Notice of Meeting

UNIVERSITY OF HAWAI’I

BOARD OF REGENTS COMMITTEE ON PERSONNEL AFFAIRS

Date: Thursday, April 7, 2016

Time: 12:30 p.m.

Place: University of Hawai‘i at Mānoa
Information Technology Building
1st Floor Conference Room 105A/B
2520 Correa Road
Honolulu, Hawai‘i 96822

AGENDA

I. Call Meeting to Order

II. Approval of Minutes of the March 9, 2016 Meeting

III. Public Comment Period for Agenda Items: All written testimony on agenda items received after posting of this agenda and up to 24 hours in advance of the meeting will be distributed to the board. Late testimony on agenda items will be distributed to the board within 24 hours of receipt. Registration for oral testimony on agenda items will be provided at the meeting location 15 minutes prior to the meeting and closed once the meeting begins. Written testimony may be submitted via US mail, email at bor@hawaii.edu, or facsimile at 956-5156. Oral testimony is limited to three (3) minutes.

IV. Agenda Items

A. For Information

1. Update on Amendments to RP 9.212 and Executive/Managerial Salary Schedule

V. Adjournment
Personnel Committee
Update on RP 9.212
April 7, 2016
• Provide high-level comparison of current RP 9.212 (Attachment 1) and proposed RP 9.212 (Attachment 2)

• Provide comparison of substantive changes between current RP 9.212 and proposed amendments
HIGH-LEVEL COMPARISON
CURRENT RP 9.212 vs. PROPOSED AMENDED RP 9.212

CURRENT RP 9.212
• Organic product of the last 30 years
• Very administerial and transactional in nature
• Not well organized or user-friendly
• Takes away from the policy-making focus of the Board

PROPOSED AMENDED RP 9.212
• Focuses on policy statements
• Administerial and transactional elements addressed in Executive Policies, i.e., recruitment and appointment, performance evaluation, benefits, and termination
I. Reviewed and restructured the organization of the document

II. Evaluated current policy to determine what should remain in the Regents Policy, and is it still appropriate?

III. Determined what should be moved to an Executive Policy
   • Responsibility of the President to implement
   • Transactional and administerial in nature
| I. | Purpose |
| II. | Definitions |
| III. | Policy |
| A. | Introduction |
| 1. | Purpose/Applicability |
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| 3. | a. Definition - Executive |
| b. | Definition - Managerial |
| 4. | Review |
| 5. | President responsible to implement policy |
| B. | Recruitment |
| 1. | General |
| 2. | Recruitment/Selection of candidates |
| a. | Where to advertise, national recruitment, waiver of recruitment |
| b. | Advisory (Selection) committee |
| c. | President to periodically consult with the board on search and selection |
| d. | Guidelines do not apply for temporary or re-assignments |
| 3. | Appointments |
| a. | Initial executive appointments |
| b. | Reappointments, reassignments and non-renewal |
| C. | Compensation for EM Personnel |
| 1. | a. Purpose/Applicability |
| 2. | Policy Statement (Salary Schedule) |
| a. | EEO/AA guidelines |
| b. | Provide equitable pay grade classifications |
| c. | Establish EM pay grade classifications |
| d. | Maintain salary ranges that reflect internal alignment and competitive pay practices |
| e. | Pay individuals to their level of performance |
| f. | Provide guidelines for sound and consistent salary decisions |
| g. | Permit delegation of salary administration |
| 3. | a. Review salary schedule by advisory committee appointed by President |
| 4. | a. President responsible to implement policy |
| III. C. | Classification policies and procedures |
| a. | Authority |
| b. | Initial hires |
| c. | Annual salary adjustments |
| d. | Special salary adjustments |
| e. | Acting/Interim appointments |
| 6. | Compensation administration and responsibilities |
| a. | EVPAA responsible for overseeing salary schedule |
| b. | EVPAA may recommend revisions to the compensation program |
| c. | EVPAA responsible to recommend salary schedule to President |
| D. | Conditions of Service |
| 1. | Performance evaluation |
| a. | All EMs evaluated annually per criteria provided by President |
| 2. | b. Results of evaluation shall be basis for reappointment or salary adjustments |
| 3. | a. Return rights |
| 4. | a. Professional development |
| 4. | Professional improvement leave |
| a. | Purpose |
| b. | Application |
| c. | Duration |
| d. | Return to teaching |
| e. | Compensation |
| f. | Return service obligation |
| g. | Vacation and sick leave benefits |
| 5. | Leaves without pay |
| a. | Circumstances when LWOP is authorized |
| b. | Discretionary leaves |
| 6. | a. Other leaves of absence |
| 7. | a. Perquisites |
| 8. | Discipline and appeal |
| a. | Only for cause |
| b. | Reassignments/Nonrenewals are not appealable |
| 9. | a. Mileage allowance |
| 10. | a. Travel allowance |
| 11. | a. Additional duties |
| 12. | a. Family leave |
| 13. | a. Other conditions of service |
| E. | Attachments |
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V. Contact Information

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ORGANIZATIONAL STRUCTURE
Proposed

I. Purpose and Authority
II. Definitions
III. Board of Regents Policy
   A. Establishment and Classification
   B. Salary Schedule
   C. Recruitment
   D. Appointment and Initial Salary
   E. Evaluation
   F. Salary Adjustments
   G. Term and Termination
   H. Professional Improvement Leave
   I. Other Conditions of Service
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V. Contact Information
VI. References
VII. Exhibits and Appendices
VIII. Approved
METHODOLOGY

Current Policy
Evaluate current policy to determine what should remain in the Regents Policy, and is it still appropriate?

