

[In these minutes: Approval of P&A Senate proposal, Small group work on Policy on Non-renewal of Appointments]

CAPA MEETING
Friday, June 18, 2010

PRESENT

Representatives: Sarah Waldemar (chair), Neil Anderson, Will Craig, Frank Douma, Pamela Enrici, Michael Fridgen, Scott Gilbert, Shawn Haag, Ann Hagen, Cynthia Hagley, Kirsten Jamsen, Scott Madill, Caitrin Mullan, David Nicolai, William Patrek, Steven Pearthree, Rand Rasmussen, Bill Roberts, Laura Seifert, Travis Trautman, Patrice Webster.

Alternates: Henry Fulda, Stacey Grimes, Zahra Khorasani, Michelle Koker, Tatyana Shamliyan, Kimberly Simon.

ABSENT/REGRETS

Regrets: Brenda Carriere, Christine DeZelar-Tiedman, Stephanie Dilworth, Susan Doerr, Jessica Kuecker Grotjohn, Caroline Rosen, Meg Stephenson, Roger Wareham, Sheryl Weber-Paxton, Julie Westlund.

Absent: Richard Brown, Andrew Swain, Pamela Wilson.

Chair Waldemar began the meeting by thanking the Executive Committee members for their service this year. She then presented a certificate of appreciation to Will Craig, Vice Chair.

1. ACTION ON P&A SENATE PROPOSAL

MOTION:

To restructure the Council of Academic Professionals and Administrators (CAPA) to a P&A Senate for implementation July 1, 2011

Chair Waldemar said that she would like to take time at today's meeting to answer questions and hear any additional comments before a vote is taken on the motion.

Q: Will there be a change in elections?

A: Yes. The Senate Office will be able to assist.

Q: Will term limits for members be reset with the change from CAPA to a Senate?

A: This is a detail that has not yet been discussed, but will be determined next year.

A representative said that she has received many comments from her colleagues in CEHD that she would like to relay. First, her colleagues do not feel that there has been enough time for discussion and input. The first she heard about this proposal was when she received the email last week from Chair Waldemar. This short timeframe has not allowed for full discussion between representatives and their constituents. She asked about the positive and negative aspects

of the proposal and the ramifications of a change, which she could not determine from the email that was sent.

Chair Waldemar said that from the emails that she received, including some from former representatives, a majority have been in favor of the change. As for negative aspects to the proposal, she cannot see any besides the minimal loss of the CAPA name. This appears to be the next step in the evolution of P&A governance.

Will Craig said that one negative aspect was that travel to Senate meetings would no longer be paid whereas travel to CAPA meetings is now reimbursed. However, the compromise was to consider scheduling committee meetings on the same day as Senate meetings, which would allow travel expenses to be paid. He knows that this proposal might seem sudden to some, but it has been discussed throughout the year and he cannot see delaying it for another six months.

Chair Waldemar noted that the Civil Service Committee voted yesterday to move to a Senate by July 1, 2011. If CAPA does not make this change, then it will be the only governance group that is outside the Senate alignment. CAPA has had a strong voice this year and she feels that it has created momentum towards this change. It would also coincide with the changes in senior administration.

She has also heard that this change will not allow for CAPA's advocacy role. However, she would argue that each Senate already serves as an advocate for their employee or student group. The P&A classification was originally formed as an employee class to support faculty, but is now on equal footing. She asked why CAPA would not choose to parallel the faculty in terms of its governance structure. If CAPA does not change, it will appear less than equal on an organizational chart of governance groups.

Q: At University Senate meetings there is no real debate as most of the work is done in committees. Is this how the P&A Senate will function?

A: No. There will not be a change in P&A Senate meetings unless CAPA makes that determination.

Q: Will changing to a Senate allow for a larger voice with the faculty?

A: This would be the hope, but it always depends on the people and administrators that are involved and how much they want to listen to the P&A voice.

Chair Waldemar said that this proposal does not ask for additional P&A seats on the University Senate. There have also been concerns about connecting with P&A serving on Senate committees. While not tied to this proposal, she would like a closer connection with these P&A.

A representative suggested that these committee members could be made P&A Senate members.

Another representative said that today's motion allows one year for CAPA to determine the details of how this will proceed.

With no further discussion a vote was taken and the motion was approved.

2. DISCUSSION OF THE POLICY ON NON-RENEWAL OF APPOINTMENTS

Nan Wilhelmson from the Office of Human Resources (OHR) said that her office is doing a comprehensive review of the 40 OHR policies. Any changes will be brought to the Policy

Advisory Committee (PAC) and the President's Policy Committee (PPC) for their feedback and approval. Before changes can be made, feedback is sought from the affected group.

