

Memo to: All UH-Downtown/PS Holders
From: William Flores, President
Subject: Voluntary Modification of Employment

UH-Downtown/PS 02.A.06
Issue No. 7
Effective date: 04/05/11
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1. PURPOSE

This PS specifies the policy of the University of Houston-Downtown (UHD) on voluntary modification of employment of faculty.

2. DEFINITIONS

There are no definitions associated with this policy.

2. POLICY

2.1 Eligibility

All full-time tenured faculty who have reached the age of fifty-five (55) and have ten years participation with the [Texas Teacher Retirement System \(TRS\)](#) or the [Texas Optional Retirement System \(ORP\)](#) may apply to participate in the voluntary modification of employment program.

2.2 Basic Principles

The following basic principles govern applications for voluntary modification of employment.

- 2.2.1 The faculty member negotiates first with the department chair. Then the chair and the appropriate dean confer. Final notification of the administration's acceptance of the proposal to modify employment comes from the Senior Vice President and Provost.
- 2.2.2 Status as a full-time faculty member is relinquished, including tenure rights.
- 2.2.3 Full-time equivalent workload and assignment, which may include teaching and other activities, are negotiated on an individual basis but may not exceed forty-nine percent (49%) full-time employment for the academic year or if it exceeds 49%, employment is only for one semester.
- 2.2.4 Compensation to the faculty member will reflect the negotiated full-time equivalent status applied to the annual (nine-month) salary prior to employment modification. In subsequent years, the salary shall be incremented by an amount not less than that corresponding to any state-mandated pay increments for all employees. The faculty member may agree to reduced compensation to avoid social security payment

penalties. At the option of the faculty member, the salary will be paid in nine or 12 monthly installments.

- 2.2.5 Participation in the [Texas Teacher Retirement System \(TRS\)](#) or [Texas Optional Retirement System \(ORP\)](#), [tax deferred annuity \(TDA\)](#), [deferred compensation](#), or the [Tex Flex Spending Accounts](#) program are not available; however, the faculty member is entitled to all the amenities which the university affords its full-time faculty, including continued participation in group insurance plans in accordance with existing University of Houston System guidelines for retirees. All benefits under university leave policies cease as of the month of modification and all sick leave accumulation is forfeited.
- 2.2.6 A faculty member's eligibility to draw retirement benefits from TRS or an ORP contract and eligibility for membership in TRS or ORP are governed by the laws and rules governing eligibility in those organizations.
- 2.2.7 If the faculty member becomes physically or mentally unable to continue the reduced workload, the university may continue to pay the faculty member's salary until the end of the academic year. Medical certification from the attending physician detailing the condition and the anticipated duration is required before salary payments can be made. The medical certification must be submitted to the Benefits Coordinator and, once approved, notice will be provided to the faculty member's department, in order to place the employee on paid leave of absence. After that, the obligation of the university under this policy is terminated. Because the judgment of physical and mental inability to continue the reduced workload is similar to dismissal for cause, the faculty member has the same rights as members of the tenured faculty under [PS 10.A.06, UH-Downtown Faculty Dismissal Policy and Procedures](#).

2.3 Duration

A negotiated agreement for employment modification shall be for a period of time not to exceed five years, and may be renewable by mutual agreement. Full-time equivalent workload and assignment are negotiated on an annual basis. Compensation is modified as appropriate under section 2.2.4.

4. PROCEDURES

- 4.1 A Voluntary Modification of Employment Agreement must be completed and signed by the faculty member, department chair, dean, and the Senior Vice President and Provost.
- 4.2 Employment Services and Operations (ESO) will review the Agreement reached under this policy prior to final execution by the university and the faculty member.
- 4.3 The signed Agreement will be scanned into the faculty member's personnel file.

5. EXHIBITS

There are no exhibits associated with this policy.

6. REVIEW PROCESS

Responsible Party (Reviewer): Senior Vice President and Provost

Review: Every three years on or before November 1st.

Signed original on file in Employment Services and Operations.

7. POLICY HISTORY

Issue #1: 08/15/85

Issue #2: 06/11/86

Issue #3: 05/01/88

Issue #4: 06/21/89

Issue #5: 08/09/99

Issue #6: 11/05/10

8. REFERENCES

[An Overview of TRS and ORP/For Employee's Eligible to Elect ORP](#)
[Texas Teacher Retirement System \(TRS\)](#)
[Texas Optional Retirement System \(ORP\)](#)
[PS 10.A.06](#)