CHAPTER VIII
UNIVERSITY EMPLOYMENT

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Initial Employment

8.00 Employee Handbook Policy

The Human Resources Office shall publish and regularly update an Employee Handbook, to set forth guidelines on the policies, procedures, and practices governing employment at Lincoln University. The university reserves the right to change, modify, or eliminate any policy or procedure in the handbook, following due process for such changes.

The Employee Handbook shall not be viewed as a contract of employment or a legal document.

8.01 University Hiring Policy

All full- and part-time regular faculty and staff positions are covered by the university's hiring policy. When a unit has a position vacancy, the unit head must initiate a Position Control Requisition (PCR), a job analysis questionnaire, and/or a job description. These forms must receive the necessary administrative approval culminating in the president's authorization to hire into the vacant position. A search and screening committee, with a designated chairperson, will be responsible for facilitating the recruitment, applicant screening and interviewing process. The committee should reflect the diversity of the university workforce to the extent possible.

<u>Recruitment Process</u>
The position vacancy is posted and advertised based on the selection committee's request through Human Resources. All job vacancies are posted internally on the Human Resources Bulletin Board and the Lincoln University Web site for a minimum period of seven business days. The search and screening committee may externally advertise in other publications as requested, at the expense of the unit with the open position. The employment advertisement should state the position title, duties and qualifications of the position along with required information to be submitted and a closing date. In fulfilling the responsibilities of recruitment, efforts must be made to actively seek out and identify qualified women and minorities and applicants with disabilities, informing them of vacancies and encouraging them to apply for available positions. The university also

actively seeks to promote from within the institution when an employee has the necessary qualifications.

Applicants' social security numbers may be required or requested as part of the application process. When the social security number is required or requested, a disclosure statement will be provided in compliance with the Federal Privacy Act of 1974, the Family Education Rights and Privacy Act (FERPA), and other applicable federal and state laws. (See Chapter I section 1.23: Social Security Number Policy.)

Applicant Screening Process

The minimum required information from applicants for all position advertisements is the employment application. All employment applications and support documents must be submitted to Human Resources. Applicant-supplied information should comply with the requested information as found in the employment advertisement.

The search and screening committee will be responsible for retrieval of the applicant information from Human Resources and for conducting the applicant screening process. The committee chair will send an EEO survey card to all applicants to acknowledge receipt of the employment application. The card allows an applicant to voluntarily identify if he/she falls into any EEO reporting categories. The committee's objective is to ensure that Lincoln University hires the best qualified and most suitable candidate for each job without regard to race, sex, national origin, religion, age or disability condition. It is also the committee's responsibility to develop formal and consistent criteria for evaluating each applicant's credentials in relation to the specific qualifications and job responsibilities included in the vacancy announcement/job description.

Interview Process

The search and screening committee members must be familiar with what constitutes illegal and perceived discriminatory questions. Interview questions should focus on the applicant's ability and knowledge to perform the essential functions of the job; questions must be consistent with all applicants. Telephone screening interviews are optional and should, when possible, be followed by in-person interviews. The committee will develop a weighted rating system and a written evaluation format to be utilized with each candidate, as a fair method of determining the preferred candidate for recommendation. The committee will perform a job reference check on all candidates interviewed and considered for recommendation.

Recommending Hire

When a candidate has been determined, the committee chairperson will prepare a written recommendation along with an Applicant Log and an Interview Log, to be sent through the various levels (i.e., supervisor, vice president) and ultimately to the president, who is the ultimate hiring authority. Upon presidential approval, the committee chairperson is authorized to make an employment offer to the selected candidate. If the candidate accepts the offer, an official written notification, with the president's signature, is sent to the candidate through Human Resources.

As the final responsibility in the hiring process, the committee chairperson will send a letter to all other candidates informing them that the position has been filled. The chairperson will send copies of these letters, along with the completed selection and hiring packet, to Human Resources. Employment is not finalized until it is approved by the president.

Other guidelines for advertising and filling vacant positions are available in Human Resources.

8.01.1 Administrative Positions

In addition to the process outlined above, applicants for administrative positions are required to submit a résumé, official transcripts, and three letters of recommendation.

8.01.2 Faculty Positions

The department head is responsible for submitting the paperwork necessary to advertise a vacant faculty position, and for forming a search and screening committee according to the guidelines in the University Hiring Policy (section 8.01). The committee will also follow all guidelines in this policy. In addition to the process outlined in the hiring policy, applicants for faculty positions will be directed to submit a resume, official transcripts, and three letters of recommendation. After the interview process is complete, the committee will submit its recommendation of three to five ranked candidates to the department head. If the process does not produce at least three qualified candidates, the committee may recommend any candidate(s) or re-open the search. At their discretion, the department head, the dean and vice president for Academic Affairs may elect to interview the final candidates chosen by the search and screening committee.

