

Proposition 20 -09/10

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Proposed Committee Assignment: Emergency Legislation

Committee Assignment:

Title: Technical Changes to Proposition 10-09/10 "Summer Compensation"

Proposition 20-09/10 substitutes for Proposition 10-09/10 to clarify that compensation for summer research is calculated so as to be consistent with federal regulations, including but not limited to OMB Circular-A21 as administered by the Office of Naval Research.

Format of Presentation

1) Proposed Text (in blue)

2) Original Text to be replaced with strikeouts and inserts

Proposed Text

5.25.40 Compensation - Summer

Teaching: For faculty at campuses whose faculty members have a normal teaching load of 24 credits during the regular year, summer teaching is paid at the rate 11.11% of annual salary for a 3 credit class or 3.70% of annual salary per credit hour. For faculty at campuses whose faculty members have a normal teaching load of 30 units during the regular year, summer teaching is paid at the rate of 8.31% of annual salary for a 3 credit class or 2.77% of annual salary per credit hour.

Sponsored Research: Sponsored research is paid at a rate consistent with federal regulations including, but not limited to, those contained in OMB Circular A21 as administered by the Office of Naval Research.

Combined Teaching-Sponsored Research: For those both teaching and engaged in sponsored research, summer pay is pro-rated between the two activities. The regular summer employment period is computed from the last workday after grades are due at the end of the spring semester until the first workday before Faculty are required to report in the fall semester. The pro-rating calculation shall be done consistent with OMB Circular A21.

For persons who have no regular academic-year salary on which to base summer compensation, salary may be negotiated within the approved ranges for temporary faculty.

Supplemental Compensation: The policies regarding supplemental compensation during the summer period are the same as those that apply to the academic-year period, as described in section 4.70 of the policy manual.

12-month Faculty: The policies pertaining to compensation for 12-month Faculty during the summer period, including Department Heads, are the same as those that apply to the academic year.

Graduate Assistants: In summer sessions, graduate assistants receive the same pay per week as they do during the regular semester.

Original Text to be replaced with strikeouts and inserts

5.25.40 Compensation - Summer

Teaching: For faculty at campuses whose faculty members have a normal teaching load of 24 credits during the regular year, summer teaching is paid at the rate 11.1% of annual salary for a 3 credit class or 3.70% of annual salary per credit hour. For faculty at campuses whose faculty members have a normal teaching load of 30 units during the regular year, summer teaching is paid at the rate of 8.31% of annual salary for a 3 credit class or 2.77% of annual salary per credit hour.

Sponsored Research: Sponsored research is paid ~~at a rate consistent with federal regulations including, but not limited to, those contained in OMB Circular A21 as administered by the Office of Naval Research.~~

Deleted: at the academic-year daily rate, or daily FTE, computed by dividing the academic year salary by the number of paid days

Combined Teaching-Sponsored Research: ~~For those both teaching and engaged in sponsored research, summer pay is pro-rated between the two activities.~~ The regular summer employment period is computed from the last workday after grades are due at the end of the spring semester until the first workday before Faculty are required to report in the fall semester. ~~The pro-rating calculation shall be done consistent with OMB Circular A21.~~

Deleted: Full-time compensation during the summer is computed as the daily FTE times the number of days in the summer period.

For persons who have no regular academic-year salary on which to base summer compensation, salary may be negotiated within the approved ranges for temporary faculty.

Deleted: ¶

Supplemental Compensation: The policies regarding supplemental compensation during the summer period are the same as those that apply to the academic-year period, as described in section 4.70 of the policy manual.

~~12-month faculty:~~ The policies pertaining to compensation for 12-month Faculty during the summer period, including Department Heads, are the same as those that apply to the academic year.

Deleted: Department Heads

Graduate Assistants: In summer sessions, graduate assistants receive the same pay per week as they do during the regular semester.

Addendum: Original Text prior to passage of Proposition 10/09-10

5.25.40 Compensation - Summer

Salary for full load is based on 3/4 of 2/9 of applicable annual (9-month) salary (using past year base for Summer Session I and year-to-come base for Summer Session II). However, for persons who have no regular 9-month salary on which to base this formula, salary may be negotiated within the approved per-credit-hour ranges for college rank faculty.

Note: Salaries will be rounded to the nearest dollar.

A faculty member who agrees to teach for a fraction less than the normal amount must sign a statement waiving payment under the normal salary plan outlined below.

