

NOTICE OF PROPOSED RULEMAKING

NAME OF AGENCY: University of Florida

RULE TITLE:	RULE NO.:
Finance and Administration; Volunteers	6C1-3.0031
Finance and Administration; University Police Department	6C1-3.005
Finance and Administration; Purchasing	6C1-3.020
Finance and Administration; Purchasing, Sponsored Research Exemptions Procedures	6C1-3.021
Finance and Administration; Surplus State Property	6C1-3.030
Finance and Administration; Employee Recognition Program	6C1-3.040
Finance and Administration; University Support Personnel System Predetermination and Arbitration Appeal Procedures for Employees with Permanent Status	6C1-3.045
Finance and Administration; Discipline, Suspension and Dismissal for Cause of Technical, Executive, Administrative, and Managerial Support Staff	6C1-3.046
Finance and Administration; University Support Personnel System; Disciplinary Procedures	6C1-3.047
Finance and Administration; Technical, Executive, Administrative, and Managerial Support Staff Appraisal	6C1-3.049
Finance and Administration; University Support Personnel System Performance Appraisals	6C1-3.050
Finance and Administration; University Grievance Procedures for Technical, Executive, Administrative, and Managerial Support Staff Members; General Information, Definitions, Resort to Other Procedures, Time Limits, and Procedures, and Arbitration Appeal	6C1-3.051
Finance and Administration; Appointment; Technical, Executive, Administrative, and Managerial Support Staff	6C1-3.054
Finance and Administration; Division of Human Resources; Limited Access Records of Faculty Members, Administrative and Professional Staff, and University Support Personnel System and Other Personal Services (OPS)	6C1-3.055
Finance and Administration; Resignation and Non-Reappointment of Technical, Executive, Administrative and Managerial Support Staff	6C1-3.056
Finance and Administration; University Complaint Procedure for University Support Personnel System	6C1-3.058
Finance and Administration; Pay Upon Appointment and Probationary Status After Promotion; University Support Personnel System Employees	6C1-3.059
Finance and Administration; Personnel Policy for Technical, Executive, Administrative, and Managerial Support Staff; Recruitment and Selection	6C1-3.061
Finance and Administration; General Personnel Policy for University Support Personnel System	6C1-3.062

PURPOSE AND EFFECT: 6C1-3.0031: Pursuant to the Fair Labor Standards Act and the State's Child Labor Laws, the rule has been modified to reflect that all volunteers shall be at least 14 years of age, to identify the required Record of Volunteer Service Form, and to address safety training issues.

6C1-3.005: The amendments to this rule extend the probationary period for university police officers from 9 months to 12 months and reflect the new governance structure of the University of Florida.

6C1-3.020: The amendment to this rule eliminates that bids and proposals shall remain sealed until notice of final contract award is given so that the rule will conform to relevant Florida law. **6C1-3.021:** The amendments to this rule update the statutory references to conform with renumbering of statutes.

6C1-3.030: The rule is changed to clarify its provisions and application pursuant to the new governance structure of the University. **6C1-3.040:** The amendments refer to the new pay plan designations of Academic Personnel and Technical, Executive, Administrative, and Managerial Support (TEAMS).

6C1-3.045: The rule has been amended to create an Arbitration Appeal mechanism and details Request for Processing, Fees and Expenses, Hearing, and Authority of the Arbitrator. **6C1-3.046:** The amendments to this rule define "just cause" and prescribe the procedure to be used in dismissal or disciplinary action due to just cause. It also describes the President's power to immediately suspend an employee pending investigation. **6C1-3.047:** This rule has been revised to eliminate the reference to 6C-5.950, F.A.C.; to explain that discipline ranging from oral reprimands to dismissal may be imposed for just cause; and state the right for the University to consider other discipline-related offenses collectively when in the best interest of the University. **6C1-3.049:** The amendments to this rule prescribe the requirements and procedures for probationary appraisals, annual appraisals, and special appraisals of TEAMS employees. **6C1-3.050:** The rule amendments change the term "Evaluations" to "Performance Appraisals," which is consistent with the language and terminology in the rule. **6C1-3.051:** The amendments to this rule describe the grievance rights and limitations for TEAMS employees and their opportunity to resort to other procedures. The time limits for filing grievances are discussed, and the Step 1 and Step 2 procedures are prescribed, as are the arbitration appeal procedures. **6C1-3.054:** The amendments to this rule lists the appointment modifiers that may be used to define the conditions of TEAMS employee appointments. It defines procedures for initial appointments of TEAMS employees, including probationary appointments, procedures for appointments of employees who transfer to TEAMS from USPS, procedures for regular appointments to TEAMS, and conditions of employment for Executive Service. Promotions, changes of assignment, demotions, and relocations are defined. Appointments within pay ranges are prescribed. **6C1-3.055:** This rule is being transferred to 6C1-1.019. **6C1-3.056:** The amendments to this rule prescribe procedures that must be followed if a TEAMS employee will not be reappointed to the position. Required notice periods are specified. **6C1-3.058:** The rule amendments acknowledge that the Director of Human Resources or designee may resolve complaints on behalf of the University. **6C1-3.059:** The amendments remove the six month pay upon reassignment restriction for USPS employees and removes the referral function provided by the Central Employment Center if a USPS employee is promoted and fails to perform satisfactorily. **6C1-3.061:** The rule describes the recruitment and selection process for TEAMS employees. **6C1-3.062:** This new rule acknowledges the role of the Division of Human Resources in USPS recruitment, examination, screening and selection process. Appointment modifiers for USPS positions have been consolidated from 6 categories to 3 (Regular, Provisional and Time-limited).

