of or responsibility over administrative support, academic support, student services or community service programs normally do not require a terminal degree. Such positions may be filled through local recruitment.

Waiver of recruitment for positions reporting directly to the President shall require approval of the Board. The President may waive recruitment for other executive and managerial positions when appropriate.

2. Where appropriate, an advisory committee may be established to advise the President, or other responsible administrator. If an advisory committee is established, the President or other responsible administrator shall provide the committee with the following directions:
 - a. The scope of the committee's tasks.
 - b. The criteria to be followed if candidates are to be evaluated.
 - c. Appropriate time limits.
 - d. The form of any recommendations to be made (Example: each candidate shall be determined as "qualified" or "not qualified" without any indication of ranking).
3. The President shall periodically consult with the Board on the status and other pertinent information regarding the search and selection process for executive and managerial positions.
4. These guidelines do not apply in the case of temporary assignments; where additional duties which are not substantial are assigned to an individual previously appointed by the Board above and beyond the incumbent's current

duties; where reassignments are made because of organizational changes; or where reassignments are made from one executive or managerial position to another executive or managerial position.

C. Appointments. Appointments to executive positions of Executive Administrator and Secretary of the Board, Vice President, Chancellor, and Internal Auditor are subject to Board approval and considered to be a consent of employment and not contractual appointments to specific positions. Appointments to position of Vice Chancellors, Deans (University), Directors of the Institute for Astronomy and Cancer Research Center, and other positions defined as managerial are subject to Presidential approval and considered to be a consent of employment and not contractual appointments to specific positions. The University may reassign such personnel to any executive or managerial position at its discretion during the term of an appointment without loss of pay. Such appointees serve at the pleasure of the University and as such, no employment contracts aside from the normal University employing documents shall be offered to any executive or managerial employee.

1. Initial Executive Appointments.

- a. Executive and managerial personnel with return rights shall normally be appointed for one year at a time, but initial appointments of up to three years duration may be made.
- b. Executive and managerial personnel without return rights may initially have term appointments not exceeding five (5) years.
- c. Appointments which require an individual with specialized experience and management skills to develop new programs, such as a new school or college, may be made at a title and salary commensurate with the assignment, pending the establishment of the executive or managerial position.
- d. Executive and managerial personnel with multi-year appointments serve at the pleasure of the University and, as such, shall be subject to appropriate performance criteria and shall be required to maintain satisfactory performance as a condition of continued employment. If satisfactory performance is not maintained, the executive or manager may be reassigned or terminated in accordance with section 2.f. or 2.g. below, as appropriate. This requirement shall apply to initial appointments and reappointments.

2. Reappointments, Reassignments, and Non-Renewal of Appointments.

- a. Reappointments shall be based on the needs of the University.
- b. Executive and managerial personnel without return rights normally may have term reappointments for periods of up to three (3) years.

- c. Reassignment of executive and managerial personnel to any other executive or managerial position, as provided in Section C above is considered to be a continuation of employment and is not an initial appointment.
- d. The non-reappointment of individuals to executive and managerial positions is not considered a termination for cause, but is an exercise of the University's prerogative to select executive and managerial personnel to direct and manage the affairs of the University.
- e. Personnel appointed to executive and managerial positions who have return rights to another University position may be-reassigned at any time during the appointment period to such former position upon being given at least thirty (30) calendar days written notice by the appropriate administrator. See Return Rights, Part IV, B.
- f. Executive and managerial personnel who do not have return rights to another position shall be provided prior written notice of termination of appointment. During the first two (2) years of employment, three (3) months notice shall be given prior to the effective date of the termination action. After two (2) or more years of service, six (6) months notice shall be given prior to the effective date of the termination action. Notice of termination may be given at any time during the appointment period.
- g. Executive and managerial personnel serving in an acting or interim capacity have temporary appointments which may be terminated with appropriate notice. Such personnel with return rights to another position may be terminated upon thirty (30) calendar days notice. Such personnel who do not have return rights to another position should be given as much notice as possible, but in no event less than 90 calendar days.

PART III

COMPENSATION FOR EXECUTIVE AND MANAGERIAL PERSONNEL

A. Purpose/Applicability.

The purpose of these policies is to describe the provisions of the compensation system applicable to individuals appointed by the Board of Regents (“Board”) to executive and managerial positions which are excluded from an appropriate collective bargaining unit as specified in Section 89-6, Hawai‘i Revised Statutes.

B. Policy Statement.

The University system operates in a highly competitive environment and recognizes that its faculty and administrators are primary assets, and the principal source and means by which the University carries out its mission.

