



FLORIDA STATE UNIVERSITY
OFFICE OF HUMAN RESOURCES

HR Forum

Faculty and Graduate Assistants: Contract Compliance 101

September 21, 2022

HR Updates

Communications/Special Projects

New HR Forms Webpage

- The new forms library will be available starting Friday, September 23.
- We have enhanced the usability of the site by adding contact information, section areas, edit dates, sort functionality, and the ability to search the form name.
- The forms URL will remain the same at <https://hr.fsu.edu/hr-forms>. However, the links to the individual forms may be different.
- If your department has specific links directly to individual HR forms on your website, please review the link to ensure the links being used connect to the appropriate URL.

HR Updates

Benefits

General Updates

- Joel Huffman is the new Assistant Director of Benefits and started with FSU on September 9.
- Open Enrollment begins on Monday, October 10 at 8 am ET and ends on Friday, October 28 at 6:00 pm ET.
- The annual Benefits Fair will be hosted in person at the Turnbull Center on October 10 from 10:00 am – 2:00 pm.
- 403 (b) Plan
 - Impacted 403(b) participants should receive a Transition Guide in the next couple of weeks.
 - Townhalls will be hosted at the end of October and beginning of November in the College of Medicine auditorium.

HR Updates

Attendance & Leave

Holiday Break Updates

- Fall Holiday has been announced for Wednesday, November 23. Normal University operations will resume on Monday, November 28.
- Winter Break, including the Christmas and New Year's Holidays, will run from December 23, 2022 – January 2, 2023. Normal University operations will resume on Tuesday, January 3.
 - Forthcoming communications on accelerated payroll processing schedules, annual compensatory payouts/retention, and excess annual leave rollover limits.

HR Updates

Compensation

Staff Compensation Structure

- Currently under final review.
- Implementation expected later this Fall.
- Expect additional communications, FAQs, and updates over the coming months.

HR Updates

EDM- Special Projects

Spring 2023 Graduate Assistant Mass Reappointment

- Graduate Assistant Mass Reappointment Process opens October 24 for the Spring 2023 Semester.
- All departments are encouraged to use Grad Mass to reappoint their GAs from one convenient location and easy electronic process.
- Additional information, including the relevant calendar and instructions will be posted on the HR website.
- Please email Amelia Colorado at acolorado@fsu.edu with any questions.

HR Updates

Equity, Diversity, and Inclusion

New EDI Team Member: Betsy Staudt Willet

- **Betsy Staudt Willet** has joined the FSU-HR Team. Betsy (pronouns she/her) joins the EDI unit as the Sr. Coordinator for EDI.
- Betsy holds a Bachelor of Science degree in Chemistry from Bucknell University and a Master of Arts in Theology from Fuller Theological Seminary.
- Betsy has worked in both higher education and the non-profit sector with her most recent role as Director of Ministries with the InterVarsity Christian Fellowship (ICF) in Madison, Wisconsin.
- She began her tenure at ICF in 2006 as a Team Leader at Franklin & Marshall College. Betsy holds certificates in Restorative Justice (Advoz) and Systems Thinking (Cornell University).

HR Updates

Equity, Diversity, and Inclusion

Mini-Grant Program

- We are pleased to announce the ***President's Diversity & Inclusion Mini-Grant Program***. In alignment with the University's Strategic Plan, the Office of the President, through the Diversity & Inclusion Council, is soliciting proposals for projects that advance Florida State's diversity goals. Mini-grant proposals will be accepted and reviewed for all diversity-related areas, with emphasis on these target goals:
 - Enhancing the quality of teaching and learning about diversity.
 - Creating a welcoming and inclusive work and learning environment where differences are respected and valued.
 - Improving recruitment, retention, and graduation of students from historically underrepresented groups.
 - Increasing recruitment, retention, and success of faculty from historically underrepresented groups.
- The application portal will open on October 1, 2022. Proposals must be submitted no later than October 31, 2022.

