Faculty & Staff Affairs Committee

June 2016

June 9, 2016
1:15 p.m. - 3:15 p.m.

East Committee Room, McNamara Alumni Center
1. Affordable Care Act: Implications and Response
   - Docket Item Summary
   - Presentation Materials

2. UMTC Strategic Plan: Implications for Human Resources
   - Docket Item Summary
   - Presentation Materials

3. Security of Human Resources Data
   - Docket Item Summary
   - Presentation Materials

4. Consent Report
   - Docket Item Summary
   - Personnel Appointment
   - Employment Agreement
   - Tenure Recommendations
   - Synopsis of Civil Service Rules Changes
   - Civil Service Rules with Changes
   - Correction to the May 2016 Docket
   - June 2016 Promotion & Tenure List
   - Arboretum Foundation Board Appointments

5. Information Items
   - Docket Item Summary
   - UPPlan Report
   - Information Report
AGENDA ITEM:          Affordable Care Act: Implications and Response

☐ Review        ☐ Review + Action        ☐ Action        ☒ Discussion

☐ This is a report required by Board policy.

PRESENTERS:        Kathryn F. Brown, Vice President, Office of Human Resources
Ken Horstman, Senior Director, Total Compensation

PURPOSE & KEY POINTS

The purpose of this item is to provide an overview of the University's actions to prepare for and reduce the impact of the Affordable Care Act (ACA) excise tax on the University.

When the University began projecting its ACA excise tax calculations in 2012, the initial estimate was $43.8 million. The projected tax calculations dropped to $15.7 million in 2014 and $5.1 million in 2015. This drop is due to a number of actions the University has taken, including carving out internal administration fees; adjusting the plan design; introducing deductibles and increasing co-pays; combining the family premium tiers; introducing Accountable Care Organizations (ACOs) as a plan option; and realizing no premium increase in 2016 and a 1.3% total premium increase in 2017. ACOs have provided University employees with high-quality care at an affordable cost and the University will incentivize this plan during 2016 open enrollment.

BACKGROUND INFORMATION

The Patient Protection and Affordable Care Act, referred to as the Affordable Care Act, is a federal statute signed into law in March 2010. Its provisions include quality health insurance coverage, establishment of health exchanges, no denial of coverage due to pre-existing conditions, and an excise tax starting in 2020 for employers who provide high-value plans.

Plans are categorized by levels and named after metals: platinum, gold, silver, and bronze. Gold and platinum plans generally have higher monthly premiums, but pay more costs when care is needed. Silver and bronze plans cost less per month, but pay less of the costs when care is needed. Specifically, the plan coverage of expected costs for the average individual ranges from 90% for platinum coverage to 60% for bronze coverage. There is a 10% cost coverage reduction as you move down each plan level.
On December 18, 2015, Congress passed and the President signed a two-year delay in the ACA excise tax, moving the effective date from 2018 to 2020. The excise tax is estimated to raise $80 billion in revenue in the first 10 years.

When the University began preparing for ACA implementation, it set the following goals, which it continues to pursue today:

- Maintain quality, affordability, and choice in the UPlan.
- Minimize impact for those with health conditions.
- Avoid the excise tax.
- Continue to manage health care trend.

The Board of Regents has received updates on the ACA and its impact on the University at prior committee meetings, including:

- June 13, 2013 – UPlan Annual Report University of Minnesota
- June 12, 2014 – Annual UPlan Health Insurance Update
- June 11, 2015 – Annual UPlan Health Insurance Update
Affordable Care Act: Implications and Response

Board of Regents
Faculty and Staff Affairs Committee

Kenneth Horstman, Senior Director, Total Compensation
June 9, 2016
What We Will Cover Today

- ACA Excise Tax Background
- ACA Excise Tax Application
- What Does the Excise Tax Accomplish?
- What Are the ACA Fees?
- What Do TRP Fees Fund?
- What Do PCORI Fees Fund?
- ACA UPlan Excise Tax Calculations
- Why UPlan Excise Tax Calculations Fell
- Excise Tax by Plan Through 2028
- U of M TRP & PCORI Fees
- Where Do We Go from Here?
ACA Excise Tax Background

• On December 18, 2015, Congress passed and the President signed a two-year delay in the ACA excise tax.
• Excise tax effective date was moved from 2018 to 2020.
• There may be additional structural changes over time, and the election results could have an impact.
• The excise tax is estimated to raise $80 billion in revenue in the first 10 years.
ACA Excise Tax Application

- Applies to self-insured plans with total values exceeding:
  - $10,000 individual coverage
  - $27,500 family coverage
    - 2019: CPI + 1%
    - 2020 and beyond: CPI
- Includes employer and employee contributions for medical plan, but not employee out of pocket costs
- Includes HSA contributions and FSA healthcare contributions
- Excludes stand-alone dental and vision plans, and our Employee Assistance Program
- Tax amount is 40% of excess amount.
What Does the Excise Tax Accomplish?

• Reduces tax preferred treatment of employer provided healthcare
• Reduces excess healthcare spending by employees and employers
• Helps finance the expansion of health coverage under the Affordable Care Act (ACA)
ACA UPlan Projected Tax Calculations

Action Planning Has Reduced Potential Impact

Note: $330,000 in 2022 based on 2014 excise tax calculation
     $51,000 in 2021 based on 2015 excise tax calculation
Why UPlan Excise Tax Calculations Fell

- Carved out internal administration fees
- Plan design adjustments
  - Deductibles
  - Co-pays
  - Premium tiers
- ACO introduction
- Employee Assistance Program: excepted benefit
- No premium increase in 2016
Elect/Essential, Choice Regional, and Choice National plans will generate the bulk of the excise tax through 2028.

Choice National generates excise tax starting in 2021, HSA starts generating excise tax starting in 2022, while the ACO and the combined Elect/Essential and Choice Regional base plans won't begin generating excise taxes until 2025 or later.
What Are the Other ACA Fees?

• TRP and PCORI are fees assessed to large group health plans, such as the UPlan.
• TRP requires an annual fee for three consecutive years 2014 to 2016. The University pays this fee on behalf of all its plans in January each year for the prior year. Our final annual payment will be in January 2017.
• PCORI is an annual fee that started in 2012 and will end in 2019. PCORI is based on the fiscal year, and is paid annually in the month of July.
What Do TRP Fees Fund?

• The Transitional Reinsurance Program (TRP) was established under PPACA to stabilize health insurance premiums after the individual health insurance mandate became effective in 2014.

• TRP collects payments from self-funded health plans and health issuers, which offset a portion of high-cost medical claims that arise in the individual market in the first three years of operation.
What Do PCORI Fees Fund?

- PPACA established the Patient-Centered Outcomes Research Institute (PCORI) to synthesize and disseminate research relating to the comparative clinical effectiveness of various medical treatments.
- The goal of PCORI is to dramatically increase funding for these national objectives:
  - Improve outcomes-based medical treatment
  - Improve healthcare system interventions
  - Develop technology to enhance care, treatment, and interventions
University of Minnesota TRP Fees: 2014 to 2016

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$2,349,585</td>
</tr>
<tr>
<td>2015</td>
<td>$1,627,384</td>
</tr>
<tr>
<td>2016 (estimated)</td>
<td>$1,021,054</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,998,023</strong></td>
</tr>
</tbody>
</table>

**Note:** The total fee includes all University health plans (UPlan, Residents, Grad Assistants, and Students) and is paid in January of the following year.

Costs decline year-over-year as the actual fee assessed per member is reduced year-over-year ($63 per member in 2014; $44 per member in 2015; $27 per member in final year 2016).
# University of Minnesota PCORI Fees: 2012 to 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Fee Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$33,132</td>
</tr>
<tr>
<td>2013</td>
<td>$81,225</td>
</tr>
<tr>
<td>2014</td>
<td>$98,450</td>
</tr>
<tr>
<td>2015</td>
<td>$100,505</td>
</tr>
<tr>
<td>Total</td>
<td>$313,312</td>
</tr>
</tbody>
</table>

PCORI is an annual fee and is paid by July of the following calendar year. During the first year, the fee amounted to $1 per member, and rose to $2 per member in the second year. Thereafter, it is indexed each subsequent year ($2.08 year three, $2.17 year four).
Where Do We Go From Here?

• We are starting in a strong position
  • 0% rate increase in 2016
  • 1.3% rate increase in 2017
• We will continue to innovate and offer incentives to employees to select the ACO plan to manage our costs and ensure value and quality care for our employees.
Discussion
AGENDA ITEM: University of Minnesota Twin Cities Strategic Plan: Implications for Human Resources

☐ Review  ☐ Review + Action  ☐ Action  ☒ Discussion

☐ This is a report required by Board policy.

PRESENTERS: Kathryn F. Brown, vice president, Office of Human Resources
Brandon Sullivan, director, Leadership and Talent Development

PURPOSE & KEY POINTS

The purpose of this item is to inform the Board about the human resources (HR) implications of the UMTC Strategic Plan (strategic plan). Adopted by the Board in fall 2014, the strategic plan is a framework for accelerating advancement of excellence in research, teaching, and outreach.

The strategic plan calls for considerable HR support and expertise to facilitate implementation across colleges and units. This item will include a review the role of HR in successful strategy execution, and elements of the strategic plan that require human resource support and expertise.

BACKGROUND INFORMATION

The strategic plan was developed with broad input over many months by a campus-wide workgroup and extended teams of faculty, staff, and students. The plan builds on the strengths of the campus as Minnesota's globally engaged research university and one of few major land-grant research institutions situated in a major metropolitan area. With a theme of “Driving Tomorrow,” the plan recognizes the special opportunities and responsibilities the campus has to bring its resources more powerfully to bear on “Grand Challenges” – the most pressing and complex challenges of the state of Minnesota and the world.

The plan defines four areas for focus over 10 years:

1. Capitalizing on the breadth and quality of our research and our curricular strengths to address the world’s grand challenges.
2. Recruiting, retaining, and promoting field-shaping researchers and teachers.
3. Fostering reciprocal engagement with various communities and capitalizing on the University’s specific location, even as it extends its global impact.
4. Promoting excellence and rejecting complacency at all levels of the institution.

The Office of Human Resources and the human resource function within the Twin Cities campus play a significant role in helping ensure the successful execution of the strategic plan. Drawing from
the fields of psychology, sociology, economics, and organizational behavior, strategic human resources is the science and practice of creating, developing, and sustaining workplace practices, teams, and leadership to support organizational success.

Within the strategic plan are six key areas identified for change that have implications for HR. These include:

1. **Talent and Performance Management**: Specifically, the plan highlights assessing performance, providing feedback, and including other dimensions of scholarship and education in the tenure review process.
2. **Compensation, Rewards, and Incentives**: Celebrating innovation and recognizing interdisciplinary efforts are outlined in the plan.
3. **Recruitment and Retention**: Hiring and retaining diverse field-shaping researchers and teachers with personalized attention and support from administrative and human resource staff.
4. **Diversity and Inclusion**: Access, diversity, and inclusivity are central to improving the health and functioning of the University as it creates an inclusive climate and culture where all feel valued and supported.
5. **Metrics**: Metrics and measures will be developed for goals within the strategic plan which will include employee-based measurements, such as employee surveys.
6. **Employee Engagement and Wellbeing**: Faculty and staff must sustain a high level of commitment, motivation, and productivity in order to achieve the transformational goals laid out by the strategic plan which necessitates employee engagement and wellbeing.

The Office of Human Resources has many efforts underway that support the strategic plan, including enhanced leadership assessments and development for faculty and staff, support of employee engagement efforts, and continued support of unit human resources professionals. Additional strategic talent management efforts at the enterprise-level include a focus on the employee value proposition along with talent acquisition, orientation, and onboarding.
University of Minnesota
Twin Cities Strategic Plan:
Human Resource Implications

Board of Regents
Faculty and Staff Affairs Committee

Kathryn F. Brown, Vice President, Office of Human Resources
Brandon Sullivan, Director, Leadership and Talent Development
Rebecca Ropers-Huilman, Vice Provost for Faculty and Academic Affairs

June 9, 2016
What We Will Cover Today

• The role of human resources in advancing the strategic efforts of our university
• Elements of the Twin Cities strategic plan that require human resource support and expertise
• Key challenges
• Discussion
Human Resources are Critical in Achieving Strategic Goals
Excellent Human Resources are Essential in Strategic Development of Organizations
Leadership Development

• The strategic plan calls for leaders at all levels to:
  • Align resources with strategic priorities.
  • Recruit, retain, and reward diverse field-shaping researchers and teachers.
  • Communicate effectively and resolve conflicts.
  • Support academic risk-taking and innovation.
  • Promote career development of faculty and staff.

• Human resource needs:
  • Leadership assessment and development to ensure that leaders at all levels have the necessary skills to meet these expectations
  • Opportunities for growth for potential and current leaders at all stages of their development
Employee Engagement and Wellbeing

• The strategic plan calls for:
  • A high and sustainable level of commitment, motivation, and productivity from faculty and staff
  • Clear and well-communicated priorities that allow everyone to understand how resources (time, money, etc.) are to be invested
  • Retaining top talent and conducting exit interviews to identify barriers and areas for improvement

• Human resource needs:
  • Provide expertise, tools, and resources to help leaders engage faculty and staff in the pursuit of common goals and priorities
  • Help campuses, colleges, and units to design and implement strategies that promote wellbeing
Talent and Performance Management

- The strategic plan calls for:
  - Performance assessments that encourage excellence
  - Development of processes to support engagement with the grand challenges
  - Systems that facilitate staff development that build commitment to the institution
  - Meaningful review of engaged scholarship, interdisciplinarity, and other valued faculty activities

- Human resource needs:
  - Support development of employee skills at the local level.
  - Develop talent and performance management processes (e.g., performance reviews) to support strategic priorities, and coach leaders in the implementation of these processes.
  - Facilitate leadership development for chairs and heads, while identifying future leaders.
Compensation, Rewards, and Incentives

• The strategic plan calls for:
  • Identification and celebration of innovative contributions
  • Greater rewards and recognition for assuming department leadership roles
  • More support for collaborative and innovative teaching
  • Consideration of rewards and recognition that motivate excellence

• Human resource needs:
  • Ensure the University’s compensation strategy aligns rewards with strategic priorities.
  • Utilize existing awards to ensure that recipients are recognized and feel valued.
  • Reward and recognize innovation, collaboration, interdisciplinary efforts, and leadership.
Recruitment and Retention

• The strategic plan calls for:
  • Hiring and retaining diverse field-shaping researchers and teachers
  • Improving the process for recruiting and hiring faculty
  • Individualized attention in recruiting efforts

• Human resource needs:
  • Creative and responsive compensation structure and benefits
  • Foster engagement through the recruiting and onboarding process.
  • Ensure active responses when we have an opportunity to hire or retain outstanding faculty.
Diversity and Inclusion

• The strategic plan calls for:
  • Making access, diversity, and inclusiveness a cornerstone of efforts to improve the health and functioning of the University
  • Creating an inclusive climate and culture so that all feel valued and supported

• Human resource needs:
  • Use the E² survey to track disparities in satisfaction and engagement, and inform efforts to address identified disparities.
  • Partner with the Office for Equity and Diversity on the “big lift,” an effort to increase diversity in hiring and support retention.
  • Prioritize diversity and inclusion in leadership assessment and development efforts.
  • Value and recognize existing work the promotes diversity and inclusion.
Evidence-Based Decision Making

• The strategic plan calls for:
  • The assessment of goals and priorities
  • Employee surveys that measure perceptions of progress in key areas

• Human resource needs:
  • Leverage employee engagement surveys of faculty and staff.
  • Help leaders measure progress toward goals and use data to inform decisions and actions.
  • Accurate human resource data to inform efforts
Key Challenges

- Coordination between central and local levels to support the strategic plan requires considerable thoughtful and active communication.

- The strategic plan relies extensively on unit-level leadership that is grounded in collaborative relationships, but we often value independent and individual action through our recognition structures.
Discussion

• The human resources at the University of Minnesota are essential to the success of our strategic plan.
• How can we promote investment in achieving strategic plan goals for all who work at the University?
• How can we foster broad engagement and active leadership among faculty and staff?
Addendum
Operational Excellence

• The strategic plan calls for:
  • Greater focus on efficiency, simplification, and streamlining
  • Reducing unnecessary administrative burdens and addressing sources of frustration

• Human resource implications:
  • Help leaders and units proactively identify and eliminate barriers to getting work done efficiently.
  • Ensuring human resource systems, processes, and metrics enable leaders and decision makers to deploy resources in alignment with strategic priorities
AGENDA ITEM: Security of Human Resources Data

Review + Action

Discussion

This is a report required by Board policy.

PRESENTERS:
Kathryn F. Brown, Vice President, Office of Human Resources
Amy Kucera, Senior Director, Operations, Office of Human Resources
Brian Dahlin, Chief Information Security Officer, Office of Information Technology

PURPOSE & KEY POINTS

The purpose of this item is to explain what the University is doing to secure the private information of its employees.

