

**BOARD OF REGENTS
BRIEFING PAPER**

1. AGENDA ITEM TITLE: Handbook Revision Title 4, Chapter 3, Section 45 – Letters of Appointment and Temporary Faculty Policies and Benefits

MEETING DATE: February 28 – March 1, 2019

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

Letter of Appointment (LOA) Faculty provide a great service to the institutions by augmenting instructional capacity and allowing community member to engage with students and provide their expertise and practical experience. These part-time instructors will sometimes be needed for periods up to twenty-four months. This duration is necessary as new faculty are recruited, existing faculty are on sabbatical or the LOA provides expertise that is not currently available within the faculty.

This request is initiated by the Human Resources Advisory Council (HRAC). The request was vetted and is supported by the Business Officer (December 10, 2018) and the HRAC (December 29, 2018).

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Approval of LOA's being employed for a period of up to twenty-four months. This is an increase from the current policy of twelve months.

4. IMPETUS (WHY NOW?):

Currently LOA's who are needed for more than twelve months are terminated and required to have a short break in service before being rehired. This creates an administrative burden on the LOA, academic department, human resources and payroll. The change in the duration will eliminate unnecessary processing

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

Workforce – This will support maintaining a more stable part-time teaching cohort and thus improve the quality and availability of instructors.

6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Decrease in administrative burden of hiring LOA's.
- More stability in part-time instructors in the departments
- Provides short-term solutions to operational issues (faculty searches, sabbatical coverage, etc.),

7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None

8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Maintain status quo of twelve-month LOA appointments.

9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

10. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # ___ Chapter # ___ Section # ___
- Amends Current Board Policy: Title # 4 Chapter # 3 Section # 45
- Amends Current Procedures & Guidelines Manual: Chapter # ___ Section # ___
- Other: _____
- Fiscal Impact: Yes ___ No _____
Explain: _____

POLICY PROPOSAL
TITLE 4, CHAPTER 3, SECTION 45
Professional Staff

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 45. Letters of Appointment and ~~(Benefits for) Temporary Faculty Policies and Benefits [Members]~~

1. Definitions

- a. ***Letter of Appointment*** [~~Temporary Part-time Faculty~~]. A temporary part-time faculty member is an employee of an institution or unit within the NSHE who ***is assigned duties that are considered exempt by the Federal Fair Labor Standards Act (FLSA) regulations and is employed less than half-time.***
- i. [~~Is issued a "letter of appointment" and is employed for a period of not more than sixty (60) consecutive days; or~~]
- ii. [~~Is issued a "letter of appointment" and is employed less than half time for a period of more than sixty (60) consecutive calendar days, but less than twelve months; or~~]
- iii. [~~Is issued a "letter of appointment with benefits" and is employed half time or more for a period of more than sixty (60) consecutive calendar days, but less than twelve months.]~~]
- b. ***Letter of Appointment with Benefits Faculty. A faculty member of an institution or unit within NSHE who is assigned duties that are considered exempt by the Federal Fair Labor Standards Act (FLSA) regulations and is employed at .5 Full-Time Equivalent (FTE) or more for a period less than twenty-four months. The duration of the appointment may be extended when approved by the President or designee.***
- b. [~~Temporary Full-time Faculty. A temporary full-time faculty member is an employee of an institution or unit within the NSHE who is issued a temporary full-time contract for a period of up to a year.~~]
- c. [~~Half-Time Faculty Assignments.~~] A half time or more assignment for temporary faculty is:
- i. For teaching faculty at a community college, an assignment equivalent to ten (10) credit hours or more for the semester.
- ii. For teaching faculty at a state college, an assignment equivalent to nine (9) credit hours or more for the semester.
- iii. For teaching faculty at a University, an assignment equivalent to eight (8) credit hours or more for the semester.

- iv. For non-teaching faculty and teaching faculty teaching non-credit courses, an assignment equivalent to twenty (20) hours or more per week.
- v. Temporary part-time teaching faculty are limited to 75 percent of full-time equivalent per semester, unless an exception is granted by the vice chancellor for academic affairs. An exception may be granted for good cause, which may include but is not limited to: 1. The implementation of a pilot program requiring a temporary workload above 75 percent of full-time equivalent; 2. An emergency, such as an unanticipated increase in student registration for courses where the institution is unable to hire additional qualified temporary part-time teaching faculty; or 3. Assignments within the STEM and health sciences disciplines for courses with labs. Such exceptions shall not exceed one year in duration except for emergency cases.

