



MISSISSIPPI VALLEY STATE UNIVERSITY

UNIVERSITY EMPLOYEE HANDBOOK

UNIVERSITY EMPLOYEE PERSONNEL
POLICY AND PROCEDURE MANUAL

ONE GOAL
TEAM
VALLEY

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MISSISSIPPI VALLEY STATE UNIVERSITY PERSONNEL POLICIES AND PROCEDURES

INTRODUCTION

The purpose of this handbook is to inform University personnel of policies pertaining to employment at Mississippi Valley State University. Employees are urged to read the entire handbook and to consult with their immediate supervisor for procedures pertaining to each policy statement which they do not understand or contact the Office Human Resources for clarification.

Mississippi Valley State University's handbook is issued by the President under the laws of the State of Mississippi and the regulations of the Board of Trustees of State Institutions of Higher Learning.

The Board of Trustees has governing authority over Mississippi Valley State University; other state agencies which figure prominently in regulating and overseeing the affairs of the University include the Bureau of Building, Grounds, and Real Property Management, the State Department of Audit, and the State Attorney General.

Any policy, statement or procedure contained in this handbook, if found to be in conflict with the policies of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, the laws of the State of Mississippi and the federal government, or relevant decisions of state or federal courts, is to be declared null and void.

While this handbook contains statements of policies, procedures and benefits which may be currently in effect, such statements are not intended to and should not be construed as creating or imposing contractual obligations.

Mississippi Valley State University reserves the right to change the contents of this handbook at its discretion. Consult with the Office of Human Resources if you have any question concerning the status of any statements or policies in this handbook.

HISTORICAL STATEMENT

The history of Mississippi Valley State University parallels the changing demands of society and the expanding needs of the students the University serves.

Although legislation authorizing the establishment of the institution was enacted in 1946, the University was not formally opened until 1950. The 1946 statute provided for the establishment of Mississippi Vocational College. The groundbreaking ceremony was held February 19, 1950, with the late Honorable Governor Fielding Wright, the Board of Trustees of State Institutions of Higher Learning, the first President of the Institution, Dr. J. H. White, and interested friends participating. In the summer of 1950, the College opened with an enrollment of 305 in-service teachers. The first academic year, 1950-51, began with 14 regular students and seven faculty members. The College offered the Bachelor of Science degree in 14 areas and provided extension services.

In 1964, the name of the Institution was changed to Mississippi Valley State College. The College was then authorized to offer degrees in Liberal Arts, Science, and Education. Emphasis was placed upon training in pre-professional, technical, and specialized areas.

The second President, Dr. E. A. Boykins, took office in July 1971.

On March 15, 1974, the Honorable Governor William A. Waller signed into law the bill granting University status to the institution, which has operated since then under the name of Mississippi Valley State University.

The University opened its Graduate Programs in 1976. It offers the Master's Degree in Environmental Health, Elementary Education, Criminal Justice, Special Education, Master of Arts in Teaching, Master of Business Administration, Master of Science in Bioinformatics, Rural Public Policy and Planning, and Social Work.

The third President, Dr. Joe L. Boyer, took office in January 1982.

Dr. William W. Sutton took office as the fourth President of the University in July 1988.

The Greenwood Center, an off-campus site of MVSU, opened January 1996.

On July 1, 1998, Dr. Lester C. Newman became the fifth President of Mississippi Valley State University.

The Greenville Higher Education Center, an off-campus site of MVSU, opened in January 2001. The University completed construction of the Business Education Building in 2006. A Science and Technology Building and two new dormitories began construction in 2007 and opened in 2009.

Dr. Roy C. Hudson was named interim president of MVSU on July 1, 2007, becoming the first alumnus to hold the office in the University's history.

On October 21, 2008, Dr. Donna Oliver was named the University's sixth president and the first woman to hold the office in the University's history.

The Renaissance Learning Program, an accelerated degree program in Organizational Management was announced and initiated during the spring of 2009.

Dr. William Bynum, Jr. serves as the University's seventh president. Dr. Bynum took office on November 6, 2013. Dr. Bynum's vision of "One Goal One Team One Valley" encompasses his vision for student success, University and community working together, and students, faculty, staff, alumni and friends actively demonstrating school pride and spirituality that is second to none.

The University is under the jurisdiction of the Board of Trustees of State Institutions of Higher Learning which is composed of twelve members. Funds for the operation of the University come from general appropriations of the Legislature, student tuition and fees, federal grants, and gifts.

STATEMENT OF PURPOSE

The policies contained herein are intended to provide all employees, faculty and staff of the University, the information needed to maintain compliance with institutional, state and federal regulations. By adhering to doing so, the employees maintain good standing with the University. If at any time you have any questions or concerns about policies in this handbook or other University practices or procedures, please consult with the Office of Human Resources.

DISCLAIMER

The University reserves the right to modify or amend any statements contained in the Handbook without notice.

EMPLOYMENT

Mississippi Valley State University continually upgrades its employment procedures in an effort to find the very best and most qualified applicants through intensive screening procedures.

When seeking employment at the University, each applicant is asked to complete an application for employment in the Office of Human Resources prior to an interview. On this form, the applicant provides information necessary for careful consideration of the applicant's previous experience, physical and educational qualifications for the particular position or job in which he/she is interested. The application also serves as a legal document and must be retained for the period prescribed by law.

CONDITIONS OF EMPLOYMENT

All contracts of employment are subject to the governing Policies and Bylaws of the IHL Board of Trustees. Please note that the IHL Policy Section 404.02 and the policies set forth in the MVSU handbook are amended from time to time.

Without a contract of employment or tenure, employees are At-Will and serve at the will and pleasure of the University President. Employment beyond the contract period may not be legally presumed. Renewals, amendments, revisions, additions, and reductions of an employment contract are subject to the recommendation of the MVSU President and, in some instances, approval by the IHL Board.

Each employee must acknowledge receipt and acceptance of the terms of the contract by signing and returning a copy, if applicable.

Failure or refusal of the employee to sign and return a copy of the contract within the time frame mandated by the University is deemed a voluntary resignation from employment and all privileges inherent in that status. The President may grant permission in writing to extend the time. Additional information pertaining to faculty contracts is available in the University's Faculty Handbook.

EQUAL EMPLOYMENT OPPORTUNITY

Mississippi Valley State University is committed to the principles of equal employment opportunity, affirmative action and diversity. The University provides equal opportunity in education and employment for all qualified persons without regard to race, color, religion, national origin, sex, age, sexual orientation, genetic information, physical or mental disability, or veteran status.

Discrimination based upon race, color, religion, national origin, sex, age, sexual orientation, genetic information, physical or mental disability, or veteran status is a violation of federal and state law and

University policy; and is strictly prohibited. In accordance with this policy and the applicable law, employment decisions, including those affecting hiring, promotion, demotion, or transfer; recruitment; advertisement of vacancies; layoff and termination; compensation and benefits; or selection for training will be made without regard to an applicant's or an employee's race, color, religion, national origin, sex, age, sexual orientation, genetic information, physical or mental disability, or veteran status.

Students are also assured that access to educational opportunities, financial assistance, and social and recreational programs are free from discrimination.

RECRUITMENT

It is Mississippi Valley State University's policy to fill all job vacancies with the best qualified person available. Authority to announce jobs is cleared through all levels of the administrative division in which the vacancy exists and forwarded to the Office of Human Resources for the appropriate level of advertising. The Office Human Resources will post jobs on the University's website for at least five (5) days. Positions advertised in national publications and newspapers are charged to the requesting department.

APPLICANT SCREENING

The Office of Human Resources is responsible for the preliminary screening of applicants. Application forms and credentials of possible candidates will be passed on to the hiring official for interviewing purposes after applicants have been screened by the Office of Human Resources and determined to have the appropriate skills for the job.

Please note that the term "hiring official" does not confer upon that individual the right to approve an offer of employment. As noted, only the University president has the authority to approve and make an offer of employment.

The hiring official will evaluate an applicant's knowledge, skills and ability for the position, document these procedures and apply it uniformly to all applicants. After an interview is conducted, the selected applicant will be recommended as the final candidate for the position. In some instances, such factors as financial constraints, program continuity, the unavailability of a practical number of qualified applicants or the existence of highly specified qualifications and requirements for a particular position, require making an exception to the University's normal employee recruitment and selection procedures. These types of exceptions include the categories of business necessity and internal recruitment.

Background checks conducted by the hiring official will consist of calling and/or writing previous employers listed by the applicant, verifying previous employment, and any other information that the prior employer is willing to release. The educational level and/or certification claimed by the applicant will be verified by a certified transcript and/or certifying agency. Criminal conviction records will be checked by the Office of Human Resources.

Reference information obtained by the Office of Human Resources will be treated in strict confidence and kept on file in the Office of Human Resources. Reference information may be given to inquiring and verified employers by the Office of Human Resources only when a written request and authorization have been obtained from the employee.

EMPLOYMENT OFFERS

Only the President has the authority to offer employment to any applicant. All offers of employment are conditional, subject to satisfactory results of a background investigation, reference check, and sufficient documents to identify and authorize the applicant to work in the United States as required by the Immigration Reform and Control Act and the Mississippi Employment Protection Act.

EMPLOYEE ORIENTATION

New employees must participate in an in-depth orientation session presented by the Office of Human Resources shortly after arrival on campus. The orientation dates are usually held on the 1st and 15th of each month. If these days fall on a holiday or weekend, the orientation will be held on the next business day. At this time, University policies and fringe benefits will be explained and assistance will be given for completion of necessary forms.

JOB INFORMATION AND INSTRUCTION

Immediate supervisors, with the approval of the area vice president, are required to provide the Office of Human Resources with a detailed description of each position within his/her department. The job descriptions will be placed on file within the Office of Human Resources. Each new employee will receive a copy of his/her job description from his/her supervisor.

Each supervisor will observe the employee's performance and ascertain how well the employee understands and follows instruction. The employee will be provided additional instructions by his/her immediate supervisor when new procedures or methods are adopted.

CONTRACTS

All contracts of employment are subject to the governing Policies and Procedures of IHL and of Mississippi Valley State University as each may be changed, altered or amended. Most non-faculty employees are at-will and do not receive an employment contract.

Employment beyond the contract period may not be legally presumed. Renewal of an employment contract is subject to the discretion of the University's President. However, proper notice of non-renewal will be provided to an employee. Additional information pertaining to faculty contracts is available in the University's Faculty Handbook.

Failure or refusal of the employee to sign and return a copy of the contract within the time frame mandated by the University is deemed a rejection of the offer of employment or a voluntary resignation. The President may grant permission in writing to extend the time. If an employee refuses to sign the employment contract by the designated time, the University reserves the right to terminate employment. Nothing in this paragraph prohibits the University from extending another offer to the employee in the event the initial offer was not signed and returned in a timely manner.

Any alteration by the employee of the offer is deemed a counter offer requiring an affirmative act of acceptance by the President of the University.

OUTSIDE/SECONDARY EMPLOYMENT

Employees are permitted to engage in outside or secondary employment, only if such employment has been given prior approval by the President of the University and if such employment in no way interferes with the employee's duties at the University. Employment with the University shall be deemed primary.

In addition, individuals may not engage in any business or profession that would in any manner compete with a similar business or profession over which the employee would have supervision, inspection, or purchasing authority with the University since such engagement would create a conflict of interest.

While economic pressures may deem it necessary or advisable for individuals to supplement their income through outside employment, approval should be sought and received before such employment begins. Persons who do not receive prior approval are in violation of the University's policy and subject to corrective action. In addition, if it should conflict directly or indirectly with the University's policy, the employee will be asked to make a decision as to whether to continue his/her employment at Mississippi Valley State University or to maintain his/her outside/secondary employment.

The clear intent of this policy is to ensure that University employees are keeping their employment at Mississippi Valley State University as their top priority, and the University expects nothing less from each employee.

An application requesting approval for outside employment may be obtained from the Office of Human Resources.

All employees who are not in compliance with the University's Policy on Outside Employment may be subject to termination.

EMPLOYMENT ELIGIBILITY VERIFICATION

On the first day of employment, a new employee must report to the Office of Human Resources. Mississippi Valley State University is required by the Board of Trustees of State Institutions of Higher Learning and the United States Citizenship and Immigration Services (USCIS) to provide the age, birth date and citizenship of all personnel employed by completing the Form I-9, which is the employment eligibility verification form. The Form I-9 gives a list of acceptable documents that will establish identity and employment eligibility.

Failure to complete these forms in a proper and timely fashion may result in delay of the employee commencing work and/or result in a delay of the employee's payroll check.

ELECTRONIC VERIFICATION OF EMPLOYMENT

Mississippi Valley State University is a participant in the federal government's electronic verification system for purposes of verifying employment eligibility pursuant to the Mississippi Employment Protection Act. Upon completion of the Form I-9, the employee's information is entered into the E-Verify system for initial verification of employment eligibility. For these purposes, a social security number is required and must be provided when completing the Form I-9. In the event an employee does not have a social security number, he/she must immediately report to the Social Security Administration to request one and provide the number to the Office of Human Resources as soon as possible.

EMPLOYMENT OF RELATIVES

No individual may be employed in a department or unit under the supervision of a relative who has or may have a direct effect on the individual's progress, performance or welfare.

Relatives are defined as husbands, wives, parents, children, brothers, sisters, and any in-laws of any of the foregoing within the third degree.

This policy does not apply to any employee who shall have been in said department or institution prior to the time his/her kinsman, within the third degree, became the head of said department or institution. (Miss. Code Ann., 25-1-53, as amended).

An employee affected by this policy shall have all matters dealing with the individual's progress, performance, welfare, assignment, salary, tenure or promotion decided by the next highest administrative officer upon approval of the Board. (BT Minutes, 10/90; 1/98)

EMPLOYEE RECORDS

The Office of Human Resources will establish and maintain a personnel record on each employee. All pertinent information such as application forms, job description, performance evaluations, salary data, commendation, references, and disciplinary notices will be retained in this file. This information will be kept confidential in accordance with the Mississippi Public Records Act.

Newly-hired employees will be required to complete an Employee Data Form which will be used for personnel purposes. This form must be updated by the employee whenever change occurs in any information previously provided on the form. This form will be part of the employee's record. The Office of Human Resources has ultimate discretion to determine which documents should go into each employee's personnel file.

All personnel inquiries should be referred to the Office of Human Resources. No information will be released through oral requests. Without written authorization, the Office of Human Resources will only release dates of employment and the last position held to individuals other than the subject employee.

