
05-01-00 General Personnel

PURPOSE

To delegate to the College's president, the authority and responsibility hereinafter specified concerning personnel, which the Tennessee Board of Regents finds to be necessary and appropriate for efficient administration of the institutions, and to establish standards, guidelines, and reporting requirements for the exercise of the delegated authority.

DEFINITIONS

- **Promotion.** Defined as an increase in position or rank brought about by means of assuming the duties of a vacant position of higher classification in the employee's department, or assuming duties which warrant a reclassification of the present position to one at a higher level.
- **Demotion.** Defined as a decrease in position or rank brought about by means of assuming the duties of a vacant position of lower classification, the realignment of duties presently performed which warrant a reclassification of present position to one at a lower level, or the assignment of a position at a lower classification subsequent to a disciplinary procedure or disqualification from present duties.
- **Reclassification.** When an employee's duties and responsibilities change and may include an appropriate salary, title and/or FLSA designation adjustment.
- **Lateral Transfer.** Defined as the assumption of duties of another position at the same level.

POLICY/GUIDELINE

I. Scope of Delegation

A. Presidents

1. The appointments and terminations which require the prior approval of the president and the Chancellor include:
 - a. All Vice Presidents or other executives reporting directly to the President (academic, business, student affairs, etc.) including all interim appointments;
 - b. Any other positions which may be designated by the Chancellor.
2. No offer of employment can be made for positions requiring the Chancellor's approval until the on-line appointment form has been signed by the Chancellor or designee.
3. The President has the authority to establish institutional policy or practice for appointments and terminations not requiring the Chancellor's approval. Such practices or policies shall not be inconsistent with TBR guidelines and policies.
4. The President is authorized to appoint, determine the compensation and change of status of, and terminate all other employees at the institution subject to the TBR Bylaws

and provisions of this and other relevant Board and institution policies and procedures.

II. Nature of Appointments

- A. Faculty, including part-time and temporary faculty, at community colleges shall be employed pursuant to the types of appointments specified in Board Policy No. 5:02:02:30, Faculty Promotion at Community Colleges, which is incorporated herein by reference.
- B. Employees other than faculty, i.e., staff, are employed on an at-will basis. This means that staff are free to terminate/resign from their employment at any time, either with or without reason and with or without notice. TBR and TBR institutions also have the right to terminate staff at any time, with or without reason and with or without notice, provided the basis for termination is not because of participation in protected activities, unlawful discrimination or other considerations prohibited under federal/state law. Supervisors must consult with the Office of Human Resources on the procedures for terminating the employment of any staff employee and are not authorized to act on their own without prior consultation with the Office of Human Resources and the approval from the President. Only the President has the authority to terminate staff. Although TBR and TBR institutions may choose to terminate a staff employee for cause and/or gross misconduct, neither cause nor gross misconduct is required.
 - 1. Only the Board and Chancellor have the authority to enter into staff employment contracts for a specified period of time, or to make any agreement contrary to this at-will arrangement. Any such agreement must be in writing and signed by an appropriate Board Member or by the Chancellor.
 - 2. Any staff employment contract in effect at the time of this policy revision shall terminate upon its expiration, and the institution shall not renew it.
 - 3. Appointment letters for staff shall be generated by the Office of Human Resources and shall be substantially consistent with Exhibit 11 within TBR Guideline P-010. Any variations to the existing template provided must be reviewed and approved by the Office of General Counsel.
- C. All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to their duties at the college, and shall maintain appropriate office hours as determined by the president.
 - 1. The President is authorized to use flexibility as appropriate in determining the structure of the work week for faculty to recognize variations from traditional instructional formats such as afforded by online instruction, distance education, or other unique methods of instructional delivery.
 - 2. Implementation of the 37.5-hour work week is governed by TBR Guideline P-020 and Nashville State Policy 05-01-03.

