

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION

Policy and Procedures Manual

ITEM 127-126-R0505

PAGE: 711.1 (1 of 2)

SUBJECT: PERSONNEL

Effective: Nov. 19, 1998

Section: 711.1 Employment Instruments;

Issued: Dec. 30, 1998

~~Professional and Administrative Employees~~

_____ Approved:

Board policy:

1. All employees of the Montana University System except those excluded in Subsection ~~65~~ shall be hired through a Montana University System professional employment contract, or a letter of appointment, or university employment contract in accordance with this Board of Regents' policy and procedures.

2. Montana University System Professional Employment Contracts

a. ~~Professional and Administrative~~ employees holding positions defined in policy 711.2 and head coaches shall be issued a Montana University System ~~professional~~ employment contract specifying salary and other terms of employment, including special requirements such as NCAA and NIAA regulations.

b. Montana University System ~~professional~~ employment contracts are for a maximum one year period except as otherwise noted in this policy and must be signed by the applicable campus chief executive officer or the Commissioner of Higher Education, and be approved by the Board of Regents.

c. Except in situations involving termination for cause or loss of funding (see Section 4), ~~professional and administrative~~ employees hired through a Montana University System ~~professional~~ employment contract shall be given written notice of intent not to renew their contracts at least 30 days prior to expiration during the first year of employment, three (3) months prior to expiration during the second year of employment, or six (6) months prior to expiration during the third or subsequent years of employment with the institution in a full-time position.

d. In the event the initial term of employment contract for a newly hired employee is for less than six (6) months, the employee shall be entitled to at least thirty (30) days written notice of non-renewal prior to expiration in both the first and second years of employment. Such employee will be entitled to at least three (3) months notice prior to expiration during the third year and six (6) months prior to expiration during the fourth or subsequent years of employment.

e. The employer shall have the option of providing severance pay to employees hired through a professional employment contract in lieu of any or all of the notice to which the employee is entitled. Such severance pay shall be commensurate with the salary the employee would have received if allowed to serve out the contract period. The employer shall also have the option of reassigning the employee during any or all of the notice period. The Commissioner shall be notified in such instances.

f. In instances of substantiated recruitment difficulties and if a one-year employment contract is the primary reason for such difficulties, the individual may be offered a maximum three-year contract upon prior review by the Commissioner and approval by the Board of Regents.

3. Letters of Appointment

a. Professional, non-classified and administrative employees shall be hired through a Montana University System employment contract, university employment contract, or a letter of appointment signed by the campus chief executive officer or the Commissioner. Letters of appointment are typically utilized for positions established for a specific and limited term that do not have a stable funding source.

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Administrative Employees

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b. Letters of appointment are for a specified period and are not to exceed one year. There is no restriction on the number of successive one-year letters of appointment that may be granted to an individual. However, in no case does an employee hired through a letter of appointment have a right to continuous employment beyond the one year period. Except in situations involving termination for cause the employment of employees hired by a letter of appointment automatically ends without notice at the end of the specified term or the end of the one year period, whichever occurs first.

4. Funding Contingency

Montana University System employment contracts, university employment contracts and letters of appointment may include a notation that makes employment contingent upon continuation of external funding. If anticipated funding is not forthcoming, an employee hired through a contract or letter of appointment with such notation may be terminated at any time during the expected term of the contract upon 15 working days written notice.

5. Limitations

No agent of the Board of Regents may make commitments or promises to any employee to extend employment beyond the maximum authorized in this policy. Any such promises, whether written, oral or implied, are invalid and unenforceable.

6. Tenure track faculty, student employees, classified employees, , employees covered by a collective bargaining agreement, Presidents and the Commissioner are excluded from this policy.

7. No later than October 1 of each year, the Presidents shall submit to the Commissioner reports containing:

a. The names, positions, dates of employment, and salaries of all employees employed through a letter of appointment and university employment contracts in the preceding fiscal year. These reports shall be prepared in the format prescribed by the Commissioner.

b. The names and positions of all employees employed pursuant to a Montana University System employment contract for any part of the preceding fiscal year, who during that year received salary in excess of the amount listed on the Board of Regents' staff item in which the employee's contract salary was listed. The list should state for each person thereon both the previously approved salary, the amount by which the employee's compensation exceeded the previously listed salary, and the reason for the difference. This report shall be incorporated in the September Board of Regents' campus Staff Items.

History:

Item 26-016-R0380, Employment Contract, Professional and Administrative Employees, Montana University System, March 10, 1980 as revised December 16, 1983, January 22, 1993, May 16, 1996, September 19, 1996, and November 19, 1998.