

## **UW REGULATION 4-2**

### **Employment Provisions Applicable to All Personnel**

#### **A. EQUAL EMPLOYMENT OPPORTUNITY**

The University's policy is one of equal opportunity for all persons in all facets of the University's operations. Equal opportunity is offered to all officers, academic personnel and staff members, and applicants for employment on the basis of their demonstrated ability and competence and without regard to such matters as race, color, religion, national origin, sex, religion, political belief, age, veteran status or handicap.

#### **B. NEPOTISM**

Relatives (father, husband, son, brother, grandfather, grandson, uncle, nephew, first cousin, and the corresponding feminine relationships) may not be employed in positions which place one in an immediate supervisory relationship to the other. University employees who through marriage find themselves in violation of the foregoing statement are given the remainder of the fiscal year in which the marriage occurred to comply.

No provision of this Section shall be interpreted or applied so as to prevent the award of a scholarship, fellowship, or graduate assistantship to a student who is a relative of any employee of the University or of the Trustees.

#### **C. COMPENSATION**

**1. Salary Payment.** The base salary for most members of the faculty, some members of academic professionals, and of the staff is for work performed and work obligations incurred during the academic year, defined as the period beginning with the first day of the Fall semester registration and ending with Spring semester commencement. The base salary for certain members of the faculty performing administrative duties and other duties beyond the usual academic assignments and for most other salaried employees is for the fiscal year.

All base salaries shall be paid in twelve (12) monthly installments except as specified in University Regulation 173. Required deductions shall be taken from salary payments for Federal withholding taxes, Social Security, retirement, and for such additional purposes as may be authorized by the individual, or as required by law.

#### **2. Supplementary Compensation.**

**1. From funds disbursed through the University.** Full-time employees during their regular terms of service shall not have their salaries supplemented from University grants, contracts, or other University sources except for:

(A) Employment in extension classes, noncredit programs, and similar activities scheduled through adult education programs.

(B) Occasional employment at University sponsored events such as ticket selling at athletic events, or similar duties.

(C) Overtime payments when required by the contract of the employee or by applicable State or Federal law.

(D) Employment as part-time instructor, lecturer or professional employee, where the appointing department, with the approval of the employee's cognizant vice president or administrative officer, determines that:

(a) The employment will not interfere with the performance of the employee's regularly assigned duties;

(b) The part-time duties to which the employee is assigned on a supplementary basis require instructional or professional expertise that is not available through regularly appointed academic personnel or professional employees or through part-time appointment of non-University personnel.

(c) The supplementary assignment does not ordinarily exceed the equivalent of one regularly scheduled three-hour credit course in any calendar year; and

(d) The supplementary assignment shall normally not be recurring and shall not be in addition to the maximum time allowed for consulting in Chapter VII. (C.2.(c)).

(E) Employment on grants, contracts and like University-funded activities where the work is in addition to the individual's regularly assigned duties under limited conditions and for a limited period of time. Such employment may be approved when:

(a) The essential services cannot be provided by persons employed or receiving salary support under the grant;

(b) It is not possible to relieve the employee of part of usual duties;

(c) The project is one for which another department has principal responsibility; and

(d) The overload will not exceed twenty (20) days per academic year or twenty-four (24) days per fiscal year as determined by the employee's period of appointment and shall not be in addition to the maximum time allowed for consulting in Chapter VII. (C.2.(c)).

(F) When approved by the appropriate University authorities, full-time employees on academic year appointments may earn up to one-third 1/3 of their base salary for services rendered during the period from Spring commencement to reporting date.

(G) When approved by the appropriate University authorities, employees who have been granted a sabbatical leave may receive compensation from sponsored research grants and contracts awarded to the university, up to a maximum of 40 percent of their approved

academic year salary, if funding from the grant or contract is an integral component of the sabbatical proposal.

**2. From State Agency Sources.** The University recognizes a particular obligation to make its resources available to the various agencies of State government; however, the costs of such services normally are not included within the University budget and must, accordingly, be covered by funds from the agencies or from other non-University sources. The performance of professional and consulting work by a University employee for any Wyoming State agency shall, in general, be covered by the regulations that cover work for other outside agencies, i.e., the employee must obtain approval of the appropriate University officers and adhere to the maximum period for which additional compensation may be accepted. When an individual's services are required for a longer period, the University will make every effort to release the individual to the State agency for the time required with appropriate salary adjustment to be made between the agency and the University.

#### **D. CONSULTING**

1. During the period of full-time University employment a member of academic personnel, athletic coaching and training personnel and University officers may, with prior approval of the president or the president's designee, perform professional and consulting work with or without compensation.