Proposed Policy
Insert into new policy structure

Executive Policy
Determine what should be moved to an Executive Policy
- Responsibility of the President to implement
- Transactional and administerial in nature
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E. Attachments

IV. Delegation of Authority
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VI. References
B. Recruitment and Appointment of Executive and Managerial Personnel
1. General. Recruitment of and appointments to executive and managerial positions shall be made in accordance with the following policies.
2. Recruitment/Selection of candidates
   a. Executive and managerial vacancies shall be advertised in locations which are considered appropriate sources of recruitment and shall be in compliance with applicable equal employment opportunity/affirmative action requirements. Executive positions which directly supervise or have responsibility over instruction or research programs shall normally require a terminal degree in the field of involvement. Such positions shall be filled through national recruitment. Managerial positions may be filled through an internal search process in which existing employees of the particular campus or within the University of Hawai‘i System can apply and be considered for the position. Executive and managerial positions which have supervision of or responsibility over administrative support, academic support, student services or community service programs normally do not require a terminal degree. Such positions may be filled through local recruitment. Waiver of recruitment for positions reporting directly to the president shall require approval of the board. The president may waive recruitment for other executive and managerial positions when appropriate.
   b. Where appropriate, an advisory committee may be established to advise the president, or other responsible administrator. If an advisory committee is established, the president or other responsible administrator shall provide the committee with the following directions:
      (1) The scope of the committee’s tasks.
      (2) The criteria to be followed if candidates are to be evaluated.
      (3) Appropriate time limits.
      (4) The form of any recommendation to be made (Example: each candidate shall be determined as “qualified” or “not qualified” without any indication of ranking).
   c. The president shall periodically consult with the board on the status and other pertinent information regarding the search and selection process for executive and managerial positions.
   d. These guidelines do not apply in the case of temporary assignments; where additional duties which are not substantial are assigned to an individual previously appointed by the board above and beyond the incumbent’s current duties; where reassignments are made because of organizational changes; or where reassignments are made from one executive or managerial position to another executive or managerial position.
Evaluate current policy to determine what should remain in the Regents Policy, and is it still appropriate?

- Require advertisement in locations considered appropriate
- Comply with EEO/AA laws
- Who can waive recruitment
- Who is appointing authority

- Not policy: Definition of appropriate advertisement
  - Require executive positions that directly supervise or have responsibility over instruction or research programs to be filled through national recruitment
  - All other positions may be filled through local recruitment
  - Managerial positions may be filled through an internal search process
  - Transactional and administerial in nature
  - Steps for forming an Advisory Committee
  - Define the form of the recommendation, i.e., qualified or not qualified without ranking
C. Recruitment

The University of Hawai‘i seeks to attract the best qualified candidates who support the mission of the University and who respect and promote excellence through diversity. In support of this goal, EM vacancies shall be advertised in locations which are considered appropriate sources for recruitment.

The University is committed to equal opportunity and affirmative action principles and values and will follow recruitment and selection practices that comply with equal employment/affirmative action requirements as well as all other applicable employment laws. All prospective applicants shall be provided with this Policy.

Waiver of recruitment for positions reporting directly to the President shall require approval of the Board. The President may waive recruitment for all other EM positions.
I. Purpose and Authority (no substantive changes)

II. Definitions (no substantive changes)

III. Board of Regents Policy

A. Establishment and Classification
   • No longer distinguish between “Executive” and “Managerial” positions as distinct categories
   • Only one category: “Executive and Managerial (EM)” category

B. Salary Schedule
   • Old: Established and updated by the President (EVPAA)
   • New: To be established and updated by the Board

C. Recruitment
   • Old: Board policy determined when national recruitment is required, unless waiver approved
   • New: President determines when national recruitment is required and retains authority for all waiver requests, unless position reports directly to President
   • No other substantive changes
COMPARISON

D. Appointment and Initial Salary
   • Old: Permitted term appointments, start salary placement at between “minimum and CP”
   • New: Silent on term appointments, start salary placement at “minimum”
   • Add: Expanded on considerations for salary placement already in place
   • Appointing Authority: Explicitly states that (1) the Board is the appointing authority for the President and all positions that report to the Board, and (2) the President is the appointing authority for all other EM positions unless delegated. However, positions reporting directly to the President or salaries exceeding maximum of the salary range shall be subject to Board approval.

E. Evaluation (no substantive changes)

F. Salary Adjustments
   • Only authorizes the President to make salary adjustments for EMs (further delegation is prohibited); approval by Board for direct reports to President

G. Term and Termination
   • Clarify that appointing authority has the authority to terminate EMs
   • No other substantive changes

H. Professional Improvement Leave (no substantive changes)

I. Other Conditions of Service (no substantive changes – primarily in EP benefits)
NEXT STEPS

• Feedback from Committee
  • Agree on the approach
  • Agree on the substantive changes
• May Committee
  • Present final Board Policy for recommended approval
    o RP 9.212
    o Other RPs in Chapter 9 for consistency
• Salary Schedule Review
MAHALO
I. Purpose

To set forth policy regarding executive and managerial personnel.

II. Definitions:

Executive: Those personnel with systemwide, campuswide or major campus program responsibility who generally report directly to the president or Board of Regents, that is, executive administrator and secretary of the board, vice presidents, chancellors, vice chancellors, deans (university), the directors of the Institute for Astronomy and Cancer Research Center, and the internal auditor. Consequently, by virtue of reporting lines, policy and statute, the president is not defined as an executive employee, but in a singular category with appointment and terms and conditions of employment subject to the discretion of the board.

