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NU-BOR-Bylaws-3.4

NU Board of Regents

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(c) **Monthly Class.** Members of the professional staff employed for periods of less than the standard academic year or on a part-time basis are normally paid on a monthly basis unless otherwise provided by individual contract or agreement at the time of appointment.

History: Amended, 62 BRUN 14 (28 Feb. 1998)

3.3.2 **Office and Service Staff.** Compensation to be paid a member of the office and service staff shall be determined by the President or the Chancellors, as appropriate, or their designated representatives, within the institutional policies established by the Office of the President and approved by the Board. Salaries and wages are paid on a biweekly basis.

History: Amended, 49 BRUN 300 (16 June 1984)
Amended, 42 BRUN 287 (24 March 1979)

3.3.3 **Student Employees.** Within institutional policies established by the Office of the President and approved by the Board, compensation for student employees shall be determined by the Chancellor or his or her designee and shall be paid biweekly.

3.3.4 **Method of Payment.** Salaries and wages shall be paid in State warrants. No compensation can be paid in advance of services performed. The Office of the President shall properly voucher and certify according to law all salary and wage claims, and shall present them to proper officials for issuance of warrants thereon, and deliver warrants received in pursuance thereof to the proper parties.

3.4 **Conditions of Employment for the Professional Staff.**

3.4.1 **Salary Termination.**

(a) For members of the professional staff on all-year or on monthly appointments, the proration shall be based upon the fractional part of the month represented by the calendar days preceding the date of termination, plus any unused vacation time earned during the appointment year.

For members of the professional staff on academic year appointments, compensation is divided equally between terms of the academic year. Pro rata compensation shall be based upon the fractional part of the term represented by the calendar days between the date service began and the date of termination, inclusive.

(b) **Upon Death.** The salary of full-time academic-administrative staff member shall terminate at the end of the month in which death occurs, provided, however, that this provision in no way abrogates the right to receive salary earned but not yet paid because of the method of prorating academic-year salaries over a 12-month period.

3.4.2 **Vacations.** Members of the managerial-professional staff designated in accordance with policy adopted by the Board, and all full-time members of the all-year academic-administrative staff shall earn and receive sixteen (16) hours of vacation per month, provided that, once an employee has accumulated two hundred eighty (280) hours of unused vacation, he or she shall not earn or receive additional vacation until his or her accumulated and unused vacation is less than two hundred eighty (280) hours.

For members of the academic-year staff, vacations are fixed by the University calendar for the academic year, normally the period between the end of the first academic term and the first working

day following the New Year's holiday (as defined by the President), and the period of the Fall and Spring Recesses.

Other members of the managerial-professional staff and other academic staff on all-year appointments shall earn and receive eight (8) hours of vacation per month during each of the first two years of employment, twelve (12) hours of vacation per month during the third through the fifth year of employment and sixteen (16) hours of vacation per month during each year thereafter, provided that, once an employee has accumulated two hundred eighty (280) hours of unused vacation, he or she shall not earn or receive additional vacation until his or her accumulated and unused vacation is less than two hundred eighty (280) hours.

In addition, all members of the professional staff are entitled to all legal and University holidays each year or their equivalent.

Except as to vacation fixed by the calendar for the academic year, employees shall be encouraged to take vacation each year during times that do not interfere with the conduct of University business.

History: Amended, 66 BRUN 81 (09 March 2007)
Amended, 43 BRUN 42 (18 May 1979)
Amended, 49 BRUN 300 (16 June 1984)

3.4.3 Leaves of Absence.

3.4.3.1 **Academic Leaves of Absence.** The President may approve leaves of absence not to exceed one year to members of the permanent professional staff holding fulltime appointments, or part-time appointments of at least one-half full-time equivalent (.5 FTE), with or without stipends, as follows:

- (a) To carry out a specific program of teaching, research, or other creative work when the described project seems significant and the qualifications of the applicant adequate to its attainment.
- (b) To acquire, through study, observations, interviews, travel, and cultural interchanges within the United States and abroad, new concepts, data, and procedures when, in the opinion of the appropriate committees and officers of the administration, such leaves will result in the improvement of the quality of instruction and research and contribute towards the enhancement of the scholarly prestige of the University.
- (c) To render services sponsored or approved by the University or otherwise recognized as significant, such as assisting in the establishment or operation of new teaching extension, or research programs in the United States and abroad.

Such leaves may be extended for one additional year with approval of the President. No leaves of absence with pay will be approved by the President except in cases where it is demonstrated to the satisfaction of the President that the best interests of the University will be substantially and directly promoted by granting such leave of absence with pay, and that the recipient of the leave of absence with pay has agreed to resume his or her duties at the University of Nebraska upon termination of the leave and continue such duties for a period of at least one academic year and, if he or she fails to do so in strict accordance with his or her agreement, agrees to reimburse the University for all pay received during the leave of absence.