The department head will forward a recommendation through academic channels to the president, who is the final hiring authority. Upon presidential approval, the department head is authorized to make an employment offer to the selected candidate. The salary offered to the candidate is dependent on rank and in accordance with the Faculty Compensation Plan. An academic notification letter will be sent to the candidate by Human Resources.

8.01.3 Staff Positions

In addition to the process outlined in the University Hiring Policy (section 8.01), applicants for professional staff positions must submit a résumé, official transcripts, and three letters of recommendation. All other job classifications under Staff must meet the minimum requirement of an employment application.

8.01.4 Adjunct Faculty Positions

To be considered for an adjunct faculty position, applicants must meet the minimum academic requirements for the rank to which they are to be appointed in the discipline for which they are to provide instructional services. A department head wishing to hire an adjunct at any rank above the assistant professor must submit a justification.

8.02 Hiring Procedures Exemption Policy

Lincoln University, in compliance with the Equal Employment Opportunity Commission's "Uniform Guidelines for Employee Selection Procedures," has established the following hiring procedures exemption policy statement:

1. Any situation which, in the opinion of the area head or appointing officer, makes advertising impractical due to special circumstances may be considered for a hiring procedures exemption by the president of the university if so requested by the area head.

2. The presidential direct appointment procedure should be utilized under the special circumstances that make the regular selection and hiring process impractical. Hiring procedures exemptions shall be limited to **ten appointments** per fiscal year. Direct appointments will be monitored yearly by staff in Human Resources to ensure that there is no adverse impact on the hiring, promotion, or other employment opportunities of members of any race, gender, or ethnic group. If a pattern of demographic appointments suggests such an adverse impact on any of the aforementioned groups, the president will be informed so that proper diversification of the workforce can be maintained and Equal Employment Opportunity guidelines can be met.

3. An intradepartmental promotion may be made without advertising a vacancy if the person promoted possesses the skills and qualifications required in the new assignment. All departmental personnel who are qualified will be considered.

4. Changes in titles and/or duties due to departmental reorganization shall not require the advertising of position vacancies.

(This policy is also found in Chapter I, section 1.19.)

8.03 Background Checks

To determine suitability for employment, Lincoln University retains the right to perform a background check on any finalist being considered for employment. If a conviction is discovered, the hiring authority will evaluate the relationship between the conviction and the responsibilities of the vacant position. A relevant job-related conviction is grounds for non-selection of an applicant. Falsification of application materials, including failure to disclose criminal convictions, is grounds for non-selection of an applicant.

Conviction is defined as including all felonies and misdemeanors except minor traffic violations in relation to any position which does not require driving. For positions that require operation or a motor vehicle, the term "conviction" shall include minor traffic violations. (For background checks on current employees, see section 8.60.)

8.04 Appointment and Assignment of Personnel

Employment is not finalized until it is approved by the president of the university. The president may appoint and remove at her/his discretion employees of the university or make the final decision on any personnel matter and/or recommendation regarding any employee of the university.

The president has the authority to assign, transfer, or reassign, in a lateral move, any employee. Such a move does not require a hiring procedures exemption.

Staff employment does not carry a fixed term of employment.

Faculty appointments are considered contractual with defined terms and conditions of employment. (See Chapter III, sections 3.20.1 and 3.20.2.)

8.05 Job Description Policy

Job descriptions serve to define the duties and responsibilities of all positions with the university. Each employee will be given a copy of the current job description for her/his position. A copy of each job description will also be maintained in Human Resources. Due to the dynamics of organizational change, job descriptions will necessarily be updated on a regularly scheduled basis, typically annually or when significant job function changes take place. Each organizational unit is responsible for providing updated job descriptions to Human Resources.

The following components must be included in a written job description:

- position title
- department or office where position is located
- job classification and salary grade
- status under the Fair Labor Standards Act (exempt or non-exempt)
- essential functions and estimated percent of time for each duty

- reporting requirements
- experience requirements
- education and training requirements
- required knowledge and skills
- other pertinent position information
- employee and supervisor acknowledgement signatures

8.06 Student Employment Policy

Currently enrolled students are eligible for employment through departmental student employment. The hiring unit should have authorized budgeted funds for departmental student employment and complete the proper student employment request form. Employment through federal aid/work study is also available for qualifying students.

Departmental student employment is limited to twenty hours per week during the semester/summer session. A student may be employed full time (forty hours per week) between semesters/sessions as long as the student plans to enroll for the upcoming semester/session.

