

APPROVED
August 2-3, 2007 EAC Meeting Minutes

Members Present

Ann Tate, Glen Worley, Melanie Loving, Nancy Sutherland, Kim Caperton, Eduardo 'Pep' Valdez, Michael Swindle, Chris Dickson, Erin Waneck, Olga Garcia, Loretta Barker, Efrain Molina, Teresa Garcia, Corliss Denman, Debra Linzer, Juan Gonzalez, Pamela Lewis (alternate), Dennie Clemons, Karen Martinez, Valerie Simon, Rick Peterson, Beth Condry, Aziza Young, Mary Avitia, Cindy Espinoza (alternate), Dexter Jones, Claudette Clay

Member Absent: Randolph Scott

Chair Ann Tate called the meeting to order at 9:10 AM, August 2, 2007.

Due to the absence of Secretary Randy Scott, the minutes were recorded by Vice-Chair Glen Worley.

Travel Expenditure and Reimbursements

Chandra Renteria Wilson, Administrative Associate, UT System

Chandra spoke to the group concerning travel expenditures and reimbursements. Each member was sent a three-page document with instructions concerning the recording of travel expenditures and a form for each individual institution to request reimbursement from UT System. Chandra reminded everyone that reimbursement for EAC activities have to meet UT System requirements

- Meals – must have copy of itemized receipt in addition to credit card receipt
- Mileage – UT System cannot accept printed copies of Mapquest, Google, etc. Odometer reading are required or numbers from the Texas Mileage Guide <http://ecpa.cpa.state.tx.us/mileage/Mileage.jsp>
- Tips, gratuities, or alcohol purchases cannot be reimbursed
- Taxi receipts – Make sure to write in location when given a fill-in-the-blank taxi receipt

Chandra cautioned EAC members to make sure that their institutions knew to keep all documentation submitted by members in order to forward that on to UT System.

Otherwise, reimbursement to that institution could be denied. Members were encouraged to contact Chandra if they had any further questions after returning to their institutions.

Legislative and UT System Update

Dan Stewart, Assistant Vice Chancellor for Employee Services and EAC Liaison, UT System

Dan reported that hundreds of bills were introduced that could have affected UT System; however, not much happened in terms of employee benefits, which Dan viewed as positive.

- Wellness Program for State Employees - A bill was passed to create some sort of wellness program for state employees though this does not affect UT employees. Dan reported that a *Wellness Committee* will be created for state employees and

- that state employees will be granted 20 minutes of work time twice a week for *wellness activities*. This time is not cumulative. UT System is not part of this now though the possibility exists for UT to institute similar policies. UT System will wait to see how the state defines and administers this program for the state employees. It is expected that this will take several months.
- ERS transfers to UT System for 457B Deferred Compensation Plan – Certain UT employees have money in the state Employee Retirement System (ERS). UT System is trying to get those funds because it can offer better terms for the employee. A bill was passed that will cause these funds to be transferred from ERS to UT System sometime in October.
 - 403B Retirement/savings Program – Dan reported that the 403B program has been reduced from 130 vendors to 6 vendors. Fees have been reduced, and there are over 600 products offered. Faye Godwin, Manager of Retirement Programs, is the administrator for the 403B program. About 111 companies were grandfathered if they were willing to meet UT Systems requirements, but only 15 have responded. Most seem to think that it is not worth it to meet UT System requirements. Employees that have funds invested with those companies not meeting the requirements will be notified to move their money to an approved vendor.
 - UT Police – A bill was filed but was not passed that would have moved UT Police retirement from TRS to ERS. This would have raised the retirement multiplier for UT Police. The Legislature decided that there were not enough funds available to do this. UT System is looking at ways to increase retention of UT Police employees as UT trains its own police officers, who often move on to other law enforcement jobs.
 - Social Security Numbers – Cannot use SSNs for identification or for any other purpose though state and federal government still uses SSNs to identify people. Institutions involved in health delivery should try to avoid using SSNs whenever possible. UT System is investigating *Shibboleth* which would allow a single sign-on for an individual across the entire UT System.

Discussion of possible changes in EAC and Issues

An open discussion concerning the EAC was led by Chair Ann Tate

- Committee Participation - Chair Ann Tate expressed her view that the members of the EAC Executive Committee (the elected officers) should be ex-officio members of committees. The question was asked as to whether or not all EAC members had to serve on an EAC committee. One member commented that EAC membership implies participation, and another member said that requiring all EAC members to participate on committees ensures representation for all institutions and viewpoints.
- Appointment of Committee Chairs – One member commented that each committee should get to elect its chair. Chair Ann Tate commented that the EAC Chair should have the authority to choose the committee chairs in order to assure good working relationship with the Executive Committee. In response to this comment, the view was expressed that allowing the committee to elect their own

chair encourages consensus and may also provide other viewpoints that may prove informative to the EAC as a whole. Dan Stewart suggested that each committee elect the chair whose view the committee supports. Another member commented that having the EAC Chair appoint the committee chair places responsibility on that individual to get things done. Also, members can express their desire to chair a particular committee if they have an interest in serving as a committee chair. The comment was made that things seemed to work more smoothly with appointed chairs rather than with chairs that were elected by their committees.

- EAC Work Assignments – Chair Tate commented that EAC membership requires a commitment from each member to participate and work on EAC affairs. Committees need responsibility for action items. Should members be given more responsibilities? Should more be required and expected?

Distribution and Discussion of Model Policy and Regents' Rule for discipline and dismissal of classified employees

The Model Policy and the existing Regents' Rule for discipline and dismissal of classified employees were distributed to the EAC members, and discussion of the documents was held.

A member asked, "Why should the EAC review the policy if there was no input from the EAC in formulating the policy?" The subject of a staff ombudsman was raised. Another member asked if having the supervisor go the head of the institution's HR department, as outlined in the Model Policy, was the best way to start the procedure. It was suggested that it would be better to have the supervisor talk to his/her department head first. Chair Tate pointed out that a supervisor in this situation has usually discussed the situation with upper-level management before arriving at the point where an employee would be terminated or suspended. She also pointed out that a supervisor usually has to accumulate documentation before starting this procedure. Dan Stewart commented that the Model Policy is to clarify that all classified employees are *at-will* employees and also designed to protect the institution and serve as policy for all UT institutions. The comment was made that contacting the institution's HR head protects the employee by making the supervisor operate under the same circumstances as other supervisors at that institution. Member Chris Dickson, a UT policeman, pointed out that UT police and faculty have different policies and that those policies involve peer review. Another member commented that Reduction in Force (RIF) should not be used instead of the termination process, and it was noted that the RIF process is exempted from the Model Policy. In other words, the appeal process of the Model Policy does not apply to a RIF.

The discussion then digressed to a discussion about ombudsman for staff, or lack thereof, at various institutions. Member Erin Waneck of UT Austin commented that the Dispute Resolution Officer (DRO) at UT Austin reports to the HR office.

She would prefer that UT Austin had a staff ombudsman that would report to the President's Office. The comment was made that an ombudsman can have different level of responsibilities, depending on the institution, and there are also privacy and safety concerns. A member from UT Dallas said that illegal behavior is not confidential for their ombudsman. It was noted that three institutions will have ombudsman as of 9-1-2007. These three are UT Health Science Center at San Antonio, UT MD Anderson Cancer Center, and UT Dallas.

The comment was made that the DRO and ombudsman provide an intermediate process before the grievance process begins. It was suggested that the Model Policy needed more reference to policies that would come into play before the termination procedure began – "What do you need to do before getting to the point described by the Model Policy?"

Nominations for EAC Officers for 2007-2008

Nominations for next year's officers were made while waiting for the UT System attorney schedule to speak on the Model Policy.

The nominations were as follows:

Chair

- Michael Swindle
- Chris Dickson
- Terrie Garcia

Vice-Chair

- Terrie Garcia
- Kim Caperton
- Dennie Clemons

Secretary

- Erin Waneck

Historian

- Olga Garcia

Further discussion of Model Policy and Regents' Rule for discipline and dismissal of classified employees – Helen Bright, Office of General Counsel, UT System

Ms. Bright stated that the appeal process described in the model policy only applies to classified employees and only addresses high-level discipline: termination, demotion, suspension without pay. She also said that the old policy (Regent's Rule document) had a much tighter structure for discipline and a very detailed process for appeal.

Ms. Bright made these comments regarding the Model Policy

- A structure is described, but institutions are allowed some discretion. The institution should define acceptable and unacceptable conduct, and a minimum appellate process should be followed.
- The Model Policy does not provide any more rights for employees than currently exist.

- Supervisors are not required to notify employees that they have the right to appeal the disciplinary process.
- The Grievance procedure is completely different than the procedure described in the Model Policy for Discipline and Dismissal.
- Institutions will develop their own policies.
- It is the employee's responsibility to be aware of rules and procedures. It is recommended, but not required, that the employee be informed of right of appeal.

Questions and comments were directed to Ms. Bright after her comments. The general consensus of the members seemed to be that employees should be informed of the right to appeal a disciplinary action.

August 3, 2007

Chair Ann Tate called the meeting to order at 8:00 a.m.

Announcements

- The fall meeting of the EAC will be held in Austin on October 1-2. This is a Monday and Tuesday. These were the only dates where sufficient hotel rooms could be procured at the state rate.
- Chair Tate asked for an institution to volunteer to host the March meeting. She said the institution could expect to incur costs of around \$2,000.00 as that is what the 2007 Dallas meeting expenses were.

Committee Reports

- Strategic Plan Committee – Chair Michael Swindle
 - Strategic plan did not have adequate mention of staff.
 - There is a need to address the technology gap, especially for lower-level staff.
 - There should be more leadership training for classified staff to grow our own leaders.
 - Committee chair Swindle reported that this committee's charge had been fulfilled and that the committee would be dissolved.
- Grievance Committee – Chair Debra Linzer
 - All institutions have grievance policies.
 - Ombudsman may not be suitable for smaller campuses.
 - Policies are not always communicated effectively, and employees are not sure how to get this information.
 - Committee suggests that staff councils work to provide information on policies.
 - For the Board of Regents: Chair Linzer suggests that each institution's HR department provide employees information on policies for grievance, termination, etc.

- Tuition Committee – Presentation by Chris Dickson
 - The committee charge was reviewed.
 - The committee, under the direction of Subcommittee Chair Nancy Sutherland, consulted with the Office of General Counsel and UT System HR.
 - UT institutions cannot waive mandatory tuition – state law.
 - UT System strategic plan promotes education for staff.
 - Committee proposes a minimum program for all institutions; however, an institution could offer more if it had sufficient funding.
 - Minimum program suggestion: Full time employees would be eligible for reimbursement for two three-hour course per year, but reimbursement could not exceed \$1300 annually. The employee would agree to work one month per credit hour and would have to pay back the institution if the employee left before that amount of work time was completed.
 - The costs were based on peer-institutions policies for tuition support for employees.
 - Committee produced a letter to be send to the Chancellor from the EAC and asked that the EAC vote to accept this letter (**see attachment**).

The EAC voted unanimously to accept the letter from the Tuition Committee and send it to the Chancellor.

Board of Regents Presentation

Chair Tate reported that the EAC presentation to the Board of Regents was scheduled for November 12, 2007. The presentation will be made by the 2006-2007 Executive Committee and by the new EAC chair.

Model Policy and Regents' Rule for Discipline and Dismissal of Classified Employees
The EAC voted to endorse the Model Policy.

Election of Officers

Chair nominees

- Michael Swindle
- Chris Dickson
- Terrie Garcia
- Dennie Clemons (nominated from floor, but withdrew)

Results: Michael Swindle was elected Chair.

Vice-Chair nominees

- Terrie Garcia
- Chris Dickson (nominated from floor)
- Kim Caperton
- Dennie Clemons

Results: Dennie Clemons was elected Vice-Chair.

Secretary nominees

- Erin Waneck
- Kim Caperton (nominated from floor)
- Aziza Young (nominated from floor)
- Terrie Garcia (nominated from floor)

Results: Terrie Garcia was elected Secretary.

Historian

- Olga Garcia
- Dexter Jones (nominated from floor)

Results: Dexter Jones was elected Historian.

2007-2008 EAC Executive Committee:

Chair: Michael Swindle

Vice-Chair: Dennie Clemons

Secretary: Terrie Garcia

Historian: Dexter Jones

Comments by outgoing Chair Ann Tate

Thanks to all for support for and through the change and reorganization of the EAC. Chair Tate proclaimed her pride in the work that was accomplished by the committees.

Dan Stewart presented Ann Tate with a gavel mounted on a plaque commemorating her term as EAC chair.

Adjourn

10:41 AM Newly elected EAC Chair Michael Swindle adjourned the meeting.

The next meeting of the UT System Employee Advisory Council will be held in Austin on October 1-2, 2007.



Memorandum

Date: August 10, 2007

To: Chancellor Mark G. Yudof

From: The University of Texas System Employee Advisory Council

Subject: Expansion of Employee Tuition Assistance Programs

At your request, research was conducted to determine what, if any, recommendations might be made to enhance UT System tuition assistance policies. Working with representatives from the Offices of General Counsel and Human Resources, the subcommittee reviewed state rules and regulations, verified current programs within The University of Texas System, and evaluated similar programs at peer institutions across the country. Our findings and recommendations are summarized below. Detailed documents are attached for your review.

Background

- UT System institutions lack the legal authority to waive statutory tuition
- UT System institutions lack the legal authority to sponsor employee degree programs
- UT System institutions can and do provide tuition assistance. Exemplary programs are currently in place at The University of Texas at Tyler and The University of Texas Medical Branch at Galveston.
- UT System tuition assistance programs vary; disparity exists between and within institutions
- Peer institutions of public education across the country provide assistance programs to employees. Notable programs include The University of Michigan and The University of North Carolina.
- Private sector compensation and benefit packages compete with University recruitment and retention

The University of Texas System Strategic Plan outlines ambitious goals to help ensure the economic and educational future of Texas. To achieve these goals, the University must recruit and retain highly qualified staff to support the work of faculty, researchers and administration. A competitive education and tuition assistance program will help demonstrate the value of employment within the UT System.

Suggested Action Items

Each institution, based on recommendation from System Administration, should be encouraged to:

- Review available funding sources and if possible, allocate adequate funds to support robust tuition assistance programs
- Broaden the scope of programs to include all full-time employees
- Establish a tuition policy that incorporates the suggested minimum guidelines (see attached document) beginning with the 08-09 fiscal year
 - The minimum guidelines directly impact health institutions and smaller institutions that currently limit available assistance or exclude general staff from existing programs
- Provide tuition reimbursement assistance based on the availability of qualifying for-credit courses at the institution or local accredited college/university

In addition, System Administration should evaluate future legislative action to provide institutions the authority to sponsor employee degree programs.

We respectfully submit this proposal for review and consideration. We ask for your help in determining the next step and offer our help to achieve the best possible outcome.

Tuition Assistance Proposal Overview

Tuition Assistance Policy Statement

The University of Texas System recognizes that employee education and tuition assistance programs can materially aid and augment job performance. These programs, while enhancing job performance, must also have as a primary objective the furtherance of the mission of the UT System.

The tuition assistance program ("Program") permits institutions to reimburse eligible employees for college or university coursework that directly relates to the employee's job duties and is intended to enhance the employee's performance of those duties.

The Program is authorized by the State Employee Training Act, Texas Government Code Section 656.041. Compliance is the responsibility of the institution, the employee and his/her chain of management.

Scope

- All UT System Institutions

Program Structure

An eligible employee may receive reimbursement for up to two three-hour qualifying credit based courses per fiscal year. Reimbursement for private college or university education costs may not exceed the cost of comparable courses at the nearest state-supported four-year institution of higher education. Total reimbursement may not exceed actual course costs or a maximum of \$1300 per fiscal year, whichever is less.

Funding

Funding for this Program is the responsibility of the employing institution and must be budgeted, as applicable, in accordance with institution budget process.

Responsibilities

Employee

- Maintains active non-probationary status
- Has received at least a satisfactory rating on the most recent performance evaluation
- Signs a Tuition Assistance Program Participation Agreement
- Completes a Request For Payment Form as applicable

Supervisor / Management

- Verifies that the employee's coursework can be expected to improve job performance and further the mission of the institution
- Verifies that the employee's participation will not disrupt the operations of the employing department
- Verifies that funds or procedures are in place to cover applicable costs
- Approves employee participation

Institution

- Responsible for funding the Program

Department

- Notifies the employee and supervisor that the request/application conforms to guidelines
- Reviews submitted materials (payment form, etc.) and processes as applicable

Eligibility

The Program is available to all regular full-time employees. An employee in a position that requires student status as a condition of employment is not eligible to participate. Participation by the employee must be approved by the employee's chain of management and according to institution procedures.

A participating employee must have the prerequisites for enrollment in the proposed coursework. Course work must be directly related to the employee's job duties and intended to enhance the employee's performance of those duties during his or her participation in the program.

Procedures

Application Process

Each institution will develop, communicate and administer its application process.

Employee Agreement

An employee must sign an agreement to remain employed by his/her respective institution for at least one full month for each semester hour of tuition assistance received, beginning with the month after the employee-completed coursework. The employee will repay the institution for all expenses for which the employee was reimbursed if employment terminates before the end of that period.

Flexible Work Hours

An employee may be allowed flexible working hours in order to accommodate class schedules. Any such work scheduling is subject to supervisory approval and must be reviewed every semester or course period. An employee must use personal leave for any time taken off for the purpose of attending class or related activity that is not flexed within the workweek.

Reimbursement

Requests for reimbursement, as applicable, must be made within a period established by the institution. In order to receive reimbursement, an employee must:

- Follow institution reimbursement procedures
- Attach original receipts for payment of all tuition, required fees and other reimbursable expenses
- Attach proof of successful completion of coursework with a grade of "C" or better for undergraduate course work or a "B" or better for graduate course work.

Repayment

An employee who separates employment prior to completion of an in-force employee agreement for any reason other than a reduction in force, permanent disability, or death must repay the institution the amount previously reimbursed to the employee under the tuition assistance program for the applicable semester(s).

The employee has the option of making a lump sum payment or installment payments in accordance with a schedule provided by the institution. Any default in payment will result in the entire unpaid indebtedness, at the option of the institution, becoming due and payable.

Sample Tuition Assistance Program Participation Agreement

This Agreement is made by and between The University of Texas _____, hereinafter referred to as "University", and an employee participating in the Tuition Assistance Program, hereinafter referred to as "the Program."

In consideration of the mutual benefits and covenants, the parties agree as follows:

1. The University hereby agrees to reimburse the undersigned Employee the sum of _____ which is equal to the amount paid for tuition and eligible fees for _____ hours of coursework during the _____ semester of _____.
2. The Employee agrees to continue employment at The University subject to the terms described in Section 3 of this Agreement for no less than one full month beginning with the first month after coursework is complete, for every semester hour reimbursed by the University. The Employee further agrees that should the Employee fail to continue employment as required by this agreement, the employee shall repay the University for the total amount reimbursed by the University minus the amount represented by the number of months in which the employee continued in employment from the time the employee completed the coursework.
3. The Employee understands that neither participation in the Program nor this agreement constitutes a contract for employment and no term or condition in this agreement should be construed as a guarantee of employment. The employee further understands that this agreement is not a guarantee of employment in a particular position, classification or salary rate. The employee understands that continued employment at the University is contingent on the employee maintaining the standards of performance for his or her position of employment. The employee further understands that the employee is subject the *Rules and Regulations* of the Board of Regents and to the policies and procedures of the University during the Employee's participation in the Program and during any repayment period.
4. If the employee fails to stay in the employment of the University for the applicable period after the reimbursement is received, the repayment requirement procedures described in the agreement will be initiated immediately. When the employee fails to continue employment at the University due to a reduction in force, physical or mental disability, or death the University will waive repayment requirements.
5. Upon initiation of repayment procedures, the University will provide the employee with a statement setting forth the total amount to be repaid and a

