



# **STAFF HANDBOOK**

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# INTRODUCTION

The Shepherd University *Staff Handbook* includes information related to the employment of full-time and part-time Classified and Non-Classified employees. Some provisions herein do apply to some non-instructional faculty. For additional and complete information related to faculty, please consult the University's *Faculty Handbook*.

The *Staff Handbook* is not a comprehensive manual of all policies and procedures, but is intended to answer many basic questions and to direct readers to additional sources of information. It is the responsibility of every employee to be familiar with the current Shepherd University *Staff Handbook* and to comply with the guidelines contained therein.

Policies and procedures will change from time to time to accommodate changes in circumstances and applicable law. At any given time, existing policy and law will prevail over inadvertent errors or outdated material in the *Staff Handbook*. This version of the *Staff Handbook* replaces all previous versions. Old versions of the *Staff Handbook* should be discarded.

The *Staff Handbook* is posted on the Shepherd University website and may be printed. Paper copies of it are available in the Human Resources Office upon request.

The Human Resources website is an excellent source of information about employment issues and resources. ([www.shepherd.edu/hr/](http://www.shepherd.edu/hr/))

# SHEPHERD UNIVERSITY

## MISSION, VISION, AND CORE VALUES

### **Mission Statement**

Shepherd University, a West Virginia public liberal arts university, is a diverse community of learners and a gateway to the world of opportunities and ideas. We are the regional center for academic, cultural, and economic opportunity. Our mission of service succeeds because we are dedicated to our core values: learning, engagement, integrity, accessibility, and community.

### **Vision Statement**

#### **Shepherd: A Premier Public Liberal Arts University**

We will be a nationally respected community of learners where passion, purpose, and experience unite to inspire individuals to shape the world.

### **Core Values**

Committed to excellence, Shepherd University embraces the following five core values:

#### **Learning**

Shepherd University creates a community of learners who integrate teaching, scholarship, and learning into their lives. In order to create challenging, relevant experiences, inside and outside of the classroom, the University continually evaluates and assesses student learning. We recognize and accommodate diverse learning styles and perspectives necessary for global understanding.

#### **Engagement**

Shepherd University fosters environments in which students, faculty, staff, and members of the community engage with each other to form mutually beneficial relationships. We believe that meaningful engagement, with ideas and with people, promotes deep learning and nurtures critical thought.

#### **Integrity**

Shepherd University strives for an environment of honesty and fairness in its actions. University officials seek input from students, faculty, and staff and make informed and objective decisions. We expect all members of the community to act in accordance with this value.

#### **Accessibility**

Shepherd University provides services to all qualified students. Our staff and faculty are available to students and are committed to respecting and meeting individual needs. University governance and budgeting structures reflect our commitment to transparent processes and public access to information.

#### **Community**

Shepherd University comprises a community that includes students, faculty, staff, alumni, and involved citizens. We meet the needs of this community through assessment, development, and implementation of innovative programs and initiatives. We strive to create a safe environment based on mutual respect and acceptance of differences.

# CLASSIFICATION AND COMPENSATION

Shepherd University is under the West Virginia Higher Education Policy Commission's system of personnel classification and compensation, which governs classification and compensation for Classified employees. (See West Virginia Code 18B-9-1 for more information.)

The classification and compensation system includes salary policies for Classified positions. Length of service as a full-time regular employee with the State of West Virginia shall be credited toward initial placement on the salary schedule for Classified employees. As of January 2017 the compensation system is in a transitional phase. In some cases, other relevant work experience may be considered for placement on the salary schedule. For updated information on the statewide compensation rules, please consult with the Human Resources staff.

## **Employment Status**

**Non-Classified** – A position that (a) carries responsibility for policy formation at the department institutional level, (b) reports directly to the President of the institution, or (c) is designated Non-Classified by action of the Board of Governors. Non-Classified positions are not subject to the State classification system. Non-Classified employees are “will and pleasure.”

**Classified** – A position which is covered by the provisions of the State higher education classification program.

**Full-Time Regular** – A staff position created to last a minimum of nine months of a 12-month period and in which the employee is expected to work no fewer than 1,040 hours during this period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. An employee in this status is eligible for all applicable benefits, subject to the qualifying conditions of each benefit. Benefits will be pro-rated, where applicable, for positions of less than 1.0 FTE. For example, leave accrual would be pro-rated. Insurance coverage and benefits would not be pro-rated.

If employees do not consistently work enough hours to qualify for full-time status (at least 1,040 hours during the year) there is the risk that these positions will be reduced to part-time, non-benefits-earning status. Supervisors must ensure that employees in full-time status work at least 1,040 hours per year.

**Part-Time Regular** – A staff position created to provide fewer than 1,040 work hours during a 12-month period. An employee in a part-time regular position is not eligible for most benefits, but may be covered under the classification program. Service in this capacity allows for the application of pro-rated service credit for purposes of placement on the Classified salary schedule and, if the employee eventually is hired into a full-time position, toward the employee's leave accrual rate.

**Temporary Classified** – A position that is expected to last fewer than nine months of a 12-month period regardless of the number of hours worked per week. A temporary employee is not eligible for benefits, but may be covered by the classification program.

**Casual** – A position created to meet specific operational needs in an institution for no more than 225 hours in a 12-month period. Individuals in casual positions are not eligible for benefits and are not covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.

**Student** – A position created for degree-seeking students whose primary purpose for being at the institution is to obtain an education. A student employee is not eligible for benefits and is not covered by the classification program. Service in this capacity does not apply to any seniority or years of experience.

For more information about student employees, please refer to the Student Employment website at: (<http://www.shepherd.edu/studentemployment/>).

Please Note: References to a 12-month period in the above descriptions refer to the fiscal year (July 1 through June 30).

### **Federal Fair Labor Standards Act (FLSA) Status**

**Exempt** – A position that is not covered by the Federal Fair Labor Standards Act (FLSA) because it meets the FLSA criteria for executive, professional, or administrative positions. Employees in exempt positions are not eligible for overtime compensation. In the wvOASIS/Kronos leave and time keeping system, exempt employees are called Exception Paid.

**Non-Exempt** – A position that is covered by the Federal Fair Labor Standards Act (FLSA). Employees in non-exempt positions are entitled to overtime compensation for all work hours in excess of 37.5 during the work week and they are paid at the overtime rate for hours in excess of 40. See section on overtime for more information. In the wvOASIS/Kronos leave and time keeping system, exempt employees are called Positive Paid.

Please Note: The terms Exempt and Non-Exempt are not parallel to Non-Classified and Classified. Classified and Non-Classified positions could be exempt or they could be non-exempt. Exempt status depends on the nature of the responsibilities of the position, not on whether the position is Classified or Non-Classified.

### **Position Information Questionnaire (PIQ)**

The State higher education classification system requires that the work performed by employees in Classified positions be documented in an official position description known as the Position Information Questionnaire (PIQ). Every Classified employee must have a PIQ. Supervisors have discretion over the duties included in Classified employees' job descriptions. A blank PIQ form can be found on the Human Resources website (<http://www.shepherd.edu/hr/hr-forms>).

The Director of Human Resources is responsible for the assignment of all Shepherd University Classified positions to appropriate job titles and pay grades. Questions regarding job descriptions or position reviews should be directed to the Human Resources Office.

## **Review of Position Information Questionnaire (PIQ)**

Supervisors are responsible for ensuring that current, signed job descriptions are on file for every staff member. If significant changes occur in the essential duties or responsibilities of a Classified position, it is the responsibility of the supervisor to submit the Position Information Questionnaire (PIQ) to the Human Resources Office for review. PIQs must be signed by employees, their supervisors, and other appropriate administrators, as indicated on the PIQ form.

To request a review of a position for purposes of considering a change in its pay grade, the supervisor needs to provide an updated PIQ to the Director of Human Resources (showing changes), along with a completed Request for PIQ Review form, which can be found on the Human Resources website (<http://www.shepherd.edu/hr/hr-forms>). Employees who wish to seek a PIQ review independently of their supervisors must follow that same process and their supervisors need to sign the forms.

PIQ reviews are conducted by the Director of Human Resources. The Director may elect at any time to perform a desk audit of the employee's position in order to better determine the employee's responsibilities. Employees and supervisors have the right to appeal a classification decision made by the Director of Human Resources by requesting that the PIQ be submitted to the State's Job Classification Committee (JCC) for review. Likewise, the Director of Human Resources may elect to submit any PIQ to the JCC for review. The decision of the JCC is final.

## **Non-Classified Job Description**

A Non-Classified Employee Position Description is required for every Non-Classified employee. The duties included in a Non-Classified employee's job description are established by the employee's supervisor, supervising Vice President and the President. A blank Non-Classified Employee Position Description can be found on the Human Resources website (<http://www.shepherd.edu/hr/hr-forms>).

## **Transfer and Promotion Opportunities**

When position vacancies occur, they are posted online on Shepherd University's jobs website (<https://jobs.shepherd.edu>). Employees who are interested in a transfer or promotion must apply for vacant positions through the online Human Resources application system. Limited priority to internal candidates for transfers or promotions of non-exempt Classified staff is provided for by State law, but do not apply in all cases. Questions concerning the transfer and promotion process should be directed to the Human Resources Office.

# WORK SCHEDULES

## **University Business Operational Hours**

The official business hours of Shepherd University are 8:00 a.m. to 4:30 p.m., Monday through Friday. University administrative offices are open during business hours to meet daily operational needs. The Vice President/Executive Officer over a particular department may implement flex time schedules and establish specific work schedules for each position.

## **Standard Work Week**

The work week is defined as a regularly recurring period of 168 hours in the form of seven consecutive 24 hour periods. Work weeks begin at 12:01 a.m. on Saturday and end at 12:00 a.m. (midnight) the following Friday. The standard number of work hours for a full-time Classified employee in a 1.0 FTE position is 37.5 hours during the work week, and supervisors need to schedule full-time employees to work the entire 37.5 hours each week. Non-Classified employees work a minimum of 37.5 hours per week.

Employees are expected to be punctual and functioning in their positions consistent with their scheduled work hours. Based on operational need, supervisors have the authority to require employees to work more than their normally scheduled hours. Supervisors also have the authority to assign employees to work different shifts on a temporary or permanent basis. When practical, employees will be given at least one full pay period advanced notice of any significant schedule change. However, employees have the responsibility of reporting as assigned by their supervisors, even if there has not been advanced notice of a significant schedule change given to the employee. It is the policy of Shepherd University not to routinely make temporary non-emergency changes in an employee's work schedule.

## **Summer Schedules**

The Executive Leadership Team may approve a flexible summer work schedule for staff allowing employees to take a half-hour for lunch and work either 8:30 a.m. to 4:30 p.m. or 8 a.m. to 4 p.m. with supervisory approval. Assuming that this flexibility has been granted and announced for a given year, employees who would like to work an adjusted summer schedule should ask their supervisors for approval to do so. This decision is solely at the discretion of the supervisor.

## **Flex Time**

An employee may request and, with the approval of the Vice President/Executive Officer over that department, work a schedule other than Shepherd University business hours, to include flex time, four-day work week, and job sharing, provided that the employee works the required number of hours in the respective work week. Flex time may be granted on a fixed schedule or on a short-term basis. Based on operational needs, the head of the department has the authority to require flex time only in unusual circumstances.



## **Rest Breaks**

Employees may be granted rest periods not to exceed 15 minutes per day. For additional unauthorized time away from the work site, annual or sick leave must be applied; sick leave can be applied only if the absence is for a reason covered by sick leave.

Break periods shall be granted at the discretion of the supervisor. The purpose of such break periods is to provide relief from duties and absence from the work station, offering employees the opportunity to attend to personal activities (i.e., to make personal calls, etc.).

Based upon operational needs, an employee may be required to work through a break. In such cases, the employee is not entitled to additional compensation. Breaks are compensated work-release time and may not be used or accrued to make up work time, leave work early, extend lunch time, etc.

