

Revisions to Academic Staff Personnel Policies and Procedures (ASPPP) Chapter 104

Rationale: The Non-Teaching Academic Staff Review Committee (NTASRC) recommended additional language be added to ASPP Chapter 104.03(c) to clarify that prior service is not equivalent to years of service in probationary appointment. The current language has caused some confusion which has resulted in candidates seeking indefinite status prior to completing the required minimum of one year of service in probationary appointment (104.04). At their request, the Academic Staff Committee and Codification Committee reviewed and recommended further clarification.

TRACKED CHANGES

104.03 Probationary Appointments

A probationary appointment is an appointment with a probationary period of up to seven years leading to a review and decision on granting an indefinite appointment. Neither probationary nor 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.

(AS Doc 107, 5/2018)

- (a) **Length of Probationary Period.** The probationary period shall be not less than one year nor greater than seven years.
- (b) **Minimum Percent of Probationary Appointment.** Any period in which the probationary appointment is less than 50% time is excluded in calculating the probationary period.
- (c) **Prior Service.** Prior service may be granted at the time of the probationary appointment and shall be clearly stated in the initial probationary contract. Prior service may be granted for time spent in full-time service in the employee's position or appointment immediately prior to the initial or new probationary appointment.
 1. Up to three years of prior service credit may be granted if the staff member was either a university staff employee or was employed outside of the University of Wisconsin-Milwaukee immediately prior to the probationary appointment.
(Editorially revised, 4/2018),
 2. Up to four years of prior service credit may be granted if the staff member was in a fixed-term or probationary appointment immediately prior to the new probationary appointment.

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. Regardless of prior service granted, the employee must complete at least one year in their current probationary position to be eligible for indefinite status review.

(AS Doc 66, 9/2011)

(AS Doc 128, 8/2021)

- (d) **Extension of the Probationary Period.** Certain circumstances may impede an academic staff member's progress toward achieving indefinite status including responsibilities with respect to

childbirth and adoption, significant responsibilities with respect to elder/dependent care, disability/chronic illness, or circumstances beyond the control of the academic staff member. Written requests for extensions of the probationary period should be made in a timely manner, proximate to the events or circumstances which occasion the request, and include appropriate documentation.

A request for extension of the probationary period with respect to childbirth and adoption and responsibilities carries with it the presumption of approval. More than one request may be granted but the total time granted for extensions does not ordinarily exceed one year. Multiple extension requests granted for childbirth/adoption may exceed one year.

Pursuant to UWS 10.03, Wis. Admin. Code, the procedures for requesting an extension are:

1. The academic staff member provides a written request to the supervisor/executive committee, which forwards the request with its recommendation to the Dean/Division Head.
2. Requests in cases of childbirth/adoption and those related to disability or chronic illness shall be approved by the Dean/Division Head after consultation with the Academic Staff Committee. Requests in other circumstances shall be approved or denied after consultation with the Academic Staff Committee.
3. A written decision on the request shall be provided to the academic staff member and the supervisor and shall be based upon clear and convincing reasons.
4. An academic staff member who believes that a request has been denied unfairly may file an appeal with the Academic Staff Committee for referral to Academic Staff Hearing and Appeals Committee.
5. If any academic staff member has been in probationary status for more than seven (7) years because of a leave of absence or because of those reasons described in the introductory paragraph above, the academic staff member shall be evaluated as if they had been on probationary status for seven years.

(AS Doc 33, 5/2008)

- (e) **Prohibited Appointments.** Probationary academic staff not granted an indefinite appointment by the end of probation may not be reappointed to a fixed-term appointment within the same operational area.
- (f) **Other Appointments.** A probationary academic staff member may subsequently accept a fixed-term appointment. If such a change occurs, previous probationary service shall not be lost and shall continue if the academic staff member returns to a probationary appointment in the same position. Per 104.03 (e), a fixed term appointment may not be granted as a result of failing to have obtained indefinite status.

(AS Doc 107, 5/2018)

104.04 Indefinite Appointments

An indefinite appointment is an appointment of 50% or more with permanent status and for an unlimited term, granted by the Chancellor to a member of the academic staff pursuant to procedures of Chapter 107 of the Policies and Procedures. Such an appointment is terminable only for cause under

UWS 11 or for reasons of budget decisions or program under UWS 12. The percentage of time provided for in the initial indefinite appointment may not be decreased or increased without the mutual consent of the academic staff member and the institution. Academic staff members may be granted indefinite appointment prior to the end of the sixth year of probationary service, but in no case before one year of probationary service in their current position is completed. A person with indefinite status who remains in the same position or who is involuntarily moved to another position shall not lose indefinite status.

(AS Doc 107, 5/2018)

(AS Doc 128, 8/2021)