REVIEW PERSONNEL FILE

Employees, upon reasonable advance notice, may review their own personnel file under Human Resources' supervision at any reasonable time during normal office hours. Personnel files are property of the University and no documents are to be taken from the file by the employee. However, employees may receive a copy of their entire personnel file upon a written request at the rate of \$0.15 per page.

CHANGES IN EMPLOYMENT RECORD INFORMATION

It is important to the employee and Mississippi Valley State University that employment records are accurate and up-to-date. Employees should notify the Office Human Resources and their department of any change in name, address, telephone, marital status, number of dependents, tax exemption (state or federal), or the name of the person to be notified in case of an emergency. Failure to notify the Office of Human Resources of these changes may cause a delay in receipt of important correspondence.

TRANSFERS

In the event an employee desires to transfer to a new or vacant position, the procedures listed below should be followed:

- A. The employee must meet the qualifications required for position for which he/she wishes to be considered.
- B. The employee must submit an internal transfer form along with an updated resume to the Office of Human Resources for the position for which he/she wishes to be considered.
- C. The employee is recommended for employment by the supervisor of the department to which he/she wishes to be considered.
- D. An employee whose request for a transfer is honored will be transferred within 30 days following official notification.
- E. Upon approval for a transfer, the Office of Human Resources will notify the employee.

A transfer request will be honored to the practicable extent and at the discretion of the department head having the opening. The transfer request will be consistent with the needs of the department, the employee's qualification for the position opening, and the employee's record of performance in his/her present position.

The transfer from one department to another within the University has no effect on the leave privileges or potential retirement benefits of the individual employee.

EVALUATION OF NON-INSTRUCTIONAL EMPLOYEES

Evaluation is a continuing process in which both the supervisor and employee participate. Supervisors of non-instructional employees will be required to evaluate the job performance of each employee based on the current job description, discipline, cooperation and customer service.

- A. At the end of six (6) months of employment for:
 1. newly hired employees
 2. employees who have been transferred or promoted to either a new position or to another organizational unit of the University.
- B. Once per year (April) for regular non-instructional employees

Supervisors will meet with each employee and complete performance evaluations for part-time, temporary, and regular employees. The meeting will give the employee the opportunity to respond to the supervisor's judgment of his/her performances as well as offer a personal analysis of his/her performances for the year or the time for which he/she is being evaluated. The rating will be completed by the immediate supervisor on a Performance Evaluation Form authorized by the University.

After the Performance Evaluation Form has been completed and signed by the employee, the immediate supervisor, the Department Head and the Area Administrator, the original copy is forwarded to the Office of Human Resources, a copy is retained for employees' department file and a copy is provided to the employee.

An employee's signature on the form does not imply that he/she is in total agreement with the supervisor's judgment. It is merely a confirmation that the appraisal interview has taken place. An employee may attach his/her comment to the Performance Evaluation Form.

Employees are invited to initiate interim evaluations with the supervisor. These evaluations will enable the employee to discuss the various aspects of the job and provide the opportunity to analyze problems encountered and allow the employee to ask questions concerning his/her role on the job.

EXIT INTERVIEW

All personnel leaving the employment of Mississippi Valley State University must schedule an exit interview with the Office of Human Resources prior to exiting the University.

The purpose of the interview will:

- A. Inform employees at the time of their separation of employment that all University properties (insurance cards, prescription cards, identification cards, uniforms, keys, handbooks, credit cards, diskette, roll books, etc.) must be returned. Failure to return University property may result in charges against the separating employee's final payroll check.
- B. Arrange for possible payment of unused personal leave days; Personal Leave days are payable following receipt of the Exit PCO5 and the Personnel Release Form in the Office of Human Resources.
- C. Inform employees that verification must be obtained, that all items have been returned and all accounts have been cleared from offices listed on the Personnel Release Form.

When an exit interview is not held, the immediate supervisor will provide whatever information he/she can, based on knowledge of the employee. It will be noted in the employee's file that no interview was held and the reason cited.

PAYROLL

WAGE PAYMENTS

Hourly employees are paid every two weeks. The pay period for biweekly employees covers two weeks starting on Monday at 7:00 a.m. and ending at 12:00 midnight on Sunday. Payment is made on the next Friday following the close of the pay period.

SALARY PAYMENTS

Salaried employees are paid on the last working day of each month. If payday falls on a holiday, then employees are paid the last working day before the holiday.

DIRECT DEPOSIT

All employees hired since July 1, 1997 should be receiving their check through direct deposit. This includes all regular full time, part-time, and temporary employees.

PAYROLL DEDUCTION

Deductions from employee's gross pay are either two types: mandatory and voluntary. Mandatory deductions are those required to be made by Mississippi Valley State University under the law, court order, or other legally compelling influence on a payroll. Such deductions include state and federal income tax withholdings, retirement, social security taxes, levies and garnishments.

Mandatory deductions, in accordance with applicable legal requirements, will be made automatically by Mississippi Valley State University. However, for such mandatory deductions as state and federal income taxes where Mississippi Valley State University must rely on information provided by an employee, it is the sole responsibility of the employee to provide accurate information within legal limitations. Voluntary deductions will not be made without the employee's written request or authorization.

GARNISHMENT AND TAX LIENS

Upon receipt of a lawful order from a court of competent jurisdiction, the University is required to assess the amount prescribed in that order against the wages or salary of the employee named in the garnishment or tax lien proceedings.

All garnishment orders are received in the Office of Human Resources. Upon receipt of garnishment orders, the Office of Human Resources notifies the employee of receipt of the garnishment order and follows guidelines for processing.

ERROR IN PAY

If an employee feels that there is an error in his/her earnings, he/she should report the claim immediately to the Office of Human Resources.

EXEMPT AND NONEXEMPT EMPLOYEES

The provisions of the Fair Labor Standards Act (FLSA) covers all employees of Mississippi Valley State University. The Act establishes rules for minimum wage, overtime pay, equal pay, child labor, record keeping, and it defines exemptions from overtime pay regulations.

Exempt Employees

Exempt employees generally fall into one of three major categories – executives, administrative, and professional. The FLSA regulations on exemption address the actual job duties of the employee and are not concerned with job titles. Exempt employees are not paid overtime, nor do they receive compensatory leave.

Nonexempt Employees

Nonexempt hourly employees must be paid one and one-half (1½) times the hourly rate for all hours worked more than forty (40) hours in a workweek. Salaried nonexempt employees will receive compensatory time (time in lieu of pay) for work in excess of 40 physical hours per week.

Please contact the Office of Human Resources for clarification of Exempt or Nonexempt Classification.

COMPENSATORY TIME AND OVERTIME

Compensatory time off in lieu of pay may be earned and should be recorded on the basis of one hour off when awarded within the week it is earned; and awarded at the rate of one and one-half hours (1½) when

awarded beyond the week it is earned. Executive, Administrative, and Professional exempt employees shall not be awarded compensatory time.

Whether an employee will receive pay or paid time off will be determined through the official approval process of the University.

It is the policy of Mississippi Valley State University that all hourly nonexempt employees work within the regular 40-hour work week, unless additional work time is considered necessary by the department manager/supervisor. Overtime is permitted for hourly nonexempt employees only and must have the prior approval of the department head. In instances where prior approval is not obtained, the employee shall be compensated for any overtime hours worked; however, violation of this policy may warrant disciplinary action. Overtime should be requested only in cases of emergencies and then only with the permission of the Chief Administrator (Executive Vice President/Chief Operating Officer, Vice President for Academic Affairs, Vice President for Business and Finance, Vice President for Student Affairs, Vice President for University Advancement, Chief of Staff and Athletic Director) of the major areas.

If an employee who is paid on an hourly basis works beyond 40 physical hours per week, the employee is paid overtime at 1.5 times his or her regular hourly rate of pay. All faculty, executive, highly-compensated administrators and certain other professional staff are exempt from the provisions of the FLSA (Fair Labor Standards Act). To qualify for an overtime exemption, an employee generally must be paid no less than \$23,660 a year or \$455 per week on a salary basis (this does not apply to teachers, lawyers, or medical personnel; these are exempt classifications). Certain exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Salaried nonexempt (earning more than \$23,660 annually) employees will receive compensatory time (time in lieu of pay) for work in excess of 40 physical hours per week. Executive, Administrative, and Professional exempt employees shall not be awarded compensatory time. Compensatory time is given at the rate of 1.5 times for all hours worked during the week in which the overtime occurs. Overtime hours for emergency personnel will be based upon a work period of 28 days and will be calculated after 212 hours are accumulated in each work period. After an employee has accumulated a maximum of 240 hours (480 hours for police officers, firefighters, computer, and outside sales), the employee shall be paid overtime for hours worked above the 240 (or 480) hours at 1.5 times the number of hours worked. In instances where there are less than five (5) emergency personnel assigned to work in the Emergency Management Department, all overtime hours will be paid at the employee's regular rate of pay for each hour worked beyond the 212 hours in a 28 day work period. Employees required to be on duty at the worksite for 24 hours or more shall not be compensated for eight (8) hours per day for sleep time and one (1) hour per day for meal periods. If conditions are such that the employee is not allowed at least five (5) hours of sleep during the sleep-and eat period, or if the employee ends up working during that period, the eight hours revert to compensable time.

Supervisors are encouraged to permit the use of compensatory time within a reasonable period of time from when the time was accrued unless doing so would "unduly disrupt" the workplace.

The University intends to comply with all federal regulations with respect to the Fair Labor Standards Act (FLS). In this regard, the FLSA provides that an exemption from both minimum wage and overtime payment for employees employed in bona fide executive, administrative, professional, computer, and outside sales positions.

Being paid on a “salary basis” refers to an employee who regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis which cannot be reduced because of variations in the quality or quantity of work being performed. Subject to certain exceptions as listed below, an exempt employee must receive his or her full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any work week in which they perform no work and will not be paid, unless appropriate accrued paid leave is utilized. If deductions are made from an employee’s predetermined salary because of the employer’s operating requirements, that employee is not paid on a “salary basis.” If the employee is ready, willing, and able to work, deductions may not be made for the time when work is not available.

Deductions from pay are permissible when an **exempt employee** is:

- absent from work for one or more full days for personal reasons, other than sickness or disability, and has no accrued leave
- absent from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness (workers’ compensation, FMLA)
- on an unpaid disciplinary suspension for one or more full days, imposed in good faith for workplace misconduct or rule infractions.

The university is not required to pay an employee’s full salary in the initial or final week of employment, for penalties imposed in good faith for violations of rules and regulations of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either a partial-day or full-day deduction may be made. Finally, as a public sector employer, University operates under principles of public accountability, which permit deductions from the pay of an exempt employee for partial-day or full-day absences due to illness, injury, or personal reasons when accrued paid leave is not used by an employee because:

- permission for its use has not been sought by the employee
- accrued leave has been exhausted; or
- the employee chooses to use leave without pay, if such leave is available.

The University has classified those positions which considered to be “exempt” from the provisions FLSA and complies with the “salary basis” requirements with regard to exempt employees.

HOLIDAY PAY POLICY

Regular full-time and some part-time employees will receive regular pay for official holidays and special holidays even though they are not required to work. In order to get paid for holidays, employees must be in a regular pay status before and after the holiday.

Regular non-exempt employees who are assigned to work by their supervisor on an official holiday (Christmas Day, New Year’s Day, Thanksgiving Day, etc.) should be paid one and one-half times their regular rate in addition to the holiday pay, which is eight hours. However, if an employee should prefer time off within the holiday period, it may be granted at the option of the department head on an hour-for-hour basis.

Regular non-exempt employees who are assigned to work by their supervisor on a special holiday designated by the President (such as Friday after Thanksgiving, the day following New Year's Day, etc.) should receive time off on an hour-for-hour basis at a time convenient to the employee and the department head or department chair. This time off will normally be provided within two weeks but no later than six weeks after the end of the week in which the special holiday occurs.

If a holiday falls on normal day off for employees who work non-standard schedules ("shift personnel"), the employee should receive benefit of the holiday. If it is an official holiday, employees may be given another day off within their normal workweek, credited with compensatory time at one and one-half hours for each hour worked, or be paid at one and one-half times their regular rate in addition to regular pay for hours worked. This will be done at the University's discretion. If it is a special holiday, time off must be awarded as provided in the third paragraph above. Employees working non-standard schedules should enjoy the same number of paid holidays during any holiday period as those employees working standard schedules.

WEEKEND WORK

Employees who work on a Saturday and/or Sunday are not automatically eligible for overtime compensation. Work assigned on Saturday and/or Sunday may be a part of an employee's normal work schedule, thereby compensable only at the employee's basis pay rate. Hours worked on weekend days will therefore qualify for overtime compensation only if the hours are worked on such days that meet the standards cited.

COMPENSATION DURING ATTENDANCE AT SEMINARS, OUTSIDE MEETINGS & TRAVEL

Periodically, it may be necessary for the benefit of Mississippi Valley State University and/or the individual employee to attend or participate in activities that may include attendance at meetings, training programs, or conferences, etc. Attending or participating in these activities may be either at the request of an employee or required by the University, but in no case will it be regarded as an officially authorized activity until advance written approval has been granted by the department chair or director. Employees seeking approval must submit a written request detailing relevant information upon which a decision can be rendered such as the date, hours, location, costs, expenses, nature, purpose of activity, and justification for attending.

Employee attendance at Mississippi Valley State University's approved seminars, conferences, business-related meetings, and training programs will be considered hours worked for nonexempt employees and compensable in accordance with the payment provisions contained in the manual for all employees.

Where the employee's attendance constitutes an expense to Mississippi Valley State University, the employee will submit a travel itinerary cost in connection with attendance, whereby the University will reimburse the employee upon submission of receipts. Customary expenses may include, but not necessarily limited to, registration fees, materials, transportation, and parking.

TRAVEL ADVANCES

Travel advances will not be issued for in-state travel. All travel advances must be cleared within ten (10) days of travel. Any employee with an outstanding travel advance will not be eligible to receive another

advance. If advances are not cleared within 10 days, the amount of the advance will be payroll deducted. The University will only advance 70 percent of the total estimated travel expense.

TERMINAL PAY

An employee who separates from the University will be entitled to pay for the unused portion of his/her earned personal leave not to exceed thirty days. No payment will be made for accrued major medical leave.