## **Meal Breaks**

When an employee works a shift of five hours or less, it is at the supervisor's discretion whether the employee takes an unpaid meal break of 30-60 minutes. When an employee works a shift of longer than five hours, an unpaid meal break of 30-60 minutes is required, the exact timing of which is at the discretion of the supervisor. Meal breaks are not compensated and may not be used to leave work early. Police officers are an exception to this policy because of their duties as to emergency response.

Non-exempt employees must clock out for lunch. If non-exempt employees are required to work or attend a meeting during their lunch time then that time must be compensated; they would not clock out in those cases.

## **Overtime Pay**

Positions are either exempt or non-exempt from the Fair Labor Standards Act (FLSA). This designation is made based on FLSA criteria and determines whether employees in those positions are eligible for overtime compensation. Questions regarding FLSA status and overtime should be directed to the Human Resources Office.

**Non-Exempt Employees** are entitled to overtime compensation at the rate of 1.5 times the actual hourly rate for all hours worked in excess of 40 during the work week. Hours worked between 37.5 and 40 are compensated at the straight time hourly rate. Holidays and sick or annual leave hours are not hours worked and they do not count toward the overtime rate mandate. Employees should presume that they should not work overtime at their own initiative but only with their supervisor's approval. It is misconduct for an employee to work overtime in contravention of a directive of a supervisor.

**Exempt Employees** do not receive overtime compensation. These employees meet the FLSA criteria for executive, professional, or administrative positions.

Overtime hourly pay rates are calculated including the employees' annual experience increment (AEI). The base salary is added to the AEI and that total is divided by 1950 hours for 1.0 FTE employees, as that is the number of hours that 1.0 FTE employees work during the year. For assistance in calculating an employee's overtime hourly pay rate, please contact the Human Resources Office.

The immediate supervisor generally should approve the overtime work requirement for non-exempt employees *before* the overtime is worked, but pay cannot be withheld on the basis of a lack of prior approval.

Please Note: The terms Exempt and Non-Exempt are not parallel to Non-Classified and Classified. Classified and Non-Classified positions could be exempt or they could be non-exempt. Exempt status depends on the nature of the responsibilities of the position, not on whether the position is Classified or Non-Classified.

### **Equalization of Overtime**

Overtime rosters will be posted by supervisors for overtime assignments which are anticipated more than one work day in advance. Employees shall be placed on the roster based on seniority. Overtime will be offered to the most qualified senior employee. The next occasion for overtime will be offered to the next qualified senior employee. This process will continue until the list is exhausted. If the employee whose turn it is to be offered overtime refuses the overtime work opportunity then it will be offered to the next person on the list. If all employees decline, then overtime is assigned to the most junior employee whose name appears on the roster and who is capable of doing the work.

### **Required Overtime**

Employees may be required to work overtime under certain circumstances. However, the work must be of reasonable duration. Also, employee health, safety, and endurance must be considered, and the direction to work must be issued under reasonable circumstances. Emergency conditions on campus may cause supervisors to demand greater levels of required overtime than would be reasonable in non-emergency conditions.

### **Compensatory Time Off (Earning & Tracking)**

Non-exempt employees may receive compensatory time (comp time) off in lieu of overtime pay. Comp time shall be allowed only to the extent authorized by federal and state law.

An employee may not work overtime unless approved in advance per institutional policy. A written agreement between the employee and the employee's supervisor must exist when the employee chooses compensatory time off in lieu of overtime pay. The written agreement may be modified at the request of either the employee or the employee's supervisor at any time but under no circumstances shall a change in the agreement deny the employee comp time already acquired.

The comp time written agreement may consist of an email exchange between the employee and the employee's supervisor. Alternatively, a Comp Time Off Agreement form, which can be found on the Human Resources website (<http://www.shepherd.edu/hr/hr-forms>) can be used for this purpose. The form is to be held by the employee or supervisor until the comp time is used and after that it should be sent to the Human Resources Office to be placed into the employee's official personnel file.

Comp time must be used within one year of its accrual. Comp time accrued for working on holidays must be used within six months. See Holidays section in this *Staff Handbook* for details.

# LEAVE

## **Leave Requirements**

Leave earning employees must apply the appropriate type of leave (annual or sick) when they are absent from work. Leave must be taken in 15-minute increments.

## **Reporting Leave**

Supervisors must ensure that employees reporting to them submit leave requests whenever absences occur. Exempt and non-exempt employees are not permitted to be absent from work without submitting leave requests to account for that absence. Being absent from work without submitting leave requests to cover the absence is fraudulent and is grounds for disciplinary action.

## **Leave Matrix**

There are many different types of leave and they are described on the following pages. Different policies and procedures apply to different types of leave. A chart showing rules specific to each type of leave can be found at the end of this section of the *Staff Handbook*.

## **Leave Management System**

The State of West Virginia payroll system uses Kronos as its leave management system and Shepherd University is required to use that system. Kronos is part of wvOASIS, the State's Enterprise Resources Planning (ERP) system, which includes all aspects of payroll processing. Leave earning employees request leave and supervisors approve leave requests through Kronos. Changes to leave requests that already have been approved can be made by the employee's supervisor. For full instructions on using the leave management system, please go to the Human Resources website (<http://www.shepherd.edu/hr/wvoasiskronos-information>) where you can access a user manual.

## **Procedures for Reporting Unscheduled Absences**

Notification of an unscheduled absence, prior to an employee's scheduled start time, is of the utmost importance. If for any reason employees are unable to report to work as scheduled, they must notify their supervisor prior to their scheduled start time with the reason and expected duration of the absence. If the absence exceeds one day, then the employee must notify the supervisor daily, unless otherwise arranged. Failure to notify an immediate supervisor concerning an absence can result in disciplinary action for the employee, up to and including the termination of employment.

It is the obligation of the employee to make certain that the immediate supervisor or designee is notified of an absence prior to the employee's scheduled start time, following whatever protocol has been outlined by the supervisor (for example, calling and speaking directly with the supervisor on the phone). Submitting a leave request through Kronos, the leave management system, does not satisfy the requirement of notifying the immediate supervisor of an unscheduled absence unless the supervisor has explicitly directed the use of that protocol. Each supervisor has the discretion to establish the notification protocols for each department, office, or category of employees.

## -- ANNUAL LEAVE --

Annual leave is the term that the State uses for vacation days. Annual leave can be used by employees for any purpose. It must be approved in advance by the employee's supervisor. It is okay to use annual leave for illness but it is not okay to use sick leave for vacations or other 'personal days'.

### **Annual Leave Accrual**

#### **Classified Staff Annual Leave Accrual**

All full-time regular employees in Classified positions shall be eligible for annual leave with pay, accruing leave as described below. Please note that there are 26 pay periods throughout the year, so the pay period accrual is not exactly half of the monthly leave accrual.

Less than 5 years of service	1.25 days per month	4.33 hours per pay period
5 but less than 10 years of service	1.50 days per month	5.20 hours per pay period
10 but less than 15 years of service	1.75 days per month	6.07 hours per pay period
15 or more years of service	2.00 days per month	6.93 hours per pay period

#### **Non-Classified Staff Annual Leave Accrual**

Non-Classified employees earn annual leave at a rate of two days per month. They earn 6.93 hours of annual leave per pay period.

#### **Twelve-Month Faculty Annual Leave Accrual**

Twelve-month faculty members earn annual leave at a rate of two days per month. They earn 6.93 hours of annual leave per pay period. Leave-earning faculty must manage and report their leave in the same way that Classified and Non-Classified staff do.

#### **Pro-Rated Leave Accrual**

Full-time regular employees working between 1,040 hours and 1,950 hours over at least nine months of a 12-month period (the fiscal year) accumulate annual leave on a pro-rated basis. Annual leave is not granted to casual, temporary, or part-time employees.

#### **Accumulation Limits**

Shepherd University permits, as an additional benefit, all employees to accrue up to twice what they earn in 12-month period. Accumulated leave for continuing employees may not exceed twice the amount earned in any 12-month period. Employees are entitled to compensation for accumulated annual leave at termination of service, but in no case may this exceed twice that amount earned in any 12-month period. Nine-month employees may accumulate twice the amount of leave earned during their nine months of work, not twice what they would have earned had they been working for 12 months.

#### **Calculation Based on Years of Service to the State of West Virginia**

A Classified employee's annual leave accrual rate shall be based on years of service to Shepherd University and other agencies of the State of West Virginia.

#### **Crediting Years of Service**

An annual appointment period of nine months or more of full-time work shall be credited as one year of service toward seniority for purposes of determining an employee's annual leave accrual rate. This service is measured as of July 1 of each year. In order to meet the nine-month requirement, employees must have started work by no later than October 1 of the previous year.

### **Transfer of Annual Leave From Another State Agency**

Up to 15 days of annual leave may be transferred with an employee from other agencies or institutions of the West Virginia State Government to Shepherd University. Certification of the balance which existed with the previous employing agency must accompany the request for transfer of annual leave by the employee and bear the signature of an officer of that agency. The request must be made within one year from the last day of employment with the other agency or institution.

### **Use of Annual Leave**

#### **Scheduling and Use of Annual Leave**

Annual leave must be approved in advance by the employee's supervisor. Annual leave shall be arranged to fit operating schedules; however, consideration will be given to an employee's preferences. Seniority may be considered by the supervisor when arranging vacation schedules. An employee may not take leave before it is earned and may not take annual leave unless the employee's supervisor has approved it in advance.

#### **Employee's Responsibility**

Annual leave is a benefit of paid days off work, which employees are expected to use in a reasonable manner. Employees who have a modest number of accumulated sick leave days are expected to restrict their use of annual leave to reasonably maintain a reserve of accumulated leave in case of an onset of illness or other occurrence which would require time off. Monitoring an employee's leave balance is the responsibility of that employee, and failure to do so is considered a deficiency of performance.

#### **Illness During Annual Leave**

Illness which occurs during scheduled annual leave does not cause the annual leave request to be changed to a sick leave request. It still is considered annual leave.

### **Administration of Unused Annual Leave**

#### **Annual Leave Conversion Upon Retirement**

For employees hired prior to July 1, 2001 and upon meeting certain requirements, individuals retiring from Shepherd University may be eligible to apply unused annual leave as a credit toward the premium for the West Virginia Public Employees Retirement Insurance Plan, just as they can apply unused sick leave for this purpose. This option is not available to employees hired after July 1, 2001. Please refer to the Human Resources website (<http://www.shepherd.edu/hr>) for more information about retirement.

#### **Unused Annual Leave Credits**

In the event of an employee's death, accumulated annual leave will be credited to the employee's estate.

#### **Lump Sum Payment for Unused Annual Leave**

Upon termination of active employment through resignation, retirement, or otherwise, an employee will be paid in a lump sum for their accrued annual leave. The University has stopped offering an option of running unused annual leave as additional payroll days, due to the State's adoption of the wvOASIS payroll system.

## **-- SICK LEAVE --**

Sick leave may be used by an employee who is ill or injured or when employees need to actively participate in the care of a member of their immediate family who is seriously ill as defined by the treating physician, or when a death occurs in the immediate family. Sick leave may also be used for employee and family medical appointments which are approved in advance by the supervisor. It is okay to use annual leave for illness but it is not okay to use sick leave for vacation time. While annual leave can be used for any reason, sick leave can be used only for specific purposes as described in the University's policies.

### **Definition of Immediate Family**

For purposes of administering the sick, funeral, and emergency leave policies, the immediate family is defined as: father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, step-mother, step-father, step-children, or others considered to be members of the household and living under the same roof.

### **Sick Leave Accrual**

#### **Sick Leave Accrual Rate**

Full-time regular Classified and Non-Classified employees and leave earning faculty accrue 1.5 days of sick leave per month of active employment. This equates to 5.2 hours of sick leave accrual for each of the 26 pay periods.

