



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

September 19, 2014

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR GILLY
ANR VICE PRESIDENT ALLEN-DIAZ

**Re: Systemwide Review of Proposed Revised Academic Personnel Manual (APM)
Section 080, Medical Separation and Section 330, Specialist Series**

Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to Sections 080, Medical Separation (APM - 080) and 330, Specialist Series (APM - 330). These proposed changes to two separate APM sections result from the substantive matters discussed below.

APM - 080, Medical Separation

The intent of APM - 080 remains a non-disciplinary method to medically separate a faculty member or other academic appointee who has exhausted eligible leave and who remains unable to perform the essential functions of his/her position or another vacant position for which the appointee is qualified, due to a disability or medical condition. Proposed revisions are intended to 1) bring APM - 080 into conformance with Regents Standing Order 101.1(b), Employment Status, 2) clarify authority to medically separate faculty with and without tenure or security of employment and appointees who are not members of the Academic Senate, and 3) revise language so that it is congruent with Americans with Disabilities Act (ADA) requirements. Additionally, the proposal is responsive to campus administrator and faculty requests to clarify the medical separation review process and to delineate the required consultation with the Disability Management Office, the written notice of intent to separate, the written notice of medical separation, and the appropriate approval authority.

Summarized below are some of the recommendations from Management Consultation (April – June 2014) that have been incorporated in the Systemwide Review draft:

- The proposed process regarding the interaction of the department chair and the dean has been streamlined by having the dean alone forward the recommendations of both the dean and the department chair to the chancellor.
- Some reviewers noted that the disability management officer (or equivalent) is appropriately involved in the medical separation process early on as advisory to the department chair and dean. Proposed language reflects that the disability management officer (or equivalent) will review and comment on the medical separation file before the file is submitted to the chancellor, and not afterward.

- Changes have been made in response to reviewers' assertion that the appointee has the right to review the medical separation file and to challenge the accuracy of the statements before submission to the Chancellor and, in cases requiring The Regents' approval, before submission to the President.
- A section is added to insure and to define adequacy of notice to the appointee regarding the intent and the action to medically separate.

APM - 330, Specialist Series

Historically, the Specialist title series was used only in the Agricultural Experiment Station (AES). In 1962, use of the title was extended to the Scripps Institution of Oceanography and other departments and institutes in which individuals were similarly engaged in research. Since then, use of the title has grown; it is now utilized across many different disciplines with both technical and professional research programs. Currently, there are approximately 2,500 individuals appointed systemwide in the Specialist series.

APM - 330 defines responsibilities and requirements for appointment in the Specialist series, one of several academic title series used for appointees who are engaged in research and who do not have teaching responsibilities. Proposed revisions respond to campus requests to update the policy, recognizing the need to distinguish the Specialist title from the Staff Research Associate (SRA) title and other academic research titles.

Summarized below are some of the recommendations from Management Consultation (April – June 2014) that have been incorporated in the Systemwide Review draft:

- Proposed new language makes University and public service optional depending on the requirements of the funding source and duties.
- Amended language refines the criteria for each rank as well as educational and experiential qualifications for appointment and advancement.
- Current language is enhanced to be inclusive of the differences in disciplines and ranks.
- Conditions of employment are expanded and clarified to mirror other series within the APM.
- Language is refined within the salary and above-scale status sections.

Systemwide Review

Systemwide Review is a public review distributed to the Executive Vice Chancellors/Provosts, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, affected employees and union membership about policy proposals. Systemwide Review also includes a mandatory, three-month full Senate review. Employees should be afforded the opportunity to review and comment on the draft policy, available online at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/index.html>. Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals.