Data security is a critical issue for the University. In recent years, data breaches at large corporations and government agencies have compromised the private information of millions of people and proven that even sophisticated computer systems are vulnerable to intrusion.

This item will include:

- A brief review of laws governing data privacy.
- The types of private information the University holds and what it is used for.
- The approval process for granting access to the HRMS system.
- Policy, risk assessment and security governance.

In addition, the presentation will cover the many safeguards the University has in place to protect private data, including:

- Two-factor authentication.
- Employee education and awareness efforts.
- Plans for the future.
Security of Human Resources Data

Board of Regents
Faculty and Staff Affairs Committee

Amy Kucera, Senior Director of Operations,
Office of Human Resources
Brian Dahlin, Chief Information Security Officer,
Office of Information Technology

June 9, 2016
What We Will Cover Today

• Importance of data security
• Laws governing data privacy
• Types of private information the University holds and how it is used
• How the University protects that data
  • Approval process for granting access to private data
  • Information Security Program
• Information security plans for the future
Importance of Data Security

- Recent data breaches at major companies and government agencies have shown the vulnerability of even sophisticated computer systems.
- Intrusions have compromised millions of customers or employees at:
  - JPMorgan Chase
  - EBay
  - Home Depot
  - Target
  - FDIC
  - Federal Office of Personnel Management
The Law Protects Human Resource Data

Minnesota Government Data Practices Act
The act classifies government data that is not considered public, and thus restricts access to the data.

Health Insurance Portability and Accountability Act
HIPAA establishes national standards to protect electronic personal health information. It requires administrative, physical, and technical safeguards to ensure security of health information.
PeopleSoft Holds Human Resource Data

- Personal information
- Job record
- Tenure
- Recruiting
- Payroll

- Time worked
- Absence
- Benefits
- Seniority
- Department
Data Considered Private

- Gender
- Date of birth
- Social Security Number
- Citizenship
- Veteran status
- Home address
- Retirement

- Applicant data
- Benefit eligibility
- Benefit enrollment
- Benefit claims
- Leave type
- Disability status
- Termination reason
- Ethnicity
Workforce Management: Why We Need This Data

- Planning & Strategy
  - Strategic Planning
  - Workforce Planning
  - Organizational Effectiveness
  - Change Management
  - Position Management
  - Total Compensation Planning

- Talent Acquisition
  - Recruiting and Sourcing of:
    - Employees
    - Independent Contractors
    - Affiliates
    - EEO/AA
    - Interviewing and Selection

- Onboarding
  - Position Management
  - Appointment Structure
  - Payroll Setup
  - Benefits Enrollment
  - New Employee Orientation
  - Required Training

- Workforce Management
  - Position Management
  - Promotions
  - Transfers
  - Compensation & Classification
  - Benefits & Wellness
  - Time & Absence Reporting

- Talent Management
  - Performance Management
  - Training & Development
  - Leadership Development
  - Succession Planning
  - Engagement

- Transition
  - Exit Strategies
  - Retirements
  - Separations (voluntary or involuntary)
  - Post-Retirement
  - Benefits
How We Use the Data

- To support human resource processes. For example:
  - Benefits
    - Fidelity, Vanguard, Securian, Medica, HealthPartners, Delta, Staywell, Fairview, and Prime
  - Payroll: direct deposit
  - Disability: short- and long-term
  - Parking
  - State: child support, new hires, unemployment

- For reporting and analytics
  - UM Reports
  - Support of the Enterprise Data Management and Reporting team
Ways We Protect the Data

- Data Security Classification policy sets HR data at high security.
- We use two-factor authentication for about 6,600 administrators using PeopleSoft.
- We employ an HR data custodian/privacy officer focused on security.
- OHR employees sign HR privacy statement annually.
- We conduct periodic internal audits.
- During ESUP project, a third-party review established security roles and access according to current best practices.
PeopleSoft Access Approval Process

• Least-privilege access: narrowly defined role-level security tied to specific business need
• Security approval needed at unit level, since data entry is distributed widely across campuses
Information Security Program

- Incident Response
- Security Policy & Governance
- Security Architecture
- Intrusion Detection
- Risk Management
Future Information Security Initiatives

- Log Management
- Risk Management
- Two-Factor Authentication for End Users
BOARD OF REGENTS
DOCKET ITEM SUMMARY

Faculty & Staff Affairs

AGENDA ITEM: Consent Report

☐ Review  ☑ Review + Action  ☐ Action  ☐ Discussion

☐ This is a report required by Board policy.

PRESENTERS: Kathryn F. Brown, vice president, Office of Human Resources

PURPOSE & KEY POINTS

As required by Board of Regents Policy: Reservation and Delegation of Authority, the administration seeks approval for the following items:

- Appointment of Gerry Jenkins, J.D. as dean of the Law School
- Conferral of tenure for two outside hires
- Amendments to the Civil Service Rules
- Correction of a clerical error from the May 2016 docket
- Appointment of trustees to the Minnesota Landscape Arboretum Foundation

Detail on each of these approval items is in the docket.

BACKGROUND INFORMATION

Board of Regents Policy: Reservation and Delegation of Authority, calls for itemssuch as proposed changes to retirement provisions, senior administrative appointments, tenure and/or promotion recommendations, approval of civil service rules, and appointments of certain trustees and board members to be brought before the Faculty & Staff Affairs Committee for action.

PRESIDENT'S RECOMMENDATION

The President recommends approval of the Consent Report.
Faculty & Staff Affairs Committee  
Consent Report  
June 9, 2016

**Personnel Appointment**

Pending approval by the Board of Regents, Garry W. Jenkins, J.D., will be appointed dean of the Law School, effective July 31, 2016.

**Position Overview**

As dean, Garry will serve as chief executive officer and chief academic officer of the Law School, which is ranked as one of the top public law schools in the country. He will provide strategic and intellectual leadership to maintain and enhance the school’s stature. Garry will also provide administrative oversight for the school, including the effective stewardship and management of its fiscal, capital, and human resources. He will serve as a strong and vocal advocate for the Law School, integrating its many resources and functions into the broader community – locally, nationally and globally. Garry will play a leadership role in fundraising for the Law School, garnering support from both internal and external stakeholders to secure philanthropic support for its mission. He will also work collaborate with other deans to advance the broader educational mission of the University.

**Appointees Background and Qualifications**

Garry Jenkins brings to the Law School extensive experience as an administrator at a public law school, a scholar of law and philanthropy, and a foundation executive. He has most recently been associate dean for academic affairs and the John C. Elam/Vorys Sater Professor of Law at The Ohio State University Moritz College of Law.

A specialist in law and philanthropy, corporate governance, and leadership studies, he cofounded the Program on Law and Leadership, a multifaceted education and development initiative to advance the theory and practice of leadership among lawyers. Prior to joining the Ohio State faculty in 2004, Garry was chief operating officer and general counsel of the Goldman Sachs Foundation—responsible for domestic and international grant-making programs, communications, finance, legal affairs, and investment management for one of the country’s largest corporate foundations. Earlier, he was an attorney with the New York law firm of Simpson Thacher & Bartlett, where he counseled public charities and private foundations as well as private investment funds.

As associate dean of the Ohio State law school, he had primary oversight of academic programs and policy, curriculum, communications, and other key areas and collaborated to help shape and implement a strategic plan, advance fundraising, and support diversity and inclusion. An energetic, creative, and collaborative leader and consensus builder, Garry worked as part of an entrepreneurial team to advance the school in the increasingly challenging environment for law schools and public higher education. He also led the law school’s efforts to implement significant curricular reforms and innovations, develop new co-curricular programs, and revitalize branding.
Garry earned his J.D. from Harvard University Law School, where he was editor-in-chief of the Harvard Civil Rights-Civil Liberties Law Review, and he went on to clerk for Judge Timothy Lewis on the U.S. Court of Appeals for the Third Circuit. He also earned an M.P.P. from the Kennedy School of Government at Harvard University, and his B.A. is in political science, from Haverford College. He currently sits on the governing boards of Haverford College and the American Civil Liberties Union of Ohio as well as the advisory board of the National Center on Philanthropy and Law at New York University School of Law.

Recommended Salary and Appointment Type

Garry Jenkins’ annual salary will be $375,000. His appointment as dean is a 100%-time, A-term (12-month), L-type (limited) appointment, reporting to and serving at the pleasure of the Executive Vice President and Provost. The full employment agreement between the University of Minnesota and Garry Jenkins is attached as an exhibit.

Individually Negotiated Terms of Employment or Separation Agreements

There are no individually negotiated terms of employment or separation agreements.

Comparable Market Data

With respect to the research institutions that submitted salary data for the 2015-16 CUPA-HR (College and University Professional Association for Human Resources) survey, which included both public and private institutions, the median salary for the position of dean of law was $328,750 (these research universities are doctorate-granting institutions that Carnegie has classified as having either high or very high research activity).

Garry Jenkins’ annual salary falls within the range of the Spring, 2016 salaries for the position of dean of law positions at peer institutions (The Ohio State University, University of Iowa, University of Michigan, University of Wisconsin-Madison):

Minimum – $338,546
Mean – $386,955
Median – $381,054
Maximum – $447,168

Recommendation

The president recommends the appointment of Garry W. Jenkins as dean of the Law School.
EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT is entered into as of this 10th day of May, 2016, by and between Regents of the University of Minnesota, a Minnesota constitutional educational corporation (the “University”), and Garry W. Jenkins, J.D. (“you”).

WHEREAS, the University wishes to employ Garry W. Jenkins as the Dean of the Law School and Garry W. Jenkins wishes to accept employment as Dean of the Law School;

WHEREAS, this Employment Agreement is subject to the approval of the Board of Regents of the University of Minnesota and the completion of a background check satisfactory to the University;

THEREFORE, the University and Garry W. Jenkins agree as follows, subject to the approval of the Board of Regents:

I. EMPLOYMENT TERM AND DUTIES

Subject to the terms and conditions of this Agreement and University Policies and Procedures, the University appoints Garry W. Jenkins as the Dean of the Law School and he agrees to be so employed by the University for a term commencing on July 31, 2016. The Dean of the Law School is a 100 percent time, 12-month L appointment in the professional and academic personnel classification who serves as an at will employee at the pleasure of the Executive Vice President and Provost. As such, you report to and serve at the pleasure of the Executive Vice President and Provost and your appointment may be terminated at any time without advance notification.

II. DUTIES

During the term of your employment as Dean of the Law School you will diligently and consciously devote your full-time attention and best efforts in performing and discharging the duties of Dean of the Law School as they are set forth in the job description for this position (attached) including, but not limited to, the following duties:

A. Performing the roles of chief executive officer and chief academic officer at the University of Minnesota Law School;
B. Developing innovative strategies that support the highest aspirations of the Law School and programs;
C. Providing administrative oversight and strategic leadership to advance the quality, reputation and goals of the Law School;
D. Overseeing planning and the stewardship and management of fiscal, capital, and human resources of the Law School;
E. Promoting and representing the Law School in private and public forums;
F. Integrating the Law School and its many resources and functions into the broader community – locally, nationally, and globally; and
G. Playing a leadership role in fundraising for the Law School, leading energetic efforts to secure philanthropic support for its mission.
H. Garnering support for the Law School from both internal and external stakeholders; and
I. Performing such other duties as related to your employment position and assigned to you by your appointing authority.

III. PERFORMANCE

In accordance with University policy, you will receive regular annual performance evaluations and, in accordance with University policy, you will receive a broader systemic review of your performance no later than the end of your third year in the position.

IV. FACULTY APPOINTMENT

In addition to your appointment as Dean of the Law School, you will also be considered for appointment as a tenured, full professor in the college. Any such appointment as a professor is subject to Board of Regents Policy: Faculty Tenure. Your appointment requires approval of the faculty as well as the Board of Regents. During the time you serve as Dean of the Law School, you will not receive any compensation for your faculty appointment, but a salary for this appointment will be established each year by the University, based on the average increase to base of your same-ranked collegiate peers. In the event you no longer are employed as Dean of the Law School and retain this faculty appointment, this will be your established faculty salary.

V. COMPENSATION

A. Subject to the terms of this Agreement for all services provided by you on behalf of the University, the University shall pay you an annual salary of Three Hundred Seventy Five Thousand and No/100 Dollars ($375,000).

B. All base salary shall be paid in accordance with the University’s regular payroll procedures for Professional and Administrative employees and shall be subject to withholding for applicable federal and state income taxes, federal social security taxes, and other applicable taxes and deductions.

C. In accordance with University policies and procedures, you shall be eligible for salary increases on an annual basis based upon the evaluation of the appointing authority or his/her designee.

D. The base salary is subject to furloughs, pay freezes, salary reductions or other adjustments to the same extent they are required of other employees of the University.

VI. BENEFITS

The University shall provide you with a benefits program as provided generally for its Professional and Administrative employees as described in its policies and Procedures (http://www.umn.edu/ohr/benefits/summary/). These programs shall be subject to amendments and modifications by the University.
VII. RELOCATION

The University will pay for relocation costs associated with your move by means of a lump sum for relocation expenses equivalent to one month's salary ($31,250), in accordance with the University's relocation policy (http://www.policay.umn.edu/Policies/Finance/Travel/EmployeeRelocation.html).

VIII. SEPARATION

A. Your appointment as Dean of the Law School is an L appointment, which means you serve at the pleasure of your appointing authority. Your appointment may be terminated without any required notice period.

B. In the event you are separated from your administrative position, you may be eligible for certain benefits provided by the University, in accordance with University policy. Any exception from or waiver of University policy related to your separation must be approved by the Board of Regents.

C. If you are a faculty member at the end of your administrative appointment, you may return to the faculty at your established faculty salary.

IX. UNIVERSITY POLICIES AND GENERAL CONDITIONS

A. Your appointment is subject to the University's policies and procedures that govern your position (http://policy.umn.edu/), which may be amended from time to time.

B. Amendment. Any amendment to this Agreement shall be in a writing executed and delivered by the parties.

C. Parties In Interest/Assignment. This Agreement shall be binding upon and the benefits and obligations provided for herein shall inure to the parties hereto and their respective heirs, legal representatives, successors, assigns, transferees or donees, as the case may be. No portion of this Agreement shall be assignable without the prior written consent of the other party.

D. Effect of Prior Agreements. This Agreement is intended by the parties as the final and binding expression of their contract and agreement and as the complete and exclusive statement of the terms thereof. This Agreement supersedes and revokes all prior negotiations, representations, and agreements, whether oral or written, relating to the subject matter hereof.

E. Enforceability. If any provision contained herein shall be deemed or declared unenforceable, invalid, or void, the same shall not impair any of the other provisions contained herein, which shall be enforced in accordance with their respective terms.

F. Construction. The headings preceding and labeling the sections of this Agreement are for the purpose of identification only and shall not in any event be employed or used for the purpose of construction or interpretation of any portion of this Agreement. No waiver by any party of any default or nonperformance hereunder shall be deemed a waiver of any subsequent default or nonperformance. As used herein and where necessary, the singular shall include the plural and vice versa, and masculine, feminine and neuter expressions shall be interchangeable.
X. BOARD OF REGENTS APPROVAL
AND APPROVAL OF TENURED APPOINTMENT

This agreement is subject to the approval of the Board of Regents and a background check that is satisfactory to the University. This agreement is also subject to the approval of the faculty appointment provided for in Section IV of this agreement.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed as of the date first shown above.

By: 
Garry W. Jenkins

REGENTS OF THE UNIVERSITY OF MINNESOTA

By: 
Karen Hanson
Executive Vice President and Provost

Approved as to Form and Execution

By: 
William P. Donohue
General Counsel
Tenured Outside Hires

The decision of the Board of Regents to confer tenure and rank for any individual faculty hire from outside the University of Minnesota becomes effective on the first day of that faculty member's academic appointment at the University.

Tenured Hires for June 2016 Board of Regents meeting – Twin Cities campus
Recommended by Executive Vice President and Provost Karen Hanson

Garry Jenkins
Professor with tenure
Law School

Garry Jenkins earned his J.D. from Harvard University Law School in 1998. A specialist in law and philanthropy, corporate governance, and leadership studies, Professor Jenkins co-founded the Program on Law and Leadership, a multifaceted education and development initiative to advance the theory and practice of leadership among lawyers. He has most recently been associate dean for academic affairs and the John C. Elam/Vorys Sater Professor of Law at The Ohio State University Moritz College of Law. Professor Jenkins will be appointed as dean of the Law School when he begins his position at the University of Minnesota in July, 2016.

Paula Termuhlen
Professor with tenure
Department of Surgery
Medical School

Paula Termuhlen earned her M.D. in 1989 from St. Louis University. Prior to her arrival in Minnesota, Dr. Termuhlen was a professor of surgery and director of the General Surgery Residency Program at the Medical College of Wisconsin. She has been recognized as an outstanding educator who has been active in teaching and curriculum development at the graduate level. External reviewers praise her national leadership in surgical education and her exceptional service record. Dr. Termuhlen has been appointed Regional Campus Dean of the Duluth Medical School.
Civil Service Rules proposed amendments 2016

1) **Housekeeping**
   a. Reference to ‘coordinate campuses’ updated to ‘system campuses’.
   b. Clarification of official employee personnel file at system campuses, 6.4.2 and definition.
   c. Reference to ‘Disability Services’ and url updated to ‘Disability Resource Center’ and current url.
   d. Update urls for Office of Human Resources references.

