



FLORIDA STATE UNIVERSITY  
OFFICE OF HUMAN RESOURCES

# HR Forum

Faculty and Graduate Assistants: Compliance 101

April 25, 2019

## HR Updates

### Employee Recruitment Services

#### Background Check and Recruitment Updates

- If your department is running a Summer Camp, please begin the DCF Camp Background Check process as soon as possible. See the [Summer Camp Page](#) of the Background Checks website for details.
- The Background Check tab in OMNI Job Offers has been updated to validate active and accurate Purchase Order information and collect Foundation Fund numbers when applicable.
- Fall express pools are available for department use.

## HR Updates

### EDM Special Projects

#### **Courtesy Appointments**

- New Courtesy email: [HR-Courtesydocs@fsu.edu](mailto:HR-Courtesydocs@fsu.edu)
- Courtesy Mass Appointment Verification will open on **June 3, 2019**.
  - All Courtesy Appointments are set to “Terminate”.
  - To continue the Courtesy Appointment you must uncheck the “Terminate” box.

## HR Updates

### Equal Opportunity & Compliance

### **Workers' Compensation**

- Workers' Compensation is now facilitated by EOC with Adline Norwood as the point of contact: [anorwood@fsu.edu](mailto:anorwood@fsu.edu).

## HR Updates

### Training & Organizational Development

#### **Point of Contact**

- Kandiance Buchheister is no longer with FSU.
- Assistance with Training & Organizational Development
  - Sandra Dixon or Janet Fryman
  - [training@fsu.edu](mailto:training@fsu.edu)

# Faculty and Graduate Assistants: Compliance 101

Rebecca Peterson  
*Associate Director*  
Faculty Relations

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Faculty Relations

# Agenda

- Basics of Faculty Compliance
- Faculty Case Study
- Basics of Graduate Assistant Compliance
- Graduate Assistant Case Study
- Takeaways

## Basics of Faculty Compliance

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



## 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 academic year all start on the same date, **August 8, 2019.**
- 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 continue to keep the person for another year or two.

What is allowable and what should the department do?



## Answer:

- Visiting appointments must be offered in single year contracts and for no more than three consecutive years.
- Once the three years has expired, the department is required to advertise the position.
- 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

- An appointee who is not fully qualified, according to the class specifications, but is expected to acquire such qualifications in a short period of time
- Each college dean or director must request permission to appoint faculty members 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
<b>Tenure-track Faculty</b>	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 1
  - 1 year, generated at the start of every academic year
- Specialized Faculty – Level 2
  - 2 years, generated at the start of every academic year

Section	Position Title	Job Code	Position Level/Rank	Length of Contract
<b>Specialized Faculty</b>	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 3
  - 4 years, generated every other academic year





## Updated Contracts

- Updated contracts should be generated after:
  - 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)

## More Tips on Contracts

- 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

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

## 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 5/7/2011 are not eligible for sick leave payouts.

## Tenure Rights

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

## Philosophy on Discipline

**Progressive Discipline** — disciplinary consequences increase in severity with repeated incidents

**Cumulative Discipline** — offenses do not have to be identical to impose a more severe penalty

- Repetitions of the same offense can lead to dismissal
- Consequences can be more extreme if an employee keeps engaging in the same bad behavior
- Actions shall be appropriate to the circumstances of the offense
  - More serious offenses result in more serious action

# Grounds for Discipline for Faculty

- Incompetence
- Misconduct — willful disregard of the employer's interest
  - Falsification of records
  - Misconduct in research
  - Personal misconduct rendering person unfit for duty
  - Repeated failure to perform duties
  - Violations of policy and/or law

## Making the Decision to Discipline

- Usually, the more severe the behavior, performance deficiencies, or impact, the more severe the action taken to correct the issue(s)
- Egregious behavior warrants the most severe step
- Investigation needs to be conducted
- Ensuring compliance with CBA during investigation - Weingarten Rights



## Non-reappointments

- Without cause but must be for a justifiable reason

### **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
- Soft money funded contracts (contingent upon funding)
  - Less than 5 years continuous University Service: 30 days notice
  - 5 years or more continuous University Service: 90 days notice

## Non-reappointments

- Multi-Year Appointments (MYAs) for Specialized Faculty result in longer non-renewal notice periods
  - Level II: 1 year notice (to be issued by end of the first year)
  - Level III: 2 year notice (to be issued by end of second year)
- Early Curtailment
  - C&G funded MYAs may be curtailed early if there is a loss of funding
  - End date would match funding end date

**Contact Faculty Relations before issuing any faculty non-renewals**

# Faculty Case Study



# Basics of Graduate Assistant Compliance

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

## 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



## GA Benefits

- Stipends: Each 9 month employee on a 0.50 FTE appointment shall be guaranteed a minimum stipend of \$15,000 (\$19.23 per hour)
- Tuition Waivers: Each qualifying appointment guarantees in-state matriculation (tuition) waiver
- Health Insurance Subsidies: Approximately 75% of premium - \$1,920/\$1,420/\$1,220

## GA Appointment Letters

- All appointments (including re-appointments) require letters
  - Need to comply with elements in Article 2.1
    - [Appointment Letter Checklist](#)
  - Dates should cover class dates and 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

## Quiz:

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





## Answer:

0.75 FTE is the HIGHEST allowable FTE—no exceptions



## GA 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

## GA Workloads

- Review of Workload Expectations
  - Departments must regularly review and assess assigned workloads of their GAs
- 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 GAs with stipend less than 125% of minimum stipend (current stipend is \$15,000 for a 0.50 FTE academic year appointment)
  - Departments with restrictive policies must have policy approved by the Graduate School and Faculty Relations
- 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 Employment Performance Evaluation. The GAs supervisor outlined specific deficiencies that needed to be addressed and established a 60-day schedule for the necessary improvements to be made.

In the 2-3 months that followed, the GAs supervisor documented numerous reminders that were provided verbally and/or through email. The deficiencies continued with little to no improvement in the GAs performance.

At this time, can 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 GAs 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 five 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:
  - Inability 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 8 weeks of continuous unpaid leave during any 12-month period for:
  - the birth of a child and to care for that child within 6 months of birth
  - the placement of a child for adoption or foster care and to care for the newly placed child within 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.

# GA Case Study



## Resources

Rebecca Peterson

[rpeterson@fsu.edu](mailto:rpeterson@fsu.edu)

(850) 645-2202

Danni Staats

[dstaats@fsu.edu](mailto:dstaats@fsu.edu)

(850) 644-1084

Questions?

## Up Next

May HR Forum:

***Smart Onboarding: What we have learned and where we  
plan to go***

Wednesday, May 22 (8:30 a.m. – 10:00 a.m.)

Training Center

# One-on-One Questions

<b>Section</b>	<b>Representative(s)</b>
Attendance & Leave	<b>Cierra Moore</b>
Benefits	<b>Donna Grubb</b>
Compensation Services	<b>Josi Carter</b>
Diversity & Inclusion	<b>Michelle Douglas</b>
Employee & Labor Relations	<b>Robert Messer</b>
Employee Data Management	<b>Angela Arend/Anna Capenos</b>
Employment & Recruitment Services	<b>Ashlee Wright</b>
Equal Opportunity & Compliance	<b>Tonya Edington</b>
Facilities HR	<b>Phillip McCullough</b>
Faculty Relations	<b>Rebecca Peterson</b>
Housing HR	<b>Greg Turner</b>
Training & Organizational Development	<b>Sandra Dixon</b>