Managerial: Those who are heads of major organizational segments of the university or represent the president in their area of cognizance in dealing with the executive and legislative branches of government, e.g., associate vice presidents, deans at the community colleges, associate deans (university and community colleges), assistant deans (university and community colleges), and directors and associate/assistant directors of academic and administrative units, and executive assistants.

III. Policy:

A. Introduction

1. Purpose/Applicability. The purpose of these policies is to specify the conditions of service applicable to individuals appointed by the Board of Regents ("Board") to executive and managerial positions which are excluded from an appropriate bargaining unit as specified in Section 89-6, Hawai'i
Revised Statutes, due to top-level executive, managerial, and administrative responsibilities.

2. Authority. These policies are established pursuant to the authority granted to the board by Article X, Section 6 of the Constitution of the State of Hawai‘i, and by Sections 76-16(11), 304-11, and 304-13, Hawai‘i Revised Statutes (as amended from time to time).

3. Definition. Executive and managerial personnel shall include the following:

   a. Executive: Those personnel with systemwide, campuswide or major campus program responsibility who generally report directly to the president or Board of Regents, that is, executive administrator and secretary of the board, vice presidents, chancellors, vice chancellors, deans (university), the directors of the Institute for Astronomy and Cancer Research Center, and the internal auditor. Consequently, by virtue of reporting lines, policy and statute, the president is not defined as an executive employee, but in a singular category with appointment and terms and conditions of employment subject to the discretion of the board.

   b. Managerial: Those who are the heads of major organizational segments of the university or represent the president in their area of cognizance in dealing with the executive and legislative branches of government, e.g., associate vice presidents, deans at the community colleges, associate deans (university and community colleges), assistant deans (university and community colleges), and directors and associate/assistant directors of academic and administrative units, and executive assistants.

4. Review. These policies, including the appropriateness of utilizing the College and University Professional Association for Human Resources (CUPA-HR) salary survey and salaries derived therefrom, shall be reviewed at least once every two years by a committee of executive and managerial personnel appointed by the president. Appropriate recommendations shall be transmitted to the president for review and forwarding to the board for its approval.

5. Implementation. These policies supersede all prior policies and practices which may conflict with any provision contained herein. The president shall be responsible for the implementation and compliance of these policies by all personnel of the university. Exceptions to the board policies contained herein may be made only upon approval of the board.

B. Recruitment and Appointment of Executive and Managerial Personnel
1. General. Recruitment of and appointments to executive and managerial positions shall be made in accordance with the following policies.

2. Recruitment/Selection of candidates

   a. Executive and managerial vacancies shall be advertised in locations which are considered appropriate sources of recruitment and shall be in compliance with applicable equal employment opportunity/affirmative action requirements. Executive positions which directly supervise or have responsibility over instruction or research programs shall normally require a terminal degree in the field of involvement. Such positions shall be filled through national recruitment.

   Managerial positions may be filled through an internal search process in which existing employees of the particular campus or within the University of Hawai‘i System can apply and be considered for the position.

   Executive and managerial positions which have supervision of or responsibility over administrative support, academic support, student services or community service programs normally do not require a terminal degree. Such positions may be filled through local recruitment.

   Waiver of recruitment for positions reporting directly to the president shall require approval of the board. The president may waive recruitment for other executive and managerial positions when appropriate.

   b. Where appropriate, an advisory committee may be established to advise the president, or other responsible administrator. If an advisory committee is established, the president or other responsible administrator shall provide the committee with the following directions:

      (1) The scope of the committee’s tasks.

      (2) The criteria to be followed if candidates are to be evaluated.

      (3) Appropriate time limits.

      (4) The form of any recommendation to be made (Example: each candidate shall be determined as “qualified” or “not qualified” without any indication of ranking).

   c. The president shall periodically consult with the board on the status and other pertinent information regarding the search and selection process for executive and managerial positions.
d. These guidelines do not apply in the case of temporary assignments; where additional duties which are not substantial are assigned to an individual previously appointed by the board above and beyond the incumbent’s current duties; where reassignments are made because of organizational changes; or where reassignments are made from one executive or managerial position to another executive or managerial position.

3. Appointments. Appointments to executive positions of executive administrator and secretary of the board, vice president, chancellor, and internal auditor are subject to board approval and considered to be a consent of employment and not contractual appointments to specific positions. Appointments to position of vice chancellors, deans (university), directors of the Institute for Astronomy and Cancer Research Center, and other positions defined as managerial are subject to presidential approval and considered to be a consent of employment and not contractual appointments to specific positions. The university may reassign such personnel to any executive or managerial position at its discretion during the term of an appointment without loss of pay. Such appointees serve at the pleasure of the university and as such, no employment contracts aside from the normal university employing documents shall be offered to any executive or managerial employee.

a. Initial executive appointments

(1) Executive and managerial personnel with return rights shall normally be appointed for one year at a time, but initial appointments of up to three years duration may be made.

(2) Executive and managerial personnel without return rights may initially have term appointments not exceeding five (5) years.

(3) Appointments which require an individual with specialized experience and management skills to develop new programs, such as a new school or college, may be made at a title and salary commensurate with the assignment, pending the establishment of the executive or managerial position.

