

## Michigan State University Extension – Management of the Legacy Continuing Employment System

The MSU Extension Continuing Employment System (MSUE CES) is set forth in a policy that was approved by the Michigan State University Board of Trustees on October 20, 1972 and revised on September 26, 1975 and June 24, 1977. MSU Extension no longer actively recruits into this legacy employment system. MSU Extension academic staff members subject to the Continuing Employment System may request a copy of the original document from the MSU Extension Human Resources department.

This document, the Management of the Legacy Continuing Employment System, sets forth management practices of the CES effective as of October 1, 2020. Questions about the interpretation of the CES regulations or situations that arise should be referred to the MSU Extension Human Resources Office (MSUE HR).

### General Considerations

The granting of Continuing Employment status ensures an academic staff member has continued employment, as much as possible, assuming adequate funding and satisfactory performance. Continuing Employment status is granted to a person; it is not associated with, or tied to, a particular position. All MSUE academic staff members with a continuing appointment, regardless of assigned unit, and appointed at 50 percent (.50 FTE) or greater who also hold continuing status, are subject to CES. Tenured or tenure stream employees, or employees subject to other job security arrangements, including fixed-term positions, are excluded from the Continuing Employment System.

While MSU Extension no longer actively recruits into the Continuing Employment System, the following situations may cause individuals to be eligible for acceptance into the MSU Extension CES:

- a former academic staff member who had successfully completed and been granted Continuing Employment status prior to leaving employment through Michigan State University Extension,
- an employee transferring from another MSU department who has a continuing status appointment, or
- an individual hired into MSU from another higher education entity who has tenure or similar granted through their former institution.

Acceptance into MSU Extension CES is subject to approval and the requirements of the Step II process. See the MSU Extension Step Process for additional details.

An academic staff member who leaves Michigan State University Extension employment, and who, prior to leaving, had not obtained Continuing Employment status will be treated as a new employee, subject to the terms of the new position. Employees who have not yet

been granted Continuing Employment status, and accept/transfer to fixed-term assignments, will be removed from the CES.

### Meaning of Continuing Employment

Continuing Employment means that an academic staff member will be employed by MSUE unless just cause for dismissal is established. Continuing Employment status does not guarantee employment if a position is not funded. A later section, budgetary termination, addresses this issue. An Extension academic staff employee subject to the Continuing Employment System may be dismissed for less than satisfactory performance. Performance includes the responsibilities of a position, as well as personal and professional behavior, on or off the job, that affect the conduct of those job responsibilities. Dismissal means the administration's removal of an academic staff employee from a position or any part of a position, because of performance.

### Dismissal Process

CES academic staff members who are to be terminated for unsatisfactory performance will receive written notice of the reasons for this action at least four months prior to the date of termination. The written notice must include a statement of the academic staff member's right to appeal. If possible, the notice should be delivered to the academic staff member in a face-to-face meeting with an appropriate administrator. If the written notice cannot be delivered to the academic staff member in a face-to-face meeting, the appropriate administrator should hold a verbal discussion with the employee before the written notice is delivered to the employee. The academic staff member will have four months from the date of the written notification to appeal the dismissal. During the four-month interim period, the academic staff member may be relieved of any or all Extension duties at the discretion of MSUE. This four-month period is with pay.

### Appeal Process (replaces Dismissal Hearing)

If an employee does not agree with the dismissal, the employee may pursue an appeal under the MSU Extension Academic Appeal policy. This policy can be found in the MSU Extension Administrative Handbook located on the MSU Extension Organizational Development website under Human Resources/ Administrative Handbook.

### Budgetary Termination

In the case of discontinuation or reduction of a position or positions for financial reasons, a reasonable effort will be made to avoid the termination of academic staff members who have attained Continuing Employment status. Separation due to lack of funds may not be appealed.

The MSUE Director or Director's designee, in consultation with MSU Academic Human Resources, will review the financial situation of any Extension unit that indicates an academic staff member in the Continuing Employment System is to be terminated for budget purposes. The MSUE Director or Director's designee will determine the soundness of a unit's financial rationale to take action and will establish that no alternative plan

consistent with the mission, goals and funding capabilities exist to avoid the termination of, first, academic staff members with Continuing Employment status and, second, academic staff members subject to the Continuing Employment System.

The MSUE Director or Director's designee and the appropriate administrative staff will advise and explain to the Michigan Council of Extension Associations (MCEA) the necessity of proposed budgetary terminations involving academic staff members with or subject to the Continuing Employment System as soon as practicable following notification to the academic staff employee. In the case of budgetary terminations that will affect a larger population of employees, the situation will be discussed with the MCEA earlier in the process.

An academic staff member who has Continuing Employment status, or is subject to the Continuing Employment System, and who is terminated for budget reasons will be notified in writing of the action no later than four months prior to the effective date of the termination. The unit, with approval of the MSU Director or Director's designee, may determine that the date of termination is the last day of available funding; however, the unit must still meet the four month written advanced notification requirement. In all instances, this four-month period is with pay.

The MSUE Director or Director's designee will provide an academic staff employee who is terminated for budget reasons, either verbally and/or in writing at the request of the academic staff member, the detailed financial rationale used to reach the conclusion that termination must occur.

In the case of budgetary terminations, reasonable efforts will be made to first place terminated academic staff members with Continuing Employment status, and then terminated academic staff members in a probationary status in the Continuing Employment System, into available positions. A reasonable effort means that priority is given to academic staff employees terminated for financial reasons in filling vacant Extension positions, as long as an academic staff employee is qualified to do the job. If more than one academic staff is terminated for financial reasons, priority in filling vacant positions is given to the academic staff member who has been granted Continuing Employment status. If two academic staff members with Continuing Employment status are terminated for financial reasons, the one with the longest time in Continuing Employment status will have priority. In no way does the preceding indicate a "bump" system in which an academic staff member who is terminated for budgetary reasons is able to replace an employee who is not being terminated, but has lesser service. In the same way, an academic staff member with Continuing Employment status who is terminated for budgetary reasons does not have a right to displace an employee without Continuing Employment status.

An academic staff member who has Continuing Employment status and who is terminated for budgetary reasons will be given preference for a period of two years following the termination date in filling positions for which the academic staff member is qualified.