#### **Pro-Rated Leave Accrual**

Full-time regular employees working between 1,040 hours and 1,950 hours over at least nine months of a 12-month period shall accumulate sick leave on a pro-rated basis. Sick leave shall not be granted to casual, temporary, or part-time employees.

#### **Unlimited Accrual**

Accumulation of sick leave is unlimited. Employees do not lose it if it is not used within any particular time period as long as they remain in leave earning status.

#### **Transfer of Sick Leave From Another State Agency**

Accumulated sick leave may be transferred to Shepherd University for employees coming to Shepherd from other agencies of West Virginia State Government. Certification of the employee's sick leave balance which existed at the state agency must accompany the request for transfer and bear the signature of an officer of that agency. A request for transfer must be made within one year from the last day of employment with the other state agency.

### **Use of Sick Leave**

Annual leave may be used when an employee is sick. However, sick leave may not be used for vacation time in place of annual leave. Sick leave can be used only for the specific purposes provided for by policy.

### **Sick Leave Use for Immediate Family Members**

Sick leave generally can be used for absence relating to care for immediate family members under the following circumstances:

- If the employee is caring for an immediate family member at home;
- If the employee is taking the immediate family member to medical appointments;
- If the immediate family member is in the hospital and the employee must be there because they might be needed to help make decisions about the family member's care or to speak on behalf of their family member.

The times that employees cannot use sick leave for their family members are:

- When they are simply visiting them in the hospital (or at home) but do not play a role in speaking for the family member or are not participating in decision making about the family member's care. Annual leave would have to be used in those cases.

### **Administration of Unused Sick Leave**

#### **Sick Leave Conversion Upon Retirement**

Upon meeting certain requirements, individuals retiring from Shepherd University may be eligible to apply unused sick leave as a credit toward the premium for the West Virginia Public Employees Insurance Plan, just as they can apply unused annual leave for this purpose. This option is not available to employees hired after July 1, 2001.

#### **Reinstatement of Sick Leave Upon Reemployment**

When an employee terminates employment for reasons other than retirement, all sick leave credited to that employee shall be considered ended as of the last working day with the institution and no reimbursement shall be provided for unused sick leave. Employees who resign in good standing and are later reemployed may have their accumulated sick leave reinstated if the date of termination is less than one year from reemployment. However, if the employee returns to work after more than one year from the date of termination, then no more than 30 days of sick leave may be reinstated.

#### **Payment to Employees for Unused Sick Leave (Sick Leave Buy Back Program)**

In 2008, the West Virginia Department of Administration distributed procedures for eligible State employees to surrender a portion of their unused sick leave for a taxable cash benefit. This is commonly referred to as the Sick Leave Buy Back Program.

- To be eligible to "sell" sick leave, employees must be entitled, upon retirement, to credit their accrued sick leave for extended insurance coverage. In most cases, only employees hired prior to 2001 are eligible for this benefit. Employees can receive sick leave payment only once per fiscal year.
- Employees must have at least 65 days (487.5 hours) of unused sick leave at the time of their application, and they must leave a balance of 50 days (375 hours) in their sick leave account. They will not be permitted to reacquire any sick days that they have surrendered.
- Payment is at a rate of 25 percent of the employee's usual daily rate of pay. As a general rule, the daily rate of pay is calculated by dividing the employee's annual base salary by 261 days.
- Important Note: If employees leave employment with the State within 5 years from receipt of the funds for any reason other than death or retirement, then they must

reimburse the State Employee Sick Leave Fund the amount of the funds plus 12 percent interest per year.

- To participate in this program, employees need to contact the Human Resources Office. More information and application forms can be found on the Human Resources website (<http://www.shepherd.edu/hr/employee-benefits>).

### **Medical Leave Documentation**

Medical leave verification may be required to document an employee's illness or adverse health condition (or that of an immediate family member, if applicable). Medical leave verification is a signed statement from the treating health care provider to validate the illness or other cause for which sick leave or medical leave of absence may be granted. The health care provider signing the medical assessment must be currently and appropriately licensed. The document must provide information regarding the individual's medical condition, diagnosis, prognosis, and functional limitations, including duration and treatment plan, if any. All medical records are to be kept in the Human Resources Office only and are not to be kept in the departments. Based upon the medical assessment, employability and/or accommodation determinations will be made by Shepherd University.

### **Medical Leave Verification/Assessment is Required:**

- To validate a sick leave absence of more than five consecutive days (needed as of the sixth day of absence) under the terms of the sick leave policy;
- To return to work following a sick leave absence of more than five consecutive days, or a medical leave of absence;
- If requested of the employee by the supervisor following a sick leave absence, regardless of duration, as a condition of returning to work;
- To apply for and sustain catastrophic leave eligibility;
- To apply for and sustain a medical leave of absence; and/or
- To assure continued access to benefit coverage while on medical leave of absence.

It is the employee's responsibility to pursue and obtain the necessary medical assessment from the treating health care provider, and to present the completed evaluation to the University in a timely manner.

Supervisors need to notify the Human Resources staff when one of their employees has missed, or is scheduled to miss, more than five consecutive days of sick leave. This will facilitate communication between Human Resources and the employee as to required documentation.

### **Incomplete, Unacceptable, or Untimely Medical Information May Result in:**

- Prohibition to charge time absent from work to accrued sick leave;
- Prohibition to return to work if one's capacity to perform essential duties is in question;
- Disallowed or discontinued medical leave of absence;
- Discontinuation of benefit access; and/or
- Disciplinary action, up to and including termination of employment with the University.

A Medical Leave Verification form is available on the Human Resources website (<http://www.shepherd.edu/hr/hr-forms>).

Employees returning to work following a sick leave absence of more than five consecutive days or from a medical leave of absence must submit a Medical Release to Return to Work. This form is available on the Human Resources website (<http://www.shepherd.edu/hr/hr-forms>).



## -- OTHER TYPES OF LEAVE --

### **Catastrophic Leave**

A full-time regular employee experiencing a catastrophic illness or injury as defined by the West Virginia Code and Shepherd University policy may request approval to receive paid leave time donated by other employees. Within established limits, employees may voluntarily donate accumulated sick or annual leave directly to an approved recipient. The Catastrophic Leave policy with required forms to be completed is located on the Human Resources website (<http://www.shepherd.edu/hr/hr-policies-and-procedures>).

### **Emergency Leave**

Emergency leave of up to five days within any fiscal year, with pay, may be granted by the President of Shepherd University in the event of extreme misfortune to the employee or the employee's immediate family, provided that all accrued annual leave has been exhausted. Typical events which may qualify an employee for such leave include fire, flood, or other occurrences of a nature requiring emergency attention by the employee (other than personal illness or injury, or serious illness or death in the immediate family).

### **Funeral Leave**

When a death occurs in the immediate family, a reasonable amount of time (maximum of five days) may be charged to accrued sick leave as required for the employee to arrange for and attend the funeral and related services, including travel time. "Reasonable" amount of time is determined at the discretion of the supervisor, and is based upon geographic distance, workload, and similar factors. Sick leave is not provided for an extended bereavement period or to attend to the affairs of the estate; annual leave may be requested for these purposes.

### **Grievance, Witness and Jury Leave**

Employees who are subpoenaed or directed to serve as jurors or appear as witnesses for review proceedings of the Federal Government, the State of West Virginia, or a political subdivision thereof, shall be entitled to work release time for such duty and for such period of required absence which overlaps regularly scheduled work time. Employees shall submit to the Human Resources Office a copy of any notification they receive showing that they have been called to serve on jury duty. Employees are entitled to leave with pay for the required period of absence during the regularly scheduled work time including reasonable travel time.

When attendance in court is in connection with usual official duties, under subpoena, or as directed by the supervisor, time required, including reasonable travel time, shall not be considered as absence from duty. Likewise, time spent by Shepherd University employees as hearing officers, hearing committee members, and parties or witnesses in a grievance hearing is considered legitimate work time if it occurs during their normally scheduled work hours, and is part of a service to Shepherd University. Appearing as a witness without a subpoena at the request of a fellow employee and without the request of an authorized supervisor does not constitute University business. This policy does not apply to employees who are called to testify as expert or consulting witnesses and who are paid for their witness services. Further, this policy does not apply to employees involved as parties to a personal lawsuit unrelated to work.

An employee who is scheduled to work prior to the court or hearing start time shall initially report to work, travel time permitting. An employee who is excused from court/hearing prior to the end of the scheduled work day shall immediately report to work for the remainder of the work day.

### **Military Leave**

An employee who is a member of the National Guard or armed forces reserve is entitled to a military leave of absence without loss of pay, status, or efficiency rating, on days during which he or she is ordered by properly designated authority to be engaged in drills, inactive duty training, parades, funeral details, service schools or other duty, during business hours, field training, annual training, or other full-time active service of the State for a maximum of 30 working days in any one calendar year.

The term “without loss of pay” means that the employee shall continue to receive normal salary or compensation, notwithstanding the fact that the employee may receive other compensation from Federal sources during the same time period. Furthermore, such leave of absence shall be considered as time worked in computing seniority, eligibility for salary increase, and experience with the institution.

An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for such military leave. Benefits of this section shall accrue to individuals ordered or called to active duty by the President of the United States for 30 working days after they report for active service. An employee utilizing Military Leave after their allotted paid leave of absence may elect to use accrued annual leave or freeze annual leave to continue their service.

### **Red Cross Leave**

An employee who is a certified disaster service volunteer of the American Red Cross may be granted, with the supervisor’s prior approval, leave with pay for up to 15 work days per year to participate in relief services for the Red Cross.

### **Parental Leave**

Shepherd University adheres to the requirements of the West Virginia Parental Leave Act. A full-time employee who has worked at least 12 consecutive weeks for the state may request up to 12 weeks unpaid parental leave.

Parental leave may be used for the following reasons:

- Birth of a son or daughter
- Placement of a son or daughter for adoption
- Because of a planned medical treatment
- To provide care of a son, daughter, spouse, parent or dependent (any person who is living with or dependent upon the income of the employee, whether by blood or not) who has a serious health condition.

Employees must provide their supervisors with written notice two weeks prior to the expected birth or adoption, medical treatment, or supervision of a dependent. Failure to submit a written request may be cause for denial. The employee must provide the employer with certification by the treating physician and/or documentation regarding dependency status.

All annual leave must be exhausted before parental leave begins. No more than a total of 12 weeks of parental leave may be taken in any 12 consecutive month period.

During parental leave by an employee, the institution shall continue group health insurance coverage provided that the employee pays the employer the full premium cost of such group health plan (i.e., both the employer and employee share of the premiums). The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the 12-week period of the parental leave and the employee shall be returned to that position. The institution may employ a temporary employee to fill the position for the period of the parental leave.

### **Pregnancy Related Illness or Disability**

Disabilities which may be caused by pregnancy shall be treated the same as any other off-the-job illness or disability would be treated for sick leave entitlement. Pregnancy-related illness shall include pregnancy, miscarriage, abortion, childbirth and recovery. In determining if an employee is unable to work because of a pregnancy related illness, the same criteria shall be used as for any other disability. The University policy on normal births is to allow six weeks of sick leave for the mother, to be used if she has it available. The father of a newborn baby or the husband, boyfriend or partner of a woman who has given birth to their baby, may use up to two weeks of sick leave to care for the baby and/or mother, with appropriate supporting documentation, providing that he or she has sick leave available.

### **Family and Medical Leave Act of 1993 (FMLA)**

Shepherd University employees may request up to 12 weeks per year of unpaid leave pursuant to the Federal Family and Medical Leave Act (FMLA). For calculating the year, Shepherd University uses a rolling year, meaning a 12-month period measured backward from the date an employee's first FMLA leave begins. In order to meet eligibility requirements, an employee must have worked for a total of 12 months and worked at least 1,250 hours during the 12-month period prior to the leave. Employees must submit a completed Request for FMLA leave form and a Medical Leave Verification form to the Human Resources Office. All sick leave must be exhausted. All annual leave does not have to be exhausted before the employee can go off the payroll. An employee on approved FMLA who has exhausted all leave, will be on approved unpaid Medical Leave of Absence Without Pay. FMLA leave runs concurrent with paid sick and/or annual leave. In other words, the 12 weeks of FMLA leave would include any paid leave that is used by the employee during this period. An eligible employee's health insurance will be continued as long as the employee is on paid leave. Once the employee is placed on unpaid leave, group medical coverage may continue with the employee paying the employee's share of the premium cost.