2) **7.4 Probationary Rating**
   Contact: Jean Otto
   Description: Proposed change to the Rules that probationary employees are provided verbal and written notice of performance issues prior to notice of not passing probation.

   Background: The current Civil Service Rules call for one performance review during the probationary period and does not provide a mechanism for employees to improve their performance, if needed to successfully pass probation. Proposed change to the Rules that probationary employees are provided verbal and written notice of performance issues prior to notice of not passing probation.

   The requested change is to facilitate discussion and feedback between the supervisor and employee and to provide more mechanisms for success for the new employee. Human capital is a great asset for the University and starting employees on a successful trajectory is vital to the University.

   Change: changed in 7.4 and proposed language in the tracked word document

3) **11.4 Pay for Vacation Leave**
   Contact: Ray Muno
   Description: The proposed language changes from the public hearings in 2008 has not been changed in the CS Rules. This language provides for the procedure for payout of vacation time to a Health Care Savings Plan if applicable.

4) **11.5 General Provisions for Sick Leave**
   Contact: Office of Human Resources, Patti Dion and Jean Otto
   Description: Changes required for compliance with safety leave MN Stat 181.9413 and elimination to reference of registered same sex domestic partner, include reference to domestic partner.

   Changes: 11.5.8, 11.5.10, 11.5.11, 11.5.13, Definitions

5) **11.7.2 Paid and Unpaid Leaves**
   Contact: Office of Human Resources, Patti Dion
   Description: Proposed language for parental leave

   Changes: Changes to 11.7.2.1; 11.7.2.2, 11.7.2.3
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RULE 1 History, Purpose, Amendment of Rules

1.1 History and Purpose of the Rules

1.1.1 These rules, through June 30, 2011 prepared and recommended by the Vice President for the Office of Human Resources and the duly appointed Civil Service Committee in accordance with the authority vested in them by the Basic Law for Civil Service of the University of Minnesota, as approved by the Board of Regents on November 24, 1945, were until the adoption of the Civil Service Senate Constitution known as the Civil Service Rules, or Rules.

1.1.2 Henceforth prepared and recommended by the Vice President for the Office of Human Resources and the Civil Service Consultative Committee under the authority vested in them by the Board of Regents and the Civil Service Senate Constitution, they shall be known as the Civil Service Employment Rules, or Rules, and shall govern the operation of the University of Minnesota Civil Service personnel system from July 1, 2011 onward.

1.1.3 The words “Vice President” as used in these Rules shall refer to the administrative head or designee of the Office of Human Resources. The words “the President” shall refer to the President of the University of Minnesota. The words “Consultative Committee” or “the Committee” as used in these Rules shall refer to the Civil Service Consultative Committee, with powers and duties designated by the governing documents of the Civil Service Senate and by these Rules.

1.2 Application of the Rules

The Civil Service Employment Rules cover all University employees in job classifications included in the Civil Service Employee group (see “Definitions”) except that temporary no-post and non-public employees (also see “Definitions”) are specifically excluded from coverage.

1.3 Amendment of the Rules

1.3.1 Any University civil service employee may propose an amendment to the Consultative Committee at any time. The Committee will solicit and review additional proposals, conduct public hearings, and recommend amendments to the President as deemed appropriate. A complete Rules review will be conducted at an interval no greater than every three years.

1.3.2 Public hearings are required before Rules amendments are proposed to the President. Notice of intention to amend the Rules specifying the date, hour, and place of the hearings shall be published in campus publications not less than 14 days before said hearing.

1.3.3 Proposed revisions will be made available at least seven days before the public hearings on the Office of Human Resources worldwide web home page currently at http://www.umn.edu/ohr/ or through the Office of Human Resources.

1.3.4 The Vice President and Consultative Committee shall recommend to the President all proposed amendments. After consultation with the Vice President and the Consultative Committee, the President shall make recommendations to the Board of Regents for their consideration. The members of the Board of Regents shall be provided with copies of the proposed amendments.

1.3.5 Amendments shall become effective upon adoption by the Board of Regents except as otherwise specifically provided. The Vice President shall promptly transmit notification to administrators and shall make the Rules and amendments available to employees.

1.3.6 New or amended Rules shall not retroactively affect personnel actions that were completed before the new Rules went into effect.
1.3.7 Before issuing the Civil Service Employment Rules, the Vice President or designee may correct spelling and/or grammatical errors.

1.3.8 Electronic links to external documents are subject to administrative change; such changes are not considered amendments.

1.4 Distribution of the Rules

RULE 2 Code of Conduct, Discrimination, Harassment, Nepotism and Political Activity

2.1 Discrimination
2.1.1 Discrimination and harassment on the basis of race, color, creed, religion, sex, marital status, sexual orientation, public assistance status, disability, age, national origin, or veteran status are forbidden by the University of Minnesota. Additionally, discrimination on the basis of political opinions or affiliation with any union or other organization representing the interest of public employees is forbidden by the University of Minnesota.

2.1.2 It is unlawful for any person in the University of Minnesota service, on the basis of prohibited discrimination, to (1) refuse to hire an individual; (2) maintain a system of employment that unreasonably excludes an individual from employment; (3) discharge an individual; or (4) discriminate against an individual with respect to hire, employment terms, promotion, or privileges of employment. A person in the University of Minnesota service may not encourage or compel, or attempt to encourage or compel, any action covered by this section.

2.2 Political Activity
No employee of the University Civil Service shall be required to pay or be allowed to solicit or receive any assessment, contribution, or subscription for political purposes whatsoever during work hours. No officer or employee of the University shall directly or indirectly use the officer’s or employee’s authority or official influence to compel any officer or employee in University Civil Service to apply for membership in or become a member of any political organization; or to pay or promise to pay any assessment, subscription, or contribution; or to take part in any political activity.

2.3 Employee Rights and Responsibilities
Employees shall be granted all rights, benefits, and considerations under the policies and procedures referenced in these Civil Service Rules and exercise all rights not denied them or otherwise prohibited by these Rules or other applicable policies and procedures.

2.4 Regents’ Code of Conduct
Employees must not engage in, nor permit harassment and are entitled to a respectful and safe work environment consistent with the Regents’ Code of Conduct. Current policy can be accessed at http://www1.umn.edu/ohr/policies/index or from the Office of Human Resources http://www1.umn.edu/ohr/ http://humanresources.umn.edu/.

2.5 Nepotism
RULE 3 Civil Service Consultative Committee, Human Resources, University Administration

3.1 Civil Service Governance

In accordance with the governing documents of the Civil Service Senate, there shall be a Civil Service Consultative Committee having specific powers and duties with respect to these Rules.

3.2 Powers and Duties of the Civil Service Consultative Committee with respect to these Rules

The Civil Service Consultative Committee shall:
3.2.1 review, conduct public hearings, and present recommendations to the President regarding Civil Service Rules, in accordance with Rule 1.3;

3.2.2 act as an appeals board in all cases involving supervisors or employees appealing decisions made by the Vice President in accordance with Rules 4, Position Classification Plan; and 5, Compensation System: Appeals shall be handled by panels consisting of at least three Consultative Committee members and/or alternates.

3.2.3 make investigations at the request of the Board of Regents, the President, the Vice President, Civil Service staff, or on its own initiative concerning personnel administration in University Civil Service;

3.2.4 interpret the intent or meaning of the Rules in cases of questions or dispute;

3.2.5 as consultants to the Vice President in developing performance appraisal plans (Rule 9.1);

3.2.6 review the creation of new and elimination of obsolete job classifications (Rule 4);

3.2.7 review and approve proposed changes to the compensation plan (Rule 5.1);

3.2.8 review proposed changes in any salary range that are requested by the Vice President (Rule 5.2);

3.2.9 appoint civil service representatives to the Conflict Resolution Advisory Committee, and nominate civil service employees for selection to serve on the Hearing Officer Roster and the Panelist Roster (Rule 14);

3.2.10 appoint civil service representatives to other University committees and task forces as requested by the President; and

3.2.11 perform such other duties as may be assigned to it by the President or these Rules.

3.3 Role of the Vice President for Human Resources with respect to these Rules

The Vice President or designee shall:
3.3.1 consult with the President on proposed rule amendments (Rule 1.3.6);

3.3.2 maintain the civil service job classification system (Rules 4.4.1 and 4.4.2);

3.3.3 prepare, consult with the Consultative Committee, and obtain approval of the President for a compensation plan (Rule 5.1);

3.3.4 determine salary range changes (Rule 5.2.1);
3.3.5 establish compensation policies (Rule 5.3);

3.3.6 determine the forms and manner for applications for civil service positions (Rule 6.4);

3.3.7 prescribe and maintain the application system for civil service positions (Rule 6.5);

3.3.8 approve certain probationary period requirements (Rule 7.2.2) and determine and publish probationary periods for job classifications (Rule 7.2.3); and

3.3.9 develop and administer a performance appraisal plan (Rule 9.1).

3.4 Powers and Duties of Responsible University Administrators and Supervisors with respect to these Rules

Responsible administrators and supervisors (see “Definitions”) shall administer the policies and procedures referenced in these Civil Service Rules and exercise all rights (unless denied them or otherwise prohibited by these Rules) inherent in the management process with respect to the supervision of employees.

RULE 4 Position Classification Plan

4.1 Preparation of the Position Classification Plan

The Vice President shall classify all positions in the University Civil Service System according to the nature and difficulties of duties and responsibilities assigned to and performed by the employees appointed to such positions and shall assign to each a classification title, number, and salary range.

4.2 Job Evaluation Questionnaires

4.2.1 Employees may submit, through supervisory and administrative channels, properly completed job evaluation questionnaires when changes in the tasks, duties, and responsibilities of their position have occurred due to reorganization of work, staffing requirements, or technology, or when they believe their positions are inappropriately classified.

4.2.2 A reclassification of any position can result in a promotion, demotion, or change to a different classification which does not constitute a promotion, or demotion (see definitions); or no change in classification. No probation is required after a reclassification unless requested by the supervisor and approved by the Vice President.

4.2.3 The reclassification of any position shall be made effective on the first day of the payroll period after the employee submits a signed and dated JRQ/JEQ to their immediate supervisor.

4.2.4 Reclassifications resulting in a demotion and reduction in salary will be made effective the first payroll period following notification of the decision by the Office of Human Resources.

4.2.5 The questionnaire shall be forwarded for review and signature within periods of no more than five work days to each designated administrative level starting with the immediate supervisor and ending with the appropriate human resources office. Copies of the completed questionnaire will be sent to the employee and the responsible administrator when a final version of the questionnaire has been determined.

4.2.6 A supervisor cannot change or require the employee to change the employee's responses on the questionnaire.
4.2.7 The appropriate human resources office shall rule on the requested reclassification within 25 workdays after receiving the questionnaire and shall convey the decision in writing to the employee and the responsible administrator who is expected to comply with the ruling.

4.2.8 The appropriate human resources office’s decision may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Consultative Committee. Please refer to the classification appeal process found here: http://www1.umn.edu/csc/esdocuments/Final-JEQ-JRQ-Appeal-Proc.pdf.

4.3 Periodic Surveys
4.3.1 An administrator or supervisor initiates a review of a Civil Service position within a unit by completing a Periodic Survey. Reclassifications resulting from the Periodic Survey will become effective on the first day of the pay period mutually agreed to by the appropriate human resources office and the administrative unit, and specified in writing.

4.3.2 The decision of the appropriate human resources office may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Consultative Committee.

4.4 Maintenance of the Classification Plan
4.4.1 The creation of new job classifications, the elimination of obsolete ones, and changes in titles or pay ranges of existing classifications shall be recommended by the Vice President for review by the Consultative Committee and approved by the University administration.

4.4.2 In cases of emergency, the Vice President may establish a job classification on a provisional basis, assign it to an appropriate salary range, and approve the appointment of individuals to positions in the classification until the classification and salary range can be reviewed by the Consultative Committee and approved by the University administration.

RULE 5 Compensation System

5.1 Preparation of Compensation Plan
The Vice President shall prepare a compensation plan that includes provisions for any salary increases. The policy of equal pay for equal work, the University's ability to pay, labor market competitiveness, and internal pay equity will be the major considerations in formulating the compensation plan. The Vice President shall obtain approval of the Consultative Committee and the Board of Regents. The current compensation plan can be viewed on the worldwide web at http://humanresources.umn.edu/pay-and-taxes/salary-plans.html or be obtained from the responsible administrator.

5.2 Salary Range Changes
5.2.1 The Vice President shall consider all written requests for changes in salary ranges from employees, supervisors, and responsible administrators. The Vice President shall notify all affected parties of the decision for or against a change. The Consultative Committee shall review and the Vice President shall approve any proposed recommendations regarding salary range changes. Salary increases commensurate with the amount of the range adjustment shall be given to employees in job classifications that are affected, except where documented performance or documented funding considerations warrant withholding part or all of the increase or where such range adjustments are made for administrative purposes to improve the salary structure.

5.2.2 The Vice President's decision may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Consultative Committee.
5.3 Compensation Policies

5.3.1 The Vice President shall establish compensation policies for the regulation of salary increases, hiring rates, on-call rates, augmentation rates, in-range adjustments, outstanding achievement awards, and salary changes in cases of promotion, demotion, transfer, reinstatement, shift differential, and return from leaves of absence. Administrative units have full managerial discretion within the framework of the policies except for the following:

5.3.2 No one can be hired above or below a salary range, except that trainees must be hired below the salary range (Rule 6.6).

5.3.3 Promoted employees (see “Definitions” and Rule 4) must receive a minimum salary increase of four percent unless that increase would:
   a) place the salary below the minimum salary or
   b) place the salary over the maximum of the range of the higher level classification.

5.3.3.1 If the minimum increase of four percent does not bring the salary to the minimum salary of the higher classification, then the employee must receive whatever percent increase is necessary to reach the new base.

5.3.3.2 If the four percent increase places the salary over the maximum, then the employee's salary shall be set at the maximum of the range of the higher level classification.

5.3.4 Employees who have been demoted and who have:
   1) not experienced reductions in salary as a result of the demotions, and
   2) who are subsequently promoted to classifications at or below their former salary ranges (but not below the minimum salary of the classifications in which they have been promoted), shall not receive a promotional salary increase without the approval of the Vice President.

5.3.4.1 If, however, the employees’ salaries are below the minimum salary of the classifications to which the employees have been promoted, the employees must receive the minimum salary of the higher classification (see “Definitions” and Rule 4).

5.3.5 An employee who is demoted (see “Definitions” and Rule 4) shall be paid at or below the maximum of the salary ranges for the job classification into which the employee is being demoted. Depending upon administrative unit discretion, the salaries within the range after demotion should reflect the employee’s experience and performance. The salary may not, however, exceed the employee’s salary before the demotion.

5.3.6 Employees who transfer (see “Definitions”) may receive an increase in salary over their former salary. If the beginning rate for the new position is higher than the rate the employee was at in the former position, the employee's salary shall move to the beginning rate for the new classification. Conversely, if the employee's salary in the former position exceeds the maximum of the range for the new position, the employee's salary must be decreased to the maximum of the range for the new position.

5.3.7 Employees returning from unpaid leaves of absence shall be compensated at the same rate of pay they received when the leaves commenced plus any non-discretionary increases which became effective during the time of the leaves. For increases requiring a specific length of service in order to be eligible for consideration, the period of the leave of absence is not counted toward eligibility. However, if employees gain additional experience or education that is relevant to their work during the leaves of absence, the time of the leaves may, at the administrative unit’s discretion, be counted toward eligibility for discretionary increases.

5.3.8 Employees shall receive on-call (see definition) and augmentation pay, as provided for by University policy (see OHR web site and refer to Civil Service pay plan). Employees shall also be provided with off-cycle checks under the circumstances specified by University policy.

5.3.9 An employee who performs work in a higher classification for longer than five consecutive workdays shall receive a temporary salary augmentation during the remainder of the time the employee works out-of-class. The augmentation must be a minimum of four percent of the employee's current hourly rate, or the percent of the employee's current hourly rate necessary to reach the minimum rate of the higher classification, whichever is greater. Any overtime shall include the augmentation. If the responsibilities of the higher classification become permanent duties of the employee, that employee has the right to submit a job a JEQ/JRQ questionnaire.
5.4 Total Remuneration
5.4.1 Employees shall not receive perquisites, which may include but not be limited to residence, board, room, laundry, commutation, or any combination thereof, as a part of the employee's regular compensation unless these perquisites are required for the satisfactory performance of assigned duties.

