

---

## **SECTION II. EMPLOYEES**

### **A. GENERAL**

#### **1. Coverage**

This Section II applies to all faculty, administrative, civil service, and other employees of the Board of Trustees of Northeastern Illinois University unless otherwise provided by these Regulations, by law, or by the terms of a collective bargaining agreement.

#### **2. Authority to Employ**

The Board of Trustees of Northeastern Illinois University is the employer of all faculty, administrative, civil service, and other employees. All civil service employees within the university are employed in accordance with the provisions of [110 ILCS 70/0.01, et seq.](#), as amended, and the rules of the Merit Board and are entitled to all the rights and subject to all the requirements contained therein.

#### **3. Delegation of Authority**

- a. Board approval shall be required for creation, elimination, or significant modification of the position of Provost/Vice President, Dean, or Associate/Assistant Provost/Vice President who supervises Deans. The President shall inform the Board of the appointment, promotion, resignation, retirement, or other event concerning the employment of a Provost/Vice President, Dean, or Associate/Assistant Provost/Vice President who supervises Deans as soon as possible after the event.
- b. Board approval shall be required for the award of tenure, the final, involuntary separation of an employee to be effective during the term of an employment contract, the final approval of contracts with any collective bargaining representative, and, where applicable, creation, elimination, or modification of the categories of appointment specified in paragraph 4 below.
- c. The President shall consult with the Board's Chair before appointing a Provost/Vice-President.
- d. Acceptance of the resignation of an employee on behalf of the Board may be made by the President.

#### **4. Categories of Employment**

- a. Faculty employees shall be categorized as follows:
  - 1) Type of Appointment
    - a) Probationary
    - b) Tenure
    - c) Temporary
  - 2) Rank
    - a) Instructor
    - b) Assistant Professor
    - c) Associate Professor
    - d) Professor
  - 3) Bargaining Unit Status

- 
- b. Administrative employees shall be categorized as follows:
- 1) Level I includes employees who hold the position of Provost or Vice President.
  - 2) Level II includes employees who report directly to a Provost/Vice President and who are directly responsible for administration or coordination of: (a) multiple organizational units and/or functions; (b) generic and complex instructional activities such as graduate education or continuing education; or (c) substantial, generic, and complex activities or functions which are or university wide in scope. Employees in this category will hold titles such as Associate/Assistant Provost/Vice President, Dean, or Director and will be responsible for such activities as administration of a college, graduate education, continuing education, continuing education, student services, library, admissions and records, business operations, physical plant, budget planning development/university relations, legal services, or institutional research.
  - 3) Level III includes employees who hold the position of Assistant to the President, or the Provost/Vice President. Level III also includes employees who report directly to the President, or to employees in Level I or II and who are directly responsible for administration or coordination of: (a) major subdivisions of organizational units or functions; (b) major subdivisions of generic and complex instructional activities such as graduate education or continuing education; or (c) major subdivisions of substantial, generic, and complex activities or functions which are university wide in scope. Employees in this category will hold titles such as Associate/Assistant Dean, Registrar, Director, Associate/Assistant Director, or Coordinator.
  - 4) Level IV includes employees who are responsible for specific professional activities or services requiring high-level academic preparation and/or conceptual skills or who are directly responsible for administration or coordination of a single organizational unit of limited scope. Employees in this category will hold titles such as Director, Associate/Assistant Director, Coordinator, Supervisor, Internal Auditor, Specialist, Administrator, or Manager.
  - 5) Level V includes employees who occupy positions which call for professional preparation and competence but which are essentially entry or intermediate level support positions.
  - 6) Medical doctors providing health services.
  - 7) Department Chairs (hereinafter referred to as Chairs).
- c. Civil Service and other employees, including without limitation lecturers and adjunct appointments, shall be categorized pursuant to guidelines established by the President.