HR Updates

Equity, Diversity, and Inclusion

Monthly EDI Programs: Coffee Chat

- Coffee Chat, hosted by the HR-EDI Office, aims to build a more inclusive and interconnected community on campus and in the greater Tallahassee area. The chat is intended to foster relationships and build connections both across campus and in the local area. Guests range from university faculty, staff, and community entities. Coffee Chat occurs on the **first Friday of the month from 8:30 am ET – 9:00 am ET.**

HR Updates

Equity, Diversity, and Inclusion

Monthly EDI Programs: EDI Lunch and Learn

- The EDI Office hosts a monthly online event featuring an academic department or administrative office. These Lunch & Learns are intended to provide information and access to university resources to foster a diverse, inclusive and equitable campus community; in alignment with the Diversity & Inclusion goal of the university's strategic plan. Lunch & Learns is open to all university faculty & staff.

HR Updates

Equity, Diversity, and Inclusion

Monthly EDI Programs: Salon Salon

- *Salon Salon* is a gathering to discuss identity and relationships through the vehicle of hair. Whether coiled and coiffed, cleanly shaven, or capped beneath a head-covering, hair (or lack thereof) has long been a cultural conversation.
- At the Salon, the “Salonniere” (i.e. moderator) begins the event with opening remarks on the event’s hair-themed medium and proposes questions for thoughtful consideration in subsequent small group discussions. Before the end of the event, the Salonniere reconvenes the entire group for final reflections.
- **Please check the D&I webpage for the zoom links to these monthly EDI programs.**



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HR Forum

Faculty and Graduate Assistants: Contract Compliance 101

September 21, 2022

Faculty and Graduate Assistants: Contract Compliance 101

Rebecca Peterson, *Sr. Associate Director for Faculty Relations*

Agenda

- Collective Bargaining Updates - Faculty
- Basics of Faculty Compliance
- Collective Bargaining Updates - Graduate Assistants
- Basics of Graduate Assistant Compliance
- Takeaways

Updates

Faculty Relations

Collective Bargaining Updates

- Tenure Clock
 - Expanded the reasons that a faculty member can request an extension of the tenure timeline to include unforeseen external/environmental circumstances.
- Conflict of Interest
 - Consensual Sexual Relationships Policy Update: Any such relationships will be prohibited between undergraduate students and faculty members. Relationships prior to August 2022 will be excluded from new policy.
- Sabbaticals
 - Increased the number of sabbaticals available each semester from one in every 30 eligible faculty members, to one in every 20.

Basics of Faculty Compliance

- Appointments
- Employment Contracts
- Salaries
- Leave
- Tenure
- Non-reappointment

What is a “faculty member”?

- Various types of compensated appointments
 - Examples: Regular, Visiting, Research, Adjunct
- Courtesy Appointments
 - Uncompensated
 - Access to University Facilities

Appointment Dates for Faculty



- Appointment dates for the 2022 academic year all start on the same date: August 8.
- 12-month faculty may be appointed earlier than August in certain circumstances.

Quiz:

A faculty member is hired into a visiting appointment and has remained in the appointment for three years. The supervisor wants to retain the faculty member for another year or two. What should the department do?



Answer:

Once the three years has expired, the department is **required** to advertise the position.

- Visiting appointments must be offered in single-year contracts and are capped at three consecutive years.
- A faculty member can only gain “regular” status in their “visiting” appointment if selected as the most qualified candidate through an open and competitive recruitment process.

Provisional Appointments

When determining acceptable qualifications of its faculty, Florida State University gives primary consideration to the highest earned degree in the discipline.

What is Provisional Status?

- Employee class of an appointee that is not fully qualified, according to the class specifications, but who is expected to acquire such qualifications in a short period of time.
- Each college dean or director must request and receive permission from the Vice President of Faculty Development and Advancement to appoint a faculty member whose credentials are not yet available.
- Appointments are not renewable beyond one year.
- Appointment may or may not count towards tenure-earning service.
- May be updated to regular status once the credentials are obtained and verified.

Faculty Contract Lengths

- Tenure-track/tenured faculty
 - 1 year, generated at the start of every academic year

Section	Position Title	Job Code	Position Level/Rank	Length of Contract
Tenure-track Faculty	Professor	9001	3	1 year (Annual Contract)
	Associate Professor	9002	2	1 year (Annual Contract)
	Assistant Professor	9003	1	1 year (Annual Contract)
	Eminent Scholar	9009	3	1 year (Annual Contract)

Faculty Contract Lengths

- Specialized Faculty – Level I
 - 1 year, generated at the start of every academic year
- Specialized Faculty – Level II
 - 2 years, generated at the start of every academic year

Section	Position Title	Job Code	Position Level/Rank	Length of Contract
Specialized Faculty	Teaching Faculty I	9060	1	1 year
	Research Faculty I	9080	1	1 year
	Instructional Specialist I	9070	1	1 year
	Assistant in Research	9168	1	1 year
	Assistant Curator	9152	1	1 year
	Assistant University Librarian	9055	1	1 year
	Teaching Faculty II	9061	2	2 year
	Research Faculty II	9081	2	2 year
	Instructional Specialist II	9071	2	2 year
	Associate in Research	9167	2	2 year
	Associate Curator	9151	2	2 year
	Associate University Librarian	9054	2	2 year

Faculty Contract Lengths

- Specialized Faculty — Level III
 - 4 years, generated every other academic year



Updated Contracts

- Updated contracts should be generated after each:
 - University funded/implemented Salary Increases (Fall semester)
 - Administrative Discretionary Increases (ADI)
 - Appointment Changes
 - For example: Full-time Equivalent (FTE), Administrative Code (Admin Code), Employee Class (Empl Class)

Specialized Faculty Contracts



Did you know?

- Contracts for Specialized Faculty level I will show as **“non-tenure earning”**
 - (e.g., *Instructional Specialist I, Teaching Faculty I, Assistant in Research, Research Faculty I*)
- Contracts for Specialized Faculty level II and III, will show **“specialized”**

More tips on Contracts

- First verify faculty appointments are up-to-date in OMNI HR.
- Contract Begin Date
 - *Default*
 - *Ad Hoc*
- Contract End Date Variables
 - *Funding*
 - *Appointment Type*
- Special Conditions
 - *Soft Money Funded (100% or partial)*

Categories of Faculty Salary Increases

- Promotional Increases
- Sustained Performance Increases
- Merit Salary Increases
- Market Equity Increases
- Awards
- Legislative Increases
- Administrative Discretionary Increases

2022 – 2023 Faculty Salary Increases

- 12% and 15% Promotional Increases
- 3% Sustained Performance Increases for top ranked faculty with seven (7) years continuous service
- 4% Performance Increase (Across-the-Board)
- 1.25% Merit Pool (0.75% Department Merit; 0.50% Dean's Merit)
- \$750,000 Market Equity Pool

Faculty Leave

- 12-month faculty members accrue 4 hours of sick leave and 6.769 hours of vacation per pay period
- 9-month faculty members accrue 4 hours of sick leave per pay period
- Faculty members accrue normal leave credits while on sabbatical
- Faculty members hired after May 7, 2011, are not eligible for sick leave payouts

Tenure Rights

- Applies to “ranked” faculty or traditional faculty
- Process for earning tenure generally lasts 6 years
- Protects academic freedom
- Provides job security — can only be removed for just cause
- Due process through Peer Review

Non-Reappointment – E&G

Notice periods:

E&G funded 1-year contracts (untenured)

- Less than 2 years continuous University Service: 19.5 weeks notice (one semester)
- 2 years or more continuous University Service: 1 year notice

Type:	Notice:
Assistant Professors (<2 years of service)	One Semester Notice
Assistant Professors (2> years of service)	One Year Notice
Specialized Faculty Level I (<2 years of service)	One Semester Notice
Specialized Faculty Level I (2> years of service)	One Year Notice
Specialized Faculty Level II	One Year Notice
Specialized Faculty Level III	Two Year Notice

Quiz

A Research Faculty I's C&G funded contract is coming to an end. Is it ok to provide them an early curtailment the week their grant ends?

