

THE UNIVERSITY OF WYOMING  
BOARD OF TRUSTEES MEETING

August 12, 2019

Marian H. Rochelle Gateway Center; Laramie, Wyoming

*Additional materials provided for discussion during work session Wednesday, August 14, 2019.*

**AGENDA ITEM TITLE: Approval of a temporary waiver to UW Regulation 5-2(II)(B) (Supplementary Compensation), Brown/Evans/Miller/Benham Deal**

SESSION TYPE:

Work Session

Education Session

Information Item

Other:

[Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC PLAN:

Yes (select below):

Driving Excellence

Inspiring Students

Impacting Communities

High-Performing University

No [Regular Business]

*Attachments are provided with the narrative—refer to Supplemental Materials Report.*

EXECUTIVE SUMMARY:

UW Regulation 5-2, Section II.B, addresses supplemental compensation for all university employees, including limitations on: (1) supplementary assignments full-time employees such as staff and administrative professionals can receive in a calendar year, and (2) the ceiling amount of supplemental pay faculty on academic year appointments can receive for services rendered during the period from Spring commencement to Fall reporting date. The regulation does not provide flexibility in allowing for exceptions when unique, and often time- sensitive, circumstances arise. For example:

1. Section 1.d.4. limits full-time employees during their regular terms of service from receiving supplemental salary for teaching to one three-credit course in any calendar year. Occasionally, academic units will have instructional needs that align with the unique skill sets held by a classified staff or administrative professional. Although the employee’s supervisor can confirm that the employee’s work unit will not be negatively affected and provide an adjusted work schedule (for courses delivered during the workday), the academic unit cannot employ the highly qualify employee to teach a second course in the calendar year.
2. Section 1.f. places a cap on supplemental pay that employees on academic year appointments can earn for work they complete in the summer (i.e., one-third of base [Academic Year] salary). This “one rule fits all” provision prevents the Provost or President from making appropriate and time-sensitive exceptions when the rule does not fit a specific and unique situation. For example, supplemental pay for a researcher that is funded by a federal agency may need to be limited to a particular cap but supplemental pay for a professor or lecturer to teach summer courses may not be needed. Again, the regulation does not allow for exceptions.

The Provost requests these two provisions in UW Regulation 5-2 be waived temporarily for the remainder of FY20 as the Regulation is being reviewed, allowing the Provost and President to

approve supplemental pay exceptions when there are compelling reasons why the exception is in the best interest of the university, faculty, staff and students.

**PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:**

None.

**WHY THIS ITEM IS BEFORE THE BOARD:**

UW Regulation 1-101 requires that the Board approve modifications to UW Regulations.

**ACTION REQUIRED AT THIS BOARD MEETING:**

Board approval, modification, or disapproval of the recommended temporary waiver

**PROPOSED MOTION:**

“I move to temporarily waive sections II.B.1.d.4 and II.B.1.f of UW Regulation 5-2 for the remainder of FY 20 to allow the President and the Provost to approve supplemental pay exceptions when there are compelling reasons why the exception is in the best interest of the university, faculty, staff and students.”

**PRESIDENT’S RECOMMENDATION:**

The President recommends approval.

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## UNIVERSITY OF WYOMING REGULATIONS

**Subject:** Employment Provisions Applicable to All Personnel  
**Number:** UW Regulation 5-2

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### I. NEPOTISM

University employees shall not be immediate supervisors to their relatives. Relatives include parents, spouses, children, siblings (or the foregoing as in-laws), domestic partners, grandparents, grandchildren, uncles/aunts, nephews/nieces, and first cousins. Employees who find themselves in a work situation that conflicts with the foregoing statement shall have the remainder of the fiscal year to work with UW Administration to find alternative solutions, which may involve changes in the lines of supervision for their relatives.

Employees shall recuse themselves from formal discussions, votes, and/or decisions affecting the appointment, tenure, promotion, performance evaluation or other personnel status of a relative as defined above.

No provision of this section shall be interpreted or applied to prevent the hiring, admission to degree candidacy, or award of a scholarship, fellowship, or graduate assistantship to a person who is a relative of any employee of the University or of the Trustees. Nor shall this Regulation bar any employee from (1) reporting concerns about sexual harassment, discrimination, procedural violations, or other inappropriate workplace behavior; (2) inquiring about the possibility of University employment for a family member; or (3) seeking supervisory positions and discussing alternatives for managing family-related conflicts of interest.

### II. COMPENSATION

#### A. Salary Payment

The base salary for most faculty and academic professionals is for work performed 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 faculty performing administrative duties and other duties beyond the usual academic assignments and for most other salaried staff employees is for work performed during the fiscal year.

All base salaries shall be paid in twelve (12) monthly installments except as specified in UW Regulation 2-3, Regulations Governing Vacation, Sick Leave, and Compensation for Faculty and University Officer. The University shall take any

required deductions 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.

**B. 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 employee contract 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 vice president or administrative officer, determines that:
  - (1) The employment will not interfere with the performance of the employee's regularly assigned duties;
  - (2) 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;
  - (3) The supplementary assignment does not exceed the equivalent of one regularly scheduled three-hour credit course in any calendar year; and
  - (4) The supplementary assignment is not recurring and is not in addition to the maximum time allowed for consulting as outlined below.
- e. Employment on grants, contracts and similar 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:

- (1) The essential services cannot be provided by persons employed or receiving salary support under the grant;
  - (2) It is not possible to relieve the employee of part of usual duties;
  - (3) The project is one for which another department has principal responsibility; and
  - (4) 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 as outlined below.
- 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 Fall 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 forty (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 Funds Disbursed by State Agencies**

The University recognizes its obligation to make its resources available to state agencies; however, the costs of such services are not included in 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 employee'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.