

OA Policies and Procedures: General Overview

History: The development of OA policies has progressed over time as the result of several influential factors. In 1996, two employee groups were merged to create the current Officers of Administration (OA) employee group. This is a large employment group, consisting of over 1400 employees serving in a diverse range of roles. This, along with several other factors, has limited progress in policy development and implementation. Recently, the OA Council undertook an in-depth listening tour which underscored the need for a set of policies tailored specifically for OAs. The renewed interest in policy-making by OAs and the transition to self-governance were key drivers in the recent policy initiative. With the commitment of senior leadership, the newly restructured Human Resources led the effort to develop these new OA policies.

Process: In order to understand the process, a quick overview of the current policy taxonomy is necessary: Currently, there are some OA specific policies but the majority of policies that apply to OAs cover both unrepresented faculty and OAs (Joint Employment Policies). Therefore, in order to give OAs an independent, OA-specific set of rules, the policies and procedures had to be drafted from scratch. In order to do that, in June of 2015, HR put together an OA Policy Advisory Team (OA PAT). The team consisted of subject matter experts on HR policy, policy development at UO, and legal compliance issues as well as OA thought leaders recommended by the OA Council. The OA representatives on the OA PAT are all campus leaders who have served in a variety of leadership roles, including in the UO Senate or on the council (See Appendix A).

The OA PAT was tasked with creating a new suite of OA policies and procedures. Because these policies are OA specific, they are not based on the previous Joint Employment Policies but rather represent a new suite of OA policies for OAs by OAs. After the OA PAT drafted the new policies and procedures, the policies were presented to OA Council and to OAs more broadly through a series of town hall meetings and a lengthy public comment period. Comments provided during that time period were considered by HR and Senior Leadership and resulted in several changes to the policies and procedures including the lengthening of the post-layoff re employment period, clarification to grievance step roles and responsibilities, and strengthening of central-oversight of job elimination processes.

Policies and Procedures: The new policies and procedures are hosted on HR's website and, as explained above, have been vetted by the OA Policy Advisory Team, OA Council and the broader OA community through more than a month long public comment period (September --- through October 24, 2016). You can view the new policies and procedures on HR's website or by reviewing the policy concept forms enclosed with this packet.

In sum, the policies and procedures consist of new rules for OAs defining their employment and governing their grievance rights, time off, performance management, discipline, and separations. Please note that there are no redline versions to review because these policies and procedures were drafted from scratch in order to separate OAs from the Joint Employment Policies currently governing their employment.

Impact on Existing Policies: In general, the new OA policies and procedures will completely repeal those policies that currently apply only to OAs. At this time, there are very few OA specific policies but those that do exist are listed on the attached OA policy crosswalk and will be repealed. The New OA policies and procedures will also amend those Joint Employment Policies that cover the same subject matter covered by the New OA policies. Specifically, in most situations the new OA policies and procedures will amend Joint Employment Policies by limiting the scope of those policies to exclude OAs. Except for that change, the Joint Employment Policies will remain in full force and effect. OAs will still be covered by general employment policies, meaning those policies that are not based on a person's employment group but rather apply to all employees, like policies defining prohibited discrimination and employee reporting obligations, will still apply to OAs. The new policies further clarify the applicability of policies to statutory faculty holding OA positions, including Vice Provosts, Deans, and other members of academic leadership.

The new OA policies will take effect immediately once signed by the President, unless a specific implementation date has been included in the policy or procedure. Any disciplinary processes or grievances that have been initiated prior to the implementation of these new policies will continue under the previously applicable policies.

A note about Joint Employment Policies: For the most part, Joint Employment Policies do not call out OAs specifically; OAs are either referred to as academic staff or are covered by the term faculty, which has been historically construed to cover OAs in some instances. Accordingly, in many instances, the wording of the Joint Employment Policies will not need to change in order to facilitate the above amendments.

