

Board of Trustees
Human Resources / Labor Relations Committee

January 3, 2022
1:00 PM to 3:00 PM
ZOOM - No Physical Location

The public is invited to view the meeting on YouTube. The link to the Board of Trustees YouTube page can be found on the Board website: <https://www.maine.edu/board-of-trustees/>

AGENDA

Executive Session

The Human Resources & Labor Relations Committee will enter Executive Session under the provisions of: 1 MRSA Section 405 6-A & 6-D.

Following the Executive Session, the Committee will reconvene the public meeting to discuss the following items:

- TAB 1 COVID-19 Employee Non-Compliance Update
- TAB 2 UMS Fraternal Order of Police Employees – Participation in MainePERS
- TAB 3 FY2022 & FY2023 Compensation and Benefit Changes for Non-Represented Management Group and Non-Represented Faculty (including Maine Law)
- TAB 4 Enterprise Risk Management Update – Human Resources

Items for Committee decisions and recommendations are noted in red.

Note: Times are estimated based upon the anticipated length for presentation or discussion of a particular topic. An item may be brought up earlier or the order of items changed for effective deliberation of matters before the Committee.

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: COVID-19 Employee Non-Compliance Update

INITIATED BY: Sven P. Bartholomew, Chair

BOARD INFORMATION: X **BOARD ACTION:**

BOARD POLICY:
N/A

UNIFIED ACCREDITATION CONNECTION:
N/A

BACKGROUND:
Vice Chancellor Thelen and Chief Human Resources Officer Shields will provide a verbal update on the treatment of employees not in full compliance with UMS COVID-19 public health protocols.

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University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: UMS Fraternal Order of Police Employees – Participation in MainePERS

INITIATED BY: Sven P. Bartholomew, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

407 – Labor Relations

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

At its September 27, 2021 meeting, the UMS Board of Trustees approved the tentative collective bargaining agreement reached between UMS and the Fraternal Order of Police, Lodge # 100 (“FOP”), and authorized the Chancellor to sign the new agreement provided it was ratified in the same form by UMS police unit members.

FOP unit members ratified the collective bargaining agreement with UMS on October 28.

A newly-negotiated benefit in the FOP agreement allows unit members to make a one-time choice to continue participation in a MainePERS retirement plan instead of UMS’s separate standard 403(b) retirement savings plan. (This benefit was of particular interest to this unit in the most recent negotiations, as some unit members have already contributed to the MainePERS based on their employment with municipal police departments before coming to UMS.)

In order for UMS police unit employees who wish to do so to participate in MainePERS, the UMS Board is required to approve limited participation with MainePERS on the terms set forth in the resolution below.

TEXT OF PROPOSED RESOLUTION

That the Human Resources and Labor Relations Committee approves the following resolution to be forwarded to the Board of Trustees for approval at the January 24, 2022 Board Meeting:

That the UMS Board of Trustees accepts the recommendation of the Human Resources and Labor Relations Committee and agrees to limited participation in MainePERS on the following terms:

- a) Effective July 1, 2022, UMS will and does hereby join MainePERS for its FOP police unit members, to include police officers, dispatchers, campus security officers and security guards who work more than 20 hours per week and who are not seasonal or

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temporary as defined by the Appendix to MainePERS Chapter 802 under Special Plan 2C.

- b) This approval does not permit any other UMS employees to be eligible to participate in MainePERS.
- c) Eligible UMS FOP unit members who elect to participate with MainePERS will not be able to purchase prior service credits with MainePERS at this time.
- d) UMS Chancellor Dannel Malloy is hereby authorized to sign an appropriate agreement between UMS and MainePERS to implement this resolution and the MainePERS participation election benefit that it authorizes.

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University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: FY2022 & FY2023 Compensation and Benefit Changes for Non-Represented Management Group and Non-Represented Faculty (including Maine Law)

INITIATED BY: Sven P. Bartholomew, Chair

BOARD INFORMATION: **BOARD ACTION:** X

BOARD POLICY:

N/A

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

Non-represented employees are in positions which are not covered by collective bargaining agreements. Compensation and employee policies for these employees are recommended by the Chancellor and approved by the Board of Trustees.

The Chancellor recommends wage, salary, and benefit adjustments for non-represented Salaried, Hourly, University Supervisors and Confidential employees. For FY2022 and FY2023, non-represented salaried and hourly staff who are not Management Group employees received the same pay increases as similarly situated employees in the ACSUM (hourly) and UMPSA (salaried) bargaining units based upon the collective bargaining agreements approved by the Board at its September 2021 meeting.

The Chancellor now recommends that the Board proceed with approving FY2022 and FY2023 pay increases for non-represented faculty (including Maine Law) and Management Group employees. Across the System, there are 69 Management Group employees, 15 Maine Law faculty, and 137 other non-represented faculty who will be impacted by this adjustment.

Salary and Wages

The following describes pay increases available to eligible employees. Non-represented employees may also be eligible for individual pay increases under existing policies such as a promotion, reclassification, the addition of significant increased responsibilities, retention, and correction of inequities.