Answer:

No

Early Curtailments

C&G funded contracts may be curtailed early if there is a loss of funding; end date would match funding end date

Notice Periods:

- Less than 5 years continuous University Service: 30 days notice
- 5 years or more continuous University Service: 90 days notice

Contact Faculty Relations before issuing any faculty non-renewals

Type:	Notice:
Specialized Faculty (<5 years of service)	30 days' notice
Specialized Faculty (5> years of service)	90 days' notice
Specialized Faculty (5> years of service as of 91')	One Year Notice

Non-Reappointments

Type:	Notice:
Visitors	Not Entitled to Notice
Funded by AUX and no MYA	Not Entitled to Notice
Adjunct Faculty	Not Entitled to Notice

Basics of Graduate Assistant Compliance

- Overview of GAs as employees
- GA Benefits
- Appointment Letters
- Workloads
- Evaluations
- Leaves of Absences
- Terminations

HR Updates

Faculty Relations

GA Collective Bargaining Updates

- Appointment Periods
 - Effective August 2022, appointments must have a minimum appointment period of at least five (5) business days prior to the start of classes through the last day of finals (as outlined in the academic calendar).
- New Offer Letter Requirements
 - Information about where to access the University's non-discrimination and harassment policies.
- 2022-2023 Competitive Pay Adjustment (Effective September 16, 2022)
 - Each eligible graduate assistant will receive a 1.0% increase in pay.
- 2022-2023 Bonus (Effective September 30, 2022)
 - Each eligible graduate assistant will receive a one-time, nonrecurring 1% bonus. Fall 2022 bonuses will be reflected in the October 21, 2022, paycheck.

Graduate Assistants

- Exempt from FLSA
- Primary Relationship is as a student
- FICA Exemptions
- 2004 NLRB ruling
- 2016 NLRB ruling- overturns previous ruling
- Covered by Collective Bargaining Law in Florida



Graduate Assistant Benefits

- Stipends
 - Each 9-month employee on a 0.50 FTE appointment shall be guaranteed a minimum stipend of \$16,250 (\$20.83 per hour).
- Tuition Waivers
 - Each qualifying appointment guarantees in-state matriculation (tuition) waiver.
- Health Insurance Subsidies- Approximately 79.9% of premium- \$2359/\$1709

Graduate Assistant Appointment Letters

- All appointments (including re-appointments) require letters
 - Need to comply with elements in Article 2.1
 - [Appointment Letter Checklist](#)
 - Dates should cover five business days before class dates to cover preparation time
 - Dates cannot be used to avoid benefits or qualifying appointment
- Notice for Appointments must be timely
 - Fall/Spring Semesters - 30 days before classes
 - Summer Semesters - 21 days before classes

**If a department does not provide a signed letter by the above deadlines, the department shall notify the employee(s) as to why the deadline was not practicable, as well as provide an estimate based on available information as to when appointment letters will be issued.*

Quiz

- What is the highest FTE a GA can be appointed at?



Answer:

- 0.75 FTE is the HIGHEST allowable FTE—no exceptions



Graduate Assistant Workloads

- Assignment of Responsibilities
 - FTE over 0.50 FTE discouraged
 - International GAs (F1 and J1 VISA holders) cannot go above 0.50 FTE
 - FTE over 0.75 FTE not permissible
 - FTE should accurately reflect workload
- Clarification of FTE calculation
 - If GA questions assignment and FTE calculation, the GA may request a review from their supervisor

Graduate Assistant Workloads

- Review of Workload Expectations
 - Departments must regularly review and assess assigned workloads of their GA's.
- Other Reminders
 - Changes in workloads should be reflected with a change in FTE
 - Bonuses should not be paid to reflect a higher workload.