Stakeholder Input: OA Council, the broader OA community, HR, Academic Affairs, Senior Leadership Team, Academic Leadership Team, and HR Council (Vice Presidents and Chiefs of Staff) were all provided with the opportunity to provide input on these policies and procedures. Additionally OA Senators sat on the OA Advisory Team. Notably, the online public comment period did not exclude campus community members who were not OAs from commenting and there were instances where non-OAs provided feedback to the policies and procedures.

Helpful Links:

For a list of OA Advisory Committee members, please visit: <https://hr.uoregon.edu/employee-labor-relations/employment-policies/oa-policy-development/oa-policy-advisory-team>

For more information regarding the OA development process, please visit: For more information about the process, please visit: <https://hr.uoregon.edu/employee-labor-relations/employment-policies/oa-policy-development/oa-policy-frequently-asked>

To view the OA policies and procedures on HR's website, please visit: HR's website: <https://hr.uoregon.edu/employee-labor-relations/employment-policies/oa-policy-development>

OA Policies and Procedures: Appendix A

OA Policy Advisory Team Members:

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*denotes individuals who served on the OA PAT in an OA representative capacity

OA Policies and Procedures: Appendix C

Repeals

The following is a list of current UO policies that will be repealed in full:

- 03.05.01 Officers of Administration
- 03.05.04 Officer of Administration Performance Management
- 03.05.06 Officers of Administration, Appointment of

Applicability changes

The following is a list of current UO policies which will no longer apply to Officers of Administration as to any subject matter covered by new OA policies. This change in applicability will not necessitate any changes to the actual policy language.

- 03.04.04 Written Reprimands
- 580.021.0005-55 Confidentiality and Inadmissibility of Mediation Communications
 - section on use of social security numbers will still apply to OAs
- 580.021.0300-470 Resignations and Terminations
- 580.022.0025-0040 Holidays and Misc Privileges
 - section on holidays no longer applicable to OAs
- V.09.01 Parental Leave

Amended policies

- 571.003 Grievance Procedures
 - Amended to remove Officers of Administration and Management Services

New OA Policy	Current Policies to be Repealed	Current Policies to be Amended	Notes
OA Employment	03.05.01		Full repeal
	03.05.06		Full repeal
OA Time Off		580.021.0005-55	Portion related to use of social security numbers will still apply to OAs; all other portions will only apply to unrepresented faculty
		580.022.0025-0040	Portion related to holidays will no longer apply to OAs, all other portions will remain in effect
		v.09.01	Will still apply to unrepresented faculty
OA Performance Management	03.05.01		Full repeal
	03.05.04		Full repeal
		03.04.04	Will still apply to unrepresented faculty
		580.021.0300-470	Will still apply to unrepresented faculty
OA Separations	03.05.01		Full repeal
	03.05.06		Full repeal
		580.021.0005-55	Will still apply to unrepresented faculty
OA Grievances		580.021.0005-55	Will still apply to unrepresented faculty
		571.003	Will still apply to unrepresented faculty

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Ryan McBride, Senior HR Generalist
Policy Title & Policy #:	Officer of Administration (OA) Employment
Submitted on Behalf Of:	HR
Responsible Executive Officer:	Nancy Resnick, AVP and CHRO
Current Policy # (if applicable):	n/a

SELECT ONE: **New Policy** **Revision** **Repeal**

Click the box to select

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: **Yes** **No**

If yes, which attorney(s): Missy Matella

GENERAL SUBJECT MATTER

Include the policy name and number of any existing policies associated with this concept.

Officer of Administration (OA) Employment

RELATED STATUTES, REGULATIONS, POLICIES, ETC.

List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.

03.05.01 Officers of Administration: REPEAL

03.05.06 Officers of Administration, Appointment of: REPEAL

STATEMENT OF NEED

What does this concept accomplish and why is it necessary?

The goal of this policy and associated procedure is to provide guidance on what positions are identified as OA and outline the policies and procedures that they are subject to.

AFFECTED PARTIES

Who is impacted by this change, and how?