The University aspires to provide base compensation for its executive and managerial personnel that is competitive with pay levels of individuals who have similar responsibilities, demonstrated competence, and experience. The compensation levels for the University’s executive and managerial positions shall be based on relevant competitive markets as well as on the level of responsibility of the position. It is the aspiration of the University to be able to offer starting salaries so that most fully competent and experienced staff are compensated at the median rate paid to executives and managers in similar positions at university systems or employers with which the University competes for staff. Each employing unit is responsible for insuring that they maintain equity across protected groups as provided below:

- Administer the University’s compensation program without regard to an individual’s race, sex, gender identity and expression, age, disability, color, religion, national origin, citizenship, ancestry, marital status, sexual orientation, arrest and court record, status as a covered veteran, or any other protected classes.
- Provide equitable pay grade classifications for executive and managerial positions. Each position shall be analyzed, described in writing, and classified according to complexity and responsibility so that comparisons can be made with comparable university systems and recruitment sources.
- Establish equitable executive and managerial pay grade classification schedules consistent with the University’s organizational structure with pay grade medians equal to the median salaries paid by comparable universities and other recruitment sources.
- Maintain salary ranges for these pay grade classifications that properly reflect internal position relationships in addition to being competitive with external pay practices of comparable universities and other recruitment sources.

- Pay individuals within their salary ranges according to their level of performance, rewarding good performance and withholding increases when they are not warranted by individual performance.
- Provide guidelines for sound and consistent salary decisions throughout the organization.
- Permit delegation of salary administration authority while maintaining adequate control.

The University values the components of the work experience including a positive and healthy environment that addresses the physical, emotional and intellectual well being of its staff. Components enhancing the staff's work experience will be consistent with offerings by similarly situated university systems.

C. Review.

These compensation policies shall be reviewed at least once every two years by an advisory Compensation Committee appointed by the President. The Compensation Committee shall consult with the President when reviewing the compensation policies. Upon completion of its review, the Compensation Committee will present its recommendations to the President for review and forwarding to the Board for final action.

D. Implementation.

These compensation policies supercede all prior policies and practices which may conflict with any provision contained herein. The President shall be responsible for the implementation and compliance of these policies by all personnel of the University.

E. Classification Policies and Procedures.

1. Authority.

- Generally, compensation actions shall comply with the terms of these compensation policies. Exceptions, however, are permitted in unique and well-justified cases. The President has the authority to grant such exceptions, except for those positions for which the Board is the final approving authority; in those cases, the Board has the authority to grant such exceptions.
- The Board is the final approving authority for all appointment, reappointment, and compensation actions, including acting and interim appointments, related to the positions reporting directly to the President or to the Board specifically the Executive Administrator and Secretary of the Board, Vice Presidents, Chancellors, and Internal Auditor.

The Board shall review the list of positions for which the Board is the final approving authority at least once every two years to confirm or amend the list as may be required. The Board may, at its discretion, amend the list at any time. The President may, from time to time, submit recommendations to the Board to amend the list. Such recommendations to the Board shall be made in writing and shall include relevant justification.

The approving authority for all other appointment, reappointment, and compensation actions under this policy requires the approval of at least two executive or managerial reporting levels above the position involved in the transaction.

For example, the President is the final approving authority for all appointments, reappointments, and compensation actions involving executive or managerial positions reporting to the President's direct reports. Accordingly, the Chancellors and Vice Presidents who report directly to the President are the final approving authority for all other appointment, reappointment, and compensation actions for executive or managerial positions within their respective areas of responsibility.

- c. The Executive Vice President for Academic Affairs/Provost shall be responsible for ensuring the oversight of the classification of all executive and managerial positions and for all management compensation transactions for compliance with the University's compensation policies, and shall advise the President of transactions found not to be in compliance.

2. Initial Hires.

Chancellors and Vice Presidents are authorized to set starting salaries for new employees up to and including the control point of the appropriate classification salary range established for that position. The calculation of the "control point" for a given classification is generally understood to be based on the median of the relevant CUPA survey of public and private institutions, though the use of CUPA for these purposes will be part of the periodic review of these policies required in Parts I(D) and III(C).

The President may, upon the recommendation of the vice president/chancellor and at his/her discretion, authorize higher starting salaries for new executive and managerial employee candidates who have exceptional skills, experience, and qualifications and who are expected to immediately contribute productive performance.

The Board, upon the recommendation of the President and at its discretion, may authorize starting salaries exceeding the maximum of the salary range width for exceptional candidates for positions reporting directly to the President or the Board.