(4) Executive and managerial personnel with multi-year appointments serve at the pleasure of the university and, as such, shall be subject to appropriate performance criteria and shall be required to maintain satisfactory performance as a condition of continued employment. If satisfactory performance is not maintained, the executive or manager may be reassigned or terminated in accordance with section b(6) or
b(7) below, as appropriate. This requirement shall apply to initial appointments and reappointments.

b. Reappointments, reassignments, and non-renewal of appointments

(1) Reappointments shall be based on the needs of the university.

(2) Executive and managerial personnel without return rights normally may have term appointments for periods of up to three (3) years.

(3) Reassignment of executive and managerial personnel to any other executive or managerial position, as provided in Section 3 above is considered to be a continuation of employment and is not an initial appointment.

(4) The non-reappointment of individuals to executive and managerial positions is not considered a termination for cause, but is an exercise of the university’s prerogative to select executive and managerial personnel to direct and manage the affairs of the university.

(5) Personnel appointed to executive and managerial positions who have return rights to another university position may be re-assigned at any time during the appointment period to such former position upon being given at least thirty (30) calendar days written notice by the appropriate administrator. See Return Rights, Part IV, 2.

(6) Executive and managerial personnel who do not have return rights to another position shall be provided prior written notice of termination of appointment. During the first two (2) years of employment, three (3) months notice shall be given prior to the effective date of termination action. After two (2) or more years of service, six (6) months notice shall be given prior to the effective date of the termination action. Notice of termination may be given at any time during the appointment period.

(7) Executive and managerial personnel serving in an acting or interim capacity have temporary appointments which may be terminated with appropriate notice. Such personnel with return rights to another position may be terminated upon thirty (30) calendar days notice. Such personnel who do not have return rights to another position should be given as much notice as possible, but in no event less than 90 calendar days.

C. Compensation for Executive and Managerial Personnel
1. Purpose/Applicability

a. The purpose of these policies is to describe the provisions of the compensation system applicable to individuals appointed by the Board of Regents (“Board”) to executive and managerial positions which are excluded from an appropriate collective bargaining unit as specified in Section 89-6, Hawai‘i Revised Statutes.

2. Policy statement. The university system operates in a highly competitive environment and recognizes that its faculty and administrators are primary assets, and the principal source and means by which the university carries out its mission. The university aspires to provide base compensation for its executive and managerial personnel that is competitive with pay levels of individuals who have similar responsibilities, demonstrated competence, and experience. The compensation levels for the university’s executive and managerial positions shall be based on relevant competitive markets including higher education and local markets as well as on the level of responsibility of the position, internal alignment, and value of hire in fulfilling the strategic mission of the university. It is the aspiration of the university to be able to offer starting salaries in consideration of job responsibilities and demonstrated competency and experience so that most fully competent and experienced staff are compensated at the median rate paid to executives and managers in similar positions at university systems or employers with which the university competes for staff. Individuals with less experience should generally be offered starting salaries commensurate with experience between the minimum and control point. Compensation includes salary and benefits. Each employing unit is responsible for insuring that the unit maintains equity across protected groups as provided below:

a. Administer the university’s compensation program without regard to an individual's race, sex, gender identity and expression, age, disability, color, religion, national origin, citizenship, ancestry, marital status, sexual orientation, arrest and court record, status as a covered veteran, or any other protected classes.

b. Provide equitable pay grade classifications for executive and managerial positions. Each position shall be analyzed, described in writing, and classified according to complexity and responsibility so that comparisons can be made with comparable university systems and recruitment sources.

c. Establish equitable executive and managerial pay grade classification schedules consistent with the university’s organizational structure with pay
grade medians equal to the median salaries paid by comparable universities and other recruitment sources.

d. Maintain salary ranges for these pay grade classifications that properly reflect internal position relationships in addition to being competitive with external pay practices of comparable universities and other recruitment sources.

e. Pay individuals within their salary ranges according to their level of performance, rewarding good performance and withholding increases when they are not warranted by individual performance.

f. Provide guidelines for sound and consistent salary decisions throughout the organization.

g. Permit delegation of salary administration authority while maintaining adequate control.

The university values the components of the work experience including a positive and healthy environment that addresses the physical, emotional and intellectual well being of its staff. Components enhancing the staff’s work experience will be consistent with offerings by similarly situated university systems.

3. Review

a. These compensation policies shall be reviewed at least once every two years by an advisory compensation committee appointed by the president. The compensation committee shall consult with the president when reviewing the compensation policies. Upon completion of its review, the compensation committee will present its recommendations to the president for review and forwarding to the board for final action.

4. Implementation

a. These compensation policies supersede all prior policies and practices which may conflict with any provision contained herein. The president shall be responsible for the implementation and compliance of these policies by all personnel of the university.

5. Classification policies and procedures

a. Authority
(1) Generally, compensation actions shall comply with the terms of these compensation policies. Exceptions, however, are permitted in unique and well-justified cases. The president has the authority to grant such exceptions, except for those positions for which the board is the final approving authority; in those cases, the board has the authority to grant such exceptions.

(2) The board is the final approving authority for all appointment, reappointment, and compensation actions, including acting and interim appointments, related to the positions reporting directly to the president or to the board specifically the executive administrator and secretary of the board, vice presidents, chancellors, and internal auditor.

The board shall review the list of positions for which the board is the final approving authority at least once every two years to confirm or amend the list as may be required. The board may, at its discretion, amend the list at any time. The president may, from time to time, submit recommendations to the board to amend the list. Such recommendations to the board shall be made in writing and shall include relevant justification.

