CLASSIFICATION AND APPOINTMENT OF UNIVERSITY POSITIONS

PREAMBLE: This section defines the types of employment positions at UI, how they are created, and the terms and instruments of appointment. It combines two sections of the 1979 Handbook, both unchanged in this edition except for section E which was revised in both May 1983 and June 1988, and the deletion of a subsection (D-c) that described "prescribed service positions" (it is just as well, there was no definition attached). Unless otherwise noted, the text is as of July 1996. Further information may be obtained from Human Resource Services (208-885-3609) [ed 7-97, 7-00].

CONTENTS:

A. Positions Classified on the Basis of Duration
B. Employee Classifications
C. Appointing Authority and Legal Compliance
D. Terms of Appointment
E. Instruments of Appointment

A. POSITIONS CLASSIFIED ON THE BASIS OF DURATION.

A-1. Permanent Positions. A permanent position is one that is established with the intention that it will continue indefinitely. Once established, it continues to exist, whether filled or vacant, until abolished. In summary, a position is designated as "permanent" solely on the basis of intent as to its duration, irrespective of the duties, the appointment, the funding, or any other consideration.

   a. A permanent position may be a faculty (teaching, research, or service) position or a staff (nonfaculty classified professional or classified) position.

   b. A permanent position may be part time (50% or greater) or full time and it may be filled by an appointment that is temporary, probationary, fixed-term, continuing, with or without tenure, or at the pleasure of the president or the regents; i.e., it is the position, not the appointment, that is permanent.

   c. A permanent position may be supported by appropriated or nonappropriated funds.

A-2. Authorization of Permanent Positions. The establishment of a permanent position must be approved by the regents before any appointment or contractual commitment to fill the position is made. Any permanent new position, regardless of funding source, requires Board approval prior to any form or manner of recruitment of applicants. [RGPIIB]

   a. Permanent positions that are included in the UI appropriation, as distributed by the Office of the State Board of Education, are assumed to have been approved by the board at the time the distribution was made.
b. If an operating budget provides for a different number of permanent positions than was included in the appropriation as distributed, supporting information must be provided as in the case of requests for new positions and specified in B-3.

e. A request for regents’ authorization of a new permanent position must include: position number, title, type, approximate salary, term of appointment, department or area of assignment, funding source, and a brief description of the duties and responsibilities of the person appointed to the position. If a position is being deleted or reallocated, the affected position should be identified by number, title, type, salary, department or area of assignment, funding source, and a brief statement of the reasons for modifying the duties and responsibilities associated with the position.

d. The regents will consider authorization of a new position if there is adequate funding available for its support—from state or other sources, from deletion of an existing permanent position, or from the reallocation of a number of part-time permanent positions—or if UI will suffer serious operational or financial difficulties if the position is not established.

A-3. Temporary Positions. A temporary position is one that is established for a definite period, and that period cannot exceed three years. Typically, the duration corresponds to the period of a grant or contract. Irregular-help, student-help, graduate-assistant, and instructional-assistant positions, though not necessarily established for an explicit duration, are, for the purposes of this and related policies, not considered to be permanent ones.

A-4. Authorization of Temporary Positions. Temporary classified, irregular-help, student-help, graduate-assistant, and instructional-assistant positions may be established by the president or designee. There can be no commitment to continue a temporary position beyond the length of time specified when it is established; in particular, there can be no commitment to continue on appropriated funds a position initially established with nonappropriated funding.

B. EMPLOYEE CLASSIFICATIONS. Every UI employee on regular appointment belongs to one of two categories—classified and exempt—that are defined as follows:

B-1. Classified Employees. In state agencies other than UI, certain positions are subject to the rules of the Idaho Personnel Commission as provided under title 67, chapter 53, of the Idaho Code. Employees occupying such positions are referred to as “classified employees.” "Classified employees at the University of Idaho are subject to the policies and procedures of the University of Idaho for its classified employees. Such policies and procedures require approval by the Board, and should be, in so much as practical, parallel to the provisions provided for state of Idaho classified employees in Chapter 53, Title 67, Idaho Code." [RPGIID1.b]

a. Although no positions at UI are subject to those rules, it is the policy of the Board of Regents that UI employees who occupy positions that would be so regulated if they were at one of the other state institutions of higher education have the same rights and privileges as are provided to their counterparts at the other institutions by state law and the rules of the Idaho Personnel Commission. However, if a policy or procedure of the board applying to these UI employees is at variance with the rules of the Idaho Personnel Commission, the board’s rule governs. [ed. 7-00]

b. The board designates this category of employees as "University of Idaho classified employees." In this handbook, and in general at UI when there is no possibility of misunderstanding, they are referred to simply as "classified employees." [See also 3460 A-4.]

B-2. Exempt Employees. The term "exempt" is applied to all other UI employees, denoting that the positions they occupy are not subject to the rules that govern the classified employees. [See also 3460 A-3.]

C. APPOINTING AUTHORITY. By law, the Board of Regents is the appointing authority for the University of Idaho. In the case of all appointments, compliance with UI’s affirmative action and equal employment opportunity policy (see 3065) and with the requirements of all applicable immigration and naturalization laws (see 3070) is required. These procedures Human Resource Services procedures must be followed to ensure legal compliance, with other applicable statutes.
C-1. Regents policy provides: "The Board [Regents] delegates all authority for personnel management not specifically retained to the executive director [of the State Board of Education] and the chief executive officers consistent with the personnel policies and procedures adopted by the Board. In fulfilling this responsibility, the executive director and chief executive officers, or their designees, may exercise their authority consistent with these policies and procedures. Provided, however, that the Board retains the authority for taking final action on any matter so identified anywhere in these policies and procedures."