5.4.2 Whenever employees are required to wear uniforms as a condition of employment, the employer shall, according to administrative policies, either provide employees with uniforms or provide funding to the employees for purchasing uniforms. Laundering of lab coats when employee works in hazardous environments shall be the responsibility of the lab per the guidelines when working in hazardous environments: (http://www.dehs.umn.edu/ressafety_hsr_epi.htm, http://www.dehs.umn.edu/ressafety_rsp_aep.htm)

5.4.3 Likewise, whenever badges, ID Cards, keys, electronic access or communication devices (e.g. internet connections, pagers, cell phone) are required as a condition of employment, the employer shall provide them or provide funding for their purchase. Employees may be assessed reasonable refundable deposits including interest, or charged reasonable replacement fees for items that are lost or negligently damaged.

RULE 6 Recruitment and Employment

6.1 Request to Establish Position to Fill Vacancy
When a newly created position or a vacancy in an existing position is to be filled, the responsible administrator shall submit a personnel requisition to the appropriate human resources office. Upon receipt of the requisition, human resources personnel will review the position to approve the requested classification or reclassify it after consulting with the hiring authority before posting.

6.2 Announcement of Employment Opportunities
6.2.1 Announcements of all vacancies shall be publicly posted and available through the Office of Human Resources on the worldwide web. Information on the benefits and rights attached to temporary positions, as well as those not attached to temporary positions, shall be available through the Office of Human Resources home page at http://humanresources.umn.edu/; http://www.umn.edu/ohr.

6.2.2 A minimum of seven calendar days (excluding holidays) shall elapse between the initial posting of an announcement concerning a vacancy in a continuing or temporary posted position and the date of hire by a responsible administrator (Rule 6.3), except when a laid-off or injured worker is re-employed.

6.3 Hiring and Certification
6.3.1 Applicants who have been certified by the Office of Human Resources as meeting the qualifications of a vacancy shall be considered and interviewed for employment in the following order:
   1. Former employees whose names appear on the layoff list, with layoff rights to the posted vacancy according to the provisions of Rule 12.3.
   http://humanresources.umn.edu/leader-manager-resources/managers-tools/
   3. Former employees on the job transfer list because of an on-the-job injury, in accordance with Rule 12.3.
6.3.2 Should no individual be eligible and/or hired from the above listed groups, additional applicants may be considered in the following order:

1. Individuals whose names appear on the layoff lists and who do not have layoff rights to the posted vacancy and current University Civil Service employees, whether their current positions are posted temporary or permanent.
2. Other applicants may then be considered.

The order of preference may be changed under special circumstances by the University Equal Opportunity Officer in accordance with affirmative action policies of the Board of Regents.

6.4 Employment Procedure and Files

6.4.1 Applications for all Civil Service employment shall be made on the appropriate forms and in such manner as prescribed by the Vice President and, upon submission to the Office of Human Resources, become the property of the Board of Regents of the University of Minnesota.

6.4.2 The only individual official Official individual employee personnel files are is the one maintained by the Office of Human Resources at the respective campus, except that official employee personnel files are maintained on the coordinate campuses (Crookston, Duluth, Morris, Rochester and Twin Cities). Employees shall have a right to see their own personnel files upon request, in the Office of Human Resources, in the presence of an appropriate Human Resources staff member.

6.4.3 The University policy concerning file access conforms to applicable State and Federal laws. Contact the Office of Human Resources for more information.

6.4.4 Employees have the right to include or update information in their files that may be pertinent to their performance of job duties.

6.5 Types of Appointment

6.5.1 No appointment shall be authorized by a responsible administrator or immediate supervisor without prior certification by the appropriate human resources office that the candidate is qualified. All appointments shall be subject to the ratification of the Vice President and the Equal Opportunity and Affirmative Action Office, under provisions of Rule 6, Section 3.

6.5.2 Trainee appointments may be made when the Vice President approves trainee programs to qualify persons for a particular work classification. An employee hired as a trainee shall be hired at a rate, as established by the Vice President in consultation with the responsible administrator, below the salary range for the class, and may be granted incentive increases as the employee progresses through an organized training program.

6.5.3 After successfully completing the program, the employee will reach the minimum salary of the range for the class. The employee shall then be required to successfully complete the probationary period assigned to the class before receiving a continuing appointment.

6.5.4 Continuing appointments shall be made to any position in which the assigned work time is at least 50 percent of full-time and of a continuing nature and when the employee has successfully completed the probationary period for the class of work.

6.5.5 Temporary appointments may be made to any position and must have a beginning and ending date. Temporary appointments may be part-time or full-time and employees shall not serve a probationary period during the period of the temporary appointment. See “Definitions” for different types of temporary appointments.

6.5.6 The following rights accrue to employees on temporary appointments of 50 percent time or more, within the same classification within the same administrative unit in conformance with Rule 6:

6.5.6.1. Classification seniority and rights to the layoff list shall be granted after more than one calendar year of service. Classification seniority will be retroactive to the date of entry into the classification in the administrative unit.
6.5.6.2. Grievance rights for termination for just cause shall be granted after more than one calendar year of service, within the same administrative unit within the same classification.

6.5.7 The following rights accrue to employees on temporary appointments of 50 percent time or more, within the same position including reclassifications of that position, within the same administrative unit in conformance with Rule 6:

6.5.7.1. A temporary appointment will become a continuing appointment with all rights and benefits after more than two consecutive calendar years of service and a probationary period will be considered to be completed.

6.5.7.2. An employee with continuing status who promotes or transfers to a temporary position forfeits all rights and benefits given to a continuing position and shall be governed by the rules for temporary employees.

6.5.7.3. A former employee with continuing status, whether on the layoff list or not, who is re-employed in a temporary position, assumes the status of a temporary employee, and classification and unit seniority credits cannot be reinstated.

6.5.7.4. An employee with continuing status who is laid off and bumps an employee in a temporary position retains the status of a continuing employee.

6.5.8 At the time of the initial interview, individuals being considered for temporary positions shall be informed of the temporary nature of these positions and the consequences of accepting temporary positions.

6.5.9 Individuals who accept temporary positions must be notified in writing of the temporary nature of their appointments. This written notification shall also include the beginning and ending dates of the position and the benefits and rights inherent to and denied a temporary appointment. This temporary letter shall be given to the employee within five workdays after the initial hire or, if this is not possible, within five workdays after the employee completes administrative unit orientation meetings, and must be signed by the employee. The original of the temporary letter shall be forwarded to the Office of Human Resources at: http://www1.umn.edu/ohr/toolkit/letters/, http://humanresources.umn.edu/supervisor-resources.

6.5.10 Part-time appointments may be made to any position in which the assigned work time is less than 100 percent time. Such an appointment may be temporary or continuing.

RULE 7 Probationary Period and Orientation

7.1 Intent of Probation
The probationary period shall be an integral part of the selection process for appointment to any position in which the assigned work time is at least 50 percent of full-time and of a continuing nature. The supervisor shall use the probationary period to inform employees of their job responsibilities and duties and of the administrative unit’s expectations; to evaluate the employee’s work performance; and to inform employees of their work performance.

7.2 Application of Probationary Period
7.2.1 A probationary period of employment shall be designated for each class of work, shall be served by every employee hired in any continuing position to work 50 percent time or more regardless of whether such employment occurs as an original appointment, promotion, transfer, or demotion and shall be successfully completed before the employee can be given a continuing appointment to the position.

7.2.2 Unless probation is requested in writing by the responsible administrator and approved by the Vice President, no probationary period shall be required of an employee who bumps back into any position in a classification in which the employee has previously passed probation (Rule 12.3); who is an incumbent in a reclassified position; who is assigned to a different position in the same job class in the same administrative unit or who is recalled in the same class and administrative unit following layoff or reinstatement after resignation. Employees affected by this request to serve probation shall be notified in writing that a probationary period must be served.
7.2.3 The Vice President shall determine and publish the length of the probationary period for each class of positions in the University Civil Service. This period may not be less than three months nor more than one year. Related and comparable classes shall have probationary periods of the same length. All employees working less than full time (but at least 50 percent time) shall work the same number of calendar months as full-time employees to complete their probationary periods.

7.2.4 Any absences without pay shall automatically extend the probationary period.

7.3 Orientation
Employees shall be provided with University orientation information and shall be allowed to attend orientation sessions when offered by the Office of Human Resources. See: http://www1.umn.edu/ohr/toolkit/letters/index.html, http://humanresources.umn.edu/new-employees.

7.4 Probationary Rating
All probationary employees will have a minimum of at least one verbal performance appraisal and one written performance appraisal during their probationary period, except where immediate removal from the position is warranted, such as serious job misconduct -- for example, falsification of records or misappropriation of University resources -- or workplace actions that endanger the health or safety of the employee or others. Supervisors must inform the probationary employee of any performance issues and develop a plan to remedy any performance issues which may be cause for not passing probation within 30 days of the expiration date of the probation period. Supervisors must use either the standardized University evaluation form or other Human Resources approved evaluation form, pursuant to Rule 9.1. The Vice President may, at any other time during the probationary period, ask the responsible administrator for additional oral and/or written statements regarding the employee’s work performance. If a written performance appraisal is not given before the actual expiration date of an employee’s probationary period, the employee will pass probation.

7.5 Rights of Probationary Employees
Probationary employees are entitled to all rights under these Rules, including the right to grieve any alleged Rules violations unless specifically denied by these Rules.

7.6 Termination of Employment During Probationary Period
7.6.1 If the responsible administrator or immediate supervisor determines, after complying with Rule 7.4, during the probationary period, that the employee’s appointment will not continue, the employee’s appointment shall not be continued. Just cause is not required for termination of a probationary appointment and it is not grievable except under the discrimination clause of Rule 2.

7.6.2 The responsible administrator or immediate supervisor shall give an employee who fails to pass the probationary period at least 10 workdays written notice before termination. These 10 workdays may be given as a leave of absence with pay.

7.6.3 An employee who is being terminated during the probationary period (Rule 12.3) but held a prior position shall have the right to return to the prior position within 10 workdays after notifying the responsible administrator in charge of the prior position, provided the employee:

7.6.3.1 has successfully completed the probationary period for the prior position; and

7.6.3.2 was promoted or transferred from the prior position; and

7.6.3.3 notifies the prior responsible administrator by the termination date of the currently held probationary position of the intent to return to the prior position.

7.6.4 The prior position referred to in this Rule is the position an employee last held before being promoted or transferred to the position requiring the probationary period.
7.6.5 If an employee's prior position no longer exists (has been abolished or reclassified) or if the employee does not choose to return to a prior position (Rule 12.3), the employee may notify the prior responsible administrator by the termination date of the probationary position, of intent to be placed on the layoff list.

7.6.6 If the prior position was a temporary position the employee held for one year or less, there will be no right of return or right of placement on the layoff list.

7.6.7 If the prior position was a temporary position the employee held for more than one year, but not more than two years, there will be right of placement on the layoff list provided the employee notifies the prior responsible administrator by the termination date of the probationary position of intent to be placed on the layoff list, but there will be no right of return.

7.6.8 If the prior position was a temporary position the employee held for more than two years, there will be right of return; but if the prior position is now on temporary status, the employee will lose his or her continuing status upon return to that position. The employee shall notify the responsible administrator in charge of the prior position of intent to return to the prior position by the termination date of the currently held probationary position, and return to the prior position shall be within 10 workdays after notification. If the employee does not choose to return to the prior position under these circumstances, there will be right of placement on the layoff list provided the employee notifies the prior appropriate human resources office by the termination date of the probationary position of intent to be placed on the layoff list.

7.6.9 A probationary employee who is discharged from the University for disciplinary reasons shall forfeit all rights to return to any prior position or to the layoff list.

7.7 Academic Conversions to Civil Service Positions
If an academic employee accepts a Civil Service appointment, the employee will be required to serve the designated period of probation in the Civil Service classification. If an academic employee's position is converted to a Civil Service classification with no change in job duties, no probationary period will be required.

7.8 Civil Service Conversions to Academic Positions
Per the Board of Regents resolution passed December 12, 1980, no individual currently in another personnel category (faculty or civil service) shall be moved to the Academic Staff category unless the individual requests to do so and the request is approved by all concerned.

RULE 8 Continuing Education and Required Courses

8.1 Continuing Education
Employees shall be allowed the opportunity, within the limits of these Rules, to improve their performance, continue their education, and expand their promotional possibilities by taking courses (see Rule 11.9). The University encourages employees to participate in professional development activities (refer to Rule 3.4, Regents’ Code of Conduct).

8.2 Required Courses
If an employee is required to take coursework as a condition of continuing employment, the course shall be treated as paid work time with travel time computed in accordance with the Fair Labor Standards Act. Supervisors shall allow employees to attend at least 8 hours per year of continuing education in the form of seminars, workshops, and professional development activities during scheduled work hours as paid work time.
RULE 9 Performance Appraisal

9.1 Plan
The Vice President shall be responsible for developing and administering a performance appraisal plan. The plan shall be implemented after consultation with and input from the Consultative Committee and other appropriate University personnel. Use of alternate plans must be approved by the Vice President after consultation with and input from the Consultative Committee (refer also to Rule 7.4 Probationary Appraisal).

9.2 Frequency of Appraisals
9.2.1 Performance appraisals for all Civil Service employees shall be submitted at least once each year. Within this framework, the Vice President shall establish the frequency with which appraisals shall be submitted.

9.2.2 Employees shall be evaluated by their supervisors. Reviews by employee's peers and/or subordinates may be combined with the supervisory review if it is done in accordance with an approved performance appraisal plan in use by the employee's administrative unit.

9.2.3 The original performance appraisal shall be placed in the employee's official personnel file. Employees have the right to review their official personnel files upon request (Rule 65).

9.3 Employee Review of Appraisals
9.3.1 Supervisors are to provide to each employee an annual written assessment of performance. The review is to include performance strengths and key areas for improvement. Supervisors are expected to support employees in efforts to improve.

9.3.2 Each employee has the right to add written comments regarding their review on the performance appraisal form, at the time of the initial review and when any changes are made to the form. The employee's signature on the performance appraisal form signifies that the performance appraisal has been reviewed with the employee, but does not signify that the employee agrees with the appraisal.

9.3.3 Each employee shall have the right to see any changes, deletions, or additions to the performance appraisal made by their supervisor, or other appropriate responsible administrator. Such changes shall be discussed with the employee.

RULE 10 Hours of Work, Overtime, Holidays, Reporting, and Callback

10.1 Standard Hours of Work
10.1.1 The full-time workweek for all work classifications in the University Civil Service shall be 40 hours per seven-day workweek.

10.1.2 Whenever possible the 40 hours shall be consecutive workdays with two or more consecutive days off; however, administrators and supervisors may reschedule work time as necessary.

10.1.3 Scheduled unpaid meal periods interrupting a work shift shall be not less than 30 minutes nor more than one hour in length. If a shift is extended to more than eight hours of work, additional or longer meal periods should be implemented, if warranted.

10.1.4 Employees are entitled to and shall be granted two 15 minutes paid break periods during eight hours of work. The scheduling of paid break periods is at the sole discretion of the supervisor. Paid break periods are not cumulative from one day to the next. Break periods for employees working other than eight-hour workdays shall be proportionally calculated.
10.1.5 Split shifts (see “Definitions”) shall be avoided whenever possible. No split shift shall extend the working hours of an employee to more than 12 hours in any 24-hour period, except that in agricultural operations, working hours may extend to 14 hours in a 24-hour period.

10.1.6 In emergency situations two eight-hour shifts may occasionally be scheduled in a 24-hour period.

10.1.7 Shift differential shall be paid to employees whose scheduled work shift begins before 6:00 a.m. or begins/ends after 7:00 p.m. Scheduled shifts must be at least six hours in duration. For shift differential rate, please see the Civil Service pay plan at: http://www1.umn.edu/ohr/toolkit/compensation http://humanresources.umn.edu/supervising-u/compensation-classification.

10.2 Overtime

10.2.1 As a condition of employment, employees may be required to work overtime. Overtime is the work time (see “Definitions”) in excess of 40 hours per workweek on one or more University jobs. All overtime must be approved by the appropriate responsible administrator prior to being worked. Failure to obtain approval may result in disciplinary action.

10.2.2 All employees, except those whose jobs are designated as V-class (Rule 11.2), shall be paid overtime or given compensatory time off, at the discretion of the employee, at the rate of time and one-half for work in excess of 40 hours per workweek on one or more University jobs (see “Definitions” for what is included as work time).

10.2.3 An employee may use compensatory time within a reasonable period after a request to do so unless the use would unduly disrupt the operation of the administrative unit.

10.2.4 Administrative units have full discretion to reasonably restrict the amount of compensatory time off that can be accumulated and the length of time a compensatory time-off balance can be carried forward, except that maximum limits imposed by the Fair Labor Standards Act (currently 240 hours) will be strictly followed.

10.3 Holidays

10.3.1 There shall be a total of eleven paid holidays, including observed holidays, each fiscal year for employees appointed at a designated percentage of time.