schedule of payments. The employee shall have the option of making a lump sum payment or installment payments.

6. In the event of default in payment on any installment due, the entire unpaid indebtedness shall, at the option of the University, become due and payable.
7. In the event of default, the employee's obligation shall become enforceable in _____, Texas and suit to enforce the terms of this obligation shall be brought in _____, Texas. No delay on the part of the University in exercising any power or right under this agreement shall operate as a waiver of the power or right, nor shall any single or partial exercise of power or right preclude further exercise of that power or right.
8. No provision of this agreement shall be modified except by written instrument signed by the parties expressly referring to this agreement and to the provisions modified.

Employee's Printed Name

Employee's Signature

Date

Sample Tuition Assistance Program Repayment Agreement

In accordance with the University of Texas _____ Tuition Assistance Program, hereinafter referred to as "the Program", The University of Texas _____, hereinafter referred to as "University" provided a reimbursement benefit to the undersigned employee, _____, hereinafter referred to as "Employee." Reimbursement under the program requires that a participating employee agree to work for the University for one month for every semester hour reimbursed by the University. As a condition of participation in the program, Employee signed the Tuition Assistance Program Agreement, which is attached.

The Employee has now notified the University of the intent to terminate employment (or the Employee's employment has now terminated) resulting in this repayment agreement.

The University paid a sum of _____ to the Employee as reimbursement for tuition and eligible fees following completion of _____ course, taken during the _____ semester of _____.

The Employee will terminate (or has terminated) employment with the University effective _____.

The amount owed by the employee to the University is _____. The Employee has the option of making a lump sum payment or installment payments in accordance with the attached schedule.

If the Employee elects to make installation payments, a default in the payment on any installment due will result in the entire unpaid indebtedness, at the option of the University, becoming due and payable.

In the event of default, the employee's obligation shall become enforceable in _____, Texas and suite to enforce the terms of this obligation shall be brought in _____, Texas. No delay on the part of the University in exercising any power or right under this agreement shall operate as a waiver of the power or right, nor shall any single or partial exercise of any power or right preclude further exercise of that power or right.

No provision of this agreement shall be modified except by written instrument signed by the University and Employee expressly referring to this agreement and to the provisions modified.

Employee's Printed Name

Employee's Signature

Date

Tuition Assistance – Legislative Action Request

The University of Texas System recognizes that employee education and tuition assistance programs can materially aid and augment job performance. These programs, while improving job performance, must also have as a primary objective the furtherance of the mission of the UT System.

Current tuition assistance programs allow eligible employees to enroll in college or university coursework that directly relates to the employee's job duties and can reasonably be expected to enhance the employee's performance of those duties. However, educational opportunity and assistance is limited because:

- The State Employee Training Act, Texas Government Code Sections 656.041-656.104, requires that course work be specific to the employees' current job duties. It does not cover courses taken for the sole purpose of completing a degree program
- Texas Education Code §54.051 and 54.0512 prohibits a waiver for statutory tuition

The University of Texas System Strategic Plan outlines ambitious goals and objectives to help ensure the economic and educational future of Texas. To do so, we must recruit and retain highly qualified staff to support the work of faculty, researchers and administration. A competitive education and tuition assistance program, as a part of a benefits package, will help communicate the value of employment with the UT System.

The Employee Advisory Council requests that Administration and Governmental Relations explore statutory exemptions for higher education that would give each institution the authority to sponsor and reimburse costs for degree programs as well as waive statutory tuition.