PAYMENT TO BENEFICIARY OR ESTATE

In the event of death of an administrator or employee in active service, the University will pay to the beneficiary or the estate the salary for the days worked in the month in which he/she dies. In addition, the beneficiary or estate will be paid for the employee's accumulated personal leave days. Such payments will be in full settlement of salary and personal leave entitlement. In the absence of a designated beneficiary, monies will be paid to the beneficiary of such employees as recorded with the Public Employees Retirement System of Mississippi or the Optional Retirement Plan.

LEAVE POLICY

The University will maintain and administer leave according to the state statutes. All leave must be requested through completion of a Request for Leave Form. Employees must account for each hour spent away from work during his or her scheduled time to work. For example, although some offices close early on special days (prior to some holidays or Fridays), employees who are out on medical or personal leave on those days must complete a leave form for the full work day (8 hours).

PERSONAL LEAVE

Personal leave may be used for vacation and personal business and will be used for the first day of an employee's illness (Section 25-3-95, Mississippi Code Annotated, Supp 1989). Employees, except nine-month faculty members, students, temporary employees, intermittent employees and rehired retirees, will be allowed credit for personal leave computed as follows:

FULL TIME TWELVE MONTH EMPLOYEE'S PERSONAL LEAVE

Continuous Service	Accrual Rate (Monthly)	Accrual Rate (Annually)
1 month to 3 years (36 months)	1.50 days (12 hours)	18 days per year
37 months to 8 years (96 months)	1.75 days (14 hours)	21 days per year
97 months to 15 years (180 months)	2.00 days (16 hours)	24 days per year
Over 15 years	2.25 days (18 hours)	27 days per year

However, employees of the University who were hired prior to July 1, 1984, who have continuous service of more than five (5) years, but not more than eight (8) years, will accrue fifteen (15) hours of personal leave per month. For the purpose of computing credit for personal leave, each employee will be considered to work not more than five (5) days each week. Leave of absence granted by Mississippi Valley State University for one year or less will be permitted without forfeiting accumulated continuous service. The provisions of this policy will not apply to military leave of absence. The time for taking personal leave, except when such leave is taken due to illness, will be determined by Mississippi Valley State University. An official vacation period will be announced each year by the institution. Vacations must be taken at a time mutually agreeable to the immediate supervisor and the employer.

The earned personal leave of each employee will be credited monthly after the completion of each month of service. Mississippi Valley State University will not grant personal leave in an amount greater than what was earned and accumulated by the employee.

There will be no limit to the accumulation of personal leave. Upon termination of employment, each employee will be paid for unused personal leave not to exceed 30 days (Section 25-3-95, Mississippi Code, 1972). Unused personal leave in excess of thirty (30) days will be counted as creditable service for the purpose of the retirement system.

Under no circumstances will an employee be paid for accrued personal leave while still employed by Mississippi Valley State University or any agency of the State of Mississippi. When members transfer to other agencies of the state, all accrued personal leave will be transferred. Mississippi Valley State University will furnish a statement of accrued leave at the time of transfer by the employee.

Should an employee die having accumulated personal leave as provided for in this handbook, the wages or salary which would have been paid to such employee during their leave will be paid to the person designated by such employee for this purpose or, in the absence of such designation, to the beneficiary of such employee as recorded with the Public Employees Retirement System.

The foregoing policy is in accordance with Section 25-3-93 of the Mississippi Code, as amended.

PERSONAL LEAVE – NINE-MONTH FACULTY EMPLOYEES

Personal leave provisions are not applicable for nine-month faculty members. Duty and non-duty requirements for these faculty members are determined by individual assignments, annual academic calendar, related activities, and special conditions as may be determined by departmental and University programs. However, a nine-month faculty member who earns personal leave while in a twelve-month position may use the accrued personal leave during their nine-month contract period until said personal leave is exhausted.

MAJOR MEDICAL LEAVE

FOR FULL TIME TWELVE MONTH EMPLOYEE'S

Continuous Service	Accrual Rate (Monthly)	Accrual Rate (Annually)
1 month to 3 years (36 months)	1.000 day (8 hours)	12 days/academic year
37 months to 8 years (96 months)	.875 day (7 hours)	10.50 days/academic year
97 months to 15 years (180 months)	.750 day (6 hours)	9 days/academic year
Over 15 Years	.625 day (5 hours)	7.50 days/academic year

There will be no maximum limit to major medical accumulation. All unused major medical leave will be counted as creditable service for the purpose of the retirement system.

Major medical leave may be used for illness or injury of an employee only after the employee has used one day of personal leave for each absence due to illness, or leave without pay if the employee has no accrued personal leave. However, major medical leave may be used, without prior use of personal leave, to cover regular scheduled visits to a doctor's office or a hospital for the continuing treatment of a chronic disease, as certified in advance by a medical doctor. For each absence due to illness of thirty-two (32) consecutive working hours (combined personal leave) major medical leave will be authorized only when certified by a medical doctor.

In the event an employee is absent due to illness beyond the medical leave days earned, a pro rata deduction will be made from the employee's salary for the number of days in excess of the employee's accumulated medical leave days. For accounting purposes, an employee's anniversary date is the date of the employee's appointment to full- time regular or provisional service at Mississippi Valley State University.

No payment will be made for accrued major medical leave except that an employee who presents medical evidence that his/ her physical condition is such that he/she can no longer work in any capacity may be paid for not more than one hundred-twenty (120) days of earned major medical leave.

Medical leave will not be paid in excess of that accrued by the employee. In order to be eligible for allowance of medical leave the employee must be ill, notify the department head/chair immediately of the reason for absence, and keep the department head/chair informed of his/her condition. Unused medical leave will be counted as creditable service for purposes of the state retirement system.

NINE-MONTH FACULTY EMPLOYEES

Continuous Service	Accrual Rate (Per Month)	Accrual Rate (Per Academic Year)
1 month – 3 years	13 1/3 hours per month	15 days per academic year
37 months – 8 years	14 1/5 hours per month	16 days per academic year
97 months – 15 years	15 2/5 hours per month	17 days per academic year
Over 15 years	16.00 hours per month	18 days per academic year

The employee will not be granted major medical leave pay in excess of medical leave that the employee has earned and accrued. In order to be eligible for allowance of medical leave the employee must be ill, notify the department head/chair immediately of the reason for absence, and keep the department head/chair informed of his/her condition. Unused medical leave will be counted as creditable service for purposes of the state retirement system.

If any nine-month faculty member becomes temporarily disabled between the end of one academic year and the beginning of another (during the interim the employee is not teaching), he or she is not eligible for paid leave status.

If any nine-month faculty member becomes temporarily disabled prior to the end of the contract period, but has accrued personal and major medical leave, he or she is not eligible to be continued on a paid leave status after the end of the contract period if the contract period ends prior to using all earned leave days.

Upon retirement from active employment, a faculty member who is employed on a nine-month basis shall receive credit and be paid for not more than thirty (30) days of unused major medical leave for service as a state employee. Unused major medical leave in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in **Section 25-11-103 and 25-13-5**.

OTHER LEAVES OF ABSENCE

GENERAL POLICY

It is recognized that employees suffer temporary sickness or disabilities from time to time and therefore are unable to perform assigned duties. This policy describes employee's entitlements including leave with or without pay for such temporary sickness or disabilities.

It is the intention of this policy and its entitlement to provide for any temporary disabled occurrence that normally has a reasonably predictable time frame, encompassing an onset and the end of the condition. Leave necessary for the purpose of child bearing is included in this policy. This policy does not guarantee an entitlement for any employee who is absent from work on a frequent and/or regular basis and whose attendance habits are such that the employee fails to accomplish assigned job responsibilities.

The University reserves the right to require medical statements in support of uses of benefits under this policy as well as to support the University's need to determine that employees be permitted to work. Failure to provide required documentation may result in a "non-pay" status for the period of time in question, and/or dismissal (although accrued personal leave major medical leave exists).

JURY DUTY

The University President may grant administrative leave with pay to University employees serving as jurors, as verified by the Clerk of the Court (Section 25-3-92, Mississippi Code Ann., Supp. 9/90, 1/98). If the jury duty does not require an absence for the entire work day, the employee is expected to return to work immediately upon release by the court. If a jury duty is not verified, the day(s) of leave will be deducted from personal leave or a reduction in employee's salary.

An employee subpoenaed as a witness in a court or administrative hearing, as verified by the Clerk of Court or administrative agency, not involving personal litigation or service as a paid expert witness, may be granted administrative leave with pay. If an employee is subpoenaed in the line of duty to represent the University as a witness or defendant, this appearance shall be considered as a part of the job assignment (time worked) rather than being covered by administrative leave.

EXTREME WEATHER CONDITIONS

The University President may grant administrative leave with pay in the event of extreme weather conditions or in the event of a man-made, technological or natural disaster or emergency (Section 25-3-92, Mississippi Code Ann., as amended) (BT Minutes 9/90; 1/98).

ADMINISTRATIVE LEAVE

The President of the University is the only individual who can administer administrative leave with or without pay. All other individuals can only recommend administrative leave. Administrative leave is not counted against the earned leave credit of University employees.

DEATH IN THE FAMILY

A University employee may use up to the three days of earned major medical leave for calendar year for absences due to a death in the immediate family (spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son or daughter-in-law, mother or father-in-law, or brother-in-law or sister-in-law). If absence is due to death in non-immediate family, an employee must first use one personal leave day and then two major medical leave days. Personal leave must be used for absences due to other deaths in the immediate family or for additional days needed after three days of major medical leave have been used during a calendar year (Section 25-3-95, Mississippi Code Ann., Supp. BT Minutes 9/90; 1/98). If all of an employee's medical leave has been exhausted, the remaining day(s) of leave will be deducted from personal leave and then deducted from his/her salary.

MILITARY LEAVE

In accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994, an employee, who is in "uniformed service" (full-time and reserve components of the Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, and the commissioned corps of the Public Health Service) and ordered to duty to participate in training at encampments, field exercises, maneuvers, out-door target practice, fitness-for-duty examinations or for other exercises, is entitled to leave of absence from respective duties, without loss of pay, time, annual leave, or efficiency rating.

An employee is eligible to take military leave if:

1. The employee or an appropriate officer of the branch of the uniformed service in which the employee will be serving gives advance written notice of the employee's military service to the department. The department can request supporting documents from the employee upon the employee's return from military leave; and,
2. The combined length of the employee's previous military absences from the University does not exceed five years.

Under federal law, an employee is entitled to re-employment upon discharge from the service including, but not limited to, reinstatement to the former position or similar position, reinstatement of benefits, and protection from arbitrary discharge. For detailed information regarding veterans' re-employment rights, contact the Office of Human Resources.

Paid Leave - The first 15 days of military leave in any calendar year may be with pay if the employee provides a copy of orders to duty/verification of military service. An employee may be granted personal leave for the period in excess of 15 days by the department/unit head when requested.

Unpaid Leave - If an employee does not wish to utilize accrued personal leave or provide a copy of orders to duty/verification of military service, the employee must be granted leave without pay until relieved from military duty.

Employees requesting paid military leave must:

- Submit to the Office of Human Resources a completed Application for Leave form with an attached copy of orders to duty/verification of military service.
- Indicate on the Application for Leave, the dates of military leave or the dates of personal leave. (Leave of absence with pay may be granted for no more that 15 working days per calendar year)

Employees requesting unpaid military leave must:

- Submit to the department/unit head a completed Application for Leave of Absence without Pay form with an attached copy of orders to duty/verification of military service.
- Indicate on the Application for Leave of Absence without Pay form the dates of leave without pay.
- If the leave of absence without pay exceeds one month, the employee should contact the Office of Human Resources regarding continuation of benefits during the approved leave of absence.

LEAVE WITHOUT PAY

Leave without pay for attending to personal business may be arranged with the department head and is subject to approval by the President of the University. (BT Minutes, 9/90; 1/98)

TRANSFER OF ACCRUED LEAVE

All accrued leave, both personal and major medical, will be transferable between state institutions and agencies. Each institution or agency will be furnished a statement of accrued leave at the time of an employee's transfer. (BT Minutes, 9/90; 1/98)

SEPARATION LEAVE PAYOUT

An eligible employee separating from employment is paid in a lump sum for the unused portion of earned personal leave time, not to exceed 240 hours, unless transferring to another state agency in Mississippi. Unused personal leave in excess of 240 hours will be counted as creditable service for an employee participating in the Public Employees' Retirement System. Unused personal leave in excess of 240 hours will be forfeited by an employee participating in the Optional Retirement Plan.

Upon retirement from regular employment, a faculty member who is employed on a nine-month basis shall be paid for accrued major medical leave not to exceed 240 hours. Unused major medical leave in excess of 240 hours shall be counted as creditable service for an employee participating in the Public Employees' Retirement System. Unused major medical leave in excess of 240 hours is forfeited by an employee participating in the Optional Retirement Plan.

If an employee presents medical evidence that the health condition is such that employment with the University must be terminated, the employee may present a written resignation letter and be paid for earned major medical leave not to exceed 960 hours. The employee may apply for disability benefits with the Public Employees' Retirement System, if applicable, and elect to remain in a paid leave status until approved for disability retirement or accrued leave is exhausted.

Should an employee die prior to separation from the University, payment for the allowable amount of accumulated personal leave at the time of death is made to the person designated by the employee for this purpose or, in the absence of such designation, to the beneficiary of the employee as recorded with the Public Employees' Retirement System or the Optional Retirement Plan, as appropriate. Unused major medical leave will be counted as creditable service for an employee participating in the Public Employees' Retirement System. Unused major medical leave is forfeited by an employee participating in the Optional Retirement Plan.

OFFICIAL HOLIDAYS

Unless the occasion requires otherwise, the university will be closed on Independence Day, Labor Day, Thanksgiving Day, Christmas, New Year's Day, Martin Luther King, Jr. Day, and Good Friday. The President of the University may designate other days as holidays. (BT Minutes, 5/91; 1/98)

FAMILY AND MEDICAL LEAVE POLICY

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job protected leave during a defined 12-month period. It also requires that group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibility by taking reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interest of employers, and promote equal employment opportunity for men and women.