## 5. Appointment Procedures

### a. Adoption of Appointment Procedures

The university shall develop procedures for the appointment (including acting appointment) of faculty, administrative, civil service, and other employees. The procedures shall contain such provisions as are necessary and appropriate and shall be: (a) consistent with the Board's delegation of authority in Section II.A.3.; (b) consistent with the Board's commitment to affirmative action and nondiscrimination in employment practices; and (c) consistent with the Board's policy on participation in university governance. The procedures and any changes shall take effect when approved by the President.

### b. ~~Policy on the~~ Avoidance of the Appearance of Nepotism by Administrative Officers

All university employees who have control or influence over decisions involving the use of public resources or authority have the responsibility to exercise that control or influence in a manner that maintains public confidence in the integrity of institutional decision-making processes. This responsibility includes the expectation that, in their exercise of this control or influence, employees will avoid creating the appearance of nepotism as well as other forms of conflict of interest. This expectation is generally best enforced through such normal processes of institutional shared governance and self-regulation as the submission of the decision in question to open review by disinterested third parties or the withdrawal from the decision making process of those persons who may directly or indirectly influence the process for the benefit of close relatives.

In those situations where the decision maker is the President, or the Provost/Vice President, the reality and perception of their influence and power is such that it would not be possible for them to avoid the appearance of a conflict of interest by merely submitting the decision to review or by withdrawing from the decision making process. In the absence of special circumstances, which may be considered by the Board on a case by case basis, no person who is a close relative, or who is, regardless of relationship, a member of the same household, shall be employed in any position that is under the administrative control of a President or Provost/Vice President, that officer who is their close relative or of whose household they are a member.

This ~~policy~~ Regulation shall not apply to employment decisions made before its adoption. The President shall be responsible for ensuring compliance with this ~~policy~~ Regulation.

## 6. Educational Requirements

The university shall develop a policy concerning the educational requirements necessary for appointment to faculty rank, including temporary appointments. All educational requirements shall be fulfilled by study in an accredited institution of higher education. The policy shall include the following provisions and such other provisions as are necessary and appropriate:

- a. The minimum educational requirements necessary for appointment
- b. Any exceptions to the minimum requirements

The policy and any changes shall become effective when approved by the President.

## **7. Position Descriptions**

A description shall be prepared for each administrative position, including department chairs, in the university, except for the position of President, which is described in the Board's Governing Policies, and for each civil service and other position. The President shall develop guidelines for the preparation, review, modification, and maintenance of position descriptions.

## **8. Administrative Organization**

An organization chart of the administrative structure shall be prepared for the university. Board approval shall be required for any significant changes in organization prior to their taking effect.

## **9. Employee Benefits**

*(Section 9g revised as of April 6, 2017, Board action)*

### **a. Eligibility**

The following provisions apply to faculty, administrative, civil service, and other employees not covered by a collective bargaining agreement, subject to the eligibility requirements stated in these Regulations.

### **b. Military Leave**

- 1) An employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave for any period actively spent in such military service, including:
  - a) Basic training
  - b) Special or advanced training, whether or not within the state and whether or not voluntary
  - c) Annual training
- 2) During such leaves, the employee's seniority and other benefits shall continue to accrue.
- 3) During leaves for annual training, the employee shall continue to receive regular compensation. During leaves for basic training, and for up to 60 calendar days of special or advanced training, if such employee's compensation for military activities is less than the compensation as an employee of the university, the employee shall receive regular compensation as an employee of the university, minus the amount of base pay for military activities. The deduction of military pay from the salary of an employee of the university shall be reflected in the first payroll prepared after verification of the amount of the employee's military pay.

