

SPRING 2019

Academic Staff Personnel Policies and Procedures Chapter 104

Acknowledgements

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 - ▶ Eric Dietenberger
 - ▶ Kim Kimpel
 - ▶ Stan Stojkovic
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Chapter 104

- ▶ Chapter 104 is the Academic Staff Personnel Policy that defines appointment types.
- ▶ Academic Staff appointments can be:
 - ▶ Fixed-term terminal
 - ▶ Fixed-term renewable
 - ▶ Fixed-term rolling horizon
 - ▶ Probationary
 - ▶ Indefinite

Reason for Change

- ▶ Previous version of Chapter 104 was not implemented consistently across campus, creating confusion for both administrators and academic staff members.
- ▶ Number of academic staff members continuing on fixed-term terminal contracts grew with little or no job security regardless of number of years of employment.
- ▶ With severe budget cuts to UW-System, UWM needed new flexibility to manage budgets and the changing landscape of higher education.

Previous Chapter 104

- ▶ Defined only a limited set of appointment types:
fixed-term terminal, probationary, and indefinite
- ▶ Established guidelines for transitioning fixed-term employees to probationary contracts after three years of employment at 50% appointment or greater

New Chapter 104

- ▶ Defines broad range of appointment types:
fixed-term terminal fixed-term renewable
fixed-term multi-year fixed-term rolling horizon
probationary indefinite
- ▶ Eliminates the requirement to convert a fixed-term contract to a probationary contract after three years (50% or greater)
- ▶ Provides greater flexibility for administrators
- ▶ Provides more stable employment for academic staff members

Types of Appointments

104.01

- ▶ Pursuant to UWS 10.01, academic staff appointments may be **fixed-term, probationary, or indefinite** upon appropriate approval by the Chancellor. Rights associated with an appointment are limited to the operational area specified in the letter of appointment, and the funding source alone will not automatically determine the type of appointment. Appointments of less than 50% time or appointments intended to fill a need of predetermined duration specified in the employment contract shall be fixed-term. Appointments at 50% time or greater for which there is reasonable expectation of continuing need shall be probationary or indefinite.
- ▶ Those with service of three or more years at 50% time or greater in the same fixed-term position in the same school, college or division should be considered for a multi-year, renewable, or rolling horizon fixed-term appointment or a probationary appointment.

Appointment Types

- ▶ Fixed-term terminal
- ▶ Fixed-term renewable
- ▶ Fixed-term rolling horizon
- ▶ Probationary
- ▶ Indefinite

Fixed-Term Appointment

- ▶ Fixed-term appointments should not be used for positions that have been probationary.
- ▶ Fixed-term appointments are renewable, rolling horizon, or terminal.
- ▶ An initial fixed-term appointment may include a period of up to two months during which the appointee may be dismissed without appeal at the discretion of the appointing authority. If such a period of evaluation is used the employment contract must so state.
- ▶ Those with service of three or more years at 50% time or greater in the same position in the same school, college or division who are not given at least a two-year fixed-term or a probationary appointment shall be given written reasons. Those with service of seven or more years at 50% time or greater in the same position in the same school, college or division who are not given at least a three-year fixed-term or a probationary appointment shall be given written reasons.

Fixed-Term Renewable Appointment

- ▶ This appointment is for the initial term specified in the letter of appointment and is renewable so long as the appointee renders satisfactory service, funds are available, and the directions or needs of the program do not change.
- ▶ Appointments for terms up to and including one year renew for the same term unless the academic staff member receives a written notice to the contrary. A letter of reappointment is not required. If the term of appointment is increased, a letter of reappointment is required.
- ▶ Appointments for terms of longer than one year, including multiple-year appointments, do not require a letter of reappointment during the original term. To renew the appointment for more than one year requires a reappointment letter. If a reappointment letter or nonrenewal notice is not issued before the end of the original term, then the appointment becomes a one-year fixed-term renewable appointment.

Fixed-Term Rolling Horizon Appointment (1)

- ▶ Extends daily for the term specified in the letter of appointment. The term may be for one or more years. For example, a three-year rolling-horizon appointment **automatically renews every day** and entitles the employee to a full three years' notice of nonrenewal.
- ▶ The term of a rolling-horizon appointment may be increased or decreased at any time. If the term is increased, the new term shall take effect upon written notification. If the term is reduced, written notification is required and shall include the reasons for the change, i.e., funding loss, budget or program decision as defined in UWS 36.22, or unsatisfactory performance.
- ▶ **May be changed to a fixed-term renewable appointment upon written notice to the employee** with copies to the dean or director and the Academic Personnel Office. The notice shall include the reasons for the change, i.e., funding loss, budget or program decision as defined in UWS 36.22, or unsatisfactory performance. The initial length of the new fixed-term renewable appointment shall equal the term of the former rolling-horizon appointment.