The approving authority for all other appointments, reappointment, and compensation actions under this policy requires the approval of at least two executive or managerial reporting levels above the position involved in the transaction.

For example, the president is the final approving authority for all appointments, reappointments, and compensation actions involving executive or managerial positions reporting to the president’s direct reports. Accordingly, the chancellors and vice presidents who report directly to the president are the final approving authority for all other appointment, reappointment, and compensation actions for executive or managerial positions within their respective areas of responsibility.

(3) The executive vice president for academic affairs/provost shall be responsible for ensuring the oversight of the classification of all executive and managerial positions and for all management compensation transactions for compliance with the university’s compensation policies, and shall advise the president of transactions found not to be in compliance.

b. Initial hires
(1) Chancellors and vice presidents are authorized to set starting salaries for new employees up to and including the control point of the appropriate classification salary range established for that position. The calculation of the “control point” for a given classification is generally understood to be based on the median of the relevant CUPA survey of public and private institutions, though the use of CUPA for these purposes will be part of the periodic review of these policies required in Parts I(4) and III(3).

(2) The president may, upon the recommendation of the vice president/chancellor and at his/her discretion, authorize higher starting salaries for new executive and managerial employee candidates who have exceptional skills, experience, and qualifications and who are expected to immediately contribute productive performance.

(3) The board, upon the recommendation of the president and at its discretion, may authorize starting salaries exceeding the maximum of the salary range width for exceptional candidates for positions reporting directly to the president or the board.

c. Annual salary adjustments

(1) In order to insure that executive and managerial employee salaries are competitive with comparable university systems, salary adjustments may be granted periodically, subject to the availability of board authorized funds for salary adjustments. The amount of such salary adjustments shall be based on an individual’s performance with consideration given to the individual’s placement within his/her grade classification salary range.

(a) Executive and managerial employees shall be eligible for merit salary adjustments and/or performance incentive awards as follows:

i. The president, upon recommendation of the executive vice president for academic affairs/provost, shall develop annual salary adjustment guidelines. The guidelines should insure that the salary increases are granted on a fair and equitable basis. The guidelines may include a matrix for authorized salary increase amounts taking into consideration both individual performance and one’s placement within his/her grade classification salary range. (Generally increases for those in the upper percentiles of their salary range are lower than for those
who perform at an equal level but who are in the lower percentiles of the salary range.) The guidelines may include special provisions and/or compensation incentives for individuals whose base pay exceeds the maximum of their respective grade classification range.

ii. Executives and managers who have final approval authority under these compensation policies may approve any salary adjustment within the guidelines established by the president or the board provided that the resulting salary does not exceed the control point of the grade classification range established for that position. Base salary adjustments beyond the control point of the salary range may only be granted to those employees whose performance is above the fully satisfactory level.

iii. Generally, all base salaries shall be within the authorized grade classification range. Exceptions, however, are permitted in unique and well-justified cases. The president has the authority to grant such exceptions, except for those positions for which the board is the final approving authority; in those cases, the board has the authority to grant such exceptions.

iv. Performance Incentive Awards (PIA) may be granted pursuant to university procedures for meritorious performance.

d. Special salary adjustments

   (1) Special salary adjustments may be granted to incumbents in extraordinary circumstances such as retention, based on the recommendation of the appropriate vice president or chancellor.

e. Acting/Interim appointments

   (1) Individuals appointed to executive and managerial positions on an acting or an interim basis may be compensated with a temporary pay adjustment.

   (2) Chancellors and vice presidents are authorized to set starting salaries for acting/interim executive and managerial appointments up to and including the control point of the appropriate classification salary range established for the executive position.
(3) The president may, upon the recommendation of the vice president/chancellor and at his/her discretion, authorize higher starting salaries for, acting/interim executive and managerial appointments for candidates who have exceptional skills, experience, and qualifications and who are expected to immediately contribute productive performance.

(4) The board upon the recommendation of the president and at its discretion, may authorize starting salaries exceeding the maximum of the salary range width for exceptional candidates for positions reporting directly to the president or the board.

(5) Should the employee not be appointed to the position after serving in an acting or interim capacity, the following will apply:

(a) Additional temporary pay adjustments received for serving in an acting or interim basis will be terminated upon completion of the assignment.

(b) Upon return to the individual’s former position, his/her salary shall be that which he/she would have received at the time of return had he/she not accepted the acting or interim assignment, adjusted as may be equitable under the circumstances.

6. Compensation administration responsibilities

a. The executive vice president for academic affairs/provost, shall direct and oversee the administration, monitoring, and maintenance of the compensation policies that includes a salary schedule applicable to executive and managerial classes and for the assignment of executive and managerial classes on the salary schedule to ensure competitiveness and to stay abreast of current trends. Copies of the most current salary schedule shall be provided to the board. The university’s Office of Equal Opportunity/Affirmative Action working through the vice president for legal affairs and university general counsel shall be responsible for the oversight of internal compensation equity to ensure both legal and policy compliance.

b. The executive vice president for academic affairs/provost, may recommend revisions of the program as required and provide appropriate reports to the president and the board. Specific responsibilities shall include the following:
(1) Consults with and reviews salary actions or recommendations to insure conformance with these compensation policies, administration guidelines, and the salary adjustment budget. Reviews and makes recommendations to the president for salary actions requiring the president’s or board’s approval.

(2) Requests the vice presidents and chancellors annually to review their executive and managerial position descriptions to insure that they are current and accurate. If the duties and responsibilities of the position have changed, a revised position description shall be submitted to the System Office of Human Resources.