All OAs and supervisors of OAs.

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)

Name	Office	Date
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OA Council, the broader OA community, HR, Academic Affairs, Senior Leadership Team, Academic Leadership Team, and HR Council (Vice Presidents and Chiefs of Staff) were all provided with the opportunity to provide input on these policies and procedures. Additionally OA Senators sat on the OA Advisory Team. Notably, the online public comment period of a month ending October 24, 2016, was open to all campus community members to provide feedback. There were instances where non-OAs provided feedback to the policies and procedures.



REASON FOR POLICY

To address the need for employment policies and procedures specific to the Officers of Administration employment group.

ENTITIES AFFECTED BY THIS POLICY

All Officers of Administration.

WEB SITE ADDRESS FOR THIS POLICY

n/a

RESPONSIBLE OFFICE

For questions about this policy, please contact the Office of Human Resources at hrpolicy@uoregon.edu

ENACTMENT & REVISION HISTORY

New policy..

POLICY

Officers of Administration Positions

Officers of Administration (OAs) are a skilled and valued group of employees who hold a variety of professional positions at the University. OA positions are generally unclassified (as defined by UO policy 580.020.0006), part of the exempt service under Oregon law, or supervisory, confidential, or managerial, as defined by Oregon law and UO policy or practice. OA positions shall be designated as such by HR.

Concurrent Appointments:

Some employees may hold OA and non-OA appointments at the same time. HR will designate the employee's primary appointment. HR's designation shall be subject to authorization by Academic Affairs if one or more of the appointments is a faculty appointment. Subject to the terms of applicable collective bargaining agreements, in the event a primary and secondary appointment differ with respect to the same

employee right, responsibility, or condition of employment, the policies and procedures of the primary appointment shall control. Disciplinary actions that may impact a tenured faculty appointment, however, regardless of whether the tenured faculty appointment is a primary or secondary appointment, shall follow the applicable faculty employee disciplinary policies and procedures, unless expressly waived by the affected employee.

Policies and Procedures

HR is responsible for administering OA-specific policy and procedural guidance. As of the date the OA policies are signed by the President (Implementation Date) and unless there is a pending disciplinary process or grievance filed prior to the Implementation Date, OAs are subject to these OA employment policies and procedures, as amended from time to time. Pending disciplinary processes and grievances filed prior to the Implementation Date are subject to the policies applicable prior to the Implementation Date. Except as described in this policy or as specifically referenced in the OA policies and procedures, OA employment policies and procedures shall apply to the exclusion of other University employment policies and procedures addressing the relevant subject matter that formerly applied to OAs. OAs are also subject to University policies of general applicability and the policies and procedures specific to their respective divisions, departments, or units (collectively “unit level policies”). In the event of a conflict between the OA policies and procedures and unit level policies, the OA policies and procedures control. OAs understand that these policies and procedures do not constitute a contract or guaranteed employment. OAs are encouraged to review these policies and procedures and to contact HR with any questions.

Past Practice

Notwithstanding the above, and consistent with past practice, OAs shall be considered faculty for the following purposes:

1. Coverage under the University’s Faculty Records Rule, which implements ORS 352.226, by establishing restrictions on access to covered employees’ personnel records and clarifying that covered employees shall have full access to their own personnel records, except as otherwise authorized by law and the University’s Faculty Records Policy, UO policy 571.030.
2. Library access and privileges.
3. Coverage under the University’s Conflict of Interest Policy, which implements ORS 244.020, by setting forth procedures for the management of potential conflicts of interest and/or commitment.

RELATED RESOURCES

OA Employment Procedure

[UO Policy 580.020.0006, Definition of Unclassified Staff](#)

[Oregon Public Employee Collective Bargaining Act, Definition Section](#)

[Faculty Records Policy](#)

[UO policy 571.030](#)



I. OVERVIEW

The Office of Human Resources (HR) is responsible for the review of positions on campus and the determination of which employee group, category, or classification the positions falls within. Positions shall be designated as Officers of Administration as described herein.