3. Annual Salary Adjustments In order to insure that executive and managerial employee salaries are competitive with comparable university systems, salary adjustments may be granted periodically, subject to the availability of Board authorized funds for salary adjustments. The amount of such salary adjustments shall be based on an individual's performance with consideration given to the individual's placement within his/her grade classification salary range.

a. Executive and managerial employees shall be eligible for merit salary adjustments and/or performance incentive awards as follows:

- The President, upon recommendation of the Executive Vice President for Academic Affairs/Provost, shall develop annual salary adjustment guidelines. The guidelines should insure that the salary increases are granted on a fair and equitable basis. The guidelines may include a matrix for authorized salary increase amounts taking into consideration both individual performance and one's placement within his/her grade classification salary range. (Generally increases for those in the upper percentiles of their salary range are lower than for those who perform at an equal level but who are in the lower percentiles of the salary range.) The guidelines may include special provisions and/or compensation incentives for individuals whose base pay exceeds the maximum of their respective grade classification range.
- Executives and managers who have final approval authority under these compensation policies may approve any salary adjustment within the guidelines established by the President or the Board provided that the resulting salary does not exceed the control point of the grade classification range established for that position. Base salary adjustments beyond the control point of the salary range may only be granted to those employees whose performance is above the fully satisfactory level.
- Generally, all base salaries shall be within the authorized grade classification range. Exceptions, however, are permitted in unique and well-justified cases. The President has the authority to grant such exceptions, except for those positions for which the Board is the final approving authority; in those cases, the Board has the authority to grant such exceptions.
- Performance Incentive Awards (PIA) may be granted pursuant to University procedures for meritorious performance.

4. Special Salary Adjustments.

Special salary adjustments may be granted to incumbents in extraordinary circumstances such as retention, based on the recommendation of the appropriate Vice President or Chancellor.

5. Acting/Interim Appointments.

Individuals appointed to executive and managerial positions on an acting or an interim basis may be compensated with a temporary pay adjustment.

Chancellors and Vice Presidents are authorized to set starting salaries for acting/interim executive and managerial appointments up to and including the control point of the appropriate classification salary range established for the executive position.

The President may, upon the recommendation of the Vice President/Chancellor and at his/her discretion, authorize higher starting salaries for, acting/interim executive and managerial appointments for candidates who have exceptional skills, experience, and qualifications and who are expected to immediately contribute productive performance.

The Board upon the recommendation of the President and at its discretion, may authorize starting salaries exceeding the maximum of the salary range width for exceptional candidates for positions reporting directly to the President or the Board.

Should the employee not be appointed to the position after serving in an acting or interim capacity, the following will apply:

- Additional temporary pay adjustments received for serving in an acting or interim basis will be terminated upon completion of the assignment.
- Upon return to the individual's former position, his/her salary shall be that which he/she would have received at the time of return had he/she not accepted the acting or interim assignment, adjusted as may be equitable under the circumstances.

F. Compensation Administration Responsibilities.

The Executive Vice President for Academic Affairs/Provost, shall direct and oversee the administration, monitoring, and maintenance of the compensation policies that includes a salary schedule applicable to executive and managerial classes and for the assignment of executive and managerial classes on the salary schedule to ensure competitiveness and to stay abreast of current trends. Copies of the most current salary schedule shall be provided the Board. The University's Office of Equal Opportunity/ Affirmative Action working through the Vice President for Legal Affairs and University General Counsel shall be responsible for the oversight of internal compensation equity to ensure both legal and policy compliance.

The Executive Vice President for Academic Affairs/Provost, may recommend

revisions of the program as required and provide appropriate reports to the President and the Board. Specific responsibilities shall include the following:

1. Consults with and reviews salary actions or recommendations to insure conformance with these compensation policies, administration guidelines, and the salary adjustment budget. Reviews and makes recommendations to the President for salary actions requiring the President's or Board's approval.
2. Requests the Vice Presidents and Chancellors annually to review their executive and managerial position descriptions to insure that they are current and accurate. If the duties and responsibilities of the position have changed, a revised position description shall be submitted to the System Office of Human Resources.
3. Reviews the salary grade classification pay ranges annually and recommends revisions if required by changes in the competitive market (e.g., as reflected by changes in the CUPA survey used to establish the control points for classification ranges). Consideration shall be given to the general movement of salaries paid in comparable universities for comparable positions, based on surveys and specific job analysis.

The Executive Vice President for Academic Affairs/provost shall direct the preparation of a report and recommendation for salary structure adjustments if necessary for the President's review and approval.

PART IV
CONDITIONS OF SERVICE

A. Performance Evaluation.

Every appointee to an executive or managerial position shall be evaluated for performance and accomplishments annually during the March-June period according to criteria and procedures established by the President, which shall include performance categories as well as criteria upon which executive and managerial appointees are to be evaluated. Such evaluation shall include a review of the position description and classification assignment of the position to which the individual has been appointed.

The results of the evaluation shall be the basis for reappointment as appropriate and for consideration of salary adjustments and performance incentive awards. Performance incentive awards are to be paid as lump sum bonuses based on the evaluated performance for the immediately completed fiscal year, without increasing the base salary of the employee.

B. Return Rights.

Personnel appointed to an executive or managerial position, with return rights to another University position, may be reassigned to such position. Upon return to the position, either during or after an appointment period, the individual's salary shall be that which the individual would have received at the time of return had he/she not accepted the executive or managerial appointment, adjusted as may be equitable under the circumstance.

