



FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
GOVERNANCE COMMITTEE
MINUTES
SEPTEMBER 14, 2021

1. Call to Order and Chair's Remarks

The Florida International University Board of Trustees Governance Committee meeting was called to order by Board Chair Dean C. Colson on Tuesday, September 14, 2021, at 2:21 p.m. at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

General Counsel Carlos B. Castillo conducted roll call of the Governance Committee members and verified a quorum. Present were Trustees Dean C. Colson, *Board Chair*; Roger Tovar, *Board Vice Chair*; Natasha Lowell; Gene Prescott; and Marc D. Sarnoff.

Trustees Cesar L. Alvarez, Donna J. Hrinak, Joerg Reinhold, and Alexander Rubido and University President Mark B. Rosenberg were also in attendance.

2. Approval of Minutes

Board Chair Colson asked if there were any additions or corrections to the minutes of the Governance Committee meeting held on June 16, 2021. A motion was made and unanimously passed to approve the minutes of the Governance Committee meeting held on June 16, 2021.

3. Action Items

G1. Ratification of the 2021-2024 Florida International University Board of Trustees and the United Faculty of Florida-FIU Collective Bargaining Agreement*

**Pending ratification by the United Faculty of Florida-FIU*

Provost and Executive Vice President Kenneth G. Furton presented the ratification of the 2021-2024 Florida International University Board of Trustees and United Faculty of Florida-FIU Collective Bargaining Agreement for Committee review, delineating the key terms. With respect to Salary Article 11, Provost Furton explained that for academic year 2021-22, upon ratification, all eligible employees will receive a one-time, non-recurring payment of two percent (2%) of their base salaries or \$2,000, whichever is greater. He pointed out that for academic year 2022-23, all eligible employees will receive an increase to their base salary of two percent (2%) or \$2,000, whichever is greater, explaining that said increase will be contingent on the availability of sufficient new recurring funding legally expendable for faculty salary increases. Provost Furton commented on the proposed change to Article 13.2 (Summer Appointments, Appointment Policy), namely, that said article was being modified so that each program is allowed to pay a negotiated and/or budgeted flat rate per

course in auxiliary for credit programs charging auxiliary tuition as opposed to twelve and half percent (12.5%).

Relating to the Minimum Salaries Article 11.12, Provost Furton remarked on the minimum base salaries, effective academic year 2021-22, of \$53,000 for qualifying faculty holding a master's degree or equivalent and \$58,000 for qualifying faculty holding a doctoral degree, adding that effective 2022-23, the minimum bases salaries will be \$55,000 for qualifying faculty with a master's degree or equivalent and \$60,000 for qualifying faculty with a doctoral degree or equivalent. He commented that the minimum base nine-month salaries, effective 2021-2022, for eligible visiting full-time faculty (who do not have the designation of "Research") holding a master's degree or equivalent will be \$51,000 and \$56,000 for qualifying faculty holding a doctoral degree. Provost Furton indicated that effective 2022-23, the minimum nine-month base salary for qualifying faculty with a master's degree or equivalent will be \$56,000 and \$58,000 for qualifying faculty with a doctoral degree or equivalent.

Provost Furton remarked on proposed Policy changes. He explained that the Patent and Invention Policy is now aligned for out-of-unit employees. He added that the Conflict of Interest/Outside Activity Policy aligns faculty policy with federal and state laws while making it clear that an outside activity requires annual disclosure even if there is nothing to disclose before engaging in an outside activity and describes the effect of failure to disclose especially for those who are engaged in externally funded sponsored research, which can include suspension of up to 60 days without pay. Provost Furton commented on the Bereavement Leave Policy. He noted that the proposed changes increase the number of days an employee can be on bereavement leave from three (3) to seven (7) and clarify the definition of immediate family member. He pointed out that the Family and Medical Leave ACT (FMLA) Entitlements Policy is being modified to align with the federal requirement that FMLA leave is to be designated first if there is a concurrent leave and to include provisions addressing the military caregiver leave.

Provost Furton explained that the Employee Performance Evaluation Policy Procedures are being modified to indicate that it pertains to any modality and not just in-person classes. He stated that the word "principles" was changed to "rights" in Article 5.1 (Academic Freedom and Responsibility Policy), specifically that the proposed change would read as follows: "Florida International University and UFF-FIU affirm the rights and responsibilities of academic freedom which are rooted in the concept of the University as a community of scholars committed to free inquiry in an atmosphere of tolerance, without fear of censorship or reprisal." Provost Furton indicated that the Benefits Policy (Benefits Policy, Benefits for Retired Employees (A)(x) Emeritus) included the added requirement that a faculty member must have consistently upheld the principles of academic responsibility as outlined in Article 5(3). He referred to Article 3, UFF Chapter Privileges, Section 3.4(a) and 3.5(a) Released Time, noting that the number of units of released time was increased from six (6) to ten (10) units per academic year semester.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees ratify the 2021-2024 Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida-FIU.

G2. Ratification of the Wage Reopener for fiscal years 2021-2022 and 2022-2023 in the 2020-2023 Collective Bargaining Agreement Between the Florida International University Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (Local 713)

Senior Vice President for Human Resources and Vice-Provost, Diversity, Equity, and Inclusion El pagnier Kay Hudson presented the Wage Reopener for fiscal years 2021-22 and 2022-23 in the 2020-23 Collective Bargaining Agreement between the FIU Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (Local 713) for Committee review. She noted that the 2020-23 Agreement included wage reopeners for fiscal years 2021-22 and 2022-23, commenting that market equity adjustments have allowed the University to attract and retain nurses.

