



ALABAMA STATE UNIVERSITY
HUMAN RESOURCES
Policies and Procedures Manual

Approved by the ASU Board of Trustees September 25, 2015



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FOREWORD

The *Human Resources Policies and Procedures Manual* has been prepared to acquaint you with Alabama State University and to provide you with information about the policies and procedures that affect your employment. **THIS MANUAL IS NOT A CONTRACTUAL AGREEMENT, EXPRESSED OR IMPLIED, BETWEEN THE EMPLOYEE AND ALABAMA STATE UNIVERSITY.** Furthermore, no statements made by managers and/or supervisors can create a contract without the approval of the Alabama State University Board of Trustees.

All employees are responsible for knowing and following the policies and procedures contained in the manual. Managers and supervisors are responsible to the University for ensuring that their employees adhere to the policies and procedures described in the manual. Employees who violate any policy or procedure may be subject to disciplinary action up to and including dismissal from employment at Alabama State University. If you have questions about the manual or about any issues regarding employment, you should consult your supervisor or the Office of Human Resources.

Previously enacted University policies and procedures in conflict with any portion of the contents of this manual are hereby expressly repealed. Any policies and procedures issued by any individual or agency in conflict with these policies and procedures are null and void.

MESSAGE FROM THE PRESIDENT

On behalf of the Board of Trustees, administrative officers, faculty, staff, and student body, I am pleased to welcome you to Alabama State University. Congratulations on your appointment to the workforce of an institution with a rich tradition of excellence in education. With you on our team, we know that we can look forward to many outstanding years meeting the educational needs of Alabama and the nation.

Indeed, your commitment dedication and the services that you provide are essential to the continued success of the University in accomplishing its mission and goals. Our aim is to create an environment in which employees feel comfortable; are eager to invest their time and energy; and experience opportunities to grow and thrive as individuals. We strive to have satisfied, industrious employees who are courteous and efficient, proud to advance the mission of the University and service in the community.

We encourage you to learn all you can about the University and its employment policies, procedures, practices, services, facilities, benefits and privileges. The more you know the more efficiently and effectively you will perform your duties. Your *Human Resources Policies and Procedures Manual* is the guide to knowing this University.

Welcome to Alabama State University. Best wishes as you join our staff. We hope you will find your work experience challenging, enjoyable and rewarding.

Sincerely,

Dr. Gwendolyn E. Boyd

GENERAL UNIVERSITY INFORMATION

ALABAMA STATE UNIVERSITY'S MISSION STATEMENT

Alabama State University is a comprehensive diverse student- centered public HBCU committed to global excellence in teaching, research and service.

The University fulfills its mission by:

- Fostering critical thought
- Encouraging artistic creativity
- Developing professional competence
- Promoting responsible citizenship in its students
- Adding to the academic and experiential bodies of knowledge
- Enhancing the quality of life through research and discovery
- Cultivating global citizenship through thoughtful (meaningful, purposeful conscientious, intentional) and engaging public service

ASU offers baccalaureate through doctorate degrees in an expansive array of academic programs. We maintain a scholarly and creative faculty, state-of-the-art facilities, and an atmosphere in which members of the university community live, work and learn in pleasant surroundings. ASU offers a bridge to success for those who commit to pursuing quintessential educational opportunities and lifelong endeavors.

A BRIEF HISTORY OF ALABAMA STATE UNIVERSITY

The impetus to establish a school for the black citizens of Alabama, which would eventually become Alabama State University, began shortly after an event that not only tore this country apart, but also created a far different United States in which relationships and attitudes were altered irrevocably.

The Civil War effected numerous changes in the United States, especially in the South. Not only did that war result in the end of slavery, but it also brought about considerable change in the relationship between blacks and whites. Nowhere was this changed relationship more clearly seen than in education. Before the war, the right to an education, even of the most rudimentary sort, was the private reserve of whites. All that changed with the Northern victory as black Southerners, with assistance of Northern white missionaries and the leaders of African American churches, set out to establish educational institutions for the freedmen.

Blacks in the Black Belt counties of Alabama, the heart of the Southern Confederacy, wanted to demonstrate clearly a keen interest in providing educational opportunities for their children. In 1867, African-American leaders founded Lincoln Normal School at Marion in Perry County, Alabama. Alabama State University is a direct descendant of Lincoln Normal School, thus making it one of the oldest institutions of higher education founded by black American. In 1868, the American Missionary Association (AMA) leased the Lincoln Normal School building and operated and financed the school. In 1869, the AMA, with the support of \$2,800 from the Freedman's Bureau of the federal government and further support from the "colored people of Alabama," raised \$4,200 to construct a new building. In 1870, while the AMA still provided the teachers, the state of Alabama began its support of the institution when the Legislature appropriated \$486 for the school's use. The state's support rose to \$1,250 next year.

Though many people worked to establish Lincoln Normal School, Peyton Finley's efforts in the early years contributed the most to make the institution permanent. In 1871, Finley, the first black elected to the State Board of Education, petitioned the Legislature to establish a "University for colored people," but the Legislature rejected his request. Finley did not stop, and in 1873, his efforts gained success when the Alabama Legislature established "a State Normal School and University for the Education of the Colored Teachers and Students." The act would take effect only if the President and trustees of Lincoln Normal School would place that facility at the disposal of the state in order for the new University to be established. The institution's first President, George N. Card, accepted that provision, and in 1874, he led the effort to reorganize Lincoln Normal School in Marion as America's first state-supported educational institution for blacks. The school continued at Marion for the next 13 years.

While Lincoln operated in Marion, blacks continued to press for a more prominently supported school for black students. A major change on their behalf came in 1887 when the Legislature authorized the establishment of the Alabama Colored People's University. The act allocated \$10,000 for the purchase of land and the construction of buildings, and it set aside \$7,500 annually for operating expenses.

The Alabama Colored People's University would replace the State Normal School and University at Marion, provided that officials of the black school could find a suitable new location that was acceptable to whites. Under the leadership of President William Burns Paterson, who was white, black citizens who wanted the University to be in Montgomery pledged \$5,000 in cash and land and donated the use of some temporary buildings. Less than eight months after the passage of the enabling legislation, the University opened in Montgomery at Beulah Baptist Church with a faculty of nine members. The University held its first classes in Montgomery on October 3, 1887.

Though Paterson and others had overcome initial opposition to locating the school in Montgomery, opponents to state support of education for blacks remained hostile to the new University. Indeed, such opponents filed suit in state court and won a ruling in 1887 from the Alabama Supreme Court that declared unconstitutional certain sections of the legislation that established the University for African-Americans. Thus, the school operated for two years solely on meager tuition fees, voluntary service and donations until, by act of the Legislature in 1889, the state resumed its support.

The new law changed the name of the school from University to Normal School for Colored Students, thus skirting the Supreme Court's finding, and re-established the \$7,500 state appropriation. 1889 was a pivotal year in the development of the University because the "colored people of Montgomery" also formally conveyed to state authorities the previously pledged sum of \$3,000 and the land for the development of a permanent campus at the University's current location between Union and Hall streets. The University erected Tullibody Hall the next year as its first permanent building. That building burned in 1904 and was replaced in 1906 by the University's first brick structure, which also took the name of Tullibody Hall.

Paterson, who had guided the University through the early years and who is generally considered its founder because of his 37 years of service to it, died in 1915. Ironically, Booker T.

Washington, founder of Tuskegee Institute and considered one of the premier African-Americans in this country during this period, died the same year. Yet, both institutions have survived these two deaths to educate thousands of African-Americans to this day.

During the following decade, Presidents John William Beverly, who was the institution's first black teacher and black President, and George Washington Trenholm organized the institution as a four-year teacher-training high school and added a junior college department. In the early 1920s, the University began operating on the four-quarter system and added the departments of home economics and commerce. This decade of growth and change also saw the purchase of additional land, including an 80-acre farm which constitutes the bulk of its current holdings. The state also appropriated \$50,000 for the construction of dormitories and dining facilities.

In 1925, George Washington Trenholm died after five years in office and was succeeded by his 25-year-old son, Harper Councill Trenholm. The younger Trenholm would serve the University as President for 37 years. H.C. Trenholm's tenure was one of tremendous growth and development for the University. He oversaw the change from a junior college to a full four-year institution, a process that was completed in 1928 and which enabled the college to convey its first baccalaureate degree in teacher education in 1931. In 1940, Trenholm initiated a graduate degree program, and State Teachers College awarded its first master's degree in 1943. The school also established branch campuses in Mobile and Birmingham.

Trenholm was eager for the institution to develop and gain recognition. He worked hard to improve the physical facilities in concert with advances in the quality of academic programs. During the economic expansion that followed the end of the Great Depression, the University constructed eight permanent brick buildings, a swimming pool and a stadium for sporting events. The state also allowed the institution to change its name to reflect changes in programs. In 1929, it became State Teachers' College, Alabama State College for Negroes in 1948, and Alabama State College in 1954. Trenholm also gained for the University the recognition he desired. In 1935, the Southern Association of Colleges and Schools (SACS), which accredited black and white colleges separately during those years, granted State Teachers' College Class B recognition; it raised the college's level to Class A in 1943.

Alabama State and its people have made major contributions to the development of the state and the nation; but none of those involvements was more important, or affected the institution more negatively, than the involvement of students and employees in the Civil Rights Movement. The Montgomery Bus Boycott, the first of the direct action campaigns of the modern Civil Rights Movement, awakened a new consciousness among the students, faculty and staff at Alabama State as they responded to the call for participants. State officials, in a state that was committed to segregation, exacted a heavy price on the college. The institution found itself even less well-funded, a condition that in 1961 resulted in the loss of accreditation by SACS.

In 1962, after an interim President filled the post during Trenholm's illness, Levi Watkins assumed the presidency. Watkins set out to broaden the mission of the institution and to reclaim its SACS accreditation, the latter of which he achieved in 1966. In 1969 the State Board of Education, then the governing board of the institution, approved a name change; the institution

became Alabama State University. It was during these years that the University began its continued path of steady growth and movement toward its current role as a comprehensive University. In 1975, in an act of tremendous importance for the University, the Legislature established an independent board of trustees for Alabama State University.

Watkins retired in 1981 and was succeeded in turn by Presidents Robert Lee Randolph (1981-1983), Leon Howard (1983-1991), C.C. Baker (1991-1994), William H. Harris (1994-2000), and Joe A. Lee (2001 – 2008). Harris returned as interim President in July 2008 and was appointed President in July 2009. Under the leadership of these successors in the presidency, Alabama State University has experienced tremendous growth and expansion. Dr. Gwendolyn Elizabeth Boyd became Alabama State University's 14th and first female President on February 1, 2014. Today, Alabama State University enrolls more than 5,500 students in seven major academic units at the main campus and at several off-campus sites. The academic offerings range from four-year, undergraduate degree programs to programs for the master's, the education specialist, and the doctoral degree. The sprawling campus is located on approximately 140 acres near downtown Montgomery. The campus continues to expand through a vigorous construction program.

STRUCTURE AND FUNCTION OF THE BOARD OF TRUSTEES

Alabama State University is under the management, control, and maintenance of a Board of Trustees. The Board of Trustees consists of the governor of Alabama, four members from the state-at-large, and one member from each of the seven congressional districts in the state, except that two are named from the congressional district in which the University is located. The trustees are appointed to twelve-year, staggered terms by the governor, with the advice and consent of the state senate.

By statute, the Board of Trustees meets in February, May, and September. It may also meet at other times on call of the governor. When the Board of Trustees is not in session, its business is transacted by the executive committee of the Board of Trustees. The officers of the Board of Trustees are the governor, who is *ex-officio* President of the board; the chairman; the vice-chairman; and the secretary, who serves *ex-officio* and is President of the University. Although the Board of Trustees holds all legal power, it commits the administration of the University to the President of the University and his or her chief administrative officers.

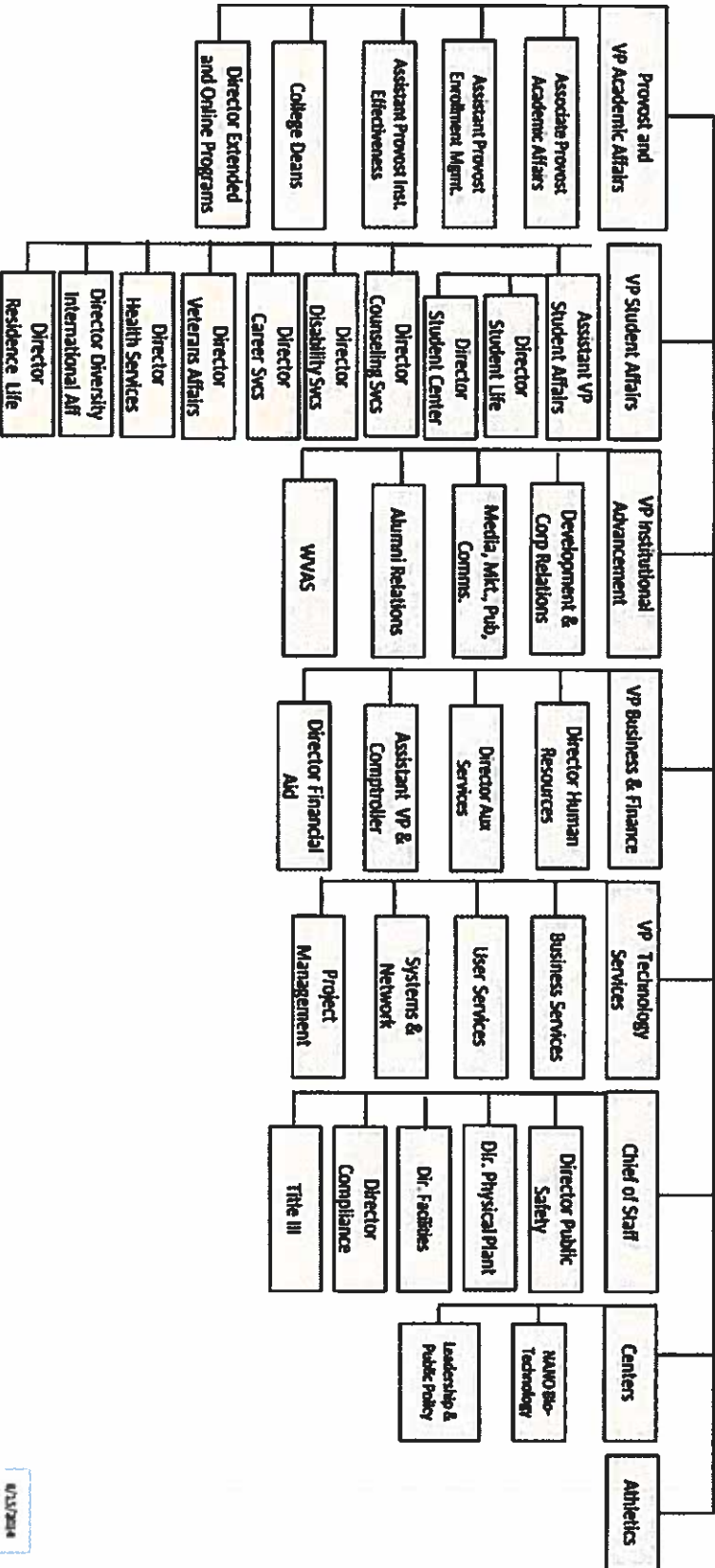


ALABAMA STATE UNIVERSITY

Board of Trustees

University President

Legal Counsel, Internal Audit, BOT Liaison



THE NON-INSTRUCTIONAL STAFF COUNCIL

PURPOSE

The purpose of the Non-Instructional Staff Council is to provide a direct communications link between the University President and the non-instructional staff. The council also serves as an advisory and consultative body to the President and other administrators on matters concerning and/or affecting the University's non-instructional staff. Such matters include wages, working hours, University holidays, insurance, staff training, the *Human Resources Policies and Procedures Manual*, categories of leave and other fringe benefits. The council also receives from members of the non-instructional staff or other entities of the University, recommendations concerning procedures and practices that affect the non-instructional staff. Another duty of the council is to advise the President on important issues and conduct several annual University events.

THE FACULTY SENATE

UNIVERSITY SHARED GOVERNANCE SYSTEM, THE FACULTY SENATE

The Faculty Senate is the permanent representative body for handling the matters under the jurisdiction of the faculty and academic administration by delegation of the Office of the President of the University. The Senate is evidence of a "shared" concept of academic governance under the leadership of the Faculty Senate president and faculty acting through its representative body. The powers and authority granted the Senate are those delegated to the general faculty by the President of the University, not inconsistent with the policies of the Board of Trustees. With this broad scope of authority, the Senate, in essence, has full authority to speak and act for the whole faculty (*See the Faculty Handbook for additional policies and procedures specifically for faculty governance*).

INTRODUCTION TO THE MANUAL

PURPOSE AND USE OF THE MANUAL

The purpose of the *Human Resources Policies and Procedures Manual* is to provide instructional (faculty) and non-instructional employees with administrative organizational rules, regulations, policies, procedures, and general information for the handling of personnel matters relating to the instructional and non-instructional work force. The *Faculty Handbook* provides *additional policies and procedures specific to faculty*.

All employees are encouraged to become familiar with the policies and procedures in this manual and keep it as a reference.

The University encourages you to contact your supervisor or the Office of Human Resources if you have additional questions or want further clarification of these policies and procedures. A current copy of the manual will be maintained in the Office of Human Resources and will be posted on the ASU website (www.alasu.edu) under the Human Resources section. Interim changes will also be posted on the website.

SCOPE

This manual includes those *Human Resources Policies and Procedures* that apply to all instructional (faculty) and non-instructional employees of Alabama State University; however, there may be more detailed departmental instructions relating to a specific department or area which are not included in this manual. *Faculty should also refer to the Faculty Handbook for additional policies and procedures that apply specifically to Faculty*.

REVISIONS AND UPDATES

It is the responsibility of the Office of Human Resources to assist in the periodic updating and revision of this manual. A department head, supervisor, or employee who wishes to recommend changes or a new policy or procedure for the manual should submit suggestions in writing to the Office of Human Resources for review and appropriate action. The Office of Human Resources, upon approval by the Board of Trustees, will be responsible for distributing all new or revised policy and/or procedure statements to all employees.

RIGHTS OF THE UNIVERSITY

Alabama State University is vitally interested in the opinions of its employees, expressed individually or through their department heads, about working conditions, ways and means of getting their work done efficiently and other matters of interest to employees.

However, the University, in recognizing and accepting its responsibility to provide the necessary services to ensure quality education for its students, must have the flexibility to make decisions without prior employee consultation. Therefore, the University must maintain exclusive discretion to exercise the customary functions of management including, but not

limited to, the discretion to select, hire, promote, suspend, dismiss, assign, supervise, and discipline employees; to determine work schedules and the size and composition of the workforce; to establish, change, and abolish procedures, rules, and policies; to determine and modify position descriptions and position classification specifications; and to assign duties to employees in accordance with the needs and requirements of the University.

UNIVERSITY ADHERENCE TO LAWS AND REGULATIONS

It is the policy and procedure of the University to comply with applicable laws and regulations to the fullest extent. Failure to comply with applicable laws and regulations may result in federal and state intervention, loss of funds, and/or legal action against both the University and its employees. If any employee perceives a violation or potential violation of an applicable law or regulation, the employee should notify his or her supervisor or the Office of Human Resources in writing. Supervisors will take action as appropriate. Contact the Office of Human Resources for additional information on employment-related laws and regulations.

DEFINITIONS

For purposes of this manual, the following definitions will apply:

Academic Administrator: Persons holding positions as academic administrators are members of the faculty, but they may not gain tenure as academic administrators. In addition, their positions as academic administrators are governed by the policies and procedures contained in the *Human Resources Policies and Procedures Manual*.

Adequate Cause: Misconduct or failure to perform duties and responsibilities outlined in the job description.

Additional Duty Pay: Extra compensation for routine performance of essential duties that are not in the scope of the official job description.

Administrative Leave: A paid leave status approved by the President in exigent circumstances, or when deemed in the best interest of the University (such as during a due process hearing).

AWOL: Absence without official leave having been approved by the supervisor or chain of authority

Child: A biological, adopted, or foster child, a stepchild, a legal ward or child or a person standing in loco parentis who is either under 18 or who is 18 or older and incapable of self-care because of a mental or physical disability.

Classified Employee: A full-time employee who has completed the required 12-month period of continuous and satisfactory probationary service in a classified position is designated as a classified employee. A classified employee may take a leave of absence from a classified position to fill a temporary position at the University without losing his or her classified employee status at the University or his or her right to return to the classified position when the

term of the temporary position has ended. An employee on classified status may be reassigned to another job without losing classified status of employment at the University.

Conflict of Interest: As defined by Alabama Ethics law (*ALA CODE Section 36-25-1(8)*): “A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.”

Demotion: Personnel action that reduces an employee to a lower job classification. It involves either moving the employee to another position at a lower salary grade level or reclassifying the employee’s existing position to a lower salary grade level.

Disabled: Pursuant to the *Americans with Disabilities Act (ADA)*, 42 USC 12101, et. seq., a person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment by competent authority, or (3) is regarded as having such impairment.

Discriminatory Hostile Environment: Unwanted or persistent verbal or physical conduct made on the basis of race, color, national origin, disability, sex, religion, sexual orientation, or age (40 and over) which creates a hostile or intimidating work environment or which unreasonably interferes with an individual’s job performance and/or opportunities constitutes discriminatory hostile environment harassment.

Employment Discrimination: Decisions based upon a person’s race, national origin, religion, age (40 and over), color, disability, sex, and sexual orientation. These decisions include all aspects of the employment process including hiring, termination, promotion, pay, and placement. Discrimination occurs when an adverse employment action occurs and said action is based upon an individual’s protected status.

Executive Status Employee: An employee who fills a senior-level staff position that does not carry with it the authority to convey classified employee status. Persons appointed to positions as executive status employees serve at the pleasure of the President and are not eligible to achieve classified employee status. Persons newly appointed in executive status positions do not serve a probationary period.