Reasons for taking FMLA leave:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, child under 18 (unless they have disabilities), or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

## **Military Exigency or Caregiver**

Employees whose spouse, son, daughter, or parent is on covered active duty or called to covered active duty status may use their 12-week FMLA leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

## **Leave of Absence Without Pay — Personal**

A full-time regular employee, upon application in writing and with written approval by the University President, may be granted a continuous personal leave of absence without pay for a period not to exceed one year. The University President, at her or his discretion, may require the written approval of the supervisor before accepting the written application of an employee for a leave of absence without pay and shall determine if the purpose for which such leave is requested is proper and within sound administrative policy.

All annual leave must be taken before an unpaid personal leave of absence is approved. Employees may not routinely take personal leave without pay when they have annual leave accrued. Paid leave must be used first.

Employees on approved *personal* leave of absence without pay may continue their group health insurance provided they pay the full premium costs (both the employee's share and the employer's share) of such health insurance. (This is different from the policy for a *medical* leave of absence without pay.)

At the expiration of the personal leave of absence without pay, the employee shall be reinstated without loss of any rights, to the vacant position or a comparable position. Failure of the employee to report promptly at the expiration of a personal leave of absence without pay, except for satisfactory reasons submitted and approved in advance, shall be cause for termination of employment by the institution.

Details about leave without pay and the required forms can be found on the Human Resources website (<http://www.shepherd.edu/hr/hr-policies-and-procedures>).

## **Leave of Absence Without Pay — Medical**

A full-time regular employee, with satisfactory medical evidence, may request a medical leave of absence without pay. The employee must provide documentation to the University President, through established procedures, that he or she is unable to work. The medical statement shall include a diagnosis, prognosis, and expected date that the employee can return to work. If the evidence is satisfactory, the University President may authorize a medical leave of absence without pay for the period of disability specified by the attending physician, not to exceed one year.

All sick and annual leave must be taken before a medical leave of absence without pay is approved.

Employees on approved *medical* leave of absence without pay may continue their group health insurance provided they pay the employee's share of such health insurance. (This is different from the policy for a *personal* leave of absence without pay.)

The employee shall be expected to report to work on the first work day following the expiration of the disability period. Failure of the employee to report promptly at the expiration of a medical leave of absence without pay, except for satisfactory reasons submitted and approved in advance, shall be cause for termination of employment by the institution.

Prior to returning to work employees must obtain satisfactory medical clearance to help ensure adequate the safety and health of all employees. This written medical documentation needs to indicate the employee's ability to perform the job duties and include a list of any restrictions that the employee may have.

Employees who may need an extended leave beyond one year may request an extension through institutional procedures or may consider other options, such as applying for long-term disability benefits if they carry such insurance coverage. Generally, following one year of medical leave of absence employees are expected to either return to work or resign from their position unless they are approved for an unpaid personal leave of absence.

Details about leave without pay and the required forms can be found on the Human Resources website (<http://www.shepherd.edu/hr/hr-policies-and-procedures>).

## **Compensatory Time Off (Taking Time)**

When compensatory (comp) time has been chosen by non-exempt employees in lieu of overtime, the comp time must be used within one year of accrual (within six months of holiday time). The use of comp time shall be requested two weeks in advance. Approval of the request shall be contingent upon whether it will unduly disrupt the operation of the institutional unit.

An employee may not work overtime unless approved in advance per institutional policy. A written agreement between the employee and the employee's supervisor must exist when the employee chooses compensatory time off in lieu of overtime pay. The written agreement may be modified at the request of either the employee or the employee's supervisor at any time, but under no circumstances shall a change in the agreement deny the employee comp time already acquired.

The comp time written agreement may consist of an email exchange between the employee and the employee's supervisor. Alternatively, a Comp Time Off Agreement form, which can be found on the Human Resources website (<http://www.shepherd.edu/hr/hr-forms>) can be used for this purpose. The form is to be held by the employee or supervisor until the comp time is used and after that it should be sent to the Human Resources Office to be placed into the employee's official personnel file.

Please Note: Comp time accrued for working on holidays must be used within six months. See Holidays section for details. Also, please see the Compensatory Time Off (Earning & Tracking) section earlier in this *Staff Handbook*.

### **Other Sources of Information**

Please Note: Leave policies are described in Shepherd University Board of Governors Policy 10 and in the Rules of the West Virginia Higher Education Policy. These policies contain more detail about leave issues in some cases than the Staff Handbook. Employees and supervisors are encouraged to familiarize themselves with these policies.

# Leave Matrix

(1 of 3)

	<b>Annual Leave</b>	<b>Sick Leave</b>	<b>FMLA</b>	<b>Parental Leave</b>
<b>What leave can employees take and for how long?</b>	Leave that has been accumulated	Leave that has been accumulated	Up to 12 weeks; 26 weeks military caregiver (both in 12 month period)	12 weeks in 12 month period
<b>Who is eligible for this type of leave?</b>	Leave earning employees	Leave earning employees	Must have worked 12 months and 1250 hrs in the 12 months preceding leave	FT employees who have worked at least 12 consecutive weeks for WV State Government
<b>Who can this leave be used to assist?</b>	Leave earning employees; this is personal time off, including snow days	Employee; immediate family members	Employee; immediate family members	Employee for birth, adoption or family member (as defined) with serious health condition
<b>Is leave paid or unpaid?</b>	Paid	Paid	Unpaid; runs concurrent with paid leave; must exhaust all <u>sick</u> leave	Unpaid; runs concurrent with paid leave; must exhaust all <u>annual</u> leave
<b>What notice is required?</b>	Advanced approval of supervisor	Immediate notice to supervisor	ASAP; 30 days in advance when need is foreseeable; must be approved and meet eligibility	Two week notice; must be approved and meet eligibility
<b>Is evidence of need required?</b>	No	Yes, for leave over five consecutive days or by supervisor's request	Yes	Yes
<b>Are benefits paid during leave? How?</b>	Yes; via payroll deduction	Yes; via payroll deduction	Employee must pay employee share of premium	Employee must pay full premium (employee + employer share)
<b>Does leave accrue during absence?</b>	Yes	Yes	No leave accrues during unpaid absence	No leave accrues during unpaid absence
<b>What are requirements related to returning from leave?</b>	At expiration of requested time off	At end of event; requires physician's release to return to work if absence is over five days or by supervisor's request	At end of medical care or 12 weeks; requires physician's release to return to work	At end of 12 weeks

# Leave Matrix

(2 of 3)

	<b>Catastrophic Leave</b>	<b>Unpaid Medical Leave of Absence</b>	<b>Unpaid Personal Leave of Absence</b>	<b>Workers' Comp</b>
<b>What leave can employees take and for how long?</b>	Donated leave until donations or approved time ends; may be up to 12 consecutive months	As approved, up to 12 consecutive months	As approved, up to 12 consecutive months	As determined by Workers' Comp insurer (BrickStreet)
<b>Who is eligible for this type of leave?</b>	Leave earning employees	All employees	All employees	Any employee who sustains an on-the-job injury or illness
<b>Who can this leave be used to assist?</b>	Employee; immediate family members	Employee only	Undefined	Employee only
<b>Is leave paid or unpaid?</b>	Paid via donations from other employees; must exhaust all annual and sick leave first	Unpaid; must exhaust all annual and sick leave first	Unpaid; must exhaust all annual leave first	Employee may use own leave or receive TTD from Workers' Comp
<b>What notice is required?</b>	As soon as need is known; must be approved and meet eligibility	Medical documentation must accompany request; must be approved and meet eligibility	Advanced approval by the University President	Within 24 hours
<b>Is evidence of need required?</b>	Yes	Yes	Yes, if requested	As per Workers' Comp requirements
<b>Are benefits paid during leave? How?</b>	Yes; via payroll deduction	Employee must pay employee share of premium	Employee must pay full premium (employee + employer shares)	Employee must pay employee share of premium
<b>Does leave accrue during absence?</b>	Yes	No	No	Yes, annual leave only, for leave earning employees
<b>What are requirements related to returning from leave?</b>	At end of approved time period; requires physician's release to return to work	At end of approved time period; requires physician's release to return to work	At end of approved time	When released by physician



# Leave Matrix

(3 of 3)

	<b>Witness and Jury Leave</b>	<b>Military Leave</b>	<b>Special Emergency Leave</b>	<b>Disaster Volunteers</b>	<b>Organ Donation</b>
<b>What leave can employees take and for how long?</b>	As required by subpoena or direction of authority; not for personal party to action	30 days in one calendar year	Maximum five days per 12-month period as approved by the University President or President's designee	Maximum 15 days each year	120 hours for liver or kidney organ donation; 56 hours for donation of bone marrow each calendar year
<b>Who is eligible for this type of leave?</b>	All employees	Employees in National Guard or any reserve U.S. armed forces	Leave earning employees	American Red Cross certified disaster service volunteers	Leave earning employees
<b>Who can this leave be used to assist?</b>	Employees who are subpoenaed or called for duty	Employee	Assist with fire, flood or other natural catastrophic events; not illness, injury or death in immediate family	Employee	Employee
<b>Is leave paid or unpaid?</b>	Paid for hours normally worked	Paid	Paid	Paid	Paid
<b>What notice is required?</b>	As soon as employee receives notice of required service	As soon as practical	As soon as practical	As soon as practical	As soon as practical
<b>Is evidence of need required?</b>	Court orders	Military order or statement from appropriate military officer	As requested	As requested	As requested
<b>Are benefits paid during leave? How?</b>	Yes; via payroll deduction	Yes; via payroll deduction	Yes; via payroll deduction	Yes; via payroll deduction	Yes; via payroll deduction
<b>Does leave accrue during absence?</b>	Yes, for leave earning employees	Yes, for leave earning employees	Yes, for leave earning employees	Yes, for leave earning employees	Yes, for leave earning employees
<b>What are requirements related to returning from leave?</b>	At expiration of duty period or whenever not actively serving	At end of service	At end of service	At end of service	At end of 120 hours or 56 hours depending on procedure

# EMPLOYMENT RELATED LAWS AND POLICIES

## **Access to Personnel Files**

A confidential personnel file containing pertinent employment information is maintained in the Human Resources Office for each employee. The employee is entitled to inspect or copy his or her personnel file in the presence of a Human Resources staff member. The employee shall not be entitled to inspect or copy any letter of reference or other similar record that he or she has previously waived the right to inspect when the information was solicited by or supplied to Shepherd University based on such waiver. The employee shall not be entitled to inspect or copy any other record exempted by WV Code 29B-1-4 unless there is clear and convincing evidence of a legitimate reason sufficient to overcome exception. If employees wish to examine their personnel files, they should notify the Human Resources Office by phone or by filing a written appointment request at least 24 hours in advance of the desired appointment time. Personnel files may be examined only during normal Shepherd University business hours. The response of the Human Resources Office to outside requests for employment verification is generally restricted to the release of the employee's name, employment dates, and job title. Salaries of State employees are a matter of public record.

## **Americans with Disabilities Act (ADA) and Job Accommodation During Employment**

An employee in his or her present position, who is otherwise qualified and has or acquires a permanent medical impairment or impairments causing functional restrictions or limitations that can be reasonably accommodated, will be provided such measures by Shepherd University if reasonable accommodation will permit the employee to meet the essential requirements of his or her particular job. ADA Reasonable Accommodation information and forms are available on the Human Resources website (<http://www.shepherd.edu/hr/hr-policies-and-procedures>). The Accommodation Request form and Medical Document Form & Physician's Statement should be completed and submitted to the Human Resources Office.