She would like CAPA to provide feedback on the Policy on Non-renewal of Appointments. There is controversy and concern from both administrators who work with the policy and P&A who are affected by it. In order to make helpful modifications, she would like to know current issues with the policy.

Today's meeting will be one of three opportunities for P&A to provide input. Once feedback is received, changes will be made and the policy will be brought back to CAPA for further consultation. Lastly, the policy will be available on the web for a 30-day review period.

Nan Wilhelmson then walked the members through a PowerPoint on the details of the current policy. She then asked members to break into small groups and answer specific questions regarding the policy.

Following is a summary of the feedback from the small group sessions:

❖ = Suggestion/Idea

CONCERNS

Determining Notice Period Length

- Many do not know or understand how many continuous years of service they have that qualify for notice period length determination.
- Time in other than a P&A position is not counted
- ❖ Definitive person to go to for current number of continuous years of service
- ❖ Could the NOA track continuous years
- ❖ All continuous years of service in either a P or an A position should count for those non-renewed in an A position.

12 Month Notice Period

- Very, very good – allows time for employee to accept the decision and adjust to change and move on (e.g., seek other work)
- Should there be more than 12 months notice after 15 years of service to further recognize long term service?
(One person knew of an institution that has a 3-year notice.)

Rescinding Notice

- ❖ Need for a template letter/language for rescinding notice

Notice of appointment or Reappointment in Conjunction with a Notice of Non Renewal

- Practice negates benefit (there is some understanding of why this practice is done)
- Non-renewal notice benefit is a protection to the employee, but this practice feels like a “slap in the face”
- Institutionalizes “no reason”
- Unethical practice (Combo Letter)

Reason for Non Renewal Not Required

- Can use reorganization as reason instead of addressing the real issue—performance
- Allows for “Minnesota nice”—passive aggressive behavior in “firing” a person for performance
- Concern in not being able to indicate a reason for being let go to a new or potential new employer should the question be asked

- Generates a sense of fear
- Causes confusion with “just cause”
- ❖ Get rid of the “no reason” language in the policy
- ❖ Include the reason in the notice letter
- ❖ There should be documentation of why a person is non-renewed and/or ability to grieve

Moving from a Professional Position to an Administrative Position

- P&A do not know the impact of a change from a P to an A to the qualifying years of service determination for determining length of notice period
- Feels punitive
- Difference in qualifying years of service between a P position and an A position affecting benefits is not communicated in appointment letter

Work During Notice Period

- Unclear who makes the decision if P&A is transferred to another unit to work out the notice period
- Can a P&A request to be transferred during the notice period? The environment may feel hostile/uncomfortable and the employee may really want to move to another unit
- If transferred to another unit to work out notice period, it’s unclear who pays for the P&As salary/benefits
- Situation of employee doing no work, but getting paid

Offering the Non-Renewal Program

- Program benefits are not competitive after 10 years of service—the incentive in the private section is often better
- Not an attractive option
- Does this function as a retirement incentive? There really is no “other” retirement incentive

Soft Funded Positions

What do you do with soft-funded positions?

- Grant monies ending—concern with needing to use unbudgeted departmental funds to pay salary/benefits during the notice period
- Another way is needed to end an appointment on soft funding
- “Wasted funds” in having to pay employee if soft funding doesn’t come through
- ❖ If non-renewal is implemented because grant monies run out and within a short period of time new grant monies are obtained and the person is rehired, there should be a grace period in which continuous years of service are not lost

General

- Confusion over which clocks are running when---notice period vs. 60 days for Program option vs. rescinding non-renewal notice vs. date of notice
- Benefit given to employee at end of appointment/career at U. Does this incent employees while working?
- Uneven application of policy across units, especially during time of financial crisis (note: found this in group notes—not sure what was meant)
- Recognizes years of service if you are let go—what about recognizing when you are here?

WHAT IS VALUED

- Spirit of the policy
- Length of notice period—12 month maximum and 1 month minimum
- Notice period is longer than 28 days. CS/BU provision (current provisions)

- Recognizes years of service
- Like the idea that this policy benefits the employee more than the employer (but recognize that it does present challenges to the employer)
- That within a few years of service, the employee moves “up the scale” with a greater benefit
- The Program is an “escape route” if the work situation is untenable
- Balance—often corporations pay more on an annual basis but U provides a longer notice period
- Policy provisions recognize years of service
- Notice period tied to years of service

3. OTHER BUSINESS

With no further business, Chair Waldemar thanked the members for their service this year and adjourned the meeting.

Becky Hippert
University Senate Office