

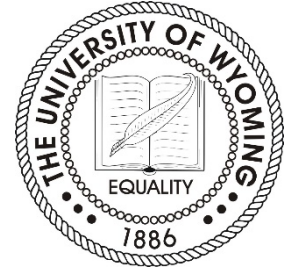
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## UNIVERSITY OF WYOMING REGULATIONS

**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.

### **III. CONSULTING**

#### **A. Requirements**

During the period of full-time University employment, 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. A determination that the following 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.

1. 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.
2. The work must not interfere with the employee's University duties and must be in addition to, rather than a part of, the employee's full-time University duties. Such work must also be related to the employee's duties and must contribute to the effectiveness of the employee's work.
3. When academic personnel or University officers perform professional and consulting work, they must furnish written statements signed by the employee and the client(s) attesting that the efforts are independent of the employee's 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.

#### **B. Competition with the Private Section**

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

#### **C. Use of University Facilities**

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, who shall establish the compensatory schedule for facilities used.

**D. Scope**

This Regulation shall not apply to work which

1. Does not involve use of University facilities;
2. Does not represent the University; and
3. 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 employee's overall commitment to the University will be disclosed to the appropriate dean, director, or University President.

**E. Conflict of Commitment**

Failure to comply with this Regulation shall constitute a conflict of commitment and shall be cause for disciplinary action, up to and including termination.

**IV. CONFLICT OF INTEREST/CONFLICT OF COMMITMENT**

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

A conflict of commitment exists when an employee 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 for 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, up to and including termination.

**V. MILITARY LEAVE**

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.

**A. Active Duty for War or National or State Emergency**

Employees who have been employed for eleven (11) months who leave the University for 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 employee'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.

**B. 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.

**VI. RETIREMENT**

**A. Wyoming Retirement System and TIAA-CREF**

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

**B. Payment of Sick Leave**

Any employee who retires after July 1, 2016, but is not eligible for retirement under C, D, E or any other section of this Regulation, shall receive payment for one-half (1/2) of the current sick leave balance as of the employee's termination date, but in no circumstances will the payout exceed a total of 480 hours. For the avoidance of doubt, the payment of sick leave will be calculated using the employee's annual salary on the employee's last working day.

For purposes of this section only, retirement is defined as an employee who has attained the age of fifty (50) with at least four (4) years of service.

**C. Board Retirement**

Any employee who (1) has completed twenty-five (25) years of full- or part-time benefitted service with the University; (2) has attained the age of sixty (60) with fifteen (15) years of University full- or part-time benefitted service with at least ten (10) consecutive years of uninterrupted service immediately preceding the date of

retirement; or (3) elects an early retirement program authorized by state statute shall be designated Board Retired at the time of retiring. A list of Board Retired personnel shall be maintained in the Human Resources office.

**1. Board retirement – before July 1, 2016, on or after July 1, 2016 for employees Board retirement eligible on July 1, 2016, and after July 1, 2016 for employees who have completed fifteen (15) years of University service with at least ten (10) consecutive years of uninterrupted service immediately preceding July 1, 2016**

Each Board Retiree (1) who retired before July 1, 2016, (2) who was eligible for Board retirement on July 1, 2016 and who retires on or after July 1, 2016, with continuous University employment from July 1, 2016 through the date of retirement, or (3) who earns qualifying status on or after July 1, 2016, with continuous service from July 1, 2016 through the date of retirement, and who had completed fifteen (15) years of University service with at least ten (10) consecutive years of uninterrupted service immediately preceding July 1, 2016, shall be eligible for the following benefits:

- a. Conversion of up to 960 hours of accrued sick leave to a state contribution for group health insurance or payment for one-half (1/2) of the current sick leave balance as of the employee's termination date, not to exceed 480 hours (see VI.B above). If the Board Retiree elects to convert the 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. If the employee dies, the sick leave conversion benefit shall be transferred to the surviving spouse. A rehired Board Retiree who has received this benefit previously is not eligible to receive this benefit again.
- b. Payment for half the premium for state life insurance, if elected, for the remainder of the retiree's life. The employee's spouse or surviving spouse is not eligible for this benefit.
- c. Access to recreation facilities without charge. The employee's spouse or surviving spouse may purchase access.
- d. A campus parking permit without charge. The employee's spouse or surviving spouse may purchase a permit.
- e. Season tickets to athletic events, at the same discount provided to benefited personnel. The employee's spouse or surviving spouse shall receive the same discount.

