

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION REPEAL**

DATE: December 17, 2009

REGULATION NUMBER and TITLE: 5.900 SUS General Personnel Policy

SUMMARY: This regulation was originally a Board of Regents rule and is obsolete. It remained as a placeholder for state university general personnel policy issues during the development of Board of Governors Regulation 1.001, University Boards of Trustees Powers and Duties, which became effective in March 2009. Regulation 5.900 can now be noticed for repeal.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO REPEAL REGULATION: Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING REPEAL OF THE REGULATION: Vikki Shirley, General Counsel

COMMENTS REGARDING THE REPEAL OF THE REGULATION(S) SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation(s) on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@fbog.edu.

5.900 State University System General Personnel Policy.

(1) Chapter 5 rules prescribe personnel policy for all State University System (SUS) employees including Faculty, Administrative and Professional employees (A&P), University Support Personnel System employees (USPS), and OPS employees. These rules shall have Systemwide application by authority granted to the Board of Regents (Board) in Chapters 240 and 447, Florida Statutes. All rules and policies or procedures arising from these Systemwide rules shall be consistent with the relevant provisions of Federal and State law and the Constitutions of the United States of America and the State of Florida.

(2) The provisions of 5.900 are applicable to and incorporated by reference in all Chapter 5 rules.

(3) These Systemwide rules are supplemented by the following:

(a) State law including the following chapters of Florida Law: Chapter 11, F.S., Legislative organization, procedures, and staffing; Chapter 92, F.S., Witnesses, records and documents; Chapter 99, F.S., Candidates, campaign expenses, and contesting elections; Chapter 104, F.S., Election code; violations penalties; Chapter 110, F.S., State employment, Chapter 112, F.S., Public officers and employees, general provisions; Chapter 115, F.S., Leaves of absence to officials and employees; Chapter 119, F.S., Public records; Chapter 121, F.S., Florida Retirement System; Chapter 215, F.S., Financial matters: general provisions; Chapter 216, F.S., Planning and budgeting; Chapter 228, F.S., Public education: general provisions; Chapter 240, F.S., Postsecondary education; Chapter 250, F.S., Military affairs; Chapter 295, F.S., Laws relating to veterans: general provisions; Chapter 386, F.S., Particular conditions affecting public health; Chapter 400, F.S., Nursing homes and related health care facilities; Chapter 409, F.S., Social and economic assistance, Chapter 440, F.S., Workers' compensation; Chapter 447, F.S., Labor organizations; Chapter 760, F.S., Discrimination in the treatment of persons; and Chapter 775, F.S., Definitions, general penalties, registration of criminals.

(b) Federal law including The Civil Rights Acts, The Fair Labor Standards Act (FLSA), The Rehabilitation Act of 1973, The Americans with Disabilities Act (ADA), The Family and Medical Leave Act (FMLA), The Uniformed Services and Employment and Reemployment Act of 1994 (USERA), The Age Discrimination in Employment Act (ADEA), and The Omnibus Transportation Employee Testing Act of 1991 (OTETA).

(c) University rules enumerated in Chapters 6C1 through 6C10 and Chapter 6C19 of the Florida Administrative Code (F.A.C.).

(d) The Collective Bargaining Agreements.

(e) Internal management memoranda informing administrators of procedures or guidelines for implementing the policies contained herein, however, these procedures and guidelines shall not change substantive rights of employees or terms and conditions of employment.

(4) Personnel Programs

(a) The Chancellor, as the Chief Administrative Officer for the Board, and the President, as the Chief Administrative Officer for the university, shall be responsible and accountable for administering the personnel programs. The word "University" shall also denote the Board Office and the word "Chief Administrative Officer" shall include the appropriate individual or his/her designee.

~~_____ (b) _____ The Chief Administrative Officer shall establish and maintain all policies, procedures, and records which are necessary to substantiate compliance with all laws and rules relating to employment.~~

~~_____ (c) _____ Each University shall actively promote its commitment to equal employment opportunity and non-discrimination towards applicants and employees with respect to race, color, religion, age, disability, sex, marital status, national origin, and veteran status consistent with Federal and State law.~~

~~_____ (d) _____ The State university System Personnel/Employee Records System (SUPERS) is the automated Systemwide information system containing appointment, budget, position, demographic, definitional, and other information related to employees. This information is available through each University.~~

~~_____ (5) _____ The SUS Employment Plan is the Systemwide classification and compensation plan maintained by the Board. Such plan shall consist of the following:~~

~~_____ (a) _____ Faculty defines positions assigned the principal responsibility of teaching, research, or public service activities or for administrative responsibility for functions directly related to the academic mission.~~

~~_____ (b) _____ A&P defines positions assigned administrative and management responsibilities or professional duties at the department/unit, or above.~~

~~_____ 1. _____ Employees in A&P positions designated in the Executive Service serve at the will of the Chief Administrative Officer or the Board; do not have tenure, and have no expectation of appointment beyond 60 days' notice period.~~

~~_____ 2. _____ Executive Service positions ordinarily report directly to the Chief Administrative Officer with the exception of specified positions which report to the Board, and include Chancellor, vice chancellor and vice president and other positions responsible for policy-making at the executive level.~~

~~_____ (c) _____ USPS defines positions assigned professional, paraprofessional, administrative, clerical, secretarial, technical, skilled crafts, service, or maintenance duties.~~

~~_____ (d) _____ OPS defines at-will temporary employment.~~

Authority: Section 7(d), Art. IX, Fla. Const. History — New 1-24-96, 8-12-96.