

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES  
FLORIDA BOARD OF GOVERNORS**

**NOTICE OF REGULATIONMAKING -  
PROPOSED REGULATION**

**REGULATION TITLE:**     **Bargaining Unit Faculty and Bargaining Unit Employees  
Vacancies, Selection, Appointments, Promotions, Internal  
Promotions, Reassignments, Transfers, and Demotions**

**REGULATION NO.**       **FIU-1700**

**SUMMARY:** This Regulation is identical to former Rule 6C8-4.014, F.A.C., as adopted by the Board of Trustees at its June 29, 2005 meeting. The proposed Regulation reflects the current policies regarding vacancies, selection, appointments, promotions, internal promotions, reassignments, transfers, and demotions applicable to bargaining unit faculty and bargaining unit employees, not including employees who are in the law enforcement personnel bargaining unit.

**TEXT OF THE REGULATION:** The full text of the Proposed Regulation can be viewed on the website of The Florida International University Board of Trustees, [www.fiu.edu/trustees/](http://www.fiu.edu/trustees/), or by following this link, <http://www.fiu.edu/trustees/regulations.htm>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

**AUTHORITY:** Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19) FS.

**NAME OF PERSON INITIATING THE PROPOSED REGULATION:** Maria Alam, Executive Director, Division of Human Resources.

**ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.**

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8<sup>th</sup> Street, PC 511, Miami, FL 33199. Email: [devillee@fiu.edu](mailto:devillee@fiu.edu). Fax: (305) 348-3272. Phone: (305) 348-2103.

**DATE OF PUBLICATION:** August 19, 2005.

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**FIU-1700 Bargaining Unit Faculty and Bargaining Unit Employees Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions.**

- (1) Definition: For purposes of this Regulation, "Bargaining Unit Employee" means all bargaining unit employees who are not certified law enforcement personnel, or bargaining unit faculty.
- (2) Applicability. This Regulation is supplemented by Article 8 of the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement for bargaining unit faculty, BOR/AFSCME Collective Bargaining Agreement for Bargaining Unit employees and by applicable University Regulations, policies, procedures, and provisions of the University's affirmative action plans including the University search and screen procedures. This Regulation does not apply to non-bargaining unit employees and bargaining unit employees who are certified law enforcement personnel.
- (3) Vacancies. The University seeks to maintain the highest possible standard of fairness and equity in its employment practices. All bargaining unit position vacancies must be announced in the FIU position vacancy listings, unless otherwise exempted by University policy. The University shall give equitable consideration to all applicants in accordance with applicable University policies and procedures for determining eligibility for appointments to bargaining unit positions in faculty and employee categories. Employee career advancement is encouraged by assuring consideration of qualified permanent bargaining unit employees within the University, in accordance with the University's internal promotion policy and appropriate bargaining unit agreement.
- (4) Bargaining Unit Faculty Screening and Selection.
  - (a) The department should first define the nature of the vacant position(s) and what it expects from a prospective colleague selected to fill the vacancy. The department will advertise the position and its general requirements.
  - (b) The department will use the University's search and screen procedures or personnel policies and procedures as appropriate to the pay plan and level of the position.
  - (c) The department will assess the eligibility of candidates and reach decisions on their relative merits. The department should also communicate to final candidates information regarding the position, the State University System, and the institution.
  - (d) If practicable, the candidates reaching the final stages of screening should be invited to the campus for personal interviews with the department and appropriate officials.
- (5) Bargaining Unit Faculty Appointments.
  - (a) If, after receipt of the recommendation of the search and screen committee, if applicable, the chairperson or other appropriate administrator decides to recommend that a candidate be offered a position, the recommendation will be transmitted to the appropriate administrative officer.
  - (b) The President, or designated representative, may then offer the candidate employment by means of a contract or letter of offer. The letter of offer or contract shall be conditioned on the return of a duly executed copy by a specific date.
  - (c) The contract or letter of offer shall indicate whether the appointment is for one year or multiple years.
  - (d) The contract or letter of offer shall be issued in accordance with the requirements of the BOR/UFF Bargaining Agreement, if applicable, and shall include, but not be limited to, the following elements:

1. Date;
2. Rank and professional classification system title and class code;
3. Department, program, college, or employment unit;
4. Salary and administrative salary supplement when appropriate;
5. Employment period;
6. Special conditions of employment;
7. The duties and responsibilities of the employee;
8. The percent of full-time equivalency;
9. A statement that in the performance of the contract or letter of offer both parties are subject to the Constitution and laws of the State of Florida and the applicable regulations of the University and the Board of Governors;
10. Position number;
11. A statement indicating the tenure earning status during the appointment, including any tenure credit, if applicable;
12. The formula by which an annual contract shall be converted to an academic year contract, if applicable.

(6) Selection and Appointment of Bargaining Unit Employees . Selection and appointment of bargaining unit employees will be in accordance with BOR/AFSCME Bargaining Agreement, and University regulations, policies, and procedures.

(7) Bargaining Unit Employees Promotions, Reassignments, Transfers, and Demotions.

(a) Promotions. Promotion of bargaining unit employees will be in accordance with applicable bargaining unit agreements and University policies and procedures.

(b) Internal Promotions. When a department wishes to consider only applicants from within the University for a vacancy, the internal recruitment and promotion policy and procedure may be used. All bargaining unit employee vacancies, may be approved for internal recruitment by the Division of Human Resources upon request from the hiring official and recommendation by the Office of Equal Opportunity Programs. Positions in job groups with identified underutilization (University or department) of minority group members and women may not be recommended for internal posting.

(c) Reassignments and Transfers.

1. Voluntary. Bargaining unit employees may request a voluntary reassignment or transfer to positions within the University by completing and submitting the appropriate form to the Division of Human Resources . The request will be considered for vacancies for which the employee qualifies.

2. Involuntary. The University may reassign or transfer bargaining unit employees in accordance with University policies and procedures and applicable collective bargaining agreements.

(d) Demotions. Any bargaining unit employee who has permanent status may be subject to demotion in accordance with University policy and procedures and appropriate collective bargaining agreements, where applicable.

Authority: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS