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14.0 HUMAN RESOURCES POLICIES AND PROCEDURES

The organizational and governmental policies of Alcorn State University and the Board of Trustees of State Institutions of Higher Learning contained herein provide information to employees regarding certain employment-related rights and responsibilities. It is the responsibility of each employee to become familiar with the policies that govern the institution.

Any policy, procedure or statement which is found to be in conflict with the policies of the Board of Trustees of the State of Mississippi Institutions of Higher Learning, laws of the state of Mississippi, and federal laws and regulations is declared null and void.

14.1 PURPOSE

Policies contained herein are intended to provide employees with the information they need to maintain compliance with institutional, state and federal regulations. Policies should not be seen as a guarantee of continued employment or an assurance that a particular policy or procedure will be followed in every case or circumstance.

14.2 KEY FEDERAL AND STATE LAWS/REGULATIONS

ASU complies with the following federal and state regulations, including, but not limited to:

Americans with Disabilities Act: (ADA) Alcorn State University prohibits discrimination based upon disabilities. Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity." If you need special accommodations, please let your supervisor or the Office of Human Resources know.

HIPAA, the Health Insurance Portability and Accountability Act of 1996: Alcorn State University complies with the regulations of this act, which provides the ability to transfer and continue health insurance coverage for employees and their families when they change or lose their jobs and requires the protection and confidential handling of employees' health information.

COBRA, the Consolidated Omnibus Budget Reconciliation Act: Alcorn State University ensures compliance with this act, which gives employees and their families who lose their health benefits the right to choose to continue group health benefits provided by the Mississippi State and School Employees' Health Insurance Plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss; reduction in work hours; transition between jobs, death, divorce; and other life events.

Qualifying individuals may be required to pay the entire premium for coverage up to 102% of the cost to the plan.

FMLA, Family Medical Leave Act of 1993: Alcorn State University complies with this act by providing unpaid family and medical leave during the designated 12-month period to eligible employees, in accordance with the federal Family and Medical Leave Act (FMLA) and state law. When an employee's absence qualifies as FMLA leave under state and federal laws, the employee will use his or her entitlement under each law at the same time to the extent permitted by law. When one law provides a greater benefit than the other, the employee will receive the greater benefit (see also ASU Policy 14.39, Leaves of Absence).

If an employee is not eligible for FMLA leave benefits, uses up his or her FMLA leave or wishes to take leave for a purpose that does not qualify for FMLA leave, the employee should refer to the University's other leave policies to determine if other leave might be available.

FMLA applies only to employers that meet certain criteria. A **covered employer** is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;
- Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

The procedure is as follows:

- The University uses a calendar year to determine the 12-month period which the 12 weeks of FMLA leave are available.
- Family Medical Leave may be taken continuously, intermittently or at reduced hours.
- The University runs FML concurrently with sick and vacation leave time.
- Health Insurance Premiums are paid for "employee only coverage" by the University for the entire period of FMLA.
- The employee is responsible for payment of dependent coverage premium and the entire life insurance premium while on FMLA.
- The employee may request donated leave while on FMLA only if the illness or injury is deemed "catastrophic" by the healthcare provider.

14.3 ASU CHILD PROTECTION POLICY

14.3.1 PURPOSE

The University is committed to providing and maintaining a safe and secure environment for all individuals, including children. Alcorn has adopted this child protection policy as an additional measure to ensure the safety and security of children. Violation of this policy by any employee will result in strictest disciplinary action, up to and including dismissal.

This policy applies to all programs and activities hosted by or connected to the University in which children participate. Further, it applies to all programs or activities located on campus or on property owned or leased by the University.

14.3.2 REPORTS OF ABUSE

No form of child abuse--whether physical, emotional, or sexual--will be permitted or tolerated under any circumstances. Harm or the threat of harm to a child's health or welfare can occur through non-accidental physical or mental injury/incident, sexual misconduct, or attempted sexual misconduct. It can also occur through negligent treatment or exploitation of a child, which would include the failure to provide adequate nourishment, medical treatment, supervision, clothing, or shelter.

Any faculty, staff, student, volunteer, or anyone else affiliated with the University having reasonable cause to suspect that a child is neglected or abused must **immediately** report the activity to the Department of Human Services (DHS). *See* Miss. Code Ann. § 43-21-353 (as amended 2012).

In addition to the legal requirement, the University requires anyone who has reasonable cause to suspect child abuse or neglect to **immediately** report the suspected abuse or neglect to the Department of Human Resources at (601) 877-6188, and the University Police Department either in person or by telephone at (601) 877-3000. In addition, an individual suspecting child abuse or neglect should either file an EthicsPoint complaint or report the suspected child abuse or neglect to the Office of Internal Audit, a department head, or a Vice President.

In deciding whether or not to report an incident or situation of suspected abuse or neglect, it is not required that you have proof that abuse or neglect has occurred. **Any uncertainty in deciding to report suspected abuse or neglect should be resolved in favor of making a good faith report.**

14.3.3 BACKGROUND CHECKS

Alcorn State has in effect a policy requiring that background checks be conducted on all individuals who are hired to work at the University. In addition, all employees who have contact with minors, regardless of their date of employment, may be required by the department head to have a background check. This includes faculty, staff, student workers, graduate assistants, and rehired retirees. For more information please refer to the Background Screening Policy 14.8.5.

Volunteers who work with children on a continued or reoccurring basis should have a background check on file with the department with which they are volunteering.

14.3.4 ACTIVITIES WITH INVOLVEMENT OF MINORS

Various University departments/units operate programs, host programs, or permit third parties to use University facilities for programs involving minors. Each of these entities should carefully review all programs which include participation by minors, or locations they control that are frequented by minors, to determine whether additional training or protocols may be needed to help prevent child abuse. Procedures should be in place to ensure the well-being of children. For example, in all instances, units should prohibit or strictly limit staff and volunteers from being alone with children, especially in a place that is isolated or not easily visible to others.

Any unit sponsoring a program involving children or allowing the use of its facilities by minors should consider whether further training on preventing abuse or additional procedures governing staffing patterns and interactions between minors and adults is needed.

All University departments/units entering contracts with outside entities hosting events on campus should require such entities to familiarize themselves with Alcorn's Child Protection Policy to ensure compliance.

This policy shall be reviewed every three years by the Office of Human Resources.

14.4 SEXUAL HARASSMENT/HARASSMENT

The University assures to all employees an atmosphere and work environment characterized by respect for every individual's right to not be subjected to unwelcome verbal or physical conduct of a sexual nature. Such behavior is forbidden between employees. Violation of this policy may result in serious disciplinary action up to and including discharge.

Sexual harassment is especially prohibited where the offending employee is in a position to affect the compensation or employment status of the person being harassed. In all cases, Alcorn State University officials shall take prompt and appropriate corrective action. This rule applies equally

to sexual harassment of both men and women. A charge of sexual harassment/ harassment, regardless of an employee's length of employment or classification, may be filed using the grievance procedure. Sexual harassment/harassment is strictly prohibited at any organizational level.

Retaliation against any person complaining of harassment is prohibited. Alcorn State University will respond promptly to all complaints of harassment and retaliation.

Sexual Harassment Policy Acknowledgement Form

14.5 WHISTLEBLOWER POLICY

It is the policy of Alcorn State University to protect any employees or other members of the ASU community (hereinafter "Individuals") who make a good faith disclosure of suspected wrongful conduct. More specifically, ASU policy:

- Encourages Individuals to disclose violations of law and serious breaches of conduct covered by University policies;
- Protects Individuals from reprisal by adverse academic or employment action taken within the University as a result of having disclosed wrongful conduct; and
- Provides Individuals who believe they have been subject to reprisal with a process to seek relief from retaliatory acts that fall within the authority of the University.

Employees should contact the Office of Human Resources at (601) 877-6188 or the office of the Internal Audit Office at (601) 877-6318 to report any suspected wrongful conduct.

14.6 SUMMONS AND PETITIONS

Any summons or petition served on an employee as a result of an accident or incident occurring in the course of or arising out of employment is handled by the Office of Human Resources.

14.7 MISUSE OF UNIVERSITY ASSETS

The misuse of Alcorn State University assets is a serious matter that affects compliance with the law as well as the honor and integrity of the institution. Therefore, all University employees are expected to avoid even the appearance of impropriety when fulfilling their responsibilities.

It is the policy of ASU to identify and promptly investigate any misuse of University assets or dishonest or fraudulent activities against ASU and, when appropriate, to pursue legal remedies.

ASU will take appropriate disciplinary and legal actions against employees and/or entities, including but not limited to restitution, the report of information to the appropriate authorities for criminal prosecution and possible termination of employment.

14.8 EMPLOYMENT POLICY

14.8.1 GENERAL POLICY

The University is committed to the principles of equal opportunity, affirmative action and diversity.

Alcorn State University is expressly committed to providing equal employment opportunities without regard to race, age, color, religion, sex, national origin, Vietnam era or disabled veteran status, physical and/or mental disability and/or political affiliation. Further, the University will not tolerate any conduct of harassment/sexual harassment. This policy applies to all employees regardless of position; consultants; and applicants for employment. Additionally, it is the responsibility of all persons making employment decisions to support this policy.

Alcorn State University will not knowingly conduct business with any individual, organization or entity that practices illegal discrimination. It is the intention of Alcorn State to comply with all applicable federal and state laws and regulations which prohibit unlawful discrimination.

All personnel actions, programs, and facilities will be administered in accordance with equal opportunity policies, including but not limited to, recruitment, selection, assignment, classification, promotion, demotion, transfer, layoff and recall, termination, wage assignment, conditions of employment, selection for training or retraining, and social and recreational program.

To realize the declarations as set forth above, the University will, in all solicitations and advertisements for employment vacancies placed by or on behalf of the University, state its position as an equal opportunity employer. In addition, the University will consider through appropriate and designated procedures, the complaint or grievance of any individual who has reason to feel that he or she has been affected by discrimination because of race, color, religion, sex, national origin, age, handicap, Vietnam era or disabled veteran status, physical or mental disability, and/or political affiliation.

Further, as an institution of higher education and in consonance with its policy of equal employment opportunity, Alcorn State University hereby declares its policy of equal opportunity.

Questions regarding Equal Employment Opportunity may be directed to the Office of Human Resources at (601) 877-6188 or contact the Office of Diversity and Equity Engagement at (601) 877-6700 for any issues concerning diversity and inclusion.

14.8.2 ADVERTISING POSITIONS

Alcorn State University fosters the posture and practice of equal employment opportunities for current and potential employees; the University will advertise vacancies and new positions as widely as is practical. Consequently, all nonprofessional vacancies and new positions shall be posted on the ASU website and advertised in at least 1 widely circulated publication (if applicable).

A minimum of 2 weeks shall be allowed from the time a vacancy or new position is published until the deadline for the receipt of applications.

All professional vacancies and positions will be posted on the University website via the Online Recruitment System at jobopps.alcorn.edu, and shall also be advertised through the Mississippi Employment Security Commission, *Inside Higher Ed*, *The Chronicle of Higher Education* and other job posting venues (if applicable). The hiring manager of the respective unit who has an open position or vacancy is responsible for working with the Office of Human Resources to ensure appropriate posting and advertising. All open positions will be advertised for a minimum of 2 weeks before the deadline for applications. Current qualified employees who are in good standing with the University are eligible and are encouraged to apply for posted/advertised positions.

14.8.3 SCREENING AND SELECTION

A search committee is required for all Executive/Administrative/Managerial and regular Faculty positions. Search and screening committees are not required for support staff positions; it is recommended that more than one person take part in the interview process. The Office of Human Resources is available to assist in the search process and conduct training for the search committee or department.

14.8.4 EXCEPTIONS TO RECRUITMENT AND SELECTION PROCEDURES

Alcorn State University provides equal opportunity in employment. This is accomplished through nondiscriminatory open recruitment and hiring practices. Occasionally, such factors as financial constraints, program continuity, the unavailability of a practical number of qualified applicants, or the existence of highly specialized qualifications and requirements for a particular position, require making an exception to the University's normal employee recruitment and selection procedures.

The types of exceptions include the categories of Business Necessity and Internal Recruitment Only.

14.8.5 BACKGROUND SCREENINGS

Alcorn State University, in order to increase safety, manage risks and make informed hiring decisions, will conduct nondiscriminatory background checks on applicants prior to an offer of employment. Further, applicants who indicate on their employment applications that they have a prior felony conviction(s) or a pending felony charge(s) will be subject to more extensive background checks if the applicant is selected for interview and recommended for hire. The University reserves the right to refuse to hire anyone convicted of a felony or misdemeanor or anyone who has pending felony charges.

Although a disqualification is possible, a previous conviction does not automatically disqualify an applicant from consideration for employment with the University. Depending on certain factors, the applicant may still be eligible for employment with the University. In determining suitability for employment where there is a record of criminal activity and/or pending criminal activity,

consideration shall be given to issues such as requirements of the position, the number of years ago the conviction occurred, the magnitude of the conviction and the number of offenses.

Notwithstanding the above, the University shall not employ or continue to employ any person who has been convicted or pled guilty in any court of this state, another state, or in federal court of any felony in which public funds were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office or employment or money coming into the person's hands by virtue of the person's office or employment.

Background checks may be performed on current employees, with prior written notice, for the following positions:

- Positions handling cash and checks on a regular basis
- Positions having contact with children and minors
- Positions having contact with residence hall rooms
- Positions having access to student or employee information
- Other positions as requested by management

Alcorn State University reserves the right to add positions to this list at any time.

Procedure for background screenings:

- Applicants, upon notice, will complete and sign a Background Screening Consent form.
- Applicants refusing to consent to a background check, as required by the University, will not be considered for employment.
- Current employees having responsibilities as defined herein, upon written notice, may be subject to a background check. Refusal by an employee to sign the Background Screening Consent form, when written notice is provided, may still be subject to a background check and employment may be terminated.
- If the background check is used as a basis for not hiring an individual, the applicant will receive a copy of the criminal history report, the summary of rights document, the contact information for the consumer reporting agency that furnished the report and a statement that the consumer reporting agency did not make the adverse decision and cannot explain why it was made. The same notice shall also be provided to current employees who are subject to a background check, and the results of the screening are used as a basis for adverse action, including termination.

14.9 DRUG-FREE WORKPLACE POLICY

It is the policy of Alcorn State University to maintain a drug-free workplace, workforce and campus consistent with federal laws set forth in the Drug-Free Workplace Act of 1988, the Department of Defense Drug-Free Workforce Rule of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Consequently, all employees including faculty, staff (part-time and full-time) and students are absolutely prohibited from the unlawful possession, manufacture, distribution, dispensation, sale or any involvement with controlled substances and alcohol on University property or as part of any University activity.

14.9.1 ALCOHOL AND OTHER DRUGS

Alcorn State University has adopted this policy on drugs and alcohol for its employees and others on University property to help ensure a safe, healthy, and productive drug-free work environment; to protect University property and assets; to maintain a favorable public image; and to ensure efficient operations.

This policy restricts certain items and substances from being brought on or being present on University property including its parking areas and its vehicles; prohibits University employees and all others from reporting to work, working or being present on University property from having detectable levels or identifiable trace quantities of certain drugs and other substances and prohibits the unauthorized possession by employees or others of certain materials.

14.9.2 PROHIBITED ITEMS

The use, possession, sale, manufacture, distribution, dispensation, concealment, receipt, transportation or being under the influence of any of the following items or substances on University property (including the presence of detectable levels or identifiable trace quantities), by employees is prohibited:

- Illegal drugs, controlled substances, marijuana, intoxicants (legal or illegal), “look-alike” substances, designer drugs, counterfeit or synthetic drugs, inhalants and any other drugs or substances that will, in any way, affect safety, work ability, alertness, coordination, judgment, response or the safety of others on the job.
- Alcoholic beverages, except as specifically authorized by University management. (Note: Moderate use of alcohol at company-approved meetings or in an appropriate social setting is not prohibited by this policy.) Consumption of alcoholic beverages while driving or driving any vehicle for University business while intoxicated is prohibited. The consumption of alcohol on University time or on any of Alcorn’s property is prohibited.
- Drug paraphernalia.

- Prescription drugs and over-the-counter medications, except under the following conditions:
 1. The drugs have been prescribed by an authorized medical practitioner for current use (within the past 12 months) for the person in possession of the drugs.
 2. The drugs/medications, both prescribed and over-the-counter, are limited to a 1-day supply or must be kept in their original container and must be taken in accordance with the dosage recommendations and usage cautions and generally must not affect the person's ability to perform work safely.
 3. The University reserves the right to consult with a medical doctor to determine if a drug or medication, whether prescribed, produces hazardous or non-safe effects and may restrict the use of any such drug or medication accordingly on University property. The University also reserves the right to require an employee to undergo a fitness for duty medical examination by a physician of its choosing. This may also include restricting or altering the individual's work activity or presence at the worksite.

14.9.3 POLICY ENFORCEMENT

Because of the importance of this policy, the University reserves the right, at all times, while on Alcorn's premises and property and when circumstances warrant, to have University supervisors and/or authorized search and inspection specialists, including scent-trained dogs, conduct searches and inspections of employees or other persons and their personal property and effects, to include but not be limited to lunch boxes, purses, briefcases, baggage, offices, desks, clothing and vehicles (including trunks, glove compartments, etc.) for the purpose of determining if such employees or other persons are using, possessing, selling, manufacturing, distributing, dispensing, concealing, receiving or transporting any of the prohibited items and substances contained in the policy.

The employee's supervisor and/or a senior University officer have the right to conduct an on-the-spot search and inspection of employees or others and their personal property and effects, as described, if said supervisor has a reason to believe that employees or others are in direct violation of any part of this policy. All searches and inspections conducted by outside authorized specialists will be in the presence of a senior company officer and/or the Human Resources Director.

All employees are expected to cooperate with any investigation regarding this policy. Failure to cooperate, provide false information or omit information may subject any employee to disciplinary action up to and including termination of employment. A search and inspection, as defined herein, may also include and require employees and others present on University property to submit to a urine drug screen test and/or blood test or other examination.

Tests/inspections may be required under the following circumstances:

1. During pre-employment examinations for certain positions as identified by the University.
2. When an employee's supervisor has reason to believe that an employee on University property is using or under the influence of prohibited drugs, alcohol and substances or that there has been a violation of this policy.
3. When an employee, or other person, is found in possession of suspected illegal or prohibited drugs and substances, or when any of these drugs and substances are found in an area controlled or used exclusively by said employee or other person.
4. When an employee returns to active employment after a leave of absence of 30 or more days.
5. Following an on-the-job injury requiring treatment from a physician or following a serious or potentially serious accident or incident, including near misses, in which safety precautions were violated, unsafe instructions or orders were given, vehicles/equipment/property was damaged or unusually careless acts were performed. All persons involved and within the immediate vicinity of the incident may have their urine and blood tested. If it is impossible or impractical, because of the physical condition of the individual(s) involved in the accident, to give a urine and blood sample, and if in subsequent medical treatment of the person or person's blood will be drawn, then the blood will be analyzed for drugs, alcohol and other prohibited substances.
6. Random testing, other than to meet current specific job site requirements, will not commence until 30 days following the date of this policy; however, applicants for employment shall be subject to testing as of the date of this policy. The search, inspection, urine and/or blood drug screening provisions herein will be performed with concern for the personal privacy of each employee or other person and will also apply to contract labor, when feasible.

All persons shall have the opportunity, prior to testing, to list all prescription and nonprescription drugs they have used in the last 30 days and to explain the circumstances surrounding the use of such drugs. All records containing medical information will be maintained in accordance with applicable law.

Here is a list of the drugs that are usually tested for and the levels of detection:

Drug or Metabolite In Urine	Initial Test Cutoff (Emit) (GC/MS)	Confirmation Test Cutoff (GC/MS)
Amphetamine (includes Methamphetamine)	1000 ng/ml	500 ng/ml
Barbiturate	300 ng/ml	300 ng/ml

Benzodiazepine	300 ng/ml	300 ng/ml
Cannabinoid (Marijuana, hashish) (carboxy THC)	50 ng/ml	15 ng/ml
Methadone	300 ng/ml	150 ng/ml
Opiate: Morphine, Codeine	2000 ng/ml	2000 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Ethanol (Enzyme Assay) (GC/FID)	.04/% w/volume	.04/% w/volume

14.9.4 PENALTIES FOR VIOLATION OF POLICY

Any employee found in violation of this policy or who refuses to submit to a search or urine and/or blood analysis shall be removed from University property and be subject to disciplinary action, up to and including termination of employment.