(3) Reviews the salary grade classification pay ranges annually and recommends revisions if required by changes in the competitive market (e.g., as reflected by changes in the CUPA survey used to establish the control points for classification ranges). Consideration shall be given to the general movement of salaries paid in comparable universities for comparable positions, based on surveys and specific job analysis.

c. The executive vice president for academic affairs/provost shall direct the preparation of a report and recommendation for salary structure adjustments if necessary for the president’s review and approval.

D. Conditions of Service

1. Performance evaluation
   
a. Every appointee to an executive or managerial position shall be evaluated for performance and accomplishments annually during the March-June period according to criteria and procedures established by the president, which shall include performance categories as well as criteria upon which executive and managerial appointees are to be evaluated. Such evaluation shall include a review of the position description and classification assignment of the position to which the individual has been appointed.

b. The results of the evaluation shall be the basis for reappointment as appropriate and for consideration of salary adjustments and performance incentive awards. Performance incentive awards are to be paid as lump sum bonuses based on the evaluated performance for the immediately completed fiscal year, without increasing the base salary of the employee.
2. Return rights

   a. Personnel appointed to an executive or managerial position, with return rights to another university position, may be reassigned to such position. Upon return to the position, either during or after an appointment period, the individual’s salary shall be that which the individual would have received at the time of return had he/she not accepted the executive or managerial appointment, adjusted as may be equitable under the circumstance.

3. Professional development

   a. Executive and managerial personnel are expected to continue their professional development during their period of appointment so as to enhance their capabilities and value to the university. Accordingly, they may be provided opportunities for taking leaves of absence and for participating in appropriate activities and programs which will attain this objective.

4. Professional improvement leave

   a. Purpose. Executive and managerial personnel may be granted leave with pay for professional improvement consistent with development in their profession and the needs of the university. Professional improvement leave is a privilege approved by the university, the purpose of which is to advance the university by (1) enhancing the performance of the employee and thereby, enriching the university's programs or (2) enabling executive and managerial employees to prepare to assume or resume faculty or professional duties after significant executive or managerial service to the university. The leave shall be used to enhance or gain professional expertise, and engage in professional activities to better serve the university in support of the university’s mission and goals.

   b. Application. An application for professional improvement leave shall be submitted at least six (6) months before the start of the leave in accordance with the purpose in section 4(a).

   c. Duration. Professional improvement leave may be granted after six (6) years of full-time continuous service, including creditable service in other board classifications, for periods up to six (6) months at full pay or twelve (12) months at half pay with total months earned at the rate of one (1) month for each year of service. Leaves of shorter duration and intermittent leaves may also be granted. However, the total duration of the intermittent
leave taken with pay should not exceed the total leave provided for under this policy.

d. Return to teaching, research or other professional duties. An employee who will leave an executive or managerial position to return to teaching, research or other professional position with the university is encouraged to apply for professional improvement leave if the duration of the executive or managerial appointment has been for at least six (6) years and a professional improvement or a sabbatical leave was not taken during this period.

e. Compensation. The leave approved under this provision shall be taken at the salary applicable to the position the individual will occupy upon return from the professional improvement leave. For example, if the individual will return to an executive or managerial position, the leave may be taken at the current executive or managerial salary; however, if the individual will return to a faculty position, the leave shall be taken at the appropriate faculty salary for the faculty position.

f. Return service obligation. An individual granted a leave with pay for professional improvement shall agree to return to service at the university. The return service obligation shall be equivalent to the duration of the leave. Upon the return of the employee from professional leave, the individual shall submit a written report to the appropriate supervisor on the activities during the leave.

g. Vacation and sick leave benefits. Executive or managerial personnel shall not earn or accrue vacation leave or sick leave while on professional improvement leave.

5. Leaves without pay

a. Executive and managerial personnel may be granted leaves without pay for purposes such as professional development, military leave, or for urgent personal reasons, including personal illness or illness of family members. These leaves of absence except for urgent personal reasons, shall normally be granted for no more than one year at a time. There may be combinations of leaves, such as paid professional improvement leave followed by leave without pay. Leaves for urgent personal reasons shall not be granted for more than ninety (90) days at a time.

b. Discretionary leaves such as professional development leave and in certain circumstances, military leave, may be granted provided a
satisfactory temporary replacement, if needed, can be secured. Approval of personal leaves of an emergency nature shall not be unreasonably withheld.

6. Other leaves of absence

   a. Executive and managerial personnel may be granted or placed on other types of leaves of absence, with or without pay, in accordance with policies, procedures and practices. This includes a leave of absence with pay for purposes of conducting an investigation when the university determines the absence of the employee in the workplace would facilitate the investigation and/or operations of the university, facilitate the securing of sensitive information or resources essential to an investigation, or be in the best interests of the employee or the university.

7. Perquisites

   a. Executive and managerial personnel may be granted perquisites not in conflict with state law. However, prior board approval is required when an executive or managerial employee is being offered a perquisite valued at one hundred dollars ($100.00) or more per month and/or not afforded all other university employees.

8. Discipline and appeal

   a. Executive and managerial personnel shall not be disciplined except for proper cause.

   b. Reassignments and non-reappointments as provided for in Part II, Section 3(b), are not disciplinary actions and are therefore not appealable.

9. Mileage allowance

   a. Executive and managerial employees who are required to use their private vehicles for official business shall be reimbursed at the applicable federal rate per mile.