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We would appreciate receiving your comments by **December 19, 2014**. Please submit your comments to ADV-VPCARLSON-SA@ucop.edu. If you have any questions, please contact Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel and Programs

Enclosures: Proposed Revised APM - 080 (redline and clean copy)
Proposed Revised APM - 330 (redline and clean copy)
Model Communication

cc: President Napolitano
Chancellors
Provost and Executive Vice President Dorr
Secretary Shaw
Senior Vice President Vacca
Vice President Duckett
Interim Vice President Tucker
Vice Provosts of Academic Personnel/Academic Affairs
Chief of Staff Grossman
Deputy/UCOP Compliance Officer Lane
Deputy to the Chief of Staff Riley
Academic Personnel Directors
Deputy General Counsel Drown
Senior Counsel Van Houten
Executive Director Baxter
Executive Director Fox
Executive Director Rodrigues
Executive Director Tanaka
Director Chester
Manager Lockwood
Policy and Compensation Analyst Flinker
Policy Coordinator Trifonov
Human Resources Policy Analyst Bello
Senior Administrative Assistant Rupert

080-0 **Policy**

Medical separation will be considered only in cases where a ~~long-term or serious~~ disability or medical condition occurs that cannot be reasonably accommodated. Prior to medical separation, the University will engage in an interactive process in accordance with the provisions of APM - 711, Reasonable Accommodation for Academic Appointees with Disabilities. ~~After an appropriate~~ If, after a reasonable period of leave, defined on a case by case basis, and/or other accommodation(s), ~~if~~ an academic appointee holding an appointment that is not self-terminating is still unable to return to work and/or perform the essential functions of the academic position ~~within a reasonable period of time~~, a medical separation review may be initiated. ~~Thereafter, an~~

An appointee's inability to perform the essential assigned functions of the position or another vacant position on campus for which the appointee is qualified, with or without reasonable accommodation, due to a disability or medical condition, will constitute a good cause for ~~termination~~ separation, and an appointee may be separated after the required review is completed.

080-~~101~~ ~~—~~ ~~Basis~~ Procedures for Medical Separation Review

~~Whenever possible, the chair~~ The Department Chair, Dean, or unit head, ~~or~~ with the assistance of the campus Disability Management office (or equivalent), shall consult with an academic appointee who is being considered for a medical separation review prior to the initiation of such a review.

- a. After consultation with the Disability Management office (or equivalent), and discussion with the appointee, if possible, the Department Chair, Dean, or unit head may determine that a medical separation review should be initiated.

A medical separation review may also be initiated following notice to the University of approval, for the appointee, of disability income from a retirement system to which the University contributes, such as the University of California Retirement Plan (UCRP) or Public Employees' Retirement System (PERS), or the approval of benefits from University long-term disability insurance and in addition a written review by the Disability Management office (or equivalent) showing a determination that there is no reasonable accommodation available.

- b. ~~If after consultation with the Disability Management office (or equivalent) the chair, Dean, or unit head determines that a medical separation review may be~~

~~appropriate, the chair,~~ To initiate a medical separation review, the Department Chair, Dean, or unit head will prepare ~~written documentation, in coordination with the Disability Management office (or equivalent), a medical separation review file~~ describing the essential functions of the position, those functions that the academic appointee is unable to perform, the interactive process that took place ~~in consideration of~~ to consider possible reasonable ~~accommodation accommodations~~, why reasonable accommodations were not possible or were unsuccessful, and containing any other pertinent documentation. (See APM - 210-1-d, ~~other relevant or other~~ academic personnel policy, ~~or job description for criteria for standards of~~ relevant to the appointee's title series in determining essential job functions; see APM - 711-5 and ~~-80 for information about~~ APM - 711-80 concerning the interactive process and reasonable accommodation)

~~The chair, Dean, or unit head shall notify the appointee in writing that the file has been prepared and that it is being sent to the Chancellor for review. The file will then be reviewed by the Chancellor who, upon approval, will forward the request for a medical separation review to the campus Disability Management office (or equivalent). In cases where the Dean initiates the request for a medical separation review, the chair shall be consulted before the file is submitted to the Chancellor. In cases where the chair or unit head initiates the request for a medical separation review, the Dean must approve the request before the file is~~

~~submitted to the Chancellor. The file shall include any comments received from the Dean and/or chair and/or unit head. The Disability Management office (or equivalent) will review the statements of the chair and/or Dean and/or unit head and any other pertinent material. The Disability Management office (or equivalent) will advise the Chancellor whether or not a medical separation is appropriate. The Chancellor shall then determine whether or not to proceed with a medical separation. The authority to make this determination rests with the Chancellor, and this authority may not be redelegated.~~