Exempt Position: A position that meets all of the tests of the *Fair Labor Standards Act (FLSA)*, 29 USC 201, et seq., relating to job responsibilities, supervision, authority and salary that are necessary for classification under the law as administrative, executive or professional.

Emergency Essential Personnel: An employee designated as Emergency Essential services support is one whose job functions are vital to the operation of the University, whose presence is required regardless of the existence of emergency conditions, and whose absence from duty

could endanger the safety and well-being of the campus population, jeopardize essential functions.

Essential Personnel: An employee designated as essential services support is one whose job functions are vital to the operation of the University during non-emergency closure such as holidays or other temporary closure as determined by the President.

Family Member: Persons related by family or marriage are defined as a spouse, same sex partner, parent (step), child (step), brother (step), sister (step), grandparent, grandchild, aunt, uncle, niece, nephew, in-laws, and persons for whom the employee has been assigned legal responsibility in a guardianship capacity.

Good Standing: The employee voluntarily separates from the University for reasons other than gross misconduct that requires termination.

Grievance: An allegation by an employee that there has been a violation of provisions of University procedures by the University or its agents relating to salary, work hours, or other terms and conditions of employment.

Gross misconduct: Substantiated misconduct that warrants termination for a first offense.

Health Care Provider: Includes, but is not limited to, a doctor of medicine or osteopathy, clinical psychologist, podiatrist, dentist, optometrist, chiropractor, or licensed nurse practitioner.

Harassment: Behavior (visual, physical, or verbal) that has the effect of humiliating, intimidating, or coercing another. It is behavior that causes discomfort, embarrassment, or emotional distress. It is unwelcome behavior that is persistent and/or pervasive and has the intent or effect of interfering with another's work performance or creating a hostile environment. It frequently occurs when one person attempts to exert power or control over another person (quid pro quo harassment).

Internal Hire: Selecting an employee from within the University to fill a vacant position.

Interim Appointment: An appointment in which an employee fills a position temporarily.

Interim Employee: An employee who fills a permanent position on an interim basis for a limited term until either a permanent employee returns to the position from a leave of absence or until a search is completed for a new employee.

Instructional Employees: Employees classified as faculty.

Job Abandonment: Failure to communicate with the supervisor for three consecutive days of absence. It constitutes a voluntary separation of employment and automatic resignation.

Lateral Transfer: Personnel action that changes an employee's work assignment from one job to another with no change in wages or job classification.

Non-exempt Position: A position in which the employee is compensated for all hours worked and is covered under the *Fair Labor Standards Act (FLSA), 29 USC 201, et seq.*

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider. "Continuing treatment" includes a period of incapacity of more than three consecutive calendar days, as well as any incapacity due to pregnancy, prenatal care, a chronic health condition, and a permanent or long-term condition, or multiple treatments for restorative surgery.

Non-Instructional Employee: All University employees who are not classified as faculty.

Official Job Description: A broad description of the duties and responsibilities of the job to be performed; the knowledge, skills, and abilities required for the job; the minimum training and experience required for placement in the job; and that has been graded and classified by the Office of Human Resources.

Parent: A biological parent or any individual who stood in loco parentis when the employee was a child as defined above. The term does not include parents-in-law.

Performance Plan: The document signed by the supervisor and employee identifying the employee's goals, objectives, and action plan for achievement of duties and responsibilities.

Probationary Employee: A full-time employee who is appointed to the University to fill a classified position, or who is promoted from within the University to fill a classified position, and who has not completed the required 12-month term of continuous and satisfactory service in the position that is necessary to advance beyond probationary status.

Promotion: Personnel action that advances an employee to a higher job classification.

Quid Pro Quo: Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature by one in a position of power or influence.

Racial Minority: As applied to Alabama State University, the term refers to non-blacks.

Reasonable Suspicion: A belief based upon specific and objective facts and drawn from reasonable inferences based upon the facts in light of experience.

Reclassification: A change in a position's job title and/or grade level based on a significant change in job duties and level of responsibility, as revealed in a review of the position by the Office of Human Resources. A reclassification does not necessarily mean that there will be a change in pay or grade.

Reprimand: A written statement that contains a specific description of the conduct for which the employee is being reprimanded. Reprimands may be initiated by any supervisor in the employee's chain of command.

Retaliation: Taking or threatening to take an unfavorable employment or academic action or withholding or threatening to withhold a favorable employment or academic action against an individual for attempting to complain about sexual harassment or other forms of workplace discrimination or for participating in an investigation of such activities.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitute sexual harassment when such conduct is directed toward an individual because of his or her gender and has the purpose or effect of creating an intimidating, hostile, or offensive work environment, or unreasonably interfering with another's work performance.

Special Athletic Appointee: An employee who is appointed to a negotiated term contract in a position as an athletic coach.

Spouse: A husband or wife as defined or recognized under appropriate state law.

Suspension With Pay: A disciplinary measure that prevents an employee from coming to work for a minimum of 1 day to a maximum of 10 days. The employee will continue to receive regular payroll compensation for the suspended period.

Suspension Without Pay: A disciplinary measure that prevents an employee from coming to work for a minimum of 1 day to a maximum of 10 days without regular payroll compensation for the suspended period.

Technical Consultant: An individual, group, or firm who gives advice on IT, electronic or other specialized expertise related items.

Verbal Warning: A verbal warning is administered by any supervisor in the employee's chain of command whenever an employee has engaged in relatively minor forms of misconduct for which such warnings are designated or are appropriate.

SECTION 1.0

CLASSIFICATION OF POSITIONS AND EMPLOYEE SERVICE STATUS

1.1 CLASSIFICATION OF POSITIONS

Every position at Alabama State University is designated according to multiple forms of employment classification which in turn determine how various personnel policies and procedures are applied to each position as well as how employee benefits are administered to persons holding those positions. Thus, every employee should be clear regarding the various kinds of classifications that apply to the position that he or she holds.

1.1.1 Classified and Temporary: One method by which positions are classified is according to whether they are classified or temporary. The classification of positions under this method is as follows:

(a) **Classified Position:** A position that is in the current budget of the University and for which current University plans or programs include no definite date for discontinuance of the position.

(b) **Temporary Position:** A position that is in the current budget of the University and for which current University plans or programs include a definite date for discontinuance of the position. Every position established as part of a joint project between the University and an outside agency shall be designated as a temporary position without regard to the source of funding for the position. All temporary positions are at will. Such employees are not eligible to achieve classified status.

1.1.2 Number of Months per Year: A second method by which positions are defined is according to the number of months within the fiscal year that the position functions. The classification of positions under this method is as follows:

(a) **Twelve-Month Position:** A position that functions during each of the 12 months of the fiscal year with the employee who fills such a position normally eligible to accrue annual leave during that period.

(b) **Nine-Month Position:** A position that functions only during the nine months of the regular fall and spring semesters. Faculty employees are normally not eligible to accrue annual leave during that period. The most numerous nine-month positions are those that include teaching faculty and residence hall supervisors.

1.1.3 Number of Hours per Week: A third method by which positions are classified is according to the number of hours within a workweek they are scheduled to operate. The classification of positions under this method is as follows:

- (a) **Full-time Position:** A position that requires the employee filling it to render 30 hours or more of service per week on a regular schedule.
- (b) **Part-time Position:** A position that requires the employee filling it to render less than 30 hours of service per week on a regular schedule. Such employees are not eligible to achieve classified status or University benefits.
- (c) **On-Call Position:** A position that does not require the employee filling it to render a fixed number of hours of service per week or to follow a regular work schedule. Persons filling such positions are on a standby or "on-call" basis (i.e., members in the student residence halls and the radio station). Such employees are not eligible to achieve classified employee status and are not eligible to receive any University benefits.

1.1.4 **Exempt and Non-Exempt:** A fourth method by which positions are classified is according to whether they are exempt or non-exempt from the minimum wage and overtime compensation provisions of the U.S. Fair Labor Standards Act. The classification of positions under this method is as follows:

- (a) **Exempt Position:** A position that meets all of the tests of the *Fair Labor Standards Act (FLSA)*, 29 USC 201, et seq., relating to job responsibilities, supervision, authority and salary that are necessary for classification under the law as administrative, executive or professional.
- (b) **Non-exempt Position:** A position in which the employee is compensated for all hours worked and is covered under the regulations of the *Fair Labor Standards Act (FLSA)*, 29 USC 201, et seq.

1.2 EMPLOYEE SERVICE STATUS

Each employee is further categorized according to the employee's service status as follows:

1.2.1 **Interim Employee:** An employee who fills a permanent position on an interim basis for a limited term until either a permanent employee returns to the position from a leave of absence or until a search is completed for a new probationary employee.

1.2.2 **Probationary Employee:** A full-time employee who is appointed to the University to fill a classified position or who is promoted from within the University to fill a classified position who has not completed the required 12- month period of continuous and satisfactory service in the position that is necessary to advance beyond probationary status.

1.2.3 **Classified Employee:** A full-time employee who has completed the required 12- month period of continuous and satisfactory probationary service in a classified position and who has been designated as a classified employee. A classified employee may take a leave of absence from a classified position to fill a temporary position at the University without losing his or her

classified employee status at the University or his or her right to return to the classified position when the term of the temporary position has ended. An employee on classified status may be reassigned to another job without losing classified status of employment at the University.

1.2.4 **Executive Status Employee**: An employee who fills a senior-level staff position that does not carry with it the authority to convey classified employee status. Persons appointed to positions as executive status employees serve at the pleasure of the President and are not eligible to achieve classified employee status. Persons newly appointed in executive status positions do not serve a probationary period.

SECTION 2.0

EMPLOYMENT PROCEDURES

2.1 EQUAL EMPLOYMENT OPPORTUNITY PROCEDURE

It is the policy, procedure and practice of Alabama State University to recruit, hire, compensate, train, reassign and promote employees without discrimination on the basis of race, religion, color, disability, national origin, sex, marital status, political affiliation, sexual orientation, or age, except where a bona fide occupational qualification exists.

Applicants and employees who have reason to believe their treatment is in violation of the Equal Employment Opportunity procedure should promptly report, in writing, the circumstances of the alleged violation to the Human Resources Office Equal Employment Opportunity Officer.

2.2 EMPLOYMENT ELIGIBILITY GUIDELINES

2.2.1 Minimum Job Requirements: The minimum requirements for jobs have been determined and are available through the Office of Human Resources.

2.2.2 Employment of Relatives: The University will allow more than one member of an immediate family to be employed in accordance with the following provisions:

- (a) Such hiring must conform to the State of Alabama Anti-Nepotism Law (*Alabama Code, Section 41-1-5*), which provides that "No officer or employee of the state shall appoint any person related to him within the fourth degree of affinity or blood relationship to any job, position or office of profit in the state."
- (b) Such hiring does not discriminate against other candidates for the vacant position.
- (c) No officer or employee of the University shall be permitted to exercise supervision or participate in any decision or recommendation relating to the appointment, promotion, retention, tenure or other condition of employment of persons related to him or her by family, marriage or who reside in the same household. For purposes of this procedure, persons related by family or marriage are defined as a spouse, same sex partner, parent (step), child (step), brother (step), sister (step), grandparent, grandchild, aunt, uncle, niece, nephew, in-laws, and persons for whom the employee has been assigned legal responsibility in a guardianship capacity.
- (d) The University's anti-nepotism policy precludes individuals from evaluating and/or supervising the work performance of others with whom they have intimate familial or close personal relationships, or from making hiring, salary, or similar financial decisions concerning such persons. The same principles apply to supervisor-employee, staff-student, or faculty-student relationships in the context of work or academic evaluation.

Therefore, no faculty or staff member involved romantically or sexually with a student may teach or supervise that person either individually or as part of a group on any activity connected to the University. In addition, a supervisor will be prohibited from evaluating and/or supervising an employee's job performance if he or she is romantically or sexually involved with that employee.

- (e) The President of the University or his or her designee must grant final approval in each case where the University is considering hiring more than one person related by family, marriage or same sex domestic partner to work in the same department.

2.2.3 Special Athletic Appointee: An employee who is appointed to a negotiated term contract in a position as an athletic coach. All special athletic appointments shall be subject to National Collegiate Athletic Association (NCAA) rules and regulations, and to the *Human Resources Policies and Procedures Manual*. Additionally, assistant athletic coaching positions are not required to be advertised. Individuals who are selected to fill assistant coaches' positions are recommended by the head coach to the athletic director through the executive Vice President/Chief of Staff to the University President for final approval. All actions are subject to approval by the Board of Trustees.

No individual who has been officially sanctioned by the NCAA or an NCAA-member conference for violating NCAA or conference rules may be employed in a head coaching capacity.

Athletic staff members are required to provide a written, detailed account annually to the President or his or her designee for all athletically related income and benefits from sources outside the institution. In addition, the approval of all athletically related income and benefits shall be consistent with the institution's procedures and NCAA regulations related to outside income and benefits applicable to all full-time or part-time employees. Sources of such income shall include, but are not limited to, the following: income from annuities; sports camps; housing benefits (including preferential housing arrangements); country club memberships; complimentary ticket sales; television and radio programs; and endorsement or consultation contracts with athletics show, apparel or equipment manufacturers.

2.2.4 Re-employment of Former Employees: A former employee who resigns from the University in good standing and is subsequently re-employed after one year will be considered a new employee for purposes of seniority and sick leave; however, at the employee's option, accrued sick leave may be transferred to the Teachers Retirement System of Alabama for service credit toward retirement if application is made within one year of resigning from the University.

2.3 RECRUITMENT, SCREENING, APPOINTMENT, AND BACKGROUND CHECKS

2.3.1 Recruitment: The University avails itself of the current channels of advertisement and recruitment which include the Alabama State Employment Service, professional journals and associations, the news media, community and technical colleges, and other higher education

institutions. All advertisements and recruitment materials must display the University as an "Equal Opportunity Employer."

- (a) Personnel recruitment activities are centralized in the Office of Human Resources. All available vacancies and new positions are listed on the ASU website, Office of Human Resources section, following approval by the President.
- (b) Persons seeking employment at Alabama State University are referred to the ASU website, Office of Human Resources section, for securing applications and information on available positions.
- (c) The job announcement will include a note identifying those positions which require the filing of an annual Statement of Economic Interest with the Alabama Ethics Commission.

2.3.2 Internal Recruitment/Promotional Opportunities: The standard procedure for filling positions at the University is a process open to the general public. However, managers or supervisors may wish to fill a vacancy by limiting the job announcement to current University employees. A manager or supervisor who seeks to fill an opening through an internal search or promotion should first make the request to the Department of Human Resources. Employees are encouraged to consult with their supervisors or managers when they wish to be considered for internal promotional opportunities, prior to a position being advertised to the general public.

2.3.3 Screening: The Office of Human Resources will screen all applications to determine the pool of qualified applicants based on announced criteria for the position. A Vice President may review the applications of all candidates that Human Resources has determined met the minimum qualifications. The Provost may designate a faculty member to assist in screening applications for faculty positions.

- (a) Applicants for all positions at the level of director, or equivalent positions and above will be screened and evaluated by a screening committee. The committee will be composed of a representative from the Office of Human Resources, the immediate supervisor of the position and/or other persons appointed by the area Vice President, and another person from outside the division or unit. A technical consultant may be added when, in the opinion of the committee or any Vice President, circumstances warrant. The screening committee will submit the top three names to the area Vice President or equivalent level supervisor who will make a recommendation to the Chief of Staff or Provost/Vice President for Academic Affairs to the President. The President will then make the final appointment subject to approval by the Board of Trustees.
- (b) Each applicant is considered on the basis of his or her skills, knowledge and abilities. Objective criteria are the primary basis for selection.

- (c) Any evaluation in terms of skills, knowledge, and abilities used to determine the qualification of applicants seeking employment for a certain position shall also be used for the evaluation of all applicants seeking that position.

2.3.4 Appointments: No person is considered employed until a written offer of employment is granted by the President, and approved by the Board of Trustees. No supervisor or officer is authorized to make an oral or written commitment of employment to any applicant. No offers of employment shall be executed between the University and an employee that are inconsistent with the procedures contained in this manual.

2.3.5 Background Check Policy

Alabama State University conducts background checks on all job candidates prior to the beginning of employment. The University may use a third-party administrator to conduct background checks. The type of information that can be collected by this agency includes, but is not limited to, a criminal background check, education, employment history, credit, and professional and personal references. This process is conducted to verify the accuracy of the information provided by the candidate and to determine his or her suitability for employment. As such, all offers of employment are contingent upon the successful results of a background check. The University will not make the determination of an employment decision solely upon a background check.

Circumstances may also arise under which background checks of current employees will be necessary in order to determine whether their employment status at the institution should be addressed. This process is necessary to ensure that individuals are selected or retained who possess the qualifications to perform the duties of the position and who are best able to serve the institution. The Office of Human Resources shall, with the approval of the President, designate what checks are necessary based upon the existence of reasonable suspicion and the requirements of the position being filled.

The University will ensure that all background checks are conducted in compliance with applicable federal and state statutes including, but not limited to, the *Fair Credit Reporting Act, 15 USC 1681 et seq.* and *Title VII of the Civil Rights Act, 42 USC 2000e, as amended.* Information obtained during the background check will not be used as the sole basis for denying or terminating employment, unless it is determined that the issue relates to an essential job-related function. Employees will be required to sign a consent form prior to any background investigation.

Any adverse findings as a result of a background check will be considered on a case-by-case basis. If necessary, appropriate disciplinary action will be taken pursuant to current policy, up to and including termination. Failure to consent to the background check is grounds for termination.

The Office of Human Resources will serve as the custodian of records for background investigation results. All information received in the background investigation process will be

maintained in confidential, secured files separate from employee personnel files, with access allowed only to those who have appropriate authorization.

2.4 INITIAL BRIEFING AND GENERAL ORIENTATION FOR NEW EMPLOYEES

New employees are introduced to the University through a new employee orientation briefing conducted by the Office of Human Resources within three working days following employment. A mandatory general orientation program is conducted quarterly within 30 days of employment. Subsequent orientation is continued within respective departments by the supervisor or his or her designee. New employees should not hesitate to request assistance if they need help beyond the general orientation provided.

2.5 PROBATIONARY EMPLOYMENT PERIOD

2.5.1 Purposes: The purposes of the 12-month (twelve-month) probationary period of employment are as follows:

- (a) To orient and train the new employee so that he or she will know the work assignments and understand both the work environment and the standards of performance and behavior required of the position.
- (b) To determine whether the performance of the new employee has been satisfactory so that he or she may either achieve the status of a classified employee, be transferred to another more suitable position for another probationary period assessment, or be terminated.
- (c) To permit the new employee to evaluate the position, the organization and the supervisor in order to determine whether he or she wants to continue in the position.

2.5.2 Length: A twelve-month probationary period shall be required of all employees appointed or promoted to classified positions.

Employees specifically designated as executive-status employees are not eligible for classified status and thus do not complete a probationary period of employment.

If an employee takes a leave of absence during the probationary period, the time missed will not count as time worked toward completion of the probationary period.

If requested by the supervisor, an employee's probationary period may be extended for an additional six months with the approval of the Office of Human Resources. The employee must have received a performance rating prior to an extension of probation.

The University reserves the right to terminate the employment of a probationary employee at any time during or at the end of the probationary period for adequate cause as provided in *Section 6.1.3*.

2.6 RIGHT TO CLASSIFIED EMPLOYMENT STATUS

Subsequent to the satisfactory completion of the prescribed probationary employment, the employee shall gain the right to classified employment status at that level and may not be dismissed except through due process procedures set forth in *Section 6.0* of this Manual.

Executive status positions are considered to be managerial positions. Persons serving in these positions will not earn tenure in their respective positions as managers.

2.7 OTHER CHANGES IN EMPLOYMENT STATUS

2.7.1 Lateral Transfer: A lateral transfer occurs when an employee moves from one position at the University to another position at the University and both positions have the same salary grade. Such a transfer may be voluntary at the request of the employee. In addition, such a transfer may be involuntary to accommodate the needs of the University. The University reserves the right to make such transfers. Voluntary lateral transfers require that all affected supervisors and the President approve the transfer.

To apply for a voluntary lateral transfer, the employee must complete a lateral transfer request form at the Office of Human Resources. It is required that he or she notify the current supervisor, in writing, of his or her interest in being considered for a vacant position prior to being referred for an interview.

2.7.2 Interim Appointment: If an employee is placed in an interim appointment at a higher level, the employee's salary and grade must be increased to the minimum salary of the range for the classification of the new position. Because of length of service, the employee may already be above the minimum salary for the new position. In that case, the department, in consultation with the Office of Human Resources, may decide that the employee's experience and background are sufficient to warrant a salary above the minimum but in no case less than the employee's current salary. If the employee is placed in an interim appointment position, the employee must be paid at the new position salary level up to step 5, or at the employee's current salary with a 15% increase for serving in the interim position, whichever is greater. An employee must meet the minimum qualifications for a position prior to receiving an interim appointment. The initial term of the interim appointment shall not exceed 90 days for staff, and one semester for faculty. An extension may be granted with approval of the President.

2.7.3 Demotion: If an employee's job performance is unsatisfactory and past supervisory attempts to raise it to a satisfactory level have not been successful, demotion may be the most appropriate option. Demotion involves either moving the employee to another position at a lower salary grade level or reclassifying the employee's existing position to a lower salary grade level. Demotion will thus result in a reduction in the employee's salary, but such demotion shall only take place following prior written notification to the employee, in accordance with procedures that are described in *Section 6.0* and in accordance with due process.

Employees who voluntarily transfer from one University position to another one at a lower salary grade will be paid in accordance with the lower salary.

2.8 DUAL EMPLOYMENT WITHIN THE UNIVERSITY

A classified employee of the University may not hold more than one full-time position with the University. This includes temporary employment.

2.9 DUAL EMPLOYMENT OUTSIDE THE UNIVERSITY

A classified employee may work at another job outside the University provided the outside employment does not interfere with the performance of his or her job at the University; does not violate University regulations, policies or procedures; and does not promote a conflict of interest or bring discredit to the University. Before accepting other employment outside the University, the employee should obtain approval from both the immediate supervisor and the divisional Vice President.