The following is a list of an employee's rights and benefits as an eligible FMLA employee:

- 12 weeks of unpaid FMLA leave over a rolling 12 month period
- continuation of group health benefits during FMLA leave
- restoration to the same or an equivalent job upon return to work
- retention of accrued benefits
- protection from discrimination as a result of taking of FMLA leave

All regular benefits eligible (50% time or greater) employees of the University are entitled to family and medical leave. An employee who works 50% time or greater but less than 100% time is entitled to leave on a pro-rata basis. Family and medical leave of up to a twelve (12) week period during any rolling twelve month period will be granted upon proper request due to childbirth (including prenatal care) or placement of a child through adoption or foster care (including leave for pre-adoption or placement procedures); due to the serious health condition of a child, spouse, parent, or, employee (including on-the-job-injury); or because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty, in the Armed Forces in support of a contingency operation.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

1. An employee may use accrued personal and/or major medical leave and remain in a paid status, as applicable for any period of absence due to a family and medical leave qualifying event as certified on the medical certification form.

When an employee is receiving payment from workers' compensation insurance, the employee may choose the amount of accrued leave to utilize as a supplement to this payment. However, the entire period of absence is considered family and medical leave as certified on the medical certification form.

If accrued personal and/or major medical leave is not sufficient to cover the entire period of the leave requested, an unpaid leave of absence will be granted for the remainder of the twelve (12) week leave period (see Leave of Absence).

2. Leave requests due to childbirth or placement of a child through adoption or foster care will only be honored within twelve months of the birth or placement. Special rules limited leave under this subpart apply where both spouses are employed.
3. An employee may request and be granted intermittent leave or a reduced work schedule for the birth or placement of a child.
4. Leave due to childbirth or placement of a child through adoption or foster care may be extended beyond twelve (12) work weeks by the Director of Human Resources, if it is the intention of the employee to return to University employment at the expiration of the extended leave. An employee may utilize accrued personal or major medical leave, as applicable, or an unpaid leave of absence during the extended leave; however, an unpaid leave of absence may not be extended beyond one year.
5. When requested, an employee must be granted intermittent leave or a reduced work schedule when medically necessary.
6. Major medical leave for the illness or injury of an employee or the employee's family member must be extended beyond the initial twelve (12) weeks provided by this policy if the employee has accrued major medical and personal leave and chooses to utilize it. While an employee may also be granted an unpaid leave of absence, it may not be extended beyond one year.
7. The University will continue to pay the employee only contribution to the State & School Employees' Health Insurance Plan for up to twelve (12) weeks, whether the leave is paid or unpaid. If additional paid or unpaid leave is granted, the employee must contact the Office of Human Resources to determine the effect upon continued health care coverage.
8. An employee taking leave under this policy is guaranteed the right to return to the previous or an equivalent position with no loss of benefits at the end of the leave.

At the time accrued paid leave is exhausted and an unpaid leave of absence begins, an employee must make arrangements with the Office of Human Resources for continuation of benefits coverage, including health, life, dental, and other applicable insurances. Service time in the Public Employees' Retirement System of Mississippi or the Optional Retirement Plan is not earned for any period of unpaid leave of absence. Also, personal and major medical leave days are not earned during the unpaid portion of a leave of absence.

The Office of Human Resources is responsible for notifying employees, in writing, of their entitlement to family and medical leave within five (5) business days of the time they become aware that an employee is taking leave for a reason that qualifies for family and medical leave. An employee must be allowed fifteen (15) calendar days to return the requisite leave request and the required medical certification form.

An employee who fails to return to University employment at the end of an approved leave of absence will be liable to reimburse the University through the accounts receivable process for insurance premiums paid for the employee during the unpaid leave of absence, unless the failure to return is due to the continuation, recurrence, or onset of a serious health condition, or something beyond the employee's control. Medical certification is required within thirty (30) days of the end of the approved leave to document reasons for

failure to return to University employment following an approved leave of absence. Failure to provide the required medical certification will result in the employee's liability to reimburse the University for insurance premiums paid for the employee.

An employee who returns to work for at least thirty (30) calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first thirty (30) days after returning to work, is deemed to have returned to work.

An employee requesting family and medical leave must provide the Office of Human Resources with a medical certification form from a health care provider indicating a serious health condition for the employee's own health or that of a family member. Certification must include: (1) the date on which the serious health condition began; (2) the probable duration of the condition; (3) if appropriate, a statement that the employee is needed to care for a spouse, parent or child (along with an estimate of time required); or that the employee is unable to perform required job duties; and, (4) in the case of intermittent leave, the dates and duration of the treatments to be given. The Office of Human Resources may request re-certification of a serious health condition no more often than every 30 days unless circumstances change.

Authentication and Clarification: Once the employer has received a complete and sufficient certification, the employer may not request additional information from the health care provider. However, the employer may use a human resources professional, a leave administrator, another health care provider, or management official to contact the health care provider to authenticate or to clarify the certification. For example, the employer's appropriate representative could ask the health care provider if the information contained on the form was completed or authorized by him or her, or ask questions to clarify the handwriting on the form or the meaning of a response. Under no circumstances may the employee's direct supervisor contact the employee's health care provider. The employee may be required to obtain the opinion of a second health care provider designated or approved by the Office of Human Resources (at the University's expense). This request must be made through the appropriate administrative channels to the Director of Human Resources. The selected health care provider cannot be an employee of the University. In the case of childbirth or placement of a child through adoption or foster care, certification must include: (1) documentation by the attending physician in the case of childbirth, or verification by a judge of the placement of a child in the case of adoption or foster care; and, (2) the probable duration of the leave requested. In order to minimize disruptions to the work environment, an employee is encouraged to provide the department head with as much advance notice as possible when there is a need for family and medical leave. After a period of leave due to the serious health condition of an employee, the employee must present medical certification to indicate the ability to return to work.

DEFINITIONS:

Rolling 12-Month Period: The 12-month period in which the 12-weeks of leave entitlement under this policy is counted. The rolling 12-month period commences on the date of your first absence due to a FMLA qualifying condition and rolls forward from that date. For example, if you take four weeks of FMLA leave beginning September 1, 2014 and then take another four weeks beginning January 1, 2015 (total 8 weeks), you will have only four weeks FMLA leave remaining through August 31, 2015.

Serious Health Condition is defined by federal law as an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice or residential medical care facility including a period of incapacity or subsequent treatment in connection with such inpatient care, or

continuing treatment by a health care provider for an illness lasting more than three calendar days and two or more treatments by a health care provider, or one treatment by a health care provider which results in a regimen of continuing treatment. A serious health condition includes pregnancy or prenatal care; a chronic health condition requiring periodic visits for treatment by a health care provider over an extended period of time which may cause episodic rather than continuing incapacity; a permanent or long term condition for which treatment may be ineffective; or multiple treatments by a health care provider for conditions which would result in an incapacity of three or more days in the absence of medical treatment.

Health Care Provider is a doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-mid wife, Christian Science practitioner, or clinical social worker.

PROCEDURE

Leave of Absence with Pay

To request family and medical leave and be paid, an employee must use personal and/or major medical leave and must complete an Application for Leave form with appropriate medical certification attached, as required, and submit the request to the department head for approval.

Leave of Absence without Pay:

To request unpaid family and medical leave, an employee must complete an Application for Leave of Absence without Pay form with appropriate medical certification attached, as required, and submit the request to the department head for approval.

If a leave of absence without pay is approved:

1. The department/unit head processes the PC05 with the approved application form attached to remove an employee from the payroll.
2. An employee should contact the Office of Human Resources about continuation of benefits during the approved leave of absence.
3. Upon return to work, the department/unit head completes the PC05 to indicate an employee's return from leave and to reinstate the employee to the payroll.
4. Upon return to work, an employee must contact the Office of Human Resources about reinstatement of benefits.

DONATED LEAVE

An employee may donate accrued personal or major medical leave to other state employees suffering from a catastrophic injury or illness, or to another employee who has a member of his/her immediate family suffering from a catastrophic injury or illness. Donated leave and Family and Medical Leave (FMLA) must be used concurrently.

Catastrophic injury or illness is defined as a life-threatening injury or illness of an employee or a member of an employee's immediate family which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the state for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods,

may be considered catastrophic. Immediate family is defined as spouse, parent, stepparent, sibling, child or stepchild.

- A. An employee donating leave must maintain 56 hours of personal leave and 50 percent of major medical leave.
- B. An employee may not donate leave after giving notice of separation for any reason or after termination.
- C. Agencies having more than 500 employees may receive donated leave only from employees within the same agency.
- D. In order to receive donated leave, an employee must have been employed for at least one year and worked at least 1250 hours during that year.
- E. An employee must have exhausted all earned personal and major medical leave before being eligible to receive any leave donated by another employee.
- F. The maximum period of time that an employee may use donated leave without returning to work is 90 days, which begins on the first day that the recipient employee uses donated leave.

PROCEDURE:

- A. An employee donating the leave (donor employee) is required to designate the employee who will receive the leave (recipient employee) and the amount of earned personal and major medical leave that is to be donated. An employee should complete the Application to Donate Leave form for this purpose. The form must be submitted by the department/unit head to the Office of Human Resources.
- B. Before an employee may receive donated leave, Part I of the Application to Receive Donated Leave form must be completed. The patient's physician must complete Part III of the form which provides the University with the beginning date of the catastrophic injury or illness, a description of the injury or illness, a prognosis for recovery and the anticipated date that the employee will be able to return to work. The form must be submitted to the Office of Human Resources.
- C. Once an employee receives donated leave; an Application to Use Donated Leave form must be completed. The form must be submitted by the department/unit head to the Office of Human Resources.
- D. If the total amount of leave donated to a recipient employee is not used by that employee, the donated leave will be returned to the donor employee(s) on a pro-rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

EMPLOYEE BENEFITS

Fulltime employees are eligible for all university benefits. Part-time employees working less than twenty (20) hours per week, and/or four and one-half months are not eligible for any University benefits. However, they do qualify for unemployment and worker's compensation.

SOCIAL SECURITY

Employees and Mississippi Valley State University are required to contribute toward Social Security benefits from the first day of employment. The amount deducted from the employee's wages is considered a social security tax, used together with the University's contribution, to fund benefits. Employees need not apply for the benefit for payroll deduction because the University deducts it automatically. Both the employee's and Mississippi Valley State University's contribution rates are established by law and represent a percentage of earnings up to a maximum amount.

Social Security provides four basic benefit provisions consisting of retirement income, disability, death, and health care. Eligibility varies among benefits, and entitlements are subject to individual circumstances too detailed for explanation in this handbook. Additional information is available at your nearest Social Security Office.

WORKER'S COMPENSATION

Mississippi Valley State University pays the entire amount of the worker's compensation insurance premium that provides benefits to employee who experience injury or illness in connection with their employment. Eligibility automatically begins on the first day of employment. The University maintains standard workers' compensation insurance coverage in accordance with Mississippi State Law that, in general, prescribe the amounts of weekly indemnity benefits payable for the degrees of disability, temporary or permanent, and for death if the injury or disability occurs on the job. These laws also provide for reasonable and necessary medical expenses, including a doctor's visitation, treatment, surgery, prescription drugs, and/or hospitalization.

All injuries, regardless of how minor, should immediately be reported to the employee's supervisor. A First Report of Injury Form should be completed and returned to the Office of Human Resources. Accrued major medical leave and personal leave with pay may be used when an employee is injured on the job to supplement workers' compensation benefits.

Overpayments

The employee's pay for this period may not exceed his or her normal pay when the workers' compensation indemnity benefit payment is added. (Section 25-3-95, as amended, Mississippi Code of 1972; SB2977). If the workers' compensation benefit payment added to the employee's regular pay for the pay period is greater than the employee's normal pay for the pay period, the employee is expected to return the excess amount to the University. Recovery of the overpayment may be accomplished by one of the following methods:

1. The employee can issue a personal check payable to the University for the excess amount.
2. The University can recover the excess amount from the employee by deducting the amount during the next pay period.
3. The employee can have the leave taken reinstated rather than pay back the excess amount. The timesheet will be adjusted to reflect hours for the amount they received in excess of 100% of their

wages. Adjusting the timesheet will reduce the salary the employee receives and adjust taxes and PERS or ORP benefits accordingly.

UNEMPLOYMENT INSURANCE

The University contributes to the Mississippi State Unemployment Insurance Plan. Employees may be eligible for unemployment benefits upon termination of service with the University, depending on state law and circumstances connected with termination. The benefit is paid entirely by Mississippi Valley State University.

GROUP HEALTH INSURANCE

During the 1972 Regular Session of the Mississippi Legislature, House Bill 455 was passed. The bill established the State Employee's Health and Life Insurance Plan. This bill made it possible for all state employees to participate in a Health and Life Insurance program. The state uniformly pays 50% of the cost of term life insurance for the employee from their beginning date of employment. The cost for health insurance depends on several factors. Please check with the Office of Human Resources regarding the cost of coverage.

Health insurance is available to all fulltime and part-time employees who work 20 or more hours per week and a total of four and one-half months. Legal dependent children up to age 26, may be eligible for health insurance coverage. The legal spouse of an employee may also be included unless the spouse is also an eligible employee under the plan. The cost of health insurance premiums for dependent children and spouses must be paid entirely by the employee. Rates for these plans, and benefits under the respective plans, are outlined in the Summary of Benefits booklet that is available in the Office of Human Resources.

The period of enrollment for health insurance without having to furnish evidence of insurability is within the first thirty-one (31) days of employment.

Employees on approved leaves of absences without pay or laid off from time-to-time may apply for continuation of health insurance coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Premium payments for COBRA should be made to the health carrier by personal check or money order. Employees on a nine (9) month contract will have the cost of 12 monthly premiums for health insurance consolidated into nine (9) monthly payments.

Requests for changes in coverage (adding dependents, marriage, etc.) may be filed on the Application for Coverage that may be obtained from the Office of Human Resources. Changes must be made within one month of occurrence.

Employees are issued medical insurance identification cards shortly after enrolling in the plan. The card should be carried at all times and presented to the physician or hospital whenever medical service is sought.

Claims are processed by the hospitals or physicians, who are members of the network, and are mailed to the third party administrator for direct payment to either the provider of medical care or the patient process claims. Claims forms may be obtained from the Office of Human Resources or from BCBSMS My Blue website or calling BCBSMS at 800-709-7881.

GROUP LIFE INSURANCE

Life insurance is through the State and is available to all regular employees at 50% of the premium cost paid by the employee and 50% paid by the university. The amount of term life insurance for each active employee will not be in excess of one hundred thousand dollars (\$100,000), or twice the amount of the employee's annual salary rounded to the next highest one thousand dollars (\$1,000), whichever may be less, but in no case less than thirty thousand dollars (\$30,000). The monthly premium is \$0.18 per \$1,000.00 of the life insurance coverage. The coverage is double the face amount for accidental death. The life insurance also provides for accidental death and dismemberment. Coverage is effective on the date appointed by the insurance carrier after approval of the employee's evidence of insurability.