Student employees must complete an I-9 Work Authorization Form and state/federal tax withholding forms.

The department supervisor is responsible for monitoring the performance and conduct of the student worker and for submission of time sheets for payroll processing. The supervisor may terminate the student for poor performance, misconduct, or a lack of funding.

8.07 Job Classification

Lincoln University shall utilize the framework of the EEO-1 Job Classification Guide as recognized by the U.S. Equal Employment Opportunity Commission. Lincoln University has adapted the job classifications to fit its unique higher education workforce. The following job classifications are in effect:

- Administrative officers
- Administrative staff
- Academic administrative staff
- Academic faculty
- Research/Extension faculty
- Professional staff
- Skilled crafts
- Administrative support
- Service and maintenance
- Technical

Compensation

8.12 Employee Compensation

The Employee Compensation and Benefits Committee is responsible for developing recommendations for and periodically reviewing the Lincoln University faculty and staff salary compensation policies which address parity and equity in matters related to employee compensation. Other functions of the committee shall be outlined in the annual committee booklet.

8.12.1 Faculty Compensation

The university will use the College and University Personnel Association (CUPA) and the Coordinating Board for Higher Education (CBHE) as its primary resources for benchmarking faculty salaries. In certain situations the university may use relevant market data provided by CUPA and CBHE where data are available. Specific compensation is to be determined by salary protocols. Annual nine-month salary ranges will be determined by the Employee Compensation and Benefits Committee based upon a comprehensive review of the comparator institutions to be conducted every three years and COLA adjustments (utilizing the current year Social Security COLA) every year.

The committee will provide current annual salary ranges each year following a review of the current data. The committee will utilize the *mean* of the Missouri state comparator group salaries as the mid-point in the range to develop a range for each Lincoln University faculty rank with minimum and maximum points. The ranges established will represent 85% to 125% of the mean. Each faculty salary range will have a baseline (85% of mean), midpoint (100% of mean), and maximum (125% of mean).

Example Salary Ranges by Rank

Rank	85%	Mean 100%	125%
Professors	$55,865	$65,723	$82,154
Associate Professors	$44,189	$51,987	$64,984
Assistant Professors	$38,552	$45,355	$56,694
Instructors	$30,577	$35,973	$44,966

A salary for a newly appointed faculty member is designated as out of range if the salary is not within the designated annual range associated with the given rank at which the faculty member is appointed. At the time of appointment, initial compensation for a new or existing position will have a salary range of between

85% and 100% of the mean. Salaries designated as out of range must be justified in writing by means of a Variance Form available from Human Resources. Recommendations for salaries that exceed the 125% maximum are designated as out of range and must be approved by the president.

Based on national CUPA discipline data, the top two relevant disciplines to Lincoln University shall be identified and an additional 5% of the base salary for the rank will be applied at the time of initial employment. This shall be based on CUPA-defined disciplines (CIP code) as determined upon academic appointment.

Faculty Salary Adjustments

Base annual salaries shall be adjusted each year upon recommendation of the Employee Compensation and Benefits Committee and approval of the president and Board of Curators as funds allow. The committee will make an annual recommendation for salary adjustments (based upon the methodology above) and will submit that recommendation to the president.

Upon promotion in rank, faculty members will receive the current annual rank adjustment as recommended by the committee. Any variance in this protocol must be approved by the president.

Salary Guidelines for Grants

Faculty and staff with extramural grants working under unusual circumstances where consultation/collaboration is across departmental or university lines or involves a separate or remote operation, and the work performed is in addition to or exceeds regular departmental load, may be compensated for this service, at a rate consistent with standard practice in grant funded activity, and as specifically provided for in the agreement or approved in writing by the sponsoring agency. In addition, faculty and staff may, with approval by the administration, have their base salary increased up to a maximum of 125% of their base if they are successful at obtaining extramural grant awards. Salary support in excess of the faculty/staff members' normal base salary must be fully supported (wages and benefits) by the funding agency, and provided for in the grant proposal or by written permission of the granting agency. The adjustment in the base salary will remain in effect only through the duration of the extramural grant support for the adjustment. In the event funds are no longer available or at the end of the grant period, the base salary will revert to the previous salary level of the employee with any salary adjustments that may have been made by the university.

See Chapter III, section 3.12.1, for further guidelines and stipulations regarding grants and contracts.

8.12.2 Adjunct Faculty Compensation

Adjunct faculty salary per credit hour will be calculated by taking 40% of 85% of the current full-time faculty pay scale minimum for academic rank (C), and dividing the result by 24, as illustrated in the following calculation:

$$\frac{0.40\ (\$30{,}577)}{24} = \frac{\$12{,}231}{24} = \$509 \text{ per credit hour}$$

The current year's adjunct pay scale is available from the Office of Academic Affairs.