## **Background Checks**

Shepherd University is committed to providing a safe working and learning environment for its employees, students, and visitors. It also seeks to protect its assets, preserve its reputation, and comply with laws, regulations, and agreements. Depending upon the position and the duties within the University, initial employment, and/or continued employment may be contingent upon a satisfactory background check.

In order to verify the pertinent backgrounds of individuals before being hired into positions at Shepherd University, the University conducts pre-employment background checks as part of its employment procedures. The University contracts with an outside agency to perform the background checks.

The background checks may involve review of any information which would be lawful for the University to acquire and to consider as a part of its consideration for employment. The authorization, signed by the candidate, expressly includes, but is not limited to, authorization for release of education records of institutions of higher education and prior employment records

(including any information relating to confidential information about job performance, attendance, reason for separation, if applicable, or matters of discipline or misconduct, whether alleged or documented), as well as the authorization to conduct a criminal records background check of the candidate. Depending on the nature of the position, a credit check may also be completed.

Job postings for positions subject to background investigations will usually contain notification to applicants that, as a condition of hiring, the final candidate must successfully pass a pre-employment background investigation. As a general rule, the results of the investigation should be received before an offer of employment is made. However, under some circumstances, an offer of employment may be made prior to the completion of the background check provided the contract states that employment is contingent upon a satisfactory report. For this particular situation, the contract must contain the following statement: "This offer is contingent upon the completion of a background investigation which reveals satisfactory results." Although the offer may be made in this manner, the employee may not begin working for the University without a completed satisfactory background investigation.

If an individual is to be denied employment, promotion, or transfer wholly or partly because of information obtained in a background check, the individual will be so informed. In addition, where required by law and to the extent applicable, the individual will be given (a) a copy of the relevant background check report, (b) a summary of the individual's legal rights concerning the background check report, and (c) the name, address and phone number of the third-party vendor if the individual has questions about the results of the report or wants to dispute the accuracy of the report. (Note, however, that the vendor does not make employment decisions and will be unable to provide any individual with specific reasons as to why the adverse action was taken.) Any questions concerning this policy may be directed to the Office of Human Resources.

### **Criminal Convictions Self Disclosure**

Current employees must notify the Director of Human Resources of any criminal conviction in writing within three business days of the conviction. Criminal convictions, as used here, include all felony and misdemeanor convictions, as well as guilty pleas, pleas of no contest or nolo contendere, and acceptance of deferred adjudication. The term does not include criminal convictions related to minor traffic violations except in cases where the relevant position requires operation of a motor vehicle. Employees who fail to disclose criminal convictions or fail to provide accurate details regarding criminal convictions will be subject to disciplinary action up to and including termination. Upon report of a criminal conviction, the Director of Human Resources, in consultation with the General Counsel, will determine whether the criminal conviction bears a significant relationship to the employee's suitability to continue to perform the required duties of the position. If it is determined based on the conviction that the employee is no longer suitable, the employee's employment may be terminated. If it is determined that the employee is suitable or it is unclear whether the employee is still suitable, the employee may be placed on administrative leave pending further review.

### **Drug-Free Workplace Policy and Procedures**

All employees of Shepherd University, including faculty, staff, administrators, and student employees, must comply with the Drug-Free Workplace Act of 1988 (Public Law 100-690 Title V, Subtitle D, 41 U.S.C. 701 et. seq.) and The Safe and Drug Free Schools and Communities Act of 1989. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the work place. Employees may not share prescription drugs with

anyone else either for payment or free of charge. Reporting for work under the influence of a controlled substance or alcohol is prohibited. As a condition of Shepherd University employment, every employee shall abide by the terms of this policy and notify their supervisors and the Human Resources Office of any conviction of drug or alcohol related charges resulting from any activity occurring in the work place or otherwise on University premises no later than five days after such conviction. Any employee found in violation of this provision shall be subject to disciplinary action, including dismissal, and may be required to participate in a drug abuse assistance or drug rehabilitation program.

Employees who are perceived to be intoxicated may be asked to leave work. In some cases, they may be given the opportunity to undergo a field evaluation by a Shepherd University Police Officer to assess mental sobriety/acuity. Final determination of the status of the employee is made by the employee's supervisors.

### **Equal Employment Opportunity (EEO) and Affirmative Action Policy**

Shepherd University is an equal opportunity and affirmative action institution. The University neither affiliates knowingly with, nor grants recognition to, any individual, group or organization having policies that discriminate. Shepherd University, through its Affirmative Action Plan, seeks to employ qualified personnel on an equal opportunity basis. Faculty, staff, students, and applicants are protected from retaliation for filing complaints or assisting in an investigation under the University's Equal Opportunity/Affirmative Action Plan. Supervisors are directly responsible for equal opportunity/affirmative action matters at the unit level. A copy of the University's Equal Opportunity/Affirmative Action Plan is available for review on the Human Resources website (<http://www.shepherd.edu/hr/hr-policies-and-procedures>). The Director of Human Resources also serves as the Director of Affirmative Action/Equal Opportunity.

### **Harassment Policies**

Shepherd University does not tolerate harassment in the work place, or of members of the University community, and wants to provide an environment free of any form of harassment. Harassment is defined as any form of conduct that would be offensive, intimidating, or threatening to the average person and is done on the basis of race, religion, gender, gender identity, age, sexual orientation, handicap, citizenship, familial status, or because of the recipient's relationship with person(s) of protected class status. Harassment may be of a sexual, racial, or more general nature. Harassment may also include bullying and cyber-stalking. Workplace bullying refers to repeated, unreasonable actions of individuals (or a group of employees), which is intended to intimidate and creates a risk to the health and safety of the employee(s). Cyber-stalking is the use of electronic means (such as the internet, smart phones, and other electronic devices) to stalk or harass an individual, a group of individuals, or an organization.

Employees or students who believe that they have been harassed in violation of this policy should take the steps that are outlined in the Racial Harassment Policy, Sexual Harassment Policy, or the General Harassment Policy. The EEO/AA Plan is available on the Human Resources website and in the Human Resources Office. The harassment policies outline formal and informal resolution steps. Individuals such as the Director of Human Resources, the Campus Ombudsperson, and the Director of Counseling are available to provide assistance. Any supervisor, agent or other employee who is found, after appropriate investigation, to have engaged in the harassment of another employee or student will be subject to appropriate sanctions depending on the circumstances, up to and including termination of employment.

## **Hazardous Materials**

Material Safety Data Sheets (MSDS) are to be maintained in the workplace for any hazardous material present. Supervisors of departments where chemical hazards are present are responsible for establishing and maintaining MSDS information in a readily accessible location within the department. Employees are encouraged to review those safety sheets. Employees who are concerned about materials which they believe may be hazardous, but which have not been identified as such, should consult with their supervisor before handling the material. If the concern is not satisfied, then the employee may contact Facilities Management or the Safety Coordinator for assistance (304-876-5236).

## **Hiring of Relatives**

Consistent with Shepherd University policy, employees may neither initiate nor participate in institutional personnel decisions involving a direct benefit to an immediate family member. Such decisions include, but are not limited to, hiring, supervision, retention, promotion, salary, and leave of absence. Family member is defined by one of the following: relationships by blood (parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin); or relationships by marriage (husband, wife, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece) or partner relationship (live-in boyfriend/girlfriend and their children).

Supervisors must be attentive to avoiding any conduct that would violate the Ethics rules on nepotism, including any instance of a relative working for a supervisor who reports under them. If a supervisor has an issue of possible nepotism, it is the supervisor's responsibility to review the matter with the Director of Human Resources.

## **Immigration Reform and Control Act of 1986**

The Immigration Reform and Control Act of 1986 requires all employees, as a condition of employment, to provide original documents which establish their identity and employment eligibility. The Human Resources Office must receive the employee's completed and signed Section 1 of the USCIS Employment Eligibility Verification Form (Form I-9) not later than the employee's first day of work. By no later than the employee's third day of work, the Human Resources staff must complete Section 2 of the Form I-9. Employees may not continue to work beyond the first day unless the Form I-9 is completed. Shepherd University retains copies of completed I-9 forms for a period of years as required by the Act.

## **Reduction in Force**

The termination of employment of any full-time regular employee requires the prior written approval of the University President; this includes any proposed reduction in force. In the event a full-time regular Classified position is eliminated because of lack of funds or work, the University will comply with the requirements of WV Code 18B-7-3. Supervisors are required to consult with the Director of Human Resources about proper layoff management prior to notification of layoff to any full-time regular Classified employee.

## **Smoking Policy**

Smoking of tobacco products and electronic cigarettes, except in designated areas, is prohibited in all buildings and facilities of Shepherd University. Smoking within 25 feet of building entrances is prohibited, as designated by signage. The use of tobacco products and electronic cigarettes also is prohibited in any motor vehicle owned, leased, or otherwise operated by the University. Cigarette ashes and cigarette remains should be placed only in designated receptacles. Tobacco products such as snuff and similar substances are prohibited in all buildings and institutional vehicles.

## **Solicitation**

Solicitation and selling of products and articles on Shepherd University property, owned or leased, is prohibited except by organizations and groups directly affiliated with and recognized by Shepherd, and authorized by written approval of the University President or the President's designee. The names of Shepherd University and the West Virginia Higher Education Policy Commission may not be used to secure funds for any purpose or through any means without the written permission of the University President or the President's designee. Employees may not participate in the solicitation of funds by sales or donation, stated or implied, using the name of the institution or their title without the written permission of the University President or the President's designee.

## **Telecommunications and Computing Resources**

All use of I.T. resources must be in compliance with the Acceptable Use policies, which are found on the I.T. Services website.

Incidental personal use of institutional computers and network systems for a non-institutional purpose is permitted in moderation during an employee's personal time. Incidental personal use is permissible as long as it:

- Is completed on personal time (i.e. lunch time, break);
- Does not consume more than trivial amount of systems resources;
- Does not interfere with worker productivity;
- Does not preempt business activity;
- Does not violate any State, department, or agency policy; and
- Is not used for illegal activities.

However, whether on University time or personal time, some personal uses of the computers and network systems are not permitted unless expressly authorized by the supervisor of the employee. Prohibited activities include and are not limited to:

- Downloads and/or streaming of entertainment media, including but not limited to television shows, movies, and other video transmissions which are not directly related to Shepherd University and/or the work of the employee;
- Downloading software or other copyrighted material in violation of the copyright;
- Any form of gambling;
- Playing of any games, unless actually related to the employee's job duties; and
- Unauthorized downloading of shareware programs, peer-to-peer software or files for use without the advanced authorization of the employees supervisor and I.T. Services, unless directly related to the employee's job duties

Egregious violations of these policies may be deemed to be gross misconduct.

## **University Property**

Shepherd University programs, personnel, time, titles, and property, including equipment, systems, vehicles, information, supplies, and office space are to be used in conducting authorized business of the University. Use of such property for personal benefit or gain may be grounds for disciplinary action.

Private information protected under policy or law, such as certain financial, personnel, patient, donor, or any student information, histories, and mailing lists, is to remain confidential. Such information may be disclosed, viewed, or copied only with proper authorization and must be disposed of in a manner that retains this confidentially. Willful disclosure, viewing, or copying of private information without the authorization from one's supervisor may result in disciplinary action and/or legal prosecution.

Employees are responsible for securing the University building, office, room, equipment, and other keys assigned to them for work-related reasons. Costs incurred by the institution as the result of unauthorized use or the misuse of University property, such as but not limited to personal telephone calls, will be recovered from the responsible employee. Personal calls must be limited at all times except for emergencies. An employee may not use institutional phones for personal long-distance calls unless he or she is charging them to his or her home telephone number or personal credit card or securing a personal access code whereby charges will be incurred directly to the employee.

