

## **Policy 704.5 – Employment Status**

Date Adopted: 7/27/04

Issuing Office: Administration & Finance

Date Revised:

Approved By:

References: Board of Regents 702.1, 706.1, 711.1; Collective Bargaining Agreements

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### **I. POLICY**

The University of Montana Western utilizes various types of employment status.

### **II. PURPOSE**

The purpose of this policy is to provide information on the types of employment status of individuals who are employed at the University of Montana Western, as well as recruitment and change of status.

### **III. PROCEDURES**

#### **A. Types of Employment**

##### **1. Faculty**

Faculty members are individuals on academic appointment with a contractual obligation comprised of teaching, research, and public service.

All full-time appointments at the rank of professor, associate professor, assistant professor, and instructor are either probationary or tenured appointments.

Non-tenurable, adjunct, and temporary academic appointments may be made in accordance with the Faculty Association collective bargaining agreement.

##### **2. Contract Administrator and Contract Professional**

Contract Administrators and Professionals are individuals employed in positions meeting the criteria for Board of Regents Contracts (Board of Regents Policy 711.1) and UMW personnel policies. Contracts are renewable on an annual fiscal or academic year basis.

Board of Regents' employment contracts include a notation, when applicable, that makes employment contingent upon continuation of external funding. If anticipated funding is not forthcoming, an individual may be terminated at any time during the expected term of the contract upon 15 working days written notice.

##### **3. Letter of Appointment**

Letters of Appointment may be issued to a contract professional or contract administrator meeting Board of Regent's criteria set forth in UMW personnel policies and paid from various funding sources. For more information, refer to Policy 704.2 Letter of Appointment.

##### **4. Staff Employees**

Staff employees are non-academic personnel whose position titles and rates of pay are normally determined in accordance with staff pay systems. Staff positions are either union (i.e., covered by a collective bargaining agreement) or non-union.

Non-union staff are defined as individuals who are in confidential labor relations, supervisory, or managerial positions, and other designated positions excluded from bargaining units under the terms set forth in applicable collective bargaining agreements and state law.

Staff employees must complete a probationary period defined in the applicable collective bargaining agreement or in Policy 704.6 Probation Period-Staff.

5. Temporary Staff Employees

Temporary non-academic employees are individuals whose employment is not intended to be permanent but is limited to a specific time period, not to exceed one (1) year, with no expectation of employment beyond the specified period. Temporary employees are employed at the discretion of the hiring department and may be terminated without any cause at any time, notwithstanding the term for which the employee was hired. Five (5) days notice will be given to any temporary employee terminated prior to completion of the initial hiring term.

When employment exceeds 90 calendar days, temporary employees are eligible to use sick leave hours that have accrued since date of hire. Temporary employees who work six (6) months or more are eligible to use annual leave hours that have accrued since date of hire. Temporary employees are subject to the applicable collective bargaining agreement provisions.

Temporary employees hired for a period of six (6) months or more, at half time or more, are eligible for medical insurance benefits.

6. Student Employee

This status pertains to an individual meeting all of the following criteria:

- a. Enrolled for at least six (6) academic credits at the University of Montana Western;
- b. Performing duties not typically performed by regular or temporary staff, academic, or administrative personnel;
- c. Student employment is considered incidental to the individual's academic pursuits and class attendance;
- d. Rate of pay is established in accordance with guidelines established by the Student Employment Office;
- e. Student employees are ineligible for all benefits provided to regular employees of the University.

8. Change in Employment Status

Leave, benefits, and retirement may be affected by a change in employment status (e.g., when a contract professional working 12 months/year is granted adjunct faculty rank on a 10-month basis). Any proposed change in status should be reviewed by the Vice Chancellor for Administration & Finance/Student Affairs and the EEO/Affirmative Action Officer prior to implementation to ensure notice requirements, if applicable, are followed and to ensure both the department and employee are aware of the impact the change will have on the employee.

9. Recruitment and Retention

The EEO/Affirmative Action Officer monitors contract administrator, contract professional, staff, and academic recruitments and develops recruitment procedures to ensure compliance with state and federal equal opportunity and affirmative action requirements.

B. Discontinuance of Employment

1. Resignation

A faculty member who wishes to resign from the University normally should give notice within 30 days of appointment for the succeeding academic year, or April 15, whichever is later.

Administrators are encouraged to give at least 30 days notice prior to the date of resignation.

Whenever possible, a staff member who is planning to resign should submit a written notice to his/her supervisor two weeks prior to date of resignation. The last day worked is the effective date of resignation. The resignation is valid unless both the supervisor and employee agree that the resignation may be withdrawn.

2. Non-Renewal/Layoff

An employee may be laid off for reasons such as, but not limited to, lack of funding, lack of work, or departmental needs.

3. Faculty

Non-renewal or termination of employment shall occur in accordance with Faculty Association collective bargaining agreement provisions and Board of Regents policy.

4. Contract Administrators/Professionals

Except in situations involving termination for cause, contract administrators and professionals are given written notice of contract non-renewal at least 30 days prior to expiration of the contract during the first year of employment, three (3) months prior to expiration during the second year of employment, or five (5) months notice prior to expiration during the third and subsequent years of employment (Board of Regents Policy 711.1).

Administrative and professional employment contracts include a notation, when applicable, that makes employment contingent upon continuation of external funding. If anticipated funding is not forthcoming, an individual may be terminated at any time during the expected term of the contract upon 15 working days written notice.

5. Letter of Appointment

Except in situations involving termination for cause, the employment of individuals hired on a Letter of Appointment automatically ends without notice at the end of the specified term.

Letters of Appointment include a notation that makes employment contingent upon continuation of funding. If anticipated funding is not forthcoming, an individual may be terminated at any time during the expected term of the contract upon 15 working days written notice.

6. Staff

Except in situations involving termination for cause, staff employees must be given advanced written notice of layoff as stated in the applicable collective bargaining agreement or personnel procedures.

7. Termination for Cause

Termination procedures will be conducted in accordance with applicable collective bargaining agreements, Board of Regents policy, and UMW personnel policies.

If a department is unsure how to proceed with non-renewal or layoff, any proposed change in status should be reviewed by the Vice Chancellor for Administration & Finance/Student Affairs prior to implementation to ensure all relevant policies and procedures are followed.

**IV. AUTHORITY**

Board of Regents 702.1, 706.1, 711.1; Collective Bargaining Agreements

**V. RESPONSIBILITY**

Vice Chancellor for Administration & Finance/Student Affairs, EEO/Affirmative Action Officer,  
Associate Director of Human Resource Services