Internal Revenue Service regulations require special treatment of group term life insurance coverage that exceeds \$50,000.00. For certain employees, the increase in life benefits may impact your taxable income, depending upon your age and new level of coverage. You should contact your Payroll Officer or the Office of Human Resources if you have questions regarding your specific situation.

STATE RETIREMENT

The Public Employees Retirement System, enacted by the 1952 Legislature, includes all employees of the University employed fulltime or part-time (at least 20 hours per week, 80 hours per month and four and one-half months per year). The system combines the benefits with the benefits of Social Security to give employees an excellent state retirement program. All fulltime employees must contribute to the retirement program from the first day of employment. The employee shares retirement system contributions with the University at rates based upon annual earnings up to maximum amount as determined by the state law. Employees earn vested rights for future benefits after four years of membership service if joined before July 1, 2007. Employees who join on or after July 1, 2007 are vested with eight years of membership service.

OPTIONAL RETIREMENT

Prior to July 1, 1990, all eligible employees of the Institutions of Higher Learning were covered under PERS; however, in the 1990 Legislative session, the Institutions of Higher Learning (IHL) were instrumental in getting House Bill 1070 passed which made an optional retirement plan available to the IHL teaching and administrative faculty. This alternative plan is structured so as to be portable and transferable as teaching and administrative staff move from one state to another.

In order to participate in the Optional Retirement Plan, an employee must first be eligible to participate in PERS. Therefore, the individual must first be in a covered position. If initially employed in a qualifying position after July 1, 1990, an eligible employee has the option to elect to participate in the Optional Retirement Plan. This option is only available during the first 30 days of employment. If no election is made during that period of time, the employee automatically becomes a member of PERS. The decision is then irrevocable.

Information on the three ORP retirement plans is included in the new employee orientation packet. It is also available in the Office of Human Resources.

STATE DEFERRED COMPENSATION PROGRAM

The State Retirement Board operates a deferred compensation program for all state employees, whereby employees may elect to deduct a minimum of \$25.00 per month from their payroll checks and invest it in one of five annuity program options. No state or federal income tax is withheld from the portion of salary

that is deducted from monthly or biweekly payroll checks. Employees interested in this program should contact the Office of Human Resources or the Public Employees Retirement System for details.

FLEXIBLE BENEFITS/CAFETERIA PLAN

The University has a flexible/cafeteria plan which was established under provisions of Section 125 of the Internal Revenue Code. The Cafeteria Plan allows employees to pay certain insurance premiums, major un-reimbursed medical expenses before tax rather than after tax dollars. Employees may choose to participate in the plan at the time of employment or at the annual enrollment that is held in October each year.

Employees who choose to participate in the Flexible Benefits/Cafeteria Plan must agree to remain in the plan for the plan year (January 1 through December 31). The only exception to this rule involves having a major change in family status such as employment, marriage, divorce, death, or ineligible dependents.

DENTAL INSURANCE AND VISION INSURANCE

Dental and Vision insurance plans, with the premium paid by the employee, are available for those who desire the coverage. Employees who elect the coverage may pay the full premium by payroll deduction and may insure a spouse and dependent children from birth to 26 years of age, if a fulltime student.

TAX-SHELTERED ANNUITIES

Employees of the University are eligible to participate in a Tax-Sheltered annuity plan provided by Section 403 (b) of the Internal Revenue Code of 1954, as amended. The amount of annuities that an employee may authorize the university to purchase for him/her in lieu of a portion of which salary otherwise payable directly to him/her is determined by a formula prescribed by the Internal Revenue Code and Regulations. The amount of such annuity premiums is not reported annually as taxable income on the employee's Form W-2, and payment of Federal/State income tax on these funds is not required until the annuity contract matures, is canceled, or is determined to be taxable under the regulations.

TUITION REMISSION

Employees are encouraged to take advantage of the vast number of academic courses offered by the University. These courses offer a variety of opportunities for personal and professional/career development.

Fulltime employees of Mississippi Valley State University who qualify for admission may, with the approval of the Department Head and after completion of six (6) months probationary period, have tuition and general fees remitted up to 6 hours per semester.

ELIGIBLE DEPENDENTS

An Undergraduate Tuition Remission benefit applies to all single, dependent children under the age 25 of fulltime employees.

In order to receive a 50% undergraduate tuition remission, a dependent must gain admission to Mississippi Valley State University and complete the Dependent Tuition Remission Form that may be obtained from the Office of Financial Aid.

Single, dependent children of continuing employees hired prior to July 1, 1997 are eligible for full waiver of undergraduate tuition at Mississippi Valley State University because of the grandfather clause. Further,

dependent children that have both parents employed at the University are eligible to receive 100% tuition waiver of undergraduate tuition.

GRADE POINT AVERAGE REQUIREMENTS – TUITION REMISSION

A single, dependent child may receive undergraduate tuition remission (consistent with the continued full-time employment of the parent or guardian) which may be continued if the student maintains a 2.0 cumulative grade-point average at Mississippi Valley State University until the degree requirements for one baccalaureate degree are met or until age 25, whichever comes first.

EDUCATIONAL INCENTIVES FOR EMPLOYEES

DEGREE COMPLETION PROGRAM

Mississippi Valley State University encourages continuing education and professional development through its educational incentive program. This program is designed to reward full-time employees for such efforts in obtaining a degree from an accredited institution of higher learning and allows the following:

- Bachelor's Degree \$1,000
- Master's Degree \$1,500
- Doctoral Degree \$5,000
- Certified Public Accountant \$1,000
- Professional Architect/Engineer \$1,000

Guidelines

- The degree must be in an academic discipline that is relevant and related to the employee's current position and should enhance the employee's ability to perform the duties of that position;
- If the completion of a degree is a condition of employment, employees are ineligible for additional compensation under this provision;
- The University will grant an increase in salary, subject to the availability of funds;
- Employees must be in good standing with the University, indicated by an overall rating of "satisfactory" or above on the employee's most recent written performance appraisal;
- Employees must be in a position of Director or above to receive compensation for obtaining a doctoral degree;
- A request to compensate an employee should be submitted by completing the application for Increase in Compensation along with an official transcript. This application is processed through the chain of command with approval at the level of the Area Vice President along with signatures verifying academic transcript and availability of funds.

Compensation is awarded at the beginning of the fiscal year; and is not retroactive to any prior date in which the degree and/or certification were earned. Requests must be submitted by May 20th. Employees are ineligible to receive compensation for the completion of a second degree at the same degree level.

STAFF DEVELOPMENT AND PROFESSIONAL DEVELOPMENT

The primary objective of the Staff and Professional Development Program is to encourage the professional growth of employees through developmental programs and other activities that provide learning resources. Professional and well-developed employees can only strengthen Mississippi Valley State University as an institution of higher learning. This program provides funds to -assist employees to engage in fulltime or part-time study leading to the completion of an advanced degree or participation in a summer institute (i.e., ACE Fellows, Bryn Mawr Summer Institute for Women in Higher Education, Harvard Executive Retreats); to attend professional meetings, conferences and special projects (i.e., Executive Retreats); and to participate in on-campus training programs.

The President must approve all advanced degree/certification opportunities. Additionally, the program impacts the overall effectiveness of Mississippi Valley State University by providing funds to assist employees in upgrading their skills, receiving updated information in their respective fields, and to attend seminars, meeting, conferences, etc. that will increase employee proficiency and overall job-related performance.

For an application, please contact the Office of Human Resources or the Title III Office.

EMPLOYEE WORK GUIDELINES AND PERSONAL CONDUCT

Professional conduct, respect for authority and for one another is basic to the general welfare and personal dignity of all persons with whom an employee comes in contact and is essential to the success of Mississippi Valley State University. All employees of the University are expected to conduct themselves in a professional manner. They should respect the privacy and reputation of co-workers and all other persons.

Tact, courtesy, and kindness should be practiced among and with all employees. When in contact with the community, employees should:

- A. Practice courtesy and exercise good judgment in all professional situations;
- B. Render every possible assistance to persons seeking information or service;
- C. Receive and acknowledge all questions, suggestions, and criticisms about the University's services;
- D. Direct any questions to the proper person when an answer cannot be given immediately; and
- E. Notify the appropriate University official of matters that require official attention by the University.

WORK WEEK

Employees are ordinarily assigned to a five-day work schedule of forty hours per week. A work day for regular employees will be governed by the head of the respective department. However, basis for payment for hours worked during any one week will be in keeping with the Fair Labor Standards Act and applicable state and federal labor laws.

WORK SCHEDULE

Generally, the regular work schedule at Mississippi Valley State University requires coverage of eight working hours per day. Customary working hours are from 8:00 a.m. to 5:00 p.m. A department may require that jobs be covered five, six or seven days a week, depending upon the nature of the work. An employee is assigned a specific schedule of work and is expected to maintain his/her schedule.

Work schedules will be established for each employee by his/her supervisor, who may change such schedules based on the needs and requirements of the work unit. Supervisors may also require an employee to work an unscheduled day in place of a scheduled day within the same workweek, in which case the unscheduled day worked will be treated as a modified work schedule and not subject to overtime compensation on the basis of a changed workday.

Employees may request a detailed copy of the work schedule which sets forth their duties and the time they are to be performed. The supervisor in charge will explain an employee's work schedule and give specific instructions should temporary and permanent changes become necessary.

WORK RECORD –TIME CLOCK -TIMESHEET

A payroll record of time worked is necessary to comply with Minimum Wage Law and for the Payroll Office to complete the amount of pay for each employee. Record keeping devices and time sheets are provided for this purpose.

It is the responsibility of the employee to sign or clock in each day when he/she begins work and again when he/she stops work. Accurate timekeeping is critical. Unauthorized alterations to time card/sheets or falsifying the amount of time actually worked will be considered sufficient cause for dismissal.

LUNCH BREAK

In accordance with applicable law, non-instructional personnel are entitled to, and encouraged to, take their lunch break. The employee must be completely relieved of all duties during the assigned meal period. Employees are encouraged not to consume food at work stations open to public view.

The regular work day (8:00 a.m.-5:00p.m.) for all employees on an eight-hour schedule must be broken by a lunch break of not more than one hour between the hours of 11:00 a.m.-2:00 p.m. Employees must schedule their lunch break with their respective supervisor and may not alter lunch breaks without prior approval of their supervisor.

Evening and night work schedules provide one-hour meal breaks, scheduled as nearly as possible in the middle of the work period. Schedules requiring coverage from 12:00 midnight to 8:00 a.m. are eight hours work without a scheduled meal break.

WASH PERIOD

The university recognizes that some of its employees are engaged in manual and mechanical work that requires periods of washing and clothing changes. Employees engaged in such work are permitted such time off as designated by the supervisor to attend to these personal tasks; however, it is expected that normal time allotted for such tasks will not exceed ten (10) minutes.

PERSONAL APPEARANCE

Personal neatness and appropriate dress are necessary to present a well-groomed appearance. While employees should use their own judgment in determining what appropriate attire is, they should take into consideration where they work and whether they are in contact with the public.

Even though Mississippi Valley State University does not dictate dress for employees, it is expected that everyone takes pride in representing the University as well as him/herself.

Employees may be able to take advantage of the University's guidelines for summer and Friday attire. Contact the Office of Human Resources for further details.

UNIFORM DRESS

The University requires uniform dress of two groups of employees, namely (1) Police Officers and (2) Facilities Management personnel.

Police Officers and Facilities Management personnel are furnished with complete uniforms and required to sign for receipt and is accountable for each uniform issued.

Uniforms are maintained on inventory within the department. Uniforms are laundered and pressed on a periodic basis and may only be replaced by the University upon recommendation by the Director in charge of the department.

All personnel required to be in uniform will wear the entire uniform. Substitution of other types of clothing for parts of the uniform is permitted only when clearly authorized by the immediate supervisor. The uniform and employee will be clean and neat at all times. No employee will wear the uniform except in the performance of duty and travel to and from work. Uniforms issued by the department are the property of Mississippi Valley State University; therefore, failure to return upon termination of employment will result in charges against the employee's final payroll check.

EMPLOYEE - STUDENT RELATIONSHIPS

The University encourages personable relationships on a “professional” level between its employees, faculty, staff and students. The learning environment is enhanced when students feel that employees, faculty and/or staff members are approachable and ready to help with their individual educational needs.

However, for the protection of the University, its employees and students, all employees, faculty and staff members should avoid contact and/or relationships with students for any reason unrelated to the curriculum process or educational purposes of the University. To avoid the potential for creating problems within the University community and mitigate the potential exposure, all employees, faculty and staff members should strive to:

1. limit one-on-one contact with a student outside the learning environment;
2. avoid purely personal communications (phone calls, e-mails, text messages, etc) and/or questionable situations where the faculty or staff member’s integrity and/or reputation may be compromised;
3. do not schedule a private meeting with an individual student off campus.

For purposes of this policy, the University will strictly enforce its policy against harassment as set forth in this handbook.

SEPARATION AND TERMINATION OF EMPLOYMENT

RESIGNATION

Employees intending to resign are asked to write a letter of resignation to the President with a copy to the department head, the Office of Human Resources and the area’s vice president no later than two weeks before the date of resignation. Administrators and supervisory personnel are requested to give a thirty (30) day notice.

Before an employee is given final clearance from his/her area of employment, a Personnel Release Form must be completed by the employee. If separation is initiated by the department head, a Personnel Release Form must be completed by the department head. Forms may be obtained from the Office of Human Resources.

TERMINATION

The University may terminate employment of employees without tenure or a contract at any time, unless required otherwise by applicable IHL Board Policy and applicable state and federal law.

The University’s rule concerning termination is intended to be general guidelines to good judgment and fair treatment. Just cause for termination is not limited to those violations that follow as there may be other offenses committed that may warrant this action depending on a number of factors. The University reserves the right to make changes to the listings contained in subparagraphs A and B at any time.