10.3.2 The observed holidays are New Year’s Day, Martin Luther King’s Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

10.3.3 Four of the eleven holidays shall be floating Holidays, scheduled annually upon recommendation to the President. One of the floating holidays shall be a personal holiday to be taken at the employee's discretion with the supervisor's approval and in accordance with the Vice President's guidelines on the use of personal holidays. This paragraph does not apply to the Crookston, Duluth and Morris coordinate campuses, which establish their own holiday policies.

10.3.4 Observed holidays that fall on Saturday shall be observed on the preceding Friday. Observed holidays that fall on Sunday shall be observed on the following Monday.

10.3.5 An employee appointed at a designated percentage of time who is required to work on a holiday shall receive regular pay for the day plus additional pay or time off at the rate of time and one-half for the hours worked. Employees may choose between time off or pay for the additional hours. For example, a full-time employee who works eight hours on a holiday shall be paid at the normal rate for the eight hours plus 1.5 x 8 for a total of 20 hours. An employee who is not appointed at a designated percentage of time and is required to work on any day recognized as a holiday shall be paid at the rate of time and one-half for the hours worked.

10.3.6 Employees in administrative units operating seven days per week shall receive the same number of holidays off or pay in lieu thereof as employees who work in administrative units operating five days per week.

10.3.7 When a holiday falls on an employee's day off, the employee shall receive an additional day off or proportionate time...
off (based on the percentage time of appointment) as agreed upon between the employee and the supervisor.

10.3.8 To qualify for holiday pay, an employee must either work or be on an approved paid leave (such as vacation) on the employee's regularly scheduled workday before or following the holiday.

10.4 Reporting to Work
A full-time employee who is required to report to work for full-time service (eight hours) shall be given a minimum of four hours of work on the day of reporting. In the absence of at least four hours of work, the employee shall receive four hours of pay at the employee's regular straight-time hourly rate or overtime, whichever is applicable. However, an employee who reports for work, and who because of illness or physical disability cannot be employed for the protection of either the employee's own well-being or that of others, shall receive pay only for actual hours worked.

10.5 Non-Standard Work Hours
10.5.1 Callback
10.5.1.1 An employee who is called in because of an emergency shall receive a minimum of two hours of pay at time and one-half or compensatory time off (at the employee's option) provided the employee:
   a) has completed a regular workday and left the workplace for at least 30 minutes; or
   b) is called in on a non-workday; or
   c) is called in early but will not work a continuous shift.

10.5.1.2 If compensatory time off is chosen, the dates selected must be pre-approved by the supervisor.

10.5.1.3 This rule shall not apply to part-time employees (regardless of hourly or percentage of time status, unless otherwise specified in these Rules); employees living on the premises; or those positions that require frequent on-call duty as described in the job specifications.

10.5.1.4 Reporting and callback procedures could be affected by the University's Emergency Closing Policies and Procedures or by administrative unit closing policies. Please consult either for further information.

10.5.2 On-Call
1) An employee who has been instructed by their supervisor, in writing, to remain available to work during an off-duty status shall be considered in an on-call status. On-call work shall follow the practice and procedures as established by the Vice President of Human Resources (see Rule 5.3.1) and indicated in the Civil Service pay plan: http://www1.umn.edu/ohr/toolkit/compensation. Expectations at time of hire of any on-call time shall be included in the written job description and given to the employee.

2) An employee who is called in to work from an on-call status shall receive the designated premium pay. This rule does not apply to those whose jobs are designated as V-class or otherwise exempt (see also Definitions for Return to Work).

10.5.3 Other Work Arrangements
Types of flexible work arrangements can include flextime, compressed work weeks, job sharing, telecommuting, or reduced-time/part-time arrangements (see “Definitions”). Please refer to the telecommuting agreement in your department or unit. (Guidelines and more explanation for flexible work arrangements can be found at: http://www1.umn.edu/ohr/toolkit/compensation http://humanresources.umn.edu/working-umn.

RULE 11 Absences

Civil Service Employment Rules, BOR approved ###-###-#### (draft 5-19-2016)
11.1 Absence Without Authorization
When an employee is absent from work without authorization such absence shall be grounds for disciplinary action (Rule 13). An employee absent for three consecutive workdays without authorization shall be considered as having resigned. However, a person may subsequently apply for a retroactive leave of absence without pay to cover the unauthorized time off, and such a request may be considered and granted by the responsible administrator or immediate supervisor (see Rule 11.6 and 11.7).

11.2 General Regulations Governing Authorized Absences
Leaves of absence, which may be granted at the discretion of responsible administrator and/or immediate supervisor, include, but are not limited to: vacation, sick leave, and professional meetings. Non-discretionary leaves of absence include, but may not be limited to: jury duty, military duty, and official court appearances (when job-related).

11.2.1 Leaves of absence may be granted only when employees submit requests to their supervisor or responsible administrator within a reasonable time before the desired leave. In the case of sick leave or emergencies, the request should be made as soon as possible after the illness, death, or emergency arises.

11.2.3 Use of vacation leave, sick leave, and accumulated overtime or holiday leave shall be charged in units of one-tenth hour rounded to the nearest tenth hour.

11.2.4 When eligible, an employee shall earn vacation and sick leave during a paid leave of absence.

11.2.5 Employees have the right to receive from their administrative unit a report of their vacation and sick leave accumulations.

11.3 Vacation
General Provisions for Vacation Leave
11.3.1 Full- and part-time Civil Service employees on continuing or temporary appointments who are employed in one administrative unit on a prearranged and assigned schedule of 50 percent time or more shall earn vacation with pay at the following rates:
   a. 3.00 minutes of vacation leave accumulation for each straight-time paid work hour during the first 10,400 hours of continuous service (equivalent to five years of full-time employment);
   b. 3.75 minutes of vacation leave accumulation for each straight-time paid work hour from 10,401 through 16,640 hours of continuous service (equivalent to six through eight years of full-time employment);
   c. 5.25 minutes of vacation leave accumulation for each straight-time paid work hour from 16,641 through 24,960 hours of continuous service (equivalent to nine through twelve years of full-time employment);
   d. 5.65 minutes of vacation leave accumulation for each straight-time paid work hour from 24,961 through 41,600 hours of continuous service (equivalent to 13 through 20 years of full-time employment);
   e. 6.00 minutes of vacation leave accumulation for each straight-time paid work hour from 41,601 through 52,000 hours of continuous service (equivalent to 21 through 25 years of full-time employment);
   f. 6.375 minutes of vacation leave accumulation for each straight-time paid work hour from 52,001 through 62,400 hours of continuous service (equivalent to 26 through 30 years of full-time employment); and
   g. 6.75 minutes of vacation leave accumulation for each straight-time paid work hour for more than 62,401 hours of continuous service (equivalent to 31 years of full-time employment).

11.3.2 A year of continuous service shall consist of 2,080 straight-time paid work hours.

11.3.3 Vacation leave accumulated for any one pay period becomes available for use during the same pay period.

11.3.4 When eligibility for a higher vacation accumulation rate occurs within a pay period, the extra vacation allowance starts the following pay period.

11.3.5 Employees who at the University’s request regularly work a five and one-half or six-day week shall earn an extra .75 minutes per straight-time paid work hour of employment.
11.3.6 Each year of continuous employment shall be extended by adding to such periods the number of workdays the employee has been absent without pay.

11.3.7 Employees may request vacation time subject to the convenience of the administrative unit concerned. Within an administrative unit, choice of available vacation time shall be determined by unit seniority.

11.3.8 If an employee must be called in to work while on approved vacation leave, the employee must be paid one and one-half times that employee’s regular rate for the hours worked.

11.3.9 Full-time employees in those supervisory and professional classes of work designated by V after the job classification number shall accumulate an additional 1.385 minutes of vacation time (in lieu of overtime) for each straight-time paid hour of service.

11.3.10 Part time employees in V-classifications will be paid straight time hours for all hours worked above their percent appointment up to a maximum of 40 hours per week. If the employee works more than 40 hours per week, they will be compensated in pay or compensatory time at time and one-half pay for all hours worked over 40.

11.3.11 The maximum amount of accumulated vacation time may not exceed the amount of vacation time that may be earned within two work years.

11.4 Pay for Vacation Leave

Any employee with vacation available for use who leaves University employment shall have their unused vacation accrued paid directly into a post employment health care savings plan, except as otherwise specified by the documents governing the implementation of the plan. Until such a plan is fully implemented or in the event such a plan is rescinded, the employee shall be entitled to be paid for any unused portion of vacation leave. 11.4.1 Upon separation from the University, all Civil Service employees with ten (10) or more years of service and more than two hundred (200.001) hours of accrued vacation time shall have their unused vacation and compensatory time accrual paid directly into a Health Care Savings Plan (HCSP). The Plan will be administered by Minnesota State Retirement System (MSRS).

11.4.2 Any employee with vacation available for use who changes to a work schedule of less than 50 percent time shall be entitled to be paid for any unused portion of vacation leave.

11.4.3 Any employee who is about to lose vacation because he/she has been denied a vacation request made in accordance with an administrative unit’s leave policy and will reach the maximum accumulation, shall be entitled to take up to one week of vacation to prevent loss of vacation earned upon advance notice of seven (7) calendar days to their supervisor, or shall be allowed to cash out up to (1) one week of vacation earnings based on percent time of appointment.

11.4.4 In addition, any employee may request to cash out one week of their accumulated vacation time each fiscal year at the unit’s discretion.

11.5 General Provisions for Sick Leave

11.5.1 Full-time and part-time Civil Service employees on continuing or temporary appointments who are employed in one administrative unit on a prearranged and assigned schedule of 50 percent time or more shall accumulate sick leave with pay. Sick leave will accumulate at the rate of 3 minutes per basic straight-time paid work hour.

11.5.2 Sick leave accumulated for any one pay period becomes available for use during that pay period. An employee with sick leave available for use who leaves University employment or who changes to a work schedule of less than 50 percent time shall lose unused sick leave. When a sick-leave accumulation of 400 hours has been reached, one-quarter of any sick leave accumulated thereafter (.75 minute per hour) may be credited to the employee's vacation accumulation if the employee's sick-leave accumulation is maintained at 400 or more hours. Three-quarters of such sick leave accumulated thereafter may be credited to sick leave.

11.5.3 When a sick-leave accumulation of 800 hours has been reached, one-half of any sick leave accumulated (1.5 minutes per hour) thereafter may be credited to the employee's vacation accumulation if the employee's sick-leave accumulation is maintained at 800 or more hours, and one-half of such sick leave accumulated thereafter may be credited to sick leave.
11.5.4 Employees must request and receive approval for use of sick leave from the supervisor or responsible administrator as soon as possible after the onset of illness. Supervisors or responsible administrators may require a statement from a physician or dentist before approving use of accumulated sick leave. Any documents regarding a University employee’s disability, injury, or prolonged illness must be centralized at the Disability Resource Center Services (https://diversity.umn.edu/disability/ http://ds.umn.edu) rather than in the Office of Human Resources or any other location on campus. In the case of extended or chronic illness, the supervisor or responsible administrator may require proof of illness, including statements from a physician or dentist, before granting further sick leave or before allowing the employee to return to work. Abuse of sick leave shall be one form of just cause for disciplinary action.

11.5.5 A supervisor may require an employee to return home or to see a physician, or both, if the employee is unable to perform in an up-to-standard manner because of what appears to be a health condition. Such time shall be charged against sick leave if available.

11.5.6 Accumulated sick leave may be used to supplement Worker's Compensation benefits during periods of lost work time due to on-the-job accidents.

11.5.7 If sick leave is exhausted, an employee may use vacation leave, overtime accruals, or holiday leave subject to the conditions of Rule 11.2 and .4, and Rule 10.3.

11.5.8 Approved sick leave allowance may be used by an employee who is unable to perform duties because of illness or injury; or who would expose other employees or the public to contagious or infectious diseases; or who must keep medical or dental care appointments or for safety leave as defined in Minnesota Statute 181.9413.

11.5.9 Approved sick leave may be used when a woman is unable to perform the duties of her job due to pregnancy. If no sick leave is available, an employee may be required to use accumulated vacation leave in accordance with Rule 11.2, and University policy, federal, and state law.

11.5.10 Approved sick leave may be used to care for or arrange care for an employee’s child, including medical and dental appointments. Approved sick leave to care for an employee's sick child is not limited. Employee’s child as used in this portion includes adoptive, biological, step-child, or foster child of the employee or employee's spouse or domestic partner of the employee’s registered same sex domestic partner.

11.5.11 Up to 10 days 160 hours in any 12 month period per fiscal year may also be used by an employee to care for or make arrangements for the care of an ill member of the employee's immediate family or to provide assistance for safety leave to the immediate family. Immediate family as used in this portion of the Rule shall mean adult child, spouse, domestic partner registered same sex domestic partner, and siblings, parents, parents-in-law, grandchildren, grandparent, stepparent, and wards of the employee, or employee’s spouse or domestic partner, or registered same sex domestic partner.

11.5.12 Accumulated sick leave of up to 16 hours per year can be used by an employee to participate in a personal health maintenance program (e.g., weight control, stress management, stop smoking). An acceptable program is one which is sponsored by, offered by, or accepted by health, medical and fitness/wellness professionals as a health maintenance program. Supervisory approval is needed to schedule sick leave for such purposes.

11.5.13 Sick leave may be used with appropriate notification when a death occurs in the employee’s family. Employee’s family in this instance shall mean spouse, domestic partner, children (including foster children and step children), siblings, parents, parents-in-law of the employee, grandparents, guardian, siblings, children, wards or grandchildren of the employee, or employee’s spouse or domestic partner or registered same sex domestic partner. The time shall be limited to what is reasonably necessary to make funeral arrangements and/or to attend funeral services.

11.5.14 In addition, with the approval of the supervisor or responsible administrator, employees may use sick leave to serve as pallbearers or attend funerals of other individuals not identified above.

11.5.15 If an employee becomes ill while on vacation leave and presents satisfactory proof of illness or injury, the supervisor or responsible administrator may approve the use of sick leave in lieu of vacation leave.
11.6 Vacation Donation Program
Employees may have the option of donating vacation for use by qualified employees. Information about the program is available at: http://policy.umn.edu/Policies/hr/Leaves/VACATIONDONATION.html
http://policy.umn.edu/hr/vacationdonation.

11.7 Parental Leave
11.7.1 Eligibility for Parental Leave
11.7.1.1 Employees must have completed nine (9) consecutive months of employment at an average of 20 hours or more paid work time per week. This policy applies regardless of the percentage time of appointment and the two (2) year requirement for certain other benefits that are provided in these Rules.

11.7.1.2 The employee must give notice of intent to use parental leave and other leaves used in conjunction with parental leave to their supervisor at least four (4) weeks in advance, except under unusual circumstances.

11.7.2 Paid and Unpaid Leaves
11.7.2.1 All new birth or adoptive parents, regardless of gender, shall be granted a two week paid parental leave. A birth mother shall also be granted an additional four weeks of paid parental leave, for a total of six weeks, for the recovery from the act of giving birth. A civil service employee, on the occasion of the birth or adoption of the employee’s child may, upon request, take up to a two week paid parental leave of absence. The definition of employee-child in this portion includes the adoptive or biological child of the employee or of the employee’s registered same sex domestic partner. This parental leave shall not be charged against the employee’s accumulated vacation or sick leave. The parental leave shall begin at a time requested by the employee, although the leave may not begin more than six weeks after the birth or adoption. In the case where the child must remain in the hospital longer than the birth mother, the leave must begin no later than six (6) weeks after the child leaves the hospital. This leave must be consecutive and without interruption and must be taken during the term of appointment.

11.7.2.2 A birth mother may use the two weeks of parental leave and up to four weeks of accumulated sick leave immediately following the parental leave, which must commence no sooner than two weeks prior to the anticipated delivery date and no later than six (6) weeks after delivery. The birth mother or adoptive parent may use accumulated vacation leave immediately following the sick leave or parental leave. These leaves must be consecutive and without interruption and must be taken during the term of appointment. An unpaid leave of absence for maternity shall be granted to an employee for a period of up to six months, when requested in conjunction with the birth or adoption of the employee’s child. This leave of absence without pay may be extended up to an additional six months upon the employee’s request and with responsible administrator approval.

11.7.2.3 A birth father or adoptive parent may use the two weeks of parental leave, immediately followed by accumulated vacation which must commence no sooner than two weeks prior to the anticipated delivery date and no later than six (6) weeks after the birth or adoption. These leaves must be consecutive and without interruption and must be taken during the term of appointment. An unpaid leave of absence shall be granted to an employee for a period of up to six months, when requested in conjunction with the birth or adoption of the employee’s child. This leave of absence without pay may be extended up to an additional six months upon the employee’s request and with responsible administrator approval.

11.8 Sick Leave Without Pay
11.8.1 Upon application, a leave of absence without pay may be granted by the appropriate responsible administrator or supervisor for the entire period of temporary disability due to sickness or injury. The duration of such leave shall be subject to the recommendation of this administrator, governed by applicable University policy and federal and state law.