C. Professional Development.

Executive and managerial personnel are expected to continue their professional development during their period of appointment so as to enhance their capabilities and value to the University. Accordingly, they may be provided opportunities for taking leaves of absence and for participating in appropriate activities and programs which will attain this objective.

D. Professional Improvement Leave.

1. Applications for professional improvement leave shall be submitted at least six (6) months before the start of the leave in accordance with instructions and criteria established by the University.
2. Executive and managerial personnel may be granted leave with pay for professional improvement consistent with development in their profession and needs of the University. Leave may be granted for periods up to twelve (12) months at full pay or twelve (12) months at half pay after six (6) years of full-time continuous service, including creditable service in other Board classifications with total months earned at the rate of one (1) month for each year, up to twelve (12)

years of service. Leaves of shorter duration may be granted at the rate of one (1) month of leave for each year of executive or managerial service, after six (6) years of full-time continuous service up to twelve (12) years, including creditable service in other Board of Regents classifications. The total short duration leave taken with pay should not exceed that provided for regular professional improvement leave.

3. Any individual granted a leave with pay for professional improvement shall agree to return to service at the University, at the rate of one (1) year for each six (6) months of leave at full pay, or at a prorated rate.
4. In addition, an individual who leaves any executive or managerial position to return to teaching or research is encouraged to apply for professional improvement leave if the duration of the executive or managerial appointment has been for at least six (6) years and a professional improvement or a sabbatical leave was not taken during this period. Leaves of shorter duration may be granted at the rate of one (1) month of leave for each year of executive or managerial service, after six (6) years of full-time continuous service up to twelve (12) years, including creditable service in other Board classifications. The total short duration leave taken with pay should not exceed that provided for regular professional improvement leave.
5. The leave approved under this provision shall be at the employee's executive or managerial salary and may be taken from a faculty position. The salary shall revert back to the appropriate faculty salary at the end of the leave period. The other conditions of such leave are noted above, except that the University may, at its option, waive the requirement for the initial qualification period and grant leave at the rate of one (1) month for each full year of service.
6. It is expected that an individual on professional improvement leave at full pay will not take employment for compensation during the leave, and that an employee on half pay will not take more than half-time employment. However, it is recognized that in some instances such employment is necessary for, or enhances, the attainment of the purposes for which the leave was granted. In such cases a request for permission to take compensated employment should be included in the application. Upon the return of the employee from professional leave, the individual shall report in writing to the appropriate supervisor on the activities during the leave.
7. Executive or managerial personnel shall not earn or accrue vacation leave or sick leave while on professional improvement leave.

E. Leaves Without Pay.

Executive and managerial personnel may be granted leaves without pay for purposes such as professional development, military leave, or for urgent personal reasons, including personal illness or illness of family members. These leaves of absence except for urgent personal reasons, shall normally be granted for no more

than one year at a time. There may be combinations of leaves, such as paid professional improvement leave followed by leave without pay. Leaves for urgent personal reasons shall not be granted for more than ninety (90) days at a time.

Discretionary leaves such as professional development leave and in certain circumstances, military leave, may be granted provided a satisfactory temporary replacement, if needed, can be secured. Approval of personal leaves of an emergency nature shall not be unreasonably withheld.

F. Perquisites.

Executive and managerial personnel may be granted perquisites not in conflict with State law. However, prior Board approval is required when an executive or managerial employee is being offered a perquisite valued at one hundred dollars (\$100.00) or more per month and/or not afforded all other University employees.

G. Discipline and Appeal.

1. Executive and managerial personnel shall not be disciplined except for proper cause.
2. Reassignments and non-reappointments as provided for in Part II, Section C.2, are not disciplinary actions and are therefore not appealable.

H. Mileage Allowance.

Executive and managerial employees who are required to use their private vehicles for official business shall be reimbursed at the applicable federal rate per mile.

I. Travel Allowance.

Executive and managerial personnel traveling on University business shall be authorized per diem rates and benefits comparable to those authorized for bargaining unit 07.

J. Additional Duties.

As professionals, executive and managerial personnel may be assigned additional duties from time to time. In cases where significant additional duties are temporarily or permanently assigned, an adjustment to the individual's salary may be granted. Upon completion of the additional temporary duties, the additional compensation shall terminate.

K. Family Leave

Executive and managerial employees shall be entitled to State family leave as set forth in Chapter 398, Hawaii Revised Statutes. Accrued vacation leave and/or sick leave may be substituted for any part or all of the allowable State family leave up to a maximum of four (4) weeks per designated twelve (12) month period. Employee

entitlement to Federal family leave is set forth in the Family and Medical Leave Act of 1993. The President shall be responsible for developing and maintaining policies and procedures to administer this section in accordance applicable laws and regulation

L. Other Conditions of Service.

Executive and managerial personnel shall be granted all rights and benefits accorded other University employees as provided by statute, rule, or Board policy, except as may be specifically modified by this policy or other policies of the Board. These rights and benefits shall be subject to adjustments and modifications as provided by Section 89-C, HRS, which provides for comparability with bargaining unit members. Any additional benefits shall require prior approval of the Board. See Attachment 3 for Rights and Benefits.