To be eligible for an increase described below an employee must be actively employed and receiving pay in the pay period in which the increase is processed. To be eligible for the base pay increase for FY2022, employees must have been employed in a regular status as of June 30, 2021. To be eligible for a base pay increase in FY2023, employees must have been employed in a regular status as of June 30, 2022.

Non-Represented Faculty, Law Faculty, Non-represented Part-time Faculty, Management Group, Presidents and Chancellor:

There will be a general three percent (3%) base salary increase pool for the Management Group, to be allocated among respective Management Group employees by their university presidents, the Maine Law dean, and the Chancellor for both FY2022 and FY2023. Non-represented faculty, including Maine Law faculty, will receive three percent (3%) increases for FY2022 and FY2023. Increases effective back to the beginning of FY2022 will be paid in the next payroll following full approval by the Board.

TEXT OF PROPOSED RESOLUTION:

That the Board of Trustees accepts the recommendation of the Human Resources and Labor Relations Committee and approves the management group and non-represented faculty compensation and benefit changes for FY2022 and FY2023 as presented and recommends approval of the same to the full UMS Board of Trustees at its meeting on January 24, 2022.

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University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Enterprise Risk Management Update - Human Resources

INITIATED BY: Sven P. Bartholomew, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

N/A

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

Gretchen Catlin, Director of Risk Management and Real Estate, will provide an update to the Human Resources & Labor Relations Committee regarding Enterprise Risk Management (ERM) and the five risks assigned to this Committee for oversight. Overall, Risk Management is monitoring 19 enterprise-level risks.

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Enterprise Risk Management

Human Resources & Labor Relations Committee—
January, 2022

Gretchen Catlin, BS, CHC
System Risk Manager

Executive Summary

- Each enterprise risk has a designated Trustee Committee of oversight, as suggested by Trustees.
- The University of Maine System is monitoring 19 enterprise level risks. Five of those risks have been assigned to the Human Resources & Labor Relations Committee for oversight.
- Gretchen Catlin will provide an update on risks assigned to this committee and next steps for enterprise risk management.



Enterprise Risk Matrix

ID	Risk Description	Risk Assessment			Type	Control/Mitigation Description	BOT Committee	Management locus of control
		Materiality	Frequency (Scope)	Measure				
R1	Personal injury or death of students, employees or guests	3 (Medium) \$1.1M- \$10M	4 (Likely >65%)	12	Insurable	Safety Program	HR and Labor Relations	Chief Facilities Management & General Services Officer
R2	Infrastructure loss threatening to continuity of operations	4 (High) \$>\$10M	3 (Possible 26-65%)	12	Insurable	Preventative Maintenance	FFT	Chief Facilities Management & General Services Officer
R3	Loss of state or public confidence in the value & merit of higher education	4 (High) \$>\$10M	3 (Possible 26-65%)	12	Strategic	Focus on Strategic Planning Effective communications Public and Gov't Relations	Executive	Director of Community & Government Relations
R4	Data breach or cyber incident	4 (High) \$>\$10M	4 (Likely >65%)	16	Insurable	Limitation of PHI on computers, training, risk matrix	FFT	Chief Information Officer
R5	Title IX complaints/lawsuits	3 (Medium) \$1.1M- \$10M	4 (Likely >65%)	12	Insurable	Training & Communication	HR and Labor Relations	Chief Human Resources Officer
R6	Radical or long-term enrollment change	4 (High) \$>\$10M	3 (Possible 26-65%)	12	Strategic	Strategic Actions and Tracking Enrollment (Facilitation)	Academic & Student Affairs	Vice-Chancellor for Academic Affairs
R7	Loss of state appropriation funding or other state policy threatening solvency or the ability to operate	4 (High) \$>\$10M	2 (Unlikely 11-25%)	8	Financial	Continued Lobbying effort with State	Executive	Director of Community & Government Relations
R8	Product Liability lawsuit	4 (High) \$>\$10M	1 (Remote 0-10%)	4	Insurable	Monitoring of Patent and Licensing with Counsel	Executive	General Counsel
R9	Investment Decline	4 (High) \$>\$10M	2 (Unlikely 11-25%)	8	Financial	Diversification	Investment	Vice President Finance &