Violation which constitute cause for termination:

- a. Falsification of personal records, including timesheets, and application for employment;
- b. Inexcusable neglect of duty, insubordination or disobedience;
- c. Unauthorized possession or drinking of any alcoholic beverage or unauthorized use or possession of narcotic, barbiturates, hallucinogenic, amphetamines, or marijuana on University property;
- d. Unexcused absence of three (3) days without notification or reasonable cause;

- e. Theft, unauthorized use, removal or destruction of University property, arson;
- f. Unauthorized possession of firearms, knives or explosives;
- g. Stealing from fellow employees, students, University officials, or others on University property;
- h. Immoral or indecent conduct on University premises or the conviction by a court of law for such conduct off the job;
- i. Threatening, intimidating, coercing or interfering with fellow employees, students or others on University property;
- j. Conviction of a criminal offense, including murder, armed robbery, arson, or assault, whether on or off University property;
- k. Any act of fighting on University property;
- l. Participating in or requesting another employee's participation in an illegal activity or illegal conduct;
- m. Coercing or enticing another employee or student to engage in inappropriate conduct or a non-consensual relationship;
- n. Any act, behavior or communication that, as perceived by University officials, adversely affects the University or reflects negatively on the University as an institution; and
- o. Violation of University or IHL policies and violation of state or federal laws

Offenses which may result in dismissal:

- a. Wasting time, loitering;
- b. Leaving the University premises or work area without permission during work hours;
- c. Misuse of sick leave privileges and benefits;
- d. Tardiness, failure to record time accurately;
- e. Negligence in the performance of duty, productivity not up to standards;
- f. Negligence or abuse in the use of University property and equipment;
- g. Failure to report an incident and/or injury of a student, another employee, self, or visitor on University property;
- h. Sleeping during work hours;
- i. Falsifying time reporting of another employee;
- j. Violation or disregard for common safety practices;
- k. Reporting to work under the influence of alcohol or when suffering from an alcoholic hang-over, and/or reporting to work under the influence of narcotics, barbiturates, hallucinogens, amphetamines or marijuana;
- l. Discourteous treatment of visitors;
- m. Gambling on University property;
- n. Absenteeism; or
- o. Neglect of duty.

When termination is brought about by the violation of the criminal law, the University may institute prosecution of employees. Discharge due to unfavorable conduct does not provide for pay in lieu of notice.

Termination of a contractual employee prior to the expiration of the employment contract and termination of a tenured employee will not occur until the applicable due process opportunity has been provided.

GRIEVANCE PROCEDURES

A grievance is defined as a written claim of an individual employee alleging that there has been a violation, misinterpretation or misapplication of a rule, policy, or procedure in relation to Personnel policies, including working hours, working conditions, leaves, promotions, and other conditions of employment.

Mississippi Valley State University assures prompt and impartial consideration to any complaints which its employees may have within the course of their work. When circumstances require, employees are encouraged to submit complaints or grievances in accordance with the procedures outlined below. Employees may use this procedure without fear of penalty or reprisal. Particular attention must be given to the time period shown for each step.

When employees have complaints or any difficulty on their job or in working relationships, the grievance procedures outlined below should be initiated within five (5) working days following the incident which causes them to feel that a grievance should be filed; or if the grievance is connected with termination, within ten (10) working days following termination from the university.

Appeals to the Grievance Committee may take place only after an employee has exhausted all other following administrative remedies as prescribed by the institution:

- A. Discuss the problem with immediate supervisor, and/or director, or department chair if applicable
- B. If "A" is not considered desirable by the employee, discuss it with the appropriate area vice president;

If the above steps have not led to mutually satisfactory settlement of the problem, at the written request of the employee, the Director of Human Resources will place the matter before the Grievance Committee. The Grievance Committee will be comprised of three fulltime employees appointed by the President of the University.

The Committee's purpose is to review the problem thoroughly and make a decision which may be appealed to the President. A hearing before the Committee will be scheduled if requested by the employee upon reasonable notice. At the hearing, the employee will be allowed to present any documentary evidence or testimony he or she contends supports his or her position. Upon completion of the hearing, the committee will have five (5) working days in which to make a decision. The decision will be promptly communicated within five (5) working days to the Director of Human Resources in writing. The Director of Human Resources will review the recommendation and determine the legality and practicality of the recommendation and will announce the decision of the Committee. The Committee's decision is subject to review by the President upon written request by the aggrieved employee. The decision of the President will be final.

SUSPENSION AND DISMISSAL OF EMPLOYEES

An employee who fails to adequately and faithfully perform his/her duties, who violates and/or fails to conform to University policies and the accepted codes of conduct will be subject to disciplinary action which may lead to or include suspension or dismissal. Supervisors will address disciplinary matters promptly and consistently, with proper documentation and take all the known facts into consideration. Except in cases which call for immediate termination, the following steps may be followed:

- A. First offense – oral warning
- B. Second offense – written warning
- C. Third offense - discharge

All employees, at the time of their termination of employment, must return all uniforms, keys and other equipment to the University before their final paycheck is disbursed. Failure to return the property of the University may result in charges against the employee's final payroll check.

HARASSMENT – POLICY AND PROCEDURES

The University intends to operate a campus that is free of acts or conduct constituting harassment or any conduct that tends to pollute a meaningful learning environment.

Faculty, administrators, staff, employees and students have the responsibility to respect and not violate the individual rights of others. However, this policy does not prohibit well-intended admonition, argument, and correction by an educator in the performance of his/her professional responsibility for maintaining order, upholding standards, stimulating thought, or promoting competence. Such action is, by definition, not a violation of this policy. Likewise, nothing in this policy precludes management's inherent authority to plan, direct and evaluate the activities of other organizational members in accordance with sound management principles and directives, including communicating, training and disciplining employees.

Harassment based upon race, color, religion, national origin, sex, age, sexual orientation, genetic information, physical or mental disability, or veteran status or other characteristic protected by law is a form of discrimination in violation of the law and is strictly prohibited by this policy. Harassment based upon group affiliation is likewise prohibited by this policy.

Complaints of harassment is prohibited by law and this policy in cases where the complainant knowingly makes false allegations against any person.

All students, employees, faculty and staff are expected to adhere to this University policy and will be held accountable for any violations. The University will respond promptly to all complaints of harassment and retaliation. Violations can result in serious disciplinary action up to and including discharge.

Disciplinary action for violations of this policy is the responsibility of an employee's department head or other appropriate administrator.

Definitions

1. Harassment is uninvited and unwelcome verbal or physical conduct directed at a person because of his or her race, color, religion, national origin, sex, age, sexual orientation, genetic information,

physical or mental disability, or veteran status or other characteristic protected by law, including group affiliation that is either of the following:

- a. Quid Pro Quo harassment consists of unwelcome conduct when:
 - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic advancement or receipt of a University service, and
 - a tangible employment, academic or provision of services action results from the person's failure or refusal to submit to such conduct.
- b. Hostile Environment harassment consists of unwelcome conduct when:
 - such conduct has the effect of unreasonably interfering with an individual's work or academic performance, thereby creating an intimidating, hostile or offensive working or learning environment, and
 - such conduct is so objectively and subjectively offensive as to alter the conditions of the person's employment or academic advancement [conduct that a reasonable person would find hostile or abusive and one that the victim does in fact perceive to be so]. Hostile environment harassment is usually repeated and unwanted behavior, although a sufficiently serious, isolated incident may constitute harassment.
2. Retaliation is conduct intended as interference, coercion, restraint or reprisal upon or against a complainant of harassment or one participating in the complaint resolution process
3. The complainant is the party asserting an allegation of harassment against a specific person or persons.
4. A respondent is a party against whom an allegation of harassment is asserted.

False Allegations

False accusations are prohibited by this policy. Adverse employment action may be imposed on individuals for such behavior. However, failure to prove a claim of harassment is not equivalent to a false allegation.

Confidentiality

The University will endeavor to maintain confidentiality to the extent possible. All parties involved in a harassment complaint are expected to treat information given or received in connection with the filing, investigation, and resolution of allegations as confidential except to the extent that it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process, including the complainant and respondent should observe a high level of discretion and respect for the reputation of everyone involved in the process.

Procedure

Resolutions of complaints of harassment may be achieved using an informal or formal procedure. The procedures used by both processes are different, but the intent is the same – to stop the harassment, resolve the complaint in a timely manner and protect individuals' rights. Both begin with notification of the appropriate office within 30 calendar days of the incident. Complaints should be made orally or in writing to The Office of Human Resources, the Department Head or Chair with supervisory capacity over the accused faculty or staff member or, if involving a student, to the Vice President of Student Affairs. In no case shall the complainant be required to report the conduct to the individual accused of the conduct. If not otherwise informed, the Office of Human Resources should be notified of the complaint by the official initially receiving the complaint.

Informal Resolution

Complaints of harassment may be resolved through informal resolution efforts, but should not normally extend beyond 10 working days from the initial date of complaint. A variety of informal options can be attempted with or without the aid of the identified representative from the appropriate office listed above. The option used is not limited to the following list.

1. The complainant may confront the respondent in person regarding the conduct with or without the assistance of a unit head or appropriate representative as identified above.
2. The complainant may confront the respondent in writing regarding the conduct with or without assistance of the appropriate representative.
3. The complainant may ask the appropriate representative to notify the respondent of the complaint and seek to resolve the complaint.
4. The complainant may ask the appropriate representative to have the complaint mediated between the parties.

Formal Resolution

If the complaint of harassment is not resolved informally or the complainant chooses the formal option at the outset, the claim should be put in writing and filed with the appropriate office discussed above. If this is a complaint that is unresolved informally, the appropriate office must be notified, within 5 working days, of the intent to pursue this through a formal process. The Director of Human Resources will promptly investigate and/or assign appropriate personnel to investigate the complaint.

Responsibilities of the Investigating Official:

The person designated to investigate the allegation will inform the complainant that:

1. The University is not precluded from taking any action it deems appropriate, including informing the respondent of the allegations and pursuing an investigation even in cases when the complainant is reluctant to proceed or fails to reduce the complaint to writing.
2. The manner and frequency with which the complainant will be updated about the status of the investigation.
3. The need for a high level of discretion during the investigatory process.
Normally within 5 working days of receipt of the assignment, the person designated to investigate the allegation will advise of and provide the respondent:
 1. The specific allegations and a copy of the written complaint if the complaint is in writing.
 2. The manner and frequency in which the respondent will be updated about the status of the investigation.
 3. The need for all parties to exercise a high level of discretion during the investigatory process and the University's policy with respect to retaliation.
 4. An opportunity to submit a written response to the complaint within 10 working days of notification of the complaint.

Complaint Investigation

1. The purpose of the investigation is to gather facts.
2. Depending upon the facts of the case, an investigation may range from a one-on-one conversation between the investigating official and the respondent to an inquiry with multiple witness interviews. The investigator will produce a written finding of facts at the conclusion of the investigation.

3. Investigations should normally be completed within 45 calendar days from the date the complaint was first asserted. If this is not reasonably possible, the investigator should make the complainant and the respondent aware of the status of the review and provide an estimated conclusion date.
4. In all cases, the Office of Human Resources will either conduct or cooperate with the appropriate University official in conducting the investigation.

Submission of Investigative Report

Upon completion of the investigation, the investigator shall submit the report to the Department Head or Chair within which a respondent faculty member is employed and the Director of Human Resources. If involving a student, the report shall be also be submitted to the Vice President of Student Affairs if not involved in the investigation or preparation of the report.

Initial Determination and Action

Upon receipt of the investigative report, the appropriate University official shall take the following action:

The report shall be reviewed and an initial determination shall be rendered stating that a violation of the policy either did or did not occur. If an initial determination is that a violation did occur, and what "prompt remedial action" is considered to be appropriate, including potential disciplinary action.

Notification of Decision and Appeal Process

Upon conclusion of the determination process, the complainant and respondent will receive a written copy of the decision. The complainant or respondent may appeal the decision in writing, within 10 working days, to the President. The appeal must be based on new facts not previously available, the sanction is arbitrarily harsh or capricious, or procedures are not followed that substantially affect the result. The President will render a final decision within 15 working days. The President's decision is final and completes the University's process.

As an alternative to the reporting procedures set forth under this policy, an employee may utilize the grievance process provided for in this handbook.

GENERAL OPERATING POLICIES

COST AWARENESS

All employees are expected to be cost conscious. Employees are to avoid waste in business activities, supplies, time, photocopies, telephone usage, and electricity – to name a few. Since the University is charged for long distance telephone usage, it is to be used ONLY for business purposes.

SELLING AND/OR SOLICITING

Individual or groups not affiliated with the university may not advertise, solicit, or sell on campus without prior written permission from the Vice President for Business and Finance. In general, the University or none of its agencies, offices or organizations may favor any commercial enterprise for purchasing or contracting for purchase. The University's Purchasing Department will be used in all such transactions in accordance with state purchasing regulations. The acceptance by the University employees of gifts, discounts, or other emoluments from the University, its students or its employees is to be considered a conflict of interest and is forbidden.

REPAIR OF EQUIPMENT AND BUILDINGS

Needed repairs to equipment and buildings should be reported immediately to the Office of Facilities Management. The reports should be written and not given orally so that a system of repairs and maintenance of equipment can be established.

MAIL AND TELEPHONE CALLS

Employees are encouraged to have all personal mail routed to a personal mailing address. This action helps limit the volume of mail that the University processes and also limits discrepancies involving business and personal mail transactions. Mississippi Valley State University's stationary and postage should not be used for personal correspondences in connection with outside activities or personal matters.

Telephones are intended for business purposes; therefore, personal calls should be kept to a minimum both in frequency and in length of conversation. Employees are prohibited from making personal long distance calls. Employees guilty of making unauthorized long distance calls will be subject to a payroll deduction in the amount of the calls, and are subject to further disciplinary action, up to and including termination if the conduct persists.

UNIVERSITY VEHICLES

The University maintains a fleet of vehicles in which staff and faculty may use for official University business. To use University vehicles, an employee must possess a valid Mississippi driver's license. For instructions and forms to reserve University vehicles, contact the Office of Facilities Management or reference the Motor Vehicle and Fleet Management Policies and Procedures.

DEFENSIVE DRIVING COURSE

All employees listed on the University's driving list are required to enroll in a defensive driving course that is sponsored by the Business and Finance Unit. Courses are conducted by an instructor certified by the National Safety Council. Each employee listed on the University's driving list will enroll in this class annually.

SERVICE REQUEST FORM

Any employee using a University vehicle must complete a Vehicle Service Form when he/she returns from a trip. The Vehicle Service Form should be given to the Transportation Secretary who will consult with the Transportation Supervisor regarding the service order. The Vehicle Service Form is the official document in which all maintenance information is requested. The form is used to authorize and instruct mechanics or vendors on all repairs. After repairs have been made, the mechanic should sign the service request form indicating that repairs are completed. The completed forms should be returned to the Transportation Secretary who will file it as a permanent record.