~~The University may also initiate a medical separation review based on notice of approval of disability income from a retirement system to which the University contributes, such as UCRP or PERS, or approval of University long term disability insurance benefits.~~

c. After the Department Chair or unit head and the Disability Management office (or equivalent) have reviewed the file and provided recommendations, written notice shall be sent to the appointee transmitting the medical separation review file and providing the appointee with the opportunity to respond within 30 (thirty) calendar days of the date of the notice, prior to the Deans' submission of the file to the Chancellor. Any subsequent written response of the appointee shall be added to the review file.

d. For cases involving faculty with tenure or security of employment, there is an additional step. Prior to making a determination of medical separation for

faculty with tenure or security of employment, the Chancellor, in accordance with Regents Standing Order 101.1(b), shall consult with the Chair of the Committee on Privilege and Tenure who shall respond in writing to the Chancellor within 15 (fifteen) business days. The Chancellor shall then determine whether to proceed with a medical separation. The authority to make this determination for faculty rests with the Chancellor and may not be redelegated.

080-~~3~~-20 Notice of Intent to Separate and Notice of Action

~~An academic appointee shall be given advance~~If determining to proceed with a
medical separation, the Chancellor shall provide written notice ~~by~~to the
~~Chancellor~~appointee of the intention to separate. ~~The notice shall state, stating (1)~~
the reason for medical separation ~~and include copies of the statements of the chair~~
~~and/or Dean and/or unit head and any other pertinent material considered.~~a. — For
~~Academic Senate faculty the notice of intent to separate shall state that the faculty~~
~~member,~~ and (2) that the appointee has the right to respond either orally or in writing,
to a designated person, within 30 (thirty-~~30~~) calendar days of the date of ~~issuance of~~
~~the notice regarding the separation and the right to a hearing before the properly~~
~~constituted advisory committee of the Academic Senate under Regents Standing~~
~~Order 103.9.~~ the notice. The notice shall include the name of the person to whom the
appointee should respond. Accompanying the notice of intent to separate will be a

copy of the materials in the review file upon which the Chancellor relied. Any subsequent written response of the appointee shall be added to the review file.

~~The faculty member must respond within thirty (30) calendar days to request a hearing; otherwise, the Chancellor will make a final decision as to whether or not to forward the medical separation recommendation to the President. Upon recommendation of the President, the file shall be forwarded to The Regents for approval. The authority of the Chancellor to recommend medical separation to the President may not be redelegated~~

a. **Faculty with Tenure or Security of Employment**

(1) For faculty with tenure or security of employment, the notice of the intent to separate shall also state that the faculty member has the right to a hearing before the properly constituted advisory committee of the Academic Senate under Regents Standing Order 103.9 and Academic Senate Bylaw 337.

(2) The Chancellor shall decide, based on the file and any hearing record, whether to recommend medical separation. If so recommending, the Chancellor shall forward a recommendation with the medical separation file to the President for a decision whether to recommend medical separation to The Regents for approval in accordance with Regents Standing Order 101.1(b).

b. Faculty without Tenure or Security of Employment

(1) For faculty without tenure or security of employment, the notice of intent to separate shall also state that the faculty member may request in writing, within 30 (thirty) days of the date of the notice of intent, a hearing before the properly constituted advisory committee of the Academic Senate under Regents' Standing Order 103.9 and Academic Senate Bylaw 337.

~~b. For non-Academic Senate faculty the notice of intent to separate shall state that the faculty member has the right to respond either orally or in writing within thirty (30) calendar days regarding the separation and the right to a hearing before the properly constituted advisory committee of the Academic Senate under Regents' Standing Order 103.9. The notice shall include the name of the person to whom the~~
Within 60 (sixty) calendar days following a hearing, or its waiver by the failure to request it within 30 (thirty) calendar days from the date of notice, the Chancellor shall decide, based on the file and any hearing record, whether to proceed with medical separation. The faculty member should respond. The appointee must respond within thirty (30) days 30 (thirty) calendar days of the date of the notice of intent to request a hearing; otherwise, the Chancellor will make the final decision as to whether ~~or not~~ to proceed

with a medical separation. ~~The Chancellor may not redelegate the authority to decide whether to proceed with a medical separation. If the Chancellor decides to proceed, a written notice of medical separation will be issued within sixty (60) calendar days of the notice of intent. The non-senate faculty member shall be notified of the effective date in writing and of the right to grieve under APM-140 if the appointee did not elect a hearing under Regents' Standing Order 103.9.~~