d. Hourly Part-Time Faculty. *While exempt positions are typically considered salaried by FLSA regulations, there are certain exempt functions that lend themselves to hourly payment for operational reasons. Examples include hourly music instruction, professional services billed on an hourly basis, and research or project based work that varies week to week. Assignments that are more than half-time and thereby eligible for medical benefits will be moved to salaried letter of appointment positions when practical. Hourly assignments that are non-exempt, due to salary level or duties, will be paid in the Temporary Hourly job family group.*

e. Temporary Full-Time Faculty. *A temporary full-time faculty member is an employee of an institution or unit within the NSHE who is issued a temporary full-time contract for a period of up to a year. Subsequent renewal of temporary full-time contract must be approved in advance by the institutional President or designee.*

2. Benefits of [the] **Letter of Appointment, Letter of Appointment with Benefits, Hourly Letter of Appointment** Temporary Faculty Member

- a. Letter of Appointment **and Hourly Letter of Appointment.** A [~~temporary part-time~~] faculty member employed on a “letter of appointment” **or as an Hourly Faculty** is entitled to the following benefits:
 - i. Grant-in-aid as outlined in the Board of Regents' *Handbook* (Title 4, Chapter 3, Section 13), and
 - ii. NSHE voluntary tax-sheltered annuity plan.
- b. Letter of Appointment with Benefits. A [~~temporary part-time~~] faculty member employed on a “letter of appointment with benefits” is entitled to the following benefits:⁸
 - i. Grant-in-aid as outlined in the Board of Regents' *Handbook* (Title 4, Chapter 3);

- ii. NSHE voluntary tax-sheltered annuity plan; and

State of Nevada health insurance program under *Nevada Revised Statutes* 287.045. [~~Eligibility for state health insurance is subject to a waiting period.~~]

- c. Temporary Full-time Faculty. A temporary full-time faculty member shall be issued a temporary contract and is entitled to the following benefits:

- i. All benefits provided to full-time faculty, except consideration for tenure and notice of non-reappointment.

3. Letter of Appointment, Letter of Appointment with Benefits and Hourly Letter of Appointment Faculty [~~Temporary Faculty~~] Member Employed by More Than One Institution

- a. A temporary part-time faculty member who is employed concurrently at more than one institution and whose combined assignment is less than half time shall receive letters of appointment from each institution.
- b. If the combined assignment is half time or more, the temporary part-time faculty member shall receive letters of appointment with benefits from each institution.
- c. The institutions employing such temporary part-time faculty members shall share benefit costs in an amount proportionate to the amount of time assigned at the institution as reflected in the percent of salary paid by each institution.
- d. Temporary part-time teaching faculty employed by more than one institution are limited to 75 percent of full-time equivalent per semester, unless an exception is granted by the vice chancellor for academic affairs. An exception may be granted for good cause, which may include but is not limited to: 1. The implementation of a pilot program requiring a temporary workload above 75 percent of full-time equivalent; 2. An emergency, such as an unanticipated increase in student registration for courses where the institution is unable to hire additional qualified temporary part-time teaching faculty; or 3. Assignments within the STEM and health sciences disciplines for courses with labs. Such exceptions shall not exceed one year in duration except for emergency cases.

⁸ Except as provided herein a temporary part-time faculty member on a "letter of appointment with benefits" is not entitled to participate in the state or NSHE retirement programs. A temporary part-time faculty member on a "letter of appointment with benefits," who is employed for six consecutive months and who has previously been a Public Employees' Retirement System member, is entitled to Public Employees Retirement System participation, in accordance with *Nevada Revised Statutes* 286.297(9) and 286.802(2). In such circumstances, the part-time faculty member employed on a letter of appointment with benefits must be employed at a minimum .51% FTE.

- e. When the combined assignment is full-time, it shall be the responsibility of the institutions to enter into a temporary contract

with the faculty member.

4. Miscellaneous

- a. Subsection 45(1) is not intended to define or in any way dictate the workload assignment for full-time faculty members employed under contract within the NSHE. The intent is limited to defining workload assignments for temporary faculty members, solely for the specific purpose of determining employment benefits.
- b. Temporary faculty shall not be encouraged to sign written waivers of benefits. A written waiver of benefits will only be allowed if requested by the employee for good cause. Good cause includes, but is not limited to, the loss of other benefits already being received by the employee from another source (e.g., retirement benefits from another employer).

(B/R 9/14)

(GEL 11/14)