2. The commitment to professional and consulting work shall not normally exceed thirty-nine (39) calendar days per academic year for academic year employees and forty-eight (48) calendar days per fiscal year for fiscal year employees.

3. The work must not interfere with normal University duties, including those extra responsibilities expected of all such employees, and must be in addition to rather than a part of normal full-time University duties. Such work must also be related to the employee's regular campus duties and must contribute to the effectiveness of the employee's regular work.

4. When members of academic personnel or University officers perform professional and consulting work, they must furnish written statements signed by them and the clients attesting that the efforts are independent of the University employment and any affiliation thereto, that the University will be held harmless in relation to any product thereof, and that the University is not to be connected with the results and may not be involved in publicity, advertising or other activities related to the work, except for publication of scholarly works. In those instances where client confidentiality is a necessary and customary practice of the profession, the academic personnel member or University officer shall furnish assurance that such signed, written statements are maintained in the member's or officer's client file.

5. A determination that the foregoing requirements have been met shall be made by the appropriate dean, director or principal University officer. The President of the University shall receive notification of each request prior to initiation of the professional or consulting work.

6. In engaging in outside work, University personnel shall not unreasonably compete with the private sector.

7. The facilities of the University may not be used for outside work without the recommendation of the appropriate dean or director and approval of the Vice President for Administration and Finance who shall establish the compensatory schedule for facilities used.

8. This regulation shall not apply to work

a. Which does not involve use of University facilities, and

b. Does not represent the University, and

c. Which is performed outside an individual's overall commitment of time and effort to the University, or conducted during approved vacation or leave without pay.

Paid professional or consulting activities undertaken outside the individual's overall commitment to the University will be disclosed to the appropriate dean, director, or University President.

9. Failure to comply with this regulation shall constitute a conflict of commitment and shall be cause for disciplinary action.

#### **E. CONFLICT OF INTEREST/CONFLICT OF COMMITMENT**

A conflict of interest exists when an individual has an external interest that affects or provides an incentive to affect the individual's conduct of his/her University activities.

A conflict of commitment exists when a member of the University community renders professional service that is not part of his/her duties to the University to the detriment of his/her obligations to the University. A conflict of commitment arises when professional service or research contracted outside the University, consultations or other outside activities (e.g. outside teaching or business) of an employee interferes with the paramount obligations to students, colleagues and the primary missions and policies of the University. Conflicts of commitment primarily involve questions of obligation and effort, but are often tied to financial remuneration or other inducements and, in such cases, may also constitute conflicts of interest.

Conflicts of interest and conflicts of commitment may constitute a breach of the employment contract and, if not properly disclosed and eliminated or managed in accordance with University policies, will result in appropriate sanctions, including the termination of employment, if warranted.

## **F. MILITARY LEAVE**

Regular employees are eligible for a leave of absence from the University to serve in the armed forces during a period of national or state emergency or for training.

**1. Active Duty for War or National or State Emergency.** Regular employees who shall have been employed for eleven months who leave the University to go on active duty with the armed forces, voluntarily or involuntarily, during a state of war or declared national or state emergency will be given a leave of absence without pay. Application for such leave must be made to the individual's immediate supervisor and transmitted through regular channels to the President for approval by the Trustees. The time spent in national or state service shall count toward University retirement.

**2. Active Duty for Training.** Employees eligible for vacation privileges may have an additional fifteen (15) working days leave with pay per calendar year for active duty for training in addition to any other leave or vacation with pay to which the employee is entitled.

## **G. RETIREMENT**

Employees of the University are automatically included by state law in the Wyoming Retirement System and participation in the Federal Social Security program (FICA). As an alternative to participation in the Wyoming Retirement System program, University employees may participate in a legislatively approved plan which is available pursuant to agreement with the Teachers Insurance Annuity Association-College Retirement Equities Fund (TIAA-CREF).

Any employee who has completed twenty-five (25) years of service with the University or who has attained the age of 60 with fifteen (15) years of immediately preceding University service or who elects an early retirement program authorized by state statute shall be designated Retired at the time of retiring. A list of retired personnel shall be maintained in the Human Resources office; each retiree shall receive such University privileges as have been customary and as may appear appropriate from time to time in the future.

Any employee who retires and has completed twenty-five (25) years of service with the University or has fifteen (15) years of University service immediately preceding the date of retirement shall receive a benefit of conversion of up to 960 hours of accrued sick leave to a state contribution for group health insurance. The conversion rate is 1.5 months of coverage for each 40 hours of accrued sick leave. The amount of the state contribution shall be equal to the employer's contribution for the coverage the employee had while employed reduced by the amount of any state funded health insurance contributions for the retiree. If the retiree dies before the full amount of this benefit is paid, the balance of the benefit shall be transferred to the surviving spouse as a contribution toward state group health insurance payments.