(2) If proceeding, the Chancellor shall send to the faculty member a written notice of action to medically separate, which shall state the effective date of separation and the appointee's right to file a grievance under Academic Senate Bylaw 335 for Academic Senate faculty or under APM -140-33, Non-Senate Academic Appointees/Grievances, for Non-Senate faculty, if the appointee did not previously elect a hearing under Regents' Standing Order 103.9.

c. Other Academic Appointees

~~c. — For other academic appointees the notice of intent to separate shall state that the appointee has the right to respond either orally or in writing within thirty (30) calendar days. The notice shall include the name of the~~

~~person to whom the appointee should respond. If the Chancellor determines~~ For other academic appointees, if having determined that a medical separation is appropriate following ~~the review of a timely response, if any, from the appointee, a letter of medical separation shall be issued to the appointee~~ review of the file, the Chancellor shall issue a written notice of action to medically separate within 60 (sixty-(60) calendar days of the date of the notice of intent. The ~~letter~~ written notice shall include the ~~separation~~ effective date of separation and the right to ~~file a grievance under~~ grieve under APM - 140-33-B, Non-Senate Academic Appointees/Grievances.

~~— APM - 140.~~

d. Adequacy of Notice

During the review process a documented effort to contact the appointee via phone, mail, email, and internet search shall be made. The written notice of intent and notice of action to medically separate shall be sent by registered mail to the appointee's home address on payroll file.

080-24 **Authority**

- a. ~~a.~~ For ~~Academic Senate~~ faculty with tenure or security of employment, the Chancellor ~~is authorized~~ has the authority to recommend medical separation to the President; this authority may not be redelegated. Authority for approving medical separation of ~~an Academic Senate~~ faculty member with tenure or security of employment rests with The Regents, upon recommendation of the President. ~~The authority of the Chancellor to recommend medical separation to the President may not be redelegated.~~
- b. ~~b.~~ ~~The~~ For faculty without tenure or security of employment, the Chancellor has the authority to approve ~~the~~ medical separation ~~of non-Academic Senate faculty~~ in accordance with this policy and after appropriate due process. This authority may not be redelegated.
- c. ~~The~~ For other academic appointees, the Chancellor has the authority to approve ~~the~~ medical separation ~~of other academic appointees~~ in accordance with this policy and after appropriate due process.

330-4 **Definition**

The Specialist series is used for academic appointees who are engaged in ~~research~~ in many specialized areas research, professional activity, and University and/or public service and who do not have any formal teaching responsibilities. Specialists are expected to use their technical or professional expertise to make scientific and scholarly contributions to the research enterprise, to progress towards recognition in the professional and scientific community. Specialists may participate in University and/or public service depending upon funding source and required duties.

The Specialist series, the Specialist in the Agricultural Experiment Station, and the Specialist in the Scripps Institution of Oceanography are the same title series, differing in their source of funding. Specialists in the Agricultural Experiment Station must follow the guidelines for appointments in the Agricultural Experiment Station.

~~330-6~~ **Responsibility**

~~a.~~ **For Specialists in the Agricultural Experiment Station**

~~Responsibility for reviewing personnel and for recommending appointments and promotions rests with the department chairperson, dean of the college or school (or Director of the Citrus Experiment Station acting in the capacity of Assistant Director of the Agricultural Experiment Station) and the Chancellor.~~

~~b.~~ **For Specialists in the Scripps Institution of Oceanography**

~~Responsibility for reviewing personnel and for recommending appointments and promotions rests with the director or department chairperson, the Director of the Scripps Institution of Oceanography, and the Chancellor.~~

~~e. For Specialists in all Other Departments~~

~~Responsibility for reviewing personnel and for recommending appointments and promotions rests with the director or department chairperson, the dean of the school or college involved, and the Chancellor.~~

330-8 **Types**

Appointment and promotion in this series may be made to the ~~following~~ ranks and steps listed below based on such criteria as level of expertise and independence required for the position, professional competence, the complexity of the research responsibilities, the potential for intellectual/scientific contributions to the field, the scope of professional activities and University and public service:

- a. Junior Specialist, Step I – II
- b. Assistant Specialist, Step I – III
- c. Associate Specialist, Step I – IV
- d. Specialist, Step I – V

330-10. Criteria

A candidate for appointment or advancement in this series is evaluated using a process of academic peer review according to the following guidelines for specialized research, professional competence and activity, or University and/or public service.

a. Performance in Research

Specialists must be continuously and effectively engaged in research activity of scholarly quality and significance in the defined area of expertise and specialization. Evidence may include one or more of the following:

- (1) Letters from collaborators or principal investigators documenting that work performed by the Specialist contributed to published research
- (2) Recognized expertise, including formal documentation of intellectual effort, presentation of research at regional/national meetings, creative contributions to intellectual property (e.g., patents), and/or invitations to participate in research projects
- (3) Publications' content that recognize the Specialist's significant and meaningful contribution to the work

(4) Publications on which the Specialist is an author or that credit the Specialist in the acknowledgement section of the work

(5) Active dissemination of information through training, presentations, or other means stemming from the Specialist's research

b. Professional Competence and Activity

Specialists may engage in professional activities that are directly related to their professional expertise and achievement. The Specialist's professional activities will be evaluated for evidence of achievement and recognition in his/her field of expertise and for demonstrated progression in the development or utilization of new approaches and techniques. Evidence of professional competence and activity may include:

(1) Participating in professional societies or groups and other educational and research organizations

(2) Service on advisory panels

(3) Invitations to review research and/or grant proposals

(4) Reviewing journal manuscripts and other publications related to his/her area of expertise

(5) Education and credentials as related to the specialized area of research.

c. University and Public Service

Specialists may engage in University and/or public services provided these services comply with the requirements of the candidate's funding source. Such service should be related to the candidate's area of professional expertise and achievement. Service activities may be at the level of the department, the organized research unit (ORU), the college/school/division, the campus, the University, and/or the public. For example, specialists may serve as a liaison with and respond to the needs of various industry organizations, state and federal agencies, and other external groups on issues related to their area of expertise. At the Junior and Assistant Specialist ranks, University and/or public service may be minimal.

330-11 Qualifications

The following educational and experiential qualifications are general guidelines for each of the ranks:

a. ~~a.~~ **Junior Specialist**

Appointees to the Junior rank should possess a baccalaureate degree (or equivalent degree) or equivalent research experience e.g., with instrumentation and research equipment, software programs, social science research methods, humanities scholarship, or creative activities.

b. ~~b.~~ **Assistant Specialist**

Appointees to the Assistant rank should possess a master's degree (or equivalent degree) or five years of experience demonstrating expertise in the relevant specialization.

c. ~~e.~~ **Associate Specialist**

Appointees to the Associate rank should possess a master's degree (or equivalent degree) or five to ten years of experience demonstrating expertise in the relevant specialization. Associate Specialists are normally expected to

have a record of academic accomplishments, including contributions to publishable research in the field and a demonstrated record of University and/or public service.

d. ~~d.~~ **Specialist**

Appointees to the full Specialist rank should possess a terminal degree (or equivalent degree) or ten or more years of experience demonstrating expertise in the relevant specialization. Specialists at full rank are normally expected to have a significant record of academic accomplishments, including contributions to publishable research in the field, professional recognition in the field, and a demonstrated record of University and/or public service.

330-10—Criteria

~~In judging a candidate for appointment or promotion to a position in this series, the following criteria are used:~~

- ~~a.—Performance in research in specialized areas~~
- ~~b.—Professional competence and activity~~
- ~~c.—University and public service~~

330-18 Salary

- a. Individuals appointed to the Specialist series are compensated on the fiscal year salary scales issued by the Office of the President for the Specialist series.

b. Salaries are subject to range adjustments.

~~a. An authorized~~

c. Appointments without salary scale established for ~~are permitted in~~ this series
~~is issued by the Office of the President.~~

~~b. New appointees are normally paid at a minimum salary rate for the rank to which appointment is made. (See also APM—310-12 e.)~~

d. The Chancellor may approve salaries up to and including the Indexed Compensation Level threshold but higher salaries which exceed the Indexed Compensation Level threshold require the approval of the Provost and Executive Vice President for Academic Affairs.