<u>Credit Load or Equivalent per Summer Session</u>	<u>Percent of 1/6 of 9-month Salary</u>
.5 (.11 allotment)	11
1.0	22
1.5	33
2.0	44
2.5	56
3.0	67
3.5	78
4.0	89
4.5	100
5.0	111
5.5-6.0	120

Teaching Overloads: In general, faculty members will be employed in one 6-week period only. In exceptional cases, where approved by the executive vice president and provost, a faculty member may serve in two 6-week sessions, and will receive a salary for each session based on the percent of service for that session. Faculty members may be scheduled to teach up to 6 credits in one summer session. NMSU Policy Manual Chapter 5 Page 20 of 68

The request should be submitted in writing, including justification, to the executive vice president and provost.

Combined Teaching-Sponsored Research: Normal Teaching is paid under the salary plan described above. Full time research is paid at the rate of 1/36 of annual (9-month) salary per week. Part-time research will be calculated at the appropriate fraction of 1/36 of annual salary per week. (1 day = .2 week; 2 days = .4 week; 3 days = .6 week; 4 days = .8 week; 5 days = 1.0 week) Sponsored Research: Sponsored research is paid at the rate of 1/36 of annual salary per week. The maximum employment period is 12 weeks, exceptions to be approved by the executive vice president and provost.

Additional Allowable Salary on Institute Programs: Proportionate salary will be paid where institutes allow pre- and post-weeks for preparation and closing. A faculty member serving as an institute director may be paid extra for administration if such payment is permitted under terms of the institute contract.

Maximum Summer Payment for Teaching and/or Sponsored Research: In part to comply with OMB Circular A21, which states In no event will charges to sponsored agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period, the following maximum summer payment has been established: In the entire summer period between the end of 1 academic year and the beginning of the next, faculty can earn no more than the average of the past year's 9-month base and the coming year's 9-month base, divided by 3. Any exception must have the approval of the executive vice president and provost.

Department Heads: A department head that administers the department during the summer and also has funded research is paid 1/12 from funded research, provided annual leave is taken during the summer. If annual leave is not taken during the summer, the department head may be paid 2/12 from funded research. Some department heads may wish to be on annual leave in the summer, or may wish to work only 1 month, etc. These arrangements may be worked out with the dean and the executive vice president and provost with proper adjustments in accrued days of annual leave and other related policies. No summer session faculty allocation is used for 12-month department heads who teach in the summer.

Graduate Assistants: In summer sessions, graduate assistants will receive the same pay per month as

they do in the regular semester. The allotment of one graduate assistant will equal 6-weeks employment at 20 hours per week. Two graduate assistant allotments may be converted to 1.0 faculty allotment with the approval of the executive vice president and provost.

Addendum

NMSU Policy Manual

4.70 Supplemental Employment/Compensation

Supplemental compensation may be paid to faculty and staff acting in the capacity of a professional/faculty employee for an additional assignment performed during normal university working hours, providing that assignment is (1) clearly outside the scope of that person's regular teaching, research and service responsibilities; and (2) does not interfere with those responsibilities.

Such time will be counted against a faculty member's allowed consulting time and must be approved in advance by all cognizant administrators, including the executive vice president and provost.

Additional compensation is submitted for approval by the completion of an E-Hire Form. This compensation may be authorized in addition to regular salary for those employees exempt from overtime provisions of the Fair Labor Standards Act and is used to authorize payment for consulting, workshops, etc. Supplemental compensation will not be paid solely on the basis that the salary has been budgeted into the agreement.

Supplemental Employment Guidelines:

1. Applicable only to faculty, or those staff acting in the capacity of a professional/faculty employee.
2. Applicable only to employees currently employed during the period when the supplemental compensation was earned.
3. The rate of pay should not exceed the employee's current rate of pay in the employee's primary job assignment. Under those special circumstances where a request exceeds the employee's rate of pay, a special memo of justification approved by the Office of the Executive Vice President and Provost must be attached to the form. Hours worked (a) should not exceed a reasonable percentage of full-time hours (Any percentage greater than 50 percent must be justified in an attached memo.); (b) must be properly documented per grant/contract requirements.
4. Only in unusual cases may an exempt staff and faculty member be paid to work on a grant or contract, as consultants or otherwise, if that effort results in payment in excess of 100 percent FTE unless specifically provided for, as supplemental compensation, in the agreement or approved in writing by the sponsoring agency. For federal grants and contracts, approval will normally be granted only if two conditions exist:
 - The work is across departmental lines or involves a separate or remote location; and
 - The work performed by the employee is in addition to the regular departmental workload