Enterprise Risk Matrix

ID	Risk Description	Risk Assessment			Type	Control/Mitigation Description	BOT Committee	Management locus of control
		Materiality	Frequency (Scope)	Measur				
R10	Natural disaster threatening to life or property	4 (High) >\$10M	3 (Possible 26-65%)	12	Insurable	Business Continuity Planning	FFT	Chief Facilities Management & General Services Officer
R11	Credit rating downgrade resulting in increased cost of capital and hitting state debt cap	3 (Medium) \$1.1M- \$ 10M	2 (Unlikely 11-25%)	6	Strategic	Routine budget review	Audit	Vice President Finance & Controller & Vice President Budgeting and Financial Analysis
R12	Inability to obtain a quorum of Trustees to take action necessary for continuity of operations	1 (Negligible) <\$400K	1 (Remote 0-10%)	1	Strategic	Pending	Executive	General Counsel
R13	Loss of key officer(s)/staff to the extent threatening to successful or the continuity of operations	3 (Medium) \$1.1M- \$ 10M	3 (Possible 26-65%)	9	Human Capital	Cross-Training, leadership training	HR and Labor Relations	Chief Human Resources Officer
R14	Event or events threatening to the reputation of a school or schools	4 (High) >\$10M	2 (Unlikely 11-25%)	8	Insurable	Effective Public Communications, engagement with all campuses, crisis communication experience	Executive	Executive Director of Public Affairs
R15	Student Retention Decline	4 (High) >\$10M	4 (Likely >65%)	16	Strategic	Strategic Actions & Planning	Academic & Student Affairs	Vice-Chancellor for Academic Affairs
R16	Minors on campus	4 (High) >\$10M	3 (Possible 26-65%)	12	Insurable	Liability insurance	HR and Labor Relations	Chief Human Resources Officer
R17	Improper foreign influence & trade secrets relative to research	3 (Medium) \$1.1M- \$ 10M	3 (Possible 26-65%)	9	Operational	Background screening and licensure requirement review	Academic & Student Affairs	Vice-Chancellor for Academic Affairs
R18	Conflicts of interest	1 (Negligible) <\$400K	3 (Possible 26-65%)	3	Human Capital	Policy, annual training, GC reviews questions - people need to identify and disclose.	HR and Labor Relations	General Counsel
R19	Export control compliance	3 (Medium) \$1.1M- \$ 10M	3 (Possible 26-65%)	9	Operational	Screening, policies & procedures	Academic & Student Affairs	Vice-Chancellor for Academic Affairs

Summary of Control Strategies

The following slide provide a summary of control strategies implemented for each identified risk.

The enterprise risk matrix is actively worked. Therefore, control strategies are in various stages of implementation. The color coded chart below explains what phase of implementation the control strategies are currently in.

Control Strategy Status Matrix	
	Control strategies are fully implemented
	Strategies are pending
	Strategies are in-progress, not yet fully implemented

Human Resources & Labor Relations Committee

ID	Risk Description	Risk Assessment			Type	Control/Mitigation Description	BOT Committee	Management locus of control	Summary of Control Strategies
		Materiality	Frequency (Scope)	Measure					
R1	Personal injury or death of students, employees or guests	3 (Medium) \$1.1M- \$ 10M	4 (Likely >65%)	12	Insurable	Safety Program Training	HR and Labor Relations	Chief Facilities Management & General Services Officer	<ul style="list-style-type: none"> - Occupational safety audits - Safety management training: annual, proactive and in response to identified risks - Workers Compensation SWAT team - Property audits - General Liability insurance - Workers Compensation insurance
R5	Title IX complaints/lawsuits	3 (Medium) \$1.1M- \$ 10M	4 (Likely >65%)	12	Insurable	Training & Communication	HR and Labor Relations	Chief Human Resources Officer	<ul style="list-style-type: none"> - Sex offender registry screening upon hire - Annual training - Communication strategy to address how Title IX applies to both students & employees - Investigation standard procedures - Bringing in a Title IX Auditor to assess current procedures and make recommendations

Control Strategy Status Matrix	
	Control strategies are fully implemented
	Strategies are pending
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Human Resources & Labor Relations Committee

ID	Risk Description	Risk Assessment			Type	Control/Mitigation Description	BOT Committee	Management locus of control	Summary of Control Strategies
		Materiality	Frequency (Scope)	Measure					
R13	Loss of key officer(s)/staff to the extent threatening to successful or the continuity of operations	3 (Medium) \$1.1M- \$ 10M	3 (Possible 26-65%)	9	Human Capital	Planning & training	HR and Labor Relations	Chief Human Resources Officer	<ul style="list-style-type: none"> - Leadership training - Employee development plans - Cross training opportunities - New onboarding program implemented
R16	Minors on campus	4 (High) \$>\$10M	3 (Possible 26-65%)	12	Insurable	Liability insurance Screening	HR and Labor Relations	Chief Human Resources Officer	<ul style="list-style-type: none"> - Liability insurance including excess coverage is in place. - Background check screening for employees, including the sex offender registry - Safety, compliance and State required trainings - Waivers of Liability implemented when appropriate
R18	Conflicts of interest	1 (Negligible) <\$400K	3 (Possible 26-65%)	3	Human Capital	Policy & Training	HR and Labor Relations	General Counsel	<ul style="list-style-type: none"> - Conflict of interest policy - Annual Training (new in 2019) - General Counsel reviews questions - Self disclosure required

Control Strategy Status Matrix	
	Control strategies are fully implemented
	Strategies are pending
	Strategies are in-progress, not yet fully implemented

Next Steps

Risk Management is committed to providing regular updates to each Board Committee.

Board Committee	Date
Audit	May 19, 2022
Investment	March 3, 2022
Academic & Student Affairs	March 7, 2022
Finance, Facilities & Technology	May 4, 2022
Executive	TBD
Audit	October, 2022