SUMMARY: **6C1-3.0031:** The amendments to this rule reflect that all volunteers shall be at least 14 years of age pursuant to the Fair Labor Standards Act and the State's Child Labor Laws, to identify the required Record of Volunteer Service Form, and to address safety training issues. **6C1-3.005:** The amendments to this rule extend the probationary period for university police officers from 9 months to 12 months. **6C1-3.020:** The amendment to this rule eliminates that bids and proposals shall remain sealed until notice of final contract award is given so that the rule will conform to Florida law. **6C1-3.021:** The amendments to this rule update the statutory references to conform with renumbering of statutes. **6C1-3.030:** The rule deals with surplus state property and implements authority granted to the university president. **6C1-3.040:** The amendments refer to the new pay plan designations of Academic Personnel and Technical, Executive, Administrative, and Managerial Support (TEAMS). **6C1-3.045:** An arbitration appeal process is made available to USPS employees for dismissal, demotion with reduction in pay, job abandonment, or reduction in pay. The request must be filed within 10 working days after receipt of notice of the employment action. The issues of fees and expenses, representation, and the authority of the arbitrator are set forth in the amendments. **6C1-3.046:** "Just cause" for dismissal of TEAMS employees is defined as incompetence, misconduct, or unsatisfactory performance. Written notice is prescribed for dismissal or suspension, which is then reviewed by the relevant Dean or Director. If the Dean or Director upholds or modifies the decision, the Vice President for the unit will review the basis for the notice. The President or designee may suspend an employee pending investigation. **6C1-3.047:** The amendments to this rule eliminate the reference to 6C-5.950, F.A.C.; explain that discipline ranging from oral reprimands to dismissal may be imposed for just cause; and state the right for the University to consider other discipline-related offenses collectively when in the best interest of the University. **6C1-3.049:** Probationary appraisals are required thirty days prior to the conclusion of the probationary period or end of any extension for non-exempt TEAMS employees. Annual appraisals are to be completed for all TEAMS employees. Special appraisals may be conducted for non-exempt TEAMS employees. **6C1-3.050:** The amendments change the term "Evaluations" to "Performance Appraisals," which is consistent with the language and terminology in the rule. **6C1-3.051:** An appeal to an arbitrator will be available for dismissal or suspension for just cause. Other grievances are reviewed using a two-step process. If the grievance concerns the employee's suspension, dismissal, layoff, demotion, job abandonment, relocation, or reduction in pay, the employee may then appeal to an arbitrator. **6C1-3.054:** The provisions of this rule establish the conditions of appointment as a Technical, Executive, Administrative, and Managerial Support (TEAMS) employees. The initial appointment of employees to a non-exempt TEAMS position shall be for an initial probationary period of six months, during which the appointment may be terminated at any time without notice or appeal. Exempt employees shall be given an initial appointment of six months. USPS employees may transfer to TEAMS. If the USPS employee is in his or her probationary period, shall receive an initial probationary appointment as a TEAMS employee of six months minus the time spent in the most recent USPS probationary appointment. A USPS employee who has attained permanent status and transfers to TEAMS will receive an initial regular appointment of twelve months. A&P employees in good standing shall receive a twelve month regular appointment to TEAMS beginning January 7, 2003. A&P employees who have received a notice of non-reappointment on or before January 6, 2003 shall be given a temporary TEAMS appointment through the last date of employment cited in their notice of non-reappointment. After satisfactory completion of the initial appointment, subsequent appointments to TEAMS shall be for a period of twelve months. Employees may not be

