

Kentucky State University

Human Resource Policy Manual

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FORWARD - I -

Welcome to Kentucky State University where diverse cultures blend to provide our faculty and employees a work experience rich in continuous learning and fulfillment. Kentucky State University was founded by the Commonwealth of Kentucky as a state institution of higher education and as an independent agency and instrumentality of the Commonwealth. It was later recognized as a land grant institution under the Land Grant Act of 1890 by the Congress of the United States.

Governance of the university is vested by statute in the Kentucky State University Board of Regents. The decisions regarding policies are recorded in the minutes of the Board. The Board of Regents has the statutory power to approve appointments and salaries, and exercise other powers traditionally vested in such a body.

We have prepared this Personnel Policy Manual in following the vision and strategy of our Board of Regents, President, Faculty Members, and Administration. This Manual represents our best effort to formulate guidelines that underscore and promulgate the Mission of KSU. The level of staff morale and staff productivity depends on human resource policies that are well conceived, clearly stated, and consistently applied. Our aim is to achieve both the reality and the perception of fairness in our treatment of all members of the KSU community. We believe this manual gives us the necessary framework for accomplishing this aim.

The execution of this policy manual requires each employee to become knowledgeable of the manual contents, committed to fair and consistent administration and interpretation of the policies, and diligent to the task. The success of our written policies depends upon the quality of staff interaction and the soundness of judgment used by our Deans, Directors, Managers and Supervisors in their dealings with subordinates and associates.

We must all seek to carry out these policies with consistency, with sensitivity, and with good common sense. It is important to remember that we are an educational institution with a clear Mission of teaching, research, and community service. Our goal is nothing less than the creation of an academic community. Our policies provide us with the order and effectiveness that allow us to maximize University resources, both financial and human. Both the stated policies and our practice should reflect the values of Kentucky State University.

The policies stated in this Manual take effect September 1, 2008.

Dr. Mary Sias
President

INTRODUCTION - II -

Purpose and Scope of the Human Resource Policy Manual

This Human Resource Policy Manual has been established to provide written guidelines to be used for management of the university's most valuable asset, its human resources. These policies are intended to create order and consistency in the day-to-day operation of Kentucky State University, hereinafter referred to as "KSU" throughout the manual. The policies and procedures contained in this manual shall replace and supersede any previous or existing personnel policies, regulations, or practices.

Kentucky State University is an "at will" employer and all KSU employees maintain "at will" status unless that status is altered by a written agreement signed by the President of the University. The "at will" employment status means that both the University and the employee reserve the right to terminate the employment relationship at any time without cause.

All current policy statements and procedures are considered to be in force and effect at the time of publication of this manual. This manual governs the terms and conditions of all KSU employees. KSU reserves the right to amend or modify these policies at any time through written amendments or additions approved and signed by the President and approved by the Board. All policies are subject to review and change. Suggestions or recommendations for revisions shall be made to the Office of Human Resources.

The President of KSU delegates the responsibility to the Vice President of Finance and Administration to ensure that policies are up-to-date with current federal and state employment law. Further, the President empowers the Vice President to ensure that all KSU Deans, Directors, Department Heads and Managers adhere to these policies with consistency and in the spirit of the KSU mission and organization values. The Vice President of Finance and Administration delegates the maintenance and interpretation of this manual to the Office of Human Resources ("OHR"). OHR will ensure that the manual is distributed to all KSU administrators and managers to serve as a reference guide in handling employee matters and will be available for viewing to all employees as required. The Office of Human Resources is responsible for final interpretation of personnel policy and will decide the necessity for review and possible revision.

Certain provisions of the Human Resources Policies and Procedures, as published and amended, apply to all employees. The Faculty Handbook contains provisions specifically for faculty and may contain exceptions to the Policy Manual. In cases where the employment contract of a faculty or non-faculty employee conflicts with the Policy Manual, the provisions of the individual's employment contract will apply.

III - POLICIES

10.0 EQUAL OPPORTUNITY EMPLOYMENT AND NONDISCRIMINATION POLICY

INTRODUCTION

KSU does not discriminate in the administration of any educational services or any employment decisions on the basis of race, color, religion, sex, age (except for minors), marital status, national origin, citizenship status, disability, military service status, or any other status protected by law absent a bona fide occupational qualification, . Non-discrimination requires compliance with federal or state employment laws and regulations including but not limited to the following: Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, as amended, and Age Discrimination in Employment.

A. PURPOSE

KSU is committed to providing equal employment opportunity for all persons regardless of race, color, religion, sex, age (except for minors or for a bona fide occupational qualification), marital status, national origin, citizenship status, disability, military service status, or any other status protected by law.

B. SCOPE

All KSU employees shall be held accountable for compliance with this policy. Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, as well as other terms and conditions of employment. KSU complies with state and federal equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including sexual harassment. KSU considers harassment in all forms to be a serious offense.

C. PROCEDURES

1. Employees who have been subject to prohibited discrimination or harassment should immediately report the incident to their supervisor who will contact the Director of Human Resources about the incident to ensure a record of the incident is on file. If an employee is uncomfortable reporting to his/her Supervisor, s/he may report the incident directly to OHR.
2. OHR or a fact finder designated in writing by the Office of Human Resources will immediately investigate the complaint and handle the matter as confidentially as possible. OHR ensures that employees following this complaint procedure are protected against illegal retaliation.
3. Any reported violations of EEO law or this policy will be investigated. Please refer to the Harassment Policy 110.0 and the Problem Resolution policy 80 for more detail related to investigations and complaints. There will be no retaliation against employees who make complaints related to discrimination or harassment. Any complaints related to retaliation will be thoroughly

investigated. If it is found that retaliation has occurred, corrective action will be taken swiftly and severely against the offender. Supervisors or employees found to have engaged in discriminatory conduct or harassment are subject to immediate disciplinary action, including possible termination of employment.

20.0 EMPLOYMENT POLICY

INTRODUCTION

When job openings occur, KSU follows the general procedures outlined below to identify and promote or hire qualified candidates to fill vacancies. In all of its internal and external recruitment and selection efforts, KSU makes every effort to ensure equal employment opportunity to all individuals pursuant to applicable state and federal employment law.

A. PURPOSE

Assures complete communications, necessary records, and the employment of competent personnel as replacements or new employees, that provide proper controls on manpower complements and ensures compliance with applicable laws.

B. SCOPE

All departments.

C. PROCEDURES

1. General

The employment function is centralized in OHR. All employment contacts will be originated by OHR, unless mutual arrangements have been made between OHR and the Hiring Administrator/Officer. This includes direct contact with prospective employees, advertising agencies and employment agencies.

2. Employment Requisition Form

Whether filling a newly created position or vacancy created by an incumbent employee's resignation, retirement, or termination, the Department Head to whom the position reports must complete an employment requisition form.

a. The requisition must be reviewed for budget approval and signed by the Vice President or Provost of the requisitioning Department Head. An updated job description for the position must be attached to the requisition when it is submitted to OHR. OHR will assist with preparation of the job description.

b. Upon Vice President or Provost approval, the requisition will be forwarded the Budget Office for approval. The requisition will then be submitted to OHR. Upon receipt, the approved requisition will be reviewed for conformance to established University policy, government regulations, and established salary ranges. If the information is not clearly understood or there is nonconformance, OHR will contact the originating department head for clarification and revision, if necessary.

3. Posting and Referral of Open Position

Openings for all positions are advertised and/or posted on KSU's electronic bulletin boards and on the HR section of KSU's Internet by OHR for at least five working days. Current employees who are qualified for and interested in a posted position should

apply to OHR by the deadline specified on the job posting. Based on their qualifications, internal applicants are given every consideration for placement in the open position. Employees must inform their department head upon receiving an interview for an internal position in another department. Current employees who wish to refer a qualified candidate for an open position may submit information to OHR.

4. Recruitment Methods and Sourcing

a. In addition to internal applicants and candidates referred by current employees, KSU normally recruits qualified candidates through a variety of sources to ensure that a diverse pool of candidates exists for each opening. Depending on the position, knowledge, skills, ability, or experience levels required, OHR, in consultation with the department head: places classified advertisements in local, regional, national or international newspapers that reach female and minority applicants; employs the services of an outside agency; contacts schools or colleges; and uses the Internet to locate and attract qualified, diverse applicants.

b. In using any of these recruitment sources, KSU makes affirmative efforts to ensure compliance with its equal employment opportunity policy. Under no circumstances will recruiting (i.e., contacting agencies, placing ads) be allowed by any department unless it has been discussed with and approved by OHR. Discussions with outside entities regarding employment shall be initiated or carried on only by OHR.

5. Application for Employment

a. To ensure the accuracy and completeness of its records, KSU requires all individuals who wish to be considered for employment to complete and sign an Employment Application Form.

b. Individuals should keep in mind that KSU requires accurate, truthful, and complete answers to all the questions included on the Employment Application Form. An unjustified refusal to supply requested information or a significant or material falsification of information results in elimination of the individual from consideration and, if discovered after hiring, may result in disciplinary action up to and including termination.

6. Interviews and Background Checks

a. Based on OHR's preliminary review of an individual's qualifications, applicants who appear to best meet the qualifications for the position are asked to participate in at least one interview with the department head or supervisor. The department schedules these interviews, any follow-up sessions, and any required employment tests or exams.

b. Verification of reference provided by candidates on application forms or resumes and in interviews normally is the responsibility of the department. Verification of background information is the responsibility of OHR. Kentucky State University conducts criminal background checks on all new hires. In reviewing qualifications and backgrounds of candidates for certain positions, such as jobs involving financial accountability or security-related issues, KSU reserves the right to use the services of

outside investigative agencies to conduct credit or background checks related to the job on individuals. OHR will approve applicants for further consideration upon satisfactory completion of the background check. In conducting such checks, KSU maintains the strict confidentiality of all reports and records related to such investigations.

c. No one may begin employment at Kentucky State University until a criminal background check has been completed and reviewed by OHR.

7. Employment Offers

a. Once the best-qualified candidate for the position is identified, the Department Head and OHR agree on the starting salary that will be offered to the individual. No offers, either oral or written, are made to candidates unless approved by the President. Once approved OHR will contact the candidate to make an oral offer, which, if accepted, is followed by a written offer of employment. Both the oral and written offers of employment are conditional offers inasmuch as they are contingent on KSU's verification of reference information, approval by the President, approval by the Board of Regents (if necessary), as well as completion of any background check. OHR is responsible for completing a Personnel Action Form and ensures that all approvals are obtained before the employee begins work.

b. If the originating department decides to rescind an offer, OHR will immediately be notified.

c. No final action will be taken to hire an applicant without OHR approval and obtaining final approval of the requisition. Under no circumstances will an employee commence employment before a Personnel Action Form has been reviewed and approved by all appropriate administrators.

8. Notification of Unsuccessful Candidates

a. Once the best-qualified candidate for the position has accepted an employment offer, the department is responsible for providing a list of candidates interviewed to OHR. OHR is also responsible for notifying interviewed candidates that they are no longer being considered for the position. In some cases, OHR and the Department Head can agree that the Department Head will exercise this notification responsibility. OHR is responsible for compiling and maintaining all legally required documentation relating to KSU's efforts to fill the open position.

20.1 EMPLOYEE CLASSIFICATION

INTRODUCTION

Employees are classified in order for KSU to determine how they are treated for purposes of overtime calculation and eligibility for benefits. OHR works in conjunction with the hiring department in order to properly classify employees when they are hired by KSU.

A. PURPOSE

Proper classification of employees is important for administering salaries, determining eligibility under KSU's employee benefits plan, and complying with employment and tax laws.

KSU offers part-time, full-time, and temporary employment opportunities to meet a variety of staffing requirements and accommodate employee needs and preferences. KSU also uses contract workers to respond flexibly to changing staffing requirements.

All employees—whether full time, part time, or temporary—are classified as eligible or not eligible for overtime pay in accordance with FLSA provisions.

B. SCOPE

All employees of KSU

1. Basic Employee Classifications

Basic employee classifications are as follows:

- **Full-time regular employees** are employees who are continuously assigned to work a minimum of thirty-seven and one-half (37.5) hours per week (forty [40] hours where entire units or offices remain open such as Physical Plant, Public Safety, Information Services and Resources and others), and who have an employment period of at least nine (9) months per year.
- **Part-time regular employees** are employees typically hired to regularly work less than 37.5 hours per week but at least twenty (20) hours per week, and who are employed at least nine (9) months per year. Benefits are prorated for these employees. In general, employees who are regularly scheduled to work 30 or more hours per week are eligible to participate in KSU's employee benefits programs.
- **Temporary/Interim employees** are those hired with the expectation that their employment is limited to a particular period of need and will likely terminate on or before the end of that period, according to the needs of the department. Temporary staff may be hired to replace regular employees during authorized leaves of absence or for special projects. Temporary staff are not eligible for University benefits. Temporary assignments generally do not extend beyond nine (9) month period concurrent with the academic year, unless approved by KSU's Human Resource Director. Temporary employees can be salaried or hourly.
- **Volunteers** have agreed to perform specifically prescribed functions for the University without compensation. All volunteer positions and assignments must be approved by the appropriate Vice-President before a volunteer can

begin working for the University. All volunteers must sign and return the volunteer agreement form on file in OHR.

- **Independent Contractors/Consultants** are employees of firms with which KSU has contracted for services or self-employed individuals with which KSU has contracted directly. Contract employees are not KSU employees.

2. Exempt and Non-Exempt Employment Status

Every member of the staff is classified as either “exempt” or “nonexempt” as required by law consistent with provisions of the federal Fair Labor Standards Act, as amended, and applicable state laws and regulations. Federal and state wage and hour laws require that employees performing certain kinds of jobs be compensated with extra pay (overtime pay) for all hours worked in excess of 40 hours in one week. Jobs, which are professional, managerial, executive, sales, and administrative, are “exempt” from these regulations. Exempt employees are not eligible for overtime pay.

Jobs, which are not exempt from overtime provisions, are commonly referred to as “non-exempt” jobs and persons employed in those jobs are non-exempt employees. Jobs, which are primarily technical or administrative support, are non-exempt from FLSA regulations.

3. Overtime Eligibility

KSU employees are eligible for overtime pay as follows:

KSU conforms to the Fair Labor Standards Act (FLSA) of 1938 (as amended) and state and local overtime laws in calculating and paying overtime to employees.

Non-exempt employees will receive overtime pay at the rate of time and one-half for actual work performed over forty (40) hours in the university’s defined workweek.

Hours paid for vacations, holidays, sick leave, etc., which are not actually worked by the employee, are not considered for purposes of calculating overtime. However, hours paid for official leave are considered hours worked for the purposes of overtime calculations.