- 4) A member of the National Guard (or other state military component) who is called to temporary active duty in case of civil disturbance or natural disaster declared to be an emergency by the Governor may receive a combined wage from the university, respectively, and the military equal to, but not exceeding, the employee's straight time daily rate for work days absent. If the daily rate received for temporary active duty exceeds the daily rate of the employee from the university, the employee may elect to accept the higher rate in which instance the employee shall receive no compensation from the university, as the case may be. The amount of compensation received for temporary active duty shall be reported to the university, within thirty days after release from temporary active duty. Appropriate adjustment to offset the amount received shall be made in the next regular payroll. Time used for temporary active duty shall not be deducted from the time allowed for regular military training periods in accordance with the preceding paragraphs.

c. Leave for Court Required Service

An employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency shall be granted leave with pay and any jury or witness fees may be retained by the employee, provided that no employee shall be given leave with pay for:

- 1) Appearing as a party in a non-job related proceeding involving such employee
- 2) Appearing as an expert witness when the employee is compensated, directly or indirectly for such appearance or where such appearance bears no reasonable relationship to the employee's professional employment by the university
- 3) Appearing as a plaintiff or complainant in a proceeding in which the Board or the university is a defendant or respondent

In granting leave of absence for jury duty, an employee may be required to return to work for the time during which the employee is not required in any jury attendance.

d. Benefits While on Compensated Leave

- 1) An employee shall earn vacation leave and sick leave while on compensated leave other than educational leave or administrative leave.
- 2) An employee on compensated leave may continue to contribute toward and receive the benefits of any State or Board insurance program and retirement credit in the State Universities Retirement System if the laws, rules, regulations, policies, and procedures governing the administration of such insurance programs or the State Universities Retirement System so permit.
- 3) Upon return to the university from a compensated leave, an employee's salary shall be adjusted to reflect nondiscretionary increases that the employee would have received if not on leave.

e. Emergency Leave

- 1) If an emergency arises (such as a severe snowstorm, tornado, riot, etc.) in which the safety, health, or welfare of employees is a matter of concern, the President may order employees to absent themselves from work with pay.
- 2) Civil Service employees ordered to absent themselves from work under such circumstances shall not lose seniority because of such absence.
- 3) Employees not excused from work under such circumstances who fail to report for work as scheduled may be denied compensation for such absence.

f. Extended Sick Leave

The President of the university may grant an employee sick leave with full pay for a period not to exceed 60 calendar days, if the employee (1) has completed at least three full years of service at the university; (2) has exhausted all sick leave benefits; (3) is a participant in the State Universities Retirement System; and (4) is entitled to and has applied for disability benefits under the State Universities Retirement System.

g. Federal Family and Medical Leave Act

Regardless of any other provisions of these Regulations, and in addition to any other benefits provided to employees, all employees who have a total cumulative service of at least 1 year with the University and who have worked for 1,250 hours over the last 12 months, may take up to a total of 12 weeks unpaid leave during any rolling 12-month measurement period as defined by the federal Family and Medical Leave Act (FMLA) of 1993. FMLA leave may be taken for one or more of the following purposes:

- 1) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- 2) Because of the placement of a son or daughter with the employee for adoption or foster care.
- 3) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- 4) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

FMLA leave for the birth or adoption or foster care placement of a son or daughter may be taken on an intermittent or reduced work schedule and, except where the date of birth or adoption or foster care placement requires leave to begin earlier, will only be given after 30 days' advance notice. If an employee has accrued any paid vacation leave, compensatory time, personal leave, or other family or parental leave under any other University benefit provision, that leave may be substituted for unpaid FMLA leave taken for the birth or adoption or foster care placement of a son or daughter to the extent that such University leave would normally be available for this purpose under the circumstances in question.

FMLA leave taken because of the serious health condition of the employee, or to care for an employee's spouse, son, daughter, or parent with a serious health condition, must be supported by certification from a healthcare provider, and may be taken on an intermittent or reduced work schedule of not less than half hour periods when the medical necessity for such a schedule is supported by such certification. Where the need to take such leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment in an operationally non-disruptive manner, and shall provide 30 days' advance notice, or such notice as is practicable if the treatment must begin earlier. Under the conditions defined by the FMLA and in a manner consistent with University procedures, second and third medical opinions and re-certifications may be required and an employee on intermittent or reduced leave may be required to transfer temporarily to an available alternative position. If the employee has accrued any paid vacation leave, compensatory time, personal leave, or any other medical or sick or family or parental leave under any other University benefit provision, that leave may be substituted for the unpaid FMLA leave taken for the serious health condition of the employee or to care for the employee's spouse, son, daughter, or parent with a serious health condition to the extent that such University leave would normally be available for this purpose under the circumstances in question. Certification that an employee is able to return to work will be required for return from FMLA leave taken because of the serious health condition of the employee under the same terms and conditions currently applicable to employees under existing state laws and regulations, Board Regulations, and collective bargaining agreements.

