

Title 4 - Codification of Board Policy Statements

Chapter 3

PROFESSIONAL STAFF

Section 1.	Basic Policies.....	3
Section 2.	Standards for Defining the Professional Staff	3
Section 3.	Faculty Workload Policy	5
Section 4.	Evaluations.....	6
Section 5.	Credentials for Community College Faculty	7
Section 6.	Advanced Degrees.....	7
Section 7.	Nepotism	8
Section 8.	Conflicts of Interest - Chancellor and Presidents.....	9
Section 9.	Compensated Outside Professional Services	10
Section 10.	Death Benefits.....	12
Section 11.	Grants-In-Aid – General Administration	12
Section 12.	Grants-In-Aid – Professional Staff and Dependents.....	13
Section 13.	Grants-In-Aid – Temporary Part-Time Faculty	15
Section 14.	Leave of Absence Without Salary.....	16
Section 15.	Sabbatical Leave.....	16
Section 16.	Entrepreneurial Leave – Universities and DRI	18
Section 17.	Administrative Leave	18
Section 18.	Presidential Leaves.....	20
Section 19.	Sick Leave	20
Section 20.	Annual Leave.....	23
Section 21.	Family Medical Leave/Fair Labor Standards Act	24
Section 22.	Military Leave	25
Section 23.	Judicial Leave	26
Section 24.	Leave Records	26
Section 25.	Professional Salary Schedule	26
Section 26.	NSHE Executive Salaries.....	27
Section 27.	Initial Placement on the Salary Schedule.....	28
Section 28.	Ongoing Review and Approval of Executive Salaries and Annual Report to Board on All Employment Positions.....	28
Section 29.	Policies for Executive Salary Increases.	30
Section 30.	Executive Perquisites.	31
Section 31.	Other Salary Supplement	31
Section 32.	Regents Professor and Emeritus Status	31
Section 33.	Presidential Transition	32
Section 34.	Vice Presidential Transition	33
Section 35.	Community College Professional Advancement Program.....	35
Section 36.	Summer Term Salary Schedules.....	36
Section 37.	Enhanced 12-Month Contracts for Academic Nursing Faculty.....	36
Section 38.	Reduced Appointments for Tenured Faculty	36
Section 39.	Emeritus/Emerita Status.....	37
Section 40.	The NSHE Anti-Drug Policy Statement.....	37
Section 41.	Letters of Appointment and Temporary Faculty Policies and Benefits	38
Section 42.	Employment of Temporary, Part-Time Instructors	40
Section 43.	Leave Without Pay	42

Section 44.	Background Check	43
Section 45.	Background Reviews of NSHE and Non-NSHE Personnel in Programs or Activities Involving Children	44
Section 46.	Fitness for Service	45
Section 47.	Patient Protection and Affordable Care Act Compliance	48
Section 48.	Overtime Eligible Administrative Faculty	48
Section 49.	Reporting Employee Contract Buyouts.....	48
Section 50.	Annual Professional Performance Pay Awards.....	49
Section 51.	Limitations on Remote Work or Telecommuting Policies.....	49

Section 1. Basic Policies

Personnel policies for professional staff of the Nevada System of Higher Education (NSHE) are also contained in the NSHE Code and in the institutional bylaws and policies.

Policies for the Desert Research Institute Technologist are controlled by the DRI Technologists Manual (approved by the Board of Regents on a pilot basis January 28, 1988, and permanently in April, 1989).

(B/R 6/08)

Section 2. Standards for Defining the Professional Staff

1. Persons occupying employment positions in the NSHE meeting one or more of the following criteria shall be in the professional staff of the NSHE:

a. At the universities only, academic faculty includes the following:

- (1) Instructional faculty, which consists of persons teaching, tutoring, instructing and lecturing in the activity of imparting knowledge;
- (2) Research faculty, which consists of persons with advanced scientific or academic training who are actively engaged in the research field, and are responsible for identifying research problems, developing designs or hypotheses, analyzing results of research investigations, reaching conclusions, publishing the results of research and investigations and obtaining research grants or funding; or
- (3) Library faculty, which consists of persons with a degree of at least master of Library Science from an accredited institution who are employed in the libraries of the NSHE and who provide professional library services closely and directly supportive of teaching and research.

b. At the state colleges only, academic faculty includes the following:

- (1) Instructional faculty, which consists of persons teaching, tutoring, instructing, and lecturing in the activity of imparting knowledge;
- (2) Counseling faculty, which consists of persons with at least a masters degree from an accredited institution who are employed in the student services units of the state college of the NSHE and who provide professional counseling services closely and directly supportive of teaching and student development; or
- (3) Library faculty, which consists of persons with a degree of at least master of Library Science from an accredited institution who are employed in the libraries of the NSHE and who provide professional library services closely and directly supportive of teaching and research.

c. At the community colleges only, academic faculty includes the following:

- (1) Instructional faculty, which consists of persons teaching, tutoring, instructing or lecturing in the activity of imparting knowledge;
- (2) Counseling faculty, which consists of persons who are employed in the student services units of the community colleges of the NSHE and who provide professional counseling services closely and directly supportive of teaching and student development; or
- (3) Library faculty consists of persons who are employed in the libraries of the NSHE and who provide professional library services closely and directly supportive of teaching.

d. Administrative faculty excludes the above and includes the following:

- (1) Executive faculty, which consists of the Chancellor, the secretary to the board, the vice chancellors and the Presidents and vice presidents of the member institutions of the NSHE;
- (2) Supervisory faculty, which consists of persons who perform predominately office or non-manual work of a supervisory nature as head of a college, school, center, division, laboratory or other administrative unit of a member institution or special unit of the NSHE; or
- (3) Support faculty, which consists of persons, including but not limited to teaching assistants, laboratory assistants, athletic coaches and assistant athletic coaches, who perform predominately office or non-manual work:
 - (a) Of a confidential nature performed under the direct supervision of a member of the executive faculty; or
 - (b) Of a predominately intellectual, specialized or technical nature requiring training, experience or knowledge in a field of science, learning or occupation customarily acquired by a course of specialized intellectual instruction, studies or experience, which is performed under general supervision only and requires the consistent exercise of discretion and judgment.

2. Resident physicians and postdoctoral fellows, as defined in Title 4, Chapter 7 of the Board of Regents *Handbook*, and DRI Research Technologists, are excluded from the provisions of this section.

3. Each member institution or special unit may establish a committee to assist each institution or special unit in identifying positions, which may be established in either the professional or the classified staff of the NSHE. This section shall not be deemed to apply to custodial, clerical or maintenance employees of the NSHE who are in the classified service of the State of Nevada as provided for in *Nevada Revised Statutes* 284.140(4).

(B/R 2/05)

Section 3. Faculty Workload Policy

1. The Board of Regents of the NSHE recognizes the distinct and unique missions of its member institutions, each of which serves the needs of the citizens of the State of Nevada through a combination of quality teaching, scholarly research or creative activity, and service. The way in which these activities are combined to set the individual faculty member's workload depends primarily on the mission of the institution and the constituencies it serves.
2. The NSHE Code defines the primary areas of faculty responsibility for all higher education institutions in Nevada, and these areas are reinforced throughout the Code in standards for tenure and annual evaluation.
3. With the exception of faculty members at the Desert Research Institute, all NSHE instructional faculty members are expected to teach; develop curriculum; conduct other instructional activities including advising, grading, and preparing for classes; maintain currency in their academic discipline; and perform public and professional service, service to the institution, and similar academic activities. In addition, at the universities, state college and Desert Research Institute, academic faculty members are expected to conduct scholarly research or creative activity.
4. Consistent with the principles identified herein, and consistent with their mission, the NSHE institutions shall have substantial autonomy to select and determine the relative importance of faculty activities in the areas of teaching, scholarly research or creative activity, and service. The distribution of responsibilities should take maximum advantage of the talents of individual faculty members and may reflect differences among academic disciplines.
5. The Board of Regents affirms that the duties in each of these areas are essential elements of the work of the faculty and must be viewed as a whole whenever faculty workload and productivity are measured and reported. Faculty workload cannot and should not be measured solely by the time spent by the faculty member in the classroom.
6. In recognition of its commitment to accountability and productivity, the Board of Regents will regularly compile information regarding faculty workloads. To aid in this process, the following expected teaching workloads at NSHE institutions shall be established:
 - a. At the universities, an expectation of 18 instructional units per academic year, or 9 units each semester. For faculty heavily involved in doctoral-level education or research, the expected instructional workload may be reduced as required by an equivalent increase in doctoral-level instruction and/or research. Additionally, newly-hired faculty may be given a reduced instructional workload for a limited period of time in order to establish a research program.
 - b. At the state college, an expectation of 24 instructional units per academic year, or 12 units each semester.
 - c. At the community colleges, an expectation of 30 instructional units per academic year, or 15 units per semester. For faculty teaching upper division level courses, the President of the community college may approve a differentiated workload calculated at 1.25 instructional units per credit.

- d. As it applies to a, b, and c, reassignments from the expected instructional load as well as course overloads must be approved in advance by the appropriate vice president or President.
 - e. The aforementioned expectations do not apply to the instructional faculty of the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; the University of Nevada, Las Vegas School of Dental Medicine; and the William S. Boyd School of Law.
- 7. It shall be the responsibility of the President of each NSHE institution to establish justifiable, equitable instructional workload standards through a process of shared governance with the faculty. It is expected that the institutional policies will provide detailed guidelines for equivalent teaching load credit as well as adjustments of workloads that reflect different kinds of instruction – including, but not limited to, distance education, rural education, internet instruction, vocational education, and clinical education. The policies should also take into account non-instructional activities that may be essential to the work of faculty in particular disciplines and provide equitable recognition for extra contact hours that faculty spend with students in courses that involve studios, laboratories, clinics, independent study, thesis and dissertation, internships, and similar activities related to instruction.
 - 8. In the fall of every even-numbered year, the Chancellor shall compile a System report on faculty workloads at NSHE institutions.
 - 9. The Board of Regents encourages NSHE institutions to participate in national, benchmarked studies, and their participation shall be facilitated by System staff.
- (B/R 9/18)

Section 4. Evaluations

- 1. The NSHE Code, Chapter 5, Section 5.12.1 and 5.12.2, establishes that written performance evaluations of academic faculty and administrative faculty shall be conducted at least once annually by department chairs, supervisors or heads of administrative units. One of the purposes of annual performance evaluations is to provide constructive, developmental feedback to the faculty member.
- 2. All performance evaluations shall include a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” No other rating terminology shall be used. The areas of evaluation and procedures for evaluation of academic faculty and administrative faculty are established in institutional bylaws. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the appropriate administrative unit. The evaluation of the Presidents and the Chancellor shall follow guidelines approved by the Board of Regents.
- 3. The annual performance evaluation of tenured faculty is addressed in NSHE Code, Chapter 5, Section 5.12.

4. Academic and administrative faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, student evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of the students and the survey respondents. With the exception of the results of such student evaluations and comments and such surveys, anonymous materials shall not be considered by the supervisor.
5. Academic and administrative faculty who disagree with the supervisor's evaluation may submit a written rejoinder, and where authorized by the institution bylaws as provided for in Section 5.16 of the NSHE Code, request a peer evaluation. The supervisor's official evaluation and the faculty member's rejoinder and/or peer evaluation will be retained in the faculty member's personnel file along with other recommendations from a review process. If a peer evaluation, or any other review process result in a recommendation that the initial evaluation be changed, that recommendation shall be forwarded to the President or designee of the institution, who, at his or her discretion, may change the faculty member's evaluation by means of an addendum attached to the front of the evaluation stating how the evaluation is being changed and the reasons for the change. If the President or designee does not change the evaluation, the reasons shall also be stated by means of an addendum attached to the front of the evaluation. The President or designee shall sign the addendum and provide a copy to the faculty member.
6. Academic or administrative faculty members receiving an overall rating of "unsatisfactory" on their evaluation shall be provided with constructive feedback in the written evaluation for improving their performance. This constructive feedback must include a written plan for improvement, which must be specific and must be provided at the time of the first "unsatisfactory" rating.
7. Academic faculty in tenure-track positions shall, in addition to the annual written evaluation, be entitled to a written mid-tenure review of their progress toward tenure. The procedures for the review shall be described in each institution's bylaws. Notwithstanding a positive mid-tenure review, the award of tenure remains a discretionary act as provided in the NSHE Code.
(B/R 12/06)

Section 5. Credentials for Community College Faculty

A minimum of a master's degree is required for instruction in baccalaureate-level courses or an appropriate combination of education and experience. A bachelor's degree, or appropriate experience in lieu of a post-secondary education, is required for instruction in occupational courses.

(B/R 12/89)

Section 6. Advanced Degrees

A faculty member may be permitted to become a candidate for an advanced degree outside his/her own department if the request to do so is approved by the appropriate graduate school committee, the graduate dean, and the President.

(B/R 5/79)

Section 7. Nepotism

1. It is the policy of the NSHE that none of its employees or officers shall engage in any activities that place them in a conflict of interest between their official activities and any other interest or obligation. Conflict of interest requires all employees and officers to disqualify themselves from participating in a decision when a financial or personal interest is present.
2. The *Nevada Revised Statutes* 281.210 and the *Nevada Administrative Code* 284.375 and 284.377 prohibit the employment of relatives under certain circumstances. Except for relationships allowed pursuant to those documents, no employing authority of the NSHE may appoint a person to an employment position if, upon the appointment, the person will be the immediate supervisor or will be in the direct line of authority of any relative of a NSHE employee within the third degree of consanguinity or affinity.

Exceptions to this policy must have the prior written approval of the employing authority (defined as the President or Chancellor, as the case may be), along with a written agreement detailing the manner in which conflicts of interest will be ameliorated. The source of funding to pay a newly hired employee may not serve as a basis to waive the restrictions of this policy. A contractual relationship between a Regent and a NSHE institution is subject to the limitations contained in NRS 396.122.

3. Consanguinity is a blood relationship within a family of the same descent. Affinity is a marriage or other legal relationship (such as adoption) formally recognized by the State of Nevada. Relationships within the third degree of consanguinity or affinity are defined as:
 - (a) The employee's spouse, child, parent, sibling, half-sibling, or step-relatives in the same relationship;
 - (b) The spouse of the employee's child, parent, sibling, half-sibling, or step-relative;
 - (c) The employee's in-laws, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin.
4. Members of the Board of Regents must report on an annual disclosure form when a relative within the third degree of consanguinity or affinity is hired by a NSHE institution. (B/R 1/03)
5. Except for relationships allowed pursuant to *Nevada Revised Statutes* 281.210 and *Nevada Administrative Code* 284.375 and 284.377, if a supervisor and an employee who is in the direct line of authority of the supervisor become related after the supervisor and employee have been appointed to their respective positions, the appointing authority shall ensure that, as soon as practicable, the employees do not continue to hold positions in which one of the employees is in the direct line of authority of the other employee.
6. A supervisor who becomes related to an employee in the direct line of authority of the supervisor shall notify the appointing authority within 10 working days after the supervisor and employee become related.

7. Upon receiving notification of a relationship from a supervisor pursuant to paragraph 4, the appointing authority may request a recommendation from each of the employees for appropriate action to be taken to alter the line of authority. In determining the manner in which to comply with this policy, the appointing authority is not required to accept a recommendation from the employees involved.
 8. A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, evaluation, rate of pay, salary increases, promotion, tenure, monetary awards, or other personal interest for a relative employed by the NSHE, as defined in paragraph 3, even when the supervisor is not in the direct line of authority.
 9. In enforcing this policy, each NSHE institution should avoid any appearance of impropriety as well as any potential conflict of interest.
 10. NSHE institutions may establish additional nepotism policies and procedures as long as they do not conflict with the NSHE nepotism policy or with state laws and regulations.
 11. Violators of this policy may be subject to NSHE disciplinary action as well as sanctions stipulated in the *Nevada Revised Statutes* and *Nevada Administrative Code*.
- (B/R 10/02)

Section 8. Conflicts of Interest - Chancellor and Presidents

1. Conflicts of Interest. The Chancellor and Presidents shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment transaction, or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of their duties or employment in the interest of the institution they serve. Whether an outside interest or activity results in a conflict of interest will be determined in accordance with the provisions of the Nevada Code of Ethical Standards, NRS 281A.400-NRS 281A.660.
2. Outside Professional or Scholarly Service. The Chancellor and Presidents are prohibited from undertaking any outside professional or scholarly service that would result in a conflict of interest or interfere with the performance of his or her assigned duties. Outside service subject to this policy, may include, but is not limited to service on corporate boards. Before undertaking any outside professional or scholarly service for compensation:
 - a. The Chancellor shall provide advance written notification to and obtain the written approval of the Chair of the Board of Regents, and
 - b. The Presidents shall provide advance written notification to and obtain the written approval of the Chancellor.

When participating in outside professional or scholarly activities during regular work hours, appropriate leave shall be taken.

3. Other Policies on Outside Professional or Scholarly Service. The policies on approval of outside professional or scholarly service for all other faculty members are found herein below in Title 4, Chapter 3, and in Title 4, Chapter 11 (for DRI faculty).

(B/R 9/12)

Section 9. Compensated Outside Professional Services

(For DRI Faculty Members, See Title 4, Chapter 11, Sec. 12)

1. Outside professional or scholarly service by faculty members within their subject matter field and for compensation is recognized as a legitimate activity unless specifically prohibited by the employee's contract with the institution.
2. Outside professional or scholarly service as contemplated by this section shall not interfere with the performance of the duties of any faculty member. If taken during the faculty member's standard workweek, such service shall occupy no more than one day's equivalent time per work week (20%) for full-time faculty members. Faculty members on 12-month contracts must take annual leave if providing outside professional or scholarly service during the standard work week. For the purposes of this paragraph, annual leave is not required to be taken if the activity is scholarly in nature and advances the reputation of the institution, such as serving on a national review board, and the amount of compensation, above expenses, is less than the monetary value of taking a half-day leave.
3. No faculty member may undertake outside professional or scholarly service that would result in a conflict of interest with his or her assigned duties. Conflict of interest means any outside activity or interest that may adversely affect, compromise, or be incompatible with the obligations of an employee to the institution.
4. Faculty members performing compensated outside professional or scholarly service are subject to the code of ethical standards of the State of Nevada (NRS 281A.400-281A.660), which governs the conduct of public officers and employees.
5. A faculty member may not perform an official act on behalf of the institution that directly benefits a business or other undertaking in which he or she either has a substantial financial interest or is engaged as counsel, consultant, representative, agent, director, or officer. This prohibition is not intended to limit a faculty member's ability to enter into a contract between a governmental entity, the institution, and a private entity to the extent authorized by and in conformity with NRS 281.221(3), NRS 281.230(3), NRS 281A.430(3), the Board of Regents Intellectual Property Policy (Title 4, Chapter 12, Sections 1-8), and the Board of Regents Conflict of Interest Policy (Title 4, Chapter 10, Section 1.7).
6. For the purpose of this section, potential conflicts of interest include a faculty member's involvement in transactions or decisions on behalf of an institution, in which the faculty member knows that benefits accrue to individuals in the faculty member's household, persons to whom the faculty member is related by blood, adoption or marriage within the third degree of consanguinity, or persons with whom the faculty member has substantial and continuing outside business relationships.

Relationships within the third degree of consanguinity or affinity are defined as:

- (a) The faculty member's spouse, child, parent, sibling, half-sibling, or step-relatives in the same relationship;
- (b) The spouse of the faculty member's child, parent, sibling, half-sibling, or step-relative;
or
- (c) The faculty member's in-laws, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin.

7. Except as otherwise provided in this section, full-time faculty members engaged in providing compensated outside professional or scholarly service shall provide advance notification and request approval in writing to their immediate supervisor about the nature of the work to be performed, the company/organization for which the work will be performed, and the estimated time involved. The request must be approved in advance by the supervisor within 10 working days. Individual requests to perform outside professional or scholarly service shall be considered confidential personnel documents pursuant to Title 2, Chapter 5, Section 5.6.2. of the Code.

Institutions may establish an expedited pre-approval process for notification of certain compensated outside professional or scholarly activities that are for a short-period, determined to be routine or standard, and compensated at \$3,000 or less per activity. Such services must be identified within the written pre-approval process established by the institution and may include activities such as service on a national panel, speaking engagements as allowed by the institution, and reviewing manuscripts.

8. When a supervisor believes that a faculty member's consulting activities conflict with the faculty member's obligations to the institution or other obligations of the institution, the supervisor shall inform the faculty member of these concerns and negotiate a mutually acceptable course of action. If a mutually acceptable course of action cannot be negotiated, the appropriate vice president or vice chancellor, as the case may be, will hear and evaluate the evidence and render a decision, or appoint a review committee if necessary. The vice president or vice chancellor may require the faculty member to cease performance of existing obligations while the faculty member remains a NSHE employee.
9. Faculty members performing compensated outside professional or scholarly service shall inform those who engage them that they are not acting in the name of the institution and that the institution is not a party to the contract nor liable for any actions of such faculty member.
10. In negotiating for a contract for outside compensated professional or scholarly services, faculty members shall not use institutional stationery or forms in any manner.
11. Full-time faculty members may make a general announcement of their availability as consultants but may not solicit consulting assignments.
12. Faculty members working independently on their own time may obtain patents or copyrights on the results of their work.
13. Faculty members performing compensated outside professional or scholarly service are subject to the Board policy on personal use of System property or resources (Title 4, Chapter 1, Section 25). A faculty member working independently on an outside-compensated contract shall not use NSHE facilities, equipment or personnel unless such use is authorized in advance by the supervisor. Reimbursement of any costs to the institution shall be in accordance with Title 4, Chapter 1, Section 25.
14. It is the responsibility of each full-time faculty member to report outside compensated services in a timely manner and to certify the accuracy of the disclosures. Failure to disclose outside compensated services in a timely and accurate manner constitutes a basis for disciplinary action under Title 2, Chapter 6 of the Code. Records are to be kept annually by the dean or appropriate vice president, or vice chancellor as the case may be, of all approved consulting activities in each department or division.

15. Each NSHE institution shall publish an annual report regarding compensated outside professional or scholarly service completed by its full-time faculty (aggregate data) and approved by the institution in accordance with the provisions of this section. This report will verify that all potential conflicts of interest have been reviewed and approved in accordance with the provisions of this section. A summary of these reports will be sent to the Board of Regents annually.

(B/R 6/14)

Section 10. Death Benefits

1. Pursuant to *Nevada Revised Statutes* 281.155, if a faculty member has filed a signed, written designation of beneficiary, the final payment of compensation due a deceased faculty member, as provided in this section, shall be released to the designated beneficiary. If the deceased faculty member has not filed such a signed, written designation of beneficiary, the final payment is a part of the faculty member's estate and shall be paid to the estate.

"Final payment" means the net amount due the employee after the deduction of all withheld sums from the faculty member's gross compensation.

2. In addition to any benefits which may be paid to a beneficiary, or to an estate if there is no beneficiary, of a deceased faculty member from insurance, a retirement program or any other source, the NSHE shall pay to the beneficiary or the estate of the deceased, as the case may be, the following:
 - a. Faculty members on a 12 month appointment who are on the payroll at the time of death shall receive salary through the day of death plus any earned but unused annual leave, plus one-twelfth of the current annual contract salary.
 - b. Faculty members on a 10-month appointment who are on the payroll at the time of death shall receive salary through the day of death plus one-twelfth of the current annual contract salary.

(B/R 4/82)

Section 11. Grants-In-Aid – General Administration

Unless otherwise provided, the following provisions govern the administration of NSHE grants-in-aid for professional staff, including their spouse or registered domestic partner and financially dependent children as authorized by this Chapter.

1. The registration fees associated with the William S. Boyd School of Law, the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the pre-doctoral program at the University of Nevada, Las Vegas School of Dental Medicine are eligible for a grant-in-aid.