11.8.2 During this leave, the responsible administrator or the Vice President or appropriate human resources personnel may periodically require that the employee submit a certificate from the attending physician or from a designated physician. Any documents regarding a University employee’s disability, injury, or prolonged illness must be centralized at Disability.
11.8.3 Sick leave without pay may be granted to an employee who is considered permanently and totally disabled according to any disability insurance program in which the University participates. Should employees on such leave recover to the point that they are employable, they shall be treated as though they were laid off and will be eligible to compete for vacancies in accordance with the policies and regulations covering laid-off employees. An employee on this type of leave will not be allowed to replace or bump an incumbent from the employee's most recently held position, unless approved by the hiring authority. If an employee who is receiving workers compensation benefits chooses to take a position outside the University instead of accepting a suitable position (as defined by workers compensation law) at the University of Minnesota, the employee will be considered to have resigned and their administrative unit may terminate them.

11.9 Other Leaves Without Pay
11.9.1 An employee may request a leave of absence without pay. This leave must be approved in advance by the responsible administrator or immediate supervisor. Seniority and vacation and sick leave are not earned during unpaid leave.

11.9.2 Employees who are drafted or volunteer for military service during times of war or declared emergencies shall be entitled to military leaves of absence without pay, not to exceed four years, for service in the armed forces of the United States or of the state of Minnesota. Employees shall accumulate seniority during these periods of military service.

11.9.3 For determining vacation accumulation rates, military leave without pay shall be counted the same as normal straight-time hours that would have been worked. Vacation leave is accumulated during a military leave of absence without pay for all military service (reserve or regular armed services component) in time of war or declared emergencies, or when an employee is drafted. Additionally, vacation is accumulated during a reservist's initial period of active duty for training of three or more consecutive months and during all active and inactive duty for training in the military forces. The complete policy on military leaves may be viewed on the worldwide web at or may be obtained from the Office of Human Resources.

11.10 Leaves of Absence With Pay
11.10.1 Upon request an employee shall be granted a leave of absence with pay for:
   11.10.1.1 service on a jury provided the employee is regularly employed at a designated percentage of time of 50 percent or more. An employee serving on a jury is expected to report for work during any work hours when the jury is recessed. The employee may be requested to render some additional services to the administrative unit in order to minimize the interruption of service caused by this absence.

   11.10.1.2 voting in any state-wide general or state-wide primary election, or in an election to fill a vacancy in the office of U.S. Senator or U.S. Representative during the election day.

   11.10.1.3 court attendance in connection with an employee’s official duty. Such attendance shall include transportation to and from the employee’s headquarters to court. Any absence, as an individual rather than as an officer or an employee of the University, whether voluntary or in response to a legal order to appear and testify in private litigation, shall be taken as vacation leave, leave of absence without pay, or as deduction from authorized accumulated overtime.

   11.10.1.4 tour of duty in the reserve military forces of the United States or National Guard, not to exceed 15 workdays in any calendar year.

11.10.2 The responsible administrator has the discretion to determine whether a leave of absence with pay will be granted for:
   11.10.2.1 a reasonable amount of time in University service, collegiate, campus or University committees, governance bodies, etc.;

   11.10.2.2 appearance before a court, legislative committee, for other judicial or quasi-judicial body as a witness in
action involving the federal government, the state of Minnesota, or a political subdivision thereof, or the University, in response to subpoena or other direction by proper authority;

11.10.2.3 attendance at professional and scientific meetings and other approved educational activities; (Regents Policy, Employee Development, Education and Training, Section VI, VII);

11.10.2.4 educational leave for not more than four hours per week (or more if make-up schedule for additional time is approved by supervisor) to be used for such purposes as attending class on a Regents’ Scholarship; (Regents Policy, Employee Development, Education and Training, Section V): http://regents.umn.edu/policies/index http://www1.umn.edu/regents/policies/humanresources/Employee_Develop_Educ_Training.pdf;

11.10.2.5 the time required to complete an investigation and decide whether disciplinary action is warranted; and the time period between an employee's receiving a notice of termination of employment and the effective date of termination (Rule 7.6; Rule 13.2).

11.10.3 Compensation for hours not worked or for extra hours worked due to University-wide or individual campus closings for weather or other emergencies is covered in an emergency closing policy and procedure document. The current emergency closing policy may be viewed at: [http://policy.umn.edu/operations/emergencyclosing](http://policy.umn.edu/operations/emergencyclosing) or a copy may be requested from the Office of Human Resources.

11.11 Reinstatement From Leave of Absence
11.11.1 Except as otherwise provided by these Rules, an employee granted a leave of absence must return to employment in the same classification and administrative unit at the expiration of the leave. This employee may return to employment before the leave expires upon approval of the responsible administrator.

11.11.2 An employee who is laid off before the leave expires because that individual's position has been abolished shall be entitled to re-employment consideration in accordance with these Rules (Rule 12.3).

**RULE 12 Seniority, Layoff, and Resignation**

This rule refers only to employees moving from a civil service job to a civil service job unless otherwise indicated.

12.1 Seniority Unit
12.1.1 Seniority unit (see “Definitions”) is determined at the college or appropriate senior administrative level, with the approval of the appropriate human resources office. Employees must be informed of the seniority unit in which they have rights at the time they become eligible to earn seniority, usually after they have passed probation. (See Rule 12.2 for other examples of eligibility to earn seniority.)

12.1.2 Prior to an individual employee's change in assigned seniority unit, the employee must be notified of:
   a) the current seniority unit in which the employee has rights;
   b) the seniority unit the employee will have rights in during a transition period;
   c) the seniority unit the employee will have rights in after the organizational change in the unit is complete; and
   d) the dates these changes become effective.

12.2 Unit and Classification Seniority
12.2.1 Unit seniority shall mean cumulative length of service (total paid straight-time work hours) in all classifications held within a seniority unit by an employee; an employee accumulates and retains unit seniority in each of the seniority units in which the employee has worked. Unit seniority shall be acquired only after the completion of the probationary period, but
shall begin at the date of entry into the class in the seniority unit.

12.2.2 Classification seniority shall be acquired only after the completion of the probationary period in each classification, but shall begin at the date of entry into each classification.

12.2.3 Temporary employees do not accumulate classification seniority until they have completed more than one calendar year of service of 50 percent time or more within the same classification, within the same administrative unit. Classification seniority shall be retroactive to the date of entry into the classification in the administrative unit. Employees moving from continuing to temporary positions forfeit all rights and benefits given to a continuing position and will be governed by the rules for temporary employees.

12.2.4 Classification seniority shall mean length of service (total paid straight-time hours) in a particular classification; an employee accumulates and retains classification seniority in each of the classifications in which the employee has worked. Temporary employees who have become continuing employees in accordance with Rule 6, Section 6, shall be granted unit seniority. Unit seniority shall begin on the first day after the two-consecutive-calendar-year anniversary and is not retroactive to the date of entry into the classification in the administrative unit. When an employee holds a particular classification within an administrative unit and has passed probation, and a vacancy exists on another shift in that classification and administrative unit that employee, if qualified, shall be granted a change between work shifts in order of classification seniority if the employee has applied for such change in writing.

12.2.5 When overtime is required, the employee who usually performs the work shall be given first opportunity to work the overtime (including holidays). If the employee chooses not to accept overtime, other employees who are able to perform the work and wish to work overtime shall be permitted to work such overtime in classification seniority order with the most senior employee in that classification being given first consideration. If all employees decline to work such overtime, the person with the least amount of classification seniority shall be required to work the overtime (See Rule 10.2.)

12.2.6 Unit and Classification seniority credits accrued up to the time of transfer from a unit shall be reinstated upon an employee's re-employment in that original unit (regardless of administrative or collegiate unit), provided the employee has not terminated employment with the University during the interim or had that appointment reduced below 50 percent time for a period of four consecutive calendar months.

12.2.7 Unit and Classification seniority credits of a former employee who is re-employed shall begin on the date of re-employment unless seniority is reinstated under Section 4 of this rule. When the former employee is re-employed to a temporary position, classification and unit seniority credits cannot be reinstated.

12.3 Layoff, Bumping, and Job Transfer

12.3.1 Layoffs

12.3.1.1 A responsible administrator may lay off an employee because of abolition of position; shortage of work or funds; reorganization of the administrative, collegiate, departmental unit; or other reasons beyond the employee's control that do not reflect discredit on the employee's services.

12.3.1.2 When two or more persons have equal unit seniority in the unit in which the layoff is to be made, the order of layoff shall be determined by the classification seniority of the individuals involved. If the unit and classification seniorities of the affected persons are equal, the responsible administrator shall decide the order of layoff.

12.3.1.3 At least twenty-eight (28) days before the effective date of an employee’s layoff from a continuing position, the responsible administrator shall give written notice to the employee, with a copy to the appropriate human resources office. This written notice shall include an explanation of the employee’s bumping rights and, in case bumping rights are not exercised, regulations concerning unemployment benefits.

12.3.1.4 Instead of layoff an employee may choose transfer or demotion into a position for which the employee is qualified within the unit where the layoff occurs if a vacancy exists.

12.3.2 Bumping Rights

12.3.2.1 In accordance with the above employees whose jobs have been eliminated, or whose appointment(s) are...
involuntarily reduced to below 75 percent, or employees on 50 to 74 percent appointments whose appointments are involuntarily reduced to below 50 percent, shall be allowed to the following, in the order listed:

1) bump the least senior (based on unit seniority) or probationary employee who is performing essentially the same duties within the same unit and classification.

12.3.2.2 If this is not possible, an employee may:
2) bump into the position identified by the following criteria:
   a) The position is in the same classification and unit;
   b) The duties are not essentially the same;
   c) The bumping employee is qualified for the position;
   d) The employee to be bumped is less senior (based on unit seniority) than the bumping employee. If more than one position meets the above criteria, the employee to be bumped shall be the least senior (based on unit seniority) or probationary employee in that set of positions.

12.3.2.3 If this is not possible, an employee may:
3) bump into the position identified by the following criteria:
   a) the position is in a previously held classification in which the bumping employee passed probation in the same unit;
   b) the position is in the same unit;
   c) the bumping employee is qualified for the position;
   d) the employee to be bumped is less senior (based on unit seniority) than the bumping employee.

12.3.2.4 If the bumping employee is eligible to bump to more than one previously held classification, this bumping option shall be applied to those classifications in the inverse order in which they were held. If more than one position in a particular classification meets the above criteria, the employee to be bumped shall be the least senior (based on unit seniority) or probationary employee.

12.3.2.5 If none of the above options are possible in the order listed, the employee may:
4) exercise the right to any posted vacancy within the system as identified by the following criteria, and shall be hired in classification seniority order:
   a) the position is in a previously held classification in which the employee passed probation;
   b) the employee is qualified for the position.

12.3.2.6 Rate-arranged employees follow the same criteria for bumping as other employees; however, they are only eligible to bump into the same classification in the same established salary range.

12.3.3 Layoff List
12.3.3.1 Employees who have successfully completed probation and who cannot or do not exercise their bumping rights and are laid off shall be placed on a University layoff list provided the employee submits a written request to be placed on the layoff list. These employees shall be rehired (if qualified to perform the work), in classification seniority order ahead of all other applicants (except for recalled employees), for vacancies within a previously held classification for which they apply.

12.3.3.2 An employee who is being terminated during the probationary period may choose not to exercise the option to bump another employee from a previously held continuing (non-temporary) position. The employee being terminated may then be placed on the layoff list, in accordance with Rule 7.5.

12.3.3.3 An employee on the layoff list must be recalled when a vacancy occurs in the unit and classification from which the layoff occurred, provided the employee is qualified to perform the work.

12.3.3.4 After receipt of recall notice, the employee shall have seven workdays during which to indicate intent to return and at least 22 additional workdays to report to work. Failure to accept recall shall constitute a resignation that includes removal from the layoff list.

12.3.3.5 Employees on the layoff list may apply for any vacancy, but are not entitled to hiring preference as laid-off employees except where the vacancy occurs in a previously held classification.
12.3.6 Rate-arranged employees follow the same protocol for access to the lay-off list as other employees but may only exercise layoff list rights in the same classification in the same established salary range.

12.3.4 Job Transfer List
12.3.4.1 An employee who has passed probation and is determined by the University to be eligible for job transfer under state or federal disability laws shall be placed on the job transfer list. [http://www1.umn.edu/ohr/toolkit/hiring/csbu/](http://www1.umn.edu/ohr/toolkit/hiring/csbu/)

12.3.4.2 An employee who has passed probation but whose on-the-job injury now prevents the employee’s performance of the essential functions of the position shall be placed on the job transfer list.

12.3.4.3 An employee who has been notified of failure to pass probation or dismissal and who is subsequently injured on the job or asserts a disability for the first time shall not be eligible for placement on the job transfer list.

12.3.4.4 An employee on the job transfer list shall be hired for vacant positions for which the employee is qualified to perform the essential functions at the same or lower pay range as the employee’s last position, ahead of all other applicants except eligible employees on the layoff list.

12.3.5 Re-employment
12.3.5.1 Classification and unit seniorities of an employee who is re-employed from a layoff list shall begin on the date of re-employment, except when re-employment is in a temporary position. If re-employment occurs in the previous administrative unit of employment, the classification and unit seniorities at the time of termination shall be restored, except when re-employment is in a temporary position.

12.3.5.2 When an employee is re-employed from the layoff or job transfer lists, unused sick leave and time accumulated toward eligibility for vacation allowance shall be restored, effective on the date of re-employment.

12.3.5.3 An employee’s name shall remain on the layoff or job transfer lists for a period not to exceed two years or until the employee has returned to work at the University within that time. An employee has the right to refuse re-employment to the first position of equivalent classification, same campus or experiment station location, and reasonably close salary offered, but must accept the second position or be removed from the layoff list. An employee on the job transfer list has the right to refuse re-employment to the first position at the same or lower pay range as the employee’s last position and reasonably close salary offered, but the employee must accept the second position or be removed from the job transfer list.

12.3.5.4 An employee who has exhausted rights on the layoff list shall be considered as having resigned in good standing.

12.3.6 Layoffs and broadbanded classifications
12.3.6.1 For civil service positions which are broadbanded, both the classification and the level within the classification will be considered for purposes of bumping rights and placement on the layoff list. When a layoff occurs, the administrative unit will have the responsibility to identify the current level of work of the affected employee.

12.3.6.2 The employee can bump the least senior employee performing essentially the same work and at their same level (if qualified); can bump the least senior employee performing different work at their same level (if qualified); and can bump the least senior employee at a lower level (if qualified) even if the employee never was classified at the lower level. The employee cannot bump to a higher level, even if qualified.

12.3.6.3 The employee will be placed on the layoff list for the class and the level from which they were laid off, all lower levels within the same broadbanded classification, and all other classifications for which they have passed probation. The employee will be referred and has hiring rights for those classifications and levels for which they meet the required qualifications on the posted job requisition.
12.4 Resignation and Reinstatement

12.4.1 An employee may resign by presenting a resignation in writing to the responsible administrator. To resign in good standing, an employee must give the responsible administrator or immediate supervisor at least 10 work days prior notice. An employee may request withdrawal of the resignation if at least 10 workdays notice was given and the employee requests withdrawal of the resignation in writing before the actual termination date. The decision to accept the request for withdrawal is at the discretion of the responsible administrator.

12.4.2 As long as the University has a record on file, a former employee who was employed on a prearranged and assigned schedule of at least 50 percent time and who is re-employed in a position of at least 50 percent time shall have any or all of these items reinstated: unused sick leave, classification and unit seniority credit (if applicable under Rule 12.2, and except when re-employed to a temporary position), vacation leave accumulation rate and eligibility, and waiver of probationary period within a formerly held classification (if applicable under Rule 7.2). Reinstatement is not possible for former employees who have negotiated a settlement agreement with the University.

RULE 13 Discipline, Dismissal, and Protection from Retaliation

13.1 Discipline

13.1.1 Supervisors may discipline employees only for just cause (see “Definitions”). Disciplinary action may take the form of oral warning, written warning, suspension without pay, reduction in pay, and dismissal. Discipline shall be commensurate with the severity of the infraction and shall take into consideration factors such as, but not limited to, the employee's length of service, job history, and nature of the problems. A supervisor may require an employee to take a leave of absence with pay in order for the supervisor to conduct an investigation that may result in disciplinary action.

13.1.2 Supervisors must make a record of disciplinary action except for oral warnings, with a copy to the official personnel file and a copy to the employee. Disciplinary actions entered into an employee’s Human Resources file shall be removed from departmental files after one calendar year, if no further disciplinary actions have been taken during that year. Records of suspension shall be retained in the official personnel file for eighteen (18) months, with the exception of suspensions for issues related to sexual or racial harassment, which shall be retained in the employee’s official personnel file for five (5) years; and physical abuse or violence which shall remain in the employee’s official personnel file with the totality of the circumstances retained.