2.10 SERVICE PERIODS

The service period of an employee is that time period during which he or she has uninterrupted service as an employee of the University.

2.11 PERSONNEL RECORDS

2.11.1 Maintaining Official Personnel Files: There is only one official personnel file for each employee, and it is maintained in the Office of Human Resources. Confidentiality of all files shall be maintained, and no anonymous material shall be placed in the official personnel file. The employee will be notified in writing when any adverse information is placed in his or her personnel file.

- (a) In addition, the University may retain a pre-employment file which also shall be confidential and shall contain letters of reference, ratings and other related materials related thereto. An employee shall not have access to the official, confidential pre-employment file.
- (b) When material which could cause termination is added to an employee's official personnel file, he or she will be notified in writing promptly by the Office of Human Resources. The employee will have the right to make responses deemed appropriate within 10 working days, but will have no right to remove any material from the file.
- (c) Disciplinary correspondence will remain in the file and may be considered, on a case by case basis, in subsequent disciplinary action for new occurrences within a twelve month period.

2.11.2 Access to Personnel Files

- (a) An employee shall have access to his or her official personnel file during normal operating hours of the Office of Human Resources provided there shall be no undue interference with the normal routine of the office. Under no circumstances shall the official personnel file be removed from the office by the employee, and access to the file shall be given only in the presence of someone assigned to the Office of Human Resources.
- (b) In addition to the employee, only the President or his or her designee (identified in writing by the President), the employee's immediate supervisor, the employee's Vice President or Director, the Dean, chairperson, or comparable-level supervisor may have access to the official personnel file without written approval from the employee.
- (c) The employee or those who have access to the employee file must sign and date the review form attached to the file.
- (d) If the official personnel file is duly subpoenaed in accordance with law, the employee shall be notified in writing at the earliest possible time.
- (e) Any duly constituted committee reviewing the employment status of an employee will be afforded access to his or her file.
- (f) The information contained within the personnel record is used for employment-related purposes; for example, in evaluation of work performance, consideration for a promotion or transfer, or verification of employment. Each employee is encouraged to review his or her personnel record annually and to sign the Record Review Form attached to the front of the personnel record.

2.11.3 Reporting Changes in the Personnel Record

- (a) Each employee is required to report any change in name, address, telephone number, as well as any award of newly earned degrees or certificates to the Office of Human Resources. The University will not be responsible for non-receipt of any official communication sent to an employee if the employee has failed to file a change of address notice with the Office of Human Resources.
- (b) Should an employee need to change the number of dependents/allowances listed for income tax purposes on Forms W4 or A-4, it will be necessary to secure, complete, and return new forms to the Payroll Office.

SECTION 3.0

EMPLOYEE ATTENDANCE AND LEAVE BENEFITS

3.1 WORK SCHEDULES

Alabama State University serves its students and the public, thus giving rise to variations in the work schedules within the University. Working hours must be scheduled to satisfy the needs of the area in which an employee works and to make certain that staff is available when needed. Work schedules depend upon the job to be performed. Employees will be informed of their normal work schedule and of any subsequent changes which may be required.

3.1.1 Normal and Special Work Schedules: An employee is expected to work regularly scheduled hours established by the University and the supervisor. Each employee is normally assigned a maximum of forty (40) hours per week unless otherwise requested by the supervisor and the area vice President and authorized by Business and Finance.

- (a) Any changes in an instructional department's work schedule must have the written approval of the Provost/Vice President for academic affairs. Exceptions are made to provide support for activities that operate after normal work hours and on weekends.
- (b) Any changes to an employee's normal work schedule must be submitted in writing by the supervisor and approved by the area Vice President or equivalent level supervisor.
- (c) Any change in a department's normal work schedule should be announced and documented in writing so as to give employees as much advance notice as possible.
- (d) A work week is from 12:01 a.m. Sunday through 12:00 midnight the following Saturday except in areas that operate 24 hours per day where a work week is from 7:01 a.m. Sunday through 7:00 a.m. the following Sunday. Exceptions are made to provide support for activities that operate after normal work hours and on weekends.

3.1.2 Breaks or Rest Periods: When working conditions permit, employees may be allowed two 15-minute breaks each day, one before the lunch period and the other after the lunch period. Breaks and rest periods will be taken on campus.

Rest periods and meal periods are non-cumulative and shall not be used to leave work earlier, arrive later, or extend meal times.

3.1.3 Overtime Work Assignments: The *Fair Labor Standards Act (FLSA)* establishes minimum wage, overtime pay, record keeping, and child labor standards affecting full-time and part-time employees.

(a) Exempt Employees:

Exempt employees are those who, because of their job duties, responsibilities, and salaries, are not covered by (and are therefore “exempt” from) the minimum wage and overtime provisions of the *Act*. Exempt employees are often referred to as “salaried” employees. “Exempt” does not imply status, nor is it a title. It is a legal classification based on job content. Listed below are some of the more commonly used exemptions. This list is not intended to be all-inclusive. Consequently, departments should contact the Office of Human Resources if there is a question regarding status.

- Executive: Employees, who have management as their primary duty; who direct the work of others (two or more employees); who have the authority to hire and fire; who regularly exercise a high degree of independent judgment in their work.
- Administrative: Employees who perform office or non-manual work which is directly related to the management of procedures and/or general business operations of their employer; who customarily and regularly exercise discretion and independent judgment in their work; who perform specialized or technical work or execute special assignments.
- Professional: Employees who perform work requiring advanced knowledge and education; who regularly exercise discretion and independent judgment; whose work is varied and non-routine in nature; who perform work in a recognized field or artistic endeavor including work that requires invention, imagination or talent.

Exempt employees do not earn compensatory time off or extra compensation for hours worked in excess of forty (40) hours per week.

(b) Non-exempt Employees:

Non-exempt Employees are those who do not meet one of the exemptions above, and therefore are covered by the minimum wage and overtime provisions of the *Fair Labor Standards Act (FLSA)*. Employees in non-exempt positions are paid on an hourly basis. Non-exempt positions include paraprofessionals, technicians, office clerical/administrative, semi-skilled positions, and computer jobs typically responsible for the operation, manufacture, repair and/or maintenance of computer hardware.

3.1.4(a) Overtime Work:

The division Vice President, Director, and supervisor are personally responsible for ensuring that the *Fair Labor Standards Act* is followed. Each will be held accountable for failure to ensure that an employee’s overtime is properly documented and paid for.

1. If the position classification occupied is non-exempt under the provisions of the *Fair Labor Standards Act*, an employee will be paid overtime pay at the rate of

one and one-half the regular hourly rate of pay for all hours worked over 40 within a seven-day work-week. No supervisor is authorized to permit an employee to earn overtime pay without the prior written approval of the Vice President for Business and Finance or his or her designee.

2. The request for overtime work must be in writing, specifically stating the need for an employee to work overtime and the number of hours involved. In case of an emergency, verbal approval may be granted followed by a written request before the end of the next regular workday.
3. All hours worked over forty (40) in a seven-day work-week, must be reported to an employee's immediate supervisor and annotated on the official time report.
4. Holidays, sick leave, and annual leave are not considered as hours worked when computing overtime.

In lieu of cash payment for overtime worked, the University may award compensatory time for the overtime work performed. Compensatory time received by an employee in lieu of cash must be at the rate of not less than one and one-half hours of compensatory time for each hour of overtime work, just as the monetary rate for overtime is calculated at the rate of not less than one and one-half times the regular rate of pay.

The supervisor shall inform the employee in writing that he/she will receive compensatory time before the overtime work begins. The employee's decision to accept compensatory time off in lieu of cash overtime payments must be made freely and without coercion or pressure.

Compensatory time cannot be used as a means to avoid statutory overtime compensation. An employee has the right to use compensatory time earned.

3.1.4 (b) Compensatory Time Off

A non-exempt employee must be authorized to use the compensatory time within the next pay period, or be paid for the overtime work. The division Vice President, Director, and supervisor must ensure that the employee uses compensatory time off within the next pay period. The Vice President may request an extension by providing a written justification to the Office of Human Resources for approval. The compensatory time must be used or paid for within 90 days of accrual.

As provided by the *Fair Labor Standards Act*, if the work of an employee for which compensatory time may be provided included work in a public safety activity, an emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 480 hours of compensatory time. If such work was any other work, the employee engaged in such work may accrue not more than 240 hours of compensatory time. Any such employee who has accrued 480 or 240 hours, as the case may be, of compensatory time shall, for additional overtime hours of work, be paid overtime compensation.

A copy of the letter of approval for compensatory time must be attached to the time sheet/card for the period in which the compensatory time was taken. All earned compensatory time must be reported to the Payroll Office on the time sheet for the period worked.

Upon termination of employment, an employee shall be paid for unused compensatory time earned.

3.1.5 Reasonable Accommodation

The University and its employees will not discriminate on the basis of an employee's religion or disability. When a workplace accommodation is sought, the University will provide reasonable accommodations for the employee's religion or disability provided that no undue hardship is created for the University or its employees, the essential functions of the job can still be performed and the accommodation does not affect safety or health. Contact the Office of Human Resources with any questions or requests for reasonable accommodation.

3.1.6 Emergency Closings and Call Backs

Employee safety is a primary University concern. Should a situation arise, such as a prolonged power failure or some other working condition which prevents an employee from performing normal duties or other appropriate substituted duties, the employee may be excused by the supervisor after the latter has conferred with the Director of Human Resources. If it is determined that the employee is needed to perform an essential service during emergencies, he or she will be so designated. If an employee is considered essential during an emergency, he or she should contact his or her supervisor immediately. An employee will not be paid for work not performed unless he or she is advised by the supervisor not to report for work, in which case the employee shall suffer no loss of pay.

An exempt employee who reports to work at the beginning of a regularly scheduled shift and for whom no work is provided that day shall be paid for that day. A full-time, non-exempt employee who is called back to work after a regular full day of work shall receive a minimum of two hours of pay at the regular rate of pay except in the event that the employee does not exceed 40 hours of work within that work week.

3.1.7 General Staffing During a Campus Emergency or University Closure

The following guidance is provided to assist Directors in identifying those staff members that are required to maintain essential functions during a campus-wide closure or emergency. Each phase of an emergency or closure should be considered when evaluating essential job functions. Not everyone is needed at once, or continually. Certain roles such as those of police, medical, facilities management and communication are most necessary during the initial phase of an emergency. Essential/Emergency Essential services support personnel involved with computing, finance, payroll, housing of students, and others may have time specific roles that would require them to be on campus at different times. Use this document to guide the

development and designation of Emergency/Emergency Essential services support for your department.

(a) **EMERGENCY ESSENTIAL DESIGNATION:** An employee designated as Emergency Essential services support is one whose job functions are vital to the operation of the facility, whose presence is required during the existence of emergency conditions, and whose absence from duty could endanger the safety and well-being of the campus population, jeopardize essential functions or physical plant.

1. If a position/function has been designated as Emergency Essential services support, this means, in the event of a campus-wide emergency, that position has been determined to be critical to the support and recovery of the University.
2. Employees are to be notified in writing of their designation as Emergency Essential services support.
3. Emergency Essential services support personnel are expected to be present at work during a campus- wide emergency, unless excused.
4. During an emergency campus closure only Emergency Essential service support personnel will be allowed access to assigned locations of critical operations. Having more staff than necessary on campus during an emergency increases the complexity of response, recovery operations, and unnecessary cost.
5. During the recovery effort, work priorities will be assigned by the on-site supervisor, according to the needs of the campus.

(b) **ESSENTIAL DESIGNATION:** An employee designated as Essential services support is one whose job functions are vital to the operation of the University during non-emergency closure such as holidays or other temporary closure as determined by the President.

1. Employees are to be notified in writing of their designation as Essential services support.
2. Essential services support personnel are expected to be present at work during a University closure on an as needed basis as determined and scheduled by the department director.

(c) **CALL BACK CAPABILITY:** In the event of a catastrophic event, the University reserves the right to call in anyone of its employees (including those not designated as Emergency Essential/Essential services support personnel).

3.2 ATTENDANCE, TIME CARDS AND TIMEKEEPING

The Employee Record of Hours Worked is the official record of attendance for bi-weekly paid employees and must be documented daily. Employee Record of Hours Worked will be referred to hereafter as "time and attendance records."

- (a) Each non-exempt employee will be required to complete and sign his or her time and attendance record at the end of each pay period.
- (b) The employee is responsible for maintaining the time and attendance record. Where time cards are used, clocking another employee's time card in or out is just cause for immediate dismissal. This also applies to the signing of another employee's time and attendance record.
- (c) Each employee is expected to be on time daily and to remain on the job throughout the regularly scheduled working hours. An employee having an urgent reason for leaving must obtain permission from the supervisor and/or department head prior to leaving the duty station.
- (d) Time and attendance records must be turned in to the payroll officer no later than 9:00 a.m. on the first work day following the closing of a pay period. Late submission of these records may delay an employee's paycheck until the next bi-weekly or monthly payroll, whichever comes first.
- (e) One-half hour will be the smallest unit of time for which an employee will be paid. Any changes, alterations, or notations made on the time and attendance record must be approved and initialed by the supervisor.
- (f) An employee who is absent from duty without prior approval should give notice to the immediate supervisor no later than one hour after duty begins but preferably before the beginning of the workday so that duties can be realigned in an orderly fashion. Failure to communicate with the supervisor for three consecutive days of absence will be considered as job abandonment. The position may then be considered vacant and action initiated to recruit a replacement. Job abandonment is a voluntary separation of employment and automatic resignation.
- (g) Non-exempt employees are neither permitted nor allowed to work for pay before or after their scheduled time. Any deviation from this procedure must be in accordance with overtime procedures described elsewhere in this manual.

3.3 HOLIDAYS

The University observes the following ten paid holidays:

- | | |
|-----------------------------------|-------------------------------|
| (a) New Year's Day | (f) Labor Day |
| (b) Dr. Martin L. King's Birthday | (g) Thanksgiving Day |
| (c) Good Friday | (h) Friday after Thanksgiving |
| (d) Memorial Day | (i) Christmas Eve |
| (e) Independence Day | (j) Christmas Day |

An employee will be given alternative days off if scheduled to work on a designated holiday. If a holiday falls on Sunday, Monday will be observed as the holiday. If a holiday falls on Saturday, Friday will be observed as the holiday.

At his/her discretion, the President may designate other days as "off-days" for University employees.

An employee is eligible for holiday pay or equal time in the same fiscal year in addition to normal pay if he/she is scheduled to work on a holiday.

If an employee is a full-time employee, holiday pay is computed at the regular rate of pay for eight hours.

If an employee is a part-time employee, he or she is not entitled to holiday pay or other University fringe benefits.

Holiday pay is not counted as "hours worked" and will not be included in computing overtime in any pay period.

Should an employee be required to work on a holiday or if one's regularly scheduled day off falls on a holiday, upon written approval of the area Vice President, the employee may be given a substitute day off or be paid for the holiday.

Unless on approved leave that has been requested in writing in advance, all employees must work the day before and the day after the holiday.

An employee wishing to take annual leave immediately prior to or immediately following a holiday must have specific written approval of the immediate supervisor in advance of the leave.

3.4 ANNUAL LEAVE

A full-time employee who normally works thirty hours or more each week will accrue credit for annual leave.

An employee earns annual leave credits for all hours in which he or she is considered to be in active pay status.

One year of employment for increased annual leave credits is computed on the basis of continuous and uninterrupted active service beginning with the most recent date of employment. Annual leave time will be computed as follows:

- (a) All full-time employees with less than 60 months of continuous service with the University shall earn annual leave at the rate of 96 hours per year of service or .04615 of an hour for each hour of service.
- (b) Upon completion of 60 months or more of continuous service with the University, all full-time employees shall earn annual leave days according to the following schedule:

Months of Continuous Service	Hours of Annual Leave Accrued Per Year	Accrued Rate Per Hour
1-59	96	.04615
60-119	120	.0576
120-239	144	.0692
240-Over	192	.0923

- (c) The maximum number of annual leave hours that one may accrue as of January 1 of each year is 288. Once the maximum annual leave time accrual has been reached, any annual leave earned over the maximum will be transferred to their sick leave balance. An employee will only be reimbursed a maximum of 288 hours of annual leave if he or she leaves the University in good financial standing. Any outstanding indebtedness will be deducted first from the final pay check, then any payout for annual leave.
- (d) An employee may not borrow annual leave time in advance; but with the written approval of his or her supervisor, an employee may take leave without pay.
- (e) Should an employee be on annual leave during an official paid holiday, that time will not be charged against the employee's annual leave account. If requested, the supervisor may agree to extend annual leave by the time equivalent to that of the holiday.
- (f) An employee should request annual leave in advance to ensure that his or her absence will not interfere with the work of the department or unit.
- (g) The Request for Annual Leave Card will be maintained by the employee's supervisor. The requested annual leave must be documented and verified by the supervisor on the employee's timesheet. The Annual Leave Card will be attached to the time and attendance record and forwarded to the Payroll Office. The form will be maintained

in the department or unit in which the employee is assigned and a copy will be given to the employee.

- (h) If an employee leaves the University in good financial standing with unused annual leave that has been properly documented in the Payroll Department, the employee shall receive terminal pay at his or her current rate for all such unused time.
- (i) The smallest unit of annual leave that can be credited to the record is one hour.
- (j) New employees are eligible to use annual leave during the probationary period to the extent earned.
- (k) An employee does not earn annual leave if absent on sick leave eight or more workdays during the month.

3.5 SICK LEAVE

Sick leave is earned at the rate of eight hours per month for exempt employees and at the rate of 3.69 hours per pay period for non-exempt employees, excluding the summer term for nine-month employees. Earned sick leave may be carried over from year to year.

Sick leave may be used in the event of illness, bereavement, or pregnancy of the employee or a member of his or her immediate family. Sick leave may also be used where unusually strong personal ties exist due to an employee's having been supported or educated by a person other than parents, brothers, sisters or spouse.

In cases where the employee is unable to resume active employment as certified by a licensed physician, sick leave shall be granted with pay depending upon the employee's sick leave accumulation.

When all sick leave and annual leave have been exhausted, the employee may apply for leave of absence without pay. Employees who are members of the Sick Leave Bank may apply for Sick Leave Bank credits.

The University may, at its discretion, require an employee to provide a statement from a licensed health care provider indicating that (a) the return of the employee to work after the use of sick leave does not pose a threat to the health of students or University employees; or (b) sick leave was not used for purposes other than those permitted by this section.

Employees must inform the supervisor of the need to take sick leave and how long it is anticipated to last. The employee must provide a statement from a health care provider for sick leave absence exceeding three days, if leave has not already been approved. Failure to communicate with the supervisor for three consecutive days of absence will be considered as job abandonment. The position may then be considered vacant and action initiated to recruit a replacement. Job abandonment is a voluntary separation of employment.

Outside employment during an employee's sick leave is prohibited and may result in disciplinary action up to and including immediate termination of employment. Full-time employees accrue sick leave benefits from the first day of employment at a rate of .04615 of an hour of sick leave for each hour worked up to 40 hours of work per week. This equals 8 hours per month or 96 hours of sick leave per year if paid for 2,080 hours during a complete year. Example: $.04615 \times 2,080$ hours worked = 96 hours or 3.69×26 pay periods = 96 hours. There is no maximum number of sick leave days an employee may accrue.

An employee does not accrue sick leave while absent on sick leave for eight or more workdays during the month. The smallest unit of sick leave that can be credited to the leave record is one hour.

An employee earns sick leave credits for all hours that he or she is considered to be in actual service pay status.

Employees who resign from the University may transfer accrued sick leave to membership service in the Teachers' Retirement Systems of Alabama. These unused sick leave days can be transferred to other participating agencies providing the sick leave is approved. Employees who are retiring must convert such leave to the Teachers' Retirement System of Alabama.

If an employee is ill during a holiday, he or she will be granted holiday pay in lieu of sick pay on a day-to-day basis. Sick leave cannot be used for annual leave; however, annual leave can be used for sick leave.

The supervisor has the responsibility for ensuring that each employee uses sick leave for its legitimate purpose. If the supervisor is not satisfied that sick leave is used properly, he or she may deny approval of sick pay. Additionally, abuse of sick leave is grounds for disciplinary action up to and including termination.

New employees are eligible to use sick leave during the probationary period to the extent earned.

Any employee who returns to the work force within 12 months of being laid off shall be restored the balance of any unused sick leave accumulated at the time of layoff.

3.6 SICK LEAVE BANK (Optional Service)

Alabama State University offers employees the opportunity to become a member of the Alabama State University Sick Leave Bank (SLB). This benefit option will provide the employee with paid sick leave should he or she experience a personal catastrophic illness, accident or injury after all accrued sick and annual leave have been taken. A catastrophic illness is defined as a severe condition or combination of conditions affecting the mental or physical health of the

employee which has resulted in a life-threatening condition and/or has had a significant and major impact on life functions.

Requests to use leave from the bank are reviewed and approved by the Sick Leave Bank Committee. The maximum number of hours that may be approved is 160 hours (20 days) annually.

To obtain membership in the SLB, an employee must be a full-time employee. All full-time employees shall include those employees on an annual or academic year contract and those on an approved leave of absence.

Contact the Office of Human Resources for more information about the ASU Sick Leave Bank and the open enrollment registration period.

3.7 FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA) POLICY

3.7.1 Compliance: In compliance with the FMLA, Alabama State University will grant an eligible employee up to 12 workweeks of unpaid, job-protected leave within each rolling 12-month period for any one or a combination of FMLA qualifying events. For the care of a covered service member under FMLA, accrued paid and unpaid leave is not to exceed twenty-six (26) workweeks in a twelve (12) month period including.

- (a) The birth of a child or care for a newborn.
- (b) The placement of a child with the employee for adoption or foster care.
- (c) The care of a family member (spouse, child or the employee's parent) who has a serious health condition (as defined below).
- (d) A serious health condition of the employee that renders the employee unable to perform the functions of the employee's job.
- (e) "Qualifying Exigency" (any issues related to the call-up) arising out of the service member's current tour of active duty or because the service member is notified of an impending call to duty of a contingency operation.
- (f) Caregiver Leave for an Injured Service Member – This benefit provides twenty-six (26) work weeks of FMLA leave during a single twelve (12) month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the regular Armed Forces, National Guard or Reserves who suffered an injury or illness while on active duty that may render the person unable to perform the duties of the member's office, grade, rank or rating. Intermittent leave is permitted.

3.7.2 Eligibility: Employees are eligible if they have been employed with the University for at least 12 months and have worked at least 1,250 hours over the preceding 12 months. For salaried

employees, a 60 percent (or greater) appointment for 12 months would equal at least 1,250 hours. For non-exempt part-time or bi-weekly employees, actual hours worked as reported on bi-weekly time sheets will be calculated to determine if 1,250 hours were worked in the preceding 12 months.

All eligible accrued paid leave will run concurrently with FMLA leave. Employees using salary continuation (short-term disability) along with the Alabama State University On-the-Job Injury Program for FMLA qualifying reasons will be placed on FMLA leave, which will run concurrently with the short term disability or On-the-Job Injury Program. The maximum FMLA leave allowed in 12 months is 12 weeks whether paid or unpaid.

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the *Uniformed Services Employment and Re-employment Rights Act (USERRA)*), or a written agreement exists concerning the employer's intention to rehire the employee after the break in service.

Eligible employees may take FMLA leave intermittently (in blocks of time) or by reducing their normal weekly or daily work schedule when medically necessary for their own or an immediate family member's serious health condition. Intermittent leave is not permitted for birth of a child, to care for a newborn or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave should try to schedule their leave to minimize disruption of their unit's operation.

3.7.3 Definitions: FMLA-related terms are defined as follows:

Family Member – Persons related by family or marriage are defined as a spouse, same sex partner, parent (step), child (step), brother (step), sister (step), grandparent, grandchild, aunt, uncle, niece, nephew, in-laws, and persons for whom the employee has been assigned legal responsibility in a guardianship capacity.

(a) **Child** – A biological, adopted, or foster child, a stepchild, a legal ward or child or a person standing in loco parentis who is either under 18 or who is 18 or older and incapable of self-care because of a mental or physical disability.

(b) **Parent** – A biological parent or any individual who stood in loco parentis when the employee was a child as defined above. The term does not include parents-in-law.

(c) **Spouse** – A husband or wife as defined or recognized under appropriate state law.

(d) **Serious Health Condition** – An illness, injury, impairment, or physical or mental condition that involves (1) inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility; or (2) continuing treatment by a health care provider. "Continuing treatment" includes a period of incapacity of more than three consecutive calendar days, as well as any incapacity due to pregnancy, prenatal care,

a chronic health condition, and a permanent or long-term condition, or multiple treatments for restorative surgery.

- (e) **Health Care Provider** – Includes, but is not limited to, a doctor of medicine or osteopathy, clinical psychologist, podiatrist, dentist, optometrist, chiropractor, or licensed nurse practitioner. The University requires that a medical certification be obtained from the attending health care provider for any request for FMLA leave for a serious health condition of self or family member. Medical certification forms can be obtained from supervisors or the Office of Human Resources.

3.7.4 FMLA Procedures:

- (a) Eligible employees requesting FMLA leave should contact the Office of Human Resources to obtain a leave request form and a medical certification form.
- (b) The leave request form is to be completed as far in advance as possible (preferably 30 days) and the employee should also notify his or her supervisor at this time for foreseeable leave.
- (c) The medical certification form is to be completed by the attending health care provider and returned to the Office of Human Resources before the leave begins, if possible.
- (d) All FMLA Leave requests will be processed by the Office of Human Resources. Supervisors who have questions about the employee's eligibility, the required forms, types of health care provider, or other aspects of the FMLA leave request should contact the Office of Human Resources.
- (e) An employee granted FMLA leave will be entitled to return to the former position or a comparable one in the same department/division or another department/division at the same salary.

3.8 UNPAID LEAVE OF ABSENCE

A classified employee may be granted an unpaid leave of absence, normally not to exceed one year. A classified employee who wants to take such a leave must submit a written request to his or her supervisor in advance, defining the reason for the leave and the beginning and ending dates of the leave. The leave must be recommended in writing by the divisional vice President or equivalent level supervisor and approved by the President. Each request will be evaluated on an individual basis.

In unusual circumstances, special consideration may be given to a request for a longer leave of absence provided it is believed to be in the best interest of the University.

Benefits earned prior to unpaid leave of absence remain during leave. No annual or sick leave is accrued or paid during the unpaid leave of absence.

Group medical and disability/life insurance may be continued while in an unpaid leave of absence status; however, the employee must make direct payment of premium costs for these benefits using a personal check, cashier's check or money order. It is the employee's responsibility to make arrangements for continued coverage with the Payroll Office and Office of Human Resources prior to taking a leave of absence.

3.9 BEREAVEMENT LEAVE

An employee shall, upon request, be granted up to 3 work days of bereavement leave for the death of a parent, spouse, child, brother or sister, grandparent, grandchild, son-in-law or daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or any near relative who resides in the same household with the employee or any person with whom the employee has made his or her home. The supervisor or head of the department may approve additional leave, depending on the circumstances. The actual days to be granted in each instance shall be such as shall accommodate the reasonable needs of the employee involved, and it is expected that his or her responsibilities shall be covered by his or her colleagues.

3.10 MILITARY LEAVE

Classified employees who are members of the active reserve of the United States Armed Services, National Guard, or Naval Militia may be granted military leave for training or other services without loss of pay for a period not to exceed 168 hours or 21 days per calendar year; however, the amount of military leave granted may not exceed the period specified in the military orders. Employees desiring military leave will submit a copy of their military orders to the Office of Human Resources through the supervisor, division Vice President, or equivalent level supervisor as soon as possible.

3.11 CIVIC LEAVE

3.11.1 Jury Duty Leave: An employee selected for a term of jury duty or subpoenaed to attend court shall be granted leave with pay for such purposes. Evidence in the form of a subpoena or written notification shall be presented to the Office of Human Resources as far in advance as is practical. The University shall have the right to request the appropriate authorities to relieve such employee of jury duty or the court appearance in any manner permitted by law, and the employee is expected to report for regular University duty when attendance at court is not required either for the jury duty or as a subpoenaed witness.

3.11.2 Election Poll Duty: An employee assisting at the election poll as a worker is required to use annual leave to the extent earned subject to approval. Otherwise leave will be without pay.

3.12 ADMINISTRATIVE LEAVE

Administrative leave is a paid leave status approved by the President in exigent circumstances, or when deemed in the best interest of the University (such as during a due process hearing, investigation, or other instance as determined by the President).

SECTION 4.0

EMPLOYEE STANDARDS AND PRACTICES

It is the goal of Alabama State University to be an outstanding educational institution with the finest and most modern facilities and equipment and the most efficient service functions available. To accomplish this goal, it is necessary that the University establish certain rules and provide resources and opportunities for training and professional development. As a condition of employment, employees are expected to abide by these rules and to avail themselves of professional development opportunities.

4.1 SAFETY

Since the University endeavors to take every measure to ensure that it provides a safe and healthy work place, it is essential that each employee is required to practice safe work habits.

Each employee is required to report, in writing, to the supervisor any unsafe conditions observed. Typical examples of unsafe conditions include, but are not limited to, the following: wet or slippery floors; unlocked buildings/offices; equipment or furniture left in an unsafe manner; defective electric wiring, lamps or outlets; inoperative elevators; broken windows; accumulation of oily rags in storage spaces; fire and smoking in unauthorized areas. No reprisal will be taken against an employee for reporting a safety violation or hazardous working condition.

Each department/unit will adhere to the University's written fire prevention and evacuation procedures and provide training to its employees in these procedures. Supervisors will conduct an initial orientation for newly assigned employees. Each employee is required to become familiar with the fire prevention procedure within his or her department. In the case of fire, he or she should try to avoid panic and move quickly by doing the following:

- (a) Leave the area and find another phone, preferably in another building.
- (b) Call the switchboard operator and inform him or her of the exact location and extent of the fire and sound the nearby fire alarm.

Other fire details are available in the fire procedure plan for individual departments and areas.

4.2 ON-THE-JOB INJURY PROGRAM

Alabama State University is not subject to the workers' compensation laws of the State of Alabama.

The benefits covering an on-the-job-injury are payable (medical expenses and lost wages) to any employee who may have an injury sustained in the course of, and arising out of, employment with Alabama State University.

The University will pay the employee for any lost time on the day of the job injury (leave with pay) subject to written approval by the University President. If approval is granted for leave, as a result of the on-the-job-injury and the employee uses earned sick or annual leave for payment on the date of the injury, the leave will be reimbursed. If the employee does not have available sick or annual leave and is scheduled to work, the time will be without pay and will be reimbursed if approval is granted as a result of an on-the-job injury. Such approved leave will not exceed 90 calendar days.

An employee whose work-related illness or injury renders the employee unable to return to work beyond the date of the injury will be compensated for the hours off at the rate of 66 2/3 percent of the average weekly earnings received at the time of injury up to a maximum of 90 days from the date of injury. Employees may use any available sick leave or annual leave in lieu of on-the-job-injury leave.

Use of sick or annual leave in lieu of on-the-job-injury leave will not prohibit an employee from receiving reimbursement for otherwise eligible medical expenses.

4.2.1 Employee's Responsibilities:

- (a) Employee must immediately report the injury to his or her supervisor;
- (b) Employee must seek medical attention. (In the event the injury is not serious enough to warrant emergency room treatment, the employee may be referred to the health center. If the injury is serious enough to warrant emergency room treatment, the employee will seek medical attention at one of the local emergency facilities or from the family doctor.); and
- (c) Employee must inform the provider of medical services that claims due to job injury should be filed with the group insurance carrier.
- (d) Each employee, or representative, is required to provide a written report to the Office of Human Resources within forty-eight (48) hours of an on-the-job illness or injury. The employee must complete the report of work related injury form obtainable from the Office of Human Resources.
- (e) Each employee, or representative, must file all claims for charges not paid for by the medical insurance or the University's procedure with the Alabama Board of Adjustment. The injured employee is responsible for completing and filing the Alabama Board of Adjustment "Claim for Personal Injury/Property Form as instructed by the Alabama Board of Adjustment procedures. The "Claim for Personal Injury/Property Damage Form" and instructions for filing a claim may be obtained from the Board of Adjustment website at http://bdadj.alabama.gov/pages/forms_instr.aspx, ASU website, or in the Office of Human Resources. Additional information regarding the Alabama Board of Adjustment is available at www.bdadj.alabama.gov. All claims filed with the Alabama Board of Adjustment are subject to the Board's review and determination.

- (f) Upon the employee's return to work from injury leave, the employee must submit a work release notice from the medical practitioner to the supervisor and the Office of Human Resource.

4.2.2 Supervisor's Responsibilities:

If the injury is serious enough to warrant emergency room treatment, the supervisor will aid the employee in getting medical attention at one of the local emergency facilities.

Each supervisor is required to provide a written report and completed (Occupational Safety and Health Administration, OSHA-Form 301) to the Office of Human Resources within 48 hours of a work-related illness or injury requiring medical care (not including incidents requiring only first-aid treatment). The Office of Human Resources will maintain a basic log and summary of work-related injuries and illnesses for specified on-the-job injuries or illnesses as required by OSHA regulations.

4.3 DRESS CODE

The University requires employees to dress in good taste. Radical departure from conventional dress or grooming is not permitted. Dress that results in distraction of other employees or disruption of work as determined by the supervisor will not be permitted. The University reserves the right to review and assess appropriate dress for its employees.

4.4 AUTHORIZED USE OF UNIVERSITY EQUIPMENT

No employee shall use any University equipment, supplies, or properties for purposes other than those designated and authorized by University procedures.

Employees shall make long-distance toll calls only on official University business and then only with proper authorization. E-mail and other electronic services and equipment will only be used for official University business.

When answering the telephone, an employee represents Alabama State University. Employees are required to greet the caller in a manner that is pleasant, courteous and helpful.

4.5 SMOKE AND TOBACCO FREE POLICY

Tobacco use is the leading cause of preventable illness and death in the United States. Second hand smoke also can have a number of serious health effects on nonsmokers, particularly cancer, heart disease or death. Students, faculty, staff and visitors of Alabama State University have the right to breathe clean air and not be exposed to the effects of smoke and tobacco. Thus, in compliance with federal and Alabama ordinances, Alabama State University has established a

smoke and tobacco free policy. Employees who violate this policy will be subjected to disciplinary action.

DEFINITIONS:

- A. **"Smoking"** includes the carrying, burning, or possessing of any type of lighted device, including, but not limited to pipe tobacco, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other type of substance.
- B. **"Tobacco use"** is defined as the personal use of any tobacco product, whether intended to be lit or not, which shall include smoking as defined above, as well as the use of an electronic cigarette or other device intended to simulate smoking and the use of smokeless tobacco, including snuff, chewing tobacco; smokeless pouches; and any other form of loose-leaf, smokeless tobacco; as well as the use of unlit cigarettes, cigars, and pipe tobacco.

GENERAL POLICY

Smoking and tobacco use is prohibited in or around the Alabama State University campus, including all buildings, facilities, spaces, walkways and parking that are owned, used, occupied or leased by Alabama State University.

University faculty, staff, and students should make a good faith effort to see that all faculty, staff, students, and their University guests do not smoke and/or use tobacco while on the University campus.

4.6 USE OF EMAIL ACCOUNT AND ASU WEBSITE BULLETIN BOARDS

Employees have been assigned an email account for the purpose of communicating and receiving communications for University business.

It is an employee's responsibility to make a daily check of the email and website bulletin board (where applicable) for notices of importance concerning the University and procedural matters which may affect his/her work and well-being.

4.7 PROTECTING CONFIDENTIAL INFORMATION

Employees of the University have occasions to deal with information that is of a confidential nature. Employees will respect the confidentiality of information by not discussing it with anyone except those who need to know. If an employee has doubt as to whether the information he or she deals with is confidential, the employee should consult the supervisor for guidance. A breach of confidentiality may be grounds for disciplinary action up to and including termination.

4.8 GIFTS

Employees may not accept or solicit gifts or compensation from anyone under any circumstances for work performed while being paid for providing services to the University.

4.9 PERSONAL AND INTEROFFICE VISITATION

Employees are hired to focus on and perform their work functions. Therefore, while on duty, employees should refrain from receiving personal visitors, children or pets. Employees should not visit friends in other departments while they are on duty. Supervisors will determine when or if visitations are appropriate.

4.10 POLITICAL ACTIVITY

The University assumes the following position with respect to those who wish to engage in political activities:

University employees should be free to engage in political activities so far as they are able to do so consistent with their obligations as an employee.

Many kinds of political activities are consistent with effective service as an employee of the University. Such activities include holding part-time office in a political party or seeking election to any office under circumstances that do not interfere with an employee's availability to perform his or her job responsibilities including but not limited to those positions that do not require extensive campaigning, or serving by appointment or election in a part-time political office. Other kinds of political activity, such as intensive campaigning for elective office or serving a limited term in a full-time position, may require that the employee seek a leave of absence.

In recognition of the legitimacy and social importance of political activity by employees, the University will provide institutional arrangements similar to those applicable to other public or private extramural service to permit such activity. Such arrangements may include reduction of workload or a leave of absence for the duration of an election campaign or a term of office, accompanied by equitable adjustment of compensation when appropriate.

An employee seeking leave should (a) recognize his or her primary obligation to the University and to one's professional growth as an employee; (b) be mindful of the potential adverse impact a leave of absence may create for the administration and for University colleagues; and (c) not abuse the privilege by too frequent or too late application or by a leave that is too extended. If adjustments in the employee's favor are made, such as a reduction of workload, he/she should expect those reductions to be limited to a reasonable period.

A leave of absence incident for political activity will not count as probationary service, and the terms of such a leave and its effect must be set forth in writing.

4.11 CONFLICT OF INTEREST

In compliance with Alabama Ethics Laws, *Ala. Code § 36-25-1, et. seq.*, no employee shall:

- (a) Engage directly or indirectly in any business transactions or private arrangements for profit that accrue from or are based upon his or her position or authority with the University.
- (b) Participate in the negotiation of or decision to award contracts, the settlement of any claims or charges in any contracts, the making of loans, or the establishing of rates, guarantees or other things of value with or for any entity in which he or she has a financial or personal interest.
- (c) Use or disclose any information obtained as a result of employment with the University, which is not generally available to the public, for his or her own personal gain or for the gain of others.
- (d) Use any University equipment, supplies or properties for purposes other than those designated and authorized by University procedures.
- (e) Use official position to obtain personal gain for employee or family member or any business with which associated.
- (f) Use or disclose confidential information gained in the course of or by reason of duty position in any way that could result in financial gain, other than employee's regular salary, for employee, a member of employee's family, or any other person or business.

Who must file a Statement of Economic Interests Form: Any person who occupies a position with base pay of seventy-five thousand dollars (\$75,000) or more annually must file a Statement of Economic Interests with the Alabama Ethics Commission no later than April 30 of each year and participate in an online educational review of the Alabama Ethics Law provided on the official website of the commission.

When the employee, or any business with which the employee is associated, enters into a contract for the sale of goods or services to the State of Alabama, any county or municipality and any of their respective agencies in amounts greater than \$7,500, report to the Ethics Commission the names of any adult child, parent, spouse, brother, or sister who is a public official or public employee of the agency or department with whom the contract is made (Not applicable to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding).

4.12 USE OF UNIVERSITY NAME

The name of the University and/or its official letterhead shall not be used in any advertising or commercial publicity in such manner as to imply University approval. Employees who participate in interviews and surveys sponsored by outside agencies shall make clear that they speak as private individuals and not as employees of the University.

An exception to this procedure is made in the case of an employee who publishes an article or paper or engages in some other activity with credit to both the University and his or her own standing in the academic world.

4.13 SOLICITATIONS

Solicitation and Distribution: Distribution, canvassing and placing of signs and posters for solicitation purposes, chain letters, and collection of any kind, and sales of tickets or merchandise are not permitted on University property unless prior written approval is granted by the respective divisional Vice Presidents or the President's designee.

4.14 TRAINING AND PROFESSIONAL DEVELOPMENT

The University is committed to effective utilization of human resources. Training and professional development for employees are essential to the improvement and efficiency of University service functions. A review of training and professional development programs presented by the Office of Human Resources, Center for Perpetual Training and Protocol will be conducted on a regular basis to ascertain how well the needs of the University community are being met.

It is permissible to give employees time to participate in training and development activities. Approval is given through regular supervisory channels. The University will schedule employees for training and professional development sessions so as to minimize work interruptions. Attendance at these programs is considered paid work time and not time away from work. No employee will be required to make up approved time spent attending these programs.

Employees whose academic course work requires off-campus instruction (such as student teaching, clinical fieldwork, or similar kinds of practicums or other learning activities) which keeps the employee off campus for multiple hours will take annual leave or unpaid leave if they cannot fulfill their work duties during normal work hours. Written approval of the supervisor is required.

4.15 EMPLOYEE ENROLLMENT PROCEDURES FOR UNIVERSITY COURSES

While the primary purpose of each employee is to carry out assigned job responsibilities and to be available for work during normal working hours or as the position responsibility may require, Alabama State University recognizes the importance of employees being able to further their education.

Any full-time, classified employee may enroll in a credit-yielding course taught at Alabama State University during the regular work day with coordination and written approval from the supervisor. Such approval is limited to four (4) hours per week with the understanding that the time off will be made up within each pay period, or the employee may use annual leave. Class attendance will not take priority over the work to be performed. When an employee is requested by the supervisor to enroll in a course which is directly related to assigned duties, time spent in class will be considered as part of the regular work schedule. Such training is subject to the written approval of the immediate supervisor and Director of Human Resources.

Any full-time, classified employee is eligible for a 50% waiver of tuition for his or her spouse and/or dependent. Proof of marriage and/or dependent status is required. (Example: marriage license, most recent signed copy of IRS Forms 1040/1040A, university's insurance plan or other official document to establish eligibility). When both spouses are employed by the University, an employee has the option of utilizing the employee 50% waiver of tuition as a spouse or the waiver of tuition cost for one course each semester as an employee. Under no circumstance will an employee be allowed to utilize both waivers for the same semester. Employees who voluntarily terminate their employment for any reason will be allowed to continue under the provisions of this policy only until the end of the academic period in which termination occurs.

SECTION 5.0

PERFORMANCE EVALUATIONS

A performance evaluation shall be required for all non-instructional staff employees annually or at the end of their probationary period or transfer. The Office of Human Resources shall establish and maintain the performance evaluation program. The procedures for evaluating faculty members are set forth in the Faculty Handbook.

5.1. PURPOSE OF EVALUATION

The purpose of the performance evaluation program is to provide an opportunity for discussion between the employee and the supervisor on work-related expectations, set goals for performance, and to create a record concerning performance that will be considered in transfers or other personnel decisions.

5.2 EVALUATION PROCEDURE FOR NON-INSTRUCTIONAL STAFF

Performance management is an ongoing process of communication between a supervisor and an employee that occurs throughout the year, in support of accomplishing the strategic objectives of the University. The communication process includes clarifying expectations, identifying goals, objectives, and realistic performance measures; providing feedback; reviewing results; and performance recognition.

The evaluation period will be from January 1 through December 31 for non-supervisory employees. Supervisory employee evaluations must be completed within 30 days of the end of the rating cycle for non-supervisory employees.

An employee must be under the supervision of the evaluating supervisor and have in place a performance plan at least 90 days in order for the supervisor to evaluate the employee.

All supervisors will conduct an evaluative and counseling session with employees annually or as required. This session will include a review of an employee's work performance. The supervisor will work with the employee to correct any deficiencies. If it is determined that the identified deficiencies cannot be corrected, it may be necessary to recommend disciplinary action or termination of employment.

Each Vice President, Dean, and Director must ensure that each employee has a performance plan that communicates the individual employee's goals, and objectives for performance of duty, and that an annual performance evaluation is completed.

The employee's supervisor's responsibilities are as follows:

- (a) **Performance Plan Discussion:** The immediate supervisor initiates the performance plan discussion within 30 days of the supervisor's or employee's arrival. On completion of discussion the supervisor prepares the performance plan and both the employee and the supervisor sign the performance plan to indicate mutual understanding of the performance expectations, goals, and objectives. The next level supervisor reviews and approves the performance plan.
- (b) **Midpoint Performance Review:** Within 6 months of implementing the performance plan, the immediate supervisor and the employee have a face to face meeting to review and discuss the employee's performance to date and develop a plan of action for any areas requiring improvement. This time can also be used to set additional goals and objectives for the upcoming year.
- (c) **Annual Performance Evaluation:** The employee and supervisor meet to discuss the employee's accomplishments. The employee may provide the supervisor with documentation of accomplishments. The supervisor completes the performance evaluation, reviews and discusses it with the employee, and both sign the form verifying that the performance review has been completed. An employee's signature does not represent concurrence with the contents, only that the employee was given the opportunity to review and discuss the evaluation.

A copy of the evaluation is given to the employee and the original shall be forwarded to the Office of Human Resources to be kept in the employee's Official Personnel File. For additional information regarding the evaluation process, contact the Office of Human Resources.

An employee has the right to appeal an unfavorable rating using grievance procedures at *Section 6.2*, or record a documented dissent in the Office of Human Resources within 10 working days after receipt of the performance evaluation rating if there is a disagreement with the rating given.

5.3 EMPLOYEE SERVICE AWARDS

In recognition of their dedication to the University, employees will receive awards for their years of continuous service beginning in their fifth year of employment. Only full-time employees are eligible for the service award. Any employee whose 5th, 10th, 15th, 20th, 25th, or 30th service anniversary date falls within the calendar year (January 1 - December 31) will be eligible to receive a service award. Years of benefit-eligible service must be continuous. If an employee leaves for any period of time, the years worked prior to the absence are invalid for award purposes. The Office of Human Resources will be responsible for forwarding the names of eligible employees and their years of service to the chair of the Non-Instructional Staff Council Recognition Committee.

5.4 NON-INSTRUCTIONAL STAFF AWARD FOR PROFESSIONAL EXCELLENCE

The University is dedicated to the employment of high quality support staff. Among the support staff are individuals who demonstrate and value the highest levels of professionalism. High performance and appraisal standards are the hallmark of the Professional Excellence Award. This award is a meaningful recognition of those individuals who have provided exemplary service and professional leadership and who have actively supported and facilitated the goals of the University.

5.4.1 Purpose: The purpose of the Professional Excellence Award for non-instructional staff at Alabama State University is to identify, recognize, and reward members of the staff who have made extraordinary and sustained contributions to Alabama State University. The principal aim of the award program is the continued enhancement of professional development through the awarding of financial and other incentives to non-instructional staff. Another objective is to increase organizational effectiveness through the maximization of the potential of all non-instructional staff. Further, it is an open commitment by the University to prioritize support services.

SECTION 6.0

DISCIPLINARY ACTIONS AND GRIEVANCE/APPEAL PROCEDURE

6.1 DISCIPLINARY GUIDELINES

The University is concerned that all employees should have clear guidelines that will enable them to perform their duties with maximum efficiency and job satisfaction, to work effectively and cooperatively with their co-workers, and to know fully their rights and responsibilities as employees of the University. When warranted, the University must take disciplinary action against an employee or employees who fail to meet their responsibilities. The following table and definitions explain the most common forms of disciplinary action applied by the University for improper behavior or acts by employees. The *Faculty Handbook* provides additional guidance for disciplinary actions involving faculty.

6.1.1 Disciplinary Guidelines Table

The table that appears below provides a guideline for some of the most common forms of employee misconduct. It further identifies the specific categories of disciplinary action that may be taken in response to such employee misconduct. All disciplinary action will be considered on a case-by-case basis. When warranted by the facts, discipline up to and including termination may be imposed for a first offense. The table is designed to serve as a guide that will enhance protection of an employee's interests, and it does not necessarily include all the forms of employee misconduct that may occur and does not prescribe all forms of disciplinary action that may be taken. The University shall consider the underlying facts, and circumstances involved in all incidents of misconduct to determine the most appropriate level of discipline.

DISCIPLINARY GUIDELINES TABLE

<u>Nature of Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth Offense</u>
Threatening, intimidating, coercing, or interfering with another student or employee	Reprimand	Suspension	Termination	
Provoking a fight or fighting (physical assault) on campus	Termination			
Striking or assaulting an employee or student	Termination			
Absence from designated duty station	Reprimand	Suspension	Termination	
Tardy or absent from work without authorization	Verbal Warning	Reprimand	Suspension	Termination
Reporting for work under the influence of illegal drugs or alcohol	Termination			
Under the influence of alcoholic beverages or illegal drugs on campus	Termination			
Violation of University's drug-free (possessing, selling) workplace policy	Termination			
Possessing firearms or explosives on University property	Termination			

<u>Nature of Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth Offense</u>
Gambling on University premises	Termination			
Making false, vicious, malicious statements about an employee, student or the University	Reprimand	Suspension	Termination	
Use or possession of another employee's property without permission	Reprimand	Suspension	Termination	
Carelessness or negligence	Verbal Warning	Reprimand	Suspension	Termination
Restricting University operations	Reprimand	Suspension	Termination	
Removal of University property from the campus without permission	Termination			
Willful destruction of University property	Termination			
Wasting time or loitering	Verbal Warning	Reprimand	Suspension	Termination
Use of University facilities for personal use	Termination			
Theft of any University property or funds	Termination			
Violation of any safety rule or safety practice	Verbal Warning	Reprimand	Suspension	Termination
Speeding in a University vehicle (Ticketed & traffic violations)	Suspension	Termination		
Failure to complete required time and attendance record	Reprimand	Suspension	Termination	
Failure to follow instructions	Reprimand	Suspension	Termination	
Falsifying official University records	Termination			
Altering time sheets	Termination			
Sleeping on the Job	Suspension	Termination		
Insubordination or disrespect	Suspension	Termination		

<u>Nature of Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth Offense</u>
Violation of civil rights	Suspension	Termination		
Knowingly misrepresentation of University procedures and policies	Termination			
Failure to follow internal lines of authority	Verbal Warning	Reprimand	Suspension	Termination
Smoking and Tobacco Use on University Campus	Verbal Warning	Reprimand	Suspension	Termination
Just cause	Suspension	Termination		

*Suspension means a number of working days with or without pay.

6.1.2 Progressive Disciplinary Actions

- (a) **Verbal Warning:** A verbal warning is administered by any supervisor in the employee's chain of command whenever an employee has engaged in relatively minor forms of misconduct for which such warnings are designated or are appropriate. Verbal warnings are administered in individual conference with the employee wherein the nature of the violation is fully explained and the violation will not be repeated. Evidence that the verbal warning was delivered is documented and signed by both parties, but these documents are not made a part of the employee's permanent personnel file.
- (b) **Reprimand:** Employees who persist in committing minor offenses for which a verbal warning has been previously issued or who commit more substantial forms of misconduct will be subject to a reprimand. A reprimand is a written statement that contains a specific description of the conduct for which the employee is being reprimanded. Reprimands may be initiated by any supervisor in the employee's chain of command. In the event that an employee refuses to sign, the signature of one witness other than the supervisor shall be sufficient to confirm receipt. When an employee receives a reprimand, he or she must sign it to signify that it has been properly received and noted. One copy of the reprimand must be given to the employee, while another copy must be placed in the employee's permanent personnel file.
- (c) **Suspension Without Pay:** A suspension without pay is imposed upon an employee for misconduct resulting previously in a verbal warning and/or reprimand or for initial misconduct that is more serious than that resulting in an initial verbal warning or reprimand. Suspensions may range from a minimum of 1 day to a maximum of 10 days. An exempt employee may receive a suspension without pay only for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence or drug or alcohol use or for violations of state or federal laws.

This provision refers to serious misconduct, not performance or attendance issues. The suspension must be imposed pursuant to a written policy applicable to all employees. A suspension is initiated in writing to the employee and must contain specific statements relating to the misconduct or inadequate performance for which the employee is being suspended. It must also indicate the effective date upon which the suspension begins and the effective date upon which the employee is to return to active service. The time covered by the suspension must cover working days. A classified employee who receives a suspension may request in writing a hearing before his or her divisional Vice President.

- (d) A recommendation for suspension may be initiated in writing by any supervisor in the employee's chain of command. All suspensions must be approved by the President prior to the effective date. The divisional Vice President or his or her designee shall meet with the employee and conduct a due process hearing prior to any suspension. This is a non-adversarial proceeding. Accordingly, neither the employee nor the University shall be represented by an attorney. If an employee waives his or her right to a due process hearing, he or she no longer has the right to appeal to the President.
- (e) Suspension With Pay: An employee who appears to have engaged in major misconduct for which termination of employment would normally follow may be placed on immediate suspension with pay pending a further inquiry into the matter. Only the President has the authority to suspend an employee with pay, and when such suspensions are initiated, they must be in writing with a copy given to the employee. An employee who has been suspended with pay is not permitted to report for work until instructed to do so in writing.
- (f) The President must notify the employee in writing regarding the results of the inquiry. If the inquiry reveals that the original charge(s) were not valid, the employee will be reinstated to active service. If the inquiry reveals that the original charges against the employee were valid, the employee will be notified that his or her employment has been terminated effective the date of notification. A classified employee whose employment has been terminated may initiate the grievance or appeal procedure.

6.1.3 Termination of Employment for Disciplinary Reasons: The University reserves the right to terminate any classified, probationary, or temporary employee for adequate cause. Adequate cause for termination shall be related directly and substantially to the fitness of the employee to perform the duties and responsibilities that are outlined in the job description. Adequate cause includes, but is not limited to, the following: moral turpitude, neglect of duty, incompetence, inability to perform a job properly, commission of a felony, disciplinary failures, or gross insubordination.

Termination of employment for disciplinary reasons may occur as a result of one of the following three patterns:

- (a) The employee has engaged in major misconduct involving, but not limited to, those forms of misconduct which are listed in the *Disciplinary Guidelines Table* in Section

6.0 of this manual and which call for termination for the initial offense or for successive offenses within a twelve month period.

- (b) The employee has failed to meet satisfactorily the terms of a disciplinary probation.
- (c) The employee has within a 12-month period either received three reprimands or been twice placed on suspension.

Under certain circumstances, being convicted of a criminal offense outside of the University could lead to termination. Specific action will be determined by the nature of the offense and the employee's job performance.

6.1.4 Procedure for Due Process: A classified employee shall not be suspended, demoted or terminated unless such employee has been given written notification setting forth the charges against him or her and an opportunity to be heard.

- (a) A classified employee is entitled to a hearing before the Vice President/Chief of Staff or Provost/Vice President for Academic Affairs, or his or her designee prior to a demotion or termination. A classified employee is entitled to a hearing before his or her divisional Vice President prior to being suspended. With approval of the President, a classified employee may be placed on administrative leave during this process.
- (b) The written request for a hearing must be submitted to the Office of Human Resources by the employee within five (5) working days of notification of the recommended action to be taken by the employee's supervisor. The informal hearing will be held within twenty (20) working days from receiving the written request. Within ten (10) working days after concluding the hearing, the Vice President/Chief of Staff or Provost/Vice President for Academic Affairs, or his or her designee will submit the finding(s) of the hearing to the President for approval. After the President's approval, the employee will receive written notification from the Office of Human Resources. If the employee disagrees, within five (5) working days of receiving the approved finding(s) of the hearing, the employee has the right to appeal in writing, through the President to the Board of Trustees.
- (c) Upon approval of finding(s) by the President, the suspension, demotion or termination is effective immediately.

6.1.5. Appeals to the Board of Trustees: Appeals to the Board of Trustees are limited to those cases in which the sanction imposed involves involuntary termination, and such appeals shall be conducted in accordance with the following procedures:

- (a) The Board at their discretion may hear appeals. If the Board decides to hear the appeal, the appeal shall be considered as soon as possible, and under normal circumstances, not later than its next regularly scheduled meeting following submission of the matter to the Board by the President.

(b) The review by the Board of Trustees shall be limited to the record made from the hearing. The Board shall not consider the appeal unless the action taken by the President does not comply with University procedure and/or is not supported by the record. If the board grants the appeal, the employee will be provided with such relief as may be necessary and appropriate in light of any action that may have been taken.

(c) The President shall notify the employee in writing of the Board's decision.

6.2 GRIEVANCES

6.2.1 **Definition:** A grievance is an allegation by an employee that there has been a violation of provisions of University policy or procedures by the University or its agents relating to salary, work hours, or other terms and conditions of employment.

A grievance may be filed by an individual employee or any number of employees who believe that they have been adversely affected by the same action or actions relating to salary, work hours or other terms and conditions of employment; it may be directed against the action of one or more administrators.

6.2.2 **Grievance Procedure:** Grievances shall be filed and processed in accordance with the following procedure:

STEP I:

(a) A grievance must be filed in writing within 10 working days after the event giving rise to the grievance or within 10 working days after the employee(s) filing the grievance knew or reasonably should have known of the event giving rise to the grievance. The written grievance shall indicate the action being grieved, the rule, regulation, practice or procedure allegedly violated, and the remedy being sought. The grievance initially must be filed with the director or equivalent level supervisor of the unit unless the director of the unit is filing the grievance, in which case the grievance initially must be filed with the divisional Vice President.

(b) The director or equivalent level supervisor of the unit shall respond to the grievance in writing within twenty-one (21) working days of receiving the grievance.

STEP II:

(a) If the director or equivalent level supervisor of the unit fails to respond within the required period, or if the written response is unacceptable to the employee(s), the grievance may be appealed to the divisional Vice President or next level supervisor. This appeal must be made within twenty-one (21) working days of receipt of the response from the director or equivalent level supervisor of the unit or within twenty-one (21) working days of when the response was due whichever occurs earlier.

- (b) The divisional Vice President or equivalent level supervisor shall respond to the grievance in writing within twenty-one (21) working days of receiving the grievance.

STEP III:

- (a) If the divisional Vice President or equivalent level supervisor fails to respond within the required period or if the response is unacceptable to the employee(s), a grievance petition may be filed with the President within ten 10 days after the required period from the divisional Vice President has expired.
- (b) The President shall respond to the grievance in writing within 21-working days of receiving the grievance. The President's response shall be final.

6.3 DISCRIMINATION AND HARASSMENT POLICY

Alabama State University has adopted an equal employment policy and will ensure that all employees/students will abide by the requirement of that policy and that employees and students will not be discriminated against on the basis of their race, sex, religion, color, national origin, disability, sexual orientation, or age. The aim of this policy is to establish a zero tolerance for any harassment or discrimination at the University.

The University prohibits the discrimination and harassment of individuals based upon any protected basis: race, national origin, religion, age (40 and over), disability, sex, color and sexual orientation. The University will not tolerate any form of harassment or any offensive conduct that has the effect of severely interfering with an employee's work performance or a student's school performance or creating an intimidating or hostile work environment. All employees and representatives of the University (including part-time, full-time, seasonal, and appointed employees) must understand that acts of discrimination and harassment, in the workplace or at University sponsored events, whether on or off property owned by the University, is explicitly forbidden and are subject to disciplinary action up to and including termination of employment. Specifically, the University will not subject employees to adverse terms and conditions of employment (hiring, pay, promotional, and harassment, etc.) which violate *Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act of 1963, 29 USC 206(d), as amended,* or any other form of prohibited discrimination.

This policy applies to and protects all employees, students, and representatives of the University. Therefore, all employees and representatives of the University are expected to know, understand, and follow this policy. Administrators, directors, supervisors, and managers are expected to set the proper example by following this policy at all times and by ensuring that any violation of this policy, which is brought to their attention, is dealt with promptly, fairly, and impartially. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation, termination and training.

6.3.1 Employment Discrimination Defined: Employment discrimination is defined as decisions based upon a person's race, national origin, religion, age (40 and over), disability, sex, color and

sexual orientation. These decisions include all aspects of the employment process including hiring, pay, termination, promotion, and placement. Discrimination occurs when an adverse employment action occurs and said action is based upon an individual's protected status.

6.3.2 Harassment Defined: Harassment of an applicant, student, member of the public, business invitee, customer, or employee by a supervisor, manager, or co-worker on the basis of race, national origin, religion, age (40 and over), disability, sex, color and sexual orientation violates University policy and may be prohibited under state and federal laws. Harassment may be intentional – targeting an individual – or it may be unintentional. This policy prohibits all forms of harassment including “quid pro quo”, “sexual” and “discriminatory hostile environment” harassment as defined below.

Sexual harassment may be of a homosexual or heterosexual nature. Harassment is behavior (visual, physical, or verbal) that has the effect of humiliating, intimidating, or coercing another. It is behavior that causes discomfort, embarrassment or emotional distress. It is unwelcome behavior that is persistent and/or pervasive and has the intent or effect of interfering with another's work performance or creating a hostile environment. It frequently occurs when one person attempts to exert power or control over another person (quid pro quo harassment).

(a) **Quid Pro Quo:** Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature by one in a position of power or influence constitute quid pro quo harassment when:

- Submission to the harassment is made either explicitly or implicitly a term or condition of employment or a term or condition of academic success.
- Submission to or rejection of the harassment is used as the basis for work-related decisions affecting an employee or as the basis of decisions affecting academic progress.

As defined here, quid pro quo harassment normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or it may be indirect when the harasser has the power to influence others who have authority over the victim.

(b) **Sexual Harassment:** Alabama State University is firmly committed to providing a work environment that is free of discrimination. Sexual harassment is viewed as a form of sex discrimination and as a most reprehensible offense whether committed on or off campus. Alabama State University will vigorously investigate and impose sanction when investigation confirms that sexual harassment has occurred. The University is especially sensitive toward this matter where students are involved and will not hesitate to impose the maximum sanction of dismissal where warranted. Deliberate false accusation of sexual harassment will not be condoned and may result in disciplinary action being taken against anyone who knowingly makes a false report. Employees and students of Alabama State University have a right to work and study in an environment free of harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitute sexual harassment when such conduct is directed toward an individual because of his or her gender and has the purpose or effect of creating an intimidating, hostile, or offensive work environment, or unreasonably interfering with another's work performance.

Generally, a single sexual joke, offensive epithet, or request for a date does not constitute sexual harassment; however, being subjected to such jokes, epithets, or requests repeatedly may constitute sexual harassment. Examples of sexual harassment include but are not limited to:

- Physical – Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome, such as pinching, patting, or grabbing.
- Verbal – Derogatory comments, slurs, or other offensive words or comments made on the basis of gender – whether made in general or whether directed to an individual or to a group of people regardless of whether the behavior was intended to harass. Telling jokes of a sexual nature; making sexually-oriented comments on a person's appearance, sexual rumors, code words and stories.
- Visual – Posted material, e-mails or material placed in or on University equipment or on one's own personal property or body (including clothing and tattoos) in the workplace, which is offensive on the basis of gender.

In determining whether alleged sexually harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

(c) Discriminatory Hostile Environment: Unwanted or persistent verbal or physical conduct made on the basis of race, color, national origin, disability, religion, sex, or age (40 and over) which creates a hostile or intimidating work environment or which unreasonably interferes with an individual's job performance and/or opportunities constitutes discriminatory hostile environment harassment. Examples include, but are not limited to:

- Offensive language
- Racial or ethnic slurs
- Demeaning or derogatory comments made on the basis of race, religion, color, national origin, disability, sex, age, or sexual orientation.

Hostile conduct can occur whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. Any employee who believes that he or she may be subjected to objectionable conduct must report it immediately to his or her supervisor, the Office of Human Resources or the divisional Vice President.

Any employee who engages in objectionable conduct is subject to disciplinary action up to and including termination.

Retaliation Defined: Retaliation is defined as taking or threatening to take an unfavorable employment or academic action or withholding or threatening to withhold a favorable employment or academic action against an individual for attempting to complain about harassment or other forms of workplace discrimination or for participating in an investigation of such activities.

6.3.3 Protection Against Retaliation: Neither the University nor its employees or representatives will in anyway retaliate against an employee or student who makes a report of harassment or discrimination. Retaliation is a very serious violation of this policy and should be reported immediately. Retaliation against any individual for reporting harassment or discrimination will be treated with the same strict discipline as the original complaint itself.

6.3.4 Reporting Incidents of Harassment or Discrimination: An employee who experiences harassment or discrimination shall immediately report that fact in writing to the Office of Human Resources or the divisional Vice President. The initial report may be in oral or written form, but a formal investigation of the matter cannot begin until the complaint is submitted in written form and signed by the complainant. If charges of harassment or discrimination are formally filed against any officer of the University at or above the level of an area Vice President, the Office of Human Resources shall within 10 business days report that fact and the results of any preliminary investigation to both the President and the chairman of the Board of Trustees.

A student who believes he or she has experienced harassment or discrimination shall immediately report the allegation to the Vice President for student affairs, Title IX officer or the Department of Police and Campus Security. A formal investigation of the matter will begin when a written complaint is filed. If charges of harassment or discrimination are formally filed against any officer of the University who serves at or above the level of an area Vice President the Office of Human Resources shall within 10 business days report that fact and the results of any preliminary investigation to both the President and the chairman of the Board of Trustees.

6.3.5 Investigating Reported Incidents of Harassment: Prior to initiating an investigation, the Director of Human resources will notify the accused person(s) of the charge and the impending investigation. The initial investigation will be conducted by the Office of Human Resources. The investigation will be non-adversarial; therefore, attorneys for neither side will be permitted. If further investigation is deemed necessary, an investigation committee composed of three disinterested, qualified individuals will be established.

The employee shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The employee is responsible for ensuring the witness(s) are in attendance at the hearing. The University shall cooperate with the committee and the employee in securing witnesses and making available documentary and other evidence.

The committee will interview and obtain relevant statements from any and all persons who may have knowledge of the matter. Upon completion of the investigation, the committee will compile the findings, formulate recommendations, and forward their report through the Office of

Human Resources to the President of the University. The President may approve or disapprove the recommendation. Should either party disagree with any sanction imposed by the President, that party may utilize the grievance or appeal procedure depending upon the sanction imposed, but only if the party is an employee within the proper classification.

6.3.6 Disciplinary Actions for Violation of Discrimination and Harassment Policy: Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this policy will be subject to the University's progressive disciplinary policy which may include termination of employment and permanent dismissal from the University.

6.4 ALCOHOL AND DRUG ABUSE POLICY

6.4.1 PURPOSE: The purpose of this policy is to ensure that no employee under any circumstances comes to work under the influence of drugs/alcohol and to ensure all employees abide by the laws pertaining to alcohol and drug use while at work. No person may consume or be under the influence of alcohol while attending classes, at any official meetings, or while fulfilling employment responsibilities. Employees must conduct themselves in a responsible and professional manner at all times.

- (a) Any violation of the drug/alcohol policy can result in disciplinary action up to and including termination.
- (b) Alabama State University (ASU) requires that University employees report to work in a condition to perform their duties safely and efficiently in the interest of their co-workers and students, as well as themselves. For these reasons, the use of illegal drugs and alcohol is prohibited during work hours at the University workplace, while occupying University vehicles, while on University business, during class time, on field trips and during other educational activities.
- (c) All state, federal, local laws and campus policies pertaining to alcohol and other drugs apply to all members of the University community including employees, organizations/groups and guests. Violators will be subject to disciplinary action and subject to prosecution under the laws of the State of Alabama, as well as the University policy. These laws and regulations include, but are not limited to, the following:

6.4.2 ALCOHOL POLICY

- (a) Alcoholic beverages may not be sold or consumed on property owned or controlled by Alabama State University except where permitted by the University in compliance with applicable laws.
- (b) On-campus possession or consumption of alcoholic beverages by those of legal age (the State of Alabama has established twenty-one as the legal age for consumption of alcohol) will be allowed only in areas previously designated by the University and in compliance with applicable laws.

- (c) No person shall sell or give away any alcoholic beverages to anyone under the age of twenty-one or to an intoxicated person.
- (d) University employees conducting and participating in meetings or gatherings on behalf of the University in which alcohol is served are strongly advised to seek consultation with appropriate personnel prior to such events due to liability and risk-related concerns. It is not the intent of this policy to ban or prohibit the consumption of alcohol at such events; however, it is imperative such events are conducted in a responsible manner.
- (e) The sale of alcohol at any University or campus event must adhere to local, state, federal and campus regulations. This may include obtaining an appropriate liquor license.
- (f) No person may consume or be under the influence of alcohol while attending classes, at any official meetings, or while fulfilling employment responsibilities. Employees must conduct themselves in a responsible and professional manner at all times.
- (g) Any University employee who maintains University responsibilities that require a valid driver's license must report to his or her immediate and departmental supervisor if and when his or her driver's license has been invalidated or surrendered. This reporting procedure must be followed when violations of State of Alabama Statutes occur including, but not limited to, alcohol related violations. The University reserves the right to request pertinent reports from the Department of Public Safety to enforce this policy.

6.4.3 DRUG POLICY

- (a) The possession, use, sale, manufacture, transfer or cultivation of any types of controlled substances (to include, but not limited to, barbiturates, opiates, marijuana, amphetamines, or hallucinogens) or aiding in the use of such, violates the laws of the State of Alabama.
- (b) The use of illegal drugs or the misuse of prescription medication or over the counter drugs is dangerous and unacceptable behavior in the University community and is prohibited.
- (c) Use or possession of any controlled substance or illegal drug or paraphernalia for illegal drug use, and the unauthorized distribution or possession for the purpose of distribution of any controlled substance or illegal drug is prohibited.
- (d) University employees must report to the Director of Human resources any criminal drug statute conviction for a violation occurring in the workplace no later than five working days after such conviction.

6.4.4 REPORTING VIOLATIONS OF THE ALCOHOL/DRUG POLICY

Complaints made by University employees and/or guests about a University employee should be reported in writing to the employee's immediate supervisor (i.e., supervisor, department head), and then the supervisor will contact the Office of Human Resources.

6.4.5 ALCOHOL/DRUG TESTING

PURPOSE: This policy has been established to ensure that Alabama State University meets the requirements of the U.S. Department of Transportation under the authority of the *Omnibus Transportation Employee Testing Act of 1991, 49 USC 31301, et. seq.*, which mandates alcohol and controlled substance testing of commercial driver licensed employees. Additionally, Alabama State University seeks to ensure that all personnel who are in safety-sensitive positions are free from alcohol and controlled substances. Furthermore, those who are reasonably suspected of drug and alcohol use will be subjected to drug testing. All testing shall be coordinated by the Office of Human Resources.

6.4.6 REASONABLE SUSPICION TESTING

Supervisors who have a reasonable suspicion that an employee is under the influence of alcohol or drugs may require the employee to take a drug or alcohol test through the Office of Human Resources. Refusal to take this test or failure to pass the test may result in an immediate administrative leave and/or disciplinary action, up to and including termination. Reasonable suspicion is defined as a belief based upon specific and objective facts and drawn from reasonable inferences based upon the facts in light of experience.

6.4.7 EMPLOYMENT SCREENING TESTING

All applicants for safety-sensitive positions, positions requiring a Commercial Driver's License (CDL) or positions where operating a University-owned vehicle is a job requirement are required to submit to drug and alcohol testing. This request will not be made until the applicant is extended a conditional offer. The refusal to submit to testing shall result in disqualification for hiring.

6.4.8 POST-ACCIDENT TESTING

Any employee who is involved in any on-the-job accident or is otherwise injured while conducting official University business will be subject to drug and alcohol testing. Refusal to take this test and/or failure to pass the test will result in an immediate suspension with pay and/or disciplinary action, up to and including termination.

6.4.9 RANDOM DRUG TESTING

Any University employee (regular full-time or part-time, and/or temporary employee) whose job description involves a safety-sensitive function; requires possession of a commercial driver's license (CDL) for employment purposes; or operates a University-owned vehicle to fulfill his or her job description may be subject to random drug and/or alcohol testing. Some examples of these job descriptions include: police officer, bus driver, heavy equipment operator, and groundskeeper. Refusal to take this test or failure to pass the test may result in an immediate suspension with pay and/or disciplinary action, up to and including termination.

6.4.10 RETURN-TO-DUTY TESTING

Any employee who has been suspended, disciplined or referred to rehabilitation counseling by the University in accordance with the Alcohol/Drug Policy cannot return to work until a negative result is obtained from a drug test. Once the employee returns to duty, the employee may be subject to random drug and/or alcohol testing for a period of not less than twelve (12) months and not more than twenty-four (24) months. Refusal to take this test or failure to pass the test may result in an immediate suspension with pay and/or disciplinary action, up to and including termination.

6.4.11 SUBSTANCES TO BE TESTED

Substances to be tested for under this policy are:

- (a) Breath alcohol concentration (BAC)
- (b) Controlled substances (to include but not limited to) cocaine, marijuana, opiates (including heroin) amphetamines, and phencyclidine (PCP).

In accordance with the federal regulations:

- (a) No employee shall be on duty while possessing or consuming alcohol.
- (b) No employee shall be on duty while possessing, using or exhibiting any trace of controlled substances in the body.
- (c) No employee shall report for duty or remain on duty while having a breath alcohol concentration (BAC) of 0.04 or greater.
- (d) No employee shall report to duty within a minimum of eight hours after consuming alcohol.
- (e) No employee required to take a post accident alcohol test shall consume alcohol for a minimum of eight hours following the accident, or until he or she undergoes a post-accident test, whichever occurs first.

- (f) Medicine which may contain alcohol or controlled substances may be used while operating a vehicle pursuant to the instructions of a physician who has informed the employee that the substance will not adversely affect the employee's ability for safe operation. An employee is required to inform his or her supervisor of such instances and may be required to provide appropriate medical documentation prior to performing safety-sensitive functions. Failure to notify the supervisor of such instances may result in disciplinary action, up to and including termination.
- (g) An employee must notify his or her supervisor if controlled substances are used during participation in religious ceremonies. The employee may be required to provide documentation to the supervisor from a physician confirming the substance will not adversely affect the employee's ability for safe operation. This is to be provided prior to the performance of safety-sensitive functions. Failure to notify the supervisor of such use of controlled substances may result in disciplinary action, up to and including termination.

6.4.12 RANDOM TESTING POOL AND FREQUENCY

- (a) A minimum of 50% of the eligible employee pool will be tested each calendar year for controlled substances.
- (b) A minimum of 25% of the eligible employee pool will be tested each calendar year for random alcohol testing.
- (c) The names of all eligible employees will remain in the selection pool until they are no longer required to possess a commercial driver's license (CDL).
- (d) Those employees selected from the pool and tested for any reason are not exempt from future drawings. Therefore, it is possible for an employee to be drawn for any or all tests listed above throughout the calendar year.

6.4.13 SELF-IDENTIFICATION

An employee may voluntarily admit that he or she may be impaired due to drug or alcohol use. Discipline will not be initiated because an employee self-identifies. The employee will be referred to a substance abuse professional (SAP) for evaluation and testing. An employee will not be permitted to drive until the substance abuse professional (SAP) has released the employee for driving. The employee will be subject to return to work/follow-up testing. An employee involved in rehabilitation may be accommodated within the employee's department by being placed in a non-safety-sensitive position if appropriate and available. If a non-safety-sensitive position is not available, the employee will be placed on leave (paid and unpaid as available) until completion of the rehabilitation program.

Self-identification must be totally voluntary and is not allowed after an employee has been notified to report for a random, post-accident, or reasonable-cause test. The employee will still be required to report for the tests stated above.

6.4.14 THE FOLLOWING BEHAVIORS CONSTITUTE REFUSAL:

Failure to appear for scheduled testing or failure to proceed to the testing site within one hour of being notified to report unless documentation of a medical reason is provided to the supervisor.

Conduct that impedes the testing process including but not limited to tampering with urine, hair specimens or testing devices.

Failure to provide adequate breath, urine or hair for testing without documentation of a medical reason to the supervisor.

6.4.15 CONSEQUENCES OF TESTING REFUSAL

New hires who refuse pre-employment testing, or fail to appear for testing will have the job offer withdrawn unless valid medical documentation is presented to the supervisor in advance or no later than one working day following the scheduled test.

Employees who refuse testing, unless valid medical documentation is presented to the supervisor, will receive disciplinary action up to and including termination.

6.4.16 CONSEQUENCES OF POSITIVE BREATH ALCOHOL CONTENT (BAC)

Employees who have a (BAC) greater than .02 but less than 0.04 when tested shall be suspended from performing the employee's duties for a minimum of twenty-four hours. Disciplinary action may be taken and a breath alcohol concentration test will be required before resuming the performance of safety-sensitive functions.

Employees who have a (BAC) of 0.04 or greater when tested shall be removed from performing such duties for a minimum of twenty-four hours and disciplinary action may be taken up to and including termination. If it is determined that the employee may return to the safety-sensitive position, the following conditions shall apply:

- (a) Referral within one working day of receipt of positive test results will be made from ASU to a Substance Abuse Professional (SAP) for evaluation.
- (b) Successful completion of an approved rehabilitation program if recommended by a SAP will be required. The University shall assume the cost for the initial evaluation by a SAP to determine if the employee is to be considered for continued employment.

- (c) Participation in a return to duty alcohol test with a result less than 0.02 will be required. Employee is subject to unannounced periodic follow-up tests during the first twelve months following an employee's return to duty. The number and frequency will be determined by the SAP. Follow-up testing may be extended for up to sixty months following an employee's return to duty.

If an employee's behavior suggests alcohol misuse, a reasonable suspicion alcohol test must be conducted.

6.4.17 CONSEQUENCES OF A POSITIVE DRUG TEST

An employee who has a positive drug test shall be suspended from performing safety sensitive functions within a minimum of twenty-four hours of receipt of the positive test and disciplinary action may be taken up to and including termination. If it is determined that the employee may return to the safety-sensitive position, the following conditions shall apply:

- (a) Referral and completion of appointment with a SAP for evaluation shall occur within one working day of receipt of a positive drug screen.
- (b) Successful completion of an approved rehabilitation program if recommended by a SAP.
- (c) The University shall assume the cost for the initial evaluation by a SAP to determine if the employee is to be considered for continued employment.
- (d) Participation in unannounced periodic testing, during the first twelve months following an employee's return to duty. The number and frequency will be determined by the SAP. Follow-up testing may be extended for up to sixty months following an employee's return to duty.

If an employee's behavior suggests drug abuse, a "reasonable suspicion" drug screen test must be conducted. The employee will be suspended from performing safety-sensitive duties for a minimum of twenty-four hours pending test results.

The Office of Human Resources and the director of the University Health Center will be responsible for coordinating regularly scheduled drug-free awareness programs, providing printed information for dissemination through campus-wide publications, and providing information about available rehabilitation or counseling resources.

6.4.18 CONFIDENTIALITY

All information regarding Alcohol and Drug Testing will be held in strict confidence by all parties involved. Failure by any employee to maintain confidentiality will result in disciplinary action, which may include termination from employment.

6.5 WORKPLACE VIOLENCE

Employees are prohibited from making threats or engaging in violent activities in the workplace. Workplace violence includes, but is not limited to:

- (a) Threats of any kind;
- (b) Threatening, physically aggressive, and/or violent behavior, such as intimidation of or attempts to instill fear in others;
- (c) Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage of public or private property, or a demonstrated pattern of refusal to follow established policies or procedures, whether such acts are oral, written, through electronic, facsimile or other form of communication;
- (d) Defacing or causing damage to public or private property in the workplace;
- (e) With the exception of sworn law enforcement officers, bringing weapons or firearms of any kind into the workplace.

Employees who observe or become aware of behavior listed above by an employee, customer, consultant, visitor, vendor or anyone else should immediately report such incidents to his/her immediate supervisor, or if the immediate supervisor is the offending party, the employee may go up their chain of command, to the Director of Human Resources, or Department of Public Safety.

Employees should notify the proper authority if any restraining order is in effect, or if a potentially violent non-work related situation exists that could result in violence in the workplace.

All incidents of workplace violence should be reported and investigated promptly. An employee who reports workplace violence will not be retaliated against and confidentiality will be maintained to the extent possible. Employees should be aware that incidents of workplace violence may result in the filing of criminal charges. Law enforcement authorities should be notified to determine what laws, if any, may have been violated.

Disciplinary action may include written or oral warning, probation, reassignment, suspension, or termination. The Office of Human Resources may direct the employee to participate in professional counseling as a condition of continued employment.

SECTION 7.0

TERMINATION OF EMPLOYMENT FOR NON-DISCIPLINARY REASONS

7.1 RESIGNATION FROM THE UNIVERSITY

An employee who wishes to resign from the University shall give written notice of his or her intention to resign, through the immediate supervisor, who forwards it to the Office of Human Resources. This action shall be taken at least one full pay period prior to separation (14 calendar days if paid bi-weekly; 30 calendar days if paid monthly). Requests for exceptions must be submitted to the Office of Human Resources with appropriate documentation. This is in addition to any leave time the employee plans to take prior to leaving the position. Failure to give proper notice may be considered as part of the evaluation for rehiring if the employee seeks re-employment at the University.

The employee will be eligible for payout of all annual leave accrued but not used at the time of the date of resignation, up to the maximum allowed by policy as provided in *Section 3.4(c)*.

Prior to the effective date of resignation, the employee must complete an exit interview with the Office of Human Resources for the purpose of arranging transfer of benefits and proper clearance from the University. Failure to do so may result in delayed processing of any benefits or final pay.

7.2 RETIREMENT FROM THE UNIVERSITY

There is no mandatory retirement age. However, an employee is eligible for retirement when he or she reaches the age of sixty and has at least ten years of service in the Alabama Teachers' Retirement System (TRS) or has 25 years of service regardless of age. At the employee's option, accrued sick leave may be transferred to the Teachers' Retirement System of Alabama for service credit toward retirement. Employees should contact the Office of Human Resources at least 40 working days prior to their desired retirement date to complete the necessary University paper work. The Alabama Teachers' Retirement System must receive a completed retirement application at least 30 working days prior to the month retirement is to become effective. Retirement forms are available in the Office of Human Resources.

Should an employee desire to cancel their Application for Retirement, written notice must be given to the TRS, the President or his or her designee and the Office of Human Resources, prior to the effective date of retirement. The cancellation notice must be postmarked and received prior to the effective date of retirement. Failure to give timely notice will result in an irrevocable application. Notice of cancellation does not guarantee reinstatement of employment with the University.

The Office of Human Resources will conduct retirement briefing(s) periodically. The purpose of the briefing is to provide general information to those employees who are contemplating retirement. Individual retirement briefings will be given by the Office of Human Resources at the request of the employee.

7.3 NON-REAPPOINTMENT OF EXECUTIVE STATUS EMPLOYEES

Executive Status Employees include all persons holding senior-level staff positions, including but not limited to that of President, Chief of Staff, Provost, Associates/Assistant Provosts, Dean, Associate Dean, Vice Presidents, Assistant/Associate Vice Presidents, Director (of any department), Controller (Comptroller), and Special and/or Executive Assistant to the President.

Persons holding these positions are considered to be employees-at-will and work at the pleasure of the President. Executive status positions do not provide either a probationary or permanent status. As such, the President may terminate the employment of any executive status employee at his or her discretion with a thirty (30) day written notice. The President may authorize for an employee to be placed on administrative leave with pay for up to one pay period pending the effective date of termination.

7.4 LAYOFFS

A bona fide financial exigency means unavoidable financial conditions that threaten the financial well-being of the University and that cannot be alleviated by less drastic means than a reduction in force. The determination of whether a bona fide financial exigency requiring a layoff of employees exists ultimately shall be made by the Board of Trustees.

The University may lay off any employee in the classified service when it is necessary by reason of shortage of funds or work, or changes in organization.

Any employee who returns to the work force within 12 months of being laid off shall be restored the balance of any unused sick leave accumulated at the time of layoff.

7.5 LAYOFFS DUE TO DISCONTINUANCE OR CURTAILMENT OF A DEPARTMENT, PROGRAM OR POSITION

The University reserves the right to layoff any temporary, probationary or classified employee when a department, program or position is discontinued or curtailed. The President will recommend layoffs and the Board of Trustees will approve employee layoff actions.

7.6. REIMBURSEMENT FOR LEAVE ON SEPARATION FROM EMPLOYMENT

Any employee whose employment is ended for any reason other than gross misconduct will be reimbursed for unused annual leave up to the maximum provided under the annual leave policy as provided at *Section 3.4*. Gross misconduct is defined as substantiated misconduct that warrants termination for a first offense.

SECTION 8.0

JOB CLASSIFICATION, SALARY SCHEDULE AND PAYROLL PROCEDURES

Alabama State University uses a computer-based, automated system to conduct payroll and personnel transactions. Payrolls are processed on a biweekly and monthly basis. Payroll certification is the responsibility of each department. Certification of the payroll will be provided to Payroll Services prior to the issuance of checks.

8.1 JOB CLASSIFICATION FOR SALARY PURPOSES

The Office of Human Resources shall establish and maintain a job description for each position title that is maintained at the University. Each job description shall describe the broad function of the job; the duties and responsibilities that the job is to perform; the knowledge, skills, and abilities required for the job; and the minimum training and experience required for placement in the job. In addition, the Office of Human Resources shall maintain a system for classifying all positions for salary purposes according to the elements that are included in each job description.

No person will be employed under a position title that does not appear on the current list of classified and unclassified position titles.

Reclassification of a position may be initiated by the Office of Human Resources or by the employee's supervisor, but such reclassification shall require the approval of both the Office of Human Resources and the President or his or her designee.

8.2 SALARY SCHEDULE

The University's procedure is to maintain a salary schedule that applies to all classified positions and that reflects essentially equal pay for equal work. Adequate consideration will be given to the duties, responsibilities, skills, knowledge, abilities, education and experience required for the classified position, as well as, the availability of applicants for the position.

Compensation procedures must be reconciled within budgetary constraints, the financial status of the University, budgetary authorization of the Board of Trustees, and the requirements of the *Fair Labor Standards Act*.

A salary and wage plan developed and published at least annually by the Office of Human Resources shall provide minimum and maximum wages for each position in the established list of job classifications. The Office of Human Resources verifies that the salary of each employee is within the salary range prescribed in the pay plan and within equitable steps in comparison with other employees in positions within the same classification. Once a pay plan is approved and adopted by the Board of Trustees, any deviation must have prior board approval.

New employees who meet the minimum training and experience requirements for a position will normally be employed at Step 1 of the salary schedule. If their training and experience exceed the minimum requirements, they may be recommended by the supervisor and approved by the area Vice President or the Office of Human Resources for appointment up to Step 5 of the salary schedule. With specific justification, the University President may authorize initial appointment up to Step 7. Any initial appointment higher than Step 7 must have approval of the Board of Trustees. Any deviation from this procedure must be fully documented in writing and made a part of the individual's personnel record.

When funding levels permit, periodic salary advancement within established ranges shall be based on satisfactory performance in the position. When advancements are made on the salary schedule, all classified employees shall advance by categories on an equitable basis. When an employee reaches the final step in his or her salary range, additional salary increases will not be authorized unless there is an across-the-board salary increase or a new salary schedule is approved.

8.3 PAYROLL POLICIES AND PROCEDURES

8.3.1 Payroll Responsibilities:

- (a) Payroll Services processes and issues salary and wage payments to University employees; processes and remits deductions for federal and state taxes, retirement and other withholdings; and processes and remits University payments for employee benefits. In addition, Payroll Services monitors compliance with special tax withholding and reporting regulations for all payments to foreign nationals and also completes and submits reports required for federal, state and other purposes.
- (b) Office of Human Resources is responsible for overseeing that employees are added or deleted from the payroll files; for performing human resource file table maintenance and maintenance of W4 files; for controlling access and authorization into the Human Resources System (HRS); and for ensuring that appropriate documents are being maintained as required by federal and state law and University procedure.
- (c) Department/unit heads are responsible for the accuracy of their department's/unit's payroll.

8.3.2 Issuance of Payroll Checks: Unless notified otherwise, payroll checks for monthly paid employees are issued on the last workday of each month. Payroll checks for hourly paid employees are issued bi-weekly on alternate Fridays. Checks are distributed from the University Post Office to the employee. Employees are encouraged to enroll in direct deposit to their checking account at the banking institution of their choice.

8.3.3 Payroll Deductions: Attached to each payroll check is a statement showing current gross and net earnings, itemized deductions and year-to-date earnings and deductions. Alabama State University is required to deduct federal and state income taxes in accordance with prevailing

rates as well as *Federal Insurance Contributions Act (FICA)* taxes and contributions to the Teachers' Retirement System of Alabama.

The Payroll Office will process up to three voluntary payroll deductions for employees without cost. This free service may be discontinued if, in the opinion of the comptroller, the volume of work exceeds manpower capability.

8.3.4 Garnishment of Employee Wages: The University is required by state law to honor garnishments against an employee's wages. An employee will be notified when a garnishment order is received. He or she will be notified of the total amount due and the starting date of the salary deduction. The amount of the deduction is determined by law or court decree and will be taken out on a regular basis until the total debt is satisfied.

8.3.5 Deductions from Pay of Exempt Employees: Deductions may be taken from the wages of exempt employees for the following reasons:

- (a) Absence from work for one or more full days for personal reasons other than sickness or disability.
- (b) Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bonafide leave plan or procedure.
- (c) Partial day deduction for leave taken under the *Family And Medical Leave Act*.
- (d) Absence due to Military Leave.
- (e) Suspensions for violation of workplace safety rules and workplace conduct rules.

If an employee believes that an impermissible deduction has been made, the employee should contact his or her payroll office or the Office of Human Resources. In the event that an impermissible deduction has been made, the employee will be reimbursed for the improper deduction and a good faith commitment will be made to comply with proper deductions in the future.

It is the responsibility of both the supervisor and the employee to report, in writing, to the Office of Human Resources all unauthorized absences.

8.3.6 Improper Deduction from Pay: Alabama State University complies with the salary basis requirements of the *Fair Labor Standards Act (FLSA)*. The University does not make improper deductions from the salaries of exempt employees. Exempt employees are those employed in a bona fide executive, administrative, or professional capacity and who are exempt from the FLSA's overtime pay requirements.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to the Director of Human Resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

8.4 COMPENSATION PAYMENT OPTIONS

Employees are paid on a bi-weekly (non-exempt employees) and a monthly (exempt employees) basis.

8.4.1 Calculations: Compensation for an exempt employee working only a portion of a month will be calculated for only the portion of the month served in accordance with the following formulas:

(a) New Appointment

- If the effective date of appointment is on or before the 15th of the month, the monthly salary for that month will be determined by this formula:

$$\frac{\text{monthly rate} \times 8 \times \text{No. of working days prior to date of appointment}}{\$173.33}$$

- If the effective date of appointment is on or after the 16th of the month, the monthly salary for that month will be determined by this formula:

$$\frac{\text{monthly rate} \times 8 \times \text{No. of working days in pay status}}{\$173.33}$$

(b) Termination

- If the effective date of termination is on or before the 15th of the month, the monthly salary for that month will be determined by this formula:

$$\frac{\text{monthly rate} \times 8 \times \text{No. of working days prior to date of termination}}{\$173.33}$$

- If the effective date of termination is on or after the 16th of the month, the monthly salary for that month will be determined by this formula:

$$\frac{\text{monthly rate} \times 8 \times \text{No. of working days remaining in the month}}{\$173.33}$$

8.4.2 Extra Pay for Extra Work (Exempt Employees Only): When the University administrators agree that the services of their staff are essential to a program outside of the staff area of responsibility and the needed efforts cannot be included as a part of one's full-time responsibilities, "extra" compensation may be paid only under the following conditions:

-
- (a) The department/unit head, area Vice President and President agree that such efforts do not interfere with the staff member's full-time responsibilities.
 - (b) The program officer of the funding agency, if the program is federally funded, authorizes the extra compensation in writing or the contract contains an explicit clause approving the performance of the work on an overload basis and the payment of extra compensation.
 - (c) Final approval by the Vice President for Business and Finance is required.
 - (d) Extra pay shall be made through the payroll system.
 - (e) Extra pay employment agreements must be approved by the President.

8.4.3 Additional Duty Assignments: When the Director determines that additional duties outside the scope of an employee's job description must be assigned to an employee, additional duty pay at the rate of 15% of the employee's current salary will be paid. If the additional duties are assigned permanently, contact Human Resources regarding reclassifying the position.

SECTION 9.0

OTHER EMPLOYEE BENEFITS AND SERVICES

9.1 GROUP HEALTH INSURANCE

The University offers a program of group health insurance to full-time employees which include both basic medical and major medical insurance for employees and their dependents.

Participating employees may include their dependents for coverage under the group medical insurance plan. Dependents may include the spouse and all unmarried children from date of birth up to 19 years of age. In addition, an unmarried child who is a full-time student may be insured up to age 26. All stepchildren and legally adopted children are considered eligible dependents. An employee's parents and other relatives are not eligible for dependent coverage even though the employee may contribute to their support.

An employee's coverage will be effective on the first of the month coinciding with or following the date of employment.

9.2 *CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)* CONTINUATION RIGHTS

COBRA was enacted to ensure that employees and their dependents do not lose their health insurance when workers lose their jobs. COBRA requires group health insurance procedures to permit group members to continue their insurance when they leave the group for any one of a number of reasons. COBRA's protections are temporary and are intended as a stopgap until insurance is obtained from another source, such as a new employer. The length of time an insured must be allowed to continue coverage depends upon the qualifying event, i.e., the reason the individual left the group. Contact the Office of Human Resources for specific details.

9.3 GROUP LIFE INSURANCE

Group Term Life and Accidental Death and Dismemberment Insurance are included in the Group Life Insurance Plan.

A Group Term Life Insurance/Accidental Death and Dismemberment Plan is provided to all full-time employees with the premiums paid for entirely by the University. Eligible employees may purchase, at their own expense, additional term life insurance above the amount provided in the basic plan.

9.4 LONG-TERM DISABILITY INSURANCE

The employee must be employed one year before the plan is effective. This benefit is paid 60% by Alabama State University. This plan will cease when the employee is no longer

employed by Alabama State University. Termination of insurance does not affect benefits for a disability existing on that day.

9.5 RETIREMENT PROGRAM

Information concerning the retirement program may be obtained from the Teachers' Retirement System of Alabama. Brochures are also available to employees from the Office of Human Resources. These brochures describe the general organization of the system and contributions to the system by the employee.

In addition, the University offers its permanent and probationary employees an optional payroll deduction plan to purchase supplemental retirement options. If an employee elects to participate, his or her gross income will be reduced by an amount not to exceed the extent allowable under the *Internal Revenue Code*. The employee will owe federal tax on the annuity contributions for the year in which they are withdrawn. Employees may contact the Office of Human Resources for further information regarding this program.

9.6 SOCIAL SECURITY BENEFITS

The University and the employee contribute equally to the cost of Social Security benefits. The deduction from the paycheck and the amount contributed by the University are deposited to the credit of the employee with the state agency for Social Security according to federal regulations. Upon becoming eligible, one may draw both teachers' retirement and Social Security retirement simultaneously.

9.7 UNEMPLOYMENT COMPENSATION

Employees shall be eligible for unemployment benefits provided by the *Alabama Unemployment Compensation Law, Ala Code, Section 25-4-1, et. seq.* Application for unemployment compensation benefits are initiated at the local State Employment Services Office.

9.8 USE OF CAMPUS FACILITIES AND SERVICES

An important aspect of working at Alabama State University is the availability of numerous and varied facilities and services.

While the facilities at the University are primarily for use by students, employees are allowed and encouraged to use certain facilities.

9.9 DEPARTMENT OF PUBLIC SAFETY

The ASU Department of Public Safety operates to protect the health and safety of all University personnel and visitors. Campus police officers are authorized by state law to make arrests, keep intruders away from the campus, prevent trespassing, and prevent damage to the property and grounds of the University. They control all traffic and parking on campus and the

tickets they issue for traffic violations are enforced in the Montgomery City Courts. The department issues campus parking permits and registers all campus vehicles, and it handles all reports of disorderly conduct, theft, lost and found property and emergency incidents.

University Police Headquarters is never closed and officers are on duty around the clock. Employees are requested to report law enforcement issues to the department and to let the department report the problem to the City Police as necessary.

9.10 LIBRARY SERVICES

In order to use the library, one will be required to identify himself or herself as an employee with an identification card. A valid University ID card must be presented in order to check out materials.

9.11 PARKING FACILITIES

All vehicles operated on the campus by employees must be registered and bear a decal prescribed by University regulations. The decal may be purchased at the Cashier's Office. Acceptable proof of vehicle ownership and insurance information must be presented at the time of purchase. Parking decals are good for 1 year beginning in September. Parking is categorized as Faculty/Staff, Student or Visitor.

Parking areas on campus are designated by parking signs. To park in a particular space, an automobile must display a decal corresponding to the area sign. Cars parked in areas not corresponding to the decal may be ticketed or towed away at owner's expense without warning.

Campus parking restrictions are in effect from 8:00 a.m. until 5:00 p.m. each day, Monday through Friday. All other parking restrictions on streets and in other areas such as loading zones, fire plugs, dumpsters and the President's parking spaces are in effect 24 hours each day. Violations are shown on the ticket and tickets must be paid within 72 hours of the date received. Appeals should be made to the Department of Public Safety in writing within 72 hours.

All fines are paid at the cashier's window in Council Hall. Fines and penalties not paid will be deducted from payroll checks.

Parking areas are not to be used for distribution, solicitation, benefit sales or other activities of a similar nature by employees of the University.

The University assumes no liability for loss or damage to automobiles or their contents while parked on University premises.

9.12 EMPLOYEE IDENTIFICATION CARDS

Every person who is appointed to any position of employment at the University must obtain an employee identification card. These cards are prepared and issued by the Department of Public Safety and should be carried by the employee at all times.

9.13 UNIVERSITY COMPUTER PROCEDURE (Refer to the *Office of Technology Policies and Procedures Manual* for more detailed guidance)

9.13.1 General Procedure

In support of the University's mission of teaching, research and service, Alabama State University provides access to computing and information resources within institutional priorities and financial capabilities. The University encourages employees to make full use of these resources. Use of the computing and information resources is a privilege extended in good faith to employees and carries with it the responsibility to abide by certain procedures and guidelines to ensure that all users enjoy the benefits of these resources.

9.13.2 Guidelines for Use

The computer facilities and information resources are for the use of authorized persons only. Employees are responsible for maintaining password security and the security of the computer system they use. Employees must not allow anyone to use their passwords to gain access to the computer facilities, including e-mail.

Computer and information resources are meant solely for legitimate purposes relating to the mission and administration of the University. Among the uses that are inappropriate are:

- (a) Causing intentional damage to any component of the computing and information resource facilities.
- (b) Unauthorized access, alteration, copying or deletion of system accounts, passwords, directories, files or programs belonging to any other user.
- (c) Unauthorized dissemination of confidential records obtained through computer and information resources.
- (d) Sending foul, inappropriate or threatening messages such as those including offensive racial or sexual content.
- (e) Using the facilities to harass or intimidate individuals or interfere with their normal use of the system.
- (f) Playing practical jokes, sending chain letters or "fake" e-mail, "spamming" (sending hundreds of copies of the same message), introducing computer viruses or otherwise deliberately breaching system security.
- (g) Soliciting for unauthorized outside business ventures or political or religious causes.
- (h) Creating personal copies of licensed, proprietary software or running illegally copied software. (*See University Procedure on Copyright*)

Any employee who has access to confidential information must access only that information that they have a legitimate administrative need to use, modify or otherwise view. The confidentiality of all such information must be maintained.

The Management Information Systems (MIS) Academic Computing Department has more specific guidelines for use of specialized resources provided by the colleges. Employees must familiarize themselves with those guidelines and abide by them. In addition, both the University Library and Media Center have specialized resources. Again, users must abide by any specialized guidelines issued by those departments.

- (a) Employee Consent to Abide by the Computing Procedure: Copies of the University procedure will be placed in the manual and will be distributed to employees at the new employee orientation. Employees will be asked to affirmatively accept this procedure on their first "log-in" when a summary of the procedure will come up on the screen before the log-in is completed.
- (b) Confidentiality of Computer Files: The University cannot guarantee the privacy or security of users' computer files, including e-mail messages, nor the anonymity of any user. To help safeguard security, administrative users and academic users are required to change e-mail passwords every 30 days. While the University does not monitor e-mail, staff of the Management Information Systems, Academic Computing Department may be required to enter users' files, if necessary, to correct system problems or to address other improper system use.
- (c) Supervisory Responsibilities: Supervisors are responsible for assuring that all employees in their area of authority have the appropriate training for, and orientation toward, responsible computer use.
- (d) Web Pages: A web page is a global representation of the University's image. All written procedures of the University must be observed in authoring any University-affiliated web page. Individuals, groups or organizations may not use the University web page for commercial or personal business, advertising, or to support or endorse any individual, organization, business enterprise, product or service.

9.13.3 Suspension/Revocation of Computer Privileges

The Management Information Systems, Academic Computing Department will notify the employee or if deemed necessary, the appropriate divisional Vice President, director or the Office of Human Resources, of any inappropriate activity. It is expected that the inappropriate activity will cease at warning. If inappropriate use persists, the Management Information Systems, Academic Computing Department will suspend the user's computing privileges. Privileges will remain suspended until a thorough investigation and review by the MIS, Academic Computing Department has been completed and a decision has been made about the imposition of sanctions, if any.

If the Management Information Systems, Academic Computing Department determines that the inappropriate activity is a serious harm to the system, user computing privileges will be suspended immediately without warning.

Depending upon the severity of the incident, sanctions might include warning, reprimand, temporary or permanent suspension of computer privileges, suspension or termination. Persons who engage in activities that violate state and federal law will be referred to the proper law enforcement authorities.

SECTION 10

INTELLECTUAL PROPERTY

Alabama State University (ASU) supports the development of its research program through providing a proactive program for the application and commercial development of intellectual property through patents, copyrights, licenses, and related programs. ASU seeks to create an environment which will (1) encourage the creation of intellectual property at ASU; (2) manage intellectual property to promote its adoption by industry; and (3) foster productive relationships between ASU researchers and industry. ASU also seeks to increase the royalty income and research support. This intellectual property procedure is a result of ASU's continuing effort to provide a strong organizational infrastructure to effectively protect and commercially develop the intellectual property produced from ASU research.

10.1 Copyright Procedure

It is the procedure of Alabama State University to encourage the creation of copyrightable works by its faculty, instructors and graduate assistants. Such works are an important contribution to the University's pedagogical, scholarship and public service missions.

(a) Ownership of Copyright

1. Except as provided below, faculty, instructors and graduate assistants of the University who are the authors of copyrightable works shall own the copyrights in those works, as negotiated with publishers.
2. "Copyrightable works" include, without limitation, trade books, poems, music, textbooks, textbook-related software, digital course materials, multimedia, films and videotapes, in so far as they fall within the subject matter of copyright. To the extent that such works embody patentable inventions, rights to those inventions shall be determined by Alabama State University's Patent Procedure.

(b) Exceptions

1. If the University contributes extraordinary resources to the creation of copyrightable work, the respective rights of the author and University to that work shall be negotiated at the time such resources are provided. "Extraordinary resources" mean facilities, equipment, funding, release or re-assigned time or other assistance exceeding the resources normally provided to faculty or employees in a particular department. It shall be the responsibility of the dean or department chair at the time such "extraordinary resources" are provided, to notify the faculty member and negotiate the terms. Those terms may include assignment of copyright, license of rights, or division of royalties.

2. If a copyrightable work is funded, in whole or part, by a contract, grant or other sponsored agreement from an agency outside the University, copyright shall be assigned in accordance with the terms of the contract, grant or other sponsored agreement.
3. If a copyrightable work is commissioned by the University, meaning that a faculty member, instructor or graduate assistant receives supplemental compensation from the University to prepare a specific copyrightable work or if the University assigns one or more faculty members, instructors or teaching assistants to prepare a specific copyrightable work, and pays for time of such work, the University shall have the royalty-free right to use, update, reproduce distribute, display, and transmit the copyrightable work. Other rights of the faculty member, instructor or teaching assistant and the University, such as licensing rights, assignment of copyright, and division of royalties, shall be negotiated on a case-by-case basis, consistent with applicable University procedure.
4. Copyright in "institutional works" shall be owned by the University. An "institutional work" means either (a) a work prepared at the direction of the University for the use of the University in conducting its own affairs (for example, University manuals, press releases, videotapes, and software tools); or (b) a work that cannot reasonably be attributed to a single author or group of authors because it is the result of contributions or revisions by numerous faculty members, employees, or students of the University. Terms of compensation and use of materials should be clarified at the initiation of the work in accordance with B1.
5. Prerecorded or digital courses shall not be sold, leased, rented or otherwise used by a current University employee in a manner that competes in a substantial way with the offerings of the University, unless that transaction has received the prior written approval of the Office of Academic Affairs.
6. Any copyrightable work of potential commercial value shall be disclosed at the earliest practicable time by the author to the author's department chair or immediate administrative supervisor. For those works that are owned by the University or in which the University has an interest, the author shall cooperate with officials of the University and of any organization to whom the University assigns rights to such works in the registering of copyrights as well as in licensing the works.

(c) Administration

1. Except as otherwise set forth, the administration of these procedures shall be the responsibility of the Office for Academic Affairs.

2. The Copyright Committee shall be a standing committee composed of six members, equally apportioned between faculty (chosen by the Faculty Senate) and administration (appointed by the President and his or her designee).

The Committee shall:

- serve as a forum for discussion of University copyright procedure and recommend changes as appropriate; and
- mediate any disputes over copyright issues that may arise.

(d) Right of Review

1. Any faculty member, instructor and/or graduate assistant who believes that the Copyright Committee's determination of rights in any copyrightable material is arbitrary, capricious or inconsistent with applicable law and this procedure shall have the right to have the decision reviewed by the President.
2. All appeals to the President must be made in writing and submitted to the President's Office within five (5) business days of the receipt the Copyright Committee's decision. In order to be considered, the appeal must contain a brief statement explaining why the Committee's decision is arbitrary, capricious or otherwise inconsistent with applicable law and/or University procedure. All supporting documentation must be submitted with the letter appeal. The President shall issue his decision in writing within 21 days of his receipt of the appeal. If no written decision has been issued within the appeal's time period, it is denied.

10.2 Patent Procedure

In view of the far-reaching research in the various divisions of the University, it is inevitable that new discoveries and inventions will be made. Alabama State University recognizes that the protection and control provided under the patent laws may have to be invoked to obtain the greatest public benefit and usefulness from the products of scientific research. It is recognized that employees of the University may need assistance in determining the evaluating patentability and in prosecuting patent applicants of inventions made by them. Many such inventions involve equities beyond those of the inventor since the use of University facilities, the assignment of duties as a condition on employment, and use of research funds with contractual obligations regarding patent rights give rise to complicated questions concerning rights and equities of all concerned. Therefore, in order to appraise relative rights and equities of all parties concerned, to facilitate patent applications, licensing, equitable distribution of any royalties or other financial returns, to provide a uniform procedure in patent matters, and to serve the public benefit and interest, The Board of Trustees of Alabama State University (herein called "Board of Trustees"), on recommendation of the University Council and the President of the University (herein called the "President"), authorizes the establishment of a Patent Committee and the adoption of the patent procedure as set forth herein.

(a) Appointment of Patent Committee

The President is hereby authorized to appoint a University Patent Committee composed of members representative of the entire University to administer the procedures of the committee. This committee and the Patent Administrator shall serve at the pleasure of and their actions shall be subject to the approval and right of review of the President and Board of Trustees.

(b) Authority of the Patent Committee

Subject to the approval of the President and the Board of Trustees, the Patent Committee shall have power to:

1. adopt such rules and procedures as are deemed appropriate;
2. determine the interest of the University in all reported investigations;
3. cause all reported inventions to be investigated in order to evaluate the interest of the University and said invention (with due consideration given to the achievement of the inventor and the financial returns to the inventor and the University);
4. authorize the Patent Administrator to execute a release when the Patent Committee decides that the University has no interest in the invention or decides that the University does not desire to pursue the patenting or development of the patent;
5. authorize applications for patents on reported inventions and to retain patent counsel, in association with the University Attorney, for matters pertaining to patent applications; and to make recommendations to the President of the University with regard to the prosecution and protection thereof and any litigation that may arise therefrom;
6. do all things appropriate for the investigation of patent rights and for the exploitation of patent rights by direct exercise, exclusive or non-exclusive licensing, and make recommendations to the President of the University with regard to partial or total assignment or sale thereof. All questions concerning the methods of which the patent shall be commercially exploited shall be decided by the Patent Committee.

(c) Duty to Report Inventions and Discoveries

All faculty members and University employees, both while employed by the University and thereafter, shall report to the Patent Committee any invention

or discovery which they have conceived or developed or which has been conceived or developed under their direction during their University employment.

(d) Assignment of Inventions or Discoveries

Any such invention or discovery (1) which is the result of research carried on by or under the direction of any employee of the University and/or having the costs thereof paid from University funds or from funds under the control of or administered by the University; or (2) which is made by an employee of the University and which relates to the inventor's field of work at the University; or (3) which has been developed in whole or in part of the utilization of University resources or facilities belonging to the University shall be assigned to the University or a University designated non-profit organization established for its benefit. In other situations, the Patent Committee may make the appropriate recommendation to the President who shall review the available data and either approve or disapprove the recommendation. If the University determines that the University has no interest in the patent or does not desire to pursue the patenting of the invention, the President shall direct that all necessary Releases be executed by the Patent Administrator.

(e) Patent Committee Investigation

The Patent Committee shall cause each invention or discovery to be investigated in order to determine the interest of the University and, if the Patent Committee determines that the University has an interest in the invention which it desires to pursue, it shall, upon approval of the President, undertake to obtain a patent on the invention. In determining whether or not the University has an interest in the invention, the Committee shall consider the benefits that might accrue to both the University and the inventor. The Patent Administrator and the Patent Committee are responsible for prompt action for the purpose of protecting the property rights of the inventor and the University.

(f) Royalties, Fees or Other Financial Returns

As further consideration for the assignment rights set forth herein, the University agrees to pay annually to the inventor, his heirs and assigns, fifty percent (50%) of the royalties, fees, or other financial returns received by the University from such invention after a deduction of fifteen percent (15%) thereof for overhead costs, plus a deduction for costs of patenting and protection of patent rights. Recoupment of any unusual expenses paid by the University or the inventor may be allowed by the Patent Committee on patents assigned to the University or to a University designated non-profit organization established for its benefit.

The above procedure shall not preclude the properly designated University officials from approving and executing research proposals, contracts, grants and consulting agreements from or with the United States Government or its agencies, from or with corporations, or from or with

individuals wherein the University's patent interest and the patent interest of the researcher, with his approval, are at variance with the above paragraphs; and the terms of said contracts, grants and agreements shall prevail. Any of the above University officials may refer said proposals, grants, contracts, or agreements to the Patent Committee for recommendations prior to approval. To the extent the provisions of these proposals, contracts, grants and agreements permit, the University shall administer such patents so as to make them broadly available in the public interest. This may be accomplished through nonexclusive licensing on a royalty-free, or on a reasonable royalty basis. Exclusive licensing may be utilized for limited periods when further development is needed on investment or risk capital is not readily available, or there is no other incentive for the development of the invention.

This statement of procedure shall not apply to copyrights except as they may pertain to inventions covered by this policy. **A separate copyright procedure exists.**

APPENDIX

**MEMORANDUM OF MODIFICATIONS TO THE ASU HUMAN RESOURCES POLICIES
AND PROCEDURES MANUALPages a-k**

(Approved by the Alabama State University Board of Trustees on September 25, 2015)

MEMORANDUM OF MODIFICATIONS TO THE ASU HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

(Approved by the Alabama State University Board of Trustees on September 25, 2015)

1. Pg. 2: Revisions to Message From the President: deleted President Harris's name. Add **President Boyd's name; minor cosmetic revisions.**
2. Pg. 3: Added to Mission Statement: **national origin.**
3. Pg. 6: Added Dr. Boyd's information
4. Pg. 7: Added Organizational Structure Chart.
5. Pg. 8: Added Faculty Senate shared governance statement.
6. Pg. 9: Moved Scope under Purpose paragraph. Added: **Faculty should also refer to the Faculty Handbook for additional policies and procedures that apply specifically to Faculty.**
7. Pg 10 - 14: Alphabetized Definitions. Pg 10- 12: Added Definitions:
 - **Adequate Cause:** Misconduct or failure to perform duties and responsibilities outlined in the job description.
 - **Administrative Leave:** A paid leave status approved by the President in exigent circumstances, or when deemed in the best interest of the University (such as during a due process hearing).
 - **Additional Duty Pay:** Extra compensation for performance of essential duties that are not in the scope of the official job description.
 - **AWOL:** Absence without official leave having been approved by the supervisor or chain of authority.
 - **Conflict of Interest:** As defined by Alabama Ethics law – “A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is

associated in a manner different from the manner it affects the other members of the class to which he or she belongs.” Section 36-25-1(8).

- Discriminatory Hostile Environment (Added “sexual orientation”): Unwanted or persistent verbal or physical conduct made on the basis of race, color, national origin, disability, sex, religion, sexual orientation, or age (40 and over) which creates a hostile or intimidating work environment or which unreasonably interferes with an individual’s job performance and/or opportunities constitutes discriminatory hostile environment harassment.
 - **Emergency Essential Personnel**: An employee designated as Emergency Essential services support is one whose job functions are vital to the operation of the facility, whose presence is required during emergency conditions, and whose absence from duty could endanger the safety and well-being of the campus population, jeopardize essential functions or physical plant.
 - **Essential Personnel**: An employee designated as essential services support is one whose job functions are vital to the operation of the University during non-emergency closure such as holidays or other temporary closure as determined by the President.
 - Family Member: (Expanded definition) Persons related by family or marriage are defined as a spouse, same sex partner, parent (step), child (step), brother (step), sister (step), grandparent, grandchild, aunt, uncle, niece, nephew, in-laws, and persons for whom the employee has been assigned legal responsibility in a guardianship capacity.
 - **Internal Hire or Promotion**: Selecting an employee from within the University to fill a vacant position.
 - **Instructional Employees**: Employees classified as faculty.
 - **Job Abandonment**: Failure to communicate with the supervisor for three consecutive days of absence. It constitutes a voluntary separation of employment and automatic resignation.
8. Pg. 19: Amended Section 2.3.1 **Recruiting**: Recruitment activities are centralized in the Office of Human Resources. All available vacancies and new positions are listed on the ASU website, Office of Human Resources section, following approval by the President. Persons seeking employment at Alabama State University are referred to the ASU website, Office of Human Resources section, for securing applications and information on available positions. The job announcement will include a note identifying those positions which require the filing of an annual Statement of Economic Interest with the Alabama Ethics Commission.

9. Pg. 20, Added: **Section 2.3.2 Internal Recruitment/ Promotional Opportunities:** The standard procedure for filling positions at the University is a process open to the general public. However, managers or supervisors may wish to fill a vacancy by limiting the job announcement to current University employees. A manager or supervisor who seeks to fill an opening through an internal search or promotion should first make the request to the Department of Human Resources. Employees are encouraged to consult with their supervisors or managers when they wish to be considered for internal promotional opportunities, prior to a position being advertised to the general public.
10. Pg. 20, Amended: **Section 2.3.3 Screening:** The Office of Human Resources will screen all applications to determine the pool of qualified applicants based on announced criteria for the position. A Vice President may review the applications of all candidates that Human Resources has determined met the minimum qualifications. The Provost may designate a faculty member to assist in screening applications for faculty positions.
11. Pg. 22, Amended: **Section 2.5.2:** The University reserves the right to terminate the employment of a probationary employee at any time during or at the end of the probationary period for adequate cause as provided in Paragraph 6.1.3.
12. Pg. 23, **Section 2.7.2 Interim Appointment:** Amended to add: An employee must meet minimum qualifications for receipt of an interim appoint. The initial term of the appointment shall not exceed 90 days for staff, and one semester for faculty. An extension may be granted with approval of the President.
13. Pg. 24, **Personnel Records, Section 2.11.1:** Amended paragraph (b): When material which could cause termination is added to an employee's official personnel file, he or she will be notified in writing promptly by the Office of Human Resources. The employee will have the right to make responses deemed appropriate within 10 working days, but will have no right to remove any material from the file.
14. Pg. 24, **Section 2.11.1:** Added subsection (c): Disciplinary actions will remain in the file and considered in subsequent disciplinary action for new occurrences within a 12 month period.
15. Pg. 18, **Section 2.1, EQUAL EMPLOYMENT OPPORTUNITY PROCEDURE**
(added sexual orientation to EEO Statement)

It is the policy, procedure and practice of Alabama State University to recruit, hire, compensate, train, reassign and promote employees without discrimination on the basis of race, religion, color, disability, national origin, sex, marital status, political affiliation, sexual orientation, or age, except where a bona fide occupational qualification exists.

16. Changed "Vice President of Human Resources" to "Director" where appropriate.
17. Pg. 27-28, Section 3.1.4, Procedure for Reporting Overtime Work: Amended to comply with current Fair Labor Standards Act.
18. Pg. 28-29, Section 3.1.4(b) Compensatory Time Off: Amended to comply with current Fair Labor Standards Act . Added: A non-exempt employee must be authorized to use the compensatory time within the next pay period, or be paid for the overtime work. The division Vice President, Director, and supervisor must ensure that the employee uses compensatory time off within the next pay period. The Vice President may request an extension by providing a written justification to the Office of Human Resources for approval. The compensatory time must be used or paid for within 90 days of accrual.
19. Pg. 29, Section 3.1.7, Added:

3.1.7 General Staffing During a Campus Emergency or University Closure

The following guidance is provided to assist Directors in identifying those staff members that are required to maintain essential functions during a campus-wide closure or emergency. Each phase of an emergency or closure should be considered when evaluating essential job functions. Not everyone is needed at once, or continually. Certain roles such as those of police, medical, facilities management and communication are most necessary during the initial phase of an emergency. Essential/Emergency Essential services support personnel involved with computing, finance, payroll, housing of students, and others may have time specific roles that would require them to be on campus at different times. Use this document to guide the development and designation of Emergency/Emergency Essential services support for your department.

1. **EMERGENCY ESSENTIAL:** An employee designated as Emergency Essential services support is one whose job functions are vital to the operation of the facility, whose presence is required during the existence of emergency conditions, and whose absence from duty could endanger the safety and well-being of the campus population, jeopardize essential functions or physical plant.
 - a. If a position/function has been designated as Emergency Essential services support, this means, in the event of a campus-wide emergency, that position has been determined to be critical to the support and recovery of the University.
 - b. Employees are to be notified in writing of their designation as Emergency Essential services support.

- c. Emergency Essential services support personnel are expected to be present at work during a campus- wide emergency, unless excused.

During an emergency campus closure only Emergency Essential/Essential service support personnel will be allowed access to assigned locations of critical operations. Having more staff than necessary on campus during an emergency increases the complexity of response, recovery operations, and unnecessary cost.

During the recovery effort, work priorities will be assigned by the on-site supervisor, according to the needs of the campus.

- 2. ESSENTIAL: An employee designated as Essential services support is one whose job functions are vital to the operation of the University during non-emergency closure such as holidays or other temporary closure as determined by the President.
 - a. Employees are to be notified in writing of their designation as Essential services support.
 - b. Essential services support personnel are expected to be present at work during a University closure on an as needed basis as determined and scheduled by the department Director.

CALL BACK CAPABILITY: In the event of a catastrophic event, the University reserves the right to call in anyone of its employees (including those not designated as Emergency Essential/Essential services support personnel).

- 20. Pg. 31, Amended Section 3.2 (g): An employee who is absent from duty without prior approval should give notice to the immediate supervisor no later than one hour after duty begins but preferably before the beginning of the workday so that duties can be realigned in an orderly fashion. Failure to communicate with the supervisor for three consecutive days of absence will be considered as job abandonment. The position may then be considered vacant and action initiated to recruit a replacement. Job abandonment is a voluntary separation of employment.
- 21. Pg. 33, Amended Section 3.4 (c): The maximum number of annual leave hours that one may accrue as of January 1 of each year is 288. Once the maximum annual leave time accrual has been reached, any annual leave earned over the maximum will be transferred to their sick leave balance. An employee will only be reimbursed a maximum of 288 hours of annual leave if he or she leaves the University in good financial standing. Any outstanding indebtedness will be deducted from any payout for annual leave.
- 22. Pg. 34, Amended Section 3.5 Sick Leave: Employees must inform the supervisor of the need for sick leave and how long it is anticipated to last. The supervisor may

require the employee to provide a statement from a health care provider for sick leave absence exceeding three days, if leave has not already been approved. Failure to communicate with the supervisor for three consecutive days of absence will be considered as job abandonment. The position may then be considered vacant and action initiated to recruit a replacement. Job abandonment is a voluntary separation of employment and automatic resignation.

23. Pg. 35, Section 3.5 SICK LEAVE (Last Sentence. Changed may to shall in the last sentence): Any employee who is laid off and returns to the workforce within 12 months of being laid off shall be restored the balance of any unused sick leave accumulated at the time of layoff.

24. Pg. 36, Amended Section 3.6, SICK LEAVE BANK (Optional Service): added: The maximum number of hours that may be approved is 160 hours (20 days) annually.

25. Pg. 39, Amended Section 3.9 BEREAVEMENT LEAVE to comply with leave policies in other Alabama Universities: An employee shall, upon request, be granted up to 3 work days of bereavement leave for the death of a parent, spouse, child, brother or sister, grandparent, grandchild, son-in-law or daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or any near relative who resides in the same household with the employee or any person with whom the employee has made his or her home. The supervisor may approve additional leave, depending on the circumstances. The actual days to be granted in each instance shall be such as shall accommodate the reasonable needs of the employee involved, and it is expected that his or her responsibilities shall be covered by his or her colleagues. Eliminated the requirement to use sick or annual leave.

26. Pg. 41-43, Added to Section 4.2 On the Job Injury:

- On the Job Injury: Each employee is required to provide a written report to the Office of Human Resources within forty-eight (48) hours of an on-the-job illness or injury. The employee must complete the report of work related injury form obtainable from the Office of Human Resources. Each employee must file all claims for charges not paid for by the medical insurance or the University's procedure with the Alabama Board of Adjustment. The injured employee is responsible for completing and filing the Alabama Board of Adjustment "Claim for Personal Injury/Property Form" as instructed by the Alabama Board of Adjustment procedures.
- The "Claim for Personal Injury/Property Form" and instructions for filing a claim may be obtained from the Board of Adjustment website at http://bdadj.alabama.gov/pages/forms_instr.aspx or in the Office of Human Resources. Additional information regarding the Alabama Board of Adjustment is available at www.bdadj.alabama.gov. All claims filed with the Alabama Board of Adjustment are subject to the Board's review and determination.

- Amended: Each supervisor is required to provide a written report (OSHA-Form **301**) to the Office of Human Resources within 48 hours of a work-related illness or injury requiring medical care but not including incidents requiring only first-aid treatment. The Office of Human Resources will maintain a basic log and summary of work-related injuries and illnesses for specified on-the-job injuries or illnesses as required by OSHA regulations.
- Upon the employee's return to work from injury leave, the employee must submit a work release notice from the medical practitioner to the Office of Human Resources and his/her supervisor.

27. Pg. 43, Amend Section 4.5 **SMOKE AND TOBACCO FREE POLICY** Tobacco use is the leading cause of preventable illness and death in the United States. Second hand smoke also can have a number of serious health effects on nonsmokers, particularly cancer, heart disease or death. Students, faculty, staff and visitors of Alabama State University have the right to breathe clean air and not be exposed to the effects of smoke and tobacco. Thus, in compliance with federal and Alabama ordinances, Alabama State University has established a smoke and tobacco free policy. **Employees who violate this policy will be subjected to disciplinary action.**

28. Pg. 44, Amended Section 4.6: **USE OF EMAIL ACCOUNT and ASU Website BULLETIN BOARDS** Employee have been assigned an email account for the purpose of communicating and receiving communications for university business. It is an employee's responsibility to make a daily check of **the email and website bulletin board (where applicable)** for notices of importance concerning the University and procedure matters which may affect his/her work and well-being.

29. Pg. 46, Amend Section 4.11 **CONFLICT OF INTEREST**

In compliance with Alabama Ethics Laws, Ala. Code § 36-25-1, et. seq.,

Added:

- Use official position to obtain personal gain for employee or family member or any business with which associated.
- Use or disclose confidential information gained in the course of or by reason of duty position in any way that could result in financial gain, other than employee's regular salary, for employee, a member of employee's family, or any other person or business.
- Who must file a Statement of Economic Interests Form: Any person who occupies a position with base pay of seventy-five thousand dollars (\$75,000) or more annually must file a Statement of Economic Interests with the Alabama Ethics Commission no

later than April 30 of each year and participate in an online educational review of the Alabama Ethics Law provided on the official website of the commission.)

- When employee, or any business with which employee is associated, enters into a contract for the sale of goods or services to the State of Alabama, any county or municipality and any of their respective agencies in amounts greater than \$7,500, report to the Ethics Commission the names of any adult child, parent, spouse, brother, or sister who is a public official or public employee of the agency or department with whom the contract is made (Not applicable to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding).

30. Pg. 48, Amend Section 4.15 **EMPLOYEE ENROLLMENT PROCEDURES FOR UNIVERSITY COURSES:** Any full-time, classified employee may enroll in a credit-yielding course taught at Alabama State University during the regular work day with coordination and written approval from the supervisor. Such approval is limited to four (4) hours per week with the understanding that the time off will be made up within each pay period, or the employee may use annual leave. Class attendance will not take priority over the work to be performed. When an employee is requested by the supervisor to enroll in a course which is directly related to assigned duties, time spent in class will be considered as part of the regular work schedule. Such training is subject to the written approval of the immediate supervisor and vice president of human resources.

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31. Pg. 49-50, Amended Section: 5.2 **EVALUATION PROCEDURE**

All supervisors will conduct an evaluative and counseling session with employees annually or as required. This session will include a review of an employee's work performance. The supervisor will work with the employee to correct any deficiencies. If it is determined that the identified deficiencies cannot be corrected, it may be necessary to recommend disciplinary action or employment cancellation.

Each year the annual evaluation should be reviewed and signed by the supervisor and employee. An employee's signature does not represent concurrence with the contents, only that the employee was given the opportunity to review and discuss the evaluation.

An employee has the right to record a documented dissent in the Office of Human Resources within 10 working days after receipt of the performance evaluation rating if there is a disagreement with the rating given.

32. Pg. 52, Amended Section 6.1, last sentence: **The Faculty Handbook provides additional guidance for disciplinary actions involving faculty.**
33. Pg. 55, Amended: **Section 6.1.2 Progressive Disciplinary Actions**
(e) **Suspension With Pay**: An employee who appears to have engaged in major misconduct for which termination of employment would normally follow may be placed on **immediate** suspension with pay pending a further inquiry into the matter. Only the president has the authority to suspend an employee with pay, and when such suspensions are initiated, they must be in writing with a copy given to the employee. An employee who has been suspended with pay is not permitted to report for work until instructed to do so in writing.
34. Pg. 57, Amended Section 6.1.3 (a): The employee has engaged in major misconduct involving, but not limited to, those forms of misconduct which are listed in the Disciplinary Guidelines Table in Section 6.0 of this manual and which call for termination for the initial offense or for successive offenses **within a twelve month period.**
35. Pg. 57, Amended Section 6.1.4 (a): A classified employee is entitled to a hearing before the **Chief of Staff**/ Provost/Vice President for Academic Affairs, or his or her designee prior to a demotion or termination. A classified employee is entitled to a hearing before his or her division Vice President prior to being suspended. **A classified employee may be placed on administrative leave during this process.**
36. Pg. 58, Amended Section 6.2.1 **Grievance Definition**: A grievance is an allegation by an employee that there has been a violation of provisions of University **policy or** procedures by the University or its agents relating to salary, work hours, or other terms and conditions of employment.
37. Pg. 58 – 59, Amended Section 6.2.2: **Grievance to delineate “Step I, Step II, and Step III”.**

STEP I

- (a) A grievance must be filed with the **Office of Human Resources** in writing within 10 working days after the event giving rise to the grievance or within 10 working days after the employee(s) filing the grievance knew or reasonably should have known of the event giving rise to the grievance. The written grievance shall indicate the action being grieved, the rule, regulation, practice or procedure allegedly violated, and the remedy being sought. The grievance initially must be **submitted by the Office of Human Resources to the** Director or equivalent level supervisor of the unit unless the Director of the unit is filing the grievance, in which case the grievance initially must be **submitted** to the divisional Vice President.

38. Pg. 59, Amended Section 6.3. DISCRIMINATION AND HARASSMENT POLICY:

The University prohibits the discrimination and harassment of individuals based upon any protected basis: race, national origin, religion, age (40 and over), disability, sex, color and sexual orientation. The University will not tolerate any form of harassment or any offensive conduct that has the effect of severely interfering with an employee's work performance or a student's school performance or creating an intimidating or hostile work environment. All employees and representatives of the University (including part-time, full-time, seasonal, and appointed employees) must understand that acts of discrimination and harassment, in the workplace or at University sponsored events, whether on or off property owned by the University, is explicitly forbidden and are subject to disciplinary action up to and including termination of employment. Specifically, the University will not subject employees to adverse terms and conditions of employment (hiring, pay, promotional, and harassment, etc.) which violate Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act, or any other form of prohibited discrimination.

- 39. Pg. Amended Section 7.1, Resignation From The University:** An employee who wishes to resign from the University shall give written notice of his or her intention to resign, through the immediate supervisor, who forwards it to the Office of Human Resources. This action shall be taken at least one full pay period prior to separation (14 calendar days if paid bi-weekly; 30 calendar days if paid monthly). Requests for exceptions must be submitted to the Office of Human Resources with appropriate documentation. This is in addition to any leave time the employee plans to take prior to leaving the position. Failure to give proper notice may be considered as part of the evaluation for rehiring if the employee seeks re-employment at the University.

The employee will be eligible for payout of all annual leave accrued but not used at the time of the date of resignation, up to the maximum allowed by policy as provided in *Section 3.4(c)*.

Prior to the effective date of resignation, the employee must complete an exit interview with the Office of Human Resources for the purpose of arranging transfer of benefits

and proper clearance from the University. Failure to do so may result in delayed processing of any benefits or final pay.

40. Pg. 72, Amended Section 7.4 LAYOFFS: Any employee who returns to the work force within 12 months of being laid off shall be restored the balance of any unused sick leave accumulated at the time of layoff.
41. Pg. 77, Added: Section 8.4.3 ADDITIONAL DUTY ASSIGNMENTS: When the Director determines that additional duties outside the scope of an employee's job description must be assigned to the employee, additional duty pay at the rate of 15% of the employee's current salary will be paid. If the additional duties are assigned permanently, contact Human Resources regarding reclassifying the position.
42. Pg. 81, Amended Section: 9.13, UNIVERSITY COMPUTER PROCEDURE (Refer to the Office of Technology Policies and Procedures Manual for more detailed guidance)

As appropriate within the document, other minor revisions: changed title of Vice President of Human Resources to Director of Human Resources; added Associate Provost; Changed Executive Vice President/Chief Operating Officer to Chief of Staff; capitalizations, grammatical..