~~See also APM—615-24.~~

330-20 ~~Conditions~~ Term of Employment Appointment

An appointment or reappointment in this series shall be made with a specified end date which should coincide with the normal period of service of the step to which the candidate is appointed or advanced, or a lesser period. Appointments may be made on a full- or part-time basis. ~~The normal periods of service for~~ at each rank and step of the ranks ~~are listed in APM—330-8 are below.~~
~~as shown in the Academic Salary Scale:~~

a. ~~a.~~ Junior Specialist Step I - 1 year

Step II - 1 year

b. ~~b.~~—Assistant Specialist

Step I - 2 years

Step II - 2 years

Step III - 2 years

c. ~~e.~~—Associate Specialist

Step I - 2 years

Step II - 2 years

Step III - 2 years

Step IV - ~~No normal period~~ 2 years

~~of service~~

d. ~~d.~~—Specialist

Step I - 3 years

Step II - 3 years

Step III - ~~No normal period~~ 3 years

~~of service~~

Step IV - ~~No normal period~~ 3 years

~~of service~~

Step V - ~~No normal period~~ 4 years

~~of service~~

330-21 Conditions of Employment

a. Appointees in this series are ineligible for tenure or security of employment.

b. Appointees in this series are not members of the Academic Senate.

c. **Paid leave**

(1) Appointees in this series accrue sick leave credit and vacation credit in accordance with the provisions of APM - 710, Leaves of Absence/Sick Leave/Medical Leave and APM - 730, Leaves of Absence/Vacation.

(2) Appointees in this series are ineligible for sabbatical leave but may be eligible for other types of leave with pay when the leave is in the interest of the University and to the extent that funds are available in the source(s) from which the salary is paid, pursuant to APM - 758, Leaves of Absence/Other Leaves With Pay.

d. **Expiration of an appointment, layoff, and termination**

(1) For expiration of an appointment with a specific end date, see APM - 137, Non-Senate Academic Appointees/Term Appointment.

(2) For layoff or involuntary reduction in time before the end date, see APM - 145, Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time.

(3) For dismissal for unsatisfactory performance before the end date, see
APM - 150, Non-Senate Academic/Appointees/Corrective Action and
Dismissal.

e. Appointees in the Specialist series are eligible to present grievances under the
provisions of APM - 140, Non-Senate Academic Appointees/Grievances.

330-24 **Authority**

~~Authority~~The Chancellor has authority to approve appointments, reappointments,
merit increases, promotions, and terminations in this series, ~~following appropriate
review, rests with the Chancellor except as noted below.~~

~~Specialist at an above-scale salary:-~~

~~The Chancellor has the authority to approve above-scale salary levels up to and
including the Regental compensation threshold. For salaries beyond the Regental
compensation threshold, authority rests with The Regents on recommendation of
the President, after appropriate review and as prescribed in Section 101.2(a)(2) of
the Standing Orders of The Regents.~~

330-80 **Recommendation and Review**

a. General Procedures

The provisions of APM - 220-80-c, -d, -e, -h, -i, -j, and 220-84-b, modified as appropriate in specific circumstances, apply to this series.

b. Basis for Reviewing Candidates for Advancement

Appointees to the Specialist series are eligible to be reviewed at normative intervals. Candidates for advancement in rank or step are based only on the individual's achievements; availability of funding is not a consideration during review for advancement.

c. Advancement to Above-Scale

Advancement to Above-Scale status involves an overall career review and is reserved for only the most highly distinguished Specialists whose (1) work of sustained and continuing excellence has attained national and international recognition and broad acclaim reflective of its significant impact, (2) professional competence is excellent, and (3) service is highly meritorious. Advancement requires demonstration of additional merit and distinction beyond the performance on which advancement to Step V was based. Except in rare and compelling cases, advancement will not occur in less than four years at Step V; mere length of service and continued performance at Step V is not justification for further advancement.

A further merit increase for an individual already serving at Above-Scale salary level must be justified by new evidence of merit and distinction; continued performance is not an adequate justification. Only in the most superior cases with strong and compelling evidence will a further increase be approved at an interval shorter than four years.