The University disposes of large quantities of "trash" every day. Depending upon the position held, every staff member has varying levels of discretion in choosing to throw away University property that is not inventoried. However, no employee may take for personal use any University property. Employee retrieval of items from trashcans, dumpsters, etc., for personal use is permissible only if a supervisor with authority over the University property confirms in writing that the item has been "discarded" by the University. An employee is never authorized to take anything on the Shepherd campus for personal use on a basis of it "appearing" to be abandoned; this will be treated as theft. This includes items that had belonged to students or visitors to the campus.

# WORKPLACE STANDARDS

## **Dress and Grooming Codes**

All employees are to be suitably attired and groomed during work hours or when representing the interests of Shepherd University. Professional clothing must be worn at all times during the course of an employee's work. The supervisor will determine the appropriate dress and grooming codes for each department or work area, according to operational need. Supervisors who feel that a specific dress or grooming code is needed for a department should consult with the Director of Human Resources. Dress and grooming codes will be nondiscriminatory.

## **Employee Rights and Responsibilities**

Employees are required to provide a full day's work each day of the job; to behave in a civil, professional manner; to treat others with respect; to comply with state and federal laws and regulations related to individual rights, business operations and procedures, health and safety, and conflict of interest; and to comply with West Virginia Higher Education Policy Commission and Shepherd University regulations, rules, policies, and procedures. Employees are entitled to be treated with respect and dignity by supervisors and other employees, and they are entitled by statute and policy to file a grievance for work-related disputes, free from retaliation.

## **Management Rights and Responsibilities**

Managers and supervisors at Shepherd University should treat employees with respect and dignity. Likewise, they are entitled to be treated with respect and dignity by their colleagues and subordinates. Managers and supervisors are responsible for compliance with University policies and procedures and for communicating and applying operational based directives. Managers and supervisors also are responsible for carrying out administrative directions and decisions.

Management/supervisory rights and responsibilities include, but are not limited to, such things as: Determining the work force direction and objectives; determining the number and type of positions required, changed or consolidated; establishing standards of performance and conduct; determining the people to be hired; conducting employee evaluations; determining disciplinary action; scheduling of the work force, including determination of the number of shifts to be worked, and the scheduling and amount of overtime to be worked; determining when reductions in workforce are required, including hour reductions and layoffs; determining when recalls are required; establishing a safe work environment; providing the materials and equipment to do the work required; and ensuring adherence to applicable laws and policies.



# CLOSINGS

## **Cancellation Policy**

Employees encountering severe travel conditions that prevent their attendance at work should notify their supervisors of their absence and discuss work conditions, leave time, and special needs.

All employees designated as emergency personnel (via written notification from their supervisors) will be required to report at their regular work times regardless of weather conditions, unless otherwise directed by their unit supervisors.

Should an extreme weather emergency or power or water failure warrant the closing of offices and/or cancelling or altering the schedule of classes by the University President, then public notification will be made via Shepherd's website, switchboard, Rave text-messaging system and area media.

## **Inclement Weather**

Absences from work due to weather conditions other than during a declared weather emergency must be charged against accumulated annual leave, or else the employee must be removed from the payroll. Sick leave may not be charged for absence due to weather. Time lost from work may be made up in the same work week at the discretion of the employee's supervisor.

## **Declared Emergency**

At the discretion of the University President or the President's designee, in consultation with local or state public safety officials, University operations may be shut down in total or in part because of any circumstance which threatens the health or safety of employees and/or students, such as extreme inclement weather and facility shutdowns. The University President or the President's designee will later declare when emergency conditions no longer exist.

Full-time regular Classified and Non-Classified employees are eligible for regular pay for work time lost because of a declared emergency, providing that they are scheduled to work on the day the declared emergency occurs. Work time lost will be considered regular work time for pay purposes and will not require time charged to accrued leave nor will there be a requirement that the time be made up. This situation does not create a paid holiday, however, and staff members who were not scheduled to work during the emergency closure period will not be compensated for such time.

When operational needs require a non-exempt, regular Classified or Non-Classified employee to work during a University declared emergency period, in addition to regular pay the employee will receive compensation in either Compensatory Time Off (comp time) or pay at the rate of time and one-half for the actual hours worked during the University-declared emergency period. Exempt employees who work during a declared emergency period receive comp time on an hour-for-hour basis.

# HOLIDAYS

Guidelines for University observed holidays are provided in Shepherd University Board of Governors Policy 8. Established holidays are intended to grant full-time regular staff the benefit of one work day of paid time off.

There are 13 paid holidays each fiscal year, including statewide primary and general election days, plus two additional half-holidays when Christmas and New Year's Day fall on Tuesday through Friday. Half-holidays shall be counted as half-days in computing the total number of holidays (3 hours 45 minutes). Holidays include: Independence Day, Labor Day, Thanksgiving Day and the following day, Christmas Day, New Year's Day, and Dr. Martin Luther King's Birthday. The remaining holidays are designated at the discretion of the University President each year.

Proclamations of a legal holiday by the President of the United States, governor, or any other authority are generally recognized at Shepherd University. If a specified holiday falls on either a Saturday or a Sunday then either the preceding Friday or the following Monday will be observed as the legal holiday, as designated by the University President. Any specific adjustment regarding a day of observation will be announced by the Office of the President or designated authority.

## **Holiday Pay**

One holiday equals no more than 7.5 hours, regardless of the employee's normal work schedule (for example, if the employee normally works 9.5 hour days). Employees whose normal work schedule is less than 7.5 hours a day will be paid for holidays at the number of hours normally worked per day.

It is the policy of Shepherd University that paid holidays are a benefit provided to active, continuing employees. This includes not only the days designated on the formal list of annual holidays, but also any days or portions of days added to the holiday schedule after the fiscal year has begun. (The occasional circumstances of all or part of a scheduled business day which is cancelled due to inclement weather or other emergency condition is not included in this policy.)

To that end, in order to be eligible for a paid holiday, generally an employee must be active on the payroll (i.e., either at work or on paid leave) on the day before and the day after a holiday(s). If the employee does not work a traditional Monday-Friday work week, this applies to the last preceding day that the employee would have worked, and the following day after the holiday(s) which would be worked. For an employee to be paid for a cancelled business day due to inclement weather or other declared emergency, it is not required that the employee be active on the payroll on the day before and the day after the cancelled day.

In the interest of equity, a limited number of exceptions will be made to this generally applicable rule. The University's grant of an exception will be limited to employees who are not "at fault" in excessive or imprudent consumption of accrued leave prior to the holiday. (Brand new staff members who have not yet accumulated leave, or staff who have suffered recent, documented catastrophic illness depleting all leave, are examples of these limited circumstances.)

If an employee may lose holiday pay due to the University's holiday pay rule described in this section of the *Staff Handbook*, the supervisor must always consult with the Director of Human Resources about the circumstances and possible equitable exceptions. The decision to grant exceptions is made by the Human Resources Office, not by individual supervisors.

### **Holiday Time Off**

When a full-time or part-time Classified *non-exempt* employee is required to work on any designated board or institution holiday, that employee at his or her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half times the number of hours actually worked. The time must be used within a six-month period following the holiday.

When a Classified or Non-Classified *exempt* employee is required to work on any designated institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis. The time must be used within a six-month period following the holiday.

Please Note: This is different from comp time earned by working overtime; in those cases employees have up to one year to use the comp time.

If a recognized University holiday occurs on a day on which an eligible employee is not regularly scheduled to work, then the employee must be given another opportunity, within that same pay period (the same work week, if at all possible), to enjoy the benefit of a paid holiday away from work.

# BENEFITS

## **Employee Benefits Plan**

Shepherd University provides benefits-eligible employees an opportunity to participate in a comprehensive package of benefits, including health, life, disability, retirement, dental, vision, and medical spending accounts. Employees will learn more about each of these plans from the Human Resources staff. All plans, programs, benefits, services, and other provisions are subject to review and change.

## **Health Insurance**

West Virginia Public Employees Insurance Agency (PEIA) offers hospital, surgical, major medical, prescription, and other medical care coverage. Employees pay a portion of the premium cost.

New employees should enroll in benefits programs as soon as possible after they are hired into a benefits-eligible position. Insurance coverage will take effect the first of the month following enrollment in the programs. Premiums for the health and life plans are pre-tax, meaning that no federal or West Virginia state tax or Social Security are deducted from the premiums, under Section 125 of the IRS Code.

Guidelines allow existing employees to enroll or change coverage during the open enrollment period each year, which typically occurs in April. If a family status change occurs, employees should read the PEIA Summary Plan Description and contact the Human Resources staff to work through the insurance plan change. Except in the cases of status change qualifying events, employees may make changes only during the open enrollment period.

## **Mountaineer Flexible Benefits Plan**

Various benefit plans are available on a pre-tax basis, including dental and vision insurance. These plans are administered through FBMC.

## **Life Insurance**

The basic, no-cost life plan is a \$10,000 term life insurance with an accidental death and dismemberment benefit. Employees who do not need coverage under the health plan may elect life insurance only. Additional optional life insurance and dependent life insurance may be purchased by employees for a monthly premium.

## **Long-Term Disability Insurance**

Employees may enroll in one of three different Long Term Disability (LTD) insurance plan options through the Standard Insurance Company. The Mountaineer Flexible Benefits Plan provider offers two of these plans - Plan 1 (50% coverage level) and Plan 2 (70% coverage level). The third LTD plan option is a 60% income replacement benefit offered by the Standard Insurance Company through Shepherd University rather than through the Mountaineer Flexible Benefits Plan. Premiums for all three LTD plans are based on an employee's age and monthly salary. Benefits are payable according to a maximum benefit period as detailed in the plan documents.

## **Retirement Programs**

Participation by benefits-eligible employees in a tax-sheltered retirement program is required by West Virginia State law. Employees must contribute six percent of their gross pay to either Empower Retirement (formerly Great West) or Teachers Insurance and Annuity Association (TIAA). TIAA is the default company if the employee does not designate a retirement program. Shepherd University matches the employee's six percent contribution. Vesting is immediate.

Retirement income is based on the employee's age at retirement, the amount of dollars accumulated, and the income option chosen. For additional information about retirement programs, please go to the Human Resources website (<http://www.shepherd.edu/hr/retirement>).

## **403(b) Supplemental Retirement Plans & 457 (b) Deferred Compensation Plans**

In addition to the basic retirement plan, all Shepherd University full-time and part-time employees have the option of tax sheltering additional money through a 403(b) Supplemental Retirement Account or 457(b) Deferred Compensation Plan. Supplemental Retirement Accounts and Deferred Compensation Plans are available through TIAA and Empower Retirement (formerly Great West).

## **Employee Tuition Waiver Program**

Full-time faculty and staff may apply for a Shepherd University tuition waiver of up to six credit hours. An employee must have completed at least six calendar months of full-time work prior to the beginning of the semester in which he or she is taking classes in order to be eligible for an employee tuition waiver. Forms are available from the Registrar's Office.

## **Spouse or Dependent Tuition Waiver Program**

Full-time faculty and staff may apply for a Shepherd University tuition waiver for a spouse or eligible dependent. The employee must have completed at least six calendar months of full-time work prior to the beginning of the semester for which the waiver is requested. For more information, go to the Human Resources website (<http://www.shepherd.edu/hr/employee-benefits>).

## **COBRA**

On April 7, 1987, federal law adopted the Consolidated Omnibus Budget Act (COBRA). COBRA mandates employers to offer continuation of group health insurance to certain employees who lose coverage. In the case of employee terminations, the law requires the employer to notify the plan administrator within 30 days after the employee's termination of employment. The Public Employees Insurance Agency (PEIA), not Shepherd University, will notify terminating employees of his or her COBRA rights. The University is required to report to PEIA every PEIA participant who leaves Shepherd University or becomes ineligible for benefits. Any employee on a nine-month contract who terminates in May, June, or July, regardless if benefits are escrowed, will generally be covered by insurance only to the end of the month in which regular wages are received.