Any employee ordered to submit to urine and/or blood tests shall be informed of the reasons why he or she is being ordered to submit the specimen. Any employee failing after a 3-hour period to submit the specimen will be informed that this refusal constitutes failure to obey a direct order and that this is grounds for termination.

Any employee who, as a result of drug testing and screening, is found to have detectable levels or identifiable trace quantities of a prohibited drug or substance in his or her system, regardless of when or where the drug or substance entered that person's system, without an explanation satisfactory to University, will be considered in violation of this policy, will be removed from University property and will be subject to disciplinary action, up to and including termination of employment. Additionally, if employment is continued, such employees may be required to submit to random drug screens and/or to participate in and successfully complete a substance abuse program.

Preliminary findings of a policy violation may require that the employee be suspended, without pay, pending the results of an internal investigation. If said investigation clears the employee of any policy violation, then said employee would be fully reinstated, including pay, to his or her job.

An employee, or anyone else, who in any way alters, tampers with, or substitutes a urine or blood specimen, will be considered a violator of this policy, and the employee shall be discharged. A nonemployee shall be removed and barred from University premises. The company may take into custody any illegal, unauthorized, or prohibited items or substances and may turn them over to the proper law enforcement agencies.

14.9.5 OFF THE JOB DRUG AND ALCOHOL SUBSTANCE USE AND ACTIVITY

Employees who use drugs, alcohol or chemical substances off the job run the risk of jeopardizing the safety of themselves, their family, the public and the University. Whenever such usage adversely affects public trust in the University or otherwise interferes with the University's ability to carry out its responsibilities or increases potential liability for the University, the University may be forced to take disciplinary action against the offending employee(s), up to and including termination of employment. Employees who are convicted or plead guilty or *novo contend ere* (no contest) because of off-the-job activities (drug or alcohol related) may be considered in violation of this policy. In deciding what action to take, the University will consider the nature of the charges and other factors relative to the impact of the employee's conviction or plea upon the conduct of the University's business.

This policy supersedes any and all other University drug policies.

14.9.6 VIOLATION OF ALCOHOL AND DRUG POLICY

14.9.6.1 DETERMINATION

An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:

1. Direct observation
2. Evidence obtained from an arrest or criminal conviction
3. A verified positive test result
4. An employee's voluntary admission

14.9.6.2 MANDATORY ADMINISTRATIVE ACTIONS

The Supervisor may refer an employee found to use illegal drugs to an Employee Assistance Program (EAP), and, if the employee occupies a sensitive position, immediately remove the employee from that position. At the discretion of the supervisor, however, and as part of an EAP, an employee may return to duty in a sensitive position if the employee's return would not endanger public health or safety.

14.9.6.3 CONSEQUENCES

Disciplinary action taken against an employee found to use illegal drugs may include the full range of disciplinary actions, including termination. The severity of the action chosen will depend on the circumstances of each case and will be consistent with prior discipline under similar circumstances. The supervisor shall initiate disciplinary action against any employee found to use illegal drugs, provided that such action is not required for an employee who voluntarily admits to illegal drug use and obtains counseling or rehabilitation and thereafter refrains from using illegal drugs as long as such admission occurs prior to illegal use or possession on the job.

Such disciplinary action may include any of the following measures, but disciplinary action will be initiated if an employee is found in violation of this policy:

1. Reprimanding the employee in writing.
2. Placing the employee in an enforced leave status.
3. Suspending the employee for 14 days or less (with or without pay).
4. Suspending the employee for 15 days or more (with or without pay).
5. Suspending the employee until the employee successfully completes the EAP or until the supervisor determines that action other than suspension is more appropriate.
6. Terminating the employee.

14.9.6.4 TERMINATION

The supervisor shall terminate an employee for refusing to obtain counseling or rehabilitation through an EAP as required by the drug policy after the employee has been found to have used illegal drugs or does not refrain from illegal drug use after a first finding of such use.

14.9.6.5 REFUSAL OF DRUG TEST

An employee who refuses to be tested when so required will be subject to the full range of disciplinary action, including dismissal. No applicant who refuses to be tested shall be extended an offer of employment. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test required.

14.10 CONFLICTS OF INTEREST/ OUTSIDE EMPLOYMENT

It is the policy of Alcorn State University that its employees conduct the affairs of the University in accordance with the highest legal, ethical and moral standards. Conflicts of interest should be avoided where possible or otherwise disclosed and managed. Further, employees shall not use their University position to secure personal financial benefits for themselves or any member of their immediate family.

A conflict of interest arises whenever the employee has the opportunity to influence University operations or business decisions in ways that could result in a personal financial benefit to the employee or a member of an employee's immediate family. Although certain specific examples of conflicts of interest are provided in this policy, they are meant only as illustrations, and supervisors and employees are expected to use good judgment to identify possible conflicts of interest and to manage such so as not to adversely influence Alcorn State University operations.

Nothing in this policy shall be construed to permit, even with disclosure, any activity that is prohibited by law. Violation of this policy may be grounds for immediate dismissal.

External activities can lead to conflicts of interest with regard to an employee's University responsibilities. As such, this policy is intended to provide a framework for recognizing and managing employee conflicts of interest and, whenever possible, for preventing even the appearance of conflicts of interest. While the primary goal of this policy is to prevent an employee's external activities from adversely influencing Alcorn State University operations, this policy is also intended to protect employees from undue suspicion that their external activities may improperly influence University operations.

Further, all employees must be available for and devote their full attention to their assigned duties and responsibilities during scheduled working hours. Additionally, employees having emergency response responsibilities must be reasonably available during non-scheduled hours. Each employee must ensure that his or her off-the-job activities do not adversely affect job performance with and are not contrary to the interests of the University.

The following guidelines and rules are established for all employees:

- All employees are required to complete and sign a Conflicts of Interest Policy Acknowledgement form upon hire.
- Employment with the University will be the employee's primary job responsibility and obligation; any other approved employment will be deemed secondary.
- The demands or requirements of outside or secondary employment may not be considered as excusable reasons for absences, tardiness, poor performance or other areas of concern from a personnel perspective.
- Prior to seeking or accepting outside employment, full-time employees must discuss a secondary job with the supervisor and/or department head to determine whether or not the job is considered a "conflict of interest" as previously defined herein.
- Current employees considering outside employment must submit a request in writing for approval to the supervisor and/or department head and complete the **Conflicts of Interest Disclosure** form prior to engaging in employment. Final approval of the President/IEO must be obtained. The request must also be completed if an outside activity exists at the time an employee is hired by the University.
- If the outside employment constitutes a conflict of interest, detracts from the employee's responsibilities, or has an appearance of a "conflict of interest," the request will be denied.
- If the President approves the outside employment, the **Conflicts of Interest Disclosure** form must be completed annually and placed on file in the Office of Human Resources.
- Unit heads shall carefully evaluate all circumstances relating to a potential conflict of interest before acting to approve or disapprove the associated activities. If the supervisor

or department head approves the outside employment, the request shall be forwarded to the President/IEO for final approval.

The following are examples of conflicts of interest requiring employee disclosure. These examples are illustrations only and are not meant to be exclusive:

- Employee or immediate family member owns, in whole or in part, a business entity with which the University does or proposes to do business, and the employee is in a decision-making role or otherwise is in a position to influence the University's business decisions regarding the business entity. The following are examples of business entities for which an employee disclosure is required:

Finance or accounting services

Athletic equipment services

Consulting

Counseling

Catering

PC or other hardware services

Programming

Architectural services

Legal services

Grant preparation

Temporary personnel services

Office or lab supplies

Painting services

Lawn and grounds services

- Employee holds or assumes an executive, officer or director position in a for-profit or not-for-profit business or entity engaged in commercial, educational, or research activities similar to those in which the University engages.
- Employee participants in consultation activities for a for-profit or not-for-profit business or entity engaged in commercial, educational or research activities similar to those of the University.

See also reference to the Mississippi Code Annotated, §25-4-105(1) and §25-4-105(3) (a) regarding conflicts of interest.

14.11 EMPLOYMENT ELIGIBILITY (FORM I9)

Alcorn State University requires all persons to complete Form I-9. This shall be done within the first 3 days of employment. Proper credentials must be presented before other employment forms

are completed. A newly hired or rehired person must complete the Form I-9 to be considered employed.

The credentials needed for Form I-9 include the following: current driver's license, an original social security card or a current passport, certified birth certificate, alien registration receipt card, and/or employment authorization card.

14.12 ORIENTATION

It is required that each new employee attend orientation. Employees are introduced to the University through a general orientation session conducted by a designated member of the Office of Human Resources staff. At the time of employment, each employee is instructed to retrieve the required online employment forms on the Human Resources webpage, and is informed of the location and time of the orientation. Orientation for new hired employees will occur on the 1st through the 20th of each month to ensure timely processing of payroll and regulatory compliance.

All benefits are explained, and completed enrollment forms are submitted during orientation. The employee must also sign acknowledging receipt of instructions for retrieving the Policy Handbook on the Internet.

Orientation by the department supervisor follows and will include specific work hours, lunch time and so forth. The supervisor will provide answers to questions the employee may have. The departmental orientation may also include a requirement for certain training the employee may need and will have to complete in order to function efficiently in the position.

14.13 JOB DESCRIPTIONS AND INSTRUCTION

Immediate supervisors are required to provide the Office of Human Resources with a detailed description of each position within his/her department. The job description will be placed on file in the Office of Human Resources. The new employee will receive a copy of his or her job description from his or her supervisor upon hire.

14.14 PROBATIONARY PERIOD

The first 6 months of employment for non-contract, non-executive employees is considered an initial evaluation (probationary) period. Any staff employee, not having a binding contract, is required to serve on a probationary basis that consists of 6 months of employment. All University policies and conditions of employment, except the grievance procedure, shall be applicable during the probationary period.