C-2. The Regents specifically retain the authority to make the initial appointment of all employees to any type of position at a salary that is equal to or higher than 75% of president's annual salary. In addition the Regents specifically retain the authority to approve the employment agreement of any head coach or athletic director and all amendments thereto.

The board has delegated to the UI Administration the authority to carry out all personnel actions affecting classified employees and other employees whose appointments are for less than a year.

C-2. Approval by the regents must be obtained before taking any of the following actions involving exempt employees except those whose appointments are for less than a year: appointment, change in rank, title, or salary, and payment of any compensation in addition to regular salary. Terminations of appointments of such employees must be reported promptly to the regents.

C-3. When a vacancy occurs in a position of provost, vice president, academic dean, or administrator of a department, division, or school, the position is subject to review by the regents and their approval must be obtained before the vacancy is announced or the search for a replacement is begun.

D. TERMS OF APPOINTMENT.

D-1. Classified Employees. UI classified employees are appointed subject to the policies of the University and the Regents. Initial appointment procedures are included in FSH 3085. As indicated in A-1-a, most of the conditions, regulations, and procedures affecting the employment of UI classified personnel conform essentially to the rules and regulations of the Chapter 53, Title 67, Idaho Code Idaho Personnel Commission. Policies and procedures covering appointment and termination of appointment of these employees are included in sections 3085 and 3930.

D-2. Exempt Employees. All salaried employees of UI, except classified employees and faculty members with tenure [see 3520], and also excepting the category described in b below, have fixed terms of employment. A contract for a fixed term of employment may not exceed one year without prior approval by the regents. Employment beyond the contract period cannot legally be presumed. Renewal of a fixed-term contract is at the discretion of the president and the Board of Regents. Policies and procedures covering reappointment or nonreappointment of these employees are included in 3903.

a. A class of exempt employees, referred to as "temporary academic employees," is recognized by the regents. These are employees who are appointed to temporary positions [see A-2-3 above], who have no expectation of continuing employment beyond an existing contract period, and whose service in no way qualifies them for consideration for tenure in that position. The UI administration is authorized to negotiate the terms of employment contracts of temporary academic employees. Nonetheless, in no case are such employees legally entitled to advance notice of or reasons for a decision not to enter into another contract of employment for another period and such decision is not grievable or appealable in any way.

b. The UI president serves as such at the pleasure of the Board of Regents and may be dismissed from that position at any time with or without cause or written notice. [See also 1420 A-1.]

D-3. Reduction in Force. Staff reduction procedures for all employees is found in Idaho State Board Policies II N. Notwithstanding the provisions of C-1 and C-2 (or included by reference therein), UI employees may be laid off as provided in 3970.
D-4. Dismissal for Cause. Any UI employee is subject to dismissal for cause during the period of employment, either by the regents on their own initiative, by the regents on the recommendation of the president, or by the president in the case of employees for whom the regents have delegated their appointing authority to the president. Further information on dismissal for cause is found in 3910 (for faculty), 3920 (for non-faculty exempt employees) and 3930 C (for classified employees).

D-5. A required period of advance notice of termination may include the employee's accrued annual leave.

E. INSTRUMENTS OF APPOINTMENT.

E-1. Classified Employees. Each salaried classified employee receives on appointment a copy of the personnel action form that effects the letter from the department that defines his or her appointment and specifies the terms of employment.

E-2. Exempt Employees. Each salaried exempt employee serves pursuant to a letter of appointment or a salary agreement, a “Salary Agreement for Faculty and Exempt Personnel” form (a copy of this form is provided) printed on the following page. The letter employment contract must specify the position title, salary, pay period, employment status, period of appointment, reappointment rights, if any, and the period within which the employee must signify acceptance of the terms of the letter. The letter may also specify such other matters as are desirable in order to define the primary elements of the contract of employment.

In the case of joint academic appointments, the letter of appointment will specify a single tenure-granting department. The departmental administrator of the tenure-granting department will be responsible for coordinating the annual performance evaluation and other performance reviews with the other department(s) participating in the joint appointment. [See also 3320 A-1 b.]

The employee acknowledges receipt and acceptance of the terms of the letter and salary agreement by signing and returning a copy of each to the administrator who initiated the offer of appointment. Failure or refusal of the employee to sign and return a copy of the letter and salary agreement within the specified time is deemed rejection of the offer of employment unless the parties have mutually agreed to extend the time. If the employee does not sign and return the initial offer within the specified time UI may, at its discretion, extend another offer to the employee. Any alteration by the employee of the offer is deemed a counteroffer requiring an affirmative act of acceptance by the president or the president's designee. [See also 3085.]

a. E-3. Faculty Members. Offers of academic employment are made by academic deans. The letter offering the position should indicate: (1) that the offer is made on recommendation of the appropriate department faculty and with the approval of the president and Regents, (2) the specific salary, (3) the term of service and date of entry on duty, and (4) any special conditions of employment applying to this appointment. In addition, in the case of joint academic appointments, the letter of appointment will specify a single tenure-granting department. The letter may also specify such other matters as are desirable in order to define the primary elements of the contract of employment. In the case of joint academic appointments, the letter of appointment will specify a single tenure-granting department for the faculty member to advance in rank. The department administrator of the tenure-granting department will be responsible for coordinating the annual performance evaluation and other performance reviews with the other department(s) participating in the joint appointment. [rev. 7-97]

(FROM FSH 3085)

[Click here to download the Salary Agreement into Word or here to view the form.]

Back to Table of Contents
Forward to 3085