

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION REPEAL**

DATE: June 19, 2008

REGULATION TITLE(S) AND NUMBER(S): 6C-5.915 Compensation

SUMMARY: The Board of Governors has delegated authority to the board of trustees to develop university personnel programs. Therefore, the obsolete Board of Regents rule regarding compensation needs to be repealed.

FULL TEXT OF THE REGULATION: The full text of the regulation proposed for repeal is posted on Board of Governor's Web site at www.flbog.org. In addition, the full text of the regulation is available upon request to the Office of the Chancellor, at (850) 245-0466.

AUTHORITY TO REPEAL REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING REPEAL OF THE REGULATION(S): Vikki Shirley, General Counsel.

COMMENTS REGARDING THE REPEAL OF THE REGULATION(S) SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation(s) on which you are commenting:

Vikki R. Shirley, General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.org.

5.915 Compensation.

(1) Pay actions shall be administered consistent with the following provisions:

(2) The Board shall establish and maintain the pay ranges for A&P and USPS. Legislatively approved pay range additives or competitive area differentials (CAD) shall be added to the pay range for those USPS classes within the geographic area specified in the approval. Pay shall not exceed the maximum of the pay range including the CAD without the approval of the Chief Administrative Officer.

(3) Base rate of pay is the pay provided employees not including any additives as provided for in Section (6)(h), below. Regular rate of pay is an employee's base rate of pay plus any other pay which may be necessary to meet the requirements of the Fair Labor Standards Act (FLSA). Hourly pay is computed based on 2088 work hours annually. A factor of 26.1 is used for annualizing biweekly pay.

(a) An employee must be in pay status in order to receive a pay increase of any kind.

(b) Employees paid from contracts and grants, auxiliaries or local funds shall be eligible for pay increases provided such increases are permitted and funded by the funding entity. Each university shall strive to have contracts and grants, auxiliaries, and local funds permit and fund such pay increases.

(c) A retroactive effective date for a pay action shall be the lesser of twelve month or the date stated in the documentation of the intent to increase the pay.

(d) A pay increase may be provided for a temporary change in assignment on an acting basis and, upon return to original responsibilities, the pay may be adjusted.

(e) An employee returning from unpaid leave shall receive any increases in the pay range for the class or mandatory pay increases granted during the period of unpaid leave, unless pay implementation instructions provide otherwise. Also, an employee may be considered for discretionary increases.

(f) When a USPS employee is called back to work beyond the employee's scheduled hours of work for that day, the employee shall be credited with the greater of the actual time worked, including time to and from the employee's scheduled hours of work for that day, the employee shall be credited with the greater of the actual time worked, including time to and from the employee's home to the assigned work location, or two hours.

(4) Pay upon original appointment for A&P and USPS shall be made within the pay range with the following exceptions:

(a) A provisional appointment for A&P may be below the minimum of the pay range. The pay shall be increased to at least the minimum of the pay range upon the employee attaining the minimum qualifications for the class.

(b) A trainee appointment for USPS shall be in accordance with the approved individual training schedule and may be below the minimum of the pay range.

(c) An emergency appointment for USPS may be below the minimum of the pay range.

(5) Annual pay increases shall be in accordance with guidelines issued by the Chancellor.

(6) Other pay increases may be provided under the following categories:

~~_____ (a) Increased responsibilities.~~
~~_____ (b) Market conditions including counter-offers and retention due to specialized or extensive investment or training.~~
~~_____ (c) Salary compression or inversion.~~
~~_____ (d) Increases to resolve a pay disparity considering education, experience, or duties and responsibilities of other employees.~~
~~_____ (e) Lump sum payments to recognize the successful completion of a special project or assignment which is in addition to the employee's regularly assigned duties, or a documented significant increase in productivity or productivity goal achievement including a group incentive program. Such payment for employees subject to the FLSA shall not exceed the greater of ten percent of the employee's annual base pay or \$3,000 (before taxes.) For other employees, such payment shall not exceed 15 percent of the employee's annual base rate of pay, unless approved by the Chief Administrative Officer.~~

~~_____ (f) Increases to recognize sustained superior performance.~~
~~_____ (g) Approved career development /apprenticeship programs.~~
~~_____ (h) Pay additives including those for asbestos-related activities, lead abatement activities, leadworker pay, shift differentials, on-call pay, field training officer activities, and other approved activities.~~

~~_____ (7) Other pay adjustments.~~

~~_____ (a) An employee who is demoted shall receive pay commensurate with the responsibilities assigned. The demotion may be with or without a reduction in base rate of pay.~~

~~_____ (b) The removal of pay additives, correction of overpayment, or reduction to the maximum of the pay range do not constitute a reduction in pay action.~~

~~_____ (c) When the assignment of Faculty serving in an administrative position such as Vice President, Dean or Director is changed, the pay and appointment period shall be adjusted to reflect the new responsibilities. If the adjusted pay of an administrator, whose appointment is being changed to a ranked Faculty, will be greater than 90 percent of the range of pay for Faculty in the same rank in the college or school in which the employee is to be appointed, the new pay must be approved by the Chancellor or designee. The Chief administrative Officer shall submit a recommendation for approval to the Chancellor, including a justification for the proposed pay, the employee's experience, qualifications, academic discipline, and other relevant factors. The Chancellor will advise the Board of such approvals.~~

~~_____ (d) When an employee's appointment is changed from a calendar year to an academic year appointment with duties remaining the same, the employee's pay shall be adjusted to 81.8 percent of the calendar year base pay. For an employee whose appointment was previously changed from academic year to calendar year where the pay was adjusted other than by 122.2 percent, pay shall be adjusted to the percent which is the reciprocal of the percent previously used. A different pay adjustment percent may be used upon agreement of the employee and the Chief Administrative Officer.~~

~~_____ (8) Each University shall be responsible for arranging the work schedule to minimize overtime and shall establish procedures for overtime pay consistent with the FLSA.~~

~~_____ (9) Extra State Compensation.~~

~~_____ (a) _____ Pay for appointments up to the available established FTE for the position shall be from funds designated as Salaries.~~

~~_____ (b) _____ Pay for the portion of an appointment in excess of the established FTE position and for activities of limited duration where no FTE is assigned shall be from funds designated as OPS.~~

~~_____ (c) _____ Employment by another State agency shall be processed consistent with its requirements.~~

~~_____ (10) _____ Perquisites/Sale of Goods and Services. The Chief Administrative Officer shall approve providing perquisites to employees, the sale of goods and services to employees, and the payment of moving expenses associated with a current or perspective employee. The provision of such items shall be job or class related and documented to demonstrate that the approval is in the best interest of the University.~~

~~_____ Approval is not required when sales to employees are at the same rate as they are ordinarily sold to the public.~~

~~_____ (b) _____ Moving expenses shall ordinarily be limited to the cost of packing, shipping, and storage of household goods, not to exceed 15,000 pounds, and reasonable expenses incurred for moving an automobile.~~

~~Authority: Section 7(d), Art. IX, Fla. Const., History—New 1-24-96, 2-1-98, 8-17-99.~~