- D. Within the requirement of a minimum of 37.5 hours per week, faculty shall be required to carry a full teaching load, which shall be fifteen (15) credit hours or the equivalent per term for undergraduate courses and two hundred and twenty-five (225) non-credit contact hours or the equivalent per term. All equivalent teaching load activities shall be subject to prior review and approval by the president (or designee).
- E. In addition to the requirement of Section III. C. above, full-time administrative personnel who are appointed on an academic year basis shall be required to devote sufficient time to fully perform the administrative responsibilities for the academic year, including periods preceding or following the academic year.
- F. Personnel who are appointed on an academic year basis shall be on duty for not less than nine months, which shall commence from the time designated by the president prior to the institution's first day of class for the fall term of each year through the time designated by the president at the end of the spring term, and shall be subject to call for duty during that period regardless of whether classes are in session.

III. Compensation

- A. The president is responsible for compliance with all federal and state laws and regulations, and all Board policies and directives, concerning compensation for employees, and compensation for employees shall be subject to limitations imposed by the Board or the General Assembly.
- B. All regular full-time personnel, whether on an academic or fiscal year appointment, shall be paid twelve (12) monthly installments each year, provided that exceptions may be made upon termination, or as approved by the Chancellor.
- C. All full-time and part-time employees are required to participate in the automatic deposit program for the direct deposit of their salaries or wages. The College maintains the option to require student workers to participate in the direct deposit program unless prohibited by Federal Work Study Guidelines. The College shall not charge employees or students for direct deposit services.
- D. Part-time instructional personnel shall be paid on the basis of the credit or non-credit hours taught at community colleges pursuant to the rates set forth in Exhibit 1, which shall be considered maximum rates for compensation of part-time faculty.
- E. Exceptions to the schedule may be approved by presidents based on bonafide market conditions.
- F. Each institution shall develop policies and procedures for the administration of the compensation system at the institution subject to the approval of the Chancellor, and subject to the Compensation Plan Guideline promulgated by the Board. This includes reclassifications and degree changes.
- G. Temporary Administrative Duties for Faculty

1. Faculty members may be asked to temporarily assume administrative responsibilities which entail moving from an academic year to a fiscal year appointment with the assignment of additional duties. This temporary appointment may be on a long-term or short-term basis but is still considered a temporary appointment subject to this policy. Temporary appointments are distinct from permanent at-will administrative positions.
2. Temporary administrative responsibilities may or may not justify an administrative stipend in addition to regular salary. The stipend amount, if any, or any other understanding concerning compensation must be set out in a new appointment letter. The appointment letter should:
 - a. Include a statement that the stipend, if provided, is awarded as compensation for the additional administrative responsibilities and will be removed at the time the administrative responsibilities end; or
 - b. Otherwise address how compensation would be affected at the end of a temporary administrative appointment.
3. If the appointment letter does not identify the means for calculating a salary upon the end of the administrative appointment, the stipend shall be removed, and the employee shall receive a salary of 80% of the annual salary, if returning to an academic year appointment. The institution may choose to exceed the 80% number on the basis of comparable faculty salaries, including rank, merit, length of service, experience, degrees or yearly percentage increase in salary. Unless the Chancellor approves an exception, an employee returning or moving to a 9-month faculty position shall not receive a salary greater than the highest paid 9-month faculty member in the department.
 - a. The awarding of an administrative stipend is an issue separate from that of conversion from an academic year to a fiscal year basis. When the conversion from an academic year to a fiscal year takes place, the institution should just convert the salary from the academic year contract by adding 25% and then adding any administrative stipend amount determined necessary.
 - b. The following illustrates the procedure defined above:
 - i. A faculty member making \$60,000 on an academic contract is converted to a fiscal year contract at a salary of \$75,000.
 - ii. In addition, a \$4,500 administrative stipend is added and so indicated because of additional duties. The total amount of salary is then \$79,500.
 - iii. At the time the faculty member serving as administrator returns to a faculty position on an academic year basis, the administrative stipend will end.
 - iv. Then the base faculty salary is reduced to an academic year contract at a rate of 80% of the fiscal year salary