10. Travel allowance

    a. Executive and managerial personnel traveling on university business shall be authorized per diem rates and benefits comparable to those authorized for bargaining unit 07.
11. Additional duties

a. As professionals, executive and managerial personnel may be assigned additional duties from time to time. In cases where significant additional duties are temporarily or permanently assigned, an adjustment to the individual’s salary may be granted. Upon completion of the additional temporary duties, the additional compensation shall terminate.

12. Family leave

a. Executive and managerial employees shall be entitled to state family leave as set forth in Chapter 398, Hawai‘i Revised Statutes. Accrued vacation leave and/or sick leave may be substituted for any part or all of the allowable state family leave up to a maximum of four (4) weeks per designated twelve (12) month period. Employee entitlement to federal family leave is set forth in the Family and Medical Leave Act of 1993. The president shall be responsible for developing and maintaining policies and procedures to administer this section in accordance applicable laws and regulation.

13. Other conditions of service

a. Executive and managerial personnel shall be granted all rights and benefits accorded other university employees as provided by statute, rule, or board policy, except as may be specifically modified by this policy or other policies of the board. These rights and benefits shall be subject to adjustments and modifications as provided by Section 89-C, HRS, which provides for comparability with bargaining unit members. Any additional benefits shall require prior approval of the board. See Attachment 3 for Rights and Benefits.

E. Attachments

IV. Delegation of Authority:

The president shall be responsible for the implementation and compliance of these policies by all personnel of the university. Exceptions to the board policies contained herein may be made only upon approval of the board. See RP 9.212 (A)(5).

V. Contact Information:
VI. References:

- http://www.hawaii.edu/offices/bor/
- Family and Medical Leave Act of 1993
- http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0089C/
- EP 9.201

Approved as to Form:

__________________________     ___________
Cynthia Quinn         Date
Executive Administrator and
Secretary of the Board of Regents
I. Purpose and Authority

This Regents Policy RP 9.212 ("Policy") provides a framework for the terms and conditions of service applicable to individuals appointed by the Board of Regents ("Board") to executive and managerial ("EM") positions at the University of Hawai‘i, ("University"), which are excluded from a bargaining unit as specified in Section 89-6(f)(2), Hawai‘i Revised Statutes ("HRS"), due to top-level executive, managerial, and administrative responsibilities.

This Policy is established pursuant to the authority granted to the Board by Article X, Section 6 of the Constitution of the State of Hawai‘i, and by HRS Section 304A-1001 (as amended from time to time).

This Policy supersedes all prior policies and practices that may conflict with any provision contained herein.

II. Definitions

The term "EM" shall mean executive and managerial positions at the University of Hawai‘i,

III. Board of Regents Policy

A. Establishment and Classification

1. There shall be an EM class of positions established based on the needs of the University and in a manner consistent with the University’s organizational structure. Generally speaking, executive positions have system-wide, campus-wide or major campus program responsibilities and report directly to the Board, President or Chancellor; managerial positions
report directly to executives and head major organizational segments of the University, or serve as high level executive assistants. The Board retains authority to establish and classify positions reporting to the Board and to the President. The President retains authority to establish and classify all other positions, an authority which shall not be further delegated.

2. Positions shall be classified according to the complexity, breadth and depth of responsibility, and the critical importance of the position to the operation of the University. Each position shall be analyzed and described in writing to ensure equity within the University organization while considering comparable university systems nationwide.

B. Salary Schedule

1. The University aspires to provide compensation for its EM personnel that is competitive with pay levels of individuals who have similar responsibilities, demonstrated competence, and breadth of demonstrated experience. The Board retains authority for establishing a salary schedule for EM positions (“Salary Schedule”). The Salary Schedule sets forth minimum, median and maximum salary ranges based on relevant competitive markets, including higher education and local markets, as well as on the level of responsibility of the position, equity in relation to comparable University positions, and value of the hire in fulfilling the strategic mission of the University. The Board may review and adjust the Salary Schedule as appropriate, provided that a review will be made at least once every five years. A copy of the Salary Schedule is set forth in Attachment A of this Policy.

2. The University is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, citizenship (except as permissible by applicable laws), ancestry, physical or mental disability, genetic information, marital status, arrest and court record (except as permissible under applicable laws), sexual orientation, gender identity and expression, National Guard absence, uniformed service, income assignment for child support, pregnancy, breastfeeding, status as a victim of domestic or sexual violence (includes stalking), status as a protected veteran, and credit history (except as permitted by applicable laws) in employment practices including compensation. As such, the University's
compensation program shall be administered accordingly.

C. Recruitment

1. The University of Hawai‘i seeks to attract the best-qualified candidates who support the mission of the University and who respect and promote excellence through diversity. In support of this goal, EM vacancies shall be advertised in locations which are considered appropriate sources for recruitment.

2. The University is committed to equal opportunity and affirmative action principles and values and will follow recruitment and selection practices that comply with equal employment/affirmative action requirements as well as all other applicable employment laws. All prospective applicants shall be provided with this Policy.

3. Waiver of recruitment for positions reporting directly to the President shall require approval of the Board. The President may waive recruitment for all other EM positions.

D. Appointment and Initial Salary

1. The Board shall be the appointing authority for all EM positions reporting directly to the Board. The President shall be the appointing authority for all other EM positions at the University, however, positions reporting directly to the President shall be subject to Board approval. Except for positions reporting directly to the President, the President shall have the authority to further delegate appointing authority for all other EM positions.

2. To attract and retain competent and experienced personnel, it is the aspiration of the University to offer compensation that is competitive with the market from which the personnel are recruited, including higher education and local markets. For comparison purposes, total compensation shall include salary and benefits.