13.1.3 Disciplinary action shall become effective when the supervisor communicates the action to the employee. An employee may appeal any disciplinary action in accordance with Rule 14.

13.2 Dismissal

13.2.1 Employees who have passed probation, and temporary employees who have completed more than one calendar year of service in a 50 percent time or more appointment within the same classification, within the same administrative unit (see Rule 6.6), may be dismissed from a position for just cause (see definitions). Just cause is not required for dismissal of any other employee.

13.2.2 A written notification of reasons for dismissal shall be handed to the employee by the supervisor or responsible administrator or sent by registered mail to the employee's last known address with return receipt requested. A copy of this notification shall be placed in the employee's official personnel file. The statement shall allow 10 workdays prior to the effective date of dismissal. These 10 days may be given as a leave of absence with pay. In cases of alleged misconduct the employee shall be placed on leave without pay during this period.

13.2.3 The employee may appeal a dismissal during the six-week period in accordance with Rule 14. The appeal shall not affect the effective date of the dismissal.

13.2.4 An employee who willfully practices or has attempted to practice any deception or fraud concerning the employee's eligibility for appointment may, upon discovery and proof thereof, be dismissed or otherwise appropriately disciplined. Charges alleging such deception or fraud may be initiated by the responsible administrator under which the employee is
working at the time, or by the Vice President, in conformity with the provisions of those rules relating to notice of dismissal and hearing.

13.2.5 Absence for three consecutive workdays without authorization shall be considered a resignation, in accordance with Rule 10.5.

13.3 Protection from Retaliation

13.3.1 Supervisors may not take disciplinary action against an employee who, in good faith, reports a violation of any federal or state law or regulation to the employer, a governmental body or law enforcement official. Employees may report any good faith concerns to the University’s confidential reporting service (toll-free 1-866-294-8680 or via a confidential Web link (https://secure.ethicspoint.com). Disciplinary action may not be taken against an employee who is requested by a public agency to participate in an investigation, hearing, or inquiry as well as an employee who refuses to participate in any activity that the employee has an objective basis in fact to believe violates state or federal law and the employee informs the employer that the refusal is based on that reason.

13.3.2 University Policy “Reporting and Addressing Misconduct” outlines the procedure to report concerns without fear of retaliation. This policy can be found at: http://www.policy.umn.edu/groups/ppo/documents/Policy/Reporting_Violations.cfm or a copy may be requested from the Office of Human Resources.

13.3.3 Supervisors may not take disciplinary action against an employee who refuses to perform non-work-related tasks on paid work time.

RULE 14 University Conflict Resolution

14.1 This policy applies to all University of Minnesota employees not represented by a union, but all Civil Service Rules, including Rule 14, cover only employees specified in Rule 1, Section 2 of these rules. For the most current policy, refer to www.umn.edu/orc or contact the Office for Conflict Resolution. The Office of Institutional Compliance has additional resources available at: http://www.compliance.umn.edu/complianceReportResources.htm.

14.2 The Office for Conflict Resolution will consult with the Consultative Committee periodically regarding Rules interpretation issues that have arisen in matters brought to that office, and report the Rules that have been cited in petitions filed by Civil Service employees (Rule 3.2.4).

RULE 15 Health and Safety and MERTKA

15.1 At the time of hire or re-employment, employees shall be informed by their supervisors of the Minnesota Employees Right-To-Know Act (MERTKA), regarding potentially hazardous substances or situations encountered in the workplace.

15.2 Administrative units are responsible for providing and maintaining work areas that meet the health and safety standards required by State and Federal law. Each administrative unit should have a designated safety coordinator to be the unit liaison with the University’s Department of Environmental Health and Safety. Supervisors shall take steps for the safety of employees within the work area.
15.3 Employees shall report health and safety concerns and problems to their supervisors. Supervisors must respond promptly to the concerns and/or problems until such time as the problem is resolved. Supervisors should consult with their unit safety coordinator to determine if there is a need to make use of the services of the Department of Environmental Health and Safety Services. These services include such items as fire safety evaluations, measurement of noise and radiation levels, and analysis of biological, chemical, and all other hazards.

15.4 Employees shall immediately report on-the-job accidents and injuries to their supervisors. The supervisor shall take appropriate steps to insure that the employee's injury is not further aggravated and to enable the employee to obtain care for the injury. This may include the provision of first aid services, medical services, ambulance services, or transportation to a hospital or it may require taking or sending the employee home. The supervisor shall report these incidents, whether or not injury resulted, to the administrative unit and submit an accident report (First Report of Injury) to the Workers Compensation Office.

15.5 Additional information and policies regarding health and safety are available from the Office of Human Resources and other appropriate University administrative units.

15.6 Insurance and Workers Compensation.
The University of Minnesota shall offer insurance coverage that includes, but is not limited to: group life, health, medical, workers compensation, and dental benefits. Contact Employee Benefits http://www1.umn.edu/ohr/benefits/index.html http://humanresources.umn.edu/benefits for additional information.

DEFINITIONS

The following words and terms, wherever used in these Rules, shall have the meaning indicated below. Definitions are to be considered as part of the Rules for the purpose of grievance.

Administrative unit. Any administrative, department, collegiate, campus, or central unit.

Administrative authority. Official University authorization to manage the business and/or fiscal activities of an administrative unit.

Appointing authority. Any administrator, department head, or supervisor who has been delegated authority to appoint and terminate employees.

Appropriate Human Resources Office/Personnel. Describes the collegiate, campus, or central administrative human resources office responsible for area in which employee works.

Appropriate Senior Administrator. Describes the most senior administrator for the collegiate, campus, or central administration human resources office responsible for area in which employee works.

Bumping. Seniority-based process by which one employee may take the job of another in order to avoid layoff. A Civil Service employee may bump only within his/her own seniority unit.

Calendar week. 12:01 a.m. Sunday to midnight Saturday. (Should not be confused with the workweek, which may be different.)

Callback. The act of requiring an employee to report to work in an emergency outside the employee's regular work hours, as covered in Rule 10.4.2.
Civil Service Employee. The University of Minnesota civil service staff does professional and/or supervisory, non-academic work and is not currently represented by a union. Job classification numbers begin with 0, 3, 7 or 8 (see also Temp or casual appointment definitions).

Classification. Descriptive title given to a position or a group of positions with similar duties and responsibilities.

Classification Seniority. Classification seniority shall mean length of service (total paid straight-time hours) in a particular classification; an employee accumulates and retains classification seniority in each of the classes in which the employee has worked. Classification seniority for continuing appointments shall be acquired only after the completion of the probationary period in each classification, but shall begin at the date of entry into each classification. Classification seniority for temporary appointments shall be acquired only after the completion of more than one calendar year of service in a 50 percent time or more appointment within the same classification, within the same administrative unit but shall begin at the date of entry into the classification.

Committee. Civil Service Consultative Committee of the University of Minnesota.

Compensatory time. Time off allowed for time worked in excess of forty (40) hours in a work week. Non-exempt employees shall be compensated at time and one-half (also see overtime definition).

Continuing position. A position within a classification of the University Civil Service that is considered by an administrative unit to be a regular, ongoing non-temporary position. Employees must serve a probationary period. Temporary appointments will become continuing appointments with all rights and benefits thereof after more than three calendar years of service in a temporary appointment of 50 percent time or more within the same classification, within the same administrative unit including reclassification of the position. In these cases, a probationary period will be considered to be completed.

Demotion. An employee's change from a position in one classification to a position in another classification assigned to a lower pay range in the same schedule, or, an employee's change from a position in one classification to a position in another classification on a different schedule where the midpoint of the new classification's range is lower than the midpoint of the old classification's range by 4 percent or more.

Discharge, Dismissal. Involuntary termination.

Discretionary increase. Wage and salary increases (incremental, percentage, or lump sum) that may vary in amount from employee to employee (within limits prescribed in the compensation plan) based on performance appraisals.

Domestic partner. Two persons of the same or different sex who are (1) engaged in a committed relationship, and (2) not related by blood closer than permitted under Minnesota marriage laws.

Employee's child. Includes adoptive, biological, step-child, or foster child of the employee or employee's spouse or of the employee's registered same sex domestic partner. This is referenced in Rule 11.4 and 6.

Employee's family. Spouse or registered same sex domestic partner, parents of spouse or registered same sex domestic partner, and the employee's parents, grandparents, guardian, siblings, children or wards, and the children or wards of the employee, spouse, or registered same sex domestic partner. This is referenced in Rule 11.4.

Employee's immediate family. Spouse or registered same sex domestic partner, siblings or parents of the employee, parents of spouse or the registered same sex domestic partner and wards of the employee, the employee's spouse or of the employee's registered same sex domestic partner. This is referenced in Rule 11.4.

Exempt. Classification of work not regulated under the Fair Labor Standards Act. For further information, call the Office of Human Resources.

Flex-time. Work arrangement in which employees choose their own work hours within the limits established by the area manager. Core hours are established and employees are allowed to determine their stop and start times. Flextime does not alter the total number of hours worked in a week.
**Full-time appointment.** One hundred percent time for the period of appointment.

**Illness.** Includes both mental and physical illness.

**Job transfer list.** A record of former employees who have passed probation and whose University on-the-job injuries prevent performance of the essential functions of their positions, or who are determined by the Office of Human Resources to be eligible for job transfer under state or federal disability laws, without delinquency or misconduct on their part.

**Just cause.** A standard or test often applied to determine the appropriateness of disciplinary action. The factors that may be considered in determining just cause include but are not limited to: (1) Forewarning; (2) Reasonableness of the rule or standard that was violated; (3) The presence of a supervisory or other type of investigation to verify employee culpability and the circumstances of the violation; (4) Establishment of proof at a level consistent with the disciplinary action being taken; (5) Prior consistent enforcement of the rule or standard that has been violated; (6) Disciplinary action proportional to the offense.

**Layoff list.** A record of former employees who have been laid off due to lack of work or funds within the past 24 months, without delinquency or misconduct on their part.

**Nondiscretionary increase.** Wage and salary increases (incremental, percentage, or lump sum) that are granted to all employees or to specific groups of employees (e.g., all those on a particular schedule or in a particular classification) across the board, without regard to the employee’s job performance.

**Nonexempt.** Classification of work regulated by the provisions of the Fair Labor Standards Act. For further information, call the Office of Human Resources.

**Non-public employee.** Refer to the Minnesota Public Employee Labor Relations Act 179A. Contact the Office of Human Resources for additional information. These are appointments <36%.

**Official employee personnel file.** The official employee personnel file is the file maintained by the Office of Human Resources at the respective or maintained by the coordinate campuses (Crookston, Duluth, Morris, Rochester and Twin Cities). All disciplinary, performance appraisal, payroll, and similar documents must be filed in this file to be used in any action related to an employee's appointment.

**On-call:** Employees, at times outside of their scheduled work hours, who are required to be available to respond to telephone calls or return to work (see “return to work” definition) if necessary. On-call work shall follow the practice and procedures as established by the Vice President for Human Resources.

**Overtime.** Overtime is the work time in excess of 40 hours worked or paid time off per workweek on one or more University jobs (also see work time definition). Full-time V-classifications are not eligible for compensated overtime. Part-time V-classifications are eligible for compensated overtime for hours worked beyond 40 hours per workweek. Exempt employees (non-V) are eligible for compensated overtime for hours worked beyond 40 hours per workweek.

**Part-time appointment.** An appointment at less than one hundred percent time for the period of the appointment. These are appointments >36%. [http://www.revisor.leg.state.mn.us/stats/179A/03.html](http://www.revisor.leg.state.mn.us/stats/179A/03.html).

**Performance appraisal plan.** A plan shall include the following elements: goals of the performance program, appraisal forms, and rating standards and factors.

**Position.** A group of current duties assigned or delegated by responsible authority, requiring the full-time or part-time employment of one person.

**Position classification plan.** The schedule of classifications and revisions adopted by the Board of Regents on September 22, 1945, together with the subsequent amendments and revisions adopted by the Board of Regents.

**Probationary period.** Part of the selection process during which an employee new to a position is required to demonstrate fitness for the position by actual performance of the position's duties.
Promotion. An employee's change from a position in one classification to a position in another classification that is assigned to a higher pay range on the same schedule, or an employee's change from a position in one classification to a position in another classification on a different schedule where the midpoint of the new classification's range is higher than the midpoint of the old classification's range by 4 percent or more. Probation is required.

Qualifications: Criteria for a specific job for which an employee is hired. Qualifications include required and preferred qualifications. Required qualifications are what you have to have in order to perform the job duties. Preferred qualifications are what would be helpful to have, but which an employee can receive training for if they do not possess them at the time of hire.

Qualified: Possesses the required qualifications for a particular position.

Recall. When a vacancy occurs in an administrative unit and in a classification from which an employee was laid off and the employee is qualified to perform the work, the employee must be notified of their right to return to work.

Reclassification. A change in classification of an individual position by raising it to a higher classification, reducing it to a lower classification, or moving it to another classification at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed. No probation is required unless requested by the supervisor and approved by the Vice President.

Regularly scheduled. Working hours scheduled in a recurring pattern on a continuing basis.

Registered same sex domestic partner. The term domestic partner refers to two persons of the same gender, 18 or older, who are unrelated by blood closer than permitted by the state of Minnesota marriage laws. The persons declare that they are each other's sole domestic partner and that they are responsible for each other's welfare. This definition is intended to cover same-sex relationships people who are partners and not roommates. Domestic partnership is defined as two individuals of the same gender who are in a committed relationship of an indefinite duration, support each other, and resembles a mutually exclusive partnership as that of marriage. Another commonly used term to refer to domestic partner is spousal equivalent.

This is to clarify the implementation of the Board of Regents' Resolution of 1992 in which the Regents approved benefits for registered same-sex domestic partners of employees and students. Contact your Human Resources consultant for assistance if you have questions or refer to the web site at: http://www.umn.edu/ohr/benefits/eligibility/index.html#spousessdp or http://glbta.umn.edu/uofm/.

Responsible administrator. The administrator who has administrative authority for the unit, department, college, campus, or central administration for which the employee works.

Return to work. Reporting back to work after a lay-off or leave of absence.

Return to work (from on-call status). An employee who is working in an on-call status and must return to the work place.

Seniority credit. Credit given in personnel processes to the length of service of an employee in a particular kind of work in a specific seniority unit, determined and granted in the manner established by these Rules.

Seniority unit. The unit in which employees earn seniority. This can be a department, a group of departments, an administrative unit, a college, or an entire campus. Seniority units are determined at the collegiate or vice presidential level, with the approval of the Vice President.

Sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.
Shift differential. Base salary supplements that compensate employees for the inconvenience of working certain hours other than the traditional business hours of 8:00am – 5:00pm.

Straight time pay. Base hourly rate of pay for an employee.

Supervisor. A person who exercises major supervisory functions over another employee or employees. These functions are hiring, evaluating, assigning work, disciplining, and dismissing.

Telecommuting. A work arrangement in which an employee carries out all or some of the duties of the job at home or another alternate work location. The toolkit for implementing this work arrangement can be found at: http://www1.umn.edu/ohr/toolkit/flexwork/index.html http://humanresources.umn.edu/working-umn.

Temporary appointment. Appointment to a posted position that has a specified beginning and ending date. It may be part-time or full-time (<2 years, >36%). A temporary employee does not serve a probationary period and does not have the rights that accrue to an employee on a continuing appointment (>2 years, >36%), except as defined in these Rules. Employees on a temporary appointment shall be notified, in writing, of the temporary nature of their appointment. Temporary appointments will become continuing appointments with all rights and benefits thereof after more than two (2) calendar years of service in a temporary appointment of 50 percent time or more within the same position, including reclassifications of that position, within the same administrative unit. In these cases, a probationary period will be considered to be completed. (See Rule 6.5.6)

Temporary or Casual Appointments (0001, 0007, 0011) appointments are not covered under the rules.
- http://www1.umn.edu/ohr/policies/hiring/temporary
- Technical Consultant Appointments

Temporary no-post. A temporary position of 12 (twelve) months or less that has not been posted and is filled by an applicant not referred by the appropriate human resources office. Temporary no-post positions are not covered by Civil Service Rules. (See Rule 1.2)

Termination. Discontinuance of University employment.

Transfer. An employee's change from a position in one administrative unit to a position in the same schedule and pay range in another administrative unit, a change of classification within the same administrative unit when the new position is assigned to the same schedule and pay range as the former position, or an employee's change from a position in one classification to a position in another classification on a different schedule where the difference in the midpoints of the two ranges is less than 4 percent. Probation is required.

Unit seniority. Unit seniority shall mean cumulative length of service (total paid straight-time work hours) in all classifications held within a unit by an employee; an employee retains unit seniority in each of the units in which the employee has worked. For an employee who is hired into a continuing appointment, seniority shall be acquired only after the completion of the probationary period, but shall begin at the date of entry into the class in the unit. For an employee who is hired into a temporary appointment, unit seniority shall be acquired only after the completion of two calendar years of service in a 50 percent time or more appointment, within the same position, including reclassifications of that position, within the same administrative unit. (See Rule 6.6) Unit seniority shall begin on the first day after the three-year anniversary and is not retroactive to the date of entry into the class.