In general, an employee on unpaid FMLA leave will be entitled to be restored to the same or an equivalent position on return from the leave, and will be treated in regards to entitlement to benefits while on leave in the same manner as any other employee on leave without pay, with the exception that health benefits coverage shall be extended to an employee on FMLA leave for the duration of such leave at the level under the conditions of coverage which would have been provided if the employee had continued in employment continuously for the duration of the leave. Under circumstances where University provided paid leave is substituted for FMLA unpaid leave, employees will be entitled and will accrue benefits to the extent and in the manner provided for by Board Regulations and collective bargaining agreements governing paid leave. The maintenance of health benefits for employees on FMLA leave will be governed by the rules and procedures adopted by the Department of Central Management Services for this purpose.

h. Implementing Policies

The university may develop policies implementing the benefits specified in this Subsection A.9., Subsection B.6., and Subsection C.7., of this regulation. The policies and any changes shall become effective when approved by the President.

## **10. Outside Employment**

An employee's participation in outside employment must be consistent with the employee's obligation to the University as the primary employer and is subject to such conditions as may be imposed by federal or state law or the terms of a collective bargaining agreement. The President shall establish guidelines concerning outside employment.

## **11. Retirement**

- a. Employees are subject to the statutes and rules governing the State Universities Retirement System.
- b. In addition to any other early retirement options available under the statutes and rules governing the State Universities Retirement System, early retirement is permitted for employees who have attained age 55 and satisfy all of the eligibility requirements for such early retirement specified by the statutes and rules governing the State Universities Retirement System.
- c. An employee who is receiving a retirement annuity from the State Universities Retirement System and who is employed at the university shall not receive annual salary payments for such employment in excess of that amount which, when added to his/her annual retirement annuity, will equal more than such employee's highest earnings (including summer session) during any fiscal year prior to retirement.

## **12. Tax Deferred Annuity Plans**

In accordance with the applicable provisions of the Internal Revenue Code, university employees may participate in various tax deferred retirement/annuity plans offered by third-party providers under the following terms:

- a. Conditions of Approval Affecting Participating Companies
  - 1) All tax deferred annuity contracts issued by participating companies must comply with the Internal Revenue Code, as amended, and regulations promulgated pursuant thereto. Participating companies must be authorized by the Director of Insurance of the State of Illinois to issue tax deferred annuity contracts and must indemnify the university from any loss caused by such company's failure to comply with such laws and regulations.
  - 2) All monies withheld through agreements between the University and the employee will be used to purchase only qualified tax deferred annuity contracts, which exclude waiver of premium provisions, disability income provisions, and life insurance provisions.
  - 3) Each participating company must provide the President, upon request, all information about its contracts, including but not limited to all charge and commission schedules, and must agree that this information may be made available to employees on a comparative basis with other companies. A principal officer of the company must attest to the accuracy of the information provided.



- 4) Each participating company must designate a company representative or agent who will be readily available to employees to discuss or modify their contracts.
- b. Administration of Tax Deferred Annuity Plan
  - 1) This plan shall be administered by the President, who shall have the authority to prescribe such additional guidelines, not inconsistent herewith, as are deemed appropriate for accomplishing the purposes herein set forth.
  - 2) The University may suspend or remove a company from the list of approved companies at any time. Such suspension or removal shall not affect the rights of employees who have commenced contributions to the company prior to the effective date thereof but shall preclude the company from issuing additional tax deferred annuity contracts to University employees.