All granting of leaves of absence shall be contingent on satisfactory replacement or other arrangements having been made to the end that instruction and research in the department involved will not be disrupted.

History: Amended, 48 BRUN 5 (15 Jan. 1983)
Amended 66 BRUN 37 (15 June 2006)

3.4.3.2 **Stipends for Leaves of Absence.** Stipends for academic leaves of absence shall be subject to the following conditions:

(a) No limitation is placed on total stipend in cases where leave is granted without University financial support.

(b) Staff members granted leave with University pay are permitted to accept grants to augment their income for the purpose of covering necessary travel expenses and increased cost-of-living while working outside the immediate University area.

(c) Leaves with pay ordinarily will not be granted for the purpose of carrying out work leading to higher degrees.

(d) The Board may provide for a regular system of sabbatical leaves for fulltime faculty members and administrators.

3.4.3.3 **Leaves of Absence Due to Disability.** Whenever a member of the managerial professional staff designated in accordance with policy adopted by the Board or any member of the full-time permanent academic-administrative staff is temporarily disabled due to illness or accident, such staff member upon approval of his or her supervising administrator shall be paid his or her regular salary during the period of such disability, but in no event exceeding a period of six months, less:

(a) The amount received during such time as worker's compensation; and

(b) The amount required, if any amount be required, to pay any substitute who has performed all or any part of the work of the incapacitated staff member. Substitutes shall be selected by the supervising administrator of the staff member. Whether such a substitute shall receive pay for such work performed or be permitted to substitute gratuitously for the incapacitated staff member shall be determined by the supervising administrator of the staff member.

Such leaves of absence may be extended beyond six months without pay upon recommendation of the Chancellor and the President and approval by the Board. Other members of the managerial-professional staff shall accumulate one day of sick leave per month for the first two years of employment; thereafter, the foregoing provisions for the academic-administrative staff shall apply.

In order to comply with the terms of existing United States Civil Service retirement regulations, Cooperative Extension staff with federal appointments will accumulate sick or injury leave at the rate of one month per year.

Past or present service retirement benefits will not be paid during the period of an extended disability leave.

History: Amended, 62 BRUN 47 (20 June 1998)
Amended, 49 BRUN 300 (16 June 1984)
Amended, 43 BRUN 43 (18 May 1979)

3.4.3.4 **Medical Maternity Leave.** Whenever any female member of the managerial professional staff designated in accordance with policy adopted by the Board or any female member of the full-time permanent academic-administrative staff is unable to work because of medical disability caused or contributed to by pregnancy, miscarriage, termination of pregnancy, childbirth and recovery therefrom, such staff member shall be granted disability leave as provided by Section 3.4.3.3 of these *Bylaws*, except there shall be no reduction in the staff member's regular salary during the period of disability leave for such reason.

Leave taken under this section shall be subject to Section 3.4.3.7 of these *Bylaws* relating to coordination with leave taken under the federal Family and Medical Leave Act.

History: Amended, 62 BRUN 47 (20 June 1998)

3.4.3.5 **Paternal Leave Upon the Birth of a Child.** A male member of the managerial-professional staff designated in accordance with policy adopted by the Board or any male member of the full-time permanent academic-administrative staff may take up to five (5) days paid leave upon the birth of a child for the purpose of providing care and assistance to his spouse and/or child. Leave taken for the purpose provided in this section shall be considered and accounted for as disability leave pursuant to Section 3.4.3.3 of these *Bylaws*, except there shall be no reduction in the staff member's regular salary during the period of disability leave for such purpose.

Leave taken for the purpose provided in this section shall also be subject to Section 3.4.3.7 of these *Bylaws* relating to coordination with leave taken under the federal Family and Medical Leave Act.

History: Added, 62 BRUN 47 (20 June 1998)

3.4.3.6 **Adoption Leave.** Upon commencement of the parent-child relationship by adoption of a child, any member of the managerial-professional staff designated in accordance with policy adopted by the Board or any member of the full-time permanent academic-administrative staff who is the primary care giver for the adopted child may take up to eight weeks paid leave to provide care and assistance to the child. Upon commencement of the parent-child relationship by adoption of a child, any member of the managerial-professional staff designated in accordance with policy adopted by the Board or any member of the full-time permanent academic-administrative staff who is not the primary care giver for the adopted child may take up to five days paid leave to provide assistance in the care of the child. For the purposes of this section, commencement of the parent-child relationship means the earlier of when the child is placed in the physical custody of the employee for the purposes of adoption or when the parent departs his or her home for the purposes of obtaining such physical custody of the child. Notwithstanding the forgoing, adoption leave shall not be available if the child being adopted is a special needs child over eighteen years of age, a child who is over eight years of age and is not a special needs child, a step child being adopted by his or her step parent, a foster child being adopted by his or her foster parent, or a child who was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician, or other individual or agency which later results in a petition for

the adoption of the child by the person with whom the voluntary placement was made. Leave taken for the purpose provided in this section shall be considered and accounted for as disability leave pursuant to Section 3.4.3.3 of these *Bylaws*, except there shall be no reduction in the staff member's regular salary during the period of disability leave for such purpose.