USE OF UNIVERSITY FACILITIES BY OUTSIDE AGENCIES

It is the policy of Mississippi Valley State University to permit educational, civic, religious and other community organizations to use certain facilities of the University, provided such use does not interfere with the established educational program of the University. The University does not rent its facilities for purely commercial purposes.

Mississippi Valley State University will not rent or otherwise permit the use of its facilities for any activity which is unfavorable to the purpose of the University as a tax-supported institution. The University will make a reasonable charge when there are direct expenses such as custodial services, lights, heat, etc. Full charges will be made regardless of the time used.

The University assumes the furnishing of its own employees and all custodial services for the proper operation of equipment, lights and parking. The organization may furnish its own ticket agency and its own ushers. An extra charge will be made for police officers as required at the prevailing rate per officer for each shift.

The President or the President's appointee must approve the waiver of all or part of fees for the use of the facilities.

Permission may be secured from the President or the President's appointee for all outside use of the University facilities. All University organizations sponsoring outside speakers should have the approval of the President or the President's appointee.

See Board Policy 616 regarding alcoholic beverages on campus

For procedures and application for requesting use of University facilities, please contact the Director of Facilities Management.

UNIVERSITY POLICE DEPARTMENT

The Department of Public Safety was organized under legislative authority granted by Senate Bill No. 1710, approved 1962. The University Police Department's powers and responsibilities, which are described in the Higher Education Laws of the State of Mississippi, assert:

Any Act, which, if committed within the limits of a city, town or village, or in any public place, would be a violation of the general laws of the state, will be criminal and punishable if done on the campus, grounds or roads of any of the State Institutions of Higher Learning; and the State Institutions of Higher Learning are vested, with the powers and subject to the duties of a constable for the purposes of preventing and punishing all violations of law on University or college grounds and for preserving order and decorum thereon.

CARE OF UNIVERSITY PROPERTY

The University appreciates each employee taking pride in working and in using the machines, tools, and other University equipment while at work.

The University has a large investment in its physical plant and equipment. Each employee should endeavor to keep the physical plant and equipment in good operational condition. The University will regard gross carelessness or willful destruction of property as cause for dismissal.

SECURITY OF ACADEMIC CLASSROOMS AND BUILDINGS

The University has amassed a considerable collection of equipment and materials in its departments for teaching, research and general operation. These materials and equipment are for the total educational process and are to be utilized by the faculty, staff and students for educational goals.

As a security precaution:

- A. All classroom laboratories, storage rooms, and other repositories containing University academic equipment and teaching materials must be kept locked when not in use;
- B. A police officer shall patrol the areas and secure the buildings.

FIRE PREVENTION

University employees should be fire conscious at all times. If an employee suspects a fire, he/she should take immediate action to protect himself/herself and if and when able, should alert all occupants of the immediate area and/or building at once; call the Department of Facilities Management and University Police and if prudent and able, get the nearest fire extinguisher and use it. Employees are to keep places clean and tidy, using the containers provided for scrap and trash. Highly flammable materials should be placed in metal containers only. Entrances, aisles, stairways, fire extinguishers, valves and electrical control boxes or rooms should be kept clear of any obstructions.

FIRST AID

Any injury while on the job, no matter how minor, should be reported promptly to the employee's immediate supervisor or the department head. Aside from the desirability of reporting an injury so that it may be properly treated, it is important that the Office of Human Resources be furnished immediately with a First Report of Injury Form with complete information regarding the employee's injury. Prompt reporting of an injury will tend to insure the appropriate protection of the employee.

POLITICAL ACTIVITIES

Participation by employees of Mississippi Valley State University in various community and public affairs is expected; however, it is expected that time given to such activities will not interfere with the regular duties of the employee. Political activities by an employee will not be prohibited at such time as the employee would not be ordinarily required to render services to the institution or if the employee elects to take and the institution grants a leave request therein.

Guidelines governing the use of University facilities and resources for political purposes:

- A. In correspondence, statement, or other material relating to personal political activity, the University title of an employee shall be used only for identification. If such identification might reasonably be construed as implying a position of the University on the matter, an explicit statement shall accompany either the support or opposition of the University with regard to such personal political purposes or activity and the clear identification that the individuals are speaking for themselves and not as a representative of the University or any of its offices/units.
- B. The name, insignia, seal, or address of the University or any of its offices/units or a University telephone number shall not be used for personal political purpose or activity.
- C. University offices shall not be used as headquarter or office in connection with the organization of personal political activity.
- D. University equipment, supplies and services (i.e., typewriters, duplicating machines) shall not be used for political purposes or any activity.
- E. University sites or facilities shall not be used on a regular or continuing basis for organizing and maintaining personal political activities.
- F. When undertaking personal political activity in conjunction with other faculty, staff, or students, employees shall clearly establish voluntary activity from educational programs and University operations and resources.

As a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, Mississippi Valley State University cannot intervene in any political campaign on behalf of, or in opposition to, any candidate for public office. Violation of this prohibition could cause Mississippi Valley State University to lose its tax-exempt status or incur excise taxes imposed on political expenditures. To ensure that Mississippi Valley State University does not jeopardize its tax-exempt status or incur taxes on political expenditures, Mississippi Valley State University, will not engage in any of the following on Mississippi Valley State University property, during a Mississippi Valley State University function, or otherwise using Mississippi Valley State University resources or facilities:

- Endorsing any candidate for public office
- Donating or contributing to any candidate's campaign
- Participating or engaging in political fundraising events
- Publishing or distributing statements for or against any candidate

UNIVERSITY PUBLICITY

The publicity and publication representative of the University must be in keeping with regulations in the Public Relations Handbook. No employee, faculty or staff member is authorized to speak on behalf of the University to any media outlet or in a public forum without prior authorization from the President.

SAFETY PRACTICES

The University does everything within reason to protect each employee on the job, but there is a certain amount of precaution that the employee must take. Employees are requested to cooperate with administrative personnel by observing safety rules, by working carefully, and by promoting safety among fellow workers.

It is the responsibility of employee of the University to see, first, that they are not contributing to the creation of an unsafe condition through their own carelessness, and second, if determined by the employee to be safe to do so, either remove or report to the supervisor any condition that they feel might be unsafe.

Employees who are involved in preventable accidents or other safety violations will be subject to disciplinary actions.

COMMUNICATION SYSTEMS

Use of Communication Systems

This policy applies to all University-provided information and communication systems (such as telephones, voice mail, facsimile, cell phones, pagers, and computer systems), and all information that is created, accessed, distributed, recorded and/or stored with the use of those systems.

Monitoring, Inspection and Waiver of Privacy Rights

While limited personal use of University-provided communication systems is permitted, you have no privacy rights in your personal use of our communication systems. The University has the right to monitor and inspect all information on and/or usage of any University-provided communication system at any time, for any reason and without further notice.

Available technology allows the review of e-mails sent or received (even after they are deleted) and review of Internet web sites viewed by an employee. If you want personal information and/or personal use to be private, then do not use University-provided communication systems and tell your friends not to deliver private information to you at work and/or by use of University-provided communication systems. Also, please make sure your personal use does not interfere with your job performance or violate any policies in this handbook.

SOCIAL MEDIA POLICY

Personal use of blogs and other social media sites such as Twitter, Facebook, and YouTube should not be utilized during work time. Employees should use their best judgment when expressing views in a blog or online sites to ensure that personal views are not construed as representing the views of the University. Information posted on online sites must not contain confidential, copyrighted, or trademarked information or marks of the University without specific written consent or license.

Internet, E-Mail, and Social Media Use

This policy outlines expectations for all employees of Mississippi Valley State University in regard to the use of Internet, e-mail, and related technologies. The policy will be administered in compliance with applicable federal, state, and local laws.

The University may provide employees with Internet/e-mail access as a tool to utilize in the pursuit of job-related activities. Although this access is intended for business purposes, personal use is acceptable as long as it is limited, occasional, and incidental. It must also be done in a professional manner that does not interfere with business use and/or job performance, including productivity. Employees are expected to demonstrate a sense of responsibility and may not abuse this privilege.

This policy includes the use and/or access of all current technological means of communication, including instant messaging, and any other means that are forthcoming.

All Internet data that is composed, transmitted, or received via MVSU computer systems is considered to be part of the University's official records. Therefore, the data is subject to disclosure to law enforcement representatives and other third parties.

The University reserves the right to monitor, retrieve, read, and record any and all uses made through an access, whether Internet or e-mail, without notice to the user. Both access and any associated communications are considered to be the business property of the organization. Employees should not

expect that their messages received at work or transmitted from work are private. Employees should not expect that any messages are private or confidential, regardless of whether the e-mail is sent to or received from a work or personal e-mail address. Even when a message is erased, it can be retrieved and read.

It is a violation of this policy for any employee or other individuals to intentionally damage e-mails. Damage is defined as any impairment to the integrity or availability of data, a program, a system, or information. Damage includes intentionally accessing a computer without authorization and, as a result, causing damage. It also includes transmitting a program, information, code, or command, and as a result of such conduct, intentionally causing damage without authorization, to a computer. Legal action may be taken for such occurrences during employment or upon or after termination.

All Internet/e-mail users are expected to abide by generally accepted rules of etiquette. Employees should ensure that the information contained in these messages and other transmissions is accurate, appropriate, ethical, respectful, and lawful.

The organization does not allow data that is composed, transmitted, accessed, or received via the Internet to contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content include sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone on the basis of race, sex, color, religion, age, national origin, disability, veteran's status, genetic information, or any other basis prohibited by federal, state, or local law.

The University does not allow the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet. As a general rule, if an employee did not create the material, does not own rights to it, or has not received authorization for its use, the employee may not put the material on the Internet. Each employee is also responsible for ensuring that any person sending materials of this nature over the Internet has the appropriate distribution rights.

If any user receives or obtains information to which he/she is not entitled, the employee should immediately report this situation to the Information Technology Department.

Employees should use professional judgment and be prudent in their actions, recognizing that their online presence can reflect on the University. Examples of situations that employees should self-monitor and avoid include speaking in a manner that appears to represent the organization without prior authorization; using logos, trademarks, or other intellectual property of the organization on the author's web page without prior approval; providing official messages from the organization without a disclaimer that the views expressed are personal and not those of the organization; creating a link from a blog, website, or other social networking site to the University's website without identifying himself/herself as an employee of the organization; being involved in harassment, discrimination, or other behaviors barred by law or University policy; and disclosing any confidential or proprietary information of the organization.

Supervision will not make work-related recommendations or references of employees on social media sites.

This policy will not be construed or applied in a way that interferes with employees' rights under any applicable state or federal labor law.

All employees are responsible for reporting any incidents that appear to be in violation of this policy to the

Information Technology or the Office of Human Resources, as appropriate, for investigation.

Employees are expected to cooperate in any investigation conducted by the University.

Violations of this policy may result in disciplinary action up to and including termination of employment.

SMOKE-FREE POLICY STATEMENT

In consideration of the general health, safety and comfort of all Mississippi Valley State University students, faculty, staff and visitors, the use or sale of tobacco products are prohibited in any MVSU owned or leased buildings and vehicles. This policy also applies to all offices, classrooms, residential housing, hallways, dining facilities, restrooms, and athletic facilities at Mississippi Valley State University. Any student, faculty, staff or visitor desiring to use any form of tobacco is required to do so outside a building, and to dispose of any remnants in designated containers located at building entrances before entering any campus structure. No ashtrays or smoking receptacles will be available inside buildings.

Enforcement:

It is the responsibility of all members of the University Community to observe this Tobacco Free Environment Policy. Department Heads and supervisors are responsible for ensuring compliance by the employees in their areas. Faculty, staff, and students are responsible for enforcing the policy with visitors, and are encouraged to direct violators to designated areas. Smokers are responsible for disposing of their cigarette ashes appropriately.

DRUG AND ALCOHOL FREE WORKPLACE POLICY

INTRODUCTION AND PURPOSE

Mississippi Valley State University implements the drug and alcohol policy and conducts a testing program pursuant to Sections 71-7-1, *et seq.*, of the Mississippi Code of 1972, Ann., entitled "Drug and Alcohol Testing of Employees" (hereinafter referred to as "the Act"), and employees and students are hereby advised of the existence of the said Act. The use and abuse of illegal drugs and alcohol is a serious and growing problem throughout the United States. A substance abuse policy and substance testing policy has been implemented in response to concern that the use and abuse of illegal drugs and alcohol by employees in, and applicants for, certain employment presents, among other things, serious safety and security risks. The Mississippi Legislature has supported the implementation of drug and alcohol free workplace policies by enacting the Act.

DRUG AND ALCOHOL FREE CAMPUS

Mississippi Valley State University prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on University property or as part of any University activity as set forth in Miss. Code Ann. §41-29-101, *et seq.* Students or employees failing to observe the drug and alcohol policy will be subject to the imposition of sanctions by the University in accordance with established disciplinary action procedures. For students, sanctions may include suspension or expulsion. For employees, faculty and staff, sanctions may include termination of employment. In addition to University sanctions, any student or employee found in violation of the drug and alcohol policy may be referred to the appropriate legal authorities for prosecution.

DRUG AND ALCOHOL ABUSE POLICY STATEMENT

Mississippi Valley State University recognizes that alcoholism is a chronic, progressive illness which, if untreated, is potentially fatal. The University assures employees that, if problem drinking and/or other drug abuse are considered to be the cause for unsatisfactory job performance, they will receive an offer of assistance to help resolve such problems in an effective and confidential manner. It is the official position of the University that:

- A. Employees having substance abuse problems, which may affect work performance, are encouraged to seek assistance voluntarily on a confidential basis by contacting their unit head;
- B. Employees are assured that their job, future, and reputation will not be jeopardized by utilizing any of the treatment options; however, individual work performance must meet acceptable standards or be subject to existing personnel policies for below standard performance; and
- C. Implementation of this policy will not interfere with, or negate, any other university practices, policies or procedures.

