

The University of Wisconsin System

UPS OPERATIONAL POLICY: HR 1



SUBJECT: Job Security

Original Issuance Date: July 1, 2015

Last Revision Date:

1. POLICY PURPOSE:

The purpose of this policy is to provide a general reference for job security provisions.

2. POLICY BACKGROUND:

[Wis. Stat. § 36.09\(1\)\(e\)](#) directs the Board of Regents to fix the "term of office" for officers, faculty, academic staff and other employees of the UW System. The rules of the Board of Regents, set forth in [Chapters UWS 3, 10, 15, and 16 of the Wisconsin Administrative Code](#), specify applicable job protection for faculty, academic staff, limited and other employees. Regent Resolution [9091](#) (adopted 11/11/2005) also sets forth certain job security directives. The job security provisions for academic staff and limited appointees were outlined in [Unclassified Personnel Guideline #3](#).

[Wis. Stat. § 36.115\(2\)](#) requires the Board of Regents and the UW-Madison chancellor to develop personnel systems that are separate and distinct from the personnel system under Wis. Stat. Chapter 230.

Effective July 1, 2015, this operational policy provides the framework for job security for all employees at UW System institutions.

3. POLICY DEFINITIONS:

Please see UPS Operational Policy [GEN 0: General Terms and Definitions](#) for a list of general terms and definitions.

4. POLICY:

A. Limited Appointments

As outlined in [Wis. Stat. § 36.17](#) and [Chapter UWS 15](#), an employee with limited appointment status serves for an unspecified term at the pleasure of the authorized official who made the appointment. Termination of a limited appointment is not considered a "dismissal" and is not otherwise appealable.

[Regent Resolution 9091](#) (adopted 11/11/ 2005) directs that limited appointees entering UW System employment from other institutions and either (a) holding a tenured faculty position elsewhere or (b) having been recruited to a position with a requirement or expectation of tenurability, and who have

been recommended for tenure by the appropriate UW department may be granted a concurrent tenure appointment as part of the employment contract process.

[Regent Resolution 9091](#) (adopted 11/11/ 2005) further directs that limited appointees entering UW System from other institutions who do not hold tenure elsewhere and were not recruited with a tenurability requirement shall not be granted concurrent appointments; however, at the discretion of the appointing authority, such employees may be granted not more than six-month's notice of termination as permitted under [UWS 15.01](#), Wisconsin Administrative Code, at the same salary, and with possible reassignment to other duties during this period.

Should a limited appointee with a faculty, academic staff or university staff concurrent appointment be terminated from the limited position, the appointee has no minimum notice rights. However, the appointee has the right to assume the concurrent appointment without a separation in service.

[Regent Resolution 9091](#) (adopted 11/11/ 2005) directs that the status or length of the term of a concurrent appointment held by a limited appointee may not be altered while the individual is serving in the limited appointment. For clarification purposes, the intent of the regent resolution is to not improve the status of or increase the term of the concurrent appointment.

[NOTE: A limited appointee with an academic year pay basis concurrent faculty appointment is not considered "separated" from the institution if the limited appointment is terminated between academic years, provided the faculty appointment is resumed at the start of the forthcoming academic year.]

[Regent Resolution 9091](#) (adopted 11/11/2005) affirms that a member of the academic staff does not lose existing rights to an academic staff appointment upon acceptance of a limited appointment at the same institution (see note below). Similarly, a member of the faculty granted a limited appointment at the same institution (see note below) does not lose existing rights to a faculty appointment. As noted above, the return to a faculty or academic staff appointment upon termination of the limited appointment must be accomplished without a separation in service.

[NOTE: Under Regent Policy Document [20-23 Faculty Tenure](#), sub. 5 specifies that tenure and probationary faculty appointments attach to a particular institution and do not carry rights beyond that institution. Similarly, under [UWS 10.01](#), Wisconsin Administrative Code, academic staff appointments are limited to operational areas in an institution specified at the time of appointment. Accordingly, the protection of Wis. Stat. § [36.17](#), as affirmed by [Regent Resolution 9091](#), applies only to the acceptance of a limited appointment at the faculty or academic staff member's own institution. If a faculty or academic staff member accepts a limited appointment at a different UW System institution, he or she would not retain existing rights in the former faculty or academic staff position. In such a situation, however, a concurrent faculty appointment at the new institution could be granted if the other requirements of [Regent Resolution 9091](#) are satisfied. Alternatively, the original institution could grant the faculty or academic staff member a leave of absence, in accordance with Operational Policy: [BN 8: Non-Medical Leaves of Absence](#)].