The University may terminate probationary employees with or without notice if performance is not acceptable. Supervisors are required to document any counseling efforts, as well as the termination itself and the termination evaluation, and forward all applicable information for inclusion in the personnel records.

The Director of Human Resources is authorized, upon the recommendation of the department manager, to extend the 6-month probationary period up to 3 additional months (90 days) to allow more time to evaluate an employee's work performance if necessary. The employee should be made aware by the department head/supervisor that the probationary period is being extended. An employee successfully completing the 6-month probationary period remains employed "at will" and is not entitled to any notification prior to termination.

The six (6) month probationary period is not a contract period of employment.

14.15 EMPLOYMENT CLASSIFICATIONS

Employees are classified at the time of employment as full-time regular, full-time temporary, part-time regular, part-time temporary or seasonal. An employee whose work assignment is for less than 4.5 months is not entitled to benefits. Employees working less than 20 hours per week, regardless of whether they are regular or temporary, are not entitled to benefits.

Individuals hired to work at Alcorn State as fulltime (100% FTE) employees shall not be allowed to work another 100% FTE for any other public or private entity without full disclosure and approval by the direct supervisor and/or department head (refer to Conflicts of Interest/Outside Employment Policy).

14.16 EMPLOYMENT "AT-WILL"

Alcorn State University recognizes Employment At-will. Employment At-Will defines an employment relationship in which either party can break the relationship with no liability, provided there was no express contract for a definite term governing the employment relationship and that the employer does not belong to a collective bargaining entity (i.e., has not recognized a union).

Under this rule, any hiring is presumed to be "at will," that is, the employer is free to discharge individuals "for good cause, or bad cause, or no cause at all," and the employee is equally free to quit, strike or otherwise cease work.

14.17 EMPLOYMENT CONTRACTS

All contracts of employment are subject to the governing Policies and Procedures of IHL and of Alcorn State University as each may be revised, amended or altered. The contract delineates salary, position title, employment status, causes for termination and reappointment rights, if any, and other materials as the University or Board may elect to include in order to define the primary elements of the contract of employment. The employee must acknowledge receipt and acceptance of the terms of the contract by signing and returning a copy. Failure or refusal of the employee to sign and return the contract within a specified time period is deemed a rejection of the offer of employment, unless both parties have agreed to extend the time. If an employee refuses to sign the employment contract, the University reserves the right to terminate employment or extend another offer of employment.

Employment beyond the contract period may not be legally presumed. Renewal of an employment contract is subject to the discretion of the University President.

14.18 EMPLOYMENT OF RELATIVES

No relative (within the third degree kinship) of an employee of Alcorn State University may be employed to work under the general or direct supervision of that employee. No relative of a budget officer may be employed and paid from any funds over which that budget officer has control.

14.19 CONFIDENTIALITY

ASU employees are to hold “confidential” information in strict confidence, and not to disclose, discard or distribute any University information/documents unless a request is made in writing by an authorized legal entity. Violation of the confidentiality policy may be grounds for immediate termination.

All employees, upon hire, shall sign an acknowledgment form regarding the confidentiality policy.

14.20 ETHICS OF WORKPLACE CONDUCT

Alcorn State University strives to be a family-friendly workplace and is committed to maintaining an environment in which members of the University community can work together to further education, research and community service. The University requires that all employees behave at all times in a professional manner and be committed to the highest ethical standards to avoid any unlawful discrimination, including harassment; conflict of interest; retaliation or risk of a claim or loss to the University. This policy provides guidelines for visitors in the workplace, family members working at Alcorn and relationships at work.

14.21 WORKPLACE VISITATIONS

Children, family members, associates or friends of employees are welcome for occasional, brief visits in the workplace. However, children may not visit the workplace if their presence conflicts with department policy, federal or state law. Staff may bring children to appropriate University-sponsored programs and activities. Supervisors may approve non-routine visits that do not interfere with a staff members’ ability to perform his or her work functions or the productivity of a work unit.

14.22 FAMILY MEMBERS IN WORKPLACE

As a major employer in the Lorman, MS area, Alcorn does have employees from the same family who work at the University. However, employment of family members in situations where one family member has direct influence over the other’s conditions of employment (i.e., salary, hours worked, shifts, etc.) is forbidden. For the purpose of this policy, family members are defined as

spouse, domestic partner, daughter, son, parent, grandparent, grandchild, sister, brother, mother-in-law or father-in-law (refer to Employment of Relatives Policy).

In some cases, a concern over conflicts of interest may arise involving other close relatives such as aunts, uncles, cousins, or relatives by marriage. In any case, when employees are unsure about a potential conflict, they should fully disclose the circumstances in writing to their supervisor (refer to Conflicts of Interest Policy).

If a supervisor or the Human Resources Director is made aware that a family member has influence over another family member's conditions of employment, the following should occur: In collaboration with the Office of Human Resources, the supervisor will be provided 10 days to make a decision regarding a change. Options include but are not limited to the employee being transferred to another area or the reporting structure in the department may be revised so that the employee no longer has direct influence over the family member's conditions of employment.

If a decision is not reached by the end of the 10-day period, the department head or next level of administration will resolve the situation; this decision may include terminating the employment of one or both employees (seniority considered).

14.23 RELATIONSHIPS AT WORK

Alcorn State University discourages romantic dating or sexual relationships in the workplace. Employees who engage in personal relationships with other employees (including romantic and sexual relationships) should be aware of their professional responsibilities and will be responsible for assuring that the relationship does not raise concerns about favoritism, bias, ethics and conflict of interest. When in doubt, advice and counsel should be sought from the next level of administration or the Office of Human Resources.

Romantic or sexual relationships between employees where one individual has influence or control over the other's conditions of employment are prohibited. These relationships include:

- A relationship between a supervisor and subordinate, or any relationship in which one employee supervises or manages, directly or indirectly, another employee or makes decisions concerning another employee's terms, conditions, or privileges of employment and/or
- An employee and a contractor, subcontractor, potential employees or vendor when the employee has the capacity to influence, directly or indirectly, the business relationship or potential employment.

These relationships, even if consensual, may ultimately result in conflict or difficulties in the workplace. Additional problems may occur in the workplace should the relationship cease.

14.24 RELATIONSHIPS WITH STUDENTS

When employees interact with students, they are in a position of trust and power. These relationships must not jeopardize the effective functioning of the University by the appearance of either favoritism or unfairness in the exercise of professional judgment. In relationships with students, the employee is expected to be aware of his or her professional responsibilities and to avoid apparent or actual conflict of interest, favoritism or bias.

Consensual sexual relationships are strictly prohibited between a student and an employee who is in a position to exercise power or authority over that student. Efforts by an employee to initiate these relationships are also prohibited. Violation of this policy by an employee is grounds for disciplinary action, up to and including immediate discharge.

A consensual sexual relationship between a student and an employee who is not in a position to exercise direct power or authority over that student may also be inappropriate. Any employee who engages in such a relationship must accept responsibility for assuring that it does not result in a conflict of interest or raise other issues of professionalism. In cases where doubt exists, advice and counsel should be sought from the Director of Educational Equity and Inclusion or the Director of Human Resources.

14.25 VIOLATIONS

If a relationship is deemed to be inappropriate under these guidelines, the appropriate department head or next level administrator, after consultation with the Director of Human Resources and/or the Director of Educational Equity and Inclusion, will take appropriate action. Actions taken may include, but are not limited to, an agreed upon transfer; a change in shift; a change in reporting structure; or discharge.

If the employee, whether or not involved in the relationship, believes he or she has been, or is being adversely affected, he or she is encouraged to contact the Office of Human Resources.

When relationships develop into situations that may be viewed as harassment or discrimination, employees should refer to the Discrimination/Harassment Policy and/or the Equal Opportunity and Affirmative Action Policy. If questions or concerns arise regarding potential harassment or discrimination, the employee should contact the Director of Human Resources.

Please refer to the Conflict of Interest Policy in this manual for other workplace ethics guidelines

14.26 PERSONNEL RECORDS

All permanent records of the employee are maintained in the Office of Human Resources. Official payroll records are maintained in the Payroll Office. The personnel file is the official employment record of the employee and includes the application for employment, documentation of the hiring or appointment, information from references, relevant correspondence, position assignment documents, information on transfers, promotions, evaluations, disciplinary notices, wage changes

and benefit enrollment and tax deduction information. All personnel files are confidential, personal property of the University.

14.27 REVIEW OF PERSONNEL FILE

Employee Personnel Files are considered University property, and the following guidelines are set to gain access to personnel files:

Upon reasonable advance notice, employees may review their own personnel file under the supervision of a Human Resources representative at any time during the normal office hours. No documents are to be taken from the personnel file by the employee; however, certain copies may be obtained upon written request at a rate of \$.15 per page.

Terminated employees must make written requests to obtain certain copies of his or her personnel files. Copies may be obtained at a rate of \$.15 per page. The terminated employee must present documentation verifying his or her identity to retrieve a copy of his or her personnel file.

14.28 CHANGES IN EMPLOYMENT INFORMATION

Employees should notify the Office of Human Resources of any change in personal information: name, address, contact information, marital status, number of dependents, beneficiaries or the name of an emergency contact person. Failure to notify the Office of Human Resources may cause a delay in receipt of important correspondence.

14.29 ACCESS TO PUBLIC RECORDS

The University adopts the regulations and procedures as set forth in the Mississippi Public Records Act of 1983 and the policies of the Board of Trustees of State Institutions of Higher Learning (IHL) with respect to access to public records in the University's possession. Personnel records and applications for employment are exempt from the provisions of the Mississippi Public Records Act of 1983.

Other than exempt documents, the following guidelines will be followed with regards to public records requests:

- Any entity wishing to inspect or copy public records must make the request in writing to the university and must clearly identify the specific information sought. Any response by the University will be submitted to the requesting party within 7 working days after the request is received.
- Denial by the University of a request to access copies of our public records shall be in writing and shall contain a statement of the specific exemptions relied upon by the University for such denial.

- Recipient(s) will be charged (\$.15) per page for standard black and white photocopies. For all non-standard photocopies, actual costs of reproduction will be assessed to recipient(s).
- Records will be available for inspection and copying by appointment during regular working hours (8 a.m. to 5 p.m.) on Monday through Thursday, holidays excluded.
- Recipient(s) may be charged costs for mailing in addition to reproduction fees.