2. Except as otherwise provided, persons who receive a grant-in-aid pursuant to this Chapter and enroll in a state-supported course at any NSHE institution shall receive a grant-in-aid equivalent in value to that portion of the per credit registration fee at the enrolling institution allocated to the State Supported Operating Budget (or General Fund). The Capital Improvement Fee and the General Improvement Fee shall be waived at all institutions as part of the grant-in-aid, except at the universities where the Capital Improvement Fee only will be waived.
 3. Laboratory and other special course fees, including but not limited to the technology fee, will not be included in a grant-in-aid award.
 4. Grants-in-aid may be awarded fall, spring and summer semesters only.
 5. Summer session grants-in-aid for state-supported courses shall be equivalent in value to the per credit grant-in-aid allowed in the subsequent fall semester.
 6. Self-supporting courses, including community service and continuing education courses, may be eligible for a grant-in-aid equivalent in value to the total registration fee charged or the amount of the per credit registration fee that would be allocated to the State Supported Operating Budget (for state-supported courses), whichever is less. It is the responsibility of each institution to designate any self-supporting programs that are not grant-in-aid eligible.
- (B/R 9/18)

Section 12. Grants-In-Aid – Professional Staff and Dependents

1. The following classifications for professional staff are eligible for grants-in-aid as defined by this section:
 - a. Professional staff members who are on an “A” or “B” contract for at least .50 FTE employment;
 - b. Professional staff members who are on sabbatical or leave of absence without pay;
 - c. Emeritus faculty and emeritus professional staff;
 - d. Adjunct and clinical faculty, including joint faculty appointments within the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine; and
 - e. Retired professional staff members who are age 55 or over at the time of retirement and have at least 20 years of NSHE service.
2. Except for adjunct and clinical faculty, including joint faculty appointments within the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine, the spouse and financially dependent child for all categories of professional staff defined in subsection 1 are eligible for grants-in-aid as defined by this section.
3. For purposes of this section, “adjunct faculty” means any individual holding a professional position with any member institution or unit of the System, except as a clinical faculty member, for which the individual receives no salary. For purposes of this section, “clinical faculty member” means any individual holding a professional position within the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; the Orvis School of Nursing, University of Nevada, Reno; or the University of Nevada, Las Vegas School

of Dental Medicine for which the individual receives no salary, or other professional positions designated by the President for which the individual receives no salary.

4. The domestic partner and their financially dependent children are eligible for grants-in-aid for all categories of professional staff defined in subsection 1 if the domestic partnership is registered with the office of the Nevada secretary of state.
5. For the purposes of this Chapter, "financially dependent child" shall mean a natural, adopted or step child of a professional staff member who is not financially independent, is claimed as an exemption for federal income tax purposes under the U.S. Internal Revenue Code (26 U.S.C. § 152), and has not attained the age of 24. The professional staff member must attest to a dependency each time a grant-in-aid is issued. Institutions awarding a grant-in-aid to a spouse or financially dependent child may at any time request proof of dependent eligibility for verification purposes.
6. Institutions may establish a deadline for the submission of a grant-in-aid request.
7. For qualified dependent children who have served on active duty in the United States Armed Forces, the age limitation set forth in subsection 3 shall be extended for the period of such active service, but not to exceed six years.
8. Except as otherwise provided, professional staff members as defined in this section are restricted to no more than six credits in the fall and spring semesters. Professional staff members employed under an "A" contract shall be limited to three credits for a grant-in-aid across all summer semesters. Upon approval by the institutional President or his or her designee, on a case by case basis, professional staff members enrolled in a degree program designed for working professionals may also take an additional three credits in the fall, spring and summer semesters. Professional staff members employed under a "B" contract are not limited in the number of credits that are grant-in-aid eligible during all summer sessions. There shall be no restriction on the number of credit hours a spouse or financially dependent child may register for under this policy. Upon approval by the institutional President, community college faculty while on sabbatical may take additional courses under this policy if for professional development.
9. A professional staff member, spouse or financially dependent child enrolled in a course under a grant-in-aid at the time the professional staff member's contract terminates shall be permitted to finish the course under the grant-in-aid.
10. System Administration or an institution awarding the grant-in-aid to an employee or his spouse or financially dependent child must notify the employee and the Internal Revenue Service of the appropriate taxable benefit pursuant to the NSHE's Section 127 Educational Assistance Plan.
11. Widows or widowers and financially dependent children of deceased former professional staff members, or professional staff members who have become totally and permanently disabled, their spouses and financially dependent children may request a grant-in-aid on the form prescribed by the Chancellor. Such individuals are eligible for a grant-in-aid under the following conditions:

- a. The professional staff member shall have held a valid unfulfilled "A" or "B" contract or have been granted sabbatical leave at the time of death or such disability.
 - b. The spouse, widow, widower, financially dependent child, or disabled former professional staff member may receive a grant-in-aid for no more than eight semesters.
12. Grant-in-aid requests by professional staff must be approved by their supervisor. Grant-in-aid requests on behalf of a spouse or financially dependent child do not require supervisor approval, but each institution and the System Office shall designate a central office to be responsible for reviewing and processing the requests. All requests for grant-in-aid by professional staff members must be made on a form prescribed by the Chancellor. Institutions may utilize an on-line grant-in-aid form if the content of the on-line form includes the same information that is required on the form prescribed by the Chancellor.
- (B/R 9/18)

Section 13. Grants-In-Aid – Temporary Part-Time Faculty

1. Temporary part-time faculty (Letter of Appointment (LOAs)), as defined in Title 4, Chapter 3, may receive a grant-in-aid for courses at any NSHE institution, not to exceed the number of credit hours the part-time faculty member is currently teaching, and not to exceed six credit hours.
 - a. The grant-in-aid is applicable only to courses taken during the fall and spring regular semesters.
 - b. The grant-in-aid based on credit hours may be utilized during the semester in which the temporary part-time faculty member is teaching or in the semester immediately following.
 - c. Temporary part-time faculty employed by continuing education and community service units are not eligible for a grant-in-aid or waiver.
 - d. Non-resident temporary part-time faculty receiving a grant-in-aid shall be deemed residents for tuition purposes.
2. For temporary part-time faculty who do not teach, the course equivalency for their services shall be determined by multiplying six credit hours by the faculty member's FTE. The credit hours will be rounded up to determine the maximum number of credit hours covered by a grant-in-aid.

(B/R 12/14)

Section 14. Leave of Absence Without Salary

1. Leave of absence without salary, for periods up to and including twelve months, may be granted by the President, in accordance with the provisions of this policy, to faculty members who wish to absent themselves from their institutional duties. Reasons for a leave of absence without salary would include: a.) to undertake work that benefits the NSHE; such as, research work, advanced study, related consultation, teacher exchange and governmental service; or b.) other situations deemed appropriate by the President. Where approved the conditions under which the leave is authorized shall be in writing, and shall specify who will pay for the employee's group health insurance, with a copy given to the applicant and to the institution's human resources office.
1. Faculty members who are authorized to take leave of absence without salary which will benefit the NSHE and who are otherwise eligible to participate in the State of Nevada's group insurance program shall have their premiums paid by the NSHE as authorized by *Nevada Revised Statutes* 287.044. Otherwise, faculty must pay the premiums themselves. Absent the payment of premiums, there will be no insurance coverage from NSHE during the term of the leave of absence and upon return, re-enrollment will occur subject to rules of the State of Nevada group insurance program.
3. Request for an extension of a leave of absence without salary resulting in a leave of absence for periods extending beyond twelve months is subject to approval of the institution President, or in the case of the System office and its units, the Chancellor.
4. Request for leave without salary shall be made to the President or designee through the department chair and dean of the college or immediate supervisor and appropriate vice president. A requirement of the approval process is that the leave can be arranged without seriously impairing the work of the department.
5. Institutions may further define the reasons for granting a leave under this policy as long as the criteria establish under this policy are met. Leave without salary shall be granted only to a faculty member who has been employed by the NSHE for at least one year. No leave of absence shall be granted for a longer period than two years except for the purpose of pursuing activities, which will tend to further the education of such a person in his/her special field. The furtherance of education will include only advance study and governmental service. The faculty member is expected to return to the employer for a period of time at least equal to that of his/her last contract. For good cause, the President may approve exceptions to the above criteria.

(B/R 3/10)

Section 15. Sabbatical Leave

1. In conformity with NRS 284.345, interpretations of that statute by the attorney general, and previous Board rulings, the number of sabbatical leaves granted for each succeeding academic year shall not exceed a number equal to two percent of the academic faculty in the current year. When applied to professional staff within the Desert Research Institute, the term "research faculty" shall replace the term "academic faculty." Those whose primary responsibility is administrative in nature are not eligible for sabbatical leave.

2. Sabbatical leave allocations shall be prorated to the institutions, or other administrative units not a part of an institution, based upon the FTE "academic faculty" in that unit.
3. Any academic faculty member, whose position is funded in whole from state sources, and who has served full-time on either a ten-month or twelve-month contract for six or more years, is eligible for sabbatical leave. Such faculty shall serve at least six additional years prior to eligibility for subsequent sabbatical leaves. Faculty holding the designation of Lecturer may be eligible for sabbatical leave, at the discretion of each institution. The term "full-time" means an appointment at 1.0 FTE for the contract year. Full-time faculty whose positions are funded in whole or in part from non-state sources may be eligible for sabbatical leave according to the terms of this policy only if the funds to support a sabbatical leave can be derived from the appropriate non-state funding source. The use of non-state funds for sabbatical leave must also be approved by the appointing authority. Part-time academic faculty (i.e. those having an FTE of at least .50 but less than 1.0 for the contract year) may be eligible for sabbatical leave at the discretion of the institution. In such cases, the leave and payment provided shall be at a time and amount pro-rated to reflect part-time status.
4. Eligibility for sabbatical leave commences at the end of the sixth year of full time service in the same position. Any period of time spent on an unpaid status is not considered a part of the six-year service requirement under this policy. Applications for a sabbatical leave must be submitted while a faculty member is in a paid status.
5. Eligible applicants for sabbatical leave shall have two alternatives: one year's leave at two-thirds of annual salary or one-half year's leave at full base salary. For part-time faculty, FTE will be used to calculate pro-rated salary continuation while on leave.
6. The taking of sabbatical leave will not interfere with the continuing employment of an individual by the NSHE, or any other rights or privileges normally associated with appointment to the NSHE faculty. Retirement contributions for Retirement Plan Alternative (RPA) members will be made based on compensation. Service credit for PERS members will be earned in the proportion that the faculty member's actual compensation bears to his or her previous compensation.
7. Implementation/Process
 - a. The procedures for sabbatical leave shall be approved by the President or designee.
 - b. The appropriate faculty senate shall select the Sabbatical Leave Committee to review and rank all applications.
 - c. If an institution or other administrative unit is not entitled to at least one sabbatical leave, as explained in paragraph 2 above, the Chancellor shall group two or more institutions or other administrative units to secure one allocation and the appropriate faculty senates shall select the Sabbatical Leave Committee to review the applications.
 - d. NSHE institutions may adopt such supplemental procedures concerning sabbatical leaves as the faculty senates and Presidents deem appropriate, provided that such procedures are in harmony with Board of Regents policy.

8. Obligations Upon Taking Sabbatical Leave

- a. In conformity with *Nevada Revised Statutes* 284.345, ". . .no sabbatical leave with pay shall be granted unless the person requesting such leave agrees in writing with the employer to return to the employer after such leave for a period not less than that required by his/her most recent contract of employment with the employer, if the employer desires his/her continued service." The employee will agree to return to the employer in a paid status immediately upon the end of the sabbatical leave.
- b. Additional income--for example, grants-in-aid or fellowships--may be accepted during the leave provided the activity for which the income is received contributes to the individual's professional development or his/her future usefulness to the NSHE.
- c. Acknowledgment of sabbatical assistance shall be given in any publications resulting from work accomplished during the sabbatical leave.
- d. A written report concerning sabbatical leave activities shall be submitted to the President, in accordance with procedures established by the President, and to the faculty member's dean or other appropriate supervisor within three months of return from leave.

(B/R 12/09)

Section 16. Entrepreneurial Leave – Universities and DRI

The universities and Desert Research Institute may establish policies in consultation with institutional legal counsel that govern entrepreneurial leave for faculty engaged in entrepreneurial activity that advances research; supports the state's economic development plan, technology transfer, commercialization, or the Knowledge Fund established pursuant to *Nevada Revised Statutes* 231.1592; or similar activities. The policies shall provide for approval of such leave by the President and will not apply to the sabbatical leave authorized under *Nevada Revised Statutes* 284.345. Entrepreneurial leave is not subject to the limitations governing outside professional or scholarly service set forth in Section 9.2 of this chapter and Title 4, Chapter 11, Section 12.2.