A member of the university staff who accepts a limited appointment within the same institution does not lose existing rights to a university staff position and shall be granted a concurrent university staff position. However, an exempt university staff member who accepts a limited position through the voluntary "choice" option shall not be granted a concurrent appointment but shall be given the same termination notice the institution gives to limited appointees who do not have concurrent appointments. If a university staff member accepts a limited position at another UW institution, no concurrent university staff appointment is granted.

[Regent Resolution 9058](#) (adopted 9/9/2005) directs that all UW institutions shall require employees who are returning to the faculty from an administrative position, and who are being offered transition time to prepare to teach, shall provide the equivalent of a sabbatical proposal and subsequent report of work accomplished during the transition. The transition period should be no longer than one academic semester unless the person has served in a limited position for five or more years, whereby two academic semesters may be allowed. UW System Administration approval of the transition plan is not required. However, the transition plan and the subsequent report of work accomplished should be maintained in the institution's files and be available if there should be an audit of compliance with this policy.

[NOTE: See [UPS Operational Policy TC 3: Compensation](#), for the policies that govern salary levels upon return to faculty and academic staff positions from limited appointments.]

A limited appointee may resign the limited appointment and ask to be returned to a faculty, academic staff, or university staff appointment. Such requests should be honored as soon as possible by the authorized official. However, in the event a position is not readily available, the limited appointee may remain in the limited position until a suitable position is available, or with the agreement of the limited appointee the authorized official may place the limited appointee on unpaid leave of absence until a vacancy becomes available.

B. Chancellor Appointments

A chancellor's appointment may be terminated at any time upon reasonable written notice of resignation by the chancellor to the System President.

An appointment as chancellor may be terminated by the Board at any time when, in the judgment of the System President and the Board, such action is deemed to be in the best interests of the chancellor's institution and of the UW System. A chancellor, upon relief from his/her duties, may be transferred to reassignment status for a period of up to six months without loss of salary, unless the person terminated as chancellor elects to relocate.

There shall be no maximum on the number of years which may be served by a chancellor.

[NOTE: See [UPS Operational Policy HR 2: Appointment Terms and Designation of Positions](#), for additional terms and conditions of chancellor appointments.]

C. Faculty Appointments

[Chapter UWS 3](#) of the Wisconsin Administrative Code requires the faculty of each institution, after consultation with appropriate students and with the approval of the chancellor, to develop rules relating to faculty probationary and tenure appointments.

Occasionally, the institution finds it useful and necessary to ask a faculty member to serve in an administrative capacity. Such appointments are most often to limited positions, in which case the faculty member does not lose existing rights to a faculty appointment. However, a faculty member may serve for a fixed period of time in an administrative capacity that would normally be described as an academic staff appointment. Acceptance of an academic staff appointment will not cause the faculty member to lose existing rights to a faculty appointment.

D. Academic Staff Appointments

[Chapter UWS 10](#) directs each institution to develop guidelines for designating academic staff positions as fixed term, probationary or indefinite appointments.

As a result of study and consultation with chancellors and the academic staff governance units of each institution, the System President issued the following academic staff job security provisions effective September 1, 1989. Institutional policies which outline job security provisions should be consistent with these provisions and should consider distinctions based on: instructional versus non-instructional staff, source of funding, and percent of appointment. Academic staff with less than a half-time appointment are normally not eligible for the benefits of those staff with appointments of 50% or more.

- (1) Institutional policies shall provide to academic staff with fixed term appointments, non-renewal notice periods of at least 3 months before the end of the appointment in the first two years; at least 6 months for service of at least two years but less than seven years; at least 9 months for service of at least seven years but less than ten years; and, at least 12 months for staff who have served ten years or more. Institutional policies shall provide to academic staff on probationary appointments, non-renewal notice periods of at least 3 months before the end of the appointment in the first year; 6 months before the end of the appointment in the second year; and, 12 months thereafter.
- (2) Institutional policies shall also specify due process protection in case of non-renewal of staff who have served for at least seven years.