8.12.3 Compensation for Retired Faculty

All Lincoln University retired faculty, including professors emeriti, who are hired on less than a full-time basis will be paid per credit hour. Based on teaching experience and service to Lincoln University, the retired faculty rate will be calculated by taking 50% of 85% of the Missouri State Comparator average per rank, and dividing the result by 24 (credit hours). To calculate a retired faculty salary rate for an instructor (using $30,577 as the instructor salary for illustration purposes), the formula would be applied as follows:

$$\frac{.50\ (\$30{,}577)}{24} = \frac{\$12{,}230}{24} = \$637 \text{ per credit hour}$$

See Example Salary Ranges by Rank, section 8.12.1.

8.12.4 Staff Compensation

All staff positions must be identified by proper job classification in accordance with the Department of Labor's Equal Employment Opportunity Job Classification Guide. Lincoln University will utilize the EEO-1 Job Classification Guide as recognized by the U.S. Equal Employment Opportunity Commission, with customization to fit its unique higher education workforce. The Job Classification Guide, with Lincoln University descriptors, is available in Human Resources.

Job Descriptions

All staff positions must have job descriptions that define the duties and responsibilities of all positions within the university. All employees will be given a copy of a completed current job description for their positions and copies will be maintained in the Human Resources Office. Job descriptions will be updated regularly following periodic reviews by the Employee Compensation and Benefits Committee.

Determining a Position's Salary Range

To determine a position's salary range, the position should be benchmarked if the external market information is available and meets the criteria for comparison in similar essential job duties. Benchmarking establishes an appropriate pay range for a position by utilizing the mid-point or mean of the comparator for establishing a range of pay.

The strategy of external market pricing and establishing the value of Administrative Directors and Professional classifications is outlined in the Staff Compensation Plan, available in the Human Resources Office. Lincoln University's primary labor market comparison for these job classifications will be the College and University Personnel Association (CUPA) Missouri State Comparators; secondary sources will be the CUPA All Institutions 2nd Quartile Budget Comparators and comparators from the Official Manual of the State of Missouri.

The strategy of external market pricing and establishing the value of the staff classifications of Skilled Crafts, Service and Maintenance, and Technical and Administrative Support is outlined in the Staff Compensation Plan. Lincoln University's primary labor market comparison for these job classifications will be the State of Missouri Merit System covering position classifications for state agencies covered by the Uniform Classification and Pay System. A secondary source will be the comparators from the Official Manual of the State of Missouri.

If there are no appropriate benchmark comparisons available, a position will be job slotted to an internal position of similar nature in complexity of job function and duties.

All positions will have a salary range between 85% and 125% of the mean. At the time of appointment, initial compensation for a new or existing position will have a salary range of between 85% and 100% of the mean. If a department wants to recommend a starting salary above the mean, a salary variance request must be made that justifies a salary above the mean.

Staff Salary Adjustments

Base annual salaries shall be adjusted each year upon recommendation of the Employee Compensation and Benefits Committee and approval of the president and Board of Curators as funds allow. Guidelines for salary adjustments and an appeals process are outlined in the Staff Compensation Plan, available from the Human Resources Office.

8.13 Overtime Provisions and the Fair Labor Standards Act

Exempt and Non-Exempt Positions

Each employee is presumed to be non-exempt as defined in the Fair Labor Standards Act (FSLA) unless Lincoln University determines that the employee's position meets one or a combination of the exemption criteria of executive, administrative, and professional employees. Each position should have the Exemption from Overtime Requirements Test Instrument administered and maintained in Human Resources.

Job classifications that are customarily defined as non-exempt are as follows:

- Clerical/administrative support
- Technical
- Skilled crafts
- Service maintenance

Some job positions within these classifications may be deemed exempt and some job positions not in these classifications may be deemed non-exempt. If a position is in question, an inquiry should be made to Human Resources to help make a determination.

Work Hour Application

All time spent by an employee performing an activity for the benefit of Lincoln University and under the control or direction of Lincoln University is classified as "hours of work." Such time includes 1) time during which an employee is required to be on duty; 2) time during which an employee is permitted to work; and 3) waiting time or idle time which is under the control of an employer and which is for the benefit of an employer.

"Workday" means the period between the commencement of the principal activities that an employee is engaged to perform on a given day, and the completion of the principal activities for that day. All time spent by an employee in the performance of such activities is classified as hours of work. The workday is not limited to a calendar day or any other twenty-four-hour period.