- H. Faculty Appointed to Regular 12-month Administrative Position and Return to Faculty Assignment (Non-Temporary)
1. When a faculty member appointed to a regular 12-month administrative position returns to a regular faculty position, unless otherwise agreed to in writing, the manner for determining the 9-month faculty salary shall take into account the following considerations: faculty salary at time of moving into administrative position, rank, merit, length of service, experience, performance, degrees and any across the board increase in salary awarded to faculty while the individual served as an administrator.
 - a. Unless the Chancellor approves an exception, an administrator returning or moving to a 9-month faculty position shall not receive a salary greater than the highest paid 9-month faculty in the department.
 - b. For individuals transitioning from a 12-month administrative position or salary to a 9-month faculty position, or for new faculty hires that begin service after the start of the academic year or an academic term, institutions should apply the following process to establish the employee's monthly salary for the remainder of the fiscal year:
 - i. Divide the previously determined academic year (9-month) salary by the number of workdays in the academic year to get the daily rate.
 - ii. Multiply the daily rate by the number of workdays that have passed in the academic year without the faculty member working in the 9-month position.
 - iii. Subtract that amount from the annual salary.
 - iv. Pay the remainder of the total academic year salary amount in equal monthly installments over the remaining fiscal year period.
 - v. Example:
 1. \$54,000 academic year salary/166 days in academic year = \$325/day
 2. 50 days elapsed in the academic year prior to faculty assignment
 3. \$325 x 50 days into academic year = \$16,250
 4. \$54,000 - \$16,250 = \$37,750 owed to faculty in equal monthly installments over the remainder of the fiscal year.

IV. Changes of Status and Terminations

- A. The president is authorized to approve changes of status (i.e., transfers, promotions, demotions, or other changes in duties or responsibilities) of personnel within the scope of the delegation provided for in Section I, provided that when a change of status would cause the employee to be within the scope of positions subject to approval of the Chancellor, the change of status will be subject to the Chancellor's approval.
- B. Inter-institutional promotions, demotions, and transfers must be discussed and approved by the appointing authorities of the two institutions concerned prior to making an offer to

the candidate. An employee promoted must meet all established minimum qualifications as determined by the appointing authority.

- C. Promotion of Faculty. The promotion of faculty shall be subject to Board Policy No. 5:02:02:30, Faculty Promotion at Community Colleges, and Nashville State Policy 02-09-00.
- D. Promotion of Staff. Promotions of staff should be made pursuant to established and written criteria developed by Nashville State. Promotions and transfers are an acceptable means of filling vacancies. However, such promotions and transfers must be achieved within the parameters of applicable policies and the College's affirmative action plan. In addition, any vacant position created by that promotion, if filled, must be filled within the provisions of applicable policies and guidelines, including Nashville State Policy 05-01-02.
- E. Terminations and Transfers. The president is authorized to terminate and transfer all personnel within the scope of the delegation of authority provided for in Section I, provided that terminations of faculty shall be pursuant to the provisions of Board Policy No. 5:02:03:70, Academic Tenure at Community Colleges, and Nashville State Policy 02-07-00. Terminations of staff and other non-faculty shall be pursuant to Board Policy No. 5.01.00.02, Employee Disciplinary Action, and Nashville State Policy 05-03-00.
- F. Absence from Duty. An employee who is absent from duty for three (3) consecutive days without giving notice to the appropriate manager concerning the reason for such absence and without securing permission to be on leave is considered as having resigned not in good standing effective at the end of the third business day.
- G. Budget Reduction Actions. Reductions in force (RIF) and furloughs apply to all employees except tenured faculty.
 - 1. In the event of a budget shortfall, state impoundment, substantial reduction in revenue or other need to reduce personnel costs, the College's Office of Human Resources, following appropriate consultation with the President and relevant senior administrators, will consult with the Office of General Counsel at TBR and the Chancellor prior to beginning the planning process for significant personnel-related budget reduction measures (e.g., across-the-board compensation reductions, furloughs, reductions in time worked by employees and reductions in force). The Chancellor must approve any such actions.
 - 2. A reduction in force (RIF) is a layoff for an indefinite period of time, generally with no expectation of recall, of one or more employees resulting from the elimination of one or more positions due to lack of funding, reorganization, restructuring or other reason.
 - 3. A furlough is a temporary reduction of work hours, days or weeks, resulting in a proportional reduction in pay, generally for a finite period of time and with the retention of benefits.
 - 4. After consultation with the Office of General Counsel, the College's Office of Human Resources will submit a written rationale for a RIF or furlough to the Chancellor for

approval. The written rationale will explain the basis for the decision and identify the functional area(s) affected, review the budgetary implications and include specific written criteria to identify the duties that will be reassigned and/or eliminated. The rationale will include the reasons why the position(s) proposed for RIF or furlough were selected.