[NOTE: This provision is intended to provide a uniform definition of the "substantial period of time" clause specified in [UWS 10.03\(1\).](#)]

- (3) Each institution shall review annually the type of contract and terms of any academic staff member who has served more than seven years in consecutive appointments of 50% or more to determine the feasibility of moving such individuals to indefinite or multiple year appointments with increased job security. In making such a determination, the institution shall consider the continuing need for the position, funding source, and quality of employee's performance. Academic staff with seven years in consecutive appointments of 50% or more of service whose appointments do not provide at least two-year terms shall be given the reasons upon request. Academic staff with ten years or more of service whose appointments do not provide at least three-year terms shall be given the reasons upon request.
- (4) Every two years, UW System Administration shall audit a sample of academic staff appointments for compliance with existing policies governing appointment types, notice periods for non-renewal, and related conditions of job security.

E. University Staff Appointments

Any individual appointed to a university staff position shall be required to serve a probationary period at least six months in duration. The length of the probationary period must be identified upon hire. The standard duration of a probationary period will be six months, but upon approval of the UW institution Human Resources Director periods of up to one year can be used for supervisory and public safety positions or positions with distinct season-related duties, such as power plant operators, for whom an entire annual cycle of review may be appropriate. Upon approval of the Human Resources Director, a probationary period may be reduced or extended. The probationary period may

be reduced by as much as half the established duration if the employee is performing satisfactorily, and it may be extended if there was a lengthy, excused absence during the period or if performance is improving but has not yet met expectations at or near the end of the probationary period. Probationary extensions shall not exceed six months. It is recommended that there be at least one performance evaluation with an employee while on a probationary period.

During the probationary period the work of the employee should be closely observed to determine if the employee is effectively able to carry out the assigned duties and responsibilities on a continuing basis. The appointing UW institution may dismiss any employee without the right of appeal during the employee's probationary period. Dismissals shall not be made on a discriminatory basis. Once an employee successfully completes a probationary period, the appointment from that point on will be with an expectation of continued employment as long as there is sufficient need and funding for the position and as long as the employee's performance in the position is acceptable. Discipline and dismissal of a university staff member with an expectation of continued employment may be imposed only for just cause. Please see [UPS Operational Policy GEN: 14 Grievance Procedures](#).

For employees moving between jobs in the UW System, there is no guarantee of continued employment in the original position for an individual who does not pass probation. However, on a permissive basis, the UW System appointing authority may allow for an internal hire to return to a former position at the employer's option. Candidates should be clearly informed of the terms and conditions of the probationary period at the time of offer.

University staff appointments may also be made on a temporary or project basis. Please see [UPS Operational Policy HR 7: University Staff Temporary & Project Appointments](#) for further guidance on temporary and project appointments.

F. Student Assistants and Employees In Training (Other Appointments)

[Wis. Stat. § 36.19](#) and Wisconsin Administrative Code [Chapter UWS 16](#) permit the Board to make or authorize appointments of specified terms for student assistants and employees in training. In general, such appointments are intended to allow a person to acquire additional training or experience in his/her field of specialization. As such, these appointments are not career choices per se. Instead, such appointments are provided to enhance the career options in other positions. Appointments made shall not be subject to the provisions of Wis. Stat. § [36.15](#) and Wisconsin Administrative Code [Chs. 1 through 15](#). Policies and procedures for such appointments shall be determined as appropriate by the president or chancellor of each institution after consultation with appropriate faculty and with appropriate student assistants and employees in training.

5. RELATED DOCUMENTS:

Wis. Stat. Chapter [36, University of Wisconsin System](#)
Wis. Admin. Code Chapter [UWS 3, Faculty appointments](#)
Wis. Admin. Code Chapter [UWS 10, Academic staff appointments](#)
Wis. Admin. Code Chapter [UWS 15, Limited appointments](#)
Wis. Admin. Code Chapter [UWS 16, Other appointments](#)
[UPS Operational Policy Gen 14: Grievance Procedures](#)

6. POLICY HISTORY:

[UPG #3, Unclassified Job Security](#)