RIGHTS AND BENEFITS

Rights and benefits shall include, but shall not be limited to, the following:

1. Board of Regents Policies.
 - a. Patents and Copyrights - Section 5-3f
(See Administrative Rules 20-3)
 - b. Exemption from Tuition - Section 6-4e
(See Administrative Rules 20-3)
 - c. Employment of Relatives - Section 9-4
(See Administrative Rules 20-3)
 - d. Political Activity - Section 9-5
(See Administrative Rules 20-3)
 - e. Outside Employment - Section 9-7
(See Administrative Rules 20-3)
 - f. Relocation Allowances - Section 9-9
(See Administrative Rules 20-3)
 - g. Health Fund, Retirement and Other Benefits - Section 9-13
(See Administrative Rules 20-3)
 - h. Parking - Section 10-5
(See Administrative Rules 20-12)
 - i. Travel Per Diem - Section 9-18
 - j. Legal Representation
(contained at the end of this Chapter)
2. Hawai'i Revised Statutes.
 - a. Holidays - Chapter 8
 - b. Vacation leave - Chapter 79
 - c. Sick leaves - Chapter 79
 - d. Worker's compensation - Chapter 79
 - e. Funeral leave - Chapter 79

- f. Jury or witness leave - Chapter 79
 - g. Military leave - Chapter 79
 - h. Medical, dental and life insurance plans - Chapter 87
 - i. Retirement and Social Security benefits - Chapter 88
3. In cases where the granting of benefits affect programs or facilities of the University, the President may prescribe conditions under which such benefits shall be awarded.

Legal Representation.

1. The Board shall provide legal counsel to executive and managerial employees upon written request when:
 - a. The executive or managerial employee is sued for actions taken by the employee in the course of the employee's employment and within the scope of the employee's duties and responsibilities, as determined in accordance with paragraph 2 below.
 - b. The executive or managerial employee must appear as a defendant in court or in a legal proceeding when sued for actions taken in the course of the employee's employment and within the scope of the employee's duties and responsibilities in accordance with paragraph 2 below.
 - c. The executive or managerial employee must appear as a witness or is subpoenaed to appear in court or in a legal proceeding on a matter arising in the course of employee's employment and within the scope of the employee's duties and responsibilities in accordance with paragraph 2 below.
 - d. The executive or managerial employee is required to give a deposition, answer interrogatories or provide discovery on a matter arising in the course of employee's employment and within the scope of the employee's duties and responsibilities in accordance with paragraph 2 below.
2. If the executive or managerial employee requesting legal representation does not report directly to the President, the President or designee shall determine if the executive or managerial employee was performing within the course of the employee's employment and within the scope of the employee's duties and responsibilities.

If the executive or managerial employee requesting representation reports directly to the President, the President or designee shall appoint a three member committee to evaluate if the employee was performing within the course and scope of the employee's employment and within the employee's duties and responsibilities. The committee shall report its evaluation with a recommendation to the President.

If the executive or managerial employee requesting legal representation reports

directly to the Board, the Board or its designee shall determine if the executive or managerial employee was performing within the course of the employee's employment and within the scope of the employee's duties and responsibilities.

3. The University shall be responsible for any judgment or court approved settlement made against an executive or managerial employee in a civil suit for actions taken by the executive or managerial employee in the course of his/her employment and within the scope of his/her duties and responsibilities, and the Board of Regents may request an appropriation from the Legislature to cover the cost of any judgment (or court approved settlement) against the executive or managerial employee.

Section 9-13 Evaluation of Board of Regents' Appointees.

- a. Board appointees will be evaluated periodically in accordance with the guidelines below and the specific procedures developed by the appropriate administrative offices to implement this policy. These performance evaluations shall be conducted in order:
 - (1) to provide assurance to the University and its constituents that professional staff resources and particular areas of expertise are being used to the best advantage;
 - (2) to provide for the systematic recognition of excellence and develop incentives for superior performance; and
 - (3) to provide means for the improvement of performance in furtherance of the University's mission.
- b. In recognition of the special role of the faculty in the academic mission of the University, procedures for periodic review of faculty performance must provide safeguards for academic freedom and shall provide the opportunity for participation of faculty peers in the review process. Accordingly, each Chancellor, in consultation with appropriate faculty governance organizations, shall develop procedures for such review which incorporate these principles. The procedure shall include a requirement for evaluation of every faculty member at least once every five years, and may provide for exempting faculty who have undergone a review for reappointment, tenure, or promotion, or who have received a merit salary increase during this period. Faculty review procedures shall be submitted by the Chancellor for approval by the President.
- c. Administrative, Professional, and Technical (APT) employees shall be evaluated at least once every three years according to procedures approved by the President.
- d. Employees in the executive and managerial classifications shall be evaluated annually as specified in Section 9-12.
- e. For any campus which does not have an approved faculty review procedure development in accordance with paragraph b. above for implementation in academic year 1981-82, faculty shall be evaluated according to procedures approved by the President. These procedures shall remain in effect until procedures developed in accordance with section b. are approved and implemented.