Outside Employment/Additional Employment

- Outside Employment
 - Cannot restrict outside employment for GA's
 - Additional Appointments
 - Permissible as long as combined FTE does not exceed 0.75 FTE
 - Review every semester for combined FTE over 0.50 FTE

Quiz

At the beginning of the Spring semester, a graduate assistant in your department was issued a *Less Than Satisfactory* Employee Performance Evaluation, in which the GA's supervisor outlined the specific deficiencies that needed to be addressed and established in a 60-day schedule for the necessary improvements to be made.

In the 2-3 months that followed, the GA's supervisor documented numerous reminders that were provided verbally and through email; however, the deficiencies continued with little to no improvement in the GA's performance.

At this time, could the GA be terminated due to their continued failure to perform their duties in a satisfactory manner?

Answer:



- A follow-up evaluation has not yet been issued.
- In accordance with Article 3 of the CBA, the supervisor must formally document the GA's inability to correct their deficiencies in a follow-up evaluation at the conclusion of the established improvement period.

Employment Performance Evaluations

- Regular Evaluations:
 - Evaluations are required for every appointment period
 - Standard form on HR website under HR Forms
 - Based on assigned duties and nature of assignment
- Follow-up Evaluation:
 - If initial evaluation is less than satisfactory
 - Required at conclusion of required improvement period
 - Shall include written comment on employee's improvement or failure to improve and optional observation or visitation

Observations or Visitations

- Announced or unannounced
- GA must be given an opportunity to meet and discuss the observation/visitation within 14 days (if practicable)
- Observer should prepare written comments unless the GA and observer mutually agree that no written comment will be made
 - Written comments must be placed in GA's Evaluation File, and given to the GA within 14 days
 - GA can attach a written response
- GA can request additional observation/visitation by a different observer
 - Request must be made within 5 business days following the meeting with the observer or receiving their written comments

Leave

- GAs do not accrue paid time-off
- GAs may be excused from assigned duties without loss of pay:
 - Unable to perform due to injury, illness, religious holiday, jury duty, required U.S. military service, or when the employee is elsewhere because of injury, illness, or death in the immediate family.
 - Examinations for professional licensing or other qualifying exams required by the University
 - Traveling to and attending/presenting at conferences or other events for professional development
 - The University is closed (scheduled and emergency)

Leaves of Absence

- Up to eight (8) weeks of continuous unpaid leave during any 12-month period for:
 - the birth of a child and in order to care for that child within six (6) months of birth
 - the placement of a child with a graduate assistant for adoption or foster care and to care for the newly placed child within six (6) months of placement
 - the care of a spouse, parent, or child who has a serious health condition
 - for a qualifying exigency arising out of the fact that a spouse, parent, or child has been called to active duty
 - a serious health condition of the employee, which renders the employee unable to perform the essential functions of the employee's job.

GA Terminations

Changes to and Termination of Appointment

- ✓ Continued failure to perform duties or report to work
 - ✓ Failure of the employee to maintain satisfactory student status
 - ✓ Incompetence, unprofessional conduct or misconduct
 - ✓ Completion of degree requirements
 - ✓ Lack of funds/adverse financial conditions
- Terminations must be appropriately justified and properly documented. Performance evaluations are key in the documentation process
 - For pending terminations, you must contact Rebecca Peterson in Faculty Relations to review the justification and documentation prior to initiating the termination.

Thank you

Rebecca Peterson, rpeterson@fsu.edu, 850-645-2202

Tiffany Ward, tnward@fsu.edu, 850-644-1084

Questions?

- We will now open the chat for questions.

Thank You!

- Thank you for attending today's forum.
- Materials will be posted to the HR website next week.
 - <https://hr.fsu.edu/communications/departments-representative-resources/hr-forums>
- Still have questions?
 - Email Shelley Lopez at s.lopez@fsu.edu.