II. WORKING OFFICER OF ADMINISTRATION DEFINITION

Officers of Administration (OAs) are a skilled and valued group of employees who hold a variety of professional positions at the University. OA positions are generally unclassified (as defined by UO policy 580.020.0006), part of the exempt service under Oregon law, or supervisory, confidential, or managerial, as defined by Oregon law and UO policy or practice. OA positions shall be designated as such by HR. OAs with faculty appointments are appointed through the concurrent appointment process described in OA policy [insert definitions policy]. OAs are subject to and afforded the rights set forth in the University's Policies of general applicability, the Officer of Administration (OA) Policies and Procedures and applicable unit level policies. In the event of a conflict between a unit level policy and the OA policies and procedures, the OA policies and procedures control. This group does not include employees in a collective bargaining unit.

III. DEFINITIONS

To determine whether a position falls within the OA unclassified, confidential, supervisory, or managerial framework, HR will consider the definitions set forth in UO policy 580.020.0006, Oregon's Public Employee Collective Bargaining Act, past practice and other applicable guidance. For convenience, some of those definitions are set forth below:

- A. Confidential positions:** confidential positions mean those positions where employees assist and act in a confidential capacity to a person who formulates, determines and effectuates management policies in the area of collective bargaining.
- B. Managerial positions:** Managerial positions are those positions where employees possess authority to formulate and carry out management decisions or who represent management's interest by taking or effectively recommending discretionary actions that control or implement employer policy, and who have discretion in the performance of these management responsibilities beyond the routine discharge of duties. A managerial employee need not act in a supervisory capacity in relation to other employees.

C. Supervisory positions: Supervisory positions mean those positions where employees have authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection therewith, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

D. Unclassified positions: unclassified positions mean those positions that share a community of interest with academic faculty, and

- 1) Include academic research, public service, or instruction, or
- 2) Exercise discretion in establishing policy, or
- 3) Require education and training comparable to academic faculty, or
- 4) Have administrative decision-making responsibilities beyond office clerical duties.
- 5) Examples of positions that may meet the criteria listed above include, but are not limited to:
 - i. President, president's cabinet;
 - ii. Provost, vice provosts, associate vice provosts, and assistant vice provosts;
 - iii. Vice presidents and associate vice presidents;
 - iv. Deans and associate deans;
 - v. Directors and associate directors of academic, administrative, and service units;
 - vi. Controllers and budget officers;
 - vii. Registrars and associate registrars;
 - viii. Legal counsel and attorneys;
 - ix. Athletic directors and associate athletic directors;
 - x. Executive and other special assistants to each of the positions listed in numbers one through nine (above), providing that the executive or other special assistant positions otherwise meet the criteria for unclassified service (stated above);
 - xi. Assistant vice president, assistant deans, department heads/chairs, assistant directors, managers, and assistant registrars where positions require specialized/degree education and training;
 - xii. Librarians, archivists, and museum or collection curators where positions require specialized/degree education and training or where responsibilities include academic research or instruction but does not include positions having primarily clerical responsibilities;
 - xiii. Advisors and counselors, including academic, financial aid, admissions, career, residential life, and athletic, where positions require specialized/degree education and training;

- xiv. Assistant athletic directors, athletic coaches, assistant athletic coaches, athletic trainers, assistant athletic trainers, and athletic eligibility and compliance officers where positions require specialized/degree education and training;
- xv. Interpreters;
- xvi. Development and advancement officers where positions require specialized/ degree education and training;
- xvii. Physicians, psychologists, and clinical counselors where positions require specialized/degree education and training;
- xviii. General managers, directors, producers, and announcers of state radio and television service;
- xix. Managers, directors and administrators of student affairs functions, where positions require specialized/degree education and training.

IV. WORK DUTIES

Generally, the work duties associated with OA positions are described in the position description. However, duties may be reassigned, changed, augmented, or reduced at the university's discretion to meet operational needs.