### 13. Official Residences, Offices, and Automobiles

- a. The President may be required as a condition of employment to live in an official residence provided by the University. The official residence should include a public area to be used for ceremonial and entertainment purposes, as well as conferences and other university business. The official residence shall have installed a separate telephone line to the university and other equipment, which may be needed to enable the President to maintain direct contact with the institution and perform official duties on an on-call basis. The University shall maintain the official residence and its grounds and may provide housekeeping services and furnishings for the public area.
- b. The President shall submit to the Board of Trustees for approval an annual budget for repair, remodeling, and furnishing of the official residence. Requests for Board approval of such projects shall be accompanied by a description of the project, a project budget, and a statement of justification. In addition, prior Board approval shall be required for each such project that has not been previously approved by the Board, provided that in emergency situations such approval may be granted by the Board's Executive Committee, and reported to the Board at its next meeting.
- c. Prior Board approval shall be required for each project involving the construction, remodeling, furnishing, or refurbishing of the office and conference areas of the President if the aggregate expenditures for labor, materials, or furnishings for the project, irrespective of the source of funds, will be \$10,000 or more by the time the project is completed or if all such projects relating to the President's Office or conference area will total \$10,000 or more in a fiscal year. Requests for Board approval of such projects shall be accompanied by a description of the project, a project budget, and a statement of justification.
- d. The President shall be provided by the University with an automobile for official business and personal use.

Formatted: Not Expanded by / Condensed by

Formatted: Indent: Left: 1.64", Hanging: 0.25", Space Before: 5.95 pt

#### **14. Employees Licensed to Practice Law**

Unless appearing *pro se*, employees of the University who are licensed to practice law may not represent any person or entity in any litigation, administrative proceeding, or other matter (other than proceedings conducted pursuant to Board or university regulations or procedures, or a collective bargaining agreement to which the Board is a party) in which the Board, its members, in their official capacities, or employees of the University are adverse parties.

#### **15. Labor Relations**

- a. Authority for the negotiation, administration, and coordination of all collective bargaining agreements and overall responsibility for labor relations activities is delegated by the Board of Trustees to the President. There shall be an on-site contract administrator designated by the President to handle the day-to-day implementation of collective bargaining agreements on campus.
- b. No collective bargaining agreement shall be effective or implemented until first ratified by the certified employee representative and then approved by the Board of Trustees.
- c. All collective bargaining agreements shall be signed by the Chair and Secretary of the Board of Trustees or, where appropriate, by the president who shall sign such instruments in the names of the Chair and Secretary.

#### **16. Copyrights and Patents Policies**

- a. Copyrights
  - 1) The Board recognizes that the creation of scholarly materials can be of benefit to the author and the university and thus is to be encouraged. Therefore, the Board's copyright ~~policy~~ Regulation is intended to foster the traditional freedoms of faculty, staff, and students with regard to the creation and publication of copyrightable works. At the same time, this ~~policy~~ Regulation is intended to provide a fair and reasonable balance of the interests in such works among authors, sponsors, and the Board and the university.
  - 2) Works subject to copyright may include any written, printed, recorded, or created work subject to copyright under applicable federal law.
  - 3) Under copyright law, the right to copyright any material, or to assign this right to a publisher or producer, normally belongs to the author of the work. However, in the case of a "work for hire," the employer or other person for whom the work has been prepared is considered the copyright owner. To establish guidelines for determining whether a "work for hire" relationship exists and to balance the equitable interests involved, the following principles will be followed:

Ownership in copyrightable works produced by authors who are faculty, staff, or students at the university shall remain with the faculty, staff, or student authors except in the following situations, in which ownership of all rights in copyrightable works produced shall belong to the university.