Leave taken for the purpose provided in this section shall also be subject to Section 3.4.3.7 of these *Bylaws* relating to coordination with leave taken under the federal Family and Medical Leave Act.

History: Amended, 63 BRUN 80 (29 September 2000)
Added, 62 BRUN 47 (20 June 1998)

3.4.3.7 Coordination with Family and Medical Leave. Under the federal Family and Medical Leave Act (FMLA), eligible faculty and staff have a right to take leave for qualifying events under FMLA, including birth of an employee's child or the placement of a child through adoption, and care of the child upon birth or placement through adoption. Any leaves taken pursuant to Sections 3.4.3.4, 3.4.3.5 and 3.4.3.6 of these *Bylaws* are considered to be qualifying events under FMLA, and will therefore be considered part of the leave period provided by FMLA.

History: Added, 62 BRUN 47 (20 June 1998)

3.4.4 Assignment of Duties. The service and teaching obligations for each full-time member of the instructional staff in any semester shall consist of such amounts of one or more of the types of services necessary for a successful University program, including teaching, research, directing and supervising research, advising or counseling, committee assignments, administrative duties, field work, extension activities, and other miscellaneous assignments as may be deemed reasonable in each instance by the department chair and Dean or director concerned, within standards approved by the Chancellor, the President, and the Board.

Members of the instructional staff other than those appointed primarily for research may be relieved of all or part of their teaching obligations for one or more semesters to pursue a program of research, if recommended by the appropriate research council, where established, and the Chancellor and the President, and approved by the Board. An instructional staff member who is relieved of all teaching obligations for one or more semesters to pursue a program of research shall be expected, as a rule, to resume regular teaching obligations after completion of the assigned program.

Employment by the University of members of the staff who are in the academic-year service class for non-instructional work during the summer vacation period shall be governed by the following:

(a) Such employment shall be limited to not more than three months.

(b) The monthly rate of remuneration for such employment shall not exceed one-ninth of the staff member's full-time remuneration during the preceding academic year.

(c) Vacation for such employment shall be earned at the rate of two days per month, and cannot be carried beyond the summer period in which it is earned.

History: Amended, 43 BRUN 168-169 (28 July 1979)
Amended, 42 BRUN 152 (10 Nov. 1978)

- 3.4.5 **Outside Employment.** Staff members employed on a part-time basis by the University, such as practicing lawyers or physicians, may engage in outside employment or activities unless it is expressly stipulated to the contrary in the conditions of employment.

Staff members employed by the University, other than those covered in the preceding paragraph, shall be encouraged to engage in professional activities outside the University as a means of contributing to the economic growth and development of the state as well as broadening their experience and keeping them abreast of the latest developments in their specialized fields; provided such activities do not interfere with their regular duties at the University, or represent a conflict of interest. Staff members may accept temporary or occasional employment for such professional services when such employment is recommended by the Dean of the college or director of the division involved and approved by the Chancellor or President, or their designees.

Specific approval of the Board is required before any members of the full-time professional staff:

- (a) May be retained to provide professional services outside the University to an individual person, client, company, firm or governmental agency over a time period lasting more than two years.
- (b) May accept professional employment requiring more than an average of two days per month during the period of his or her full-time University employment.

The President shall promulgate such executive policies as shall be necessary for administration and enforcement of this Section 3.4.5 including regulations covering the conduct of outside professional activity performed in University buildings using University equipment or materials that assure there is adequate consideration to the University for such use.

Nothing contained in this Section 3.4.5 shall affect the administration or enforcement of the Medical Service Plan or the Dental Service Plan at the University of Nebraska Medical Center, or any amendments or revisions thereof which have been approved by the Board.

History: Amended, 65 BRUN 142 (16 September 2005)

Amended, 56 BRUN 90 (22 June 1991)

- 3.5 **Terms and Conditions of Employment for the Office and Service Staff.** The terms and conditions of employment for the office and service staff shall be those set forth by the President or the Chancellors of the individual administrative units, as appropriate, or their designated representatives, within the institutional policies established by the Office of the President and approved by the Board. These terms and conditions of employment shall be made available to all employees in this category in the form of an employee handbook.

History: Amended, 49 BRUN 300 (16 June 1984)

Amended, 42 BRUN 287 (24 March 1979)

- 3.6 **Leaves of Absence Available to All University Staff Members.**

3.6.1 **Military.** Military leaves of absence shall be granted to all staff as may be provided by law.

3.6.2 **Jury Service.** Leaves of absence with pay for jury service or to testify as a witness, upon subpoena, shall be granted to all staff members.

- 3.7 **Fees and Tuition Charged to University Staff Members.** The Board may provide for a system of reduced tuition and fees for all full-time employees of the University for academic work at any unit of the University,