14.30 WORKING HOURS AND ATTENDANCE

Employees are expected to report to work on time daily and to remain on the job throughout the regular work hours. The normal work week for full-time, hourly wage employees is 40 hours measured from Sunday through Saturday of a week; the normal work hours are 8 a.m. to 5 p.m., with one hour for lunch, Monday through Friday.

Employees must have prior approval from the supervisor/department head before taking personal leave. Failure to report to work after 3 days of being absent is considered job abandonment and is sufficient cause for immediate dismissal.

Should an unforeseen emergency arise, employees are required to call in to their immediate supervisor one hour prior to their assigned shift. Violation of this policy could result in disciplinary action up to and including termination.

14.31 TIMEKEEPING AND REPORTING

The time records are the basic source of information for payroll purposes. Time records should reflect the actual hours worked. Employees are not allowed to sign and/or punch in at times in variance with their daily work schedule. Changes, alterations or notations are not to be made on the time sheets except by approval and with the signature or the department head and/or supervisor.

Hourly-paid employees are neither permitted nor allowed to work before or after their scheduled time without prior approval. Hourly-paid employees, who arrive more than 7 minutes late or depart more than 7 minutes before the established quitting time, can be docked for the exact period of time of such lateness or early departure. Employees are not permitted to clock in and/or out for another employee.

Only pre-approved overtime is allowed for hourly-paid non-exempt employees.

14.32 COMPENSATORY TIME AND OVERTIME

It is the policy of Alcorn 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.

*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.

14.32.1 SAFE HARBOR POLICY (FLSA)

14.32.2 PURPOSE

Alcorn State University complies with the Fair Labor Standards Act (FLSA), a federal law which requires that most employees be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. A provision of the law, 29 CFR § 541.603, allows an employer to avoid the loss of an overtime exemption for an entire class of employees in instances where an improper deduction was made from the salary of one employee in the class. To avoid application to the entire class, Alcorn has adopted a safe harbor policy.

14.32.3 POLICY

Alcorn State 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, Alcorn 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.

Alcorn has classified those positions which are considered to be “exempt” from the provisions of the FLSA. It is the policy of Alcorn to comply with the “salary basis” requirements with regard to exempt employees. If an employee believes that an improper deduction has been made to his or her salary, the employee should report this information to the Payroll Office with a copy to the department of Human Resources on the available **Complaint Form for Improper Pay Deductions**. Reports of an improper deduction from wages will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper pay deduction.

14.33 PERFORMANCE APPRAISAL AND REVIEW PROCESS

Alcorn State University adopts the IHL Board policy for Performance Appraisals. Performance appraisals shall be completed for all staff members of the University on an annual basis and original copies will be placed in the personnel files in the Office of Human Resources. The appraisal will be administered by the immediate supervisor (the rater) and will be reviewed at the next level of supervision (the reviewer). Performance Review Forms are available on the Department of Human Resources webpage and assistance in completing and filing the form is also provided by the Human Resources Department.

Formal consideration of revisions to the performance appraisal form shall occur at least once every three years.

14.34 PROMOTIONS AND TRANSFERS

It is the policy of Alcorn State University to encourage and facilitate the professional development of staff members and to encourage intra-departmental promotions of staff when appropriate. Consequently, a staff member is eligible to apply for any advertised position at the University in which he or she is interested and qualified.

Transfers by employee request are not allowed during the 6-month initial evaluation (probationary) period.

In all cases, it is the intention of Alcorn State University to fill a vacant or new position with the most qualified applicant; consequently, employees wishing to transfer or be promoted to another job or department must apply and meet the written qualifications and requirements for the open or vacant position (see also Advertising Positions Policy).

14.35 ANNIVERSARY DATE

The employee’s anniversary date is the date that the employee was initially employed at Alcorn State University provided there is no break in service. For employees with a break in service, the anniversary is the most recent date of employment. A total of 24 hours of separation constitutes a break in service (weekends included).

14.36 EDUCATIONAL ASSISTANCE /TUITION REMISSION

ASU offers tuition remission to the employees and their dependents.

Regular full-time employees are eligible to have tuition remitted for up to 6 undergraduate or graduate credit hours per semester, with a maximum of 18 credit hours per calendar year. Dependent children (REN) of regular full-time employees are eligible to receive undergraduate tuition and required fees remission at 50%. In cases where either parent or legal guardian(s) are eligible employees or employee and retiree, a tuition waiver of 100% shall be provided to the dependent children. A dependent may receive undergraduate tuition remission until the requirements of one bachelor's degree are met, as long as the parent or guardian continues employment with ASU. The Financial Aid Department is responsible for the overall administration of the educational assistance for tuition remission benefit to ASU employees.

14.37 HOLIDAYS

The University closes its offices and ceases regular business functions and activities in observance of certain holidays and at other times approved and announced by the President.

All regular employees (except temporary employees, student employees, and rehired retirees) receive their regular pay for scheduled holidays.

To be eligible for holiday pay, employees must be present for work or in an approved paid leave status on the last regularly scheduled day of work before the holiday and the first scheduled work day after the holiday.

ASU employee holidays are:

- One day for Independence Day (4th of July)
- One day for Labor Day
- Two days for Thanksgiving
- Nine days for winter holiday (Christmas Break)
- One day for Dr. M. L. King Jr. birthday
- One day for Memorial Day

14.38 APPLICATION FOR LEAVE

Employees of the University who are applying for leave are required to complete the official Leave Request Form. If an employee has no accrued vacation or sick leave, his or her pay may be docked if leave is taken/approved. Exempt level employees may be docked for 8 or more hours for each day absent if he or she has no accrued personal/compensatory time or sick leave available. Please see **State Leave Accrual Form**.

14.38.1 MEDICAL LEAVE EXCUSE

After thirty-two (32) consecutive hours of absence due to illness, employees are required to present a medical excuse from the attending physician to the department supervisor upon return to work. Failure to present an excuse could result in disciplinary action, up to and including termination.

14.39 LEAVES OF ABSENCE

Full-time employees with a year or more of continuous active service may request a leave of absence, without pay, for justifiable reasons. Whenever a state employee is on leave without pay, it is the employee's responsibility to pay the employee and the employer portion, if any, of all insurance premiums he or she wishes to continue. The standard reasons and normal maximum allowable times for each category are as follows:

Educational Leave: This type of leave is for up to 12 months and must lead to increased job ability. The policy of the University is to encourage the pursuit of higher education. For that purpose, leaves are granted for a school year or less. Requests for this type of leave of absence must be submitted through the supervisor to the Office of Human Resources. Commitments to a program of education will not be made until approval has been received from the university. Such leaves are without pay.

Personal Leave: This leave is for up to 3 months and is for justifiable reason. Normally, maternity leave should begin no later than 4 weeks before the expected date of delivery and should extend to at least 4 weeks (regular delivery) or 8 weeks (caesarean section) after the delivery date. Such leave should be requested 3 months (90 days) in advance. The department head and the Human Resources officer must approve this leave. Employees starting maternity leave are encouraged to conference with the Human Resources Director/Representative before departure. Maternity leave may also be covered under the provisions of FMLA.

Active Military Service Leave: This leave is as required (a reservist may be called to active duty or a member is drafted). Employees who are full-time employees with the University and who are called to active military duty on short notice as a result of national

emergencies may be granted military leaves of absence beginning on the day of call to military service. Such leaves of absence will be without pay.

The Uniformed Services Employment and Re-employment Act of 1994, a federal law, requires employers to allow up to 5 years of unpaid leave to a soldier who leaves employment to perform military duty, performs that duty satisfactorily, and requests to be returned to his or her position (or a comparable) position within the statutory time limits. The soldier must be re-employed without regard to whether the military duty was voluntary or involuntary.

USERRA requires that the service member meet five general criteria in order to establish eligibility for reemployment:

1. That the service member be absent from a position of civilian employment by reason of service in the uniformed services;
2. That the service member's employer be given in advance notice of the service;
3. That the service member have 5 years or less of cumulative service in the uniformed services with respect to a position of employment with a particular employer;
4. That the service member return to work or apply for reemployment in a timely manner after conclusion of service; and
5. That the service member must not have separated from service with a disqualifying discharge or under other than honorable conditions.

Family and Medical Leave (FML): This policy provides information for employees who are absent from work for an extended period of time for specified medical, family, and military related reasons. Included are qualifying events, definitions, and specific guidelines and instructions for requesting such leave.

The University provides leave benefits as mandated by the Family and Medical Leave Act of 1993, as amended (FMLA) and the National Authorization Defense Act (H.R. 4986), as amended (H.R. 2647).

University employees employed one-half time or more, for at least twelve (12) non-consecutive months and who worked at least 1,250 hours during the twelve (12) month immediately preceding the leave may be granted Family and Medical Leave or leave under the National Defense Authorization Act.

The qualifying employee shall be entitled to Family and Medical Leave for up to twelve weeks in a 12-month period for one or more of the following reasons:

- Birth of a Child and to bond with the newborn child within one year of birth

- Placement of a child with the employee for adoption or foster care and to bond with the newly placed child within one year of placement
- To care for a spouse, child, or parent with a serious health condition
- Due to an employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his/her job
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (see military caregiver leave)
- A qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.

A son or daughter is defined to be a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in place of a parent). The child must be under 18 years of age; or 18 or older and incapable of self-care because of a mental illness or physical disability. Parent means a biological parent or an individual who stands or stood in loco parentis to an employee.

The following policies/definitions apply to this leave:

- A serious health condition is defined as: (a) inpatient care in a hospital, hospice, or residential medical facility, including any period of incapacity or subsequent treatment; (b) a period of incapacity of more than three (3) consecutive days that also includes treatment two (2) or more times by a health care provider or such treatment on at least one occasion resulting in a regimen of continuing treatment; (c) incapacity due to pregnancy or for prenatal care; (d) chronic conditions requiring treatments; (e) permanent long-term conditions requiring treatment; or (f) multiple treatment for non-chronic conditions.
- Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc. are examples of conditions that do not meet the definition of a serious health condition and do not qualify for Family and Medical Leave. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest; drinking fluids; exercise; and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for the purposes of Family and Medical Leave.