- f. UW library privileges, including all electronic files available to UW personnel. The employee's spouse or surviving spouse shall only receive the same library privileges as all members of the public.
- g. Computer account on the UWYO domain, without charge. The employee's spouse or surviving spouse is not eligible for this benefit.
- h. Defensive driving course, without charge, once every three years, as long as UW continues to offer the course. The employee's spouse or surviving spouse may also take this course without charge, once every three years.
- i. UW classes, at no tuition cost, provided space is available. The spouse of an eligible retiree may receive a fifty (50) percent tuition discount and a surviving spouse may receive the employee's full tuition discount provided space is available.
- j. Office space, provided (a) space is available, (b) there is legitimate regular use, and (c) the appropriate department head and dean agree. The benefit is only available to retiring faculty members and academic professionals who receive emeritus status under UW Regulations 5-2 and 2-1. The employee's spouse or surviving spouse is not eligible for this benefit.

If an employee eligible for Board Retirement dies prior to retiring from the University, the Board Retiree benefits, including the sick leave conversion benefit, shall be made available to his or her surviving spouse, including any spousal provisions listed above.

Retiring faculty members and academic professionals who receive emeritus status under UW Regulations 4-2 and 5-1 shall be eligible for the benefits numbered 1.c through 1.j of this subparagraph, whether or not they are eligible for Board Retirement.

Employees receiving official Board Retirement status shall be responsible for initiating the process to receive the paid-up health insurance through established personnel policies and guidelines. At the conclusion of any paid-up health insurance, the Board Retiree shall be eligible to participate in the group health insurance plan pursuant to the current personnel policies and/or insurance carrier's contracts.

**2. Board retirement – on or after July 1, 2016 but not eligible for Board retirement on July 1, 2016**

Each Board Retiree not eligible for benefits under subparagraph C.1. or D.1. of this section shall be eligible for the following benefits:



- a. Payment for one-half (1/2) of the current unused sick leave balance as of the employee's termination date not to exceed 480 hours.
- b. Payment for half the premium for state life insurance, if elected, for the remainder of the retiree's life. The employee's spouse or surviving spouse is not eligible for this benefit.
- c. Access to recreation facilities without charge. The employee's spouse or surviving spouse may purchase access.
- d. A campus parking permit without charge. The employee's spouse or surviving spouse may purchase a permit.
- e. Season tickets to athletic events, at the same discount provided to benefited personnel. The employee's spouse or surviving spouse shall receive the same discount.
- f. UW library privileges, including all electronic files available to UW personnel. The employee's spouse or surviving spouse shall only receive the same library privileges as all members of the public.
- g. Computer account on the UWYO domain, without charge. The employee's spouse or surviving spouse is not eligible for this benefit.
- h. Defensive driving course, without charge, once every three years, as long as UW continues to offer the course. The employee's spouse or surviving spouse may also take this course without charge, once every three years.
- i. UW classes, at no tuition cost, provided space is available. The spouse of an eligible retiree may receive a fifty (50) percent tuition discount and a surviving spouse may receive the employee's full tuition discount provided space is available.
- j. Office space, provided (a) space is available, (b) there is legitimate regular use, and (c) the appropriate department head and dean agree. The benefit is only available to retiring faculty members and academic professionals who receive emeritus status under UW Regulations 5-2 and 2-1. The employee's spouse or surviving spouse is not eligible for this benefit.

Retiring faculty members and academic professionals who receive emeritus status under UW Regulations 5-2 and 2-1 shall be eligible for the benefits numbered 2.c through 2.j of this subparagraph, whether or not they are eligible for Board Retirement.

**D. Conversion of Accrued Sick Leave for Non-Board Retirees**

Any employee who retires, but is not eligible for Board Retirement as defined in paragraph VI.C of this regulation shall receive a benefit as follows:

1. Employees who retire before July 1, 2016, and who have completed fifteen (15) years of University service with at least ten (10) consecutive years of uninterrupted 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. If an employee eligible for this conversion benefit dies prior to retiring from the University, the conversion benefit due this employee shall be transferred to his or her surviving spouse.
2. Employees who retire on or after July 1, 2016, with continuous service from July 1, 2016 through the date of retirement, and who have completed fifteen (15) years of University service with at least ten (10) consecutive years of uninterrupted service immediately preceding July 1, 2016, shall receive a benefit of conversion of up to 960 hours of accrued sick leave to a state contribution for group health insurance or payment for one-half (1/2) of the current sick leave balance as of the employee's last working day, not to exceed 480 hours (see VI (B) above). If the employee elects to convert the 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. A rehired Retiree who has received the conversion of up to 960 hours of accrued sick leave previously is not eligible to receive this benefit again.