Section 9-14 Teaching Assignments for Instructional Faculty.

The instructional faculty of the University of Hawai'i has duties and responsibilities that encompass a number of professional activities in addition to teaching. The nature and scope of these additional duties depend on the particular mission of the unit and program and the relationship of that mission to the faculty member's professional

qualifications. As instruction is the University's highest priority, however, teaching remains the most important duty of its faculty. This policy sets standards for the assignment of the instructional component of faculty responsibilities.

- a. Except as otherwise provided herein, the standard teaching assignments for full-time instructional faculty shall be as follows:
 - (1) 24 semester credit hours per academic year at the University of Hawai'i at Mānoa,
 - (2) 24 semester credit hours per academic year at the University of Hawai'i at Hilo,
 - (3) 24 semester credit hours per academic year at West O'ahu, and
 - (4) 27 semester credit hours per academic year in the Community Colleges.
- b. The teaching assignments in section a. above refer to classroom lecture instruction. For other modes of instruction (clinical practice, laboratory, online, thesis supervision, etc.), each Chancellor shall develop and recommend:
 - (1) an appropriate measure of the instructional activity (contact hours, number of students supervised, etc.), and
 - (2) an equivalence relating the designated measure to semester credit hours.

It is expected that the development of appropriate equivalents will involve consultation of the appropriate faculty, department chairpersons, and academic deans.

Such equivalents shall be reviewed and approved by the President and reported to the Board upon their establishment or subsequent revision consistent with Board policy.

- c. In recognition of the diverse responsibilities of the University and its faculty, each Chancellor shall develop and recommend equivalents for specific non-instructional activities that are consistent with and in furtherance of the mission of the University unit and program.

It is expected that the development of appropriate equivalents will involve consultation of the appropriate faculty, department chairpersons, and academic deans.

The definitions of these equivalents shall include:

- (1) a description of the professional activities for which they may be granted,
- (2) an explanation of the relationship of these activities to institutional and program mission and priorities, and

(3) guidelines for determining the circumstances which warrant granting them.

Such equivalents shall be reviewed and approved by the President and reported to the Board upon their establishment or subsequent revision consistent with Board policy.

The implementation of this policy shall be the responsibility of the Chancellors of the respective units.

- d. Teaching assignments for part-time instructional faculty or for faculty paid less than full-time from instructional funds shall be as in section a. above pro-rated by their fractional full-time equivalent in instruction.
- e. Each unit shall ensure against discriminatory teaching assignments. In addition, Chancellors shall establish procedures to monitor the effectiveness of teaching reductions for non-instructional duties.

Section 9-15 Excluded Administrative, Professional and Technical (APT) Employees' Personnel Policies.

The following policies shall govern the personnel system for those APT employees excluded from their bargaining unit due to responsibilities which concern confidential matters affecting employee-employer relations.

EXCLUDED ADMINISTRATIVE, PROFESSIONAL AND TECHNICAL (APT)
EMPLOYEES' PERSONNEL POLICIES.

I INTRODUCTION

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- B. Authority
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- D. Implementation

II CLASSIFICATION AND COMPENSATION

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- B. Compensation
- C. Salary Administration

III CONDITIONS OF SERVICE

General Policies

- A. Employment Security
- B. Employment Rights
- C. Layoffs
- D. Grievance Procedure

PART I

INTRODUCTION

- A. Purpose/Applicability. These policies are applicable to Administrative, Professional, and Technical (APT) employees classified and compensated in accordance with the APT Classification and Compensation Plans and excluded from the appropriate collective bargaining unit as designated in Section 89-6, Hawai'i Revised Statutes ("HRS"), due to responsibilities which concern confidential matters affecting employee-employer relations.

Excluded Administrative, Professional and Technical (APT) employees covered by these policies shall be accorded rights and benefits no less than that enjoyed by APT employees included in the appropriate bargaining unit, with the exception of Union representation.

- B. Authority. These policies are established pursuant to the authority granted to the Board by Article X, Section 6 of the Constitution of the State of Hawai'i, and by Chapters 76-16(11), 304-11, and 304-13, HRS.
- C. Review. These personnel policies shall be reviewed coincident with the review of the bargaining unit 08 agreement (i.e. contract negotiations), by a committee of excluded APT personnel appointed by the President or designee. Appropriate recommendations shall be transmitted to the Board for its approval.
- D. Implementation. The President shall be responsible for the implementation and observance of these policies by all personnel of the University. Exceptions to the Board policies contained herein may be made only upon consultation with the Board.