Sr. VP Hudson highlighted the proposed changes to Article 7.2, Salary Increases, for fiscal years 2021-22 and 2022-23. For fiscal year 2021-22, she indicated that the Board shall provide all eligible bargaining unit employees with a general across-the-board wage increase of three percent (3%). She added that the increase will be payable on the first full pay period following joint ratification and will be based upon the employee's base rate of pay and in proportion to their full-time equivalency (FTE). She remarked that to be eligible, the employee must have been employed by the University before September 1, 2020, continuously through the effective date of the salary action, and received an overall rating of "Fully Meets" (3) on the most recent Performance Excellence Process (PEP). Sr. VP Hudson indicated that the Board shall provide a one-time bonus of \$1,000 to be paid the first full pay period following joint ratification. She explained that to be eligible, the employee must have been employed by the University before September 1, 2020, continuously through the effective date of the salary action, and received an overall rating of "Fully Meets" (3) on the most recent PEP. She pointed out that employees on probation at the time of ratification will not be eligible for this bonus. She remarked that the Union is comprised of eight (8) members and only one (1) member was not eligible due to the hire date.

Pertaining to fiscal year 2022-23, Sr. VP Hudson mentioned that all eligible bargaining unit employees would be provided with a general across-the-board wage increase of two percent (2%). She stated that the increase will be payable on the first full pay period in October 2022 and will be based upon the employee's base rate of pay and in proportion to their FTE. She noted that to be eligible, the employee must have been employed by the University before October 1, 2021, continuously through the effective date of the salary action, and received an overall rating of "Fully Meets" (3) on the most recent PEP.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees ratify Article 7 – Wages (wage reopener) in the 2020-2023 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and the Florida Nurses Association, Office & Professional Employees International Union, Local 713, AFL-CIO (Local 713).

G3. Approval of the Florida International University Bonus Plan

Sr. VP Hudson presented the FIU Bonus Plan for Committee review, noting that the proposed Bonus Plan is in alignment with Florida Board of Governors Regulation (9.015) and Florida Statutes

(Section 1012.978), including the criteria outlined in the regulation and legislation associated with recruitment, performance, and retention. She explained that to be eligible for any type of bonus, the faculty or staff must meet all of the following criteria: regular non-bargaining faculty and staff; employed at least for six (6) months; have a favorable overall performance rating; and no disciplinary action on file. She highlighted the bonus types relating to work performance. She indicated that Performance-Based Bonuses, have ranged between \$500 and \$15,000 over the past three (3) years, and recognize out-of-unit faculty and staff who have demonstrated continuous outstanding performance or who have made a significant contribution to the department's objectives. Sr. VP Hudson pointed out that Project-Based Bonuses, can range from \$1,000 to \$10,000, and recognize faculty and staff upon the successful completion of a special project with pre-determined goals or performance levels in addition to the faculty and staff's regularly assigned duties. She stated that Spot Awards can be paid up to \$1,500 as a maximum and recognize faculty and staff for superior performance that is not based on a project but rather reinforces superior or observable performance for a specific event or task that has been completed. She mentioned that the University's Recognition Award is a special acknowledgement accompanied by cash awards for different categories, ranging from \$100 up to \$1,500, depending on whether the award is singular or a group award. She indicated that the Variable Compensation Plan Award is a pre-approved plan that provides for a lump-sum award based on successful attainment of established goals and can range from \$100 to \$20,000 depending on the predetermined criteria.

Sr. VP Hudson remarked that upon the identification of external candidates with desirable specialized skills and exceptional experience, or where market conditions or departmental structure merit such an award, the University may offer a Recruitment Bonus, or Sign-on Bonus, in amounts ranging from \$2,000 to \$10,000. She added that Retention Bonuses range from \$2,000 to \$10,000 and may be awarded in circumstances to address verified offers of competing employment, address market conditions which are significantly higher than the current salary, or to ameliorate salary compression or inversion, all of which are determined to be in the best interests of the University or support the mission of the University. Sr. VP Hudson indicated that Educational Incentive Awards are determined by the degree earned or certification received and can range from \$500 up to \$2,000.

Sr. VP Hudson commented on the requested delegation of authority, pursuant to which the FIU Board of Trustees will delegate authority to the President or the President's designee to establish procedures to implement the Bonus Plan, including levels of approvals and compensation for specific bonuses described in the Bonus Plan. In terms of reporting, Sr. VP Hudson explained that beginning with the fall 2022 FIU Board of Trustees meeting and each year thereafter, the President shall submit a report to the FIU Board of Trustees that certifies any bonuses paid during the prior year complied with the criteria in the Bonus Plan and that the bonuses were within the University's budget as approved by the FIU Board of Trustees.

Trustee Marc D. Sarnoff motioned to make a modification, specifically to include that General Counsel Castillo also sign the certification (as part of the President's report). Board Chair Colson and Trustee Sarnoff accepted General Counsel Castillo's point that a certification analogous to the Funding Certification Form be considered.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees approve the Florida International University Bonus Plan, as modified, to include a signed certification as part of the President's report.

4. New Business

No new business was raised.

5. Concluding Remarks and Adjournment

With no other business, Board Chair Dean C. Colson adjourned the meeting of the Florida International University Board of Trustees Governance Committee on Tuesday, September 14, 2021, at 2:39 p.m.