(B/R 9/14)

Section 17. Administrative Leave

1. Introduction

- a. Higher Education administrators should continually participate in professional development activities that ensure the employment of the most effective administrative knowledge and managerial skills in their current assignments. Some of these exposures may be available within the parent institution or University system, but more often they reside at institutions not easily accessible due to the constraints of time availability and distance.
- b. University of Nevada campuses should initiate a program of administrative leaves for administrators assigned responsibilities in areas of dynamic growth and changing responsibilities or in areas in need of updated administrative or managerial skills.

- c. Administrative leaves would not be for the purpose of improving academic or disciplinary research capabilities, nor for obtaining advanced degrees. Leaves would be granted on the demonstrated need for administrators to acquire explicit training necessary for improving performance in their current assignment.

2. Eligibility for Administrative Leaves

- a. Administrative officers, such as President, vice-president, assistant or associate vice-president, deans and assistant and associate deans, who are on continuing full-time administrative appointments would be eligible but with no more than 1 FTE per calendar year per campus. Permanent full-time administrators or directors of programs may be eligible if designated as eligible by the institutional President and the Chancellor.
- b. Eligible administrators may apply for an administrative leave after serving at least three years as a full-time administrator in the NSHE. An administrator would be eligible to reapply for additional administrative leave at three-year intervals.

3. Duration and Timing of an Administrative Leave - An administrative leave would not exceed three calendar months. Unless specified and approved in advance, the three-month administrative leave should be taken during the summer months and not require employment of a replacement.

4. Administrative Leave Compensation

- a. An administrator will receive full campus compensation unless receiving salary contributions from extramural sources. If the recipient of the administrative leave obtains a foundation grant or other compensation from non-NSHE sources for the period of the leave, the campus shall not be obligated to pay more than that amount of administrative compensation which, when added to the non-University compensation, will equal 110 percent of the individual's annual base salary for the period of leave. If an allowance for transportation and/or cost-of-living differential is included in the outside compensation, the amount of this allowance will be disregarded in computing the administrative leave compensation to be paid by the campus.
- b. Individuals who are on administrative leaves of absence, whether in residence or away from the campus, may not, as employees, provide any services to the NSHE for which compensation is paid in excess of the approved administrative leave.

5. Fringe Benefits During Leave - To the extent permitted by law, administrators on leave will be regarded as in active NSHE employment status for purposes of benefits and will continue to receive and accrue benefits under applicable NSHE policies as if they were in active service. Payments for NSHE insurance premiums and retirement contributions will be based upon actual NSHE compensation made to the individual. Subject to legal restrictions, the individual may make arrangements with the personnel office for personal payment of additional amounts, if necessary, to maintain full insurance and retirement benefits during the period of the leave.

6. Obligations of Personnel on Administrative Leave

- a. The recipient of a leave must agree to return to the service of the NSHE after the termination of the leave for a period of time at least equal to the length of the leave. If he/she does not so return, or returns for a shorter period of service than required under this regulation, the NSHE will be entitled to a proportionate refund of the compensation paid by the NSHE during the leave. Upon a determination that the enforcement of this obligation will create an extreme hardship or would be seriously inequitable, the Chancellor and/or President may waive the refund in whole or in part.
 - b. Within 90 days of the completion of the leave, a written report on the activities undertaken during the leave must be submitted by the recipient of the leave to the institutional President or the Chancellor, as the case may be.
7. These provisions shall not supersede other administrative leave, or leave without pay, as approved by the appointing authority.
(B/R 10/04)

Section 18. Presidential Leaves

NSHE Presidents are expected to take periodic leaves consistent with the following provisions:

1. Leaves may be either a full semester or three months in duration.
2. Presidents are eligible for full semester leaves, at full pay, after their first six years of service. They may opt, alternatively, for a three-month leave at such time. Following the initial leave, Presidents are eligible for three-month leaves after three years of service or for full semester leaves after each six-year period of service.
3. In applying for leaves, which are subject to approval by the Board of Regents, Presidents shall specify the objectives of the proposed leave and provide a plan for assignment of presidential responsibilities during the leave period.
4. A report on the leave shall be provided to the Board after the President's return.
5. Presidents will be expected to serve their institutions for at least one-year after returning from leave, irrespective of the leave's duration.
6. The word "President" in this section is intended to apply as well to the NSHE Chancellor.
(B/R 6/91)

Section 19. Sick Leave

1. Full-time professional staff members on an "A" or "B" contract shall be granted sick leave as required, up to 30 working days at full salary, available at any time during the initial 12 months of service. Part-time professional staff members on an "A" or "B" contract shall be granted a pro rata amount as required.

2. Beginning one year after the starting date of his or her initial contract, each full-time staff member will begin to accrue additional sick leave at the rate of two days for each full month of paid service, to be added to any remaining balance of unused sick leave from the first 12 months of service. Sick leave may be accrued from year to year not to exceed 96 working days. Part-time staff members will earn a pro rata amount of sick leave for each calendar month worked. Paid sick leave shall not be granted in excess of sick leave earned except as provided in paragraph 9. The employee shall not be paid for any unused sick leave upon termination of employment.
3. A professional staff member is entitled to use accumulated sick leave for personal illness; disability; medical, optometry, or dental service or examinations; child bearing or temporary disability, upon approval of the appointing authority. The appointing authority may require a staff member to provide medical certification from a medical practitioner for absences of more than five consecutive days or if abuse is suspected.

If an eligible employee is using leave, with or without pay, in a manner which would qualify under the Family Medical Leave Act (FMLA), the appointing authority shall designate the leave as FMLA and shall provide written notice to the employee which details the obligations of the employee and the effects of using the leave. While in FMLA status, all available paid leave, except Paid Family Leave pursuant to Subsection 8, must be used before leave without pay.

4. Up to fifteen days of earned sick leave per contract year may be used by the professional staff member to care for or assist family members, in-laws, or step relatives within the third degree of consanguinity or relationship, or members of the professional staff member's household for the following events: illness; injury, or medical, optometry or dental service or examination. Requests for use of additional earned sick leave days beyond the fifteen-day limitation may be made in writing to the appropriate appointing authority. Approval is at the discretion of the appropriate appointing authority. The fifteen-day limitation does not apply if the leave is approved under the FMLA.
5. Up to fifteen days of earned sick leave per contract year may be used by the professional staff member to address an essential need resulting from the military deployment to a foreign country of the staff member's spouse, parent, son, daughter, sibling, grandparent, or grandchild, including, without limitation, arranging for childcare or parental care during deployment, or representing the military family member at a federal, state or local event during deployment. Requests for use of additional earned sick leave days beyond the fifteen-day limitation may be made in writing to the appropriate appointing authority. Approval is at the discretion of the appropriate appointing authority. The fifteen-day limitation does not apply if the leave is approved under the FMLA as FMLA Qualifying Exigency Leave. The appointing authority may require a professional staff member seeking to use sick leave pursuant to this section to present a copy of the family member's military orders or other substantial evidence pertaining to a qualifying military event. For purposes of this section, the terms "son" and "daughter" mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.
6. A professional staff member may take up to 10 working days of employee's earned sick leave, in the event of the death of a person listed in paragraph 4 above. Requests for use of additional earned sick leave days beyond the ten-day limitation may be made in writing to the appropriate authority. Approval is at the discretion of the appropriate appointing authority.

7. A professional staff member who qualifies under the FMLA is entitled to a total of 12 work weeks of leave during a “rolling” 12-month period. The period is measured backward from the date an employee uses FMLA leave. To qualify, a staff member must have been employed by the NSHE for at least 12 months and have been in a paid status for a minimum of 60% FTE averaged over the 12-month period preceding the leave. While in FMLA status, all available paid leave must be used before leave without pay.

A staff member may use FMLA leave for the birth of a child, and to care for a newborn child; for placement of a child with the staff member for adoption or foster care; to care for the staff member’s spouse, parent or child with a serious health condition; or because the staff member is unable to perform one or more of the essential functions of his/her job due to a serious health condition. If a staff member must take unpaid leave under FMLA, the employer is required to maintain the staff member’s health insurance coverage for the timeframe represented by the FMLA leave.

Additional unpaid leave directly related to the birth, the placement of a child with the staff member for adoption or foster care, or child rearing of a child who is a member of the professional employee’s household shall be granted to either parent, upon request, up to a maximum of one year. During any unpaid leave the employer will not maintain the staff member’s health insurance coverage, unless the unpaid leave is approved under the FMLA. The NSHE guarantees that the professional staff member will return to his or her original position, or if the original position no longer exists, to a comparable position, without loss of seniority or other benefits.

8. Paid Family Leave. A professional staff member who has been employed by the NSHE for at least 12 months and has had the opportunity to accrue 40 hours of sick leave is eligible for eight (8) weeks of paid family leave at 50% of their salary:
 - (a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee;
 - (b) To bond with a newly adopted child of the employee;
 - (c) To recover from or undergo treatment for a serious illness;
 - (d) To care for a seriously ill member of the immediate family of the employee; or
 - (e) For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee.

After they have exhausted the family sick leave allowed under Subsection 4 and have a sick leave balance of no more than 40 hours, the professional staff member may take up to eight (8) weeks of paid family leave during a “rolling” 12-month period. For purposes of this Section, the terms “domestic partner,” “immediate family member,” “qualifying event,” and “serious illness” are defined in NRS 284.356(6).

The professional staff member may not take more than eight (8) weeks of paid family leave in a single rolling 12-month period, regardless of the number of qualifying events in such 12-month period. Employees shall not be paid for any unused paid family leave upon termination of employment.

9. After 12 continuous months employment, where a physician certifies that a professional staff member is unable to resume duties after exhausting all accumulated sick and annual leave, the professional staff member may petition for, and may be granted, with the approval of the President extended salaried sick leave. Approval may be given only if the funding source permits payment of extended salaried sick leave. An additional three calendar months may be granted to employees continuously employed for more than twelve months and up to twenty-four months; an additional six calendar months may be granted to employees continuously employed for more than twenty-four months and up to thirty-six months; and an additional twelve calendar months plus one calendar month for each full year of employment with the NSHE may be granted to employees continuously employed for more than thirty-six months. An eligible employee may initially request less extended salaried sick leave than authorized under this policy, or may be granted less than the maximum amount of time authorized. The lifetime maximum, which may be granted to an employee, is twelve calendar months plus one calendar month for each full year of employment with the NSHE. During extended salaried sick leave, no annual or sick leave shall be earned. If at the end of the extension period a physician certifies that the professional staff member is still unable to resume duties, the appointment shall be terminated. Where employment shall be terminated under these circumstances, the provision of Title 2, Chapter 6 of the Board of Regent's *Handbook* shall not apply.
 10. If an employee has been employed for less than 12 consecutive months, the President may approve an employee request for unpaid sick leave not to exceed three months duration. If the employee is unable to return to employment after the expiration of this unpaid leave of absence, the appointment shall be terminated. Where employment shall be terminated under these circumstances, the provisions of Title 2, Chapter 6, of the Board of Regents' *Handbook* shall not apply.
 11. Cases of injury or accident or illness in connection with the work of professional staff members are covered by workers' compensation statutes and regulations. In order to ensure this protection for out-of-state travel, requests should always be submitted in advance by staff members conducting NSHE business, attending meetings, etc., even if work is undertaken outside of work hours and at the professional staff member's own expense.
- (B/R 3/25)

Section 20. Annual Leave

1. All professional staff members on a full-time 12-month appointment ("A" contract) earn annual leave at the rate of two working days for each full calendar month of service. Prorated credit shall be earned for partial months of service. Professional staff members on a part-time 12-month appointment earn pro rata annual leave credit.
2. Professional staff members on an academic year ("B" contract) appointment do not earn annual leave.