DRUG AND ALCOHOL TESTING

Confidentiality

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the University through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and this policy. Any information obtained by the University pursuant to the Act and these regulations shall be the property of the University. The University shall not release to any other person, other than the applicant, or employer, medical, supervisory or other personnel, as designated by the University on a need to know basis, information related to drug and alcohol test results unless: (a) the employee or job applicant expressly grants permission in writing for the University to release such information; (b) it is necessary to produce a confirmed test result into an administrative hearing under applicable state law or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or (c) the information must be disclosed to a federal or state agency or other unit of the state or United States government as required under law, regulation or order, or in accordance with compliance requirements of a state or federal government contract, or disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee; or (d) there is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information. The confidentiality provisions provided for by the Act shall not apply to other parts of an employee's or job applicant's personnel or medical files. If an employee refuses to sign a written consent form for the release of information to persons as permitted by the Act, the University shall not be barred from terminating or disciplining the employee.

Notice of Currently or Recently Used Prescription or Nonprescription Drugs

An employee to be tested shall be given (1) a medication disclosure form to permit the employee to disclose any non-prescription or prescription medications that have been taken within the last forty-five (45) days which may result in a positive test result, and (2) a statement that the form shall be submitted directly to the laboratory in order that the University has no access to the information disclosed on the form. The procedure for submission of the form shall ensure that no person other than the laboratory has access to the information disclosed on the form.

Testing Policy for Employees

Employees may be required to undergo testing for the presence of unlawful drugs and controlled substances, based on one of the following circumstances:

1. Neutral Selection Testing: Neutral selection testing applies to individuals with specific duties or within specific groups such as law enforcement, or any individual or group that monitor access to sensitive information or affect public health or safety.

2. Follow-up to and as a Part of Rehabilitation Testing; Testing Pursuant to Special Contract: The University may require an employee to submit to neutral selection or routine drug and alcohol tests if the employee, in the course of his/her employment, enters a drug abuse rehabilitation program, and as a follow-up to such rehabilitation; or if previous drug and alcohol testing of the employee within a twelve-month period resulted in a positive confirmed test result; or the drug and alcohol test is conducted in accordance with the terms of an applicable agreement; or if an employee is performing services pursuant to a contract that permits drug and alcohol tests on a neutral selection or routine basis. If an employee is participating in drug abuse rehabilitation, then drug and alcohol testing may be conducted by the rehabilitation provider as deemed appropriate by the provider.
3. Testing Pursuant to Department of Transportation Regulations (DOT): For those employees subject to regulation by the United States Department of Transportation (i.e., those employees whose job requires a Commercial Drivers' License), the University will follow its Policy HRM 60-121, Controlled Substances and Alcohol Use Testing of Employees with a Commercial Drivers' License.
4. Testing Pursuant to the Drug Free Workforce Act: For those employees working in sensitive positions on grants and/or contracts (a) funded by the U.S. Department of Defense (DOD) and its branch agencies and (b) that contain the provisions of the DOD Drug-Free Workforce Rule of 1988. These persons are subject not only to the Drug-Free Workplace Act of 1988, but also to the more stringent regulations of the DOD Drug-Free Workforce Rule of 1988 as described in the DFARS at Section 23.7500 and its associated contract clause, 52-233-7500. This Rule covers all controlled substances included in Schedules I and II, as defined in 21 U.S.C. 802(6), specifically, opiates, marijuana, cocaine, amphetamines, and phencyclidine (PCP) proscribed by Section 2.3 of Subpart B of the Mandatory Guidelines for Federal Workplace Drug Testing Programs, also known as the NIDA (National Institute for Drug Abuse) guidelines when testing for cause.
5. Reasonable Suspicion of Drug or Alcohol Use: Testing based on reasonable suspicion of drug and alcohol use means drug and alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific facts and reasonable inferences drawn from those facts, and may be based upon, among other things:
 - a. Observable phenomena, such as direct observation of drug or alcohol use and/or physical symptoms of being under the influence while working or while on the University premises;
 - b. A report of drug use, provided by reliable and credible sources, which has been independently corroborated;
 - c. Evidence that an individual has tampered with a drug and alcohol test during employment with the University;
 - d. Information that employee has caused or contributed to an accident while at work; or
 - e. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while working or while on the University premises or operating a University vehicle, machinery, or equipment.

Definitions

Controlled Substance: Those drugs and substances set forth in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C 812) and Schedules I through V of Miss. Code Ann. § 41-29-113 through §41-29-121.

Testing Specimen: Employees undergoing testing shall be required to give a “Specimen,” which means a tissue or product of the human body chemically capable of revealing the presence of drugs in the human body.

Procedure

This policy requires that a Drug Free Workforce Committee consisting of representatives from the University staff, faculty, administration, and appropriate health and substance use counselors be established to clarify criteria for “reasonable suspicion of drug or alcohol use,” and to provide general oversight over the manner in which the policy is implemented. This committee may consist of as few as five members to no more than ten members of these constituencies. The members of the committee will be appointed annually by their respective organizations (i.e., Human Resources, Administration, and appropriate health professionals who are knowledgeable about drug and alcohol abuse). The committee will perform the following duties:

- a. Detail the sorts of evidence that can be used and should be used to establish “reasonable suspicion of drug or alcohol use” and advise those persons responsible for making such a determination.
- b. Monitor the policy and its implementation, the number and nature of charges made against University employees under the policy, and the disposition of these cases. This includes the outcome of drug or alcohol testing as well as any remediation plans or disciplinary actions that may be developed for employees who test positive for drug or alcohol use. The Drug Free Workforce Committee will develop a mechanism that tracks the number and disposition of cases brought under the policy and submit an annual summary report to all constituencies represented on the committee. This oversight will NOT include the identity of any employee who has been charged, tested, counseled, or sanctioned under the policy. All documentation will be archived in the Office of Human Resources and redacted copies which protect the identity of employees will be periodically reviewed by the Drug Free Workforce Committee as part of its oversight function to craft the annual report.

Testing Procedures

The University shall follow the guidelines and procedures for its testing and confirmation testing as established by the Mississippi State Board of Health on April 9, 2003, or amended thereafter, a copy of which is available for inspection in the Office of Human Resources.

Prohibited Substances

The University may test for the following drugs: marijuana, cocaine, opiates, amphetamines, phencyclidine, alcohol or other controlled substances.

Refusing to Submit to Testing

In the event an employee refuses to submit to a drug and/or alcohol test pursuant to this policy, the University may take appropriate corrective or disciplinary actions, up to and including termination.

Right to Contest Accuracy

An employee who receives a positive confirmed alcohol or drug test may contest the accuracy of or explain the result. The initial and confirmation tests will be at the University’s expense, but any additional costs for testing will be borne by the employee.

Consequences of a Positive Test

An employee who tests positive with respect to an unlawful drug or alcohol may be temporarily suspended or transferred to another position. Once the test is confirmed according to the Act, the University retains the right, in its sole discretion, to take appropriate corrective or disciplinary actions, up to and including termination.

Rehabilitation Information

If the University determines that discipline or discharge is not necessary or appropriate following a positive confirmed test result, information on opportunities for assessment and rehabilitation will be made available to the employee.

Risk and Resources

Any employees who engage in the use of controlled substances and/or alcoholic beverages subject themselves to serious health risks including becoming psychologically and physically addictive. Extended abuse of alcohol and drugs can contribute to unpredictable behavior, frequent accidents, and damage of vital body parts and damage to an unborn fetus.

Any employee with alcohol or drug abuse problems is encouraged to seek assistance voluntarily on a confidential basis by contacting the University Counseling Services, Health Center, or the Office of Human Resources.

Public Agencies and facilities available for persons with drug or alcohol abuse problems include, but are not limited to the following:

- **Comprehensive Counseling Center
Student Union Annex
Mississippi Valley State University**
- **Student Health Center
Mississippi Valley State University**
- **Regional VI Mental Health Center
Greenwood, Mississippi**

UNIVERSITY AND EMPLOYEE RESPONSIBILITIES

University has the responsibility to:

- Notify any pertinent federal granting agency within ten (10) days after receiving notice of a workplace drug conviction from an employee or otherwise receiving actual notice of such conviction.
- Impose sanctions or require the satisfactory participation in an approved drug abuse assistance or rehabilitation program by an employee who is convicted of a drug related violation in workplace.
- Conduct periodic training and counseling for faculty, staff, and students concerning the hazards of drugs on campus.

Employees accept the responsibility to:

- Abide by the terms and provisions the Drug and Alcohol Free Workplace Policy.
- Employees must also notify the University of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

DRUG-FREE WORKPLACE ACKNOWLEDGMENT

Drug abuse and use in the workplace are subjects of immediate concern in our society. These problems are extremely complex and there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to University property. Public Law 100-690, the Anti-Drug Abuse Act, was enacted by the federal government in 1988. Title V, Subtitle D, the Drug-Free Workplace Act of 1988, is part of the overall act, which requires State agencies that receive federal grants to certify that they will maintain a drug-free workplace and publish and administer specific drug-free workplace policies and drug awareness programs. Therefore, it is the position of the Mississippi Valley State University that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Any employee violating these prohibitions will be subject to discipline up to and including termination.

1. Mississippi Valley State University does not differentiate between drug users and drug pushers or sellers. Any employee who unlawfully gives or in any way transfers a controlled substance to another person or sells or manufactures or unlawfully uses a controlled substance while on the job, in the workplace, or at a site where the university's work is performed will be subject to discipline up to and including termination. The University will take appropriate personnel action within thirty (30) days of receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace.
2. The term "controlled substance" means any drug listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include marijuana, cocaine, opiates, amphetamines, phencyclidine, alcohol or other controlled substances. Inappropriate use of prescription drugs may also be subject to disciplinary sanctions in accordance with state and local law.
3. Each employee is required to inform the university appointing authority in writing within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred in the workplace. A conviction means a finding of guilt, including a plea of guilty or of nolo contendere, or the imposition of a sentence by a judge or jury in any federal or state court.
4. The agency appointing authority must notify the U.S. government agency with which the grant is made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.
5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the employee may be required to successfully complete an inpatient or outpatient drug abuse program sponsored by an approved private or governmental institution.
6. As a condition of further employment on any federal government grant, all employees are required to abide by these requirements.

I, _____, an employee of Mississippi Valley State University, hereby certify that I understand the University's requirements regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited at my workplace. I understand that violating those prohibitions can subject me to discipline up to and including termination. I realize that as a condition of employment, I must abide by the requirements of the University in this regard, and I will notify my supervisor of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction. I further realize that federal law may mandate that Mississippi Valley State University communicate this conviction to an appropriate federal agency, and I hereby waive any and all claims that may arise for conveying this information to the federal agency.

Employee Signature _____ Date _____

The original of this signed form shall be maintained in the Employee's personnel file by the Office of Human Resources.

AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATION

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against "otherwise qualified disabled individuals" in hiring, advancement, discharge, compensation, training, and other terms, conditions and privileges of employment (such as job assignment, return from layoff, leaves of absence, selection for professional meetings or conferences, and participation in employer-sponsored social or recreational opportunities). Mississippi Valley State University is required by law and it is the policy of the University to provide reasonable accommodation to qualified employees with known disabilities, when requested and if appropriate, absent undue hardship to the University.

Reasonable accommodation may be applied to the specific functions of the job, and/or where and how job tasks are performed. Individuals who need reasonable accommodation are responsible for making their needs known. The University and the individual will engage in an interactive process to clarify individual needs and identify the appropriate reasonable accommodation.

A form for purposes of requesting reasonable accommodation due to a disability under the ADA may be obtained from the Office of Human Resources.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 provides for improved portability and continuity of health insurance coverage. HIPAA is designed to combat fraud, waste, and abuse in health insurance and long term care delivery, to promote the use of medical savings accounts, to improve access to long term health care services and coverage, to simplify the administration of health insurance, to protect the confidentiality of an employee's personal health information and for other purposes.

HARASSMENT POLICY ACKNOWLEDGMENT

By signing below, I verify that I have received a copy of the Mississippi Valley State University Harassment Policy. I agree to read and abide by the terms of this and other policies and procedures of the University addressing harassment and/or discrimination. I further understand that if I have any questions regarding this policy or its procedures, I should direct them to the Office of Human Resources.

Recipient

Date

The original of this signed form shall be maintained in the Employee's personnel file by the Office of Human Resources.

FACULTY/STAFF EMPLOYEE HANDBOOK ACKNOWLEDGMENT

This verifies acknowledgment that I have received a copy of the Faculty/Staff Employee Handbook of Mississippi Valley State University. I understand this handbook contains policies and procedures which apply to me and my employment with the University. I further understand that the handbook is not a contract of employment, does not guarantee a definite term or length of employment, and that the handbook or any provision therein may be modified, supplemented or revoked entirely without notice in the sole discretion of University officials.

I understand that I may address any questions or concerns with respect to the handbook or its provisions to the Office of Human Resources.

DATE

Employee Signature

Print Employee Name

The original of this signed form shall be maintained in the Employee's personnel file by the Office of Human Resources.

VIETNAM ERA AND SPECIAL DISABLED VETERANS IDENTIFICATION INVITATION

Mississippi Valley State University is committed to equal employment opportunity and affirmative action for Vietnam Era and Special Disabled Veterans. As a government contractor, Mississippi Valley State University is subject to Sections 503 and 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990 (ADA), and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974; and therefore must comply with governmental record keeping, reporting, and other requirements.

A "Veteran of the Vietnam Era" is defined as (1) an individual who served more than 180 days of active military, naval, or air service, any part of which was during the period August 5, 1964 through May 7, 1975, and was honorably discharged or released; or (2) was discharged or released because of a service-connected disability.

A "Special Disabled Veteran" is defined as (1) an individual who is entitled to compensation (including those receiving military retirement pay but who would otherwise be entitled to compensation) under laws administered by the Veterans Administration for disability rated at 30 percent or more or rated at 10 to 20 percent in the case of those determined to have a serious employment disability; or (2) an individual discharged or released from active duty because of a service-connected disability.

Veterans, as defined above, are asked to identify themselves by providing the requested information. All information will be considered confidential and will be used only in accordance with meeting the requirements and obligations of the Acts previously mentioned. Choosing not to provide this information will not result in adverse treatment or disciplinary action.

DATE: _____

NAME: _____

SOCIAL SECURITY NUMBER: _____

POSITION TITLE: _____

DEPARTMENT/OFFICE: _____

VETERAN'S STATUS (CHECK ONLY ONE PLEASE):

_____ VIETNAM ERA

_____ DISABLED VETERAN

The original of this signed form shall be maintained in the Employee's personnel file by the Office of Human Resources



MISSISSIPPI VALLEY STATE UNIVERSITY

UNIVERSITY
EMPLOYEE
HANDBOOK