

ASU seeks to end staff contracts

The Arizona Board of Regents is considering a change that would allow the state's universities to create a new class of at-will employees, meaning staff in non-academic positions could be fired at any time.

The controversial proposal could mean less job security beginning July 1 for about 3,000 employees at Arizona State University, the state's largest public university. University of Arizona and Northern Arizona University have no immediate plans to create a new employment classification.

On Tuesday, a regents committee voted to forward the proposal to the board, which will consider it during its February meeting. The change would apply to about a third of ASU's benefits-eligible employees: 3,000 service professionals and 90 non-faculty administrators. Examples of service professionals include managers, accountants, attorneys, financial analysts, physicians and computer-systems programmers. The policy wouldn't apply to faculty.

The proposal states that a new employment classification called "university staff" would be created "for use at the discretion of the university and board presidents." Employees in this category would be employed "at will and have no expectation of continued employment."

Now, service professionals and non-faculty administrators are on 12-month contracts and are told by March 31 whether the university intends to employ them for another year, beginning July 1.

The contracts carry certain obligations. For instance, if a university runs into budget problems, a department needs to be reorganized or a program is revised and positions eliminated, the university is typically obligated to pay employees through the end of their contracts.

Under the new policy, the university would not issue employment contracts. If the university cut a position, it wouldn't be obligated to pay off the entire contract, but instead, would provide severance pay of up to three months.

ASU President Michael Crow said the new classification benefits employees because they no longer have to worry about whether their contracts will be renewed. Instead, they will have continuous employment "until we either have a lack of performance on the part of the individual or until we no longer have resources for that particular area of employment," he said.

Crow said the current policy is modeled after how government agencies operate, a system that is inefficient for ASU. University officials don't know by March 31 what their budget will be for the coming fiscal year, but they have to decide by then whether to renew the contracts of thousands of employees.

Regents Chairman Rick Myers said he likes the proposal. Eliminating one-year contracts could be a better recruiting tool than "we'll hire you for a year" and then "we'll hire you for another year," he said.

At-will job classification is a growing trend. Last year, state employees could sign up for a voluntary program where they earned an extra 3.65 percent in exchange for giving up certain job protections. Supporters of the personnel changes said the old system made it too difficult to reward top performers and too hard to discipline or fire poor workers.

In Pinal County, Sheriff Paul Babeu wants to reclassify lieutenants and captains as at-will employees. The Pinal County supervisors recently postponed a vote on the plan because of controversy surrounding the proposal and requested more information. The plan has already prompted the early retirement of a captain, who accused the sheriff of a power grab designed to make room for political appointees and loyalists.

Babeu has said he is puzzled about why the employee retired before the sheriff's proposal went before the board. He denied anyone was slated for termination.

Michael Helfand, a Chicago attorney who deals with labor issues, calls the university proposal a loss of job security. He said the at-will category can be a slippery slope. He wonders whether the regents eventually may try to expand at-will status to other job categories, like faculty.

"To be as blunt as I can, there's no good purpose for employees in things like this," he said.

The regents and university officials say they have no plans to expand the at-will category to faculty. ASU officials said safeguards protect employees against arbitrary or capricious dismissal. For example, a supervisor who recommends an employee for dismissal must first get approval from the university's Office of Human Resources and then the unit's dean or vice president.

The state universities are some of the largest employers in Tempe, Tucson and Flagstaff. Combined, the three employ about 31,375 people. They have their own police departments, building and grounds maintenance, secretaries and public-relations staff.

At ASU, word is just starting to trickle out about the possible changes. Carol Comito, spokeswoman for the ASU Staff Council, declined to comment, saying the group was waiting for more details.

At NAU, university spokesman Tom Bauer said university officials have no plans to change job classifications. A few years ago, the university shortened contracts for service professionals to six months from a year.

Bauer, who falls into that category himself, said that policy gives enough flexi-

bility for managing potential budget issues while providing adequate job security.

Wendy Brown, president of NAU's Classified Staff Advisory Council, said employees have been told the university is not changing policy, which "makes us feel a little more safe." She said there is an awareness that something could change in the future.

UA has no immediate plans to use at-will status for employees, said Jennifer Fitzenberger, a university spokeswoman.

ASU has 8,655 benefits-eligible employees, of which 5,371 are staff. Staff fall into one of three categories: administrative, professional or classified. The latter employees include maintenance workers, electricians, carpenters and some clerical positions.

Under the proposal, administrative and professional staff would become at-will employees. Classified staff would be exempt unless they transfer jobs or are promoted after June 30. Additionally, any non-academic staff hired after July 1 would be in the at-will category.

It's not clear what impact the policy change would have on attracting and retaining staff. University staff salaries are below market rates on average, according to a recent report by the regents.

Jeff Ratje, chairman of UA's Appointed Professionals Advisory Council, has concerns about the proposal, even though UA has no immediate plans to use at-will status. Many service professionals have graduate degrees and come from the private sector, where they often made more money, he said.

"That's going to be tough to recruit people in that type of environment. You're taking a pay cut and you have less security? It's difficult to make that sell," he

said.

He said that even though non-academic professionals are on contract, people don't lose sleep over whether their contracts will be renewed.

"There's a general sense that ... if you're a good employee, you will be renewed. This new classification sounds a little bit like spin. It doesn't give (employees) any safeguards or rights or protection. I'm all for flexibility in the workforce. But you can't take a business model and apply it to a non-profit educational system. It doesn't always work."

ASU officials said that while the phrase "at-will employment" often gives a stark impression, the change will benefit employees and provide the university with greater flexibility and adaptability.

"We have a great workforce here," said Kevin Salcido, the university's head of human resources. "We don't need to put any programs in place to fire people."

Republic reporter Lindsey Collom contributed to this article.

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