

REGENTS' POLICY
PART IV – HUMAN RESOURCES
Chapter 04.01 - Uniform Personnel System

P04.01.010. Human Resources Mission Statement.

The statewide office of human resources and the regional human resources offices contribute to the university's missions of teaching, research and public service by providing benefits and services that help to attract, motivate and retain a talented, committed, and diverse workforce. To encourage excellence, the statewide office promotes fair treatment, provides for continuing opportunities for training and development, values and recognizes productivity and achievement, and respects the worth and dignity of all individuals who comprise the university's workforce. The statewide office is established to provide services that enhance productivity through human resource management within the university by developing and implementing programs and services to meet institutional needs; and will propose and maintain university regulation and procedures governing employee relations consistent with the university's goals.

(06-20-97)

P04.01.020. Nondiscrimination Statement.

In accordance with federal and state law, illegal discrimination in employment against any individual because of race, color, religion, national origin, age, sex, sexual orientation, veteran status, physical or mental disability, marital status or changes in marital status, pregnancy or parenthood is prohibited. Decisions affecting an individual's employment will be based on the individual's qualifications, abilities and performance, as appropriate.

(02-18-11)

P04.01.030. System Establishment and Maintenance.

Criteria for the establishment and maintenance of the university uniform personnel system will be established by university regulation.

(08-19-94)

P04.01.050. Types of Employment.

- A. Officers of the University and Senior Administrators. The president will designate by university regulation those positions to be placed in the Officers of the University and Senior Administrators category.
- B. Faculty. Faculty positions are defined in P04.04.030.
- C. Staff. Staff positions are designated exempt or nonexempt in accordance with the Fair Labor Standards Act.
- D. Casual Labor. Casual labor is nonexempt temporary employment on an emergency basis.
- E. Student Employment. Student employment is nonexempt, temporary employment.

(06-06-07)

P04.01.055. Termination.

- A. At-will employment is an employment relationship that either the employee or the university may terminate at any time for any reason or no reason with such notice as may be required by regents' policy and university regulation. The processes contained in R04.01.050 are the exclusive review procedures available for all terminations of at-will employees.
- B. Temporary, extended temporary, adjunct, student, casual labor, regular new hire probationary employees and those positions designated by the president as officers and senior administrators of the university are employed at-will. A new employee in a regular position, including an individual with a break in university service greater than 10 business days, is also considered at-will for the duration of the probationary status.
- C. Employment not established as at-will entitles the employee to such notice and appeal processes as specified by regents' policy and university regulation.

(06-06-07)

P04.01.060. Contents of Personnel Files.

The information to be contained in the official personnel records of the university will be established by university regulation. These records will be maintained at the employee's MAU human resources office, or at such place or places as specified at the employee's MAU human resources office.

(08-19-94)

P04.01.061. Access to Personnel Files.

An employee will have the right to examine the employee's official personnel file at any time during normal business hours upon submission of advance written request to the MAU human resources office. An employee will have the right to a copy of the employee's own file upon submission of advance written request to the regional human resources office.

(06-06-07)

P04.01.062. Confidentiality of Personnel Records.

- A. Dates of present and past employment with the university, position title, type of employment, campus, and salary are public information. The university adopts the policy of AS 39.25.080 so that all other personnel records, including but not limited to applications, leave records, home address and telephone number, performance evaluations and disciplinary matters, relating to any past or present employee of the university are not public records and are not accessible by the public. Personnel records will be released only under the following circumstances:
 - 1. upon receipt of written authorization from the employee, former employee, or applicant, as directed in the authorization;

2. to the employee's supervisors and to university supervisors to whom the employee or former employee has applied for promotion, transfer or rehire;
 3. to a state agency authorized by statute to review such university documents upon receipt of a subpoena issued by a competent authority and upon execution of an agreement that confidential information will not be made public;
 4. upon receipt of an order of a court of competent jurisdiction;
 5. for internal university operations, to persons having a need to know as determined by the regional personnel officer or the custodian of the record.
- B. A request not covered by A.1-5 of this section will be addressed to the MAU human resources director. The MAU human resources director or designee shall review the request and may approve the release if that release is in the best interest of the university and can be accomplished without violation of the employee's, former employee's, or applicant's right to privacy.
- C. Notwithstanding the provisions of this section, a supervisor or human resources office may disclose information about the job performance of an employee or former employee to a prospective employer upon request. Any information provided must be given in good faith and must be factual.

(06-06-07)

UNIVERSITY REGULATION
PART IV – HUMAN RESOURCES
Chapter 04.01 - Uniform Personnel System

R04.01.030. System Establishment and Maintenance

The Statewide Office of Human Resources will have overall responsibility for coordination and maintenance of a uniform personnel system, and is empowered to review actions taken and to enforce compliance with policy or regulation.

(08-19-94)

R04.01.050. Types of Employment

A. At-Will Employment

At-will employment is employment that is designated as at-will in Regents' Policy, University Regulation, or in a written employment contract.

Employment designated as at-will employment may be terminated for any reason not prohibited by law or for no reason. In the event of a decision to terminate at-will employment, the supervisor will provide the employee with a written notice of termination. The notice need not state any reasons for the termination.

The university may elect to give pay in lieu of all or any portion of any notice period that may be required. If such an election is made at the time notice is given, the notice should state such election. Directives and/or instructions related to the termination or the university's expectations of the employee during any remaining term of employment may be included in the notice or stated orally or in a separate writing.

