

**PROFESSIONAL COUNCIL MEETING  
MONTANA STATE UNIVERSITY  
WEDNESDAY May 13, 2009  
Procrastinator Theatre Loft  
1:30 PM – 2:30 PM**

**Members Present:** Julie Tatarka, Sheryl Dettmann, Erika Swanson, Chris Bauer, Jeff Butler, Matt Rognlie, Nancy Blake, Patty Inskeep, Stacey Scott, Elizabeth Brock for Carolyn Plumb

**Others present:** Marj Brown, Affirmative Action

***Affirmative Action – Marj Brown***

- Affirmative Action requires that new Professional Hourly Employee (PHE) positions be pre-approved before submission to Human Resources.
- MSU has a unique working environment which demands this kind of employee status. For example, the Writing Center hires PHEs as tutors because of their erratic schedule. Additionally, PHEs are necessary in the Dept of Music; placement of special students in certain classes is dependent upon auditions, who are often accompanied by a PHE to such events. By definition, a PHE works an unassigned number of hours that vary from week to week. Some PHEs are working 36-40 hours a week and should be re-classified to receive benefits. Positions in classified and professional classifications are determined by the duties. If an employee is working more than 10 hours a week, they should be placed on a Letter of Appointment. The minimum payment is \$12.00/hour. By definition, a PHE is an employee who is:
  - Not eligible for health benefits, annual or sick leave;
  - OT eligible is over 40 hours in one week;
  - May be an employee on two different hourly appointments at one time: classified temporary-hourly and professional or two professional; and
  - Subject to: 347 hours or 89 days.
- There are four major categories and employee instruments:
  - MUS Contracts – Contract employees entitled to employment only as specified in the contract. These employees are exempt from overtime. They include:
    - Tenurable faculty
    - Professional and administrative employees.
      - Maximum term is one year 711.1 BOR policy – terms and conditions – B. If the contract is not going to be renewed, there are notice provisions required. Depending on the number of years an employee has been hired, there are a certain number of days of notification before the contract is up.
      - *MUS Contract Professional Employees* – annual contract with right to reappointment unless notice of non-renewal is given within specified time frame [1, 3, or 5 months prior to expiration of contract]. May be terminated *for cause or loss of funding* for the position.
      - Contractually bound to serve contract term, but may resign with approval of university within contract term.
  - BOR Contracts – These contracts include executive employees (13 at MSU-Bozeman) and are approved by the BOR.
  - Letters of Appointment - The LOA approval is through the OCHE and includes:
    - Non-tenurable faculty (adjuncts)
      - *Adjunct Faculty* – Not eligible for tenure, primarily assigned instructional responsibilities. Serve short term instructional needs of the department not met by tenure/tenure track faculty
      - Maximum term – usually one academic year. Limited exception for up to five years.
      - LOA automatically ends without notice at end of term – with no right to reappointment or continuing employment.
      - May be terminated for cause (or in some cases loss of funding) within LOA term.
      - Because adjuncts have chosen to unionize, these criteria may change.

- Research employees (faculty, professionals, associates)
  - Appointments are temporary and/or funded through funding that may not be available from year to year.
  - Maximum term is one year.
  - If contingent upon continuation of funding - may be terminated at any time during the term of the LOA upon 15 working days written notice.
  - Appointment automatically ends without notice at the end of term – with no right to continuing employment.
  - Bound to serve contract term – but may resign with approval of university within contract term.
- Non-contract Classified Employees
  - Union
  - Union-exempt
- Discussion points
  - If money might not be available for a professional to continue working, supervisors may choose to place them on LOA. If a professional is on an MUS contract and money goes away, you are liable to pay them for the continuation of the time they are not able to work.
  - There is no limit to the number of years an adjunct may be reappointed. Contracts allow adjuncts to teach more than one year at a time, and they may be hired for three years or five years, consecutively.
  - Letters of Appointment are reported to the OCHE, but the President approves.
  - A department that hires half-time adjuncts that are working for a whole year pays for benefits. It is more beneficial to hire someone ¾ time or full time and pay full time.
  - Non-union employees will be managed differently than those who have joined the union.

The meeting adjourned at 2:30 PM, as there was no other business.

*Signature*

Sheryl Dettmann, Chair

*Signature*

Gale Gough, Secretary