# PAYROLL

## **Paychecks**

Employees are paid on a bi-weekly cycle, every other Friday. The University is required by law to make deductions from paychecks for federal and state income taxes, Social Security, and, for full-time employees, retirement contributions. Employees should immediately notify their supervisors or the Payroll Office if they believe there is a problem with their paycheck.

## **Direct Deposit of Checks**

All employees are required by the West Virginia State Auditor to have their paychecks deposited directly into their bank accounts or else they will be paid through a Visa pay card. Direct Deposit applications are available on the State Auditor's website. The state no longer issues paper notices of deposit. Employees can view notices of deposit online at <http://www.wvsao.gov/>, by clicking on the MyApps link. The creation of an online account for this system is required. Instructions can be found on the Human Resources website.

## **Annual Experience Increment**

All full-time regular employees are eligible for Annual Experience Increment (AEI) pay based on their length of service. Employees who have three or more years of qualifying service as of June 30th will receive AEI in recognition of their past service as a State employee. The AEI is \$60 for each full year of qualifying service as approved by the West Virginia State Budget Office. Typically, the increment is paid in a lump sum at the end of July.

## **Time Keeping**

Non-exempt employees record their hourly time through Kronos, which is part of the State's wvOASIS system. Supervisors are required to approve employees' time cards each pay period.

If non-exempt employees have secondary jobs, then they must complete paper timesheets for that work. Paper timesheets must be submitted to the Payroll Office by noon each Monday. Paper timesheets are generally used only in instances of an employee who holds more than one distinct job.

## **Social Security**

All employees except student employees must contribute to Social Security. The employees' contributions are matched by Shepherd University.

## **W-2 Forms**

Paper W-2 forms are available in the Payroll Office no later than the end of January. Electronic W-2 forms are available on the State Auditor's website (<http://www.wvsao.gov/>). Once logged onto the State Auditor's website, click on MyApps.

## GRIEVANCE PROCEDURE

The statutory grievance procedure is available to all state employees for resolution of most work-related concerns. Exceptions include pension or other retirement system issues, insurance issues, or matters not within the vested authority of the employer. Grievances are filed with the Office of the President and must also be sent by the grievant to the Grievance Board in Charleston. Grievances must be filed within 15 days of the aggrieved incident. For additional information refer to WV Code Chapter 29, Article 6A, contact the Human Resources Office, or go to the Grievance Board's website (<http://www.pegb.wv.gov>).

Under all procedures, the employee or the employee's designated representative has the responsibility to clearly indicate that a grievance is being filed, provide an explanation of the issue including the specific policy violation, and describe the specific remedy sought for resolution of the issue.

# PERFORMANCE MANAGEMENT

## **Performance Appraisals**

Staff members will have their job performance evaluated by their supervisors during their probationary period and then at least once a year on an ongoing basis. Supervisors are responsible for evaluating all full-time and part-time Classified and Non-Classified employees who report to them. Evaluations are required when employees have been in their positions for three months and six months and then annually thereafter, prior to June 30th.

The discussion that the supervisor has with the employee during the evaluation process should be used to clarify expectations, provide counseling as to how the employee's job performance can be improved, encourage open communication between the supervisor and employee, set goals, and plan for the employee's development. The performance appraisal results will be used as a factor to be considered in employee transfer, promotion, retention, and demotion determinations and, for Non-Classified employees, will be used to determine in part the employee's salary increase.

Performance evaluations will be accomplished through the online HR system. Instructions for the performance evaluation module of that system are included on the Human Resources website. Submitting evaluations to employees through the HR system is not a substitute for in-person conversations about employees' performance.

Training on how to conduct performance evaluations is provided by the Human Resources staff. Additional training is available through Shepherd University's BLR.com subscription. For more information, please go to (<http://www.shepherd.edu/hr/training-and-development/>).

The evaluation process for faculty members is outlined in the *Faculty Handbook*.

## **Probationary Period**

A six-month probation and evaluation period is provided for new Classified employees or those Classified employees who have been transferred or promoted within the institution. If one does not meet the standards of performance that have been previously discussed with the supervisor, the probationary period, at the discretion of the University President, may be extended to a maximum of 12 months. The supervisor must request this extension from the Office of the President. To request an extension of the probationary period, a supervisor must identify specific deficiencies and include a planned corrective program, outlining goals and objectives within a specific time frame for achieving the desired performance. The employee will be notified of the extension and the deficiencies and improvements required.

If the initial probationary period is extended, the supervisor should develop an appropriate improvement plan and continue to do probationary performance appraisals every three months. During the initial or extended probationary period, employees may not apply for a transfer or promotion at Shepherd without written authorization from their immediate supervisor, and they are ineligible for the tuition waiver program. A Classified employee may be separated during the



initial or extended probationary period if he or she fails to meet established position expectations. During this time period, termination of a newly hired employee may occur following one written warning for misconduct or performance issues. Transferred, promoted, or demoted employees in a probationary period may be terminated for misconduct issues or performance issues following two written warnings. Classified employees will be evaluated at the end of three months and then, at the end of the six-month probationary period, they will be considered regular Classified employees.

Non-Classified employees and campus police officers serve at the “will and pleasure” of the University President and the aspects of probation and/or progressive discipline do not apply to the terms of their employment.

# DISCIPLINARY ACTION

Each employee must maintain standards of performance and conduct as outlined by the immediate supervisor, the department in which the employee works, and institutional policy, and must comply with all applicable policies, procedures, and laws. When a Classified employee does not maintain the appropriate standards of performance or conduct, disciplinary action, including but not limited to, demotion, suspension, transfer, or dismissal may be taken. The supervisor will provide the employee notice of the unacceptable performance, an explanation of the supervisor's concerns, and an opportunity for the employee to provide an explanation for the behavior in question. Notice and an opportunity to explain should usually precede major disciplinary actions such as suspension or dismissal.

Depending upon the actual and potential consequences of the offense, employee misconduct may be considered minor misconduct or gross misconduct. Minor misconduct is that which is generally deemed by the supervisor as correctable by counseling and/or instruction through progressive discipline. Gross misconduct is of substantial actual and/or potential consequence to operations or persons, typically involving flagrant or willful violation of policy, law, or standards of performance or conduct. Gross misconduct may result in any level of discipline up to and including immediate dismissal at the University President's discretion.

Progressive discipline requires notice of concern and expectations to the employee through counseling and written warning(s), with potential suspension, demotion, transfer, and termination. The Director of Human Resources should be involved in and knowledgeable about the situation before the institution issues any form of discipline beyond counseling.

Campus police officers and all Non-Classified staff are not covered by the progressive disciplinary policy because they are "at will" employees. Additional information regarding disciplinary action may be obtained by contacting the Human Resources Office.

## **Guidelines for Written Warnings**

Supervisors generally should follow these guidelines when doing written warnings.

- **State the reason(s) for the discipline**, such as unsatisfactory performance, failure to maintain regular and satisfactory attendance, inappropriate conduct, etc. and quote the rule(s) of conduct violated. For example: "You are being issued this written warning for tardiness. This is in violation of *The Staff Handbook*, which states, 'Employees are expected to be punctual and functioning in their positions consistent with their scheduled work hours.'"
- **State the facts**, giving specific examples, listing witnesses, dates, etc., that verify the substandard performance/behavior. Explain the impact that this has had on operations. For example: "You are receiving this written warning because you have failed to follow the department call-in procedures on two occasions in the last month on [dates]. You also had unexcused absences on [dates]. As a result of your conduct, there was insufficient staffing and our service to the University community did not meet the desired standard."

- **Describe any previous discussions or corrective actions** such as verbal warnings, coaching, counseling, etc., that are relevant to the current problem or similar in nature to the current problem. For example: "On [date], you received a verbal warning regarding your attendance."
- **Describe future consequences** if similar behavior continues. For example: "Further instances of unscheduled absences will result in additional disciplinary action, up to and including a possible recommendation for the termination of your employment."
- **Include signature line** for employee to show that he or she has received the letter. State clearly that the employee's signature does not imply agreement with the letter but simply acknowledges receipt of it. If the employee refuses to sign the document, that should be noted.

# SEPARATION FROM EMPLOYMENT

## **Voluntary Termination**

Employees who intend to resign from their positions are expected to give their supervisors at least two weeks advanced written notice. In order for an employee to leave with a record in good standing with Shepherd University he or she must: (1) provide advance notice of his or her resignation, (2) return all University property such as keys, equipment, IDs, uniforms, documents, etc., and (3) settle any monetary or other obligations with the University. An employee is expected to work throughout the two-week notice, unless waived by the immediate supervisor. Employees who do not leave Shepherd with a record in good standing may be ineligible for reemployment with the University.

## **Dismissal for Cause**

When it is determined by the supervisor that an employee is not meeting performance or conduct standards or fails to comply with legal or policy requirements, termination for cause may occur consistent with the disciplinary procedures.

## **Dismissal for Non-Work-Related Conduct**

In limited instances, an employee's personal conduct not related to Shepherd University employment may be so egregious as to disqualify the employee from further employment by the University.

## **Automatic Termination**

Absence from work for three consecutive work days without prior notice, explanation, and/or authorization shall be deemed gross misconduct and neglect of duty, and the employee's University employment will be terminated.

## **Separation from University Employment Due to Inability to Perform Essential Duties**

Whenever it is determined that an employee can no longer perform the essential duties of the position, separation from employment may result. If the performance problem arises from medical, psychological, or psychiatric conditions and reasonable accommodations cannot be made, separation from employment may result. The employee should investigate the possibility of requesting an unpaid leave of absence or asking what benefit entitlements are applicable. Existing laws and policies will guide the University in protecting the employment and retention rights of disabled employees who are considered otherwise qualified within the meaning of such laws.

## **Unemployment Compensation**

Wages at Shepherd University are reported quarterly to Workforce West Virginia. For more information about this program, contact the local Workforce West Virginia Career Center in Martinsburg at 304-267-0065.

# ON-THE-JOB INJURIES

## **Reporting On-the-Job Injuries**

On-the-job injuries must be reported to an employee's supervisor as soon as possible, and no later than 24 hours after they occur, regardless of whether medical treatment is sought or whether they result in a Workers' Compensation claim.

In addition to on-the-job injuries, all accidents must be reported, regardless of whether they result in a Workers' Compensation claim.

Special rules apply to leave caused by Workers' Compensation claims. For further information, employees should contact the Human Resources Office. The Accident/Incident Report Form is available on Shepherd University's website (<http://www.shepherd.edu/wordpress-1/wp-content/uploads/2015/06/AccidentIncidentReport.pdf>). When in doubt, an Accident/Incident Report Form should be completed.

## **Accidents/Incidents**

An accident or incident is an event that results in personal injury or property damage, at any on-campus activity or approved off-campus activity which is inclusive of administrators, faculty, staff, students and visitors. Accidents causing personal injury which is significant enough that it requires wound management or pain medication should be reported, as well as any time an ambulance or other medical provider is called or used. Incidents are generally defined as those events which cause damage to people or property, and those also must be reported.

If an accident or incident occurs, it is the responsibility of the senior staff person most immediately involved to fill out an Accident/Incident Report form and to assure its distribution. This can be accomplished online at (<http://www.shepherd.edu/wordpress-1/wp-content/uploads/2015/06/AccidentIncidentReport.pdf>). Every employee who is personally involved in an accident/incident has a responsibility to report the incident to their supervisor and to either complete a report or confirm that the report is completed on their behalf. Every person with any level of administrative responsibility is required to confirm that a report is timely completed for any accident/incident known to them.

- In the event of an injury, immediate medical attention should be sought.
- Call 911 for serious injuries when the injured cannot make a decision as to treatment options, is unconscious, entrapped, or needs physical assistance.
- Whether to call an ambulance should always be the decision of the injured unless they are unable to do so. University employees are not to act or function as an ambulance service.
- Treatment of the injured should be attempted only by those trained in medical procedures.
- Injured persons may elect to seek their own treatment or none at all.
- For accidents involving exposure to chemical substances a Material Safety Data Sheet should be obtained to assist with treatment options. These sheets are available in departments where substances are used, from the Facilities Management Department, or by calling 1-800-451-8346.