3. Annual leave may be cumulative from year to year, not to exceed 48 days as of the first day of each fiscal year, and any annual leave in excess of 48 days is forfeited on that date. No compensation will be authorized for unused or excess leave at the end of each fiscal year. Earned annual leave shall be taken at a time approved or directed by the supervisor or other appropriate administrative officer. Insofar as possible, approval to use annual leave must be secured in advance, in accordance with the provisions contained in Title 4, Chapter 3, Section 19.2.
 - a. Employees shall be given an opportunity to use accumulated annual leave in excess of 48 working days prior to the last day of the fiscal year provided a request for leave is given by the employee no later than April 1 to the supervisor or other appropriate administrative officer.
4. Annual leave for full-time professional staff at all NSHE institutions is used in increments of a half-day or a full-day as prescribed by the appropriate Human Resource Office. See also Chapter 3, Section 19.
5. Professional staff on an "A" contract appointment who resign or retire shall be entitled to be paid for unused accumulated annual leave up to the maximum of 48 days, unless the supervisor or other appropriate administrative officer directs the employee, in writing, to use all or a portion of the accumulated leave prior to the final date of employment.
6. Professional staff whose contract is being changed from a 12-month ("A" contract) appointment to an academic year ("B" contract) appointment shall be entitled to be paid for unused accumulated annual leave up to the maximum of 48 days, unless the supervisor or other appropriate administrative officer directs the employee, in writing, to use all or a portion of the accumulated leave prior to the final date of the "A" contract term.
7. Professional staff on a 12-month "A" contract appointment who take an approved leave of absence without pay shall be entitled to use accumulated annual leave, with prior approval of the supervisor or other appropriate administrative officer, before going into unpaid status; however, the professional staff member shall not be paid for any unused accumulated annual leave before going into unpaid status. Annual leave cannot be earned while on leave without pay.

(B/R 8/02)

Section 21. Family Medical Leave/Fair Labor Standards Act

1. Professional staff is entitled to take leave in accordance with the Family and Medical Leave Act of 1993, as amended, its implementing regulations (Part 825 of Title 29 of the Code of Federal Regulations) and institutional policies promulgated in accordance therewith. See, for example, 29 C.F.R. 825.301 and FMLA guidance at <http://www.dol.gov/whd/fmla/>.
2. The provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201, et seq.), shall be adhered to by all NSHE institutions. See FLSA guidance at <http://www.dol.gov/whd/flsa/>.

(B/R 9/14)

Section 22. Military Leave

1. Professional staff who are members of Federal Reserve forces or the Nevada National Guard are entitled to serve under orders without loss of regular compensation for a period not to exceed fifteen working days in any one calendar year. Such military leave of absence shall be in addition to any vacation or sick leave to which such staff member might otherwise be entitled. Authorized military leave of absence without salary (except for the differential compensation provided in Section 21.5 below) shall be granted for periods in excess of fifteen working days.
2. In accordance with federal law, 38 U.S.C. § 2021 et seq. professional staff members who serve under orders on training duty in the Armed Forces of the United States, including the federal reserve forces or the National Guard, shall be entitled to such rights and privileges regarding reinstatement to employment, seniority, status and pay, as is provided for in federal and Nevada statutory law.
3. In time of war or national emergency, leave without pay may be granted to a professional staff member who is called or volunteers to serve in federally sponsored scientific research and development projects, provided no such leave may be granted to any staff member who would not have been continued in employment in the NSHE at the termination of the period of employment current at the time of the staff member's entry into such defense work and further provided that no such leave is ordinarily granted to persons performing such work under a government contract with the NSHE. Such leave terminates 90 days following the end of the war or national emergency, or the date of the professional staff member's termination of such work, whichever is earlier. Upon application for reinstatement to employment within such 90 day period, the professional staff member shall be restored to the staff member's previous employment position or to a position of like seniority, status or pay, unless circumstances in the employing institution have so changed as to make such reemployment impossible or unreasonable.
4. Professional staff members applying for military leave must present a copy of their military orders or other substantial evidence pertaining to their active or training duty requirements or employment in defense work. Certified copies of discharge papers or other evidence pertaining to discharge or termination must be submitted to the appropriate Business Center Personnel Office for reinstatement.
5. Professional staff who officially receives orders to serve as members of Federal Reserve Forces or the Nevada National Guard will be compensated for the difference in their NSHE pay and their military pay through the end of their employment contract. The differential compensation will commence immediately following the 15 working days of regular compensation provided for in Title 4, Chapter 3, Section 21, Subsection 1.

The institution at which the professional staff member is employed will continue making retirement contributions for eligible employees in accordance with the Retirement Plan Alternative (RPA) plan document. At the request of the employee, other employment benefits – including but not limited to health insurance – will be continued through the contract year at the same cost that the employee is currently paying.

(B/R 8/07)

Section 23. Judicial Leave

1. Appearance in connection with one's official capacity as a University employee at a trial or other court proceeding, to include an arbitration or mediation hearing, whether it be as a party to the action, or as a witness for any party to the proceeding, is considered a short-term leave and may be authorized by the appointing authority concerned for periods up to 30 calendar days without loss of salary. In special cases, salaried leave for longer periods may be authorized by the President. Judicial leave also will be granted to serve on a jury or when summoned to be a witness. Judicial leave is not available for court appearances in connection with personal legal matters.
2. Any remuneration received in connection with jury duty or as a witness may be retained by the faculty member.
(B/R 4/02)

Section 24. Leave Records

1. Each appointing authority shall keep accurate and complete records of earned and used leave for each NSHE employee. Such records shall be kept as prescribed by the appropriate Human Resource Office, and reports shall be made to the Human Resource Office as it may require. Leave records are subject to examination by those persons in the employee's chain of command, by Human Resource officials, and by internal or external auditors. For regulatory reporting purposes, leave balances may be reported to appropriate institutional financial officers.
2. Insofar as possible, all leave shall be requested and approved in advance by the supervisor or other appropriate administrative officer according to the policies for each type of leave as contained in this chapter of the *Handbook*. The approval and recording of unanticipated leave shall occur immediately after use of the leave.
3. Annual leave and sick leave for full-time employees must be used as prescribed by the appropriate human resource office in either half-day or full-day increments.
(B/R 8/02)

Section 25. Professional Salary Schedule

1. Title 2, Chapter 5, Section 5.5 of the Code contains provisions for professional salary schedules.
2. The institutional President or the Chancellor, as the case may be, shall approve the initial placement of professional employees on the salary schedule at the time of appointment. The President or Chancellor shall also approve any subsequent adjustment in salary or contract conditions, except that individuals whose initial appointments require Board approval shall also require such approval for salary adjustments and changes in contract conditions, exclusive of COLA, as stipulated in Section 28 of this chapter.

3. Each NSHE institution shall develop written policies and criteria by institution and/or unit for the recommendation of merit awards for both academic faculty and administrative faculty. Merit awards are subject to the approval of the institutional President, or the Chancellor as the case may be, except as provided in Section 28 of this Chapter.
4. Performance bonuses or commissions are generally not permitted for NSHE professional staff, regardless of the source of funding.
 - a. On a case-by-case basis, limited exceptions based on prevailing labor market practices may be requested in writing by the institution President. In such limited cases, if approved by the Chancellor, the employment contracts that specify a bonus or commission must meet the following conditions:
 1. The terms of the bonus or commission must be approved in advance by the President and reported to the Chancellor. This authority may not be delegated to any other institutional officer.
 2. The bonus or commission must be in conformity with state and federal laws and regulations.
 3. The bonus or commission must be tied to specific measurable standards that are documented in writing as part of the employment contract.
 4. The financial terms and measurable standards for the bonus or commission must be reviewed by the vice chancellor of legal affairs and approved by the President prior to the preparation of the employment contract. In the case of employment contracts that must be forwarded to the Board of Regents per System policy, the bonus or commission must be approved by the Chancellor and the Board of Regents.
 5. The bonus or commission cannot be paid with state-appropriated funds.
 6. The bonus or commission shall not become part of the employee's base salary.
 - b. A bonus or commission is not to be confused with a special, one-time monetary award that may be presented to professional staff in recognition of length of service or as part of a competitive award program to recognize superior accomplishments in teaching, research, creative activity, service, or advising.

(B/R 6/21)

Section 26. NSHE Executive Salaries

1. Chancellor: The initial salary for the Chancellor shall be set by the Board of Regents.
2. System Executive Staff: The initial salary for the vice chancellors and equivalent positions shall be set by the Chancellor, subject to section 27 of this chapter.
3. Board Officer: The initial salary for the Chief of Staff to the Board of Regents shall be set by the Board.

(B/R 12/19)

Section 27. Initial Placement on the Salary Schedule

1. The provisions of this section are applicable to all employment positions, including executive, administrative and academic faculty positions at all institutions.
2. Initial placement of positions will be made within the range for that position as reflected in the approved and applicable salary schedule. Placement should be based on factors such as prior experience, appropriate credentials, length of service, and quality of performance. Except as otherwise provided in this section, initial placement must fall between the minimum salary and Q2/median/mid-range on the applicable salary schedule.
3. Initial placement at a level higher than Q2/median/mid-range, but within the range, must (a) be accompanied by written justification and evidence of substantial experience or credentials relative to the position, and (b) be approved by the President (for institutional positions) or Chancellor (for System positions).
4. Initial placement for institutional positions above the range of the applicable salary schedule must be approved by the Chancellor before an offer is made. All institution requests for such placement must be (a) signed by the institution president and (b) explain why the candidate is unlikely to accept employment without an exception to the salary schedule, including factors such as the candidate's extraordinary qualifications and experience, the competitive nature of the field or discipline, and the candidate's salary history. Initial placement above the range of the applicable salary schedule should be rare and may only be approved by the Chancellor after he or she has consulted with the Board Chair. On or before August 1, of each year, a report shall be provided to the Board detailing, by institution, all requests for initial placement of positions above the applicable salary schedule during the immediately preceding fiscal year.
5. Initial placement of System positions above the range of the applicable salary schedule must be approved by the Chancellor before an offer is made. All System requests for such placement must be (a) signed by a vice chancellor of equivalent position overseeing the position, and (b) explain why the candidate is unlikely to accept employment without an exception to the salary schedule, including factors such as the candidate's extraordinary qualifications and experience, the competitive nature of the field or discipline, and the candidate's salary history. Initial placement above the range of the applicable salary schedule should be rare and may only be approved by the Chancellor after he or she has consulted with the Board Chair. On or before August 1 of each year, a report shall be provided to the Board detailing all System requests for initial placement of positions above the applicable salary schedule during the immediately preceding fiscal year.

(B/R 12/19)

Section 28. Ongoing Review and Approval of Executive Salaries and Annual Report to Board on All Employment Positions

1. After initial placement on the appropriate executive salary schedule, executive salaries shall be reviewed and approved as follows:

- a. Deans: Any proposed salary adjustments for deans (executive directors at DRI) at the member institutions, exclusive of COLA, shall be recommended by the appropriate vice president, approved by the President, and forwarded for information to the Chancellor annually. If any recommended salary falls outside the Board-approved salary range for that position, it must be approved by the Chancellor.
 - b. Vice Presidents: Any proposed salary adjustments for vice presidents or equivalent positions at the member institutions, exclusive of COLA, shall be approved by the President and reported to the Chancellor.
 - c. Presidents: Any proposed salary adjustments for Presidents, exclusive of COLA, shall be (i) recommended by the Chancellor in consultation with the Board Chair based on performance criteria assessed in an annual or periodic evaluation, and (ii) be approved by the Board of Regents. The Chancellor's recommendation must conform to guidelines set by the Board of Regents and be reported to the Board. The report shall provide the Chancellor's rationale for the salary adjustment, including information on the manner in which the President's performance exceeded his or her performance program and goals.
 - d. System Executive Staff: Any proposed annual salary adjustments for vice chancellors exclusive of COLA, shall be approved by the Chancellor based on performance criteria assessed in an annual evaluation. The Chancellor's recommendation must conform to guidelines set by the Board of Regents and be reported to the Board. The report shall provide the Chancellor's rationale for the salary adjustment, including information on the manner in which the individual's performance exceeded his or her performance program and goals.
 - e. Board Officer: Any proposed annual salary adjustments for the Chief of Staff to the Board of Regents, exclusive of COLA, shall be recommended by the Board Chair, based on performance criteria assessed in an annual or periodic evaluation, and approved by the Board of Regents. The Board Chair's recommendation must conform to guidelines set by the Board of Regents.
 - f. Chancellor: Any proposed salary adjustments for the Chancellor, exclusive of COLA, shall be recommended by the Board Chair, based on performance criteria assessed in an annual or periodic evaluation, and approved by the Board of Regents. The Board Chair's recommendation must conform to guidelines set by the Board of Regents.
2. On or before August 1 of each year, a report shall be provided to the Board of Regents detailing, for the immediately preceding year, the following for all employment positions, including executive, administrative and faculty positions, for each institution and System Administration:
- a. A list of position, by department, school or functional area, that received a salary increase or adjustment (singular or aggregate) of ten percent (10%) or greater during that fiscal year, exclusive of cost-of-living or merit increases.
 - b. A list of positions, by department, school or functional area, that received performance bonuses or commissions pursuant to Section 25 of this chapter.

- c. A list of positions, by department, school or functional area, that receive an equity adjustment pursuant to Chapter 3, Section 2.3 of the *Procedures and Guidelines Manual*.
- d. A list of positions, by department, school or functional area, that received any type of back-pay or retroactive compensations and the reasons for such compensation.

(B/R 12/19)

Section 29. Policies for Executive Salary Increases.

The following policies shall govern deliberations by the Chancellor and the Board, as the case may be, in recommending salary increases for the Chancellor, Presidents, vice chancellors (or equivalent positions) and the secretary to the board:

1. Any recommendation for an annual merit increase must be based on meritorious performance, documented in a written annual evaluation, which substantially exceeds the individual's performance program and goals for the year and has dramatically moved and shaped the individual's department and/or institution.
2. In years in which a cost-of-living adjustment is made for all NSHE professional employees, the Chancellor and the Board may, at their discretion, recommend no more than a 1 percent increase in salary for meritorious performance. In years in which there is no cost-of-living adjustment for NSHE professional employees, the recommendation shall not exceed a 2.5 percent increase in salary for meritorious performance. In either case, the recommendation will take into consideration any budgetary constraints in the fiscal year in which the salary increase will take effect.
3. Increases in salary for meritorious performance may not be awarded across the board to the executives governed by this section.
4. Salary increases, other than merit increases as governed and limited by the provisions of subsection 2, approved by the Chancellor in accordance with the provisions contained in Section 28 of this Chapter must be reported to the Board. The report shall provide the Chancellor's rationale for the salary adjustment, including information on the manner in which the individual's performance exceeded his or her performance program and goals.
5. Salary increases, other than merit increases as governed and limited by the provisions of subsection 2, recommended by the Board Chair in accordance with the provisions contained in Section 28 of this Chapter must be approved by the Board. The recommendation shall provide the Board Chair's rationale for the salary adjustment, including information on the manner in which the individual's performance exceeded his or her performance program and goals.

(B/R 12/17)

Section 30. Executive Perquisites.

Executive perquisites are set by the Board of Regents as part of the employment contract and shall be provided to the Chancellor, institutional Presidents, and other executives as determined by the Board of Regents. The Board may elect to provide an individualized set of perquisites to each executive in negotiation with the Chancellor. Appropriate perquisites may be pro-rated for time served by persons appointed to interim executive positions, the terms of which shall be set in the interim employment contract. Executive perquisites shall include, but not be limited to:

- a. Car Allowance: Either a car or a car allowance shall be granted to the Chancellor and the institutional Presidents. The car allowance shall be set at \$8,000 per year, with this dollar amount to be reviewed every 3 years. Car allowances shall not be provided to other executives; however those executives shall be reimbursed for mileage according to state guidelines for use of personal vehicles on the job.
- b. Housing Allowance: A housing allowance shall be granted to the Chancellor and the institutional Presidents. The housing allowance shall be set at \$12,000 per year for the Chancellor, community college Presidents, and DRI President. The housing allowance for the state college President shall be set at \$15,000 per year. The housing allowance for the University Presidents shall be set at \$18,000 per year. The dollar amounts shall be reviewed every 3 years. Dual housing allowances and housing allowances for other executives may be granted at the discretion of the Board of Regents. (B/R 10/03)
- c. Relocation Expenses: Relocation expenses shall be reimbursed within the guidelines and limits set by the State of Nevada and in the manner prescribed by state regulations.
- d. Other Perquisites: The Board of Regents may, at its discretion, grant other perquisites on a case-by-case basis to the Chancellor, institutional Presidents, and other executives as part of the person's employment contract.

(B/R 10/04)

Section 31. Other Salary Supplement

The Board of Regents, at its discretion, may permit the Chancellor and institutional Presidents to receive a salary supplement contributed from, and with prior consent of, private sources in addition to their base, state-funded compensation. All privately funded salary supplements must be approved in advance by the Board of Regents and will be irrevocable for the tenure of the President. The supplement must be made to the employee by and through the institution in accordance with provisions contained in Title 4, Chapter 10, Section 10 (A) (6) (a).

(B/R 10/03)

Section 32. Regents Professor and Emeritus Status

1. Presidents who choose to retire from NSHE after serving as President for a period of at least five years are eligible for emeritus status. Former Presidents granted emeritus status shall be provided office space on campus and attendant privileges. Emeritus status must be recommended by the Chancellor and approved by the Board of Regents.

2. Upon the recommendation of the Chancellor and the approval of the Board of Regents Presidents who elect to assume or resume a faculty position after serving as President for a period of at least ten years shall be awarded the title of Regents Professor.
3. The Regents Professorship provides an office, a part-time secretary, telephone, personal computer, allowances for supplies and travel, in addition to parking and library privileges as an active faculty member. Regents Professors shall provide an annual report of their activities to appropriate campus officers, the Chancellor's Office and the Board of Regents.
4. A Chancellor who becomes a Regents Professor may choose the campus at which he or she wishes to serve, and may, following appropriate consultation, move to another campus from time to time. Presidents who wish to serve at institutions other than their own may do so if such service is mutually agreeable.
5. To the extent practicable, and where not inconsistent with the individual's assigned teaching duties at the institution, the costs and salary and fringe benefits of Regents' Professorships shall be borne by the NSHE institutions. The costs and salary and fringe benefits for the Chancellor's Regents Professor shall be borne by the Board of Regents.
6. The word "President" in this section is intended to apply as well to former Chancellors of NSHE. Emeritus status and Regents Professorships for former Chancellors must be recommended by the Chairman of the Board of Regents and approved by the Board. A former President or Chancellor that does not meet the five year service requirement in Subsection 1 may nonetheless be granted emeritus status in recognition of extraordinary performance or achievement as determined by the Board of Regents.

(B/R 9/17)

Section 33. Presidential Transition

1. When the President of a NSHE institution requests reassignment from the presidential position to an employment position as a full time member of the academic faculty of the institution, the outgoing President's salary shall be no more than that of a leading academic faculty member in the field or discipline to which the outgoing President will be reassigned.
2. At the time of a President's request for reassignment, the Chancellor shall conduct an evaluation of the President's overall professional performance in office and the location of the assignment where the outgoing President might best contribute to an academic unit at the institution. Based upon this evaluation, the Chancellor shall provide:
 - a. An appropriate rank (where applicable) and term contract in a specific academic unit in the institution; and
 - b. An academic year salary up to, but not exceeding, the level of a leading academic faculty member in the field or discipline to which the outgoing President will be reassigned. The Chancellor may be required to estimate, based upon information from other NSHE institutions, what that salary level should be in cases where there are no academic faculty members in the unit to which the outgoing President will be reassigned, whose seniority and career accomplishments match those of the outgoing President.

3. An outgoing President may request a period of professional development leave in which to prepare to return to the duties of a full time academic faculty member. The outgoing President shall submit a proposal for the Chancellor's review and approval describing a plan of activity during the leave, together with a written commitment from the outgoing President agreeing to the performance of academic duties in the academic faculty position for at least one (1) year after the completion of the leave. The Chancellor shall specify the terms of the leave, including the following:
 - a. Duration: Leave shall be for a period of one semester only (four months for the Desert Research Institute), provided, however, that the Chancellor may approve a leave up to one academic year (one fiscal year for the Desert Research Institute) in exceptional circumstances as shall be documented in the outgoing President's leave proposal;
 - b. Salary: The outgoing President's salary during the period of professional development leave shall be set up to, but no greater than, the mid-point between the presidential salary of the outgoing President and the eventual academic faculty salary;
 - c. Expenses: The Chancellor may also recommend special travel and other research expenses for the outgoing President during the professional leave period, provided, however, that the justification for such expenses is documented in the request for leave.

Perquisites associated with the office of President, including, but not limited to, automobile, housing and host allowances, shall not be continued during the period of the leave. The costs, salary and fringe benefits payable to the outgoing President during the period of the leave shall be borne by the outgoing President's institution.

4. In the event of an involuntary reassignment of a President of a NSHE institution to an academic faculty position in the institution, continuation of the salary, fringe benefits and perquisites, if any, during the remainder of the term of the then-current employment contract of the outgoing President shall be determined by the provisions of the then-current employment contract. Upon expiration of the outgoing President's then-current employment contract, the salary and, if still applicable, the leave provisions of this section shall be applied to the former President.

(B/R 12/09)

Section 34. Vice Presidential Transition

1. When the vice president of a NSHE institution requests reassignment from the vice presidential position to an employment position as a full time member of the academic faculty of the institution, the outgoing vice president's salary shall be no more than that of a leading academic faculty member in the field or discipline to which the outgoing vice president will be reassigned.
2. At the time of a vice president's request for reassignment, the President of the NSHE institution shall conduct an evaluation of the vice president's overall professional performance in office and the location of the assignment where the outgoing vice president might best contribute to an academic unit at the institution. Based upon this evaluation, the President shall determine:

- a. An appropriate rank (where applicable) and term contract in a specific academic unit in the institution; and
 - b. An academic year salary up to, but not exceeding, the level of a leading academic faculty member in the field or discipline to which the outgoing vice president will be reassigned. The President may be required to estimate, based upon information from other NSHE institutions, what that salary level should be in cases where there are no academic faculty members in the unit to which the outgoing vice president will be reassigned, whose seniority and career accomplishments match those of the outgoing vice president.
- 3. An outgoing vice president may request a period of professional development leave in which to prepare to return to the duties of a full time academic faculty member. The outgoing vice president shall submit a proposal for the President's approval describing a plan of activity during the leave, together with a written commitment from the outgoing vice president agreeing to the performance of academic duties in the academic faculty position for at least one (1) year after the completion of the leave. The proposal shall specify the terms of leave including the following:
 - a. Duration: Leave shall be for a period of one semester only (four months for the Desert Research Institute), provided, however, that the President may approve a leave up to one academic year (one fiscal year for the Desert Research Institute) in exceptional circumstances as shall be documented in the outgoing vice president's leave proposal;
 - b. Salary: The outgoing vice president's salary during the period of professional development leave shall be set up to, but no greater than, the mid-point between the vice presidential salary of the outgoing vice president and the eventual academic faculty salary;
 - c. Expenses: The President may also approve special travel and other research expenses for the outgoing vice president during the professional leave period, provided, however, that the justification for such expenses is documented in the request for leave. Perquisites associated with the Office of vice president, including, but not limited to, automobile, housing and host allowances, shall not be continued during the period of the leave. The costs, salary and fringe benefits payable to the outgoing vice president during the period of the leave shall be borne by the outgoing vice president's institution.
- 4. In the event of an involuntary reassignment of a vice president of a NSHE institution to an academic faculty position in the institution, continuation of the salary, fringe benefits and perquisites, if any, during the remainder of the term of the then-current employment contract of the outgoing vice president shall be determined by the provisions of the then-current employment contract. Upon expiration of the outgoing vice-president's then-current employment contract, the salary and, if still applicable, the leave provisions of this section shall be applied to the former vice president.

5. The principles stated in this section shall also be applied by each NSHE institutional President to administrators below the level of vice president who request reassignment or are involuntarily reassigned from their administrative positions to employment positions as full time members of the academic faculty of the institution. Upon the adoption or amendment of a policy implementing such principles, each President shall provide a copy of each adopted or amended policy to the Chancellor.