- a) Works prepared under an agreement with an external party (e.g., a grant or contract) where the terms of the agreement require the university to hold or transfer ownership in the copyrightable work
  - b) Works expressly commissioned in writing by the Board of Trustees or the university, or
  - c) Works created as part of the employee's assigned duties and activities, excluding (i) works created as part of sabbaticals or employee-initiated research release time or (ii) works submitted to journals for publication. (However, works created as part of an employee's unassigned duties and activities are not considered "works for hire," and ownership of copyrights for these works shall remain with the author.) If an author is uncertain about the ownership of a work arising out of a particular assignment, before undertaking the assignment the author shall be entitled to request in writing and to receive a clarifying written statement from the President of the university
- 4) If more than half the cost of production of a copyrightable work not considered a "work for hire" hereunder was provided through university resources, the faculty, staff, or student author shall grant the University an irrevocable, non-exclusive, royalty-free license to use, copy, and sell such work in connection with its teaching, research, and public service programs.
  - 5) With respect to copyrightable works owned or used by the University pursuant to paragraph 3) or 4) above, the author may be required to execute such documents as are necessary to vest ownership, or a royalty-free license to copy, use, and sell such works, in the Board or its designee and to warrant that such works do not infringe any pre-existing copyright.
  - 6) When the Board or the university commissions the preparation of a copyrightable work by an author who is not a Board or university faculty or staff member or student, the contract with such author shall specify that the work shall be considered a "work for hire."
  - 7) Works owned by the author may be copyrighted, published, and distributed by the author, or by others to whom the author has assigned such rights, subject only to any license referred to in paragraph 4) above. Authors may request that the work be produced through the University; and, if the request is granted, an agreement will be drawn up specifying the duties of the author and the University, the distribution of any income received between the author and the University (for the benefit of the university), and other mutually agreed upon terms. The agreement shall be approved by the President after considering the recommendations of the Provost and the appropriate research administrator or committee.
  - 8) To avoid the appearance of impropriety, faculty-authors who require their students to purchase their works should:

- 
- a) Donate the equivalent amount of any royalties received from such purchases to the university for use in an appropriate fund (e.g., department or college scholarship), or
  - b) Consider other appropriate methods of divesting themselves of the equivalent amount of any such royalties
- 9) In the event that income is received by the university from any copyrightable works belonging to the University, an appropriate share shall be paid to the author. The amount of said share shall be determined by the President after considering the recommendations of the Provost and the appropriate research administrator or committee.
  - 10) The university's share of copyright income shall be used and controlled in ways to produce the greatest benefit to the university and to the public in a manner to be determined by the President after considering the recommendations of the Provost and the appropriate research administrator or committee.
- b. Patents
- 1) The principle is recognized that discoveries, inventions, and patents that are the result of research carried on by, or under the direction of, faculty, staff, or students on Board or university time, with their facilities, or from funds under their control belong to the University (for the benefit of the university) and shall be used and controlled in ways to produce the greatest benefit to the university and to the public.
  - 2) Patentable inventions or discoveries covered by paragraph 1) above shall be submitted to the appropriate research administrator or committee to be considered for submission to a research corporation, which may patent and commercialize the invention or discovery without expense to the inventor or discoverer or to the university. If an invention is not submitted to or accepted by such research corporation, its disposition will be determined by the President after considering the recommendations of the Provost and the appropriate research administrator or committee.
  - 3) In the event that income is received by the University (for the benefit of the university) from any patent, an appropriate share shall be paid to the inventor or discoverer. This share is to be determined by the President after considering the recommendations of the Provost and the appropriate research administrator or committee.
  - 4) Agreements with sponsors, which provide that the sponsor may determine disposition of patentable inventions or discoveries, may be accepted when required by applicable state or federal statutes or when the action of the Board or University in waiving its rights to such inventions or discoveries is determined to be in the public interest. Any such waiver requires the approval of the President.
  - 5) The share of any income to the university (for the benefit of the university) resulting from the commercial development of inventions or discoveries shall be used primarily for support of further research. Such

- 
- use shall be determined by the President after considering the recommendations of the Provost and the appropriate research administrator or committee.
- 6) Approval by the Board of Trustees shall be required for use of the name of the Board of Trustees of Northeastern Illinois University, in advertising or promoting commercial development resulting from research, and approval by the President shall be required for use of the name of the university for such purposes.
- c. The university shall develop policies implementing the provisions of paragraphs a. and b. above. The policies and any changes shall become effective when approved by the President.