PART II

CLASSIFICATION AND COMPENSATION

- A. Classification.
1. The University shall maintain an APT classification plan applicable to all APT positions, included or excluded.
 2. Positions shall be classified in accordance with established criteria for the maintenance of the APT classification plan.

- B. Compensation.

Employees shall be compensated in accordance with the established APT Compensation Plan. (Ref: Administrative Procedure A9.210.)

C. Salary Administration.

Initial salary placement and subsequent salary adjustments shall be in accordance with University policies and procedures. (Ref: Administrative Procedure A9.210.)

PART III

CONDITIONS OF SERVICE

GENERAL POLICY.

A. Employment Security.

1. All employees who have satisfactorily completed three (3) years of continuous creditable APT service shall be given employment security and shall have reemployment rights to excluded positions.
2. Creditable service shall not include periods of leave without pay. Leaves without pay shall not, however, constitute breaks in service.

B. Employment Rights.

1. Employment preference for excluded APT positions shall be given to employees covered by these policies who meet the specified minimum qualification requirements.
2. Employees who have reemployment rights and (1) have an appointment with a specified ending date or (2) are notified of impending termination due to lack of work or funds or need shall be eligible to apply for excluded position vacancies which occur during the 60-day period prior to the end of their appointment period. These employees shall be provided the following information in the written notice of termination: (1) effective date of termination, that is, close of business date, (2) notice of Priority 1 status, (3) notice when Priority 2 status becomes applicable, and (4) instructions on applying for vacancies including the employee's obligation to self-identify as having priority status when applying for excluded position vacancies. The appointing or designee shall offer to meet with the employee about to be terminated to discuss the employee's preferential selection under priority status.
3. Employees who are discharged for proper cause which discharge is upheld, or not contested, or who are terminated for substandard performance, or who resign their positions shall not be eligible to exercise any employment rights in this section.
4. When filling excluded APT positions, and upon application, the order of preference shall be as follows:

Priority 1: Employees with employment security who are being relieved or

terminated because of lack of work or other legitimate reasons, who meet the minimum qualification requirements of the position, shall have preference for a vacancy in the same or lower pay band as the position from which the employee is being relieved or terminated.

Priority 2: Employees with employment security who have been relieved or terminated because of lack of work or other legitimate reasons, who meet the minimum qualification requirements of the position, shall have preference for a vacancy in the same or lower pay band as the position from which the employee was relieved or terminated, for a period of eighteen (18) months from the date of separation.

Priority 3: All other excluded APT employees.

5. An excluded employee who is employed or reemployed in a new position shall serve a new six (6) month probationary period, which may be extended an additional six (6) months by the employer. A reemployed employee shall not forfeit the original reemployment rights if separated during the employee's probationary period, unless dismissed for cause.
6. Within thirty (30) days from the effective date of the new appointment, the employee may request in writing to the appointing authority to return to the employee's former position, provided that: (1) the employee has employment security, (2) the employee held a permanent position immediately prior to the new appointment, (3) the employee's former permanent position is available for filling, and (4) the employee receives written approval of the appointing authority for the position to which the employee seeks to return.

C. Layoffs

1. The term "layoff" shall mean a termination due to lack of funds or work, of an employee whose salary is paid from the general revenues of the State of Hawai'i or from funds deemed by the University to be assured for an indefinite period of time. It shall not apply to terminations at the end of an appointment period for personnel in temporary positions or those in positions paid from extramural funds.
2. Only employees with employment security shall be entitled to this layoff procedure.
3. When there is an impending layoff, the employer shall notify the affected employee(s) in writing as soon as possible, but not later than ninety (90) calendar days before the impending layoff is to take place.
4. The following procedures shall be followed to effectuate the layoff:
 - a. Seniority points based on months of creditable service in the APT system shall be used. One point shall be computed for each month of full-time equivalent service.

- (1) APT service at one-half time or more is creditable.
- (2) Only that period of continuous University service immediately prior to the layoff is creditable.
- (3) Periods of leaves without pay or non-APT service are not creditable.
- b. In determining placement in another position, the employee must meet the minimum qualifications of that position.
- c. Employees referred to vacant positions under this section shall have priority over employees exercising normal preferential employment rights.
- d. Order of placement.
 - (1) To a vacant excluded APT position at the same time or lower pay band.
 - (2) To a filled excluded APT position at the same or lower pay band from which an employee is to be displaced. (See Displacement Rights)
 - (3) To a vacant included position (whereby the affected employee then becomes a member of the bargaining unit) at the same or lower pay band.
- e. Referral for placement in a vacant position shall be on the basis of the employee's designation of geographic location(s) and the minimum acceptable pay band, the latter shall be binding on the employee. Referrals shall be to positions which are funded from the general revenues of the State of Hawai'i or from funds deemed by the University to be assured for an indefinite period of time, and full particulars of the position shall be disclosed to the employee.
- f. The employee shall be entitled to three (3) offers for placement in a position, which is in accordance with the terms specified in 4.e. above. If, however, the employee should decline to accept the first offer of employment, the employee shall forfeit displacement rights in paragraph 5 below. The employee is still entitled to two (2) more offers to vacant positions, if available.

5. Displacement Rights.

- a. In the event there is no available vacant position for which the employee qualifies, the employee shall have rights to positions held by excluded employees covered by these policies and which are funded from the general revenues of the State of Hawai'i or from funds deemed by the University to be assured for an indefinite period of time.
- b. The employee shall be referred in the following order:

- (1) To an excluded position in the same career group occupied by probationary employee at the same or lower pay band in descending order. If more than one probationary excluded employee at any level is subject to displacement, the one with the least seniority points shall be displaced.
 - (2) To an excluded position in the same career group occupied by an employee with employment security and with the least seniority points at the same or lower pay band in descending order.
- c. The employee affected by the layoff may waive his displacement rights, in writing to the employer, thereby limiting placement to vacant positions.
6. An employee who is placed in a position at a lower pay band in accordance with these layoff procedures shall maintain existing rate of pay and all rights and benefits which would have accrued in the position from which laid off.
 7. When an employee cannot be placed in another position or refuses to accept a position offered under paragraph 4.f. above the employee will be terminated with entitlement to employment rights as previously defined.

D. Grievance Procedure.

A grievance is defined as a complaint filed by an employee alleging that there has been a misinterpretation, misapplication, or violation of personnel statute, rule, regulation, or written policy with adverse results to the employee. Dissatisfaction with matters of classification and pricing are not grievable under this procedure.

1. There are three formal decision making levels.
 - a. Dean, or director
 - b. Chancellor, vice president or designee; and
 - c. President, or designee
2. The grievance shall be filed at the first formal step within twenty working days after the occurrence of the alleged misinterpretation, misapplication, or violation, or if it concerns an alleged continuing violation, then it must be filed within twenty (20) working days after the alleged violation first became known, or should have become known to the employee involved.
3. No more than fourteen (14) working days shall elapse between initiation at each step and notification to the employee of the decision.
4. Employees shall be allowed a maximum of seven (7) working days from the date of decision to initiate further action.
5. Employees are assured of freedom from coercion, discrimination or reprisal.

6. A grievance shall, whenever possible, be discussed informally between the employee and the immediate supervisor within the twenty (20) working day limitation provided for in paragraph 2 above.

Section 9-16 Travel Per Diem.

All University personnel traveling on University business shall be authorized per diem rates and benefits equal to comparable bargaining unit's policies. Per diem in excess of prevailing rates shall be permitted only where expressly provided for in contracts or grants.

Section 9-17 Waiver of Oath of Loyalty for Select Employees.

- a. In accordance with applicable section(s) of the HRS, the Board may waive the oath of loyalty for the following class of officers or employees of the University:
 - (1) Aliens employed by the University, and
 - (2) Casual and temporary employees and student helpers of the University whether on a monthly salary, hourly wage, or per diem basis.
- b. The President is delegated the authority to waive the oath of loyalty in accordance with State Statutes.

Ref: Section 85-34, HRS, as amended. (SLH 1987)

Section 9-18 Delegation of Personnel Actions.

The Board may delegate to the President, the authority to approve certain personnel actions. The list of personnel actions delegated to the President is made a part of this section.

DELEGATION OF PERSONNEL ACTIONS
APPROVED BY THE BOARD OF REGENTS
November 16, 2006

The following delegation supersedes all prior delegations of personnel actions.

Except for the following actions, the Board delegates authority to approve all personnel actions to the President or designee.

The following personnel actions shall require the approval of the Board:

- I. The following specific actions relating to positions and personnel (1) in the Executive class; (2) reporting to the Board; and (3) reporting directly to the President:
 - a. Establishment, amendment and abolishment of classes

- b. Waivers of recruitment and minimum qualifications
- c. Appointments and reappointments
- d. Compensation adjustments, including special salary adjustments
- e. Reassignments
- f. Terminations
- g. All leaves for the President and personnel reporting directly to the Board. Professional improvement leaves, leaves without pay and leave exceeding 2 years in a 7-year period for personnel reporting directly to the President and personnel in the offices reporting to the Board. Note: Authority to approve such leaves has been delegated to the Chair or designee.

II. Granting of emeritus status

III. Granting tenure

IV. Establishment of endowed and distinguished chairs

V. Promotion of faculty to rank 4 and 5

VI. Upon recommendation of the Chancellor and President, the Chair and Vice Chair of the Board or designated alternate Regent, approves appointments and reappointments for coaches of more than three (3) years in total duration as well as appointment, reappointment, and salary adjustment for coaches exceeding the salary schedule by more than 25% and/or exceeding \$500,000 annually.