To:    Regent Laws & Policies Stakeholders  

From:  Julie Steeler, Senior Assistant University Counsel  
        Felicity O’Herron, Associate Vice President and Chief Human Resources Officer  

Date:  October 14, 2021  

Re:    Updates to Regent Policies in Response to the Equal Pay for Equal Work Act  

Background  

To comply with the Equal Pay for Equal Work Act, which was implemented January 1, 2021, the University needs to update Regent Policy to reflect the language used in the new law. The specific changes to each policy are described below. Many of the changes are non-substantive and aligns with the language of the statute. However, there are a few places where there are substantive changes.  

Explanation of Changes  

A.  Regent Policy 3.C. Searches for Administrators and Guidelines for the Appointment of Chief Officers of the University  

    1) Adds references to “applicable law” to ensure all laws are considered when complying with the terms of the policy.  
    2) Clarifies non-substantive language.  
    3) Requires a member of the campus or human resources office to be included in the search process, be a part of setting the salary range, and provide input on whether a professional search firm is necessary for a search.  
    4) Requires the search committee to prepare a written job description for the position.  

These changes were reviewed by Legal, the CHROs, and Academic Affairs.  

B.  Regent Policy 3.E. Appointments of Officers of the University and Officers of the Administration  

In compliance with the Equal Pay for Equal Work Act, the changes remove “wage rate history” from conditions that must be stated in writing prior to the appointment and replaces it with “job description and benefits.”  

These changes were reviewed by Legal, the CHROs, and Academic Affairs.
C. **Regent Policy 3.F. Evaluations for Officers of the University and Officers of the Administration**

1) Provides some flexibility for merit and pay adjustments outside of performance evaluations.
2) Clarifies language.

These changes were reviewed by Legal and the CHROs.

D. **Regent Policy 6.B. Staff recruitment**

1) Adds references to “applicable law” to ensure all laws are considered when complying with the terms of the policy.

These changes were reviewed by Legal and the CHROs.

E. **Regent Policy 6.C. Appointments of Staff**

1) Provides flexibility for the administration to decide whether to create a policy specifying the letters of offer for each personnel group.
2) Clarifies the definition of at-will employee. This includes removing the language “An employee at-will shall be appointed for an indefinite period of time” from the definition of at will employment and adding “with or without cause and with or without notice” to when at will employee can be terminated. The University has a number of at-will temporary employees who only work for the university for a certain period of time (unless they decide to leave before that date or the university decides to terminate their employment before that date) and these changes reflect this reality.

These changes were reviewed by Legal and the CHROs.

F. **Regent Policy 10. E. Compensation Principles**

This is a complete re-write of the policy that used to be called Salary Review to Determine Inequities. Instead of providing a specific outline of how a salary review should be completed, this policy provides the overarching principles for salary equity.

These changes were reviewed by Legal, the CHROs, and Academic Affairs.

G. **Regent Policy 11.B. Faculty Salary**

Policy 11B was reviewed by the administration and faculty as part of the larger review of all Regent laws and policies in 2019. A first draft was posted for feedback to the Law & Policy Review Project website on April 11, 2019, and a second draft was posted on November 11, 2019, but was later removed in anticipation of additional review for the purposes of compliance with EPEWA.
Substantive changes to the first draft of Policy 11B (April 2019 version) are highlighted below.

1) Inclusion of a comprehensive statement affirming the importance of faculty compensation in attracting and retaining high quality faculty. This change reinserts language currently found in Policy 11B with minor edits.

2) The bases for annual salary adjustments have been reordered to emphasize the annual merit evaluation process.

3) Wording in section 11.B.2(C)(1) has been revised to clarify intent. The statement requires that campus administration provide the campus faculty assembly with the opportunity to review campus plans for allocating the merit pool.

Changes in the second draft (November 2019) were in response to comments received from faculty governance groups and primarily were intended to clarify the intent of the language proposed in the first draft.

Also note, the glossary in the current version of 11B was streamlined in subsequent revisions and renamed “Explanation of terms used in Regent Policy 11B.”

Proposed changes to 11B to address compliance with EPEWA (October 2021) are as follows:

1) Clarification that campuses shall have transparent processes for addressing salary adjustments related to market, career merit, salary equity, and institutional priorities, and the need for the processes to include ways of addressing inequities that could arise from these adjustments.

2) Removal of “career merit” definition, with clarifying language added earlier in policy about campus processes for addressing potential inequities that could arise from adjustments.

3) Streamlining/clarification of the “market adjustments” term.

4) Clarification that similarly situated faculty in the primary unit may periodically be reviewed for salary equity.

5) Clarification in language of several of the terms used in the policy (equity, merit, and salary pool).

These changes were reviewed by Legal, Academic Affairs, and CHROs.

H. Regent Policy 11.C University Staff Salary

1) Cleans up language so that it aligns with language in the new statute.

2) Requires hiring authority to consult with the campus Human Resources offices when determining initial salary.

3) Adds additional factors to the list of items that can be considered when setting initial salaries.

4) Adds references to “applicable law” to ensure all laws are considered when complying with the terms of the policy.

5) Removes references to salary history as required by the new statute.

6) Gives the president and chancellor’s the authority to delegate decisions about hiring incentives.
7) Removes the date for annual salary adjustments so that the campuses can have some flexibility to make the salary adjustments at different times throughout the year depending on each campus’s budgetary needs.
8) Provides a more precise definition of the term “compensation.”
9) Clarifies language.

These changes were reviewed by Legal and the CHROs.