## **H. EMERITUS DESIGNATION FOR ACADEMIC PERSONNEL.**

The emeritus designation shall be conferred upon academic personnel who retire after long and distinguished service to the University. For faculty, minimal qualifications normally will include tenure, associate rank, fifteen (15) years of service, and extraordinary performance in one or more of the following: teaching, advising, research/creative endeavors, professional and/or public service, or administration at the University of Wyoming

For academic professionals (lecturers, extension educators and research scientists), minimal qualifications normally will include an extended term appointment, associate rank, fifteen (15) years of service, and extraordinary performance in one or more areas of their job duties.

Nominations for emeriti status shall be initiated by the department head and/or dean; the nomination shall then be forwarded through the appropriate University officers, who shall add their recommendations. The President of the University shall then forward his/her recommendation to the Trustees.

Academic personnel officially retired from the University of Wyoming may be recalled annually by the Trustees. Request for recall shall be made by the appropriate University officers with the consent of the retiree.

## **I. POLITICAL ACTIVITIES**

The political rights and privileges of all employees of the University are the same as those of any other citizen of the State. However, exercise of those rights and privileges shall not involve the use of University funds, time, services and facilities unless University authorized as part of the educational process. Any such use may be subject to disciplinary action, including discharge.

## **J. PATENTS AND COPYRIGHTS**

The obtaining of patents or copyrights for the mutual benefit of the University and its employees and for making the results of intellectual inquiry available to society is an objective of the Trustees. To accomplish this objective and to protect the interests of the parties, whenever a patent or copyright is to be sought, as a result of research or development sponsored in whole or in part, by or through the University, such work shall be reported to a University officer designated by the President. That officer shall cause an evaluation to be made of the respective interests of the University and the employee and make written recommendations to the President. The manner in which this determination shall be made, any conditions for support of further development, resources for obtaining a patent or copyright, and division of any royalties or other income resulting from a patent or copyright shall be subject to terms set forth in University Regulations or in written agreements authorized by the Trustees.

Use of University resources to develop or market any patentable invention or copyrightable work shall minimally entitle the University to exercise a perpetual, royalty-free, nonexclusive shopright to practice in the patented invention or to use the copyrighted work.

Further interest of the University shall be limited to those cases where there has been substantial use of University resources in developing the patentable invention or the copyrightable work and shall exclude articles published in scholarly professional journals. The extent of the University's and the employee's interest shall be determined with regard for the benefit to the parties.

#### **K. CLASSIFIED RESEARCH AND SECURITY CLEARANCE**

The University of Wyoming does not prejudge the appropriateness of participating in classified research. Rather, it reserves the right to examine each proposed project in the context of scientific merit as well as contributions the research may make to the general welfare of the state, the nation and the whole of humankind. As the governing body for the University, the trustees have authority to accept or reject all research grants, contracts and gifts. In order to make special judgments about research projects, the Trustees must have access to research protocols, including classified research to be conducted at the University of Wyoming.

1. The Trustees shall be fully apprised of the character of all proposed classified research to be conducted at the University of Wyoming. The University, its academic personnel and staff, shall enter into contracts for classified research only with the express approval of the Trustees. (Amended, 2/16/91)

2. A Security Management Team (SMT) shall be designated for each classified research project to be conducted at the University of Wyoming. All members of the SMT shall be subject to security clearance investigation by the Defense Investigation Service and must be awarded clearance at the appropriate level in order to function as a member of the team.

The Security Management Team will consist of the President of the University, the Vice President for Research and Economic Development, the Associate Vice President for Research (as Security Officer), two representatives from membership of the Trustees, the faculty involved in the research and others as may be required by the grantor or contractor.

#### **L. SAFETY**

Every employee has a responsibility to assist the University in identifying and eliminating safety problems in the University environment. Any employee who believes there is a safety problem in his/her work environment, or elsewhere in the University is obligated to bring the problem to the attention of the Risk Management Office. The Office shall be headed by the Director, Risk Management who shall coordinate all safety activities of the University including implementation and maintenance of any workplace drug testing program required by state or federal law. All such program policies and procedures will be on file in the Risk Management office and available for inspection by University employees and the public during normal business hours. The Director, Risk Management is charged

with the planning and implementation of action to meet the requirements of all other applicable state and federal legislation and all associated rules and regulations. The Director, Risk Management shall have the authority necessary to ensure the safety of the University community, including the authority to vacate and close down University facilities, projects or activities. The Director's decisions are subject only to review by the President or his/her designee.

Source:

Trustee Regulation VII; adopted 7/17/08 Board of Trustees meeting

Revisions adopted 3/4/11 Board of Trustees meeting