Complaints or disputes related to dismissal of probationary or other at-will employees are not subject to any grievance procedure and will be addressed as set forth below:

1. The employee will submit a statement of all reasons for questioning the validity of or motivation for the at-will termination, and such supporting evidence as the employee deems appropriate, to the director of the human resources office at the major administrative unit.
2. The director, designee, or in appropriate cases a substitute (hereafter referred to as director) may decide the issues raised on the basis of the materials submitted. The director is never obligated to provide for a different procedure, but may elect to do so with respect to some or all of the issues raised, by creating a new procedure, or by adopting or by modifying an existing procedure.
3. In the event that the matter is not decided on the basis of the materials submitted, the director or designee will inform the employee in writing of the procedure to be followed.

4. At the conclusion or expiration of all available steps in the process that is followed, the employee will be advised in writing of the final decision of the University. In most cases it will be sufficient that the final decision state:

“This decision is the final decision of the University. Any appeal of this decision must be filed with the Superior Court for the State of Alaska within 30 calendar days of the date of this decision pursuant to Alaska Rule of Appellate Procedure 602.”

B. For Cause Employment

The University designates employment not established as at-will to be for cause. For cause employment entitles the employee to notice and appeal processes as follows:

1. In the event the University decides to pursue a for cause termination of employment, the supervisor will provide the employee with a written statement of the reason(s) for the planned action and a statement of the evidence supporting the reason(s) for the planned action. The procedure set forth in University Regulation 04.08.080 shall be followed, and notice of the employee’s right to request a hearing in accordance with that procedure will be given at the time the employee is notified of the University’s intention to initiate a termination for cause.
2. In the event of layoff, non-retention, or financial exigency the supervisor shall provide notice of termination as set forth in the applicable Regents’ Policy and/or University Regulation. Review shall be set forth in the Regent’s Policy or University Regulation applicable to the particular type of termination.

Where the applicable Regents’ Policy or University Regulation does not specify a review process, e.g., Regulation 04.07.100 – Nonretention, the grievance process set forth in University Regulation 04.08.070 shall apply.

A decision relating to termination of employment that is designed in writing as the “final decision” of the University may be appealed to the Superior Court for the State of Alaska within 30 calendar days of the final decision pursuant to Alaska Rule of Appellate Procedure 602.

C. Officers of the University and Senior Administrators

The official list of Officers of the University and Senior Administrators (Executive Management), as designated by the president of the university, is maintained and available upon request from the Statewide Office of Human Resources.

D. Faculty

See Regents’ Policy 04.01.050.B.

E. Adjunct Faculty

See Regents’ Policy 04.01.050.B.

F. Exempt Jobs

See Regents' Policy 04.01.050.C.

G. Nonexempt Jobs

See Regents' Policy 04.01.050.C.

H. Casual Labor

See Regents' Policy 04.01.050.D.

(02-22-01)

R04.01.060. Contents of Personnel Files

- A. The selection of records to be maintained in the official personnel file will be consistent with federal and state law. Included material should document employment history and directly reflect employment-related events.
- B. The contents of the official personnel file will be considered in making personnel management decisions relevant to the employee. Information such as medical records, immigration forms, government or court ordered payroll actions, will be maintained separate from the official personnel file.
- C. Anonymous material will not be placed in an official personnel file. If anonymous material is found in a personnel file, it will be removed immediately.
- D. An employee may request that a written response to information contained in his/her file be placed in his/her official personnel file.
- E. The official personnel file consists of the following:
 - 1. Information relating to the employee's original hire, such as application material (excluding voluntary self-identification information), curriculum vitae, transcripts, and hire documents including benefit enrollment forms and appointment letters.
 - 2. Revisions relating to the individual's employment status.
 - 3. Performance evaluations, letters of recognition, official reprimands, including notices of unsatisfactory performance; disciplinary action, and any other appropriate material relating to the employee's job performance. A copy of this material must be given to the employee prior to inclusion in the file.
 - 4. Employee responses to the above.
 - 5. Training records and certifications and unemployment documentation.

6. Written documentation of faculty workload and evaluations relating to promotion, retention, tenure, and contractual obligations will be maintained by the appropriate academic office and are considered to be part of the faculty member's official personnel file.
7. The Medical Records File contains all confidential medical information related to employment. Access to and use of information contained in the file will only be as provided by applicable law. Authorized university personnel may examine or copy this file for routine administrative purposes without notification to the employee.

If a representative of an appropriate government agency requests access to the Medical Record File, the university will make every effort to notify the employee(s) of the request in a timely manner. Other persons may have access to the Medical Record File only as provided by law, with notification to the employee.

8. Records required or allowed by a collective bargaining agreement.
- F. The following materials will be removed from the official personnel file:
1. Unauthorized or anonymous material.
 2. Letters of reprimand and/or disciplinary actions may, by written request of the supervisor who originated the documents, be removed by the regional human resource office director.
- G. A unit or department may maintain files containing whatever information is needed for efficient and convenient operation; however, these files are not official personnel files.
(11-19-99)

R04.01.062. Confidentiality of Personnel Records

If a request for disclosure of personnel records is received from persons other than those determined by the custodian of the record to have a need to know, a reasonable effort will be made to advise the affected employee of the request prior to the disclosure.
(11-19-99)