(B/R 10/04)

Section 35. Community College Professional Advancement Program

1. Eligibility For Professional Advancement

All academic faculty holding a .50 FTE or above and who have been placed on the Academic Faculty Salary Schedule are eligible for this plan.

2. Expense Encumbrance or Reimbursement Disclaimer

- a. The college will not pay nor shall a faculty member have caused any liability or encumbrance to accrue to the college for expenses the faculty member entered into during the course of the professional advancement program, except where otherwise allowed by the President, in writing, or by Board of Regent policy.
- b. The professional grant-in-aid, allowed under the provisions of Title 4, Chapter 3, Section 12, may be used to pay for course work taken within the NSHE (NSHE).

3. Voluntary Program

Participating in the Professional Advancement Program is completely voluntary. No administrator may require any faculty member to participate in the program.

4. Faculty Senate Review Committee for Professional Advancement Appeals

A Faculty Senate Committee will be convened by and report to the Faculty Senate Chair when an appeal for denial of professional advancement is received. It is the responsibility of the applicant to make his/her case for professional advancement in the written application that this committee will review. The committee may call for additional assistance from program area faculty.

5. The Chancellor shall prescribe in procedures a program outline for professional advancement, program standards, and an appeals process.

(B/R 12/19)

Section 36. Summer Term Salary Schedules

Salary schedules for summer session faculty at all NSHE institutions shall be reviewed and updated annually by the President's office at each institution and approved by the Chancellor. Any proposed revisions to the schedules shall not go into effect until approved by the Chancellor. The Chancellor shall provide a report to the Board of Regents regarding any approved salary schedule changes. Summer term salary schedule reviews and updates will not occur more frequently than annually.

(B/R 12/19)

Section 37. Enhanced 12-Month Contracts for Academic Nursing Faculty

The following provisions are applicable to all NSHE institutions that have academic nursing programs.

1. If the institution adopts a three semester model for its nursing program, the institution may employ full-time academic nursing faculty under a B3 contract.
2. Nursing faculty employed by the institution under a B3 contract must adhere to the faculty workload requirements defined in Title 4, Chapter 3 for each of the three semesters. The institution will report annually to the Chancellor's Office the number of academic nursing faculty employed under B3 contracts and the total number of credit hours taught during each semester of contract.
3. Compensation for academic nursing faculty under a B3 contract shall be determined based on the approved nine-month academic salary schedules approved by the Chancellor times 1.5.

(B/R 12/23)

Section 38. Reduced Appointments for Tenured Faculty

1. A faculty member with a full-time tenured appointment may, by mutual agreement of the faculty member and the President of the faculty member's institution, be given a reduced appointment of less than 1.00 FTE, but no less than 0.50 FTE, under terms and conditions mutually agreed to in writing by the faculty member and the President, and which will be attached to or otherwise included in the faculty member's employment contract. A tenured faculty member agreeing to such a reduced appointment shall retain tenure. Such a reduction shall be issued only at the discretion of the institutional President.
2. A tenured faculty member agreeing to a reduced appointment under this section shall be reinstated to full-time employment either upon mutual agreement of the faculty member and the President or upon the direction of the President, which direction must be given in writing at least one year in advance of such reinstatement.
3. The institution, at the time of implementing this policy, will set a limit on the number of appointments made.

(B/R 12/19)

Section 39. Emeritus/Emerita Status

1. Emeritus/Emerita status is an honor, which may be awarded to full-time faculty, and professional staff who retire after distinguished and long-term achievement and service to a NSHE institution or to a NSHE System Administration unit. Recommendations for emeritus/emmerita status will be based upon appropriate review processes established at each institution and shall be approved by the President or the Chancellor, in the case of System Administration recommendations. Normally a minimum of ten year's service is required prior to conferral of the title of emeritus/emmerita. The President or Chancellor must provide 5 working days notice to the institutional or System faculty senate prior to approving Emeritus/Emerita status.
2. A person granted the title Emeritus/Emerita is considered to have lifetime status as a NSHE employee.
3. Emeritus faculty and professional staff, their spouses and financially dependent children are eligible for grant-in-aid privileges equivalent to those provided pursuant to Title 4, Chapter 3, Section 11.
4. Institutions may adopt such policies concerning additional benefits for emeritus faculty as are considered appropriate. Such policy statements, or a summary thereof, shall be in writing and, as appropriate, included in the administrative manual or faculty handbook of the institution. Additional benefits that may be adopted for System Administration emeritus faculty or staff shall be established in cooperation with a specific NSHE institution on a case-by-case basis.

(B/R 12/19)

Section 40. The NSHE Anti-Drug Policy Statement

1. The NSHE prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace. Any employee who violates this policy is subject to disciplinary action, which may include termination of employment.
2. During the course of employment, any employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance must be terminated as required by *Nevada Revised Statutes* 193.105, regardless of where the incident occurred.
3. Any employee who is convicted of unlawfully giving or transferring a controlled substance to another person or who is convicted of unlawfully manufacturing or using a controlled substance while acting within the scope of his/her NSHE employment will be subject to discipline up to and including termination.
4. The term, "controlled substance" means any drug defined as such under the regulations adopted pursuant to *Nevada Revised Statutes* 453.146. Many of these drugs have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack." They also include "legal drugs" which are not prescribed by a licensed physician.

5. Each State employee is required to inform his or her appointing authority within five days after he or she is convicted for violation of any federal or state criminal drug statute when such violation occurred while representing the NSHE or on the premises.
6. Any government agency with which the NSHE holds a contract or grant will be notified within ten days after receiving notice that an employee of the agency was convicted within the meaning used in paragraph 4, above.
7. Employees desiring more information concerning substance abuse, or seeking information on counseling may contact the designated Employee Assistance Representative for their institution.

(B/R 12/19)

Section 41. Letters of Appointment and Temporary Faculty Policies and Benefits

1. Definitions

- a. Letter of Appointment. 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. If the appointment is for a period greater than one year, it must be approved by the President or Vice President.
- 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. If the appointment is for a period greater than one year, it must be approved by the President or Vice President. The duration of the appointment may be extended when approved by the President or Vice President.
- c. A half time or more assignment for temporary faculty is:

For teaching faculty at a community college, an assignment equivalent to ten (10) credit hours or more for the semester.

For teaching faculty at a state college, an assignment equivalent to nine (9) credit hours or more for the semester.

For teaching faculty at a University, an assignment equivalent to eight (8) credit hours or more for the semester.

For non-teaching faculty and teaching faculty teaching non-credit courses, an assignment equivalent to twenty (20) hours or more per week.

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 Vice President.

2. Benefits of 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 faculty member employed on a "letter of appointment" or as an Hourly Faculty is entitled to the following benefits:

Grant-in-aid as outlined in the Board of Regents' *Handbook* (Title 4, Chapter 3, Section 13), and

NSHE voluntary tax-sheltered annuity plan.

- b. Letter of Appointment with Benefits. A faculty member employed on a "letter of appointment with benefits" is entitled to the following benefits:⁸

Grant-in-aid as outlined in the Board of Regents' *Handbook* (Title 4, Chapter 3);

NSHE voluntary tax-sheltered annuity plan; and

State of Nevada health insurance program under *Nevada Revised Statutes* 287.045.

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

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

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.

3. Letter of Appointment, Letter of Appointment with Benefits and Hourly Letter of Appointment 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.
- 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 12/19)

Section 42. Employment of Temporary, Part-Time Instructors

1. PURPOSE

This policy is designed to govern practices at institutions of the Nevada System of Higher Education (NSHE) related to selection processes, appointments, contracts, and conditions of employment for temporary, part-time instructors to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for these employees at all NSHE institutions.¹

¹ Nothing in this policy shall be deemed to create any right, claim to or eligibility for full-time or permanent

2. APPLICABILITY

Application to Part-Time Instructors. This policy applies only to faculty members of the NSHE institutions (a) who are employed on a temporary, less than full-time basis, (b) who are neither tenured nor eligible for tenure, (c) whose responsibilities are primarily or exclusively in instructional programs, and (d) who are compensated on a per-course basis.

3. EMPLOYMENT CATEGORIES

Institutions may establish employment categories for part-time instructors that recognize long-standing and exceptional service to the institution. Such additional employment categories and the criteria for advancement must be set forth in written institutional procedures approved by the institutional President or designee. The institutions may provide additional compensation based upon advancement categories.

4. POLICY

a. Hiring.

1. Credentials. Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to part-time instructor positions and procedures for verification of those credentials. The standards may vary depending on the level of courses to be taught.

Any exceptions to the standard must be approved by the institutional President or designee.

2. Selection Procedures. The institutional President or designee shall ensure that each department or unit has in place written procedures for selecting part-time instructors. Selection procedures shall reflect the commitment of the NSHE and the institution to equal employment opportunity.

b. Employment.

1. Contracts/Letters of Appointment. Each part-time instructor shall be provided with a written contract or formal letter of appointment, in accordance with Board of Regents' *Handbook*, Title 4, Chapter 3, Section 45. The contract or letter shall state the employment category, length of appointment, time of service, per cent of full-time or number of credit hours, salary, whether or not the appointment is renewable, nature of the assignment, and benefits (if any).
2. Information for Part-Time Instructors. The part-time instructor shall have access to the NSHE and institutional policies and procedures in a written or electronic version.
3. Term of Employment. Initial contracts or letters of appointment shall be for a period of one semester, but subsequent contracts may be for longer periods not to exceed one year.

c. Working Conditions.

1. Support for Teaching. The appointing institution shall provide each part-time instructor with the support it determines to be necessary for the execution of the appointee's duties and also address the following:
 - i. Attendance at departmental and institutional orientation sessions when practical;
 - ii. Information on the department's policies, requirements, and goals for each course, along with access to examples of course syllabi (if available);
 - iii. Official schedule of classes, including academic calendar and time frames of class meetings;
 - iv. Information or assistance regarding the ordering of textbook(s) for the course(s), ancillaries for the text(s), and office supplies;
 - v. Access to copying services for course materials;
 - vi. A place for meeting with students, as needed, except if instruction is completely technology-mediated; and
 - vii. An institutional email account.
2. Professional Development. Professional development opportunities for part-time instructors should be supported by the institutions which may include, to the extent permissible, extending invitations to departmental, college, or institutional faculty development events.
3. Performance Evaluation. The institutional President or designee shall ensure that each department or unit has in place written procedures for evaluating part-time instructor performance periodically, as defined in institutional procedures. Evaluations shall be kept on record in a personnel or department file and shall be consulted when decisions about promotion, salary, and any subsequent contract or letter of appointment are made.
4. Participation in Campus Community. To the greatest extent possible, part-time instructors shall be integrated into the scholarly, intellectual, academic, and social functions of the department or unit, and institution.
5. Shared Governance Participation. Institutions shall provide shared governance opportunities for part-time instructors to communicate their concerns to campus administration and participate in the development and implementation of policies and procedures related to part-time instructors.

(B/R 12/19)

Section 43. Leave Without Pay

1. If an academic or administrative faculty member is absent from work without authorized leave, as defined in this Chapter, the absence must be charged as unauthorized leave without pay.

2. Unauthorized leave may be grounds for disciplinary action; however, placement of a faculty member on leave without pay under this section shall not constitute a disciplinary action, as defined in Title 2, Chapter 6 of the Code. If a disciplinary action is brought under Title 2, Chapter 6 of the Code, any disciplinary measures are in addition to the absences charged as unauthorized leave under section 1 above.

(B/R 12/19)

Section 44. Background Check

1. Required Background Check of Childcare Workers and Volunteers.

- a. Each institution with a childcare facility shall comply with all licensing and background check requirements established in state law. To the extent the Board of Regent's policy conflicts with any state law requirements, or if applicable, any local licensing requirements, the provisions of state law or applicable local licensing requirements control.
- b. An employee who has submitted the necessary application to the state (or where permitted by law, a local licensing authority) may commence work in a childcare facility prior to completion of the background check if the employee is: 1) not left alone with children (meaning another employee is always present); or 2) has successfully completed an initial background check of criminal history by obtaining a current sheriff/police card through the County/City, or by means of an investigation of criminal history by a national criminal background check firm.
- c. Any individual, whether volunteer or part-time, not requiring a background check under state law must: 1) not be left alone with children (meaning another employee is always present) or 2) complete a criminal background check by obtaining a sheriff/police work card through the County/City, or by means of an investigation of criminal history by a national criminal background check firm.