Fixed-Term Rolling Horizon Appointment (2)

- ▶ A decrease in the term of a rolling-horizon appointment or a change to a fixed-term renewable appointment may be grieved in accordance with Chapter 112 when the employee believes the action to be arbitrary, capricious, for reasons prohibited by law, or in violation of UWM Academic Staff Personnel Policies and Procedures.

Fixed-Term Terminal Appointment

- ▶ Fixed-term terminal appointments are made when the **appointment is for a period of three years or less, with no anticipation of renewal.** The appointment letter will specify the appointment termination date. For academic staff members who have held a 50% or greater appointment in a given department, the following applies:
 - ▶ For academic staff holding annual appointments, fixed-term terminal appointments may be offered repeatedly, but the **total period of appointment may not exceed three years.** Continuation of the position beyond the three years shall be as a fixed-term renewable, rolling horizon, multi-year, or probationary appointment.
 - ▶ For academic staff holding appointments for either or both semesters in **each of the last three successive academic years,** reappointment shall be as a fixed-term renewable, rolling horizon, multi-year, or probationary appointment on a similar basis, e.g., one-semester or two-semester appointment.

Fixed-Term Terminal Appointment (Reappointment)

- ▶ Reappointment to a fixed-term terminal position beyond the periods specified above may be made with the approval of the Dean/Division Head or designee, if there is cause to do so. **In no case, however, shall fixed-term terminal appointments be used repeatedly to avoid granting the increased job security provided by fixed-term renewable and fixed-term rolling-horizon appointments**

Fixed-Term Terminal Appointment (Special Cases)

- ▶ For academic staff holding fixed-term appointments sustained, supported or underwritten by a grant, contract or short-term funding, appointments may be renewed for an unlimited period of time to the extent that full funding is available from such source(s) and the appointee satisfies the requirements of the position (including, but not limited to, Athletic Coaches). Such appointments, however, do not imply a commitment of employment beyond the duration of the sources of the funding.
- ▶ Fixed-term appointments supported by extramural funding or other short-term funding are ineligible for probationary and indefinite status.

Probationary Appointment

- ▶ **No changes were made to this section of Chapter 104.**
- ▶ A probationary appointment requires a probationary period of up to seven years leading to a review and decision on granting an indefinite appointment. Neither probationary or indefinite appointments are appropriate for positions whose duties approximate a faculty appointment; these may not be used to circumvent or evade normal tenure policies and procedures.
- ▶ Prior service may be granted at the time of the probationary appointment and shall be clearly stated in the initial probationary contract. Prior service shall be included in calculating the length of the employee's probationary appointment and in determining the notice requirements set forth in Chapter 108.

Indefinite Appointment

- ▶ No changes were made to this section of Chapter 104.
- ▶ An indefinite appointment is an appointment of 50% or more with permanent status and for an unlimited term, granted by the Chancellor pursuant to procedures of Chapter 107.
- ▶ Only terminable for cause under UWS 11 or for reasons of budget decisions or program under UWS 12.
- ▶ An academic staff member must have at least one year of probationary service before earning indefinite status.

Prohibited Appointment

- ▶ Probationary academic staff not granted an indefinite appointment by the end of the probation may not be reappointed to a fixed-term appointment within the same operational area.

Notice Periods ▶

Pursuant to UWS 10.05, if a fixed-term or probationary academic staff appointment will not be renewed, written notice shall be given to the employee in advance of the expiration of the employment contract as described.

Fixed-term appointment of 50% or greater ▶

Years Employed	Minimum Notice
0 – 2 Years	3 months
>2 – 6 years	6 months
>6 years	12 months

Probationary appointment ▶

Years Employed	Minimum Notice
0 – 1 Year	3 months
>1 – 2 years	6 months
>2 years	12 months

Highlighting Changes in 104

- ▶ Greater definition of fixed-term terminal contracts
- ▶ After 3 years of service (greater than 50% in same position and operational area) in fixed-term terminal contracts shall be converted to EITHER fixed-term renewable, rolling horizon, or probationary appointment.
- ▶ Written reasons are to be provided when an employee is not converted to a fixed term renewable, rolling horizon, or probationary appointment.
- ▶ Fixed-term contracts should not be used to fill a line vacated by a probationary or indefinite employee.

Highlights of Changes

- ▶ Fixed-term terminal contracts are for SHORT-TERM purposes.
- ▶ Positions with expectation to continue should be given appointment types to reflect that expectation.
- ▶ Appointments can change for budgetary and/or programmatic changes BUT notice must be given.

Questions?

If you have questions, please contact:

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Thank you!