**E. Retirement Incentive**

Employees who elect to retire between July 1, 2016, and the earlier to occur of: 1) August 5, 2016 or 2) when the sum of the annual compensation of employees electing retirement reaches \$14,000,000.00, who are at least sixty-one (61) years of age on the date of retirement, and who are eligible either for Board retirement under

subparagraph C.1. of this section or the benefit under subparagraph D.2. of this section shall receive the following additional benefits:

1. The conversion rate shall be 2.0 months of health insurance coverage for every 40 hours of accrued sick leave.
2. A payment in an amount equal to the employee's annual salary from the date of election to retire until December 31, 2016. This payment is consideration for the agreement to retire. It shall not be considered salary. The payment shall be made on the employee's last day of leave status under subparagraph VI.E.3.
3. Notwithstanding the provisions of any other University regulation, an employee who elects to retire and receive the additional benefits under this paragraph VI.E shall not be eligible to receive a lump sum payment for accrued annual leave. In lieu thereof, the employee shall be in a leave status from the date of election to retire until the total number of hours of accrued vacation have been used. During this leave status, the employee shall not accrue sick or annual leave, but shall receive all other benefits.
4. The beneficiary of an employee who dies prior to receiving all the benefits shall be paid the balance of the benefits in a lump-sum.
5. Employees whose salaries are funded by the state 0167 UW Medical Education budget or by the state 070 Enhanced Oil Recovery Commission budget are ineligible for benefits under this section.

**F. Separation Incentive**

Employees who elect to terminate their employment with the University on or after July 1, 2016, but not later than August 5, 2016, who are at least sixty-one (61) years of age on the date of the election, and who do not qualify for the benefits under paragraph VI.E of this regulation, shall receive the following benefits:

1. Notwithstanding the provisions of any other University regulation, the employee:
  - a. Shall receive payment for one-half (1/2) of the unused sick leave balance not to exceed 480 hours; and
  - b. Shall receive payment for the number of hours under F.1.a of this section and for unused annual leave as follows:
    - (1) The employee shall be in a leave status until the total number of hours under F.1.a of this section and the total number hours of accrued annual

leave have been used or 480 hours, whichever is less. During this leave status, the employee shall not accrue sick or annual leave, but shall receive all other benefits.

(2) If the employee has an unpaid leave balance after 480 hours in a leave status under F.1.b.(2) of this section, then the balance shall be paid in a lump sum on the last day of that leave status.

- c. A payment in an amount equal to the employee's annual salary from the date of election until December 31, 2016. This payment is consideration for the agreement to terminate their employment. It shall not be considered salary. The payment shall be made on the employee's last day of leave status under F.1.b of this section.
- d. The beneficiary of an employee who dies prior to receiving all the benefits shall be paid the balance of the benefits in a lump-sum.
- e. Employees whose salaries are funded by the state 0167 UW Medical Education budget or by the state 070 Enhanced Oil Recovery Commission budget are ineligible for benefits under this section.

## **VII. 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, qualifications 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), qualifications 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 department head and/or dean shall forward the nomination to the Vice President for Academic Affairs, who shall forward his/her recommendation to the President. The President shall then forward a recommendation to the Trustees.

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

## **VIII. 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 authorized as part of the educational process. Any unauthorized use may be subject to disciplinary action, up to and including termination.

## **IX. CLASSIFIED RESEARCH**

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.

The Trustees shall be fully apprised of the character of all proposed classified research to be conducted at the University. The University, its academic personnel and staff, shall enter into contracts for classified research only with the express approval of the Trustees. If the University participates in classified research, the Office of Research and Economic Development will oversee the necessary steps to allow this type of research to occur.

## **X. SAFETY**

Safety is the responsibility of every employee. Each employee shall conduct their activities in compliance with applicable governmental, University, and campus unit safety and health policies, procedures and regulations. This includes abiding by safety rules, participating in safety training as required and reporting hazards and potential violations. 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 immediate supervisor and the Chief Risk Officer as appropriate. The Chief Risk Officer has primary responsibility for employee safety activities of the University and all such workplace health and safety programs, policies and procedures. These documents will be available on the Risk Management and Safety Office website or a copy may be viewed at the Risk Management and Safety Office during normal business hours. The Chief Risk Officer is charged with the planning and implementation of actions to meet the requirements of all applicable state and federal environmental health and safety legislation and all associated rules and regulations. The Chief Risk Officer 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. Such decisions are subject only to review by the President or his/her designee.

The Chief Risk Officer also has primary responsibility for the University's insurance and for protecting the University from liability. Employees shall comply with all Risk Management policies and procedures and make all reports required by the Chief Risk Officer.

The University shall maintain an alcohol and drug testing program that complies with federal and state law. When federal or state law or University Regulation makes such program applicable to an employee, that employee shall comply with the requirements of the University program.

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**Responsible Division/Unit:** Division of Administration

**Source:** None

**Links:** <http://www.uwyo.edu/regs-policies>

**Associated Regulations, Policies, and Forms:** UW Regulation 2-1; UW Regulation 2-3

**History:**

Trustee Regulation VII; adopted 7/17/2008 Board of Trustees meeting

Revisions adopted 3/4/2011 Board of Trustees meeting

Revisions adopted 5/6/2011 Board of Trustees meeting

Revisions adopted 9/9/2011 Board of Trustees meeting

Revisions adopted 11/16/2012 Board of Trustees meeting

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