V-class. A designation given to some supervisory and professional classifications that allows full-time employees in those classifications to accrue an extra one-half day of vacation per month in lieu of being paid for overtime. V-class part-time employees shall be paid or receive compensatory time off at the straight-time rate for all hours worked in excess of their appointment percentage up to the total number of hours that would constitute full-time employment. (See Rule 11.2.) In order to be eligible for this designation, the classification must be exempt from the United States Fair Labor Standards Act.

Vacancy. A position opening that exists when a new position is created or when an existing position opens up due to the termination (dismissal, resignation, promotion, etc.) of an employee. A position is not vacant for purposes of permanent shift
selection when the incumbent is on approved leave. Adjusting the work shift or the responsibilities of an incumbent’s individual position does not create a vacancy.

Vice President. The Vice President for the Office of Human Resources of the University of Minnesota or a designated representative.

Work shift. This term means both a period of work that has a predetermined starting and ending time and the regularly scheduled configuration or pattern of work periods and days off. This configuration may repeat itself on a weekly, biweekly, or longer-term basis.

Work time. Time scheduled for employees to be on work duty; and time spent on authorized paid leaves of absence such as vacation leave, sick leave, compensatory time off, paid military leave, and so forth.

Workweek. A fixed and regularly recurring period of 168 hours; seven consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. The beginning of the workweek shall be established by the responsible administrator and, once established, it remains fixed. However, it may be changed by the responsible administrator if the change is justifiable for business reasons. Different workweeks may be established for different employees or groups of employees.

Work year. One year at 100 percent time = 2,080 straight-time paid work hours; one year at 75 percent time = 1,560 straight-time paid work hours; one year at 50 percent time = 1,040 straight-time paid work hours.
Correction to the Promotion and Tenure Recommendations for the May 2016 Board of Regents Docket

The May 2016 list of tenure, promotion, and continuous appointment recommendations contained an error in the listing. Professor David Plummer, Department of Emergency Medicine, was erroneously identified as being recommended for promotion from assistant professor to associate professor. The list shall be amended to reflect that Provost Hanson recommends that Professor Plummer be promoted from associate professor to the rank of professor.
Additional Promotion and Tenure Recommendations, Effective 2016-2017  
Presented to the Faculty and Staff Affairs Committee of the Board of Regents  
June 9, 2016

<table>
<thead>
<tr>
<th>COLLEGE</th>
<th>DEPARTMENT</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical School (contract faculty)</td>
<td>Emergency Medicine</td>
<td>Associate Professor</td>
<td>C</td>
</tr>
<tr>
<td>David Plummer</td>
<td></td>
<td></td>
<td>Professor</td>
</tr>
</tbody>
</table>

**Employment Status Symbols**

C - Contract/term faculty
Appointments to the Board of Trustees of the Minnesota Landscape Arboretum Foundation

Members of the Board of Trustees of the Minnesota Landscape Arboretum Foundation (Foundation) are appointed in accordance with Board of Regents Policy: Appointments to Organizations and Boards. The Board of Regents appoints one-fourth of the Foundation Board. The Board currently has 34 members, thereby requiring nine Board of Regents appointees. The two recommended reappointments are:

- **Gordon Bailey:** Gordon Bailey is Chairman of Bailey Nurseries, Inc., the largest wholesaler of woody plants (trees and bushes) in Minnesota. Gordon is involved in numerous other affiliations including St. John's University, U of M, Carpenter Nature Center, Church of St. Thomas Aquinas, American Nursery and Landscape Association, The Nature Conservancy, and the MN Nursery and Landscape Association. He was elected to the Minnesota Landscape Arboretum Board of Trustees in December, 1977, was elected to the Honorary Board in 1987 and was reelected to the full board beginning in 2013. He served as President of the Board of Trustees in 1982 and 1983. Gordon attended St. John's University and earned his undergraduate BBA degree from the U of M. He and his wife Jo reside in Newport.

- **Susan Bachman West:** Susan Bachman West is a Senior Buyer – Garden Hardgoods, and has worked at five of Bachman’s floral/gift/garden center locations, as well as Bachman’s growing range. She also served in management positions in three of Bachman’s retail complexes. In 2005, she opened and managed the Cedar Acres location while retaining her duties as Senior Buyer. Susan is an active member of the Minnesota Nursery and Landscape Association and has a MNLA Certification. She has a BA from Wartburg College and a MA from Purdue University. She is currently on the Bachman’s Board of Directors and is the Secretary for Christiania Lutheran Church Foundation Board. Susan Bachman West represents the fifth-generation of commitment from the Bachman family, one of the Arboretum’s founding families. Ms. Bachman West and husband, Lee, live in Farmington with their two young boys.

Current Board of Regents appointees on the Foundation Board:

1. Gordon Bailey
2. John Bryant
3. Brian Buhr
4. Susan Campbell
5. Linda Cutler
6. Emily Hoover
7. Tom Martin
8. Joseph Tashjian
9. Susan Bachman West
AGENDA ITEM: Information Report

☐ Review  ☐ Review + Action  ☐ Action  ☒ Discussion

This is a report required by Board policy.

PRESENTERS: Kathryn F. Brown, Vice President, Office of Human Resources

PURPOSE & KEY POINTS

- To inform the Board of noteworthy items, administrative actions, and local, regional, and national policy issues affecting University units and departments. Specific items covered include personnel highlights, University highlights, and faculty and staff activities and awards.
- Annual UPlan Update

BACKGROUND INFORMATION

This Information Report appears as a regular item on the committee agenda.
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The UPlan is the University’s self-insured health benefits plan provided to eligible University of Minnesota employees. The UPlan includes medical, dental, and pharmacy coverage, as well as a robust wellness program. Board of Regents policy: Employee Health Benefits, requires an ongoing review of the effectiveness of the University’s health benefit programs, and an annual report to the Board of Regents on performance against the principles that govern the provision of health benefits. The report that follows satisfies the annual performance report requirement.
UPlan Performance Metrics
UPlan Yearly Health Care Cost Per Employee

History & Projections*

<table>
<thead>
<tr>
<th>Year</th>
<th>Avg Employee Out of Pocket</th>
<th>University Contribution</th>
<th>Avg Employee Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$2,815</td>
<td>$9,273</td>
<td>$2,815</td>
</tr>
<tr>
<td>2013</td>
<td>$2,826</td>
<td>$9,811</td>
<td>$2,826</td>
</tr>
<tr>
<td>2014</td>
<td>$2,797</td>
<td>$9,368</td>
<td>$2,797</td>
</tr>
<tr>
<td>2015</td>
<td>$2,634</td>
<td>$9,491</td>
<td>$2,634</td>
</tr>
<tr>
<td>2016</td>
<td>$2,626</td>
<td>$9,966</td>
<td>$2,626</td>
</tr>
</tbody>
</table>

*Per Employee Per Year Cost includes former employees such as early retirees and members on COBRA
Based on data from Univ. of Minnesota self-insured drug benefit (UPlan) 2004 to 2013 & compiled by PRIME Institute, University of Minnesota.
Employers with Wellness Programs Generally Reduce Health Risks

*Based on nine risks (alcohol, back care, depression, driving, eating, physical activity, stress, tobacco, weight). Due to rounding, percents may not add to 100.

**The average number of health risk among 10,810 repeat participants have decreased 16.3% between the participants first WA (2006-2015) and the 2016 WA.

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2017 UPlan Medical Program
2017 UPlan Medical Summary

- 5.5% forecast annual healthcare claims trend for 2017 from Willis Towers Watson
- 1.3% increase to total premium rates
  - $900,000 less than prior year due to TRP and administration fees slightly reduced—initial 1.6% estimate
- Total 2017 UPlan medical budget at $245.7 million
Changes for 2017

- No changes to major benefit levels for 2017
- Addition of new ACOs for Rochester and Crookston
- Transitional Reinsurance Premium Fee will be lower in final year
- Medical Cost Relief Program 2016-2017
  - Deadline for submitting applications – September 2016
  - Two payments - October 2016 and March 2017
  - Annual payment amounts the same as recent programs
- ACO employee premium recommendation
ACO Background
ACO Definition

Integrated health system that provides coordinated care to a defined population and accountable for:
• Cost
• Quality
• Outcomes
• Customer Experience
ACO Requirements: Minnesota Department of Commerce

- Hospital access within 30 miles (must include a Children’s hospital)
- Primary Care providers (family practice, internal medicine, OBGYN and pediatrics) each within 30 miles
- Specialists within 60 miles (comprehensive list of specialists review)
- Comprehensive access to ancillary providers—chiropractic, mental health, DME, etc.
- The process includes mapping of each provider type, in combination with discussions with care systems to understand referral patterns, capacity at different clinics, etc.
Why We Implemented an ACO Model

- Network management
- Aligned principles
  - Cost reduction with incentives
  - Improved quality of care
  - Service excellence, advocacy
- Evolution of value-based contracting
- Provider disease/care management
- New ways to partner
University ACO Performance
ACO Performance Metrics

- Membership
- Service: Inbound Member Calls
- Service: Outbound Member Calls
- Quality/Outcomes
- Satisfaction
- Financial
ACO Results: Membership

High Member Satisfaction and Retention

95% Retention in ACO Plan

95% Members renewed with same care system

High Consumer Loyalty Provider "Keepage" Rates (2015)

<table>
<thead>
<tr>
<th></th>
<th>30%</th>
<th>50%</th>
<th>70%</th>
<th>90%</th>
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<tbody>
<tr>
<td>ACO</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Narrow</td>
<td></td>
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</tr>
<tr>
<td>Broad</td>
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</table>
ACO Results: Quality of Care

Meaningful Quality of Care Improvements

- 10% Preventive care utilization
- 2% Generic drug usage
- 36% Fewer hospital re-admissions
- 8.5% Fewer admits/1,000

3% lower adjusted risk score (all ACO members)

Overall ACO data compared to broad network (2014)
ACO Results: Risk Reduction

- Significant cost reduction in high risk members
- Positive increase on low risk with more preventive care and treatment for newly identified conditions

<table>
<thead>
<tr>
<th>Risk Score</th>
<th>2014 (All Other Networks)</th>
<th>2015 (ACO)</th>
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<tbody>
<tr>
<td>&gt;= 2</td>
<td>High Risk</td>
<td></td>
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<tr>
<td>&lt;2, &gt;1</td>
<td>Moderate Risk</td>
<td></td>
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<tr>
<td>&lt;= 1</td>
<td>Low Risk</td>
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</tbody>
</table>

UPlan 2015 benchmark ($397)
ACO Results: Financial

- 14% – 20% lower costs versus University plan average
ACO Results: Financial

- 10% lower cost in cohort analysis from 2014 – 2015

Allowed Cost PMPM

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost PMPM</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014 (All Other Networks)</td>
<td>$366</td>
</tr>
<tr>
<td>2015 (ACO)</td>
<td>$328</td>
</tr>
</tbody>
</table>

10% cost decrease

n = 837 members
ACO Premium Recommendation

- Apply base plan employer contribution to ACO premium
Recommendation Rationale

- At present, we have early adopters in the ACO plan.
  - Employees and families that likely were using the same care system and were comfortable with the ACO.
- Metrics clearly show that both the quality of care is higher and the cost of care is lower with the ACOs.
- Our premium differential should reflect this high quality, low cost care to encourage greater use of the now proven ACO.
This report does not capture and record a complete listing of the significant awards and activities of the University community but, rather, makes note of unit reported items in these areas. It also highlights reports and activities at the local, regional, and national level in the area of faculty and staff affairs.

**Personnel**

The University of Minnesota Duluth has hired Fernando P. Delgado as its new executive vice chancellor for academic affairs. In this role, Delgado will be the campus’ chief academic officer and will oversee academic departments, information technology, enrollment, and research, among other areas. For the past seven years he has been vice chancellor for academic affairs and provost at the University of Wisconsin-River Falls. Delgado holds doctorate and master’s degrees in communication studies from the University of Iowa, and a bachelor’s degree in political science from San Jose State University.

Pending approval by the Board of Regents, Garry W. Jenkins has been appointed dean of the U of M Law School. He has most recently been associate dean for academic affairs and the John C. Elam/Vorys Sater Professor of Law at The Ohio State University Moritz College of Law. Jenkins earned his J.D. from Harvard University Law School. He also earned an M.P.P. from the Kennedy School of Government at Harvard University, and his B.A. in political science from Haverford College.

**University Highlights**

*City Pages* named “America’s Monsters, Superheroes, and Villains” at the Goldstein Museum of Design as the best museum exhibition of 2016.

The University of Minnesota Twin Cities and the University of Minnesota Morris have been named among the top 50 universities in the country for LGBT students by *College Choice*, an independent online publication dedicated to helping students and their families find the right college.

**Faculty and Staff Activities and Awards**

Former UMC Athletic Director Marv Bachmeier will be honored with the Northern Sun Intercollegiate Conference’s Noel Olson Volunteer of the Year Award. Since retiring in 1999, Bachmeier has been instrumental in assisting with game management at UMC, volunteering at football and basketball games and helping out at various other events. He has also worked with the UMC Teambackers, a program he helped form that raises money for athletic scholarships.
Steve Baker, Office of Admissions, was given the Rising Star Award by the Minnesota Association for College Admission Counseling (MACAC). The award recognizes the achievements of individuals who have been MACAC members for five years or less and “who are striving to make a difference within their association through their work on committees.”

Tracy Bibelnieks, UMD Department of Mathematics & Statistics, was presented with the Mathematical Association of America North Central Section 2016 Award for Meritorious Service to the Profession.

Jason Cao, Humphrey School, is serving as chair of the board of directors of the International Association for China Planning, an organization of scholars, students, and practitioners from around the world who are interested in planning issues in China.

Will Hueston, Center for Animal Health and Food Safety, will receive the Calvin W. Schwabe Award for Lifetime Achievement from the Association for Veterinary Epidemiology and Preventive Medicine.

Arthur Leon, kinesiology, has been named the Henry L. Taylor Professor of Exercise Science by the American College of Sports Medicine for his career-long work in researching the effects of exercise on reducing risk of chronic diseases.

Alan Lifson, epidemiology, was honored with the 2016 Partnership Award from the National Alliance of State & Territorial AIDS Directors (NASTAD) for his leadership and dedication working to improve the lives of people living with HIV. Lifson has collaborated closely with the NASTAD Global Program, providing technical advice and guidance for the design and implementation of HIV research and evaluation activities in both Ethiopia and South Africa.

Mac McKeen, manufacturing operations management, was awarded the Spirit of Medical Alley Award by the Medical Alley Association. The Spirit of Medical Alley is exemplified by individuals or organizations that provide an extraordinary commitment of time, talents or treasure that furthers the excellence and honors the history of Minnesota’s health technology community.

Samuel Myers, Jr., Humphrey School, is a recipient of the 2016 Twin Cities International Citizen Award. The awards are conferred each year by the International Leadership Institute, which works to increase and strengthen international understanding between Minnesota and the world, and to empower communities of color by promoting leadership, justice, peace, and democracy.

Will Northrop, mechanical engineering, won the Society of Automotive Engineers’ (SAE) Ralph R. Teetor Educational Award in recognition of his outstanding contributions to SAE’s engineering education initiatives.
The Awareness Campaign (TAC), a disability advocacy campaign developed by John O’Neill, UMD Department of Art and Design, has been recognized by the 2016 Hermes Creative Awards. Hermes Creative Awards is an international competition for creative professionals involved in the concept, writing and design of traditional materials and programs, and emerging technologies. Illustrations posted on TAC’s Instagram account received a platinum award for the Pro Bono category. TAC’s information posters won a gold award for the Pro Bono category and received honorable mention for the Infographic category.

Theresa Reineke, chemistry, was inducted into the American Institute for Medical and Biological Engineering (AIMBE) College of Fellows for her outstanding and creative contributions to the design and discovery of synthetic polymers for drug and gene delivery. AIMBE serves as the leading voice and advocate for the benefit of medical and biological engineering to the public. The College of Fellows is comprised of the top two percent of medical and biological engineers in the country.

A paper by Shashi Shekhar, computer science and engineering, was among the 100 articles published in 2015 that was identified by Springer Publishing Company as “groundbreaking” with the potential to “change the world.” The paper, “From GPS and virtual globes to spatial computing — 2020,” discusses the ubiquity of spatial technologies, including location-based applications found on most smartphones.

Nicholas Spadaccini, Spanish & Portuguese, is a 2016 recipient of the Official Cross of the Order of Isabella the Catholic (Cruz de la Orden de Isabel la Católica). The award, which is given for significant contributions to Spain and its culture, will be bestowed on behalf of the King of Spain at a ceremony at the Spanish embassy in Washington, DC.

Robert Vince, Center for Drug Design, was awarded the International Society for Antiviral Research Award of Excellence, given to individuals who have made truly outstanding contributions to the field of antiviral research.