Protections during FMLA Leave

Group Health Insurance Benefits

If an employee is provided group health insurance, the employee is entitled to the continuation of the group health insurance coverage during FMLA leave on the same terms as if he or she had continued to work. If family member coverage is provided to an

employee, family member coverage must be maintained during the FMLA leave. The employee must continue to make any normal contributions to the cost of the health insurance premiums. If paid leave is substituted for FMLA leave, the employee's share of group health plan premiums must be paid by the method normally used during paid leave (usually payroll deduction). An employee on unpaid FMLA leave must make arrangements to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped unless the employer has a policy of allowing a longer grace period. The employer must provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops. In some instances, an employer may choose to pay the employee's portion of the premium, for example, in order to ensure that it can provide the employee with equivalent benefits upon return from FMLA leave. In that case, the employer may require the employee to repay these amounts. In addition, the employer may require the employee to repay the employer's share of the premium payment if the employee fails to return to work following the FMLA leave unless the employee does not return because of circumstances that are beyond the employee's control, including a FMLA-qualifying medical condition.

Military Caregiver Leave Entitlements

The National Defense Authorization Act (H.R. 4986), as amended (H.R. 2647) is an expansion of the Family and Medical Leave Act of 1993, as amended, and provides FMLA entitlement to employees for the following reasons:

- An employee whose spouse, son, daughter, or parent of the employee on covered active duty, notified of an impending call to covered active duty, or receives an order to covered active duty in the Armed Forces as defined by H.R. 4986, as amended H.R. 2647, is entitled to twelve (12) weeks of leave. When leave is foreseeable the employee must provide reasonable and practicable notice.
- An employee caring for a spouse, son, daughter, parent, or next of kin (defined as nearest blood relative) with a serious illness or injury incurred as a covered service member, as defined by H.R. 4986, as amended H.R. 2647, is allotted twenty-six (26) weeks of leave during a single 12-month period. In aggregate, the maximum number of weeks taken by both husband and wife is 26-weeks during the 12-month period.

A **covered service member** is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, **or** is in outpatient status, **or** is on the temporary disability retired list for a serious injury or illness. A **serious injury or illness** is one that is

incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

Next of Kin

The "next of kin" of a current service member is the nearest blood relative, other than the current service member's spouse, parent, son, or daughter, in the following order of priority:

1. a blood relative who has been designated *in writing* by the service member as the next of kin for FMLA purposes
2. blood relative who has been granted legal custody of the service member
3. brothers and sisters
4. grandparents
5. aunts and uncles
6. first cousins

When a service member designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the service member's only FMLA next of kin. When a current service member has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the service member, all such family members are considered the service member's next of kin and may take FMLA leave to provide care to the service member. For example, if a current service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the service member's next of kin. Alternatively, where a current service member has one or more siblings and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the service member's next of kin.

The single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons. An eligible employee is limited to a combined total of 26 workweeks of leave for **any** FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military caregiver leave. For example, if an employee uses 10 weeks of FMLA leave for his or her own serious health condition during the single 12-month period, the employee has up to 16 weeks of FMLA leave left for military caregiver leave. Military caregiver leave is available to an eligible employee

once per service member, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same service member if he or she has another serious injury or illness. For example, if an eligible employee takes military caregiver leave to care for a current service member who sustained severe burns, the employee would be entitled to an additional 26 weeks of caregiver leave in a different 12-month period if the same service member is later diagnosed with a traumatic brain injury that was incurred in the same incident as the burns.

An eligible employee may also take military caregiver leave to care for more than one current service member or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current service member and when the family member is a veteran.

Certification Requirements

Certification from a health care provider may be required by the University to approve Family and Medical Leave or entitlement under the National Defense Authorization Act. A certificate of birth or legal adoption or documentation of foster parent status may be required for Family and Medical Leave when deemed appropriate.

Family and Medical Leave and leave taken under the National Defense Authorization Act will be granted once the University learns an employee has a qualifying event. Leave shall be taken concurrently with paid or unpaid leave status and a HR Form 3 must be processed.

The employee is to request Family and Medical Leave or leave taken under the National Defense Authorization Act under this policy in writing stating the purpose of the leave and the period of leave requested. If the leave is requested to be taken as an intermittent or on a reduced-time basis, a description of the schedule is to be provided. A certification from a physician or practitioner **or** a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family may be required for any leave beyond four days to care for a covered service member.

An **authorized healthcare provider** is a:

- (1) United States Department of Defense ("DOD") healthcare provider;
- (2) United States Department of Veterans Affairs ("VA") healthcare provider;
- (3) DOD TRICARE network authorized private healthcare provider;

- (4) DOD non-network TRICARE authorized private healthcare provider; or
- (5) non-military-affiliated healthcare provider.

An employer may request a second or third opinion of a current service member's serious injury or illness only when a certification is provided by a non-military-affiliated health care provider.

Other Medical Leave Requirements

When possible, employees are to make a reasonable effort to schedule medical treatment for minimum disruption to the University.

The employee must provide the University at least 30 days advanced notice before the use of Family and Medical Leave if the need for the leave is foreseeable based upon expected birth, adoption, or foster care placement or planned medical treatment of the employee or family member. If 30 days is not practicable, notice must be given as soon as practicable. The University may delay leave for 30 days if prior approval request is not submitted timely.

The employee is responsible for providing the University with sufficient information for determining if the requested leave is covered by Family and Medical Leave. Preliminary designation under Family and Medical Leave will be assigned until certification by a medical care provider is received. Failure to provide adequate medical certification to determine Family and Medical Leave entitlement will result in withdrawal of preliminary designation. Notice may be oral or in writing; if oral, it shall be confirmed in writing within 5 business days.

Once the University has acquired knowledge that the leave is being taken for a reason covered by Family and Medical Leave, the University must promptly (within 5 business days, absent extenuating circumstances) notify the employee that leave is designated as Family and Medical Leave. The notice may be oral or in writing; if oral, it shall be confirmed in writing no later than the following payroll date (unless that date is less than one week after the oral notice, in which case, the notice must be no later than the subsequent payroll date).

Family and Medical Leave and leave under the National Defense Authorization Act may be taken intermittently or on a reduced leave schedule under certain circumstances; e.g., by working fewer days in a week or fewer hours in a day. Intermittent leave may be taken when medically necessary for planned, unanticipated or periodic medical treatment, or to care for a family member injured in service or called to active duty.

The University may not designate leave that has already been taken as Family and Medical Leave after the employee returns to work, with two exceptions: (1) if an employee is out for an FMLA-qualifying reason and the University does not learn of the reason for the leave until the employee returns, the University may designate the leave as Family and Medical Leave promptly within 2 business days; or (2) if the University has provisionally designated the leave as Family and Medical Leave and is awaiting receipt from the

employee of medical certification or obtaining a second opinion. Similarly, the employee is not entitled to the protection of Family and Medical Leave if the employee gives notice of the reason for the leave later than 2 days after returning to work.

The University reserves the right to request information updating the employee's condition and at least a tentative "return to work" date. Employees may be required to provide a medical statement from an attending physician confirming the right to return to work.

The University will continue to pay the employee's portion (employee only; not dependents) of the University's health insurance during the Leave. If the employee does not return to work after the Leave for reasons other than health or some other reason beyond the employee's control, the University reserves the right to charge the employee for the full premium cost of the health coverage provided.

If both spouses are employed by the University, both are eligible for this Leave. However, for the birth or placement of a child or the care of a sick parent, the husband/wife together are limited to only one 12-week period during the 12-month period.

Upon return from Leave, the employee will be restored to his/her original or equivalent position with equivalent pay, benefits, and other terms of employment.

If any nine-month faculty member has a covered event to occur that would call for the use of this policy between the end of one academic year and the beginning of another, the employee is not eligible for paid-leave status.

Other University Leave categories include the following:

- Personal Leave with/without Pay
- Major Medical Leave with/without Pay
- Donated Leave for Catastrophic Illnesses or Injuries Only
- Leave for Death in the Immediate Family (Bereavement)
- Administrative Leave
- Veteran's Re-employment Rights
- Family and Medical Leave (FMLA)
- Jury Duty
- General Leave of Absence

14.40 HEALTH BENEFITS

Benefits eligible employees may elect to participate or make changes in the insurance plans due to the following events:

- Within 31 days of date of hire

- During Open Enrollment in October of each year for an effective date of January 1 of the following year (dates for open enrollment are announced prior to October of each year)
- Within 31 days of a family status change, as long as the insurance change is consistent with the status change

Below is a list of available insurance products for benefits eligible employees at ASU. Detailed information and rates are available on the Human Resources webpage @ www.alcorn.edu/offices/hr.

1. Health
2. Life
3. Dental
4. Vision
5. Cancer
6. Disability
7. Accidental Death & Dismemberment
8. Intensive Care
9. Pre-Tax Cafeteria Plan
10. GAP Insurance

14.41 RETIREMENT BENEFITS

Benefits eligible employees must complete mandatory retirement plan forms within 30 days of date of hire. All completed forms must be returned to Human Resources for processing.

- **Mandatory Retirement Plan:** All benefits eligible employees must participate in a retirement plan. The retirement plans include the Public Employees' Retirement System of Mississippi (PERS), or the Optional Retirement Plan (ORP). However, participation in the ORP plan is only available to employees holding specific positions as defined by state law.
- **Supplemental Retirement Plan:** All benefits eligible employees have the option to invest in the supplemental retirement plans. Contributions for these plans are made by the employee only and deducted with pre-tax dollars. There are limits to the amount of contributions employees can make each year, and other restrictions do apply. Enrollment is available at any time.

14.42 TERMINATIONS

- **Resignation:** All letters of resignation must be addressed to the President, with copies to the applicable parties: the immediate supervisor and dean/department head as well as the following offices: Office of Human Resources, Payroll Office, CITS and Budget Office. Employees submitting resignations will be paid through the last day worked

and will receive their check on the first payday following resignation. The full-time employee with at least 6 months of service will be eligible for payment for vacation time earned but not taken at the time of separation. An employee may be paid up to 30 days for accrued vacation time. All terminating employees are required to contact the Office of Human Resources to set up an exit interview. Before the employee is given final clearance from his or her employment, he or she must complete the Faculty/Staff Exit Clearance form which may be retrieved online from the Office of Human Resources' webpage.