At the request of an employee and with the approval of the unit’s administrator, an employee may be allowed compensatory time off within the same workweek.

Exempt employees are not eligible for overtime pay. Any exception because of extraordinary, long-term and sustained program work will require review and approval by a divisional vice president, and the directors for both Budget and OHR and will be subject to the rules of supplemental pay.

Exempt employees should immediately contact OHR with any questions concerning their salary pay so that inadvertent errors can be corrected.

4. Supplemental Pay

Supplemental pay is given to employees in designated positions and/or for work during periods of time or in circumstances other than those considered normal.

For exempt employees, additional compensation (special assignment or overload) can be requested but must be approved in writing by the immediate supervisor and appropriate Vice-President.

Special Assignment/Overload Criteria:

1. Assignment is outside the organizational unit in which the employee is regularly assigned and separate from normal work hours.
2. Assignment is beyond the scope of regular duties and separate from normal work hours.
3. Assignment is to teach a University course and separate from normal work hours.
4. Assignment is to teach a University course but special and infrequent nature making it unreasonable to hire a temp employee.

NOTE: No special assignment/overload can be taken without prior written approval from the Provost or appropriate VP and OHR. **Written approval for Supplemental Pay must be obtained before initiation of the special assignment/overload in order to receive additional compensation.**

C. PROCEDURES FOR DETERMINING FLSA STATUS

1. A department, upon establishing a new position or modifying an existing position, will contact OHR and collaborate with OHR representatives in completing a FLSA test to classify the job as exempt or non-exempt as part of KSU's job requisition process. This step is critical as it assists KSU in determining whether or not a position is subject to the FLSA overtime provisions. For this reason, FLSA determination must be made before a proposed position is approved and advertised.
2. OHR reviews all requests for FLSA reclassification. OHR also reviews a position when the weekly working hours or job descriptions for that position are modified. Human Resources will determine if it is necessary to complete another FLSA Exempt/Non-Exempt test.
3. At orientation Human Resource representatives will inform new hires of their:
 - Job Description.
 - Employment classification;
 - Eligibility under KSU's employee benefit plans; and
 - Overtime eligibility

Such information also is communicated to employees on their acceptance of a new

position within KSU and when necessary due to a change in employment status for example, changing from full-time to part-time status.

4. Employees with any questions about their employment classification, benefits eligibility, overtime eligibility, or who believe their position has been misclassified, should contact OHR.

20.2 EMPLOYMENT OF RELATIVES

INTRODUCTION

The University's commitment to nondiscrimination is further supported by its policy on the employment of relatives. Employment decisions are based on individual merit. The University will consider employment of family member as it considers other external applicants. However, individuals may not supervise family members, supervise persons directly supervising family members, or participate in employment decision concerning a family member. It is strongly advised that relatives not work in the same physical work unit or in positions that affect or are affected by the family member. Employment of relatives is permitted under the above conditions so long as it does not create an environment that is discriminatory or harassing to other employees and does not create an actual or perceived conflict of interest.

A. PURPOSE

Provide for the employment of relatives of KSU employees such that it does not adversely affect the conditions of employment or working environment of non-relative employees.

B. SCOPE

All departments. The University's policy is to base appointments and promotions solely on qualifications and work performance. Members of an employee's immediate family or relatives or friends that live with an employee may be offered employment at the University, in keeping with the guidelines laid down through this policy. For purposes of this policy the term relative includes brother, sister, father, mother, son, daughter, husband or wife (including in-laws), step child, grandchild, grandparent, niece or nephew. Restrictions also include others living in the same household or so closely identified as to suggest the potential for bias in the employment relationship. Other close family (and ex-family) relationships not already specified in this policy may be subject to a case-by-case management review. If members of the same family are required to work for the same supervisor, written approval of this arrangement from the Human Resources Director with approval from the President, or appropriate Vice President will be required in advance. This policy applies to all categories of employers, including faculty, staff, part-time, temporary, and student workers. This policy may also apply to employees that are cohabitating.

NOTE: At no time may one family member or roommate supervise another or have influence over the other's employment, transfer, promotion, salary administration, or other related management or personnel matters.

C. PROCEDURES

1. Employees will be asked via the employment application to identify if any family relationships, as defined in this policy, exist with any current KSU employee.
2. OHR will be responsible for reviewing the employment application for such family relationships.
3. OHR, upon finding such a family or personal relationship will notify the department head first to review such information.
4. OHR will, after discussing with the Department Head, notify the candidate if they are unsuccessful for the position applied for as a result of this policy.

20.3 EMPLOYMENT OF STUDENTS

INTRODUCTION

The University believes that actual work experiences can enhance success of its students. It is therefore the policy of KSU to employ students in certain situations with certain parameters

A. PURPOSE

Provide employment opportunities to eligible students, when possible, provided that the student meets the requirements of the position available. All of the policy requirements for employment at KSU will apply to students applying for employment at KSU.

B. PROCEDURES

1. All student applicants must complete a Student Employment Form.
2. Students are considered for employment based on their financial need, qualifications, seniority, G.P.A., and involvement in student life. All interviews are scheduled through the Student Activities office. No student will be paid unless their employment papers and time sheets have been processed, in advance, by the Student Activities Office.
3. If either the student's registration or academic standing does not meet the provisions of this policy, the Student Activities representative involved will notify the student that he or she is ineligible for candidacy for the job in which they are applying.

20.4 INTRODUCTORY PERIOD

INTRODUCTION

The first 90 working days of an employee's employment constitute an introductory or new hire evaluation period. It is the supervisor's responsibility to clearly explain the job responsibilities and the performance standards expected of the staff member. During

this period both the employee and the supervisor will be determining whether or not the position and the employee's skills and interests match.

KSU makes every effort to ensure that its selection process produces the candidate of best fit for positions within the University. The employee will receive a written evaluation prepared by the supervisor either prior to, or at the time of, completion of the introductory period, which will identify performance strengths and weaknesses. The following policy is one of the processes designed to assure that the best possible employee has been hired.

A. PURPOSE

To corroborate the data collected for making a hiring decision with the actual performance of the new hire within the first 90 days of employment. Provide KSU management and administration the opportunity to assess the performance of new hires and make a decision as to whether or not the employee demonstrates the skills, behaviors and work ethic to become a regular full time employee.

B. SCOPE

All employees are hired subject to the completion of an introductory period for the first 90 working days of an employee's employment constitute an introductory or new hire evaluation period. Holidays or other absences automatically extend the introductory period. The introductory period serves as a training or familiarization period, and during this period the employee will be under close observation by his/her supervisor. It is the supervisor's responsibility to clearly explain the job responsibilities and the performance standards expected of the staff member. During this period both the employee and the supervisor will determine whether or not the position and the employee's skills and interest match. The employee will receive a written evaluation prepared by the supervisor either prior to, or at the time of, completion of the introductory period which will identify performance strengths and weaknesses.

During the introductory period, the employee will be entitled to all paid government holidays and health and life insurance. Holidays or other absences automatically extend the introductory period.

C. PROCEDURES

1. The new employee's supervisor is sent an "Introductory Review Form" as part of the New Employee Orientation information for review with the employee.
2. The supervisor reviews the "Introductory Review Form" with the employee and completes the New Employee Orientation Checklist form indicating that he or she has reviewed it with the employee and returns it to OHR.
3. OHR sends a query regarding the employee's performance during the introductory period to the new employee's supervisor one month prior to the expiration of the new employee's introductory period.

4. OHR will follow up with the new employee's supervisor one week prior to the expiration of the introductory period to ensure that the performance report form (PRF) is completed and reviewed with the employee.
5. The Supervisor will return the PRF to OHR indicating if the employee is to be confirmed or dismissed.
6. If the employee is to be dismissed the Supervisor will indicate this in the OPAL giving detailed reasons for the dismissal.
7. **Extension of Introductory Period**
 - a) At the request of the department head, an extension of up to 90 days may be approved. The intent of such extension is to provide the department with additional time to determine whether or not an employee will be successful in his or her job. If such an extension is approved, a detailed outline of areas needed for improvement must be provided to and signed by the employee, and a copy must be provided to OHR for the employee's personnel file. At the end of the extension, the employee and OHR must be advised, in writing, of the decision to retain or dismiss the employee. During the extension period, all conditions of the introductory period will apply.
 - b) Unpaid leaves of absence may be granted at the discretion of the appropriate Vice-President, but the period of the leave shall extend the introductory period by the amount of time taken for such leave. The introductory period must be successfully completed before the employee is eligible for other benefit programs.
 - c) Employees, during the introductory period, are not entitled to paid sick leave until such period has ended, however leave of absences during the probation period will be considered during the Introductory Period Review. All time accumulated during the introductory period will be computed toward allowable vacation leave, sick leave, and all other benefits determined by length of service.
 - d) At any time within the 90 day introductory period, the employee may be confirmed, dismissed, or have their introductory time extended. OHR will issue the appropriate letter which will be handed to the employee by his/her Department Head. A merit review is not to be conducted at this time.
8. OHR will issue a letter of confirmation/dismissal/extension of an introductory period to the employee within three (3) working days of completion of the OPAL. If Departments do not return the OPAL by the expiration of the introductory period, the employee is deemed to have satisfactorily completed the period. Please note that successful completion of the probationary period does not alter the "at will" status of KSU employees.

20.5 NEW EMPLOYEE ORIENTATION

INTRODUCTION

KSU is committed to providing a workplace where its employees can be successful. Employees need information about the work environment prior to starting work. This policy is designed to provide new employees important information about KSU and their job in order that they can get off to a good start in their new position with KSU.

A. PURPOSE

Ensure that new employees receive important information about KSU and the department in which they will be working so that they have the best chance to be successful in their new role with the University.

B. SCOPE

All new employees must attend an orientation to the University. The Department of Human Resources regularly conducts orientation sessions from 9:00-11:30 a.m. the first and third Monday of each month for new staff, which include a comprehensive introduction to University policies, practices and benefits. The orientation is a two-step process. The first step occurs with the OHR and the second step occurs with the supervisor in the employee's department. Each new member of the staff visits the Human Resources office in order to complete all required employment forms. It will be necessary to provide a social security number, address, phone number, emergency contact person, etc. In accordance with federal law, each new University employee must provide proof of legal right to work within three days (72 hours) of the first day of employment. For a citizen of the United States, this would typically be a passport or both a driver's license and an original Social Security card; for a lawful permanent resident, this would typically be an Alien Registration Receipt Card containing a photograph. A full list of other acceptable documents is available from Human Resources.

New employees recruited as full time staff are required to attend the New Employee Orientation Program conducted by OHR. The employee's supervisor will discuss specific department work rules, show the employee the work area introducing him or her to key people or co-workers, review the introductory performance report and any safety regulations. In addition, it is the responsibility of the supervisor to introduce, orient and integrate the new employee.

C. PROCEDURES

1. The new employee must report to OHR within the first three days of work to complete paperwork. An Orientation Checklist will be used by both OHR and the department supervisor as a tool to ensure that the process flows smoothly and all of the important information is covered.
2. Each session begins with an overview of University policies and a discussion of various benefit plans and other payroll deduction options. Employees will sign for and receive an employee handbook.
3. The department supervisor covers the following information:
 - a) Describe the employee's job duties, responsibilities and how they relate to the work of the group or department;
 - b) Outline the standards of work, attendance and conduct expected of the employee;
 - c) Explain the regular administrative procedures of the department or group, such as hours of work, lunch hours, reporting absences, parking, etc.

- d) Introduce him/her to the employees with whom he/she will be working, within the group and other related areas;
 - e) Show the new employee the physical layout of the office and building: the lunch room, restroom facilities, stockroom, etc. Explain the general layout of other KSU buildings and facilities such as the Student Center, athletic facilities, etc.
 - f) Explain pertinent safety regulations and demonstrate the use of any necessary office equipment.
4. The new employee, department supervisor and the OHR representative sign the Orientation Checklist no later than 1 week after the employee's start date to acknowledge that all of the important information has been reviewed with the new employee. A copy is placed in the new employee's personnel file which is kept and maintained in OHR.

20.6 PROMOTION AND TRANSFER

INTRODUCTION

KSU is committed to providing career development opportunities for its employees. In seeking to foster an open and supportive environment which will aid personal growth, the University takes the position that individuals are responsible for the planning and management of their own careers. To facilitate such personal development, the University has established a wide range of policies and programs, including an internal search policy, the classification system for administrative staff, part-time employment opportunities, tuition assistance, Human Resources development programs and the job posting system.

A. PURPOSE

To promote career advancement, the University offers the means for full time and part-time employees to transfer from their current position to other positions within KSU for which they are qualified.

B. SCOPE

Full-time or part-time employees may apply for any posted position for which they are qualified after successfully completing the 90-day introductory period and remaining in the same job for six (6) months.

When an employee has been offered another position, the prospective supervisor shall notify the employee's current supervisor a minimum of ten (10) working days in advance of the actual scheduled transfer date. The two supervisors are expected to arrange a transition time that is reasonably convenient to both parties. If the supervisors do not reach an agreement on a reasonable transition date, the transfer shall take place at the start of the eleventh (11th) workday from the date the employee notified the department.

C. PROCEDURES

1. All full time openings are posted within the University concurrent with advertisements for outside candidates.
2. When a new or vacant position becomes available, the supervisor may choose to consider the current members of his or her staff for promotion. If no current staff member has the necessary skills or other competencies required for the promotion or qualified staff members are not interested in the job, or the supervisor desires to consider other candidates, the supervisor may consider external applicants.
3. Job Vacancy Announcements are posted on the bulletin board in each department and on the Vacancies-at-KSU Electronic Bulletin Board on KSU's in-house e-mail network.
4. Employees who meet the minimum requirements, have completed the introductory period successfully in their current position, have been in their current position for six (6) months, and are in good standing in their current positions can apply for jobs in the same or higher grade than their current position by submitting an application form if one is not currently on file or an updated resume. The application forms are available in OHR and on the Human Resource Intranet/Internet web pages.
5. A Job Vacancy Announcement will remain posted until the job is filled unless otherwise cancelled by the initiating department.
6. Human Resources screens all internal applications for minimum qualifications. If there is a test for the position, Human Resources schedules only qualified applicants for the test. All applicants meeting the minimum qualifications are referred to the requesting department head. Candidates not meeting the minimum requirements stated in the job advertisement are automatically disqualified.
7. After reviewing qualifications, work records, and test scores, if any, the hiring manager or supervisor contacts the OHR to begin scheduling interviews for the applicants he or she believes are the best candidates. The job is offered to the applicant that the hiring manager selects or determines is the best qualified, based on consideration of all factors. Administrators/Managers reserve the right to consider outside applicants for any position, but are encouraged to promote an internal applicant who meets the minimum qualifications.
8. Any internal applicant who is not selected for a position can request a meeting with the hiring supervisor or OHR to discuss the decision and identify what they need to do to improve their chances for promotion in the future. Any internal applicant that requests such a meeting should do so with the understanding that the request will not change or influence the ultimate hiring decision.
9. Internal employees who are successful applicants must give at least a two week notice to their current department before a date of transfer. The department from which an employee is being transferred must submit a completed Performance Evaluation concerning the employee and submit it to OHR in advance of the transfer date. OHR shall place it in the employee's personnel file and forward it to the employee's new supervisor.
10. In cases where the new job responsibilities are significantly different as determined by OHR, the successful applicant must serve a ninety (90) day Introductory Period in the new position.

Introductory Period for Transfers and Rehires

While employees who receive a transfer do not necessarily serve a new hire introductory period, they do serve an orientation period. At any time during the 90 day orientation period if the new employee is not satisfactorily completing the work, the following options may occur: 1) the employee may return to the original position if still open and approved by the prior unit supervisor, or consider moving to a position at the previous level, if qualified and selected; 2) the orientation period may be extended for 90 additional days; or 3) the employee may resign or be terminated after appropriate notification of unsatisfactory performance.

Former employees who are rehired will be considered new employees and will have a new hire introductory period. This will not apply to a former employee who is rehired to the same job in the same department within one year after termination, and therefore serves an orientation period.

30.0

HOURS OF WORK AND PAY

INTRODUCTION

The University provides a standard work week and hours for employees. As a general rule, however, the work of operating the University is a twenty-four hour a day seven day per week task. Certain departments may be required to work on an as needed basis and/or on a regular work week that may be established by the supervisor to meet departmental needs.

A. PURPOSE

Provide KSU employees with standard hours of operation so that they know what to expect as it relates to their basic work schedule.

B. SCOPE

All non-faculty employees in all departments.

C. PROCEDURES

There are certain times when certain University or Department Heads may find it necessary to alter the basic workweek and hours of work. In addition, there are times when it may be necessary for the University to temporarily suspend operations and close the University.

30.1 STANDARD WORK WEEK AND HOURS

The basic workweek for all non-faculty employees is Monday through Friday. The work schedule for full-time non-exempt employees is thirty-seven and one-half (37.5) hours per week. Normal operating hours at KSU are from 8:00 a.m. to 4:30 p.m. except for those employees who are assigned shift work (Reference section 5.b)

Exempt employees are expected to work as much of each day as is necessary to accomplish the responsibilities of the job. Exempt employees must report unscheduled absences from work due to sick leave, personal business, etc., and all scheduled absences such as vacation. These absences are recorded to maintain accurate records. Exempt employees who work less than a full day (7.5 or 8.0 hours depending upon classification) must use sick or vacation time in order to be paid for the hours that were not worked. In the event that the employee does not have sick or vacation time available, the exempt employee's pay will be docked for all hours not worked on that day.

Non-exempt employees are expected to observe assigned working hours and the time allowed for lunch and rest periods. Non-exempt employees are given a 60-minute unpaid lunch period for a full day worked or a 30-minute lunch period for a five-hour workday as required by applicable law. Non-exempt employees will receive one 10-minute rest period for each four-hour work period or major portion thereof. Non-exempt employees may not leave the premises during their rest periods or take more than ten (10) minutes for each rest period.

1. Changes in workweek and standard hours due to operational needs:

- a) This is determined by the department head who must secure permission from the Vice President of the respective area.
- b) Once permission is secured the department head will notify employees of the schedule change and the reason for the change. Employees are expected to meet the needs of the University.

30.2 PAY DAY AND PAYMENT OF WAGES

- 1. Employees will be paid on the 15th and the last day of each month. All employees are paid with two (2) weeks paid in arrears per established work schedules.
- 2. All employees will be paid via direct deposit into a bank account specified by them at their time of hire. Employees may select to direct all or part of their pay to any other bank through the electronic transfer of funds. The University reserves the right to pay employees using methods that are most cost effective and cost efficient to the University.
- 3. Payroll is processed twice each month as outlined by payroll procedures. .

30.3 PREMIUM PAY

Prior authorization from a supervisor must be obtained for working any overtime. Supervisors will notify staff when overtime work is required. Overtime is paid for hours worked in excess of forty (40) hours per week for non-exempt employees only. For overtime pay calculation purposes for non-exempt employees, the workday at KSU begins at 12:01 a.m. and ends at midnight. The workweek begins at 12:01 a.m. Sunday and ends at midnight the following Saturday for all employees. KSU provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- 1. All overtime must be approved in advance by the employee's supervisor. Overtime will be paid as follows:
 - a) 150% of Base Salary for each hour worked in excess of 40 hours of the employee's established standard work schedule.
- 2. Hours worked in excess of the employee's standard work schedule are paid in the pay period for which they are reported.
- 3. The positions of staff in exempt status are considered highly skilled or supervisory positions, which, by their nature, requires staff to work as necessary to fully accomplish their duties. The University usually takes such factors into consideration in determining salaries for exempt employees. Payment for exempt employees working outside the normal scope of their job duties will be considered on a case-by-case basis by OHR.

30.4 UNPAID TIME

1. Time not worked by hourly employees during the normal workday, work week, or standard work schedule that is not due to holidays or other forms of paid leave is unpaid. The employee's Vice-President, at his or her discretion, may allow the employee to make up such time by rescheduling the work of the employee at an alternative time conducive to the operation of the department. Make-up time should not be scheduled as overtime and will not be paid as overtime. Any unpaid time must be made up within the University's defined pay week.
2. Lateness is generally time not worked and is unpaid time. However, inclement weather or other factors may cause employees to be occasionally late in reporting to work. Such lateness is excused only when the University issues a notice to this effect, and to the extent indicated in the notice. Payment for excused lateness does not apply to employees who, for any reason, do not report to work for that period.
3. Employees who arrive before their normal reporting time receive no extra pay. For employees in non-exempt status, hours of excused lateness are not counted toward the calculation of any overtime pay for the week.

30.5 UNIVERSITY CLOSING

1. The decision to close the University is made by the President or a designated representative. If a decision to close is made before the start of work in the morning, a message will be placed in the central answering service in accordance with established inclement weather or emergency operating procedures.
2. If the decision to close is made after the start of work, each Department Director's office is notified by telephone by Human Resources Services
3. In the absence of an announcement, it should be assumed that the University is open, and employees should not be released with pay. At the discretion of the department head, employees who so request may be released without pay, or with their time charged to personal leave or vacation.
4. A suspension of classes and academic activities does not automatically extend to the work of employees. Conversely, a closing for employees does not affect students unless the announcement so states.

30.6 ESSENTIAL EMPLOYEES

1. Some employees and departments are considered essential to the operation of the University. Essential employees and departments are identified by the nature of their work. For example, there are certain systems and services that must continue to run

and be maintained during times that the University is closed. Employees that service and maintain these systems are required to work during University closings and holidays.

2. Supervisors of departments that have positions in which workers are designated as “essential employees” will notify these employees of this designation. In addition, these employees be informed of their obligations and the communication procedures for reporting to work.
3. An employee who is designated as an essential employee and who fails to report to work during an emergency or University closing is subject to disciplinary action up to and including termination of employment.

30.7 REPORTING CHANGE OF EMPLOYMENT STATUS

1. A change in employment status is effected by a personnel action generated by OHR upon receipt of a written request from a Department Head after being approved by the appropriate Vice-President and the President.
2. There are 3 types of changes in status:
 - a) Change in employee’s classification or rate of pay in their current position:
 - The Department Head sends a request to the Vice President / President requesting approval of the proposed change.
 - The approved request is sent to OHR for implementation.
 - Human Resources prepares a letter for the change and sends it the Director/ Dean for signature and forwarding to the employee.
 - The employee sends a signed copy of the acceptance of the letter for Payroll implementation (Please note that an employee’s refusal to sign the acceptance will not necessarily prohibit implementation of the proposed change.)
 - Human Resources updates the system with the change, completes the HR notification Form and passes to payroll.
 - b) Transfer of employee from one department to another:
 - The department head sends a request to the Vice President/ President requesting approval of the proposed transfer.
 - If approved, the request is sent to Human Resources for implementation
 - The OHR prepares a letter for the change and sends it to the Director/ Dean for signature and forwarding to the employee.
 - The employee must sign a copy of the acceptance of the letter to Human Resources for processing.

- c) Change in employee information such as personal address, name, account number and or phone
- The employee shall send written notification requesting the change and providing the new information.
 - Human Resources shall confirm the change and process the information accordingly.

40.0 PERFORMANCE EVALUATION PROCESS

INTRODUCTION

KSU is committed to providing a work environment where employees have the opportunity to excel in their field of endeavor. A key process for assisting employees in realizing their career goals is the implementation of a performance management process that provides a mechanism for setting goals, developing plans and receiving feedback for improvement

A. PURPOSE

KSU maintains a Performance Evaluation Process intended to ensure that all employees:

- Are aware of what duties as well as the level of performance expected for the position they hold;
- Receive timely feedback about their performance;
- Receive at least one annual performance review by their supervisor;
- Have opportunities for education, training, and development; and understand the development required for satisfactory performance;
- Are evaluated and rewarded in a fair and consistent manner.

B. SCOPE

1. Performance Evaluation Process

The Performance Evaluation Process is the sequence of actions that supervisors and managers take when interacting with employees about their performance. The Performance Evaluation Process is a three-step process:

- a **Step One: Planning.** Actions at this step include determining performance expectations and developing individual work plans.
- b **Step Two: Managing.** The focus of this step is supervising employees. Activities include coaching, reinforcing, and discussing employee progress toward achieving performance expectations.
- c **Step Three: Appraising.** In this step, the manager conducts the performance evaluation with the employee.

2. Supervisor's Responsibilities

The Performance Evaluation Process requires that managers and supervisors:

- Develop a work plan for each employee with the active participation of that employee;

- Coach and monitor the employee's job performance;
- Conduct a fair, unbiased, and equitable performance appraisal annually for each employee;
- Ensure that the employee is given continual constructive feedback to enable him/her to improve his/her work performance throughout the year;
- Identify performance deficiencies and provide appropriate training opportunities.

3. OHR Responsibilities

OHR is responsible for facilitating, monitoring and evaluating the Performance Evaluation Process to ensure full compliance with this policy. The Human Resource Director assigns OHR staff to:

- Monitor the program;
- Train supervisory personnel;
- Administer and interpret the policy; and
- Develop program enhancements.

4. Employee Responsibilities

Employees are responsible for actively participating in the performance evaluation process and working with their supervisors to develop work plans and self-development plans.

5. Coordination With Other Personnel Policies

Any proposed promotion, demotion, merit-based salary increase, or performance-based corrective action should be consistent with the most recent overall rating of the employee's performance. In cases in which the recommended personnel action appears inconsistent with an employee's current overall rating, a written explanation should accompany the recommendation.

6. Accountability

Performance management and evaluation is a primary responsibility of all supervisors. Supervisors who fail to comply with this policy are subject to corrective disciplinary action. Corrective action includes denying a supervisor a salary increase if he or she receives an unsatisfactory rating on managing the performance of his or her employees, even if the supervisor's other performance ratings exceed expectations.

C. PROCEDURES

1. Planning

At the beginning of the performance plan cycle, the supervisor and the employee must meet to determine the employee's work plan and performance expectations. Supervisors should use the Performance Evaluation Form to record the work plan. Each employee, including trainees and probationary employees, must have a written

work plan established within 30 days of starting in the position or when job duties change significantly.

A work plan is a specific course of action outlining the significant responsibilities and duties consistent with the employee's job description. Performance expectations are the objective measures or criteria used to measure job performance. The work plan must be reviewed or updated at least annually.

2. **Managing**

Managing involves coaching and reinforcing employee progress toward achieving performance expectations. Supervisors should provide employees with ongoing feedback about their job performance. Supervisors also must conduct an informal interim performance review within six months of an annual review or within six months of establishing an initial work plan. Supervisors do not need to complete a Performance Evaluation Form for an interim review, but they should document:

- Any performance expectations set out in the work plan that are not being met;
- Steps the employee must take to correct performance deficiencies; and
- The date that the review took place.

3. **Appraising**

Employees whose appointments are effective on or before October 1st in a given year are eligible to be considered in that year's performance review, which is normally conducted in the Spring. OHR will forward to each Administrator/Manager/Supervisor the annual review guidelines, salary budgets, and individual worksheets for the departments under his or her jurisdiction. A supervisor must be notified by OHR 30 days in advance that an employee's performance appraisal is due. The supervisor must inform the employee regarding the evaluation. In preparation for the evaluation, the supervisor may invite the employee to prepare a self-evaluation.

After reviewing an employee's self-evaluation and completing the Performance Evaluation Form, the supervisor must schedule an evaluation meeting. At the evaluation meeting, the supervisor must:

- Identify and discuss good performance;
- Identify and discuss performance that needs improvement;
- Review the employee's ratings on job performance factors; and
- Review the extent to which the employee was successful or unsuccessful in meeting goals and accountabilities set out in the employee's work plan.

4. **Rating Scale**

KSU uses the following four-level rating scale:

The employee's performance EXCEEDS the defined expectations. The employee

consistently does outstanding work, regularly going far beyond what is expected of employees in this job. Performance that exceeds expectations is due to the employee's own knowledge, skill, or effort. Any performance not consistently exceeding expectations is minor or due to events not under the control of the employee.

The employee's performance **MEETS** the defined job expectations and may exceed job expectations in several areas. The employee generally is doing a very good job. Performance that meets expectations is due to the employee's own knowledge, skill, or effort. The employee's performance meets the defined job expectations. The employee's performance is at the level expected for employees doing this job.

The employee's performance **MEETS SOME** of the job expectations, but does not fully meet the remainder. Improvement is needed to fully meet expectations. The employee generally is doing the job at a minimal level or is performing less than a good job. Lapses in performance may be due to the employee's own lack of knowledge, skill, or effort.

The employee's performance generally **FAILS** to meet the expectations as defined. The employee frequently requires close supervision; the employee's work frequently must be redone; or the employee is not doing the job at the level expected for employees in this position. Unsuccessful job performance may be due to the employee's own lack of knowledge, skill, or effort.

3. Record keeping

The Performance Evaluation Form must be dated and signed by the employee, his or her supervisor, and the next-level supervisor. No changes can be made or comments added to the Performance Evaluation Form without the employee's knowledge. If additional information must be added after the original work plan is written, it must be initialed and dated by the employee, the supervisor, and the next-level supervisor.

If an employee chooses not to sign the Performance Evaluation Form, the supervisor or manager must determine an alternate method of documenting that the evaluation has been completely discussed with the employee.

The completed and signed Performance Evaluation must be forwarded to OHR. A copy of the evaluation should also remain in the supervisor's files.

The Performance Evaluation Form, whether an original or a copy and wherever located, is a confidential personnel file document with restricted access. Supervisors considering an employee for transfer, promotion, demotion, or termination are permitted access to the current or past performance evaluation documents of that employee.

50.0 EMPLOYEE BENEFITS

INTRODUCTION

KSU provides its employees with a comprehensive plan of benefits to supplement their base pay and provide them with financial security so that they can focus on the mission and work of KSU.

A. PURPOSE

Provide KSU employees and their families with a plan of benefits that provides protection and financial security; Provide employees with programs that promote both physical and intellectual health, recreation and enjoyment that culminates in an excellent quality of life.

B. SCOPE

All KSU employees and their dependents.

C. PROGRAMS AND PROCEDURES

50.1 INSURANCES

KSU provides all KSU employees and eligible dependents with retirement, medical and dental insurance coverage options.

Enrollment

- i. The employee visits the OHR responsible for the administration of Medical and Life insurance.
- ii. The OHR provides an employee with the Employee Enrollment Guides on Medical Insurances, Life Insurance, Dental Care, and Retirement Plans.
- iii. An insurance file for the employee is established by OHR.
- iv. The OHR provides the premium deduction information to payroll for set up in the payroll system.
- v. All coverages take effect the 1st of the month following the first 30 days of employment.

NOTE: Where an employee and his/her spouse are both University employees, the employer share is limited to twice (2x) the single amount.

Insurance Options

1) **Group Medical Insurance**

KSU offers several group medical insurance plans for its employees. These options are designed to meet the health and financial needs of KSU employees and their families. Information about these plans is available through contacting OHR.

All group medical insurance benefits are contingent upon proper proof and documentation of familial relationships (e.g. marriage certificate, birth certificate, or court documents).

2) **Dental Insurance**

KSU offers group dental coverage through several carriers. Each carrier offers a different plan design with unique provider networks. OHR has information about each plan.

3) **Cafeteria Plan/Flexible Benefits**

Due to employees' different benefits needs, KSU offers a selection of benefits plans from which an employee can pick and choose. In addition to being able to select different plans, employees are able to pay for these selections through a tax-favored salary conversion program.

All regular full time employees who have successfully completed their introductory period are eligible to participate. Temporary and part time employees working less than 30 hours per week are not eligible.

4.) **Medical Expense Reimbursement Program**

This program allows employees to set aside money, free from federal and state income taxes, to pay for medical expenses that are not covered under their group medical program. For example, most programs have a deductible that must be met first. This plan can cover that expense as discussed more fully in the Summary Plan Document that governs this Plan.

2) Dependent Care Assistance Program

This program allows employees to pay for the cost of child or dependent care using dollars that are free from federal and state income taxes, as discussed more fully in the Summary Plan Document that governs this Plan.

Medical Insurance Continuation (COBRA)

In the event of an employee's termination of employment (except for gross misconduct) or reduction of hours below 20 hours a week, the employee, spouse, and dependent children are entitled by law to purchase continuing health care coverage under KSU's group plan for up to 18 months. If the employee or any family member is disabled, the disabled individual and nondisabled family members are entitled to an additional eighteen (18) months of continuation coverage.

In the event of an employee's death, divorce, or legal separation, or a retiree losing coverage under KSU's group plan because of enrollment in Medicare,

the spouse and dependent children of the employee or retiree have the option of purchasing continuing coverage under KSU's group health plan for up to 36 months.

If a dependent child loses coverage under KSU's health plan because he or she has reached 18 years of age, if no longer in University, or 21 years of age, if still in University, the child may purchase continuing health care coverage under KSU's group plan for up to 36 months.

Employees or qualified beneficiaries electing COBRA coverage are responsible for paying the cost of the extended health care coverage. The purchase price of continuing coverage is the full cost of the premium KSU pays for similarly situated active employees, plus 2 percent to help pay for administrative costs. During the eighteen (18) months of extended coverage for disabled employees or family members, the cost is 150 percent of KSU's group premium rate.

By enrolling in the Health Care Continuation Plan, employees and their family members receive the benefit of purchasing the same extensive coverage provided to active employees at favorable group rates. There is no waiting period, no exclusion for preexisting conditions, and no physical examination. Any amounts already paid toward deductibles and coinsurance during the current year count under the continuation policy.

Employees and family members can elect full coverage that includes dental insurance, or they can opt for medical coverage only. During the regular open-enrollment periods, individuals on COBRA continuation coverage are given the opportunity to change plans. At the end of the 18-, 29-, or 36-month coverage period, individuals participating in the Health Care Continuation Plan have the right to convert to nongroup coverage with KSU's insurance carrier.

This continuing coverage terminates before the expiration of the 18-, 29-, or 36-month period if the employee or qualifying family members become covered under another group health plan that provides comparable benefits and does not penalize the newly covered individual(s) for preexisting conditions. KSU's continuing coverage also terminates if premiums are not paid on time or if KSU discontinues all of its group health plans for all employees.

In order for KSU to meet its legal obligations in providing continuing health care coverage, all employees must inform OHR within 60 days of a divorce or legal separation or when a dependent child reaches 18 year of age, if no longer in University, or 21 years of age, if still in University. It also is essential that Human Resources has a current address for all employees and family members.

This policy statement is a brief description of the Health Care Continuation Plan and does not fully explain employees' rights. Employees should read the notice they

receive when they first enroll in the group health plan or the Employee Benefit Booklet for a full explanation. Copies of the notice and Employee Benefit Booklet may be obtained from OHR.

HIPAA Privacy Policy for Fully Insured Plan with no Protected Health Information

The KSU Group Health Plan is a fully-insured group health plan sponsored by KSU . KSU will comply with the requirements of 45 C.F.R. § 164.530(k) so that the group health plan is not subject to most of HIPAA's privacy requirements:

i. No Access to Protected Health Information (PHI) Except for Summary Health Information for Limited Purposes and Enrollment/Disenrollment Information

Neither the Group Health Plan nor the KSU will create or receive protected health information (PHI) as defined in 45 C.R.F. § 160.103 except for (1) summary health information for purposes of (a) obtaining premium bids or (b) modifying, amending, or terminating the Group Health Plan, and (2) enrollment and disenrollment information.

ii. Insurer for Group Health Plan Will Provide Privacy Notice

The insurer for the Group Health Plan will provide the Group Health Plan's Notice of Privacy Practices and will satisfy the other requirements under HIPAA related to the Group Health Plan's PHI. The Notice of Privacy Practices will notify participants of the potential disclosure of summary health information and enrollment/disenrollment information to the Group Health Plan and the University.

iii. No Intimidating or Retaliatory Acts.

The group Health Plan shall not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under HIPAA. If such an action should occur by a KSU employee, the action shall not be attributed to the Group Health Plan.

iv. No Waiver.

The Group Health Plan shall not require an individual to waive his or her privacy rights under HIPAA as a condition of treatment, payment, enrollment or eligibility. If such an action should occur by a KSU employee, the action shall not be attributed to the Group Health Plan.

50.2 RETIREMENT BENEFIT OPTIONS

a. TIAA-CREFF/VALIC 403 (b) Plan

All regular full-time employees and interim (full time temporary) employees will be eligible to participate in our defined benefit retirement/pension plan the first of the month following thirty (30) consecutive days of employment. This plan allows employees to set aside funds for retirement, and the University will also fund this retirement account on the employee's behalf. Please see the Summary Plan Document which governs this Plan for complete details.

b. Kentucky Teacher's Retirement System (KTRS)

As an alternative to the KSU's 403 (b) plan, employees may choose to enroll in the KTRS plan. An interim employee, who has a change of status to a full time position also has a one-time opportunity to elect to move from the 403 (b) plan to the KTRS plan. Employees who require additional information on these two plans should make an appointment to speak with the Human Resources Rep.

c. Supplemental 401 (k) 457 Plans

All regular full-time employees and interim employees will be eligible to participate in KSU's voluntary 401 (k) plan or the 457 deferred compensation plan the first of the month after thirty (30) consecutive days of employment. This plan is supplemental to the University's 403 (b) plan or participation in the KTRS plan.

50.3 PARKING

Parking is provided at a fee through the University Police Department. All vehicles must be registered and have a valid KSU sticker in order to be parked on-campus. Stickers may be purchased through payroll deduction.

50.4 EMPLOYEE TUITION REMISSION

The University provides a range of educational benefits for full-time employees and their dependent children and current spouse. These benefits are available after the completion of their introductory period. The University provides tuition remission for current full-time employees and their dependent children (as established by federal tax guidelines) for approved courses of study.

Each person who enrolls in a course of study under the tuition remission program:

- (1) is subject to the same rules and regulations that govern all other students of the University, and
- (2) must have the required academic background for the desired course, and
- (3) must have the approval of his or her supervisor.

NOTE: An employee's enrollment cannot interfere with current job responsibilities and courses may not be taken during normal work hours. Also, employees seeking financial aid must complete a financial aid application and cannot have an outstanding balance on their University account. The University will not remit any refunds until the tuition waiver is applied.

a) Undergraduate Study Eligibility

An employee may enroll in two undergraduate courses each semester with the permission of his/her supervisor. Admission to a class shall be on a space available basis as priority is given to paying students.

i. **Covered Expenses**

Only the employee's tuition will be waived. The employee shall pay for all instructional materials and any special fees associated with the course. Employees are eligible for six (6) hours of undergraduate study. The employee shall be responsible for tuition above the six-hour limit.

ii. **Academic Requirements**

Employees and their dependents may enroll either as non-degree students or as degree candidates if admitted to the program in question. The requirements for admission to the University as a non-degree student are spelled out in the University Catalog. Employees and/or their dependents who wish to become candidates for an undergraduate degree must be admitted to the University through the usual procedures and meet all the pertinent standards. If admitted as degree candidates, they are admitted to the courses required for their degree on a space available basis.

b) Graduate Study Eligibility

Employees and/or their dependents who wish to become candidates for a graduate degree must be admitted to the pertinent graduate program through the usual procedures and meet all relevant standards. If admitted as degree candidates, they are admitted to the courses required for their degree on a space available basis.

i. **Covered Expenses**

Employees may enroll in up to two graduate level courses each semester with the permission of his/her supervisor. The employee's tuition will be waived, but he or she shall pay for all instructional materials and any special fees associated with the course.

ii. **Academic Requirements**

Employees and their dependents who apply for admission to graduate programs will be required to take the graduate entrance exam pertaining to that field of study and the TOEFL exam. Employees and their spouses must meet the required scores on each examination as set by the program.

c) Admission Provisions

Employees and their dependents' admission to a class shall be on a space available basis as priority is given to paying students. Employees and their family members who are admitted to a graduate program will be given notice of admission to the program in a timely fashion. In those instances in which the number of qualified applicants exceeds the size of the cohort for a given

program, employees and their family members will be placed on a prioritized list determined by a combination of the scores that they made on the entrance examinations and their relevant work experience.

Employees or family members who are admitted to a graduate program will be notified as to their admission to specific courses no later than the last day of registration each semester. Class admission will depend upon availability of seats within the limit set by the program.

50.5 ATHLETIC FACILITIES

KSU provides excellent sports facilities through the KSU Exum Center. The Exum Center is open for students, staff and faculty members to practice a variety of sports and fitness activities. The aim of the Center is to provide maximum use of the available time and space with regard to all facilities and to make such usage as enjoyable and rewarding as possible.

60.0 LEAVE POLICY

INTRODUCTION

There are a variety of leaves available to KSU employees in order for them to get needed rest as well as to take care of personal matters. This policy explains the different types of leave and how to access them when they are needed.

A. PURPOSE

Provide KSU employees time off when needed to attend to personal business, fulfill civic duties, recover from illness or injury, celebrate holidays or take time off for recreation.

B. SCOPE

All regular full time and part time employees of KSU

C. LEAVES AND PROCEDURES

60.1 HOLIDAYS

1. Holidays Leave

The following Holidays will be observed by KSU:

- Independence Day (4th of July)
- Labor Day
- Presidential Election Day
- Thanksgiving (Thursday and Friday)
- Governor's Inauguration Day
- Christmas and New Year's Day (plus all work days in between)
- Martin Luther King's Birthday
- Spring Break
- Memorial Day

The University reserves the right to request employees to work on such days.

2. Holiday Pay

Employees on unpaid leave immediately before or after a holiday shall not be paid for the holiday.

60.2 VACATION LEAVE

1. Vacation Leave and Accrual

The University grants vacation leave with full pay to full-time, non-faculty employees. The leave policy applies to all non-academic KSU employees, however, it does not supersede the contractual obligations of any individual.

The following schedule of vacation leave allowances applies to executive, administrative, managerial, and professional employees:

0-5 years of continuous service – Fifteen (15) days of vacation leave with a carry-over allowance of thirty-five (35) days.

6-14 years of continuous service – Twenty (20) days of vacation leave with a carry-over allowance of thirty-five (35) days.

15 or more years of continuous service – Twenty-five (25) days per year of vacation leave with a carry-over allowance of forty (40) days.

The following schedule of vacation leave allowances applies to clerical, service maintenance, technical and scientific employees:

0-3 years of continuous service – Ten (10) days of vacation leave with a carry-over allowance of thirty-five (35) days.

4-9 years of continuous service – Fifteen (15) days of vacation leave with a carry-over allowance of thirty-five (35) days.

10-14 years of continuous service – Twenty (20) days per year of vacation leave with a carry-over allowance of thirty-five (35) days.

15 or more years of continuous service – Twenty-five (25) days per year of vacation leave with a carry-over allowance of forty (40) days.

2. Scheduling Vacation Leave

- a) At all times, in determining vacation leave schedules, the operational requirements of the University must be considered and leaves will be scheduled according to the needs of the University as well as the employees. It is the department heads' responsibility to ensure advance leave planning by staff in order to accommodate leave requirements of staff as well as support the on-going operational needs for the department. The process is as follows:
- b) Plans should take into account the following:
 - Equality in treatment among employees with regard to the allocation of the more desirable leave seasons is to be achieved.
 - Leave should be evenly distributed between first and second level supervision of employees in each department so that operations do not suffer, and necessary and adequate coverage is provided at all times.

- c) After three months of satisfactory service, an employee can apply for the prorated number of vacation leave hours earned up to that point. With the department head's approval, employees may take any part of their leave entitlement on more than one occasion provided the employee has completed three months of service.

3. Extending Vacation Leave

- a) When an official holiday falls during an employee's vacation leave, on a day or days, which would normally have been working days, the annual leave period is decreased by the holiday period.
- b) Periods of unforeseen in-patient hospitalization or sick leave which is incapacitating occurring during vacation leave may be compensated by the use of sick leave. To be eligible for consideration, the employee must have been admitted as an in-patient and produce authenticated medical reports showing the number of days of admission in a hospital, certified by competent medical officers and endorsed by the KSU Health Services Department.

Employees must formally notify the University in advance and as soon as possible if their return from leave is delayed because of sickness, which entails hospital admission. Overnight stays, in these circumstances must be supported by medical certificates and the question of whether the period of absence is to be paid or unpaid will be determined in each individual case by KSU in consultation with OHR and the appropriate department.

Vacation days replaced by sick days will be added back to the employees' vacation leave balance.

4. Carrying Over Vacation Leave Days

Subject to the operational needs of the university, it is important for employees to utilize their vacation leave for periodic rest and relaxation; however, all accrued vacation leave in excess of the carry over allowance as of June 30th of any year will be converted to Sick Leave. This means that the accrued vacation leave in excess of thirty-five (35) days {forty (40) days for employees with more than 15 years of service}, will be converted to Sick Leave by the appropriate number of excess days.

5. Returning From Vacation Leave

All employees are required to resume work on their scheduled day of return from vacation leave. Late resumption of work without notification and prior approval by the department head will be regarded as an unexcused absence from work without pay and may be the subject of disciplinary action, up to and including dismissal.

60.3 OCCUPATIONAL ILLNESS/INJURY LEAVES

An employee who suffers from a disabling occupational disease or work related injury is eligible for occupational sick leave. KSU's worker's compensation insurance covers all employee medical expenses related to the occupational illness or injury and if the employee is unable to work he/she will receive 66 2/3 of his/her regular pay as compensation for the time that he/she is required to be off.

1. Administration

- a) All injuries incurred on the job **MUST** be reported to a supervisor immediately, no matter how small. The supervisor will perform an investigation and complete a K-1 form for submission to OHR. OHR will submit the form to the State Division of Worker's Claims.
- b) If an employee is injured on the job, s/he will be paid through the end of the workday in which the injury took place. If an employee is hospitalized on the day of the injury, the employee will receive no further wages, but may receive benefits through workers' compensation or other appropriate leave policies.
- c) Employees who are unable to perform their job as a result of a work-related illness or injury must bring a physician's note to their supervisor certifying their condition. The supervisor will work with Human Resources, the employee, and the treating physician in making reasonable accommodation for the employee in the event they cannot perform their normal duties.
- d) Time off due to work-related injuries also counts towards the use of FMLA leave.

Note: Employees or supervisors who do not promptly report work-related injuries will be subject to disciplinary action.

60.4 SICK LEAVE

The University grants regular full-time employees leave of absence with or without pay to provide for time-off from the job while they are undergoing medical care or caring for a relation covered by the Family Medical Leave Act.

1. General

Regular full-time staff employees who are unable to report to work, or must leave work, due to personal illness or injury, scheduled medical or dental appointments, or aiding family members who are ill or injured, are normally eligible for paid sick leave in an amount not to exceed sick leave accrued to date. Employees must request the use of sick leave before they are scheduled to report to work, unless there is a legitimate reason why they are unable to do so.

2. Accruing Sick Leave

Paid sick leave accrues at the rate of one-half (1/2) day per half month (per pay period) for regular full-time staff employees, for a total of twelve (12) days per year, and is shown on the payroll check stub in terms of hours. A new exempt employee must have begun employment on or before the eighth (8th) day of the pay period to be eligible to accrue the paid sick leave credit for that period. A new non-exempt employee accrues sick leave on hours paid during the pay period. Succeeding pay

periods of employment qualify for an additional one- half day accrual. There is no maximum limit on the amount of paid sick leave that can be accumulated by a regular full-time staff employee.

3. **Coordination with Other Paid Time Off**

Paid sick leave continues to accumulate and accrue during periods of leave without pay including the period of payment under Worker's Compensation. Paid sick leave time is not considered as hours of work for the determination of a staff employee's eligibility for overtime pay for hours exceeding forty (40) in a single work week. Use of paid sick leave which occurs during a period the staff employee is on a scheduled paid vacation leave will be allowed as paid sick leave, instead of paid vacation leave, only if the staff employee provides written certification, signed by the attending physician, that confinement for illness was required.

4. **Proof of Illness Certification**

The employee is responsible for notification to the immediate supervisor that time off is necessary due to illness under paid sick leave conditions. Certification of illness by the employee's physician is required if it is necessary for the employee to be off for illness longer than two (2) successive days. Employees must provide the supervisor with the certification of illness in writing within two (2) days of their return to work.

A supervisor may request certification of illness at any time if sick leave abuse is suspected.

60.5 FAMILY AND MEDICAL LEAVE

1. **The Leave Policy.** An employee is eligible to take up to 12 weeks of unpaid family/medical leave within any 12-month period and be restored to the same or an equivalent position upon his/her return from leave provided the employee: (1) has worked for the University for at least 12 months, and for at least 1250 hours in the last 12 months; and (2) is employed at a worksite that has 50 or more employees within 75 miles. **KSU calculates the 12 month period on a "rolling" basis, meaning the 12-month period is measured backward, from the date an employee last used any FMLA leave.**
2. **Reasons for Leave.** An employee may take family/medical leave for any of the following reasons: **(1)** the birth of a son or daughter and in order to care for such son or daughter; **(2)** the placement of a son or daughter with for adoption or foster care and in order to care for the newly placed son or daughter; **(3)** to care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition; or **(4)** because of a serious health condition which renders the employee unable to perform any of the essential functions of the position.

Leave because of reasons (1) or (2) must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses employed by the University who request leave because of reasons (1) or (2) or to care for an employee's parent with a serious health condition may only take a combined total of 12 weeks leave during any 12-month period.

3. **Notice of Leave.** If the need for family/medical leave is foreseeable, an employee must give the University at least 30 days prior written notice. If this is not possible, the

employee must at least give notice as soon as practicable (within 1 to 2 business days of learning of his/her need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, if an employee is planning a medical treatment s/he must consult with the University first regarding the dates of such treatment. Where the need for leave is not foreseeable, the employee is expected to notify the University within 1 to 2 business days of learning of the need for leave, except in extraordinary circumstances. The University has Request for Family/Medical Leave forms available in OHR. Employees should use these forms when requesting leave.

4. **Medical Certification.** If employees are requesting leave because of their own or a covered relation's serious health condition, they must supply appropriate medical certification. Employees may obtain Medical Certification Forms from Human Resources at the desktop site or for those without computer access, from the Human Resources office. When employees request leave, the University will notify them of the requirement for medical certification and when it is due (at least 15 calendar days after the leave request. If an employee provides at least a 30 day notice of medical leave, s/he should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided and any absences will be deemed unexcused absences.

The University, at its expense, may require an examination by a second health care provider designated by the University, if it reasonably doubts the medical certification initially provided. If the second health care provider's opinion conflicts with the original medical certification, the University, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The University may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

5. **Reporting While On Leave.** If an employee takes leave because of a serious health condition or to care for a covered relation, the employee must contact the University on the first and third Tuesday of each month regarding the status of the condition and his/her intention to return to work. **In addition, the employee must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change or are extended or initially were unknown.**
6. **Leave Is Unpaid.** Family/medical leave is unpaid leave although employees may be eligible for short or long-term disability payments and/or workers' compensation benefits under such insurance plans. These plans are described elsewhere in the handbook. If an employee is entitled to receive monies from these sources, the leave will be considered as "paid leave" for the period during which the employee receives those monies. If the leave is "unpaid" the employee will be required to substitute paid time off (vacation, sick days) for "unpaid" FMLA leave as described below. If an employee request leave because of a birth, adoption or foster care placement of a child, any accrued paid vacation, first will be substituted for unpaid family/medical leave. If an employee requests leave because of a serious health condition, or to care for a covered relation with a serious health condition, any accrued paid vacation, personal leave and sick days first will be substituted for any unpaid family/medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Further, in no case can the substitution of paid leave time for

unpaid leave time result in the receipt of more than 100% of the employee's salary. **The family/medical leave runs concurrently with other types of leave (i.e., paid vacation, state family leave laws, worker's compensation, etc.).**

7. **Medical and Other Benefits.** During an approved family/medical leave, the University will maintain health benefits, as if the employee continued to be actively employed unless the employee opts not to take advantage of this benefit. If paid leave is substituted for unpaid family/medical leave, the University will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay the employee's portion of the premium through **direct payment to the insurance carrier**. An employee's health care coverage will cease if the premium payment is more than 30 days late. If the payment is more than 15 days late, the University will send a letter to this effect. If the University does not receive the co-payment within 15 days after the date of this letter, coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the University for the cost of the health benefit premiums paid by the University for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.
8. **Exemption for Key Employees.** Key employees (i.e., highest paid 10% of employees at a worksite or within 75 miles of that worksite) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the University. (This fact-specific determination will be made by the University on a case-by-case basis). The University will notify the employee if he qualifies as a "highly compensated" employee, if the University intends to deny reinstatement, and of the employee's rights in such instances.
9. **Intermittent and Reduced Schedule Leave.** Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours the employee work per workweek or workday), if medically necessary. If leave is unpaid, the University will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced schedule leave, the University may temporarily transfer the employee to an available alternative position which better accommodates recurring leave and which has equivalent pay and benefits.
10. **Returning From Leave.** If an employee takes leave because of a serious health condition (unless the employee is taking intermittent leave), the employee is required to provide medical certification that the s/he is fit to resume work. The employee may obtain Return to Work Medical Certification forms from the Human Resources Department. Employees failing to provide the Return to Work Medical Certification form will not be permitted to resume work until it is provided.
11. **Extended Leave For Serious Health Condition.** Leave taken because of a serious health condition may be extended on a month-to-month basis for a maximum of an additional 12 weeks upon: (1) written request to the University; (2) proof that the serious health condition has continued; and (3) approval by the University (which is subject to its business needs). If the employee does not return to work on the originally scheduled return date nor request in advance an extension of the agreed upon leave with appropriate documentation, the

employee will be deemed to have voluntarily terminated employment with the University. If the employee requests an extension of leave beyond the initial 12-week period, the employee must submit medical certification of continued serious health condition in advance for each month that the leave is extended. Reinstatement is not guaranteed on an extended leave and will depend on University needs.

- 12. No Work While On Leave.** The taking of another job while on Family/Medical Leave or any other authorized leave of absence is grounds for immediate termination.
- 13. State And Local Family And Medical Leave Laws And Other University Policies.** Where State or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by such laws will apply.

60.6 LEAVE OF ABSENCE

A leave of absence is an extended period of time absent from work without loss of employment. The University will grant leaves of absence in a few well defined cases, and up to a maximum of 30 days. An extension beyond 30 days will be considered in the event of serious or extenuating circumstances.

Leaves of absence are generally without pay, unless provided otherwise. Therefore, employees will be required to exhaust other forms of paid time off, such as vacation time, before unpaid leave begins.

A written request for a leave of absence, providing full explanation of the circumstances, must be presented to the immediate supervisor at least two weeks before the start date of the leave. The leave must be approved in writing by the appropriate Vice-President Please note that if an employee fails to report to work on the first day after the expiration of the leave, the employee may be considered to have voluntarily terminated employment.

60.7 BEREAVEMENT LEAVE

Regular full-time and regular part-time employees are eligible to receive up to three (3) days paid bereavement leave due to the death of a member of their immediate family. An employee's immediate family includes his or her spouse, dependents, children, parents, parents-in-law, brother or sister. Regular, full-time employees are eligible to receive two (2) days with pay for grandparents, grandchildren, stepparents, stepchildren, and relatives residing in the same household.

1. Administration

- a) An employee notified of a death in his/her immediate family while at work will be paid for the remainder of the scheduled hours that day, and the paid bereavement leave will not commence until the next regularly scheduled work day which is lost. The leave days must run consecutively and include as one of the days the day of the funeral.
- b) All time off in connection with the death of one of the above-listed individuals should be scheduled with the immediate supervisor.

60.8 MILITARY LEAVE

Military leave of absence without pay is granted to all employees under certain specific conditions consistent with the Uniformed Services Employment and Reemployment Rights Act of 1994. A request for military leave must be in writing. Military leave is considered a leave of absence and, upon timely return from military duty, the employee will be reinstated to his or her position or to a position of like status and pay, with full seniority. Military leave of absence will expire upon the employee's failure to apply for reinstatement within the time limits prescribed by the Acts.

60.9 Jury Duty

Regular full-time staff members who are on jury duty shall receive normal straight-time earnings less amount received for jury duty pay for up to two weeks during any calendar year. Employees must submit verification of attendance. As a condition to jury duty pay, the staff member shall notify the immediate supervisor as soon as possible after receiving notice to report for possible jury duty (normally the next working day). The time an employee is absent for jury duty shall be noted on the time sheet or time card with a copy of the receipt attached.

When appropriate, non-exempt employees excused from jury duty or released early are expected to return to work to complete at least two (2) hours of a shift allowing thirty minutes for travel and an additional thirty minutes for a meal period. When the option exists to be available for jury duty on an "on-call" basis the University requires employees to select this option so that the employee can remain at work whenever possible.

70.0 UNIVERSITY WORK RULES AND PERSONAL CONDUCT

INTRODUCTION

The guiding policy relating to conditions of work and personal conduct is that the quality of work and the atmosphere in which it is done, should be consistent with the reputation of KSU as a leading educational institution. An employee's conduct while working for or representing the University, or when on University premises, should meet acceptable standards of the community and show respect for the law and the rights of others.

A. PURPOSE

To provide a safe and productive work environment while adhering to professional standards of behavior that foster and promote order, respect and dignity of co-workers and visitors.

B. SCOPE

All employees and visitors of Kentucky State University.

C. PROCEDURES

Violations of established work rules under this policy may result in disciplinary action and/or termination as determined by the employee's supervisor and approved by the President.

70.1 ESTABLISHED WORK RULES

Violation or proposed work rules may result in discipline, up to and including termination.

Absenteeism or Tardiness

An important indicator of performance and essential function of all University positions of employment is consistent attendance and punctuality. An employee is expected to be at the work area during prescribed scheduled work hours. If employees are sick or injured and cannot come to work, they are expected to follow departmental procedures in reporting the absence directly to their supervisor before they are scheduled to report to work. Absences or tardiness, which necessarily affect the performance of one's duties, may lead to discipline, up to and including termination.

Breach of Confidence or Security

KSU employees may become aware of confidential data based on the nature of work, no breaches of security measures, privileged information, or of confidential business relationships will be tolerated.

Conflict of Interest

Employees are prohibited from transacting any business that competes with the University. Employees must communicate any such conflict to their immediate supervisor and on the annual conflict of interest disclosure.

Damage to Property

Deliberate reckless or careless damage to the University's property will not be tolerated. The University, at its discretion, may report such damage of its property to law enforcement agencies and seek recovery within lawful means.

Discourtesy or Disrespect

All employees must be courteous, polite and friendly to students, visitors, and to fellow employees. No employee should use profanity or show disrespect or engage in any activity that could harm the reputation of the University.

Fighting, Threats, or Weapons

Fighting, threatening words or conduct, loud or abusive language, or any other actions that could injure a student, fellow employee, or member of the public, regardless of where such words or actions occur are not allowed. The possession of weapons of any kind on KSU's campus or while conducting University business is prohibited.

Fraud, Dishonesty or False Statements

No employee or applicant may falsify or make any misrepresentations on or about any application, document establishing identity or work status, medical history record, insurance form, invoice, paperwork, time sheet, time card, or any other document. If such a violation is observed this must be reported to the supervisor immediately.

Gambling

Employees may not engage in any form of gambling on KSU's premises.

Gifts or Gratuities

Employees shall adhere to the University Ethics Policy in their treatment of gifts and gratuities.

Harassment

The Policy Against Harassment and Discrimination, strictly prohibits harassment or discrimination based on race, color, sex, national origin, citizenship, age, handicap or disability, or any other category.

Injuries and Accidents

Every injury, no matter how slight, must be immediately reported to a supervisor for first aid treatment or medical care. A job-related injury/accident, must be seen by a doctor designated by the University. Employees must be required to present a doctor's release before returning to work.

Insubordination

Absent a reasonable concern for law, life, or limb, employees must not refuse to follow the directions of a supervisor or administrative official.

Misuse of Property

Employees may not misuse or use without authorization any equipment, vehicle or other property of KSU.

Poor Performance

All employees must make every effort to learn their job and to perform at a satisfactory level. Employees who fail to maintain a satisfactory level of performance are subject to immediate termination.

Misuse of E-mail and Computer Systems

The misuse of University e-mail and computer systems is governed by Section 170.0 of this policy manual. Employees who breach this policy may be subject to disciplinary action up to and including termination.

Shortages

Employees who handle cash as a part of their job duties will be held accountable and may be required to pay for all shortages. Employees who handle cash as a part of their job duties may also be disciplined for such shortages, up to and including immediate termination.

Sleeping or Inattention

To protect the safety of all employees and to properly serve our students, everyone needs to be fully alert while on the job. Sleeping or inattention on the job will not be tolerated.

Solicitation or Distribution

Solicitation by an employee of another employee during the working time of either employee for any reasons is prohibited. Distribution of advertising materials, handbills or other literature is prohibited in all working areas at all times. Solicitation and distribution by non-employees on KSU premises is prohibited at all times.

Substance Abuse

Employees who test positive for the presence of drugs or alcohol or who report to work under the influence of drugs or alcohol may be subject to immediate termination. The Substance Abuse Policy, which is set forth in detail in this handbook, states the University's position and policy regarding drug and alcohol use.

Theft

Stealing or attempting to steal the University's property or property belonging to others is strictly prohibited. To protect employees, and the University, KSU reserves the right to inspect all purses, briefcases, packages, lockers, tool boxes, desks, cabinets, vehicles, and any other containers or items on University property. If employees wish to remove any of the University's property from the premises, they must obtain written permission in advance from their supervisor or department head.

Unlawful Activity

Employees should not engage in any unlawful or unethical activity, including, but not limited to activity either on KSU's property or off the job, since such activity can adversely affect the University's reputation.

Unsafe Work Practices

A Safety program has been implemented to ensure that everyone understands the importance of safety and to prevent employees and visitors from getting injured. Everyone is expected to follow the rules outlined in the safety policy.

70.2 TAKING CORRECTIVE ACTION

The University administers a progressive discipline policy designed to help employees correct work performance or conduct that has become unsatisfactory. The emphasis is on working out problems and restoring harmony and productivity to the work environment. The University may impose only one penalty on an employee for the same offence. External offenses, unless related directly to work or the University, will also be subject to civil or criminal procedures by the competent authorities. This policy applies to full time and part time staff employees who have completed the introductory period.

1. When to Take Action

- a) Taking Corrective Action is required when employees fail to correct behavior or performance problems after one or several discussion(s) with their manager/supervisor, depending on the severity of the infraction. Typically, each action taken, at each level of the progressive process, is more severe in consequence if the behavior/performance is not corrected. Certain work rule violations or behaviors may warrant immediate termination, depending on their seriousness. The University reserves the right to terminate an employee at any time.
- b) Corrective action should be taken as soon as possible after the occurrence of an offense. The employee's immediate supervisor and OHR are responsible for promptly and thoroughly investigating offenses and obtaining and considering all relevant facts, including any mitigating circumstances.

2. Counseling or Oral Reprimand

This step is required when the supervisor has held informal discussions with an employee regarding a work habit, behavior, or work performance problem and he or she fails to correct the problem. A private discussion should be held and documented with the employee describing the behavior or performance issue that needs correcting. The responsibility for a plan of corrective action should rest primarily with the employee although it is appropriate to ask the employee if he or she needs any help from his or her supervisor.

The employee should know that this is a formal corrective action and will be documented and put in his or her personnel file. A supervisor may counsel an

employee several times before going to the next step.

3. First Written Warning

This step should be used after a formal oral warning/counseling has been used and the work habit or behavior has still not been corrected. It is considered the second step in the progressive process although a supervisor/manager may go directly to this step if the violation/infraction is more serious and warrants such action. A formal letter is issued stating what rule was violated or describing the unsatisfactory job performance; the area needing improvement; the desired improvement needed; what the plan of corrective action will be; the date of completion; and, the consequences of not correcting the problem. Again, a discussion should be held in private with the employee to review the contents of the letter. The employee is asked to sign the letter and a copy is given to him or her and another copy is placed in his or her personnel file.

4. Second Written Warning (Optional)

This step is the third step in the progressive disciplinary process. The guidelines in Section 3 will apply.

5. Suspension with Pay

Suspensions are primarily implemented in cases where the employee must be removed from the work environment to assist the investigation process or occasionally as a sanction. A meeting is held in private with the employee where he or she is given a written letter specifying the reason(s) for the suspension. In addition, it should specify the date and time that the suspension becomes effective. Again, the letter should be signed by the employee with a copy given to him or her and a copy placed in his or her personnel file.

In situations where an investigation reveals that the suspension and corrective action taken against the employee was warranted, a document should be prepared outlining the behavioral changes or corrections that the employee must agree to make upon his/her return to work. In addition, it should state that failure on the employee's part to make the agreed to corrections/changes will result in their termination.

Suspensions must be approved by the appropriate Vice-President.

6. Termination

The department head is required to review the matter with OHR, the appropriate Vice-President, and the General Counsel prior to making a decision to terminate. If a decision to terminate is determined, it must be approved by the Director of HR and the appropriate Vice President. The President will be notified and a meeting with the employee is scheduled.

The meeting should be carefully planned in advance and held in a private office. The department head should have another member of management in the meeting with him or her. The department head may request that OHR be

present at the meeting. A chronology of the events leading up to the termination should be reviewed with the employee. The department head should collaborate with the OHR to ensure that all keys or other University items are collected, that all final pay and benefits are determined and that there is plan in place in the event that there is a violent reaction from the employee.

7. Documentation

The OHR will retain all documentation related to the facts of each case including investigations, statements and any other relevant documents. The HR Director shall recommend appropriate corrective action to the Vice Presidents.

80.0 PROBLEM RESOLUTION POLICY

KSU Employees may choose to resolve employment-related conflicts through the University Grievance Policy which is attached as Appendix A. The Grievance Policy can also be accessed via the University Intranet.

90.0 WORKPLACE HEALTH, SAFETY AND SECURITY POLICY

INTRODUCTION

KSU is committed to providing a safe and healthy workplace for all its employees. KSU attempts to comply with all state and federal safety regulations. The responsibility for the success of the safety and health program is shared by management and all employees working at KSU.

A. PURPOSE

The objective of the safety and health program is to reduce or eliminate disabling injuries and illnesses. It is the policy of KSU to exercise all precautions necessary to protect employees students and visitors from all accidents. Management firmly believes that all accidents are preventable.

B. SCOPE

Applies to all employees in all departments of KSU while working on campus or off campus or while traveling on KSU business.

C. PROCEDURES

KSU is committed to providing employees with a safe and healthy workplace. It is the policy of the University that employees report unsafe conditions and do not perform tasks if the work is considered unsafe. Employees must report all accidents, injuries, and unsafe conditions to their supervisors. Employees are expected to take an active role in promoting workplace safety. If an employee witness an accident or an unsafe working situation, s/he must report it promptly to the immediate supervisor or to the Safety Office. No employee making a report will face retaliation, penalty, or other disciplinary action as a result of making the report.

Employee recommendations to improve safety and health conditions are given thorough consideration by the management team. Management gives top priority to, and provides the financial resources for, the correction of unsafe conditions. Similarly, management takes disciplinary action against employees who willfully or repeatedly violate workplace safety and

health rules. Discipline can include verbal or written reprimands and can ultimately result in termination of employment.

The Safety and Health program consists of four parts:

- Injury prevention;
- promoting safety and health committee participation;
- providing safety and health education and training; and
- assisting employees in procuring quality treatment plans allowing them to expeditiously return to work.

90.1 INJURY PREVENTION

The injury prevention program consists of random safety inspections of University areas or departments, an onsite safety committee, education and training and continual reviewing and updating of safety rules and procedures.

90.2 SAFETY AND HEALTH COMMITTEE

1. Organization

A safety and health committee has been established to recommend improvements to our workplace safety and health program and identify measures needed to eliminate or control recognized hazards. The number of management representatives on the committee must never exceed the number of rank-and-file employee representatives.

1. Responsibilities

The safety and health committee is responsible for assisting management in communicating procedures for evaluating the effectiveness of measures used to protect employees from workplace safety and health hazards.

The safety and health committee is responsible for assisting management in reviewing and updating workplace safety and health rules based on accident investigation findings, inspection findings, and employee reports of unsafe conditions or work practices. The committee also is responsible for:

- accepting and addressing anonymous complaints and suggestions from employees;
- evaluating employee injury and accident records to identify trends and patterns so that corrective measures can be developed to prevent the recurrence of accidents and unsafe conditions;

- assisting management in promoting safety and health awareness and participation in the workplace safety and health program; and
- assisting management in monitoring workplace safety and health education and training to ensure that it is in place, effective, and documented.

Managers must provide written responses to the written recommendations of the safety and health committee.

2. Meetings

Safety and health committee meetings are held as needed. Each committee member is compensated at his or her regular rate of earnings when engaged in committee activities. Management posts the minutes of each meeting in a conspicuous place, and the minutes are available to all employees. All safety committee records are maintained for not less than three (3) calendar years.

90.3 SAFETY AND HEALTH TRAINING

Safety and Health Orientation

Workplace safety and health orientation begins on the first day of initial employment or job transfer. Each employee must have access to a copy of the safety and health manual through his or her supervisor and be given a personal copy of the safety and health rules, policies, and procedures pertaining to his or her job. Supervisors ask questions of employees and answer employees' questions to ensure knowledge and understanding of safety and health rules, policies, and job-specific procedures described in our workplace safety program manual.

90.4 JOB SPECIFIC TRAINING

1. Supervisors are responsible for:

- a) Training employees initially on how to perform assigned job tasks safely;
- b) Reviewing carefully with each employee the specific safety and health rules, policies, and procedures that are applicable to their jobs;
- c) Giving employees verbal instruction and specific directions on how to perform their work safely;
- d) Observing employees performing the work, and if necessary, providing a demonstration on using safe work practices or ensuring employees receive remedial instruction to correct training deficiencies before they are permitted to perform unsupervised work;
- e) Ensuring all employees receive safe operating instructions on seldom-used or new equipment before using the equipment;
- f) Reviewing safe work practices with employees before permitting the performance of new, non-routine, or specialized procedures; and
- g) Providing safety equipment to employees who perform tasks requiring safety equipment and/or protective gear

2. Revision of Policy and Procedures Retraining of Employees.

All employees are periodically updated on safety and health rules, policies, and procedures, and when changes are made to the workplace safety and health manual.

Individual employees are retrained after the occurrence of a work-related injury caused by an unsafe act or work practice, and when a supervisor observes employees engaging in unsafe acts, practices, or behaviors.

100.0 WORKPLACE VIOLENCE POLICY

INTRODUCTION

KSU strives to provide a safe and secure environment for all employees and campus visitors. Threatening and harmful behavior cannot be tolerated in order for KSU to thrive as the educational institution of choice. This policy is intended to provide a mechanism to ensure the safety and security of all employees.

A. PURPOSE

KSU does not tolerate acts of workplace violence committed by or against employees. KSU strictly prohibits employees from making threats or perceived threats or engaging in violent acts.

B. SCOPE

KSU uses and employs a zero-tolerance policy pertaining to all employees, meaning that KSU disciplines or terminates every employee found to have violated this policy.

C. PROCEDURES

1. Prohibited Conduct

Prohibited conduct includes, but is not limited to:

- a Injuring another person physically, excluding substantiated incidents of self-defense;
- b Engaging in behavior that creates a reasonable fear of injury in another person;
- c Possessing, brandishing, or using a weapon while on KSU premises or engaged in KSU business;
- d Damaging property intentionally;
- e Threatening to injure an individual or damage property; and
- f Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

2. Identifying and Responding to Risks

KSU identifies and responds to workplace violence hazards as follows:

- a **Threat assessment.** The Human Resource Director works in conjunction with the University Police Department and the KSU Safety Committee to assess KSU's vulnerability to violence and determine the appropriate preventative measures. The group reviews the workplace as necessary to identify existing or

potential violence hazards. The worksite review should include, but not be limited to, inspecting security measures, analyzing records of violent incidents and monitoring trends, and conducting screening surveys to learn about employees' security concerns. OHR maintains records of all threats and incidents of violence committed against employees. Access to such records is on a need-to-know basis only.

- b Security planning for at-risk employees.** Human Resource and University Police personnel work with at-risk employees and their supervisors to develop safety plans that address the specific risks the employees face while at work.

- c Pre-hire screening.** OHR reserves the right to review job candidates' backgrounds to determine if they have a history of committing violent acts or making threats.

3. Guidelines for Handling Violent Situations

OHR maintains and distributes to all employees detailed guidelines and procedures for handling workplace violence and threats. The guidelines are developed by the University Police Department. OHR is responsible for periodically reviewing the guidelines with the University Police Department to ensure that they are adequate and up-to-date. If a violent incident occurs, OHR must re-evaluate the guidelines and procedures and discuss modification with the University Police Department accordingly.

- 4. Victims of violent incidents in the workplace might have to contend with a variety of medical, psychological, and legal consequences. KSU accommodates victims of workplace violence by:
 - Referring victims to appropriate community resources, such as medical centers and counseling services;
 - Providing flexible work hours or short-term or extended leave;
 - Cooperating with law enforcement personnel in the investigation of the crime and the prosecution of the offender; and
 - Providing a debriefing for employees twenty-four (24) to forty-eight (48) hours after a serious violent occurrence to explain what happened and what steps are being taken by KSU to support affected employees.

5. Enforcement

OHR and the University Police must immediately investigate any report of violence or physical threats committed on KSU premises.

All employees who commit violent acts or who otherwise violate this policy are

subject to corrective action or discipline, up to and including termination of employment.

KSU will seek the prosecution of all of those who engage in violence on its premises or against its employees while they are engaged in KSU business.

110.0 HARASSMENT POLICY

INTRODUCTION

KSU is committed to maintaining the campus community as a place of work and study for faculty, administrators, staff and students, free of sexual harassment, intimidation, and exploitation. The University does not tolerate behavior by an employee that constitutes sexual or other unlawful harassment of any member(s) of the University community. Harassment in any form, including verbal and physical conduct, visual displays, threats, demands and retaliation is unlawful and will not be tolerated. It is our policy that any form of harassment on the basis of sex, race, national origin, religion or other categories protected by law or other forms of harassment of or abusive treatment that may create a hostile environment for employees, students, guests or applicants for employment will not be tolerated at the Kentucky State University.

A. PURPOSE

Define the different types of harassment and provide all employees, students and guests information on how to deal with any form of harassment should they be confronted with such behavior by an employee or provider of services or visitors at KSU.

B. SCOPE

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature. It can include, but is not limited to, unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes or physical assault. Sexual harassment not only happens to female employees; male employees can be affected as well.

Racial, national origin or other forms of harassment can take the form of abuse, ostracism, unwelcome jokes, graffiti or slurs or other similar-type conduct. Typically, it is inappropriate stereotyping. These types of actions are also unacceptable in the workplace.

All supervisors and managers including administrators and department heads are also covered by this policy and are prohibited from engaging in any form of harassing or discriminating conduct.

No department head or other administrator has the authority to suggest to any employee or applicant that his/her employment, continued employment, or future advancement will be affected in any way by the individual's entering into, or refusing to enter into, any form of personal relationship with the supervisor or manager. Such conduct is a direct violation of this policy.

Harassment of or discrimination against employees in connection with their work by non-employees also may be a violation of this policy. Any employee who experiences or observes any harassment of or discrimination against an employee by a non-employee should report such harassment to his or her supervisor or department head. Employees who believe they have been the victims of sexual or other unlawful harassment will have access to complaint procedures.

C. PROCEDURE

1. Any employee who feels that he or she is a victim of harassment by any supervisor, administrator, other employee, customer, client or any other person in connection with his or her employment, should bring the matter to the immediate attention of their immediate supervisor. The immediate supervisor shall bring the matter to the attention of the appropriate Vice-President, the Office of Human Resources, and the General Counsel.
2. An employee who is uncomfortable for any reason in bringing such a matter to the attention of his or her manager, department head, Director or Dean should report the matter to the OHR. OHR shall bring the matter to the attention of the appropriate Vice-President and the General Counsel.
3. The OHR shall begin an investigation within 1 week of receiving the initial complaint. Anyone who may have witnessed the harassment or who may know something about it will be interviewed about the matter. Every effort will be made to maintain confidentiality. Only people directly involved with a "need to know" will be asked to discuss the matter. Anyone involved in the investigation who breaches confidentiality will be disciplined up to and including termination.
4. OHR will prepare a report within thirty (30) days of receiving the initial complaint. The report will detail the findings of fact and state conclusions. A draft of the report will be circulated to the charging and the accused harasser to permit both parties with an opportunity to respond in writing. Both parties have ten (10) days to file a written response. OHR shall issue a final report no later than 7 days after the last response is received. The final report will be circulated to the charging party, the accused harasser, the appropriate Vice-President, the General Counsel, and the University President.
5. If the alleged conduct is shown to constitute unlawful harassment, appropriate action will be taken. The penalties for harassment depend on the nature of the offense. Sanctions may range from reprimand to termination.
6. All information relative to such matters are to be handled in a most confidential manner.

120.0 CONFLICT OF INTEREST

INTRODUCTION

KSU insists that all of its employees exhibit the highest level of ethical conduct in conducting their day-to-day business with vendors, employees or professional organizations. In addition to the guidelines included here, employees shall adhere to the University's Ethical Principles and Code of Conduct which is attached as Appendix B. This policy can also be accessed through the University Intranet.

A. PURPOSE

To provide employees with guidelines relating to what is and what is not acceptable behavior with respect to ethical conduct in dealing with employees, vendors, professional associations and other outside groups. All employees must avoid activities or relationships that conflict with KSU's interests or adversely affect KSU's reputation. The types of activities and relationships employees must avoid include, but are not limited to:

1. Accepting or soliciting a gift, favor, or service that is intended to, or might appear to, influence the employee's decision-making or professional conduct;
2. Accepting, agreeing to accept, or soliciting money or other tangible or intangible benefit in exchange for the employee's favorable decisions or actions in the performance of his or her job;
3. Accepting employment or compensation or engaging in any business or professional activity that might require disclosure of KSU's business operation;
4. Accepting employment or compensation that could reasonably be expected to impair the individual's independent judgment in the performance of official duties;
5. And making personal investments that are contrary to the KSU's interests.

Employees must disclose actual or potential conflicts to their supervisor as soon as they become aware of them. Failure to make required disclosures or resolve conflicts of interest satisfactorily can result in discipline, up to and including termination of employment.

B. SCOPE

1. General Guidelines

- a These guidelines apply to all employees.
- b Employees must not engage in any activities, transactions, or relationships that are incompatible with the impartial, objective, and effective performance of their duties. Examples of matters and relationships that could create a conflict of interest or a potential conflict, include, but are not limited to, when an employee

or a member of the employee's immediate family:

- i. Accepts or solicits a gift, favor, or service from an individual, business, or other party involved, or potentially involved, in a contract or transaction with KSU;
- ii. Accepts, agrees to accept, or solicits money or other tangible or intangible benefit in exchange for the exercise of official powers or the performance of official responsibilities;
- iii. Accepts employment or compensation or engages in any business or professional activity that might require disclosure of KSU's confidential information;
- iv. Accepts other employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of official duties; or
- v. Makes personal investments that are contrary to the KSU's interests.

C. PROCEDURES

1. Permitted Investments

Employees must avoid any investments in the businesses of KSU's customers, suppliers, or vendors that could cause divided loyalty, or even the appearance of divided loyalty.

Employees who have investments in the businesses of customers, suppliers, or competitors or who plan to make such investments must file a Conflict of Interest Disclosure Form. As a general rule, an employee's investment in securities traded on a recognized stock exchange does not create a conflict of interest as long as the securities are purchased on the same terms and with the same information available to the general public.

2. Commencement of Employment

Employees are required to inform their department head as soon as they have knowledge of KSU transaction or proposed transaction with an outside individual, business, or other organization that would create a conflict of interest or the appearance of one. Specifically, the employee is required to disclose any:

- a Remuneration to the employee, or to an immediate family member, received from the individual/organization;
- b Investments or ownership interests the employee or an immediate family member has in the outside organization;
- c Offices or positions the employee or an immediate family member holds in the outside organization; and
- d Other relationships with the individual/organization that actually or potentially

create a conflict of interest.

All disclosures required under this policy must be directed in writing to the employee's department head. The department head promptly reviews the disclosure and determines which interests are in conflict and which, if any, can be resolved.

All employees who purchase goods or services for KSU must complete and file an annual Conflict of Interest Disclosure Form.

3. Confidentiality

To encourage the full disclosure of potential conflicts, disclosures are treated confidentially. Information provided on Conflict of Interest Disclosure Forms is available only on a need-to-know basis.

4. Withdrawal from Decisions

Employees are prohibited from exercising decision-making authority or exerting influence concerning any organization or transaction in which they or a family member have a personal interest. Employees must disclose such interest by filing a Conflict of Interest Disclosure Form with the appropriate department head and have that individual approve any arrangement for resolving the conflict—including the employee's withdrawal from decision-making in the matter.

5. Misuse of Information

No employee of KSU shall, for personal gain or for the gain of others, use any information not available to the public that was obtained as a result of service to KSU. No employee shall personally exploit any business opportunity in which the employee knows or reasonably should know KSU is or would be interested, unless KSU first consents thereto in writing.

6. Gifts and Favors

No employee shall solicit or accept for personal use, or for the use of others, any gift, favor, loan, gratuity, reward, promise of future employment, or any other thing of monetary value that might influence or appear to influence the judgment or conduct of the employee in the performance of his or her job. Employees can accept occasional unsolicited courtesy gifts or favors (such as business lunches, tickets to sporting events, or holiday baskets) as long as the gifts or favors have a market value under \$25, are customary in the industry, and do not influence or appear to influence the judgment or conduct of the employee in KSU's business. An employee can be exempted from the restrictions in this paragraph by his/her supervisor as to a specified gift or favor. The exemption must be in writing and include sufficient justification. Individual administrative units within KSU can impose further restrictions on gifts or favors for employees within the unit.

7. Work with Professional Organizations/ Associations

An employee's work with or for an outside professional organization or association does not create a conflict of interest if such work

- a Is related to the legitimate professional interest and development of the employee;
- b Does not interfere with the employee's regular duties;
- c Does not compete with the work of KSU and is not otherwise contrary to the best interests of KSU; and
- d Does not violate any state or federal laws.

8. **Reporting Suspected Violations**

Alleged violations of this policy and the basis for the allegations shall be communicated confidentially and preferably (but not necessarily) in writing to the employee's supervisor or, the President's Office. Measures must be taken to ensure that no adverse action is taken, either directly or indirectly, against a complainant who makes allegations in good faith.

9. **Discipline**

Engaging in any activity, transaction, or relationship that is adverse to KSU interests or failing to make disclosures required by this policy can result in immediate discipline, up to and including termination of employment. KSU can discipline an employee immediately when KSU has knowledge that the employee has engaged in activity prohibited by this policy. KSU's exercise of such discipline does not depend on the disclosure process outlined in this policy.

130.0 CONFIDENTIALITY POLICY

INTRODUCTION

The unauthorized dissemination of information can be both harmful to individuals as well as KSU. This policy is intended to describe the expected behavior for dealing with confidential information as well as to clearly state the consequences for not meeting the outlined expectations

A. PURPOSE

Provide all employees guidelines with respect to the type of information that may be considered confidential and how such information should be treated.

B. SCOPE

This policy covers all KSU employees.

C. PROCEDURES

1. Employment Information

The details of an employee's terms of employment and compensation should be treated as confidential matters and should not be disclosed to other employees, students, or their spouses or parents, except as necessary.

2. Confidential Information

Employees may, by virtue of their employment with KSU, obtain access to sensitive, confidential, restricted and proprietary information about KSU, including but not limited to financial records, customer or vendor records and files, referral or mailing lists, credit card numbers, and similar documents. Such confidential information shall be used solely by employees in the performance of their job duties for KSU. Employees shall not, without the prior written consent of KSU, use, disclose, divulge, or publish to others any such confidential information acquired in the course of their employment. Such confidential information is the exclusive property of KSU and under no circumstances whatsoever shall employees have any rights to use, disclose or publish to others such confidential information subsequent to the termination of their employment.

Unauthorized use or disclosure of confidential information may result in discipline, up to and including immediate termination, prosecution, or other available action.

Upon termination of employment, employees must return any and all confidential information, including all copies of such documents prepared or produced in

connection with their employment at KSU pertaining to KSU; business or the employee's services for KSU, whether made or compiled by the employee or furnished to the employee in connection with such services to KSU.

140.0 SUBSTANCE ABUSE POLICY

INTRODUCTION

The use of illegal substances or alcohol on KSU premises or in the performance of one's job on or off KSU's premises creates an undue liability and unsafe situation. Such behavior is explicitly in violation of KSU's work rules and policy on substance abuse. This provision does not include the authorized use of alcoholic beverages at University-sponsored functions or activities.

A. PURPOSE

The intent of this policy is to

1. Provide clear guidelines and consistent procedures for handling incidents of controlled substances that affect job performance and make every effort to institute and maintain a drug-free workplace;
2. Ensure that employees conform to all state and federal regulations regarding alcohol, drugs, or controlled substances.

The University is required by law to provide a safe and healthy work environment for its employees. In addition, the University has a vital interest in ensuring a safe, healthy and efficient working environment for its employees and customers. For these reasons, the University has established a drug and alcohol free workplace policy.

In accordance with this policy, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, solicitation, sale, transfer or possession of controlled substances and/or alcoholic beverages while on University paid time, on University premises, in University vehicles, or while engaged in University activities

B. SCOPE

All KSU employees and visitors.

C. PROCEDURES

1. Employees also are prohibited from reporting for duty or remaining on duty when the employee uses drugs or alcohol, except when the use is pursuant to the instructions of a licensed medical practitioner and such use does not create a danger of injury to the employee or others.
2. Employees using medication which may impact their ability to perform their job safely must notify their supervisor without disclosing the identity of their medication. The employee will be required to obtain documentation from his or her physician which provides that the medication will not interfere with the employee's ability to perform his or her job safely or provides any work restrictions. An employee may continue to work if it is determined that the medication will not adversely affect the employee's performance or if it is determined that a reasonable accommodation can be made.

3. Whenever a supervisor witnesses the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances by an employee, that supervisor shall:
 - a. Immediately notify the appropriate police authority;
 - b. Suspend the employee pending investigation;
 - c. Inform the Director of Human Resources

OHR shall notify the University Police whenever unauthorized controlled substances are found on University property

An investigation shall be conducted to determine whether there has been a violation of this policy. If evidence confirms that an employee has violated this policy, OHR shall determine the appropriate sanction which may include corrective action up to and including termination.

4. Employees may be required, as a condition of employment, to submit to drug and/or alcohol testing. Employees also are prohibited from continuing to work if they have tested positive for drugs and/or alcohol. Employees are prohibited from consuming alcohol during working hours, including meal and break periods. This does not include the authorized use of alcoholic beverages at University-sponsored functions or activities. However, public intoxication at any University-sponsored function may result in disciplinary action.
5. In addition to this policy, all employees and supervisors must adhere to the University's Drug-Free Workplace Policy which is attached as Appendix C. This policy may also be accessed through the University Intranet.

150.0 TERMINATION POLICY

INTRODUCTION

KSU will extend to a separated individual all possible consideration, consistent with integrity, sound business practices, and the University's position regarding nondiscrimination in the employment relationship.

A. PURPOSE

The University, recognizing that conditions arise which result in voluntary or involuntary employee separations, will sever the employment relationship equitably and consistently in accordance with this policy.

B. SCOPE

All employees separating employment from KSU.

C. PROCEDURES

Separation of employment is the severance of the employment relationship between KSU and the individual. It will be regarded as permanent and the individual will, as of the date of separation, forfeit all accrued continuous service and benefits in accordance with other appropriate practices. Should such separated employee be rehired at a later date, he or she will be as a new employee except where benefits provisions provide for restored service.

Employment at Kentucky State University is at will. Employment termination may be initiated at any time by either the employee or the University in accordance with this policy.

150.1 VOLUNTARY TERMINATION

This is a resignation, which is a separation initiated by the employee. The employee may voluntarily provide in writing to their supervisor and the Department of Human Resources the following notice: four (4) weeks for exempt staff and two (2) weeks for non-exempt staff. Such notice will provide departments the opportunity to initiate staffing plans, in addition to processing the final paycheck, the benefits status forms, the scheduling of an exit interview, and the return of University property.

NOTE: Failure to provide adequate notice affects the eligibility for future employment with the University. An employee that fails to provide adequate or otherwise fails to separate in good standing is not eligible for re-hire anywhere within the University.

The employee will have the opportunity to participate in an exit interview. At the exit interview, employees will have the opportunity to discuss their employment at the University, offering suggestions and expressing concerns, and complete an exit interview checklist facilitating the return of property and equipment.

1. The supervisor will process an OPAL and submit it to OHR.
2. The supervisor should make arrangements with the employee to secure all ID badges, keys, and other KSU property prior to the employee's last day.

150.2 INVOLUNTARY TERMINATION

Involuntary termination is initiated by KSU for what it considers justifiable reasons. Involuntary termination may result from layoff, elimination of a position, or gross misconduct. The University also reserves the right to terminate an employee without cause.

Layoff

A layoff is a separation from the University when rehire is anticipated within one year. Authority to implement layoff lies with the President. Layoff of a regular employee may be necessary due to:

- Lack of work;
- Lack of funds to continue the position;
- Other reasons leading to a reduction in force.

Employees shall receive a notice of one pay period or pay in lieu of notice prior to layoff.

Position Elimination

A regular position may be eliminated due to organizational realignment, lack of funds, or other administrative changes. An eliminated position may not be reintroduced to the University's organization structure for at least two years. Authority to eliminate a position lies with the President. Employees shall receive a notice of 30 days or pay in lieu of notice prior to the elimination.

Termination for Gross Misconduct

The University may terminate the employment without giving notice and/or paying end of service benefit if University or departmental rules are violated. The University may also terminate for the following reasons:

- a Insubordination, including unwillingness to perform assigned duties;
- b Negligent destruction of University property;
- c Drug or Alcohol abuse, or the influence or consumption thereof, while on University property or conducting University business;
- d Job abandonment;

- e Fighting, physical assault, physical violence, or the threat of physical violence while on the job;
- f Breach of contract by the employee of any term of the agreement;
- g Breach of confidentiality or Conflict of Interest;
- h Dishonest or unethical conduct;
- i Failure to carry out the duties required in a diligent and competent manner;
- j Failure to meet the standards established for the employee of the position;
- k Other misconduct while on University property or conducting University business;

NOTE: Employees terminated for gross misconduct will not be eligible for rehire at the University Administration

- a) **Review/Approval by OHR:** Separations must be reviewed by the appropriate Vice-President and the General Counsel and approved by OHR prior to being finalized. In potential disciplinary situations, the employee may be suspended with the concurrence of OHR until all facts are considered.
- b) **Documentation of Separation:** All separations from KSU will be fully documented in writing. This documentation will detail the events that led up to the separation and the final reason for separation. The files of employees fired for cause shall be marked accordingly. This documentation is the responsibility of the department from which the employee is separating and should be reviewed with the Human Resources Director. The completion of a Clearance Form (Refer to from HR22 at the end of this section) is required.
- c) **Final Wage Payment:** Employees separating from KSU will be paid for all hours worked and for time in lieu of vacation earned but not taken as of the last day worked. Payment will normally be made on the last day worked.
- d) **Separation:** The date of employment separation will be governed as follows:
 - i. **Last Day Worked:** The normal date of separation for employees will be the last day actually worked.
 - ii. **Employee's Intent Not to Return to Work:** The date of separation for employees who give notice of intent not to return to work while on paid or unpaid authorized leave will be the date such notification is received.
 - iii. **Death:** The date of separation for deceased employees is the date of death.
 - iv. **Failure to Return from Personal Leave:** The date of separation in the event an employee fails to return from personal leave of absence will be the last day of authorized leave granted.

1. Separation Processing: When the services of an employee are to be terminated and OHR has been contacted, the next out-processing activity will be accomplished as follows:

- i. **Exit Interview:** All employees to be separated must be referred to OHR for an exit interview.

- i. **Disposition of Employee Benefits:** All employee benefits are automatically cancelled on the employee's effective date of separation. Disposition of benefit plans for employees separating are as follows:
 - **Group Medical Insurance:** Health care benefits terminate on the day of employment separation. (U.S. expatriates will receive an opportunity for continuation in conjunction with U.S. ERISA Law).
 - **Educational Assistance:** Reimbursements will not be made to an employee participating in the Educational Assistance Plan who has separated or announced an intent to separate from the University and if paid in total shall be reclaimed pro-rata.
 - ii. **Computer Security:** The Information Department Technology initiates the appropriate discontinuance of computer security clearance codes.
- 2. Retention of University Property:** As soon as it is known that an employee will leave KSU, the department head of the affected department will take appropriate steps to prevent the removal of KSU properties to which the terminating employee has access.
- i. The department head or appropriate designee will arrange to monitor the removal from KSU premises of personal effects of the terminating employee in order to retain all KSU properties, including equipment, furniture and fixtures, supplies, policy manuals, organization manuals, and all business documents, papers, and files, to which the terminating employee has access.
 - ii. The department head or a representative from OHR will collect all KSU-authorized cards (medical insurance, car sticker), as well as the employee's identification card. All such items shall be forwarded to Human Resources Services.
 - iii. Upon receipt of the aforementioned items, OHR will arrange the required cancellation of all ID.
- 3. References and Recommendations:** All requests for letters of recommendation or employment references required by employees about to separate from employment or who have previously separated from employment with the University will be governed as follows:
- i. All such requests will be responded to by OHR. Any such requests received in other areas shall be forwarded to OHR for handling.
 - ii. Information verified and/or provided in response to such requests will be limited to the following:
 - iii. **Verbal Requests:** Employment date; job title and department (verification

only); separation date (if applicable); reason for separation (will provide only the following: separated, retired, or deceased); and Social Security number (verification only).

- iv. Written Requests: All information provided/verified in verbal requests, and information regarding earnings, salary and wages, and address will be provided only with signed authorization from the former employee.
- v. Under no circumstances will information regarding performance-related factors be provided to inquiring parties.

4. Exit Interview Form

Every employee leaving the University is to be extended the courtesy of a final interview with a member of management to whom this responsibility is delegated.

The Exit Interview Form must be completed by the terminated employee's supervisor and submitted to OHR.

160.0 EMPLOYEE INFORMATION AND PRIVACY POLICY

INTRODUCTION

In collecting, maintaining, and disclosing employee information, KSU makes every effort to protect employees' privacy rights and interests and prevent inappropriate or unnecessary disclosures of information from any worker's file or record.

While complying with its governmental reporting and recordkeeping requirements, KSU strives to ensure that it handles all personal and job-related information about employees in a secure, confidential, and appropriate fashion in accordance with the principles and procedures outlined below.

A. PURPOSE

Emphasize to all KSU administrators the importance of confidentiality in handling employee information and guidelines for handling such information.

B. SCOPE

All KSU administrative employees that handle employee information.

C. PROCEDURES

1. Treatment of Confidential Information

All administrative employees are expected to treat personal information about employees as confidential and respect the need for protecting each employee's privacy by enforcing secure information handling procedures on the part of all employee whose job duties involve gathering, retaining, using, or releasing personal information about the organization's employees. KSU Human Resources collects and retains only such personal information as it needs to effectively conduct business and administer its employment and benefit programs. Human Resources takes all possible steps to make sure that all personal and job-related information about employees is accurate, complete, and relevant for its intended purpose. Wherever possible, HR notifies affected employees if it needs additional personal information and gives these employees an opportunity to supply the requested data.

2. Security and storage of employee records and medical information

All paper-based documents relating to KSU's employee record system are kept in secure, locked files in the OHR.

These files are accessible only to authorized OHR staff and executives, managers, and supervisors who have a valid, demonstrable need to obtain specific information from an employee's personnel file. Employees also are granted access to their personnel files and records in accordance with the access procedures outlined below. All employee files and records must remain in the OHR at all times.

If an individual with an authorized need to know requires copies of the information in

an employee's employee file, the OHR makes these copies available on written request.

All medical information relating to an employee is kept in the separate Medical Records System files maintained by the University Health Center. Access to these medical files is tightly controlled. Ordinarily, medical information about an employee is supplied only to the worker's designated physician in accordance with the worker's written specific request.

Questions or issues about the application or enforcement of these security measures should be addressed to the Human Resource Director.

3. Internal disclosures and uses of employee file information

All managers, supervisors, and other authorized employees of KSU must sign the official employee file log maintained by OHR for recording all access to or reviews and receipt of employee file information. When a request for information from an employee's employee file is received by OHR and OHR views the disclosure as possibly intruding on the employee's privacy, the employee will be notified by OHR. However, routine or ordinary employment procedures, including, but not limited to, performance evaluations, merit increase reviews, promotion and transfer consideration, and disciplinary investigations, normally are not subject to this notification procedure.

4. Disclosure or release of employee information to government agencies

On occasion, KSU must provide information and data from its employee records and files to local government and U.S. agencies in accordance with recordkeeping and reporting requirements imposed by such agencies.

In instances where a government agency requests information beyond that which it normally requires, KSU ordinarily advises the affected employees of the agency's information request.

If, however, an agency's information request occurs in the course of an agency investigation or if an agency asks KSU to keep such a request confidential, KSU, in its discretion, can comply with the agency's request. KSU ordinarily honors subpoenas demanding production of information with respect to any employee, but usually advises an employee of the subpoena and nature of the information requested, unless otherwise prohibited by law.

5. Disclosure or release of employee information to nongovernmental entities

In response to an information request from an outside organization, individual, or other non-governmental entity, KSU normally verifies only the employment status and dates of employment for former or present employees. Salary may additionally be provided on letters for financial institutions. KSU does not provide any other information unless and until it has received from the worker or former employee a written request that it disclose or confirm additional specific information.

Please be advised that certain employment information, such as position title and

salary, may be made available pursuant to an Open Records Request. All Open Records requests must be processed through the Office of the General Counsel.

6. Employees' access rights to Employee file information

All employees can review the information contained in their own Employee file, although KSU reserves the right to remove certain sensitive documents, including letters of reference and management planning documents such as succession or promotion plans. To prevent abuses of this access privilege, KSU also reserves the right to limit the number of times an employee can access his or her file during a 12-month period. Employees who are interested in reviewing the contents of their Employee file should contact the OHR and provide at least a two day notice of their desire to schedule a mutually convenient time for an appointment.

7. Accuracy of basic employee information

To ensure that KSU's Employee files are up-to-date and contain accurate, complete information, employees are asked to notify their supervisor or OHR of any changes that need to be made in the following categories:

- name;
- telephone number;
- home address;
- marital status;
- number of dependents;
- beneficiary designations;
- scholastic achievements; or
- individual to notify in case of an emergency.

8. Correction or deletion of file information

Employees can request correction or deletion of information in their Employee records as appropriate by submitting a written request to the Human Resource Director. The Human Resource Director ordinarily checks with the head of the department where the record originated.

Resource Director notifies the employee in writing that the amendment will be made as requested or that the amendment request has been denied. In cases where a requested amendment is denied, the Human Resource Director must explain the reasons for refusing to make the change. A copy of the response must be placed in the individual's record if the request is denied.

If the Human Resource Director refuses to amend or delete the record, the individual has the right to enter into the record a statement setting forth the reasons for the individual's disagreement.

170.0 Use of University Computers and E-Mail

INTRODUCTION

Increasingly there is a need to protect KSU's computer systems from outside viruses and applications that may conflict with them. Employees are not to change or augment work systems or settings without prior approval from the immediate supervisor. In addition, in order to ensure system security, employees must not give out passwords to any co-worker or third party.

A. PURPOSE

To ensure the protection and security of KSU's computer and e-mail systems from viruses, hackers, and other outside influences that could pose a threat or be harmful to KSU's systems operations.

B. SCOPE

All employees and contractors that are given access to KSU computers systems or e-mail.

C. PROCEDURE

1. Use of E-mail and other systems

- a) Employees may be provided electronic mail for use in performing duties at KSU. It is KSU's policy that e-mail, like other assets such as the voice mail system, be used solely for the benefit of performing duties on behalf of KSU. The e-mail and other information systems are not to be used in any way that may be disruptive, offensive to others, or harmful to morale, nor may it be used to solicit others for any reason.
- b) There is to be no display or transmission of sexually explicit images, messages, cartoons, or any transmission or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based upon their race, color, national origin, ancestry, sex, age, protected disability, or religion or any other characteristic protected by law. Any violation of this policy will result in disciplinary action up to and including discharge.
- c) All messages are KSU records and property. There is no expectation of privacy with regard to KSU records and property. KSU reserves the right to access and disclose all messages created or sent via e-mail system, voice mail system or any other information system for any purpose. Employees should not attempt to gain access to another employee's personal file of e-mail messages, voice mail system or any other information system without the latter's express permission. KSU reserves the right to enter, search, copy, inspect and disclose an employee's e-mail, voice mail system or any other information system files at any time.

Additional University forms, appendices, and guidelines may be found on OHR Intranet site. Please contact the Office of Human Resources at Extension 6438 with any questions or concerns.