

Office/Contact: Office of Human Resources

Source: SDBOR Policy 1.1.5; University Policies 2:13, 2:14 and 4:8

Link: <https://public.powerdms.com/SDRegents/tree/documents/1729384>;

<https://www.sdstate.edu/sites/default/files/policies/upload/Emeritus-Faculty-Deisgnation.pdf>;

<https://www.sdstate.edu/sites/default/files/policies/upload/Adjunct-Faculty-Appointments.pdf>;

<https://www.sdstate.edu/sites/default/files/policies/upload/Volunteers.pdf>

Forms: Volunteer Work Agreement

SOUTH DAKOTA STATE UNIVERSITY

Policy and Procedure Manual

SUBJECT: Delegation of Authority in Employment Actions

NUMBER: 4:12

1. Purpose

This policy formalizes provisional delegations of authority from the University President to those supervisors at the University tasked with hiring, supervising, directing, disciplining, and dismissing SDBOR/University employees, in a manner consistent with and authorized by SDBOR policy.

2. Definitions

- a. Employee: an individual that the SDBOR suffers or permits to work under the primary control and administration of the University and who is paid or otherwise compensated by the SDBOR/University.
- b. Supervisor: an Employee who is vested with authority by the University to use independent judgment—in the interest of the SDBOR/University—to hire, transfer, suspend, layoff, recall, promote, discharge, assign, direct, reward, or discipline another specified Employee or Employees, or to adjust their grievances, or to effectively recommend any of the foregoing actions in the context of employment with the SDBOR/University. A single Employee may have multiple Supervisors.
- c. Employment Action: the act of hiring, recalling, transferring, assigning, suspending, nonrenewing, dismissing, terminating, promoting, rewarding, warning, directing, evaluating, disciplining or adjusting the grievance of an Employee.
- d. Hiring Manager: a Supervisor who is vested with authority by the University to use independent judgment in the interest of the SDBOR/University to hire an Employee. The Hiring Manager may be the direct supervisor, but is typically the leader responsible for the department.

3. Policy

- a. The University President is empowered to delegate to their subordinates only that Employment Action authority delegated in SDBOR policy to the University President.

- b. Those delegated this authority over certain individual Employee(s) shall be the Supervisor of the Employee(s), with their authority delegated from the University President through the President's direct reports, and down the chain of authority to the given Supervisor.
- c. This delegated authority shall be shown by one or more of the following (in descending order of authority):
 - i. As expressed in this policy;
 - ii. As indicated in the most recent annual evaluation of the supervised Employee;
 - iii. As expressed in the position description for the position the supervised Employee occupies; or
 - iv. As expressed by the supervised Employee's most recent personnel action request form.
- d. Employees with the title and responsibilities of a "Coordinator," as defined in University Policy 2:20, cannot be Supervisors and cannot be tasked with Employment Actions over other Employees.
- e. Hiring Manager
 - i. The initial appointment of any Employee who reports directly to the University President shall be performed by the University President, subject to required SDBOR approval.
 - ii. All other Employees shall be appointed by the Supervisor to whom their position directly reports, subject to the required approval of the officer to whom the Supervisor directly reports.
 - iii. Absent expression to the contrary in the documents listed in part 3(c), the Hiring Manager will have the authority to exercise all Employment Actions regarding their respective Employee(s).
 - iv. The Hiring Manager is responsible for the creation of a position description. A position description must be finalized and approved by the Hiring Manager prior to advertising the position.
 - v. The Hiring Manager is responsible for reviewing, and, if necessary, revising all position descriptions for their Employees annually.
- f. Evaluating Authority
 - i. All Employee evaluations shall be conducted by their respective Hiring Manager unless otherwise expressly provided in the documents listed in part 3(c). In any case, the Hiring Manager is responsible for ensuring the evaluations are conducted in a meaningful and timely manner.

- ii. Where an Employee has their employment workload split between different units or departments, the Supervisor with Evaluating Authority may obtain the feedback of the Employee's Supervisor(s) from the other units and departments and, if obtained, must independently assess the feedback of the Supervisors from those units or departments.
- iii. All Employees shall receive performance evaluations at least annually.
- iv. All NFE Employees shall receive the NFE Evaluation. All Faculty Employees shall receive a Faculty Annual Review. All CSA Employees shall receive their evaluations through the ACES system.
- v. These evaluation provisions shall apply to those Employees whose evaluations are not specifically treated in other SDBOR or University policies.

g. Remedial Action Authority

- i. All discipline or corrective action of Employees, whether for misconduct or work performance issues, must be authorized by the Employee's Hiring Manager.
- ii. Any constructive plan for Faculty Employees must arise out of substantial concerns in the annual performance evaluation. Performance concerns may otherwise be addressed at any time by consulting with the Office of HR.

h. Special Considerations

- i. Emeritus Faculty: University Policy 2:13 governs the policy and procedure of the more limited Employment Actions associated with Emeritus status. The department/unit head is responsible for supervision of those conferred Emeritus status within their department or unit, and for reporting any grounds for revocation of Emeritus status to the University President.
- ii. Adjunct Faculty: University Policy 2:14 governs the policy and procedure of the more limited Employment Actions associated with adjunct faculty. The department head shall be responsible for supervision and evaluation, where appropriate, of any adjunct faculty appointed to their department.
- iii. Volunteers: University Policy 4:8 governs the policy and procedure of the more limited Employment Actions associated with volunteers. The department/unit contact on the *Volunteer Work Agreement* form must be the Hiring Manager of the volunteer in question and shall have the primary responsibility for appointment and supervision of the volunteer as referenced in that policy.

4. Procedures

- a. All policies and procedures for recruitment, management, evaluation, and dismissal applicable to the Employee by virtue of their employment status shall be followed by the Supervisor and Hiring Manager.

- b. Prior to beginning any disciplinary or corrective action or the creation of a constructive or work improvement plan, the Supervisor or Hiring Manager must consult with and provide documentation in support of the action to HR.
- c. In order to document Employment Actions associated with Employee performance, and to facilitate consultation with HR, Supervisors and Hiring Managers are to maintain working files on each Employee. These working files must be maintained confidentially and in a secured location (e.g., a locking drawer or cabinet). Documentation maintained in such files includes:
 - i. Position description or expectations document unique to the Employee's appointed position;
 - ii. Home and emergency contact information for the Employee;
 - iii. Documentation of the Employee's progress on key or long-term projects;
 - iv. Documentation of the Employee's conduct and performance, both positive and negative;
 - v. Warnings that are not to be filed in the Employee's official personnel file; and
 - vi. Written directives to the Employee.

5. Responsible Administrator

The Vice President for Human Resources, successor, or designee, is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 11/14/2019. Revised; Approved by President on 10/06/2020. Revised; Approved by President on 02/16/2022. Revised 01/29/2024 (clerical).