The Human Resources staff, General Counsel, Vice President for Student Affairs, or their designee, will contact the family of the injured as appropriate.

### **Hazards**

A hazard is an observable situation that could result in injury, property damage, and risk exposure to the university or to an individual if it is not addressed. The Hazard Report form ([http://www.shepherd.edu/wordpress-1/wp-content/uploads/2015/07/hazard\\_report.pdf](http://www.shepherd.edu/wordpress-1/wp-content/uploads/2015/07/hazard_report.pdf)) should be used to report conditions that could result in injury to individuals or may need to be addressed to limit liability exposure to the University. Examples include slip, trip and fall hazards, potential chemical spills, or the improper storage of hazardous substances. This form will be used to document the reported hazard and record investigation and abatement activity and for applicable reporting. Employees completing this form may send it to their immediate supervisor, the Safety Committee, Facilities Management, or other administrators.

### **Workers' Compensation**

Shepherd University employees are protected against job-related injuries by the BrickStreet Insurance Company which administers Workers' Compensation in West Virginia, and to which Shepherd University pays premiums for all employees. Employees injured on the job must report the injury to their supervisor within 24 hours. All accidents must be reported on a Shepherd University Accident Report Form. The employee should secure a BI-1 Form from the medical provider which should be submitted to BrickStreet Insurance Company. The time limit for filing a Workers' Comp Claim for job-related injury or illness was reduced from two years to six months effective February 10, 1955. Occupational Safety and Health Administration (OSHA) regulations require that each department report any occupational injury or illness by submitting an incident report to the Human Resources Office within three days of the incident. This information is then entered into the University's log of occupational injuries and illnesses.

On-the-job injuries or occupational illnesses that involve no more than three days of disability leave or absence from work will not be charged against the employee's accumulated sick leave. If on-the-job injuries or illnesses require a medical leave beyond the three-day period, the employee must choose either of the following options: (1) Receive earned and accumulated sick and annual leave benefits until they are exhausted and forfeit any benefits determined to be due under the West Virginia Workers' Compensation Laws; or (2) Request leave of absence without pay, reserving for future use any earned and accumulated sick and annual leave, and receive only Workers' Compensation benefits for which he or she is determined eligible. It is never appropriate for an employee to receive both University pay and Workers' Compensation pay for the same work day.

It is very important that supervisors ensure that all accidents are appropriately and promptly reported, including completion of the official Accident/Incident Report Form.

Supervisors must call the Human Resources Office as soon as they learn of an accident requiring medical treatment – without waiting for the Accident/Incident Report Form to be completed. This will ensure that Human Resources can notify BrickStreet in a timely way.

# STAFF DEVELOPMENT AND TRAINING

## **Business and Legal Reports (BLR.com)**

Shepherd subscribes to Business and Legal Reports (BLR.com), a service that offers training programs on safety issues and general human resources issues for faculty and staff. Training modules can be delivered via Desktop Tutorials or PowerPoint Presentations. More information can be found at (<http://www.shepherd.edu/hr/training-and-development/>). Supervisors are encouraged to utilize BLR training for themselves and their employees. Examples of training topics available through BLR include, but are not limited to:

### **Safety**

- Back Safety
- Bloodborne Pathogens
- Ergonomics
- Fire Safety
- First Aid
- Hand and Power Tools
- Noise/Hearing Protection

### **Human Resources**

- Customer Service
- Diversity
- FMLA
- Hiring and Interviewing
- Performance Evaluation
- Sexual Harassment
- Supervisory & Management Skills
- Health Issues
- Drugs and Alcohol
- Workplace Violence

## **Educational Activities**

Employees are encouraged to utilize University educational opportunities for career development and self-improvement. An employee, at the discretion of his or her immediate supervisor, based on operational need, may receive time off during scheduled work hours for the purpose of attending educational activities. Work release time and reimbursement of expenses are subject to the prior approval of the employee's executive officer or director. Occasional in-service training may be required as a term of employment. Supervisors have discretion over requiring employees to attend specified training activities.

## **Staff Development Committee**

The Classified Employees Council (CEC) has created a Staff Development Committee (SDC) to oversee the funds provided to Classified staff for training and development. Requests for Classified staff development funds should go to the chair of the SDC. The application form can be found at (<http://www.shepherd.edu/hr/Classified-staff-development-funds/>). The SDC, CEC, or the Human Resources Office can provide information regarding staff development.

## **University Classes**

Full-time regular employees are eligible for time off or adjusted work schedule to attend classes. Eligible employees may be allowed released time off during work hours to attend up to one, three-hour credit, undergraduate or graduate level class, provided the absence will not unduly interfere with the unit's operation and is approved by the organizational unit administrator. The time for this one three-hour credit class does not need to be made up. If more than one approved class is taken during the work day, time away from work for the additional classes must be made up during the same week. An adjusted schedule may also be approved for the semester. During emergencies, the employee must work as assigned by the supervisor even if release time had been previously granted.

An employee must have completed at least six calendar months of full-time work prior to the beginning of the semester in which he or she is taking classes in order to be granted educational release time. Classified employees must have completed their probationary period.

Full-time faculty and staff may apply for a Shepherd University tuition waiver of up to 6 credit hours per semester. In order to be eligible for tuition waivers, the employees must have been employed full-time for at least six calendar months. In order for employees to remain eligible to receive employee tuition waivers, Satisfactory Academic Progress is required, as defined by Federal Financial Aid regulations. Waivers from Blue Ridge Community and Technical College may also be available. The Registrar processes tuition waivers, and questions about the employee tuition waiver program may be directed to the Registrar's Office. For more information, go to (<http://www.shepherd.edu/hr/tuition-waivers/>).

Before the semester in which classes are to be taken, the employee is required to provide his or her supervisor a written request for release time. The supervisor will then approve or disapprove the release and provide the employee with a written statement of the decision.

## **New Employee Orientation**

During the first days of employment, the orientation process will begin. Supervisors will provide employees with an introduction to policies, procedures, programs, performance, and expectations of the position. The supervisor is the primary authority and best source for specific information regarding position responsibilities and performance expectations. The supervisor is the first person to contact concerning any questions, problems, or complaints pertaining to duties and responsibilities or workplace conditions.

Additionally, a new employee orientation program will be offered periodically by the Human Resources Office for full-time and part-time Classified and Non-Classified staff. This program will familiarize Classified and Non-Classified employees with the University history, mission, and values, as well as helpful resources. Supervisors should do all they can to ensure that their employees are able to attend the new employee orientation program when they have been invited to do so.



## **ADDITIONAL PROGRAMS AND PRIVILEGES**

### **Arts and Cultural Events**

Reduced admission rates are offered to employees for many campus events. Examples of such activities include student musical and theatrical performances and events sponsored by Two Rivers Orchestra, Friends of Music, Performing Arts Series at Shepherd (PASS), and the Contemporary American Theater Festival (CATF).

### **Athletic Events**

Full-time and part-time employees have free access to Shepherd University athletic events for themselves and one guest. The employee must show his or her Rambler Card to gain this access.

### **Bookstore**

The Shepherd University Bookstore offers a complete line of trade books, textbooks, school supplies, office supplies, clothing, imprinted items, and miscellaneous items and sundries. Faculty and staff are eligible for an employee discount at the Bookstore when they present their Rambler Card.

### **Library Privileges**

Employees may use library facilities, collections, and information services. Contact the Scarborough Library for information about accessing these services.

### **Parking**

For current information on parking rates and locations, please go to [www.shepherd.edu/police](http://www.shepherd.edu/police) or contact the Shepherd University Police Department at x5374. All employees are expected to have a valid parking permit on their vehicles each year and may not park on campus without one. Employees who usually work during evenings or weekends still are obligated to fully comply with all parking regulations.

### **Wellness Center**

The Shepherd University Wellness Center is a state-of-the-art facility which includes a swimming pool, exercise equipment, and a running/walking track. Employee discounts are available for Wellness Center memberships.

### **Other Special Employee Benefits and Discounts**

For information about other special employee benefits and discounts, go to [\(http://www.shepherd.edu/hr/special-employee-benefits-and-discounts/\)](http://www.shepherd.edu/hr/special-employee-benefits-and-discounts/).

# SUPPORT/RESOURCES

## **Employee Assistance Program**

Shepherd University offers an Employee Assistance Program (EAP) through Behavioral Health Services of the Shenandoah Valley Medical System in Martinsburg. The EAP provides a wide range of counseling services in a confidential setting. The University pays for the initial two visits with the employee responsible for the costs of any subsequent visit. These costs often are covered by medical insurance. To use this service, employees may contact Behavioral Health Services directly at 304-263-7023. There are no reports given to Shepherd University officials which reveal the names of employees who utilize this service. The relationship is between the employee and the counseling service.

## **Campus Ombudsperson**

Shepherd University has a Campus Ombudsperson whose responsibility it is to receive and investigate complaints and to serve as an independent and impartial arbiter in recommending what may be done to satisfy the complainant or in explaining why no action is necessary. As of the publication date of this *Staff Handbook*, Karen Green, Associate Professor of Social Work, currently serves in that role. Professor Green can be reached at x5458 or [kgreen@shepherd.edu](mailto:kgreen@shepherd.edu). Her office is in White Hall.

## **Human Resources Staff**

The Human Resources staff is available to assist employees with various issues such as benefits, leave, Student Employment, Workers' Compensation, on-the-job injuries, and other employment related matters. The Human Resources Office is located at 120 North Queen Street.

## **Classified Employee Council**

The Classified Employees Council (CEC) is an advisory council to the President of the University and a means for all Classified employees to express their opinions about job conditions, fringe benefits, employee-employer relations, or other areas that affect their jobs. The CEC is composed of elected members from the six major occupational categories as well as the Classified employee representative to the Shepherd University Board of Governors and the Classified employee representative to the Advisory Council of Classified Employees.

## **Additional Information Sources**

- Human Resources Office website (<http://www.shepherd.edu/hr>)
- Student Employment (<http://www.shepherd.edu/studentemployment/>)
- Faculty Search Manual (<http://www.shepherd.edu/wordpress-1/wp-content/uploads/2015/03/faculty-search-manual.pdf>)
- Staff Search Manual (<http://www.shepherd.edu/wordpress-1/wp-content/uploads/2015/03/staff-search-manual.pdf>)
- University Holiday List (<http://www.shepherd.edu/hr/holidays/>)
- Address Change Procedures (<http://www.shepherd.edu/hr/how-to-change-your-address/>)

# MISCELLANEOUS EMPLOYMENT RELATED ISSUES

## **Identification Cards**

A Rambler Card is issued by the Rambler Card Office to each full-time and part-time regular employee as a form of identification. Employees may be required to present their identification cards when a reduced rate option on events is offered, or when accessing University owned facilities and services. For information, contact the Rambler Card Office at extension 5219. The office is located in the Bookstore.

## **Medical Examination During Employment**

Under certain conditions such as health and safety concerns, requirements of Federal or State law, or for independent medical leave verification, Shepherd University may require employees to undergo one or more independent medical examinations. Such examinations will be performed at the University's expense. The result of medical examinations and any associated reports will be shared with the employee and may serve as a basis for making administrative decisions related to job retention, reassignment efforts, reasonable accommodations, job separation, and other personnel matters related to the affected employee(s). Any supervisor who wishes to require such an examination can do so only after approval of the Director of Human Resources in the context of the particular situation.

## **Official Communications with Employees**

Every employee has a responsibility to maintain a record of the current mailing address with the Office of Human Resources. Every employee is issued a Shepherd University email account, and must regularly monitor their University email account for official communications. Some important University communications are sent only via email. Every employee shall be deemed to have constructive notice of communications from the University transmitted either by email or to their mailing address of record.

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