2. Application Requirements

- a. Any prospective volunteer or employee in a childcare facility must complete an application for the consideration of employment or volunteer activities. The applicant must disclose 1) any prior convictions, whether or not expunged or based on a no contest plea, except for minor traffic/parking offenses; 2) current use of illegal drugs; 3) any arrest involving offenses related to child abuse or exploitation, child pornography, sexual assault or rape, sexual misconduct of any type involving a minor, assault, battery, murder, attempted murder or manslaughter; 4) prior employment history for the last ten years (recognizing that some individuals may not have been working for that time period); and 5) references. References and employment history must be verified prior to commencing employment or beginning volunteer activities.

- b. The facility shall evaluate all information received in the application in determining whether employment should be offered or volunteer activities permitted. Incomplete applications for employment or volunteer activities may not be considered. Any employment offer or commencement of volunteer activities is contingent upon successful completion of a criminal background check where required under state law or any applicable local licensing requirements, as well as other restrictions noted in this section.

3. Definition of Volunteer

For the purposes of this section, the term “volunteer” does not include a parent or guardian of a child who is enrolled in the childcare facility, nor does it include students participating in an educational program. Parents, guardians and students should, however, be supervised during visits to the childcare facility.

4. Applicability to Classified Employees

This policy is not generally applicable to the employment of classified employees, as such employment is governed by state personnel rules, except that classified employees may not commence work at a childcare facility prior to completion of any background check required by state law, or any applicable local licensing requirements, unless 1) the employee has submitted an application to the state (or if permitted by law, a local licensing authority) and 2) the employee is not left alone with children (meaning another employee is always present).

5. Subsequent Convictions or Illegal Drug Use.

Employees subject to this background check policy are required to report to his or her supervisor any convictions or illegal drug use as described in Section. 2.a above, which occurs after employment with NSHE.

(B/R 12/19)

Section 45. Background Reviews of NSHE and Non-NSHE Personnel in Programs or Activities Involving Children

1. Institutions to Review Programs/Activities and Adopt Policy. Each institution shall review its programs and activities involving children to determine whether and to what extent background reviews should be conducted on individuals who will supervise or work in the programs or activities. The institutions may, based on the program and activity review, require background reviews and updates of reviews of employees who supervise or work in programs or activities involving children.
2. Applicability. All NSHE employees and volunteers who supervise or work in programs or activities involving children may be required to undergo a background review, which may include criminal history. Outside persons (non-NSHE personnel), who request permission to use NSHE facilities for programs or activities involving children, may also be required to undergo a background review, including criminal history. This policy does not apply to individuals who are present at NSHE facilities solely to attend public events or to use facilities that are open to the public.

3. Payment for Cost. Outside persons (non-NSHE personnel) may be required to pay for the cost of the background review.
(B/R 12/19)

Section 46. Fitness for Service

1. Policy Statement.

- a. NSHE is committed to providing a safe workplace. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for service may present a safety hazard to themselves, to other employees, to students, or to the public. All employees are required to report to work fit for service and able to perform their job duties in a safe, appropriate and effective manner. This policy applies to all full-time and part-time professional employees. This policy will be interpreted and applied so as to conform to applicable law, including the Americans with Disabilities Act, the Rehabilitation Act, HIPAA and the Family and Medical Leave Act.
- b. Definitions.
 - i. "Fit for service" means able to perform the duties of the job in a safe, secure, productive, and effective manner, with or without reasonable accommodation.
 - ii. "Health service provider" is a doctor of medicine or osteopathy, dentist, podiatrist, psychiatrist, clinical psychologist, optometrist, nurse practitioner, physician assistant, nurse-midwife, or a licensed clinical social worker or other health care practitioner who is authorized to practice in the state of Nevada or licensed in the state in which the health service provider resides or works.
 - iii. "Essential Functions of the Position" generally includes the required major duties and responsibilities of the position, specific tasks associated with the position, and physical, mental and environmental demands of the position, which may be set forth in writing such as a role statement, position description or similar document.

2. Placing an Employee on Leave and Requiring Medical Examination and Return to Work Certification.

- a. Placing an Employee on Leave. An appointing authority or designee, after consultation with the institution's Human Resources department and institution or unit counsel, may require an employee to take paid sick leave, annual leave or unpaid leave and require the employee to undergo a medical examination and return to work certification if, based upon a written recommendation from the employee's supervisor, the employee:
 - i. Poses a significant risk of substantial harm to the health and safety of the employee or others that cannot be eliminated or reduced with or without reasonable accommodation; and/or

- ii. Due to a known or suspected illness or injury is not able to perform the essential functions of his or her position with or without reasonable accommodation.

The employer will consider whether the mandatory leave also qualifies as Family and Medical Leave which may only be granted if the employee is otherwise eligible for such leave.

- b. Meeting with Employee and Documentation. The employer shall document the reason for placing an employee on leave and shall provide the employee with a copy of such documentation including a copy of this policy. The employer shall meet with the employee before placing him or her on leave to explain the reasons for the action, unless such a meeting poses a significant threat of substantial harm to the health or safety of the employee, his or her fellow employees, students or the public or unless the employee refuses to attend the meeting. If the meeting is not held as provided under this subsection, the employer shall inform the employee in writing of the reasons the meeting was not held.
 - c. Access to Premises, Equipment and Resources. Whenever there is reasonable cause to believe that life, limb, property or the maintenance of order are at risk, the appointing authority or designee may withdraw consent for the employee to enter or remain on the institution premises and to use institution equipment or resources until the employee is returned to work following the initial medical examination or following a return to work certification. The reasons for the withdrawal of such consent must be given to the employee in writing at the time of the meeting required in subsection b. above.
3. Initial Medical Examination and Return to Work Certification.
- a. Initial Medical Examination. If the appointing authority places the employee on leave pursuant to subsection 2 above, the appointing authority or designee shall require the employee to undergo an initial medical examination performed by a health service provider selected by the employer to determine whether the employee:
 - i. poses a significant risk of substantial harm to the health and safety of the employee or others that cannot be reduced or eliminated with or without reasonable accommodation; and/or
 - ii. due to a known or suspected illness or injury is not able to perform the essential functions of his or her position with or without reasonable accommodation.

Employees are required to cooperate fully with the selected health service provider and must sign consent forms for both the medical examination and the communication of the results to the employer. The health service provider shall report the results of the medical examination in writing to the employer and employee on a form provided by the employer. The employer shall provide the health service provider with a written description of the essential functions of the employee's job, as defined in subsection 1(b)(iii) above. The final decision on whether a provider's medical examination determination will be accepted lies with the appointing authority or designee after consultation with Human Resources and institution or unit counsel. A second independent health

service provider medical examination may be required by the employer for reasonable cause documented in writing. The employer shall pay the costs of the medical examination(s). The determination of whether an employee is fit for service should be completed within a reasonable time of the employee being placed on leave in consideration of all of the relevant facts and circumstances.

- b. Return to Work Certification. If the medical examination(s) determines that the employee: i. poses a significant risk of substantial harm to the health or safety of the employee or others that cannot be reduced or eliminated with or without reasonable accommodation; and/or ii. due to a known or suspected illness or injury is not able to perform the essential functions of his position with or without reasonable accommodation, then the employee shall not return to work, unless and until he or she obtains a written return to work certification from a health service provider on a form provided by the employer. The employee must provide the health service provider the essential functions of his or her position as defined in subsection 1(b)(iii) above and a copy of the written determination(s) from the initial medical examination(s). The final decision on whether a health service provider's return to work certification will be accepted lies with the appointing authority or designee after consultation with Human Resources and institution or unit counsel. The employee is responsible for the cost of the return to work certification.

The employer may, for reasonable cause documented in writing, require a second return to work certification² by a health service provider, chosen and paid for by the employer. The employee is required to cooperate fully with the selected health service provider and must sign consent forms for both the return to work medical examination and the communication of the results to the employer. If the second return to work certification concurs with the first certification and has delayed the employee's return, the additional leave taken will be restored and/or the employee will be reimbursed for any unpaid leave.

4. Fitness for Service Records. Records created pursuant to this policy will be treated as confidential medical records and be kept separate from existing department and personnel files; this information can be disclosed in accordance with the provisions of the Code, Title 2, Ch. 5, Sec. 5.6.
5. Restoration/Payment for Leave. If, as a result of the medical examination(s) provided for in subsection 3.a above, the appointing authority or designee concludes that the employee is fit for service, any paid leave required to be taken by the employee shall be restored, except as provided herein. If unpaid leave was required, the employer shall pay the employee for those days of unpaid leave, unless the employee caused an unreasonable delay in obtaining the medical examination. If the employee caused an unreasonable delay, as determined by the employer and documented in writing, the employee shall not be paid nor have paid leave restored for the period of the delay.

² Note: A second return to work certification may not be required if the employee is certified to return to work while in FMLA status.

6. Finding that the Employee is not Fit for Service. If the appointing authority or designee determines that the employee is not fit for service in accordance with subsection 3.a above, the employer shall take appropriate action, which may include but is not limited to disciplinary action, in light of the particular circumstances, and consistent with NSHE policy and applicable law.

(B/R 12/19)

Section 47. Patient Protection and Affordable Care Act Compliance

The Patient Protection and Affordable Care Act (the “Affordable Care Act”) is federal legislation passed in 2010 that impacts health benefits coverage for employers and employees. NSHE shall comply with the employer shared responsibility requirements included in the Affordable Care Act. The Chancellor shall establish procedures and guidelines to comply with the employer shared responsibility requirements in the Affordable Care Act.

(B/R 12/19)

Section 48. Overtime Eligible Administrative Faculty

Administrative faculty positions which are considered non-exempt under the Fair Labor Standards Act are governed by the provisions contained in the *Procedures and Guidelines Manual*, Chapter 19, Section 5.

(B/R 12/19)

Section 49. Reporting Employee Contract Buyouts

Any employee contract buyout that occurs in whole or part as a result of a notice of non-reappointment or notice of termination pursuant to NSHE Code Title 2, Section 5.8 or 5.9 or in lieu of such notice must be approved in writing by the institution President and reported by the institution's General Counsel to the NSHE Chief General Counsel within five (5) business days of the President's approval. The report shall occur on a form prescribed by the Chief General Counsel that includes the name and title of the employee, the institution, the relevant dates, the amount of the buyout, and a justification for the buyout. The Chancellor shall prepare a public annual report to the Board regarding the number and amounts of any buyouts by institution, as well as those for the System Office, for the year.

(B/R 12/19)

Section 50. Annual Professional Performance Pay Awards

Effective no later than fiscal year 2023, on an annual basis all institutions and System Administration and its units shall establish a performance pay pool of at least one percent (1.0%) for the purpose of awarding salary adjustments based on meritorious performance in the prior performance evaluation year for professional employees. The Presidents, in consultation with the Chancellor, shall establish institutional procedures for awarding performance pay, including how award amounts will be determined and awarded. The provisions of this section may be suspended for an individual institution or the system as a whole. Requests for suspension of the provisions of this section must be presented to the Board with justification and require approval of the Board. Institutions will report annually to the Board on how the provisions of this section have been met.

(B/R 6/21)

Section 51. Limitations on Remote Work or Telecommuting Policies

If a policy is enacted by an institution or system administration that authorizes an employee to work remotely or telecommute for a temporary or extended period of time, it must advance the institution's mission and shall not reduce or impede the quality of instruction or service provided to students, co-workers, and the community.

Working remotely or telecommuting is not a right. It is a discretionary privilege, and if approved by a supervisor, it is subject to conditions on a case-by-case basis that may be amended or revoked. Not all positions will be eligible for working remotely or telecommuting, as some positions by their nature and responsibilities require daily in-person presence and interaction. Denial of an employee's request to work remotely or telecommute shall not be subject to any grievance, reconsideration, or appeal. Any policy developed pursuant to this Section must comply with all applicable policies and procedures set forth in the Board of Regents *Handbook*, the Code, and the *Procedures and Guidelines Manual*.

(B/R 6/21)