promoted, demoted or reassigned outside of their college or division until the employee has completed six months satisfactory service. Regular TEAMS employees must be paid within the pay range for the position to which he or she is appointed. Provisional, trainee, and emergency TEAMS appointments may be below the minimum of the pay range. **6C1-3.055:** This rule is being transferred to 6C1-1.019. **6C1-3.056:** A new TEAMS employee's appointment to a non-exempt position shall be probationary. TEAMS employees with appointment modifiers of Provisional, Acting, Temporary, Time-Limited, or Probationary are not entitled to any notice of non-reappointment. Regular and multi-year TEAMS employees may be given 3 or 6-months notice of non-reappointment depending on length of service. Following notice of non-reappointment, a TEAMS employee may be assigned to other duties. **6C1-3.058:** The amendments acknowledge that the Director of Human Resources or designee may resolve complaints on behalf of the University. **6C1-3.059:** The amendments remove the six month pay upon reassignment restriction and removes the referral function provided by the Central Employment Center if a USPS employee is promoted and fails to perform satisfactorily. **6C1-3.061:** The application processing function is the responsibility of the Central Employment Center (CEC) of the Division of Human Resources. The CEC coordinates recruitment and posting of vacancies. Applications for TEAMS employees are incorporated by reference into this rule. **6C1-3.062:** This new rule acknowledges the role of the Division of Human Resources in USPS recruitment, examination, screening and selection process. Appointment modifiers for USPS positions have been consolidated from 6 categories to 3 (Regular, Provisional and Time-limited).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY:

- 6C1-3.0031: 1001.74(4), F.S.
- 6C1-3.005: 1001.74(4), 1012.97(6), F.S.
- 6C1-3.020: 1001.74(4), F.S.
- 6C1-3.021: 1001.74(4), 1004.22(13), F.S.
- 6C1-3.030: 1001.74(4), F.S.
- 6C1-3.040: 1001.74(4), F.S.
- 6C1-3.045: 1001.74(4), 1012.92(1), (3), F.S.
- 6C1-3.046: 1001.74(4), 1012.92(1), F.S.
- 6C1-3.047: 1001.74(4), 1012.92(1), (3), F.S.
- 6C1-3.049: 1001.74(4), F.S.
- 6C1-3.050: 1001.74(4), F.S.
- 6C1-3.051: 1001.74(4), F.S.
- 6C1-3.054: 1001.74(4), F.S.
- 6C1-3.055: 240.253, F.S.
- 6C1-3.056: 1001.74(4), F.S.
- 6C1-3.058: 1001.74(4), F.S.
- 6C1-3.059: 1001.74(4), F.S.

6C1-3.061: 1001.74(4), F.S.
6C1-3.062: 1001.74(4), F.S.

LAW IMPLEMENTED:

6C1-3.0031: 1001.74(19), F.S.
6C1-3.005: 1001.74(19), 1012.97, F.S.
6C1-3.020: 120.57(3), 112.313, 672.719, 1001.74(5), 1001.75(5), 1004.22, F.S.
6C1-3.021: 1001.74(8), 1004.22(5), (7), F.S.
6C1-3.030: 1001.74(5), (6), 1001.75(18) F.S.
6C1-3.040: 1001.74(19), F.S.
6C1-3.045: 1001.74(19), 1012.92, F.S.
6C1-3.046: 1001.74(4), 1012.92, F.S.
6C1-3.047: 1001.74(19), 1012.92, F.S.
6C1-3.049: 1001.74(19), 1001.75(3), 1012.91, F.S.
6C1-3.050: 1001.74(19), F.S.
6C1-3.051: 1001.74(19), 1001.75(3), F.S.
6C1-3.054: 1001.74(19), F.S.
6C1-3.055: 240.253, F.S.
6C1-3.056: 1001.74(19), 1001.75(3), F.S.
6C1-3.058: 1001.74(19), F.S.
6C1-3.059: 1001.74(19), F.S.
6C1-3.061: 1001.74(19), 1001.75(3), F.S.
6C1-3.062: 1001.74(19), F.S.

IF REQUESTED BY 5:00 P.M. WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: November 12, 2002 at 3:00 p.m.

PLACE: J. Wayne Reitz Union, Room 285

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mrs. Karon S. Grabel, Clerk of the University, 123 Tigert Hall, University of Florida, Gainesville, Florida 32611.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph Glover, Associate Provost for Academic Affairs, Stuart Hoskins, Associate Controller; Larry Ellis, Director, Division of Human Resources; Emily J. Hamby, Director of Purchasing, Thomas E. Walsh, Director, Sponsored Research

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Colburn, Provost and Ed Poppell, Vice President for Finance and Administration, Winfred M. Phillips, Vice President for Research

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE
GAINESVILLE SUN:** September 13, 2002