- **Dismissal:** The following is a listing of offenses, which subjects an employee to disciplinary action up to, and including, termination. Just cause for dismissal 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 listing:
 - a. Falsification of personnel records, including time cards and applications of employment;
 - b. Inexcusable neglect of duty or insubordination;
 - c. Unauthorized possession or drinking of any alcoholic beverage, or unauthorized use or possession of narcotics, barbiturates, hallucinogenic, amphetamines or marijuana on University property;
 - d. Unexcused absences of 3 days without notification or reasonable cause;
 - e. Theft, unauthorized use, removal or destruction of University property;
 - f. Unauthorized possession of firearms, knives or explosives;
 - g. Threatening, intimidating, coercing, or fighting with fellow employees, students or others on University property;
 - h. Discourteous treatment of visitors, co-workers and/or supervisors;
 - i. Conviction of a criminal offense, including, but not limited to: murder, armed robbery, arson or assault, whether or not on University property;
 - j. Tardiness or failure to report to work on time;
 - k. Failure to record time accurately;
 - l. Negligence in performance of duty-productivity not up to standards;
 - m. Negligence or abuse in the use of University property, equipment, materials or vehicles;
 - n. Falsification of time records of another employee;
 - o. Appearance for work under the influence of alcohol—reporting to work under the influence of narcotics, barbiturates, hallucinogens, amphetamines or marijuana; use of the aforementioned substances while on the job;
 - p. Unauthorized release of confidential or official information;
 - q. Failure to disclose a conflict of interest or failure to eliminate a conflict of interest when so directed;
 - r. Impedance of an internal investigation.

Where dismissal is brought about by a violation of the civil law, the University may institute prosecution of employees or former employees.

- **Retirement:** When an employee decides to retire, the employee should contact the Office of Human Resources within 90 days of the intended retirement date to make arrangements for the completion of the required paperwork. The employee must send a letter to the President of the university, stating his or her decision to retire and the effective date of retirement. Copies of the letter should be sent to the employee's immediate supervisor, the area vice president, the Senior Vice President for Administration and CFO, the Director of Human Resources, and the Payroll Office.

14.43 TERMINATION NOTICES

Supervisors recommending termination of a non-contract, non-tenured employee must provide written notice to the dean/department head and the area Vice President for approval. If the recommended termination is approved, the area Vice President is responsible for providing the Department of Human Resources with a copy of the approved termination. The Human Resources Director will draft the final termination letter for forwarding to the employee, with copies to the applicable parties. However, Alcorn State may terminate an at-will employee at any time without any specific advance notice requirement.

14.44 DUE PROCESS

All permanent contract employees, who have successfully served 12 months in their respective position at the University, are entitled to procedural due process of law prior to any employment action to dismiss or otherwise adversely impact their compensation or employment status. The employee shall receive written notice of the proposed disciplinary action which states specifically what charges or allegations are being made concerning the employee, the proposed disciplinary action(s) which may be taken, and an opportunity for a hearing with the Human Resources Director and an appointed committee of at least 3 of his or her peers allowing the employee to respond and present a defense to the allegations prior to final action by the University. The written notice shall be presented to the employee at least 10 working days prior to the hearing.

Below are the elements of the due process afforded contract employees of the University:

- The written notice presented to the employee prior to a hearing shall list all of the reason(s) for the employer's consideration of the disciplinary action, and the written notice of the employer's final decision to take the adverse action must clearly restate all of the reason(s) for such action. The reason(s) listed in these notices will be the only items addressed throughout the appeals process.
- In extraordinary circumstances, the President may place an employee on administrative leave with or without pay. Such employee must be provided an opportunity for a hearing

with the designated representative within 15 working days of the suspension at which time the President may make a final decision. Written notice of the final decision will be provided to the employee. Further, where the employee has been charged with a felony, the President may suspend the employee without pay pending a post-suspension hearing to be held within 15 working days from the first day of the suspension. Extraordinary circumstances is defined as a situation in which, based on the judgment of the designated representative, retention of the employee could reasonably result in damage to University property, be detrimental to the interests of the University or result in injury to the employee, a fellow employee or the general public, including residents of the institution.

- If the employee waives his or her rights to a hearing, the President may make a final decision after the waiver. The waiver of the hearing shall be determined by an employee's written statement of waiver or by the employee's failure to respond in writing or appear at the hearing with the designated representative within 10 days from the date of notice provided by the employer. The University will provide written notice to the employee of its decision.

14.45 CLEARANCE REQUIREMENTS

All employees must complete and submit to the Office of Human Resources a Faculty/Staff Exit Clearance Form before the final check will be released. This form is available online on the Human Resources webpage and must accompany or be preceded by a letter of resignation or termination, and a separation electronic personnel action form (EPAF).

It is the responsibility of the department to assure that the terminating employee reports to the Office of Human Resources for out-processing prior to his or her last day of work. The Office of Human Resources will discuss any questions the employee has concerning his or her termination, including retirement refunds, continuation of insurance coverage, forwarding address, etc. The termination process will not be considered complete until the individual has completed the out-processing form including payment or payment arrangements of any and all outstanding debts to the University.

Final paychecks will be processed on the following scheduled payroll date for the terminating employee. Payroll schedules prevent the payment of the employee's final paycheck on the day of departure unless that day coincides with the scheduled payroll date. In rare instances, an employee who is discharged for cause may receive payment on the day of departure. In these situations, a minimum of 24 hours' notice is required from the department head, and the Department of Human Resources should be notified immediately.

14.46 UNUSED LEAVE ALLOWANCE

Upon termination of employment, each employee shall be paid, upon request, for unused personal leave not to exceed 30 days/240 hours. All unused personal leave in excess of thirty 30 days/240 hours shall be counted as creditable service for purposes of the retirement system. Major medical

leave is not available for payment to staff upon termination unless termination is due to the employee's medical inability to proceed in employment at the University. However, major medical leave shall be counted as creditable service for purposes of the retirement system.

Additionally, major medical leave up to 240 hours shall be paid to faculty only upon separation from active employment under the rules established by PERS.

Persons hired to work under a grant, and who are eligible for state leave benefits, will accrue leave at the same rate as regular University employees. Grant personnel are encouraged to take accrued vacation leave during the grant year earned and prior to the end of the grant year. Upon separation from employment at Alcorn, unless the authorizing grants states otherwise, the employee shall be paid up to 30 days/240 hours of unused leave. Any remaining leave will be transferred to PERS and counted as creditable service for retirement purposes. If the grant employee contributes to an Optional Retirement Plan (ORP), the accumulated leave over 30 days will be lost.

14.47 TRANSFER OF ACCRUED LEAVE

All accrued leave, both personal and major medical, is 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. Employees are responsible for informing the Office of Human Resources of their intent to transfer to another state institution or agency.

14.48 RE-EMPLOYMENT

A former employee seeking re-employment with Alcorn State University is required to show previous employment with the University on the application. Former employees whose separations were under satisfactory circumstances may be re-employed in the same type of work or in another type of work for which they are qualified. However, when a period of employment has been terminated, the employee forfeits previously accrued sick leave, length of service, vacation privileges, eligibility for merit increases and other benefits as might be based upon length of continuous service with the university. Such individuals will, upon re-employment, be considered for benefits purposes on the same basis as a new employee.

14.49 TEMPORARY STAFFING ASSISTANCE

Temporary workers can be assigned to University offices during staff shortages, peak workloads or for any temporary staffing needs.

14.50 MANAGEMENT RIGHTS

The University seeks the opinions of its employees, individually or through their department heads, about working conditions, ways and means of getting their jobs done better and matters of employee interest. From time to time, however, the University, just as any organization, has to make decisions without prior consultation with its employees. The University must, therefore,

maintain exclusive discretion to exercise the customary functions of management including but not limited to the discretion to select, hire, promote, suspend, dismiss, assign, supervise and discipline employees; to determine work schedules; to determine the size and composition of the workforce; to change and abolish policies, procedures, rules and regulations; to determine and modify job descriptions and job classifications; and to assign duties to employees in accordance with the needs and requirements determined by the University.

14.51 EMPLOYEE COMPLAINTS AND RESOLUTION

The goal of the Employee Complaint Process is to attempt to resolve concerns and conflicts on the level nearest the concern. You are encouraged to discuss your concerns with the person who can best address them. However, if those efforts do not produce results that are satisfactory to you, a formal complaint process is in place. This process is provided to help you in formulating your complaint under provisions of Alcorn State University's Policy and Procedures.

There are some specific complaints that are governed by other policies such as allegations of discrimination, disciplinary actions, etc. that should not be addressed in this process. For a formal complaint to be considered, the employee should retrieve an Employee Complaint And Resolution form from the Human Resources webpage, and the complaint must be filed within 10 days of the date the employee first knew (or with reasonable diligence should have known) of the decision or action giving rise to the complaint or grievance. Before filing a formal complaint, the employee should discuss his or her concern(s) with the lowest level administrator who has the authority to address the complaint.

14.52 GRIEVANCES

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

A grievance shall be considered to be any complaint or dissatisfaction arising from an interpretation, application, claim and/or violation of any provision of University policies, rules or regulations (except salary or performance appraisals).

When employees have complaints or any difficulty in their jobs or working relationships which cannot be resolved during the employee complaint and resolution process, the grievance procedure should be initiated within 5 work days following the conclusion of the employee complaint and resolution process. This procedure is as follows:

1. Submit a grievance in writing to the Human Resource Director, who will have the matter studied by a committee established for the case. This committee will be comprised of 3 full-time employees appointed by the President of the University or the Human Resources Director.

2. The committee will accumulate and study the facts about the case and will submit a written report and recommendation to the President who will review the recommendation to determine the legality and practicality of the recommendation. The President will make the final decision based upon review and information from the Grievance Committee and will communicate the decision to the employee in writing.

Should an employee grieve an alleged discrimination on the basis of race, color, religion, sex, national origin, political affiliation, veteran status or handicap, it will be referred to the Human Resources Director for a complete and thorough investigation.