3. When determining the placement of an EM appointment within the Salary Schedule, the appointing authority shall take into consideration:

   • Appointments should be at the minimum of the range unless a higher
salary is justified based upon the individual’s knowledge, skills and experience;
• Candidate’s current salary;
• Principles of equity in relation to comparable positions in the University;
• Relationship of the proposed salary to other personnel in the unit; and
• Budget and fiscal conditions of the unit.

4. All appointments at salaries exceeding the maximum of the range set forth in the Salary Schedule shall require approval of the Board.

5. EM appointments are not contractual appointments to specific positions and may be reassigned and/or receive an adjustment in pay based on changing assignments of responsibilities to meet the needs of the University. No employment contracts aside from the regular University employing documents shall be offered to any EM employee.

6. The President shall provide the Board an annual report that lists the salaries of all EM employees and indicates the placement within the Salary Schedule. The report shall also specify the date of appointment and the reason for any changes to compensation of incumbents that occurred since the prior report.

E. Evaluation

1. EM employees are expected to perform their duties and responsibilities in a manner that achieves the highest standards of quality and professionalism. To that end, evaluations are a critical component of the continued employment, professional development, and compensation of all EM employees.

2. The assigned responsibilities, performance and accomplishments of each appointee to an EM position shall be evaluated annually. The evaluation shall be consistent with criteria and procedures established by the President and the appointing authority, including specific metrics aligned to the University’s strategic goals. The review may include identification of specific goals to be accomplished in the coming year.

F. Salary Adjustments
1. To ensure that EM salaries are competitive, salary adjustments may be granted based on merit, subject to the availability of Board authorized funds for salary adjustments.

2. The Board shall establish guidelines and approve salary adjustments for positions reporting directly to the Board. The President shall establish guidelines and approve salary adjustments for all other positions, an authority which shall not be further delegated. The President shall report to the Board on guidelines used for salary adjustments for positions under the President’s delegated authority.

G. Term and Termination

1. Subject to the terms of this Policy, EM positions are at-will and serve at the pleasure of the Board. The appointing authority for the EM position, as set forth in Section III.D.1 of this Policy, has the authority to terminate the EM’s employment with the University. Termination of EM personnel from employment, either with or without cause, is not appealable.

2. EM personnel without return rights to another position may be terminated from employment, without cause, at any time by being provided three (3) months prior written notice during the first two (2) years of employment, and six (6) months prior written notice after the first two (2) years of employment.

3. EM personnel with return rights to another position may be terminated from their EM position, without cause, at any time by being provided thirty (30) days written notice. The salary at the time of return shall be that which the individual would have received had he/she not accepted the EM appointment; provided, however, the President may approve adjustments to the return-salary as deemed equitable.

4. EM personnel may be terminated from employment for cause, effective immediately, with no obligation of prior notice on the part of the Board or University. In termination for cause, the employment relationship with the Board or University shall cease immediately with no further employment rights or obligations, and such decision shall be considered final.
H. Professional Improvement Leave

1. EM personnel may be granted leave with pay for professional improvement consistent with development in their profession and the needs of the University. Professional improvement leave is a privilege for the purpose of advancing the University by (1) enhancing the performance of the employee and thereby, enriching the University’s programs or (2) enabling EM employees to prepare to assume or resume faculty or professional duties after significant administrative service to the University. The leave shall be used to enhance or gain professional expertise, and engage in professional activities to serve the University in support of the University’s mission and goals.

2. Professional improvement leave may be granted after six (6) years of full-time continuous service, including creditable service in other Board classifications, for periods of up to six (6) months at full pay or twelve (12) months at half pay with total months earned at the rate of one (1) month for each year of service. Leaves of shorter duration and intermittent leaves may also be granted. However, the total duration of the intermittent leave taken with pay should not exceed the total leave provided for under this Policy. The President may grant exceptions to the minimum creditable service requirement when deemed in the best interests of the University.

3. The leave approved under this provision shall be taken at the salary applicable to the position the individual will occupy upon return from the professional improvement leave. For example, if the individual will return to an EM position, the leave may be taken at the current EM salary, however, if the individual will return to a faculty position, the leave shall be taken at the appropriate faculty salary for the faculty position.

4. An individual granted a leave with pay for professional improvement shall agree to return to service at the University. The return service obligation shall be equivalent to the duration of the leave. Upon the return of the individual from professional leave, the individual shall submit a written report to the appropriate supervisor on the activities during the leave.
I. Other Conditions of Service.

1. EM personnel shall be granted all rights and benefits accorded other University employees as provided by statute, rule, or Board policy, except as may be specifically modified by this Policy or other policies of the Board. These rights and benefits shall be subject to adjustments and modifications as provided by HRS Chapter 89C which provides for comparability with bargaining unit members. Any additional benefits shall require prior approval of the Board.

IV. Delegation of Authority

Except for positions reporting directly to the President, the President shall have the authority to further delegate appointing authority for all other EM positions.

V. Contact Information

Office of the Board of Regents, 956-8213,

VI. References

I.  
A. http://www.hawaii.edu/offices/bor/


C. http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0089C.htm

D. http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/Const/CONST_0010-0006.htm

VII. **Exhibits and Appendices**

Attachment A – Salary Schedule

VIII. **Approved**

Approved as to Form:

_____________________________  _______________________
Cynthia Quinn                        Date
Executive Administrator and Secretary of the Board of Regents