

May 10, 2005

Members, Board of Trustees:

WAIVER OF PART X OF THE GOVERNING REGULATIONS PERTAINING TO THE  
EMPLOYMENT OF RELATIVES IN THE CASE OF BRIAN P. BUTLER

Recommendation: that the Board of Trustees authorize the continued employment of Brian P. Butler, son of Frank A. Butler, Executive Vice President for Finance and Administration (EVPFA), for two years pursuant to the provision contained in Governing Regulations X authorizing a waiver of the rules prohibiting employment of a relative of the Provost, Vice President, or Associate Vice President in that officer's administrative area.

Background: Frank A. Butler was appointed Hospital Director in 1975. Brian P. Butler, son of Frank A. Butler, became an employee at the University of Kentucky in 1988 in the College of Pharmacy, which is outside the area of responsibility of the Hospital Director. In September of 2001, Frank A. Butler assumed the position of Vice President of Medical Center Operations and subsequently Brian P. Butler transferred to a position in the Department of Environmental Health and Safety which is outside the area of responsibility of the Vice President of Medical Center Operations and ultimately reports to the EVPFA. In May 2005, Frank A. Butler was appointed EVPFA.

The Governing Regulations state that "no relative of the Provost, or any Vice President, or any Associate Provost or Associate Vice President shall be employed in a position in that officer's administrative area." Waiver of this regulation is permitted for up to two years by the Board. The Regulations further state that the relative is not eligible for reappointment under the terms of any exception unless approval is given by the Board of Trustees. Finally, the Regulations prohibit an individual holding an appointment in a position over which a relative exercises supervisory or line authority.

With the appointment of Frank A. Butler as EVPFA, Brian P. Butler will be employed in a position that technically falls in the EVPFA's administrative area. Brian P. Butler currently is employed as a Hazardous Waste Specialist Senior in the Department of Environmental Health and Safety reporting to a manager of Environmental Management who reports to the Director of Environmental Health and Safety who reports to the Associate Vice President for Campus Services who in turn reports to the EVPFA. This situation was not present when Brian P. Butler was hired at the University in 1988. Nor was the situation present when Frank A. Butler was promoted to Vice President of Medical Center Operations.

In light of the fact that Brian P. Butler has been employed at the University since 1988 and was not in an administrative area that reported to his father, Frank A. Butler, until the latter's appointment as EVPFA and is four levels removed from his father, the President recommends the Board grant this waiver so Brian P. Butler may continue his employment in the Department

of Environmental Health and Safety. Frank A. Butler will not be involved in any personnel action concerning Brian P. Butler to include merit reviews, compensation, consideration for promotion, reappointment, academic assignment or any other matter involving his employment or evaluation at the University. The Associate Vice President for Campus Services will assume all such supervisory responsibilities and if necessary seek higher level approval from the President.

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Action taken:     Approved     Disapproved     Other \_\_\_\_\_