

SECTION: 3.0 PERSONNEL

SUBJECT: AUTHORITY OF THE STATE BOARD OF EDUCATION FOR PERSONNEL MATTERS

Background: The State Board of Education is designated by the [Idaho Code Title 33 et seq.](#) and SBOE Policy Section I <https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH31/SECT33-3102/> as the employer for Lewis-Clark State College.

Point of Contact: Human Resource Services; Vice President for Finance & Administration.

Other LCSC offices directly involved with implementation of this policy, or significantly affected by the policy: President; Provost; Vice President for Student Affairs

Date of approval by LCSC authority: June 12, 2017

Date of State Board Approval: N/A

Date of Most Recent Review: June, 2017

Summary of Major Changes incorporated in this revision to the policy: Added new SBOE policy information in the “Specifically Reserved Board Authority” section and updated section (2.E) which pertains to coaches contracts.

Policy:

The State Board of Education is designated by the [Idaho Constitution and Code](#) as the employer for Lewis-Clark State College.

<https://boardofed.idaho.gov/board-policies-rules/board-policies/general-governing-policies-procedures-section-i/a-policy-making-authority/>

1. Delegation of Authority

- A. The Board delegates all authority for personnel management not specifically retained to the President of Lewis-Clark State College. In fulfilling this responsibility, the President and designees may exercise their authority consistent with the policies and procedures of the State Board of Education. Provided, however, that the Board retains the authority for taking final action on any matter.
- B. Within the general delegation of authority in the preceding paragraph A. above, the President shall have the authority to manage, supervise and control the personnel and human resources of the institution. Organizational structure, duty assignments, place of work, shift placement, salaries, work hour adjustments, benefit determinations, reductions in force and all similar and related work place decisions are the prerogative of the President except or unless as limited by other applicable provisions of Board or institutional policy.

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- C. Without limiting the general description of B. above, the authority delegated to the President includes the authority, in the President's discretion, to reduce expenditures to respond to financial challenges (without a financial exigency declaration by the Board) and to maintain sound fiscal management. In such cases, the President may take employment actions which are uniform across the entire institution, or uniform across institution budgetary units, but may not include actions requiring a financial exigency declaration by the Board. Such actions may include work hour adjustments such as furloughs or other unpaid leave as long as such are uniform across budgetary units or uniformly tiered as applied to certain salary levels or classifications. Work hour adjustments may be pro-rated based on annual salary levels to equitably reduce the financial hardship of the adjustments on lower level employees.

- D. In implementing any such actions described in the preceding paragraph C. above, the institution shall seek the input from the faculty, non-classified staff and classified staff employee groups. Such groups will be given at least twenty-one (21) calendar days to provide their input on the proposed actions as provided for in the policies of the institution. The institution shall, once such input is taken and considered by the President, establish procedures that provide for at least thirty (30) days written notice prior to the effective date of the action and an opportunity for an affected employee to be heard. The notice must include the effective date of the employment action, a statement of the basis for the employment action, and a description of the process to be heard. Such process shall be comparable to the process for review described in Board Policy II.N.7.a. The employee may contest the action only based on whether the action, with respect to that employee, violates the procedural requirements of this policy, applicable institutional policy or constitutional or statutory protections for that employee. The employee may not challenge the President's determination that a reduction in budgetary expenditures is necessary, nor contest the President's chosen means of addressing the reduction need, unless such means violate constitutional or statutory protections for the employee.

2. Specifically Reserved Board Authority

This is not an exclusive or exhaustive list and other reservations of Board authority may be found in other areas of these policies and procedures. Board approval is required for some specific requests, including but not limited to:

- A. Any position at a level of Vice-President (or equivalent) and above, regardless of funding source.

- B. The initial appointment of any employee at a salary that is equal to or higher than 75% of the President's annual salary.

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- C. The criteria established by the college for initial appointment to faculty rank and for promotion in rank, as well as any additional faculty ranks and criteria as may be established by the college. Any exceptions to the approved criteria also require Board approval.

- D. The procedures established for periodic performance review of tenured faculty members. This policy can be found under [SBOE Policy Section II. G.6.g](https://boardofed.idaho.gov/board-policies-rules/board-policies/human-resources-policies-section-ii/policies-regarding-faculty-institutional-faculty-only-ii-g/)
<https://boardofed.idaho.gov/board-policies-rules/board-policies/human-resources-policies-section-ii/policies-regarding-faculty-institutional-faculty-only-ii-g/>

- E. The employment agreement and all amendments thereto, of any coach or athletic director longer than three (3) years. Policies applicable to employment agreements for athletic directors and coaches are found in SBOE Policy Section II.H.

3. Policies and Procedures

Lewis-Clark State College may establish policies and procedures necessary for the management of personnel that are consistent with the Governing Policies and Procedures of the Board. In the event such policies or procedures conflict with those of the Board, then the provisions established in Board policy shall apply.