14.53 COMPENSATION

14.53.1 WAGE AND SALARY POLICY

All positions are classified according to relative technical requirements and responsibilities. Salary rates are established for each classification based upon market demand. When funds are available for salary increases, the amount of an individual salary increase reflects recognition of evaluated individual's merit and contribution to the department, unit/school and the University in general.

New employees are usually hired at the rate of job classification, education, experience and availability of funds.

14.53.2 MERIT INCREASES

Increases in pay rates are normally approved annually based upon fund availability. The employee's performance and evaluation are taken into consideration for all merit increases.

14.53.3 PAY PERIODS AND RECEIPT OF CHECKS

All hourly-paid employees are paid by check every 2 weeks. At the beginning of employment of these types of employees, checks are normally paid at the end of their third week of employment: 1 week is held back. All monthly employees are paid on the last working day of the month.

Lost checks should be reported to the Payroll Office immediately. If theft is suspected on University property, the University Campus Police office should also be called. Paychecks may not be mailed to or given to anyone other than the employee for whom the check is intended. Exceptions may be made when the employee designates, in writing, another individual to pick up the paycheck.

The paycheck stub shows gross earnings, deductions, net pay and accumulated vacation and/or sick time. The employee should discuss with his or her supervisor and/or department head any questions he or she may have regarding time and/or hours worked, holiday pay or sick time pay.

If necessary, the Payroll Office may be consulted for clarification or questions regarding salary and paychecks.

14.53.4 PAYROLL DEDUCTIONS

Required payroll deductions are (1) federal income tax, (2) social security (FICA), (3) state retirement program (full-time employees) and (4) state income tax. An employee may request these additional deductions: (1) life and accident insurance and (2) certain approved commercial insurances.

14.53.5 VACATIONS

Vacation benefits are provided for the rest and relaxation of the permanent employee after 1 year (12 months) of service with the approval of the supervisor. Additionally, vacation time is not earned during leaves of absence without pay. If a recognized holiday is observed during an employee's vacation, such time will not be charged against accrued vacation time.

No employee shall be allowed to take more than 30 consecutive days of vacation in a calendar year for personal time off, unless specifically approved by the President/IEO. Major medical (sick) leave should be used for absences due to illness or injury.

There is no maximum accumulation for the accrual of personal leave. Upon termination of employment, each employee (excepting certain grant employees) shall be paid a lump sum for vacation time not to exceed 240 hours. If employees transfer to another state agency within the state of Mississippi without a break in service, all earned vacation and sick time may be transferred with the employee.

14.53.6 UNEMPLOYMENT COMPENSATION

The University provides unemployment compensation benefits at no cost to the employees. This means that employees qualified for these benefits will be protected against loss of salary for reasons other than sickness or injury. Employees should be aware that voluntary termination or discharge for cause is not normally covered by unemployment compensation.

14.53.7 WORKERS' COMPENSATION

Alcorn State University provides payment of medical expenses and compensation to an employee who is injured in a work-related accident or incurs an occupational disease through the state Workers' Compensation Plan. An employee is paid two-thirds of his or her salary through workers' compensation and the University pays one-third of the employee's salary, provided he or she has available sick and/or vacation leave.

The procedure is as follows:

The employee or supervisor must report any and all work-related illnesses or injuries within 48 hours of the incident to the Office of Human Resources by calling (601) 877-6188. The initial report is followed up by a University Related Injury/Incident form that is completed by the university's Health Services Department, or a Supervisor's Workplace Injury Investigation Report which must be completed by the injured employee's supervisor. The applicable form must be submitted to Human Resources no later than five (5) business days after the occurrence. Failure of the supervisor to report the claim within five (5) business days of being notified of an injury by the employee could result in monetary fines by the State of Mississippi Legislature and could adversely impact an employee's right to worker's compensation.

The department heads/ supervisors will work closely with the Human Resources Office to ensure that any absence relating to a worker's compensation injury or illness is immediately reported to the HR office. The initial report of injury will be followed by the submission of a Request for Leave form by the employee or the supervisor if the employee is absent. If the Third Party Administrator determines that the injury qualifies the employee for worker's compensation benefits, he or she may use only the sick leave and/or vacation hours needed to cover one-third (1/3) of wages earned in regular state service at the time of the injury.

The Office of Human Resources will rely on MS Worker's Compensation third party administrator to provide the weekly report of employees who are receiving benefits. Employees receiving indemnity payments will adhere to the instructions that are listed on the back of the WC benefit check which directs them to contact their Office of Human Resources immediately before signing the check if they intend to use leave or are currently taking leave.

Should the employee be over-compensated through Worker's Compensation Indemnity Payments and 100% salary from ASU, the Office of Human Resources will work in consortium with the Payroll Office to recoup the overpayment from the employee's next available payroll check(s) until the obligation has been met.

14.53.8 OTHER COMPENSATION BENEFITS

The university provides payment for leaves of absence under the following categories:

1. For jury duty, the University will pay the full salary for full-time employees (official documentation is required).
2. When a full-time employee is called as a witness in a court case that is regarded as a civic responsibility, the employee's regular pay will be continued for a period not to exceed two weeks. A copy of this notice must be provided.
3. If a full-time employee is asked to assist with a school district, municipal, county, state or federal election, the employee may have time off with pay. It is expected, however, that the employee will make the necessary arrangements with his or her supervisor in advance. A copy of the notice must be provided.
4. A leave of absence with pay shall not exceed 15 work days annually. This type of leave may be granted to a regular employee who is a member of the National Guard or official

militia of the State of Mississippi, or a member of any of the reserve or functions of the armed forces when called to active duty.

14.54 CREDIT UNIONS

All University employees are eligible to join the Old South Federal Credit Union in Natchez, MS and/or Citizens' Choice Federal Credit Union in Natchez, MS. Credit unions are non-profit financial organizations serving the savings and borrowing needs of members. The Old South Federal Credit Union may be contacted at (601) 442-4382) and Citizens' Choice Federal Credit Union may be contacted at (601) 442-5888.

14.55 CODE OF CONDUCT

14.55.1 DISCIPLINE

Alcorn State University recognizes employment-at-will; however, supervisors are encouraged to use corrective measures for those offenses that normally warrant disciplinary action (refer also to termination policy). Actions may include but are not limited to reprimand, probation, suspension, downgrading, administrative leave with pay/ without pay and/or dismissal.

Please note that the University President, pending an internal investigation or the outcome of a due process hearing, will place Contract Employees whose employment is recommended for termination, on administrative leave with pay. (If the offense is severely egregious, leave may be without pay). Written notice will be provided to the employee (see due process policy).

14.55.2 PERSONAL APPEARANCE

Personal neatness and appropriate attire is left largely to the employee except when direct student or public contact makes it necessary that specific standards be followed. All employees are expected to be careful of their personal hygiene, neatness of attire and cleanliness of apparel. Flagrant violations of standards of hygiene and cleanliness which disrupts the work environment may be grounds for disciplinary actions.

14.55.3 SMOKING

Smoking is prohibited in any Alcorn State University-owned or leased building and vehicle. This includes all offices, classrooms, residential housing, hallways, dining facilities, restrooms and athletic facilities. Smoking is prohibited in outdoor areas that are shared in close proximity to the public. Smokers must maintain a distance of 50 feet or more from any enclosed area where smoking is prohibited to insure that secondhand smoke does not enter the area through entrances, windows, ventilation systems or any other means. The use of tobacco products is prohibited on

any property owned, leased or controlled by the University. This includes all on-campus and off campus facilities. All University workspace and classroom areas under the University's control shall be smoke-free even if the building owner or lesser(s) does not prohibit smoking.

14.55.4 ABSENTEEISM OR TARDINESS

Employees are required to report for duty at the time prescribed and be prepared for duty at the beginning of their work period. Any employee who is repeatedly late for work jeopardizes his or her merit evaluation, and such action is sufficient grounds for dismissal.

14.55.5 UNIFORMS

If your job requires that you wear a uniform, your department head will advise you of the type of uniforms that are necessary. The University usually furnishes uniforms. You are expected to keep the uniform neat and wear it appropriately at all times. Uniforms are to be worn on duty only and are not to be worn at other times. Employees found in violation of this policy may be subject to disciplinary action, including termination.

14.55.6 PERSONAL BEHAVIOR

It is the desire of the University that all departments operate in a professional manner. Loud noise or inappropriate singing, whistling, arguing and other types of loud noise are not tolerated in the workplace. Supervisors are called upon to maintain the work environment and should use corrective measures to ensure that employees comply.

14.55.7 HORSEPLAY

Horseplay is not permitted on University premises. Tools or equipment should never be used except for the specific purposes for which they are designed. Horseplay is a serious matter that may result in injury to employees.

14.55.8 SAFEGUARDS FOR UNIVERSITY EQUIPMENT AND SUPPLIES

All employees who handle University equipment are responsible for the care and security of such equipment while it is under their control.

Employees are not permitted to use university equipment for personal reasons. Unauthorized use, removal or destruction of University equipment or property may be cause for immediate dismissal.

Employees found guilty of carelessness or of mischievous, malicious or willful destruction of university equipment or loss of property may be required to pay for the repair, recovery or

replacement of such equipment or property. In addition, this may be a cause for immediate dismissal.

14.55.9 USE OF UNIVERSITY LOGO

It is a violation of University policy to employ the name of the University or any of its graphic identification symbols in printed material intended to endorse or promote individual enterprises or to otherwise enhance private gain without the written permission of the University President.

14.55.10 ETIQUETTE DURING USE OF TELEPHONE AND OTHER ELECTRONIC COMMUNICATION INSTRUMENTS

Prompt, courteous answers to telephone calls should be a self-imposed rule. An employee is a representative of the University; therefore, it is good practice to identify yourself and your department when answering or making a phone call. The telephone should be used for University business. However emergency personal calls may be made. The University reserves the right to monitor employees' voice-mails, emails and Internet access as deemed necessary and appropriate in order to protect the best interest of the institution.

14.55.11 SOLICITATION ON THE JOB

It is strictly prohibited for anyone to solicit employees or visitors on any matter while on University premises without approval from the appropriate University official. Violation of this policy will subject employees to disciplinary action. Employees who observe persons making unauthorized solicitations should report this to their supervisors immediately. All employees will always know administrative authority in advance.