5. The factors used in determining which positions to furlough and/or eliminate and which employees to furlough and/or layoff include, but are not limited to:
 - a. The department or area that is being affected;
 - b. Length of service in the position and/or length of service at the institution or college;
 - c. Past written performance appraisals and disciplinary action;
 - d. Functions that will be eliminated and functional needs of the unit; and
 - e. Qualifications and skills needed to perform remaining duties of the affected units.
6. Written notification to the affected employees must be given as far in advance of the effective date as possible.
7. Employees affected by a RIF must receive notification when vacancies occur for like positions at their former campuses within 12 months of the RIF.

V. Non-Discrimination Requirements

- A. The president shall ensure that all appointments, changes of status, compensation and terminations are made in compliance with Board Policy No. 5:01:02:00, Equal Employment Opportunity and Affirmative Action, which is incorporated herein by reference and that no person is discriminated against on the basis of race, sex, religion, creed, age (as applicable), disability, sexual orientation, gender identity/expression, status as a covered veteran, genetic information, color, ethnic or national origin, and any other category protected by federal or state rights law in any area of employment.

VI. Employment Practice Complaints

- A. Upon receipt of any charge or claim alleging violations of state or federal laws or regulations in any area of employment by any state or federal agency, or by any attorney, the College's Office of Human Resources shall immediately transmit a copy of the notice of the charge or claim to the Office of the General Counsel at TBR.
- B. The College's Office of Human Resources shall transmit to the Office of General Counsel copies of all correspondence from or to the state or federal agency involved.
- C. All responses to and interactions with the state or federal agency shall be coordinated through the Office of the General Counsel.

- D. Internal complaints, charges, or claims concerning matters of employment shall be handled by the Office of Human Resources through the established procedures of the College.

VII. Academic Credentials to comply with T.C.A § 49-7-133

- A. It is a Class A misdemeanor to misrepresent academic credentials.
1. A person commits the offense of misrepresentation of academic credentials who, knowing that the statement is false and with the intent to secure employment at or admission to an institution of higher education in Tennessee, represents, orally or in writing, that such person:
 - a. Has successfully completed the required course work for and has been awarded one (1) or more degrees or diplomas from an accredited institution of higher education;
 - b. Has successfully completed the required course work for and has been awarded one (1) or more degrees for diplomas from a particular institution of higher education; or
 - c. Has successfully completed the required course work for and has been awarded one (1) or more degrees or diplomas in a particular field or specialty from an accredited institution of higher education.

VIII. Records and Reporting Requirements

- A. The College's Office of Human Resources shall maintain full and complete records on all personnel, including all appointments, compensation, changes of status and termination as specified in Board Policy No. 1.12.01.00, Records Retention and Disposal of Records.

IX. Exceptions

- A. The Chancellor is authorized to approve exceptions to the provisions of this policy or to suspend the provisions of this policy.

SOURCES

- [T.C.A. § 49-7-133 Misrepresentation of Academic Credentials](#)
- [TBR Policy 5.01.00.00 General Personnel Policy](#)

RELATED POLICIES

- [TBR Policy 1.12.01.00 Records Retention and Disposal of Records](#)
- [TBR Policy 5.01.00.02 Employee Disciplinary Policy](#)
- [TBR Policy 5.01.02.00 Equal Employment Opportunity and Affirmative Action Policy](#)
- [TBR Policy 5.02.02.30 Faculty Promotion at Community Colleges Policy](#)
- [TBR Policy 5.02.03.70 Academic Tenure for Community Colleges Policy](#)

- [TBR Guideline P-010 Personnel Transactions & Recommended Forms](#)
- [TBR Guideline P-020 Procedures for Implementation of the 37.5 Hour Work Week](#)
- Nashville State Policy 02-07-00 Faculty Promotion
- Nashville State Policy 02-09-00 Academic Freedom and Responsibility for Faculty
- Nashville State Policy 05-01-03 37.5 Hour Workweek

Approved by NSCC Cabinet 1/10/22