

Date: Tue, 27 Jan 2004 12:14:03 -1000
From: Roger Lukas <rlukas@hawaii.edu>
Subject: RCUH employment issue
To: uhari-list@soest.hawaii.edu
Cc: rlukas@hawaii.edu

Dear UHARI members:

The issue of RCUH employment limitation was raised in the annual report sent to you yesterday. This e-mail is to inform you about the issue, and to request your feedback. Note that there is some urgency to this request, as the Administration is proposing a revision to Board of Regents policy governing research at UH. Even if you currently have no RCUH employees working on your grants and contracts, the policy revision could very well affect you in the future. Please respond with your comments, questions, and concerns to me at rlukas@hawaii.edu

Aloha,
Roger

Please do not "reply all" to this message -- thanks.

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Background:

At their October 2002 meeting, the UH Board of Regents revised their policies concerning RCUH service orders. The revised portion is provided below; I've bold-faced the critical section. (The full BoR policy can be obtained at: <http://www.hawaii.edu/svpa/borp.html> if you are interested. I do encourage you to read, at some point, the portion of Chapter 5 that pertains to research.)

CHAPTER 5
ACADEMIC AFFAIRS

...

Section 5-19 Research Corporation of the University of Hawai'i
(RCUH)

...

c. Service ordering to RCUH shall be for the direct support of a research or training project and shall not include major construction (CIP) and repair and maintenance (R&M) projects, **employment of any person in excess of one year**, purchases in excess of \$100,000 (total value), as a means to supplement existing University contracts or salaries, and contracting of services exceeding \$100,000 in total value unless prior Board approval is obtained.

The motivations for this revision are somewhat unclear, and are not discussed here. What is important is that at their October 2003 meeting, the BoR suspended this portion of UH policy until April 2004, while alternative language is developed. (This suspension occurred at the urging of both the UH administration and UHARI at the September 2003 BoR meeting, to avoid an untenable situation with the one year employment limitation.)

Prior to the October 2002 BoR policy revision, the policy governing RCUH employment was codified in the internal agreement between UH and RCUH, and in the UH Administrative Procedure A8.930 dated August 1993 (<http://www.svpa.hawaii.edu/svpa/apm/congrant/a8930.pdf>).

The relevant part of A8.930 regards service ordering of grants and contracts to RCUH, and one of the criteria for such service ordering is:

5. Guidelines

...
c. Personnel requirements cannot be readily secured through the normal UH and State procedures because of the unique nature of such services, the urgency of need, the limited duration of employment, or other exceptional circumstances.

Proposed resolution of the issue:

Vice President for Research Jim Gaines formed a committee consisting of representatives of PIs (Mike Hamnett and Lukas), union representatives, and administration representatives. The committee met in early November, and then again last Wednesday (Hamnett attended, Lukas could not). After that meeting, the following draft language was distributed by the office of VPR for possible submission to the BoR to substitute for the suspended paragraph discussed above. A meeting has been scheduled for this Thursday afternoon (January 29th) to discuss the proposal. Note that UHARI leaders will not comment on this policy proposal until adequate opportunity has been given for UH Principal Investigators to comment. Proper solicitation of PI comments required preparing the background above, which obviously took some time. Unless we receive a sufficient number of responses to gauge the sentiment of the PI community, we will request extension of time for proper faculty consultation on the proposal.

The proposed revision of BoR 5.19-c is:

c. Service ordering to RCUH shall be for the direct support of a research or training project and shall not include major construction (CIP) and repair and maintenance (R&M) projects, employment of any person in excess of one year except for (a) shipboard, out-of-state, part-time intermittent personnel and extramurally funded experts and/or skill technicians responsible for the operation, design and/or maintenance of astronomical or super-computer systems and hardware, (b) instances compliant with

Section 19-b above (c) current employees of RCUH hired on behalf of the University, or (d) personnel requirements that cannot be readily secured through the normal UH and State procedures because of the unique nature of such services, the urgency of need, the limited duration of employment, or other exceptional circumstances provided that all such exceptions shall be according to procedures established by the President, purchases in excess of \$100,000 (total value), as a means to supplement existing University contracts or salaries, and contracting of services exceeding \$100,000 in total value unless prior Board approval is obtained.

As it refers to 5.19-b, that paragraph is:

b. The University may service order certain aspects of research contacts and grants to RCUH. However, RCUH shall not be used to circumvent statutes, Board policies, contracts, settlements, or regulations. Consequently, in order for the University to approve a service order to RCUH, it must be clearly substantiated that despite capabilities under its constitutionally granted autonomy, terms of the research or training grant or contract precludes the University from maximum utilization of the funds.

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