Any rest period authorized by Lincoln University that does not exceed twenty minutes and that is within the regular workday shall be considered hours of work. Bona fide meal periods are not considered hours of work.

An employee who travels from home before the regular workday begins and returns home at the end of the workday is engaged in normal "home to work" travel; such travel is not classified under hours of work. Time spent traveling shall be considered hours of work if 1) an employee is required to travel during regular working hours; 2) an employee is required to drive a vehicle or perform other work while traveling; 3) an employee is required to travel as a passenger on a one-day assignment away from the official duty station; or 4) an employee is required to travel as a passenger on an overnight assignment away from the official duty station during hours on non-workdays that correspond to the employee's regular working hours.

Time spent in training during regular working hours shall be considered hours of work. Time spent in training outside regular working hours shall be considered hours of work if the employee is directed to participate in the training by Lincoln University and/or the purpose of the training is to improve the employee's performance of the duties and responsibilities of her or his current position.

An employee on standby or on call is on duty, and time spent on standby is classified as hours of work if, for work-related reasons, the employee is restricted by official order to a designated post of duty and is assigned to be in a state of readiness to perform work, with limitations on the employee's activities so substantial that the employee cannot use the time effectively for her or his own purposes. An employee will be considered off duty and time spent in an on-call status shall not be considered hours of work if the employee is allowed to leave a telephone number or to carry an electronic device for the purpose of being contacted, even though the employee is required to remain within a reasonable call-back radius; or the employee is allowed to make arrangements such that any work which may arise during the on-call period will be performed by another person.

Notification of Work Schedule

The area head is required to establish work schedules for her or his employees. In determining what activities constitute hours of work under the FSLA, regular working hours means the days and hours of an employee's regularly scheduled workweek. The regularly scheduled workweek is subject to change based on area needs but should be clearly announced as far in advance of the change as possible.

Essential Services

Essential services personnel includes those employees who are appointed to areas which operate beyond normal workday hours or have functions which require extended-hours services. These employees are expected to be available on weekends, during holidays, during special events and in emergencies. Essential services include Power Plant operations, Public Safety, University Farms, KJLU-FM, Page Library, PBX operations and dormitory operations when residence halls are open.

Time Worked/Attendance

All non-exempt employees must have time and attendance kept within the organizational area. The area supervisor may use any timekeeping method he/she chooses for tracking a non-exempt employee’s time and attendance. The supervisor may use a time clock, have a timekeeper keep track of employee's work hours, or tell the employees to write their own times on a record. Any timekeeping plan is acceptable as long as it is complete and accurate and reflects arrival time, lunch breaks and departure time.

Hours worked should be reported to the Payroll Office on the appropriate time card or time sheet.

Overtime Provisions

Staff employees generally perform work on a standard forty-hour workweek, Sunday through Saturday. Some positions will require additional hours beyond the forty-hour workweek. There is not a limit on the number of hours in a day, or days in a week, an employee may be required or scheduled to work, including overtime hours. Employees determined to be non-exempt from overtime provisions of the Fair Standards Labor Act (FSLA) must receive overtime pay for hours worked in excess of forty in a workweek at a rate not less than time and one-half their regular rates of pay.

Overtime hours worked should be stated separately from the regular forty-hour workweek and calculated at time and one-half the hourly rate.

The overtime requirement may not be waived by agreement between the department and the employee.

All overtime must be approved by the area supervisor in advance of the time it is earned. The supervisor is responsible for exercising appropriate controls to assure that only work for which it is intended to make payment is performed.

When the supervisor determines that circumstances warrant the request for overtime work, which could be either for an emergency situation of a temporary nature or a non-emergency when overtime is deemed the best way to handle the situation, the employee will be asked to work overtime. Employees of similar job functions should have equal opportunity or equal burden for overtime assignments, either as mandatory or volunteer work. If the overtime work is mandatory, an employee system of designating required work will be devised by the area head so that all employees in that job category will have shared burden of work over a reasonable time. If an employee refuses to work mandatory overtime without sufficient justification of cause not to work, disciplinary action can be taken.

An employee shall be compensated for every minute of regular overtime work. A quarter of an hour shall be the largest fraction of an hour used for crediting irregular or occasional overtime work. When irregular or occasional overtime work is performed in other than the full fraction, odd minutes shall be rounded up or rounded down to the nearest full fraction of an hour used to credit overtime work.

Lincoln University will provide a minimum of two hours pay at time and one-half for irregular or occasional overtime work approved by the supervisor and performed by an employee on a day on which work is not scheduled for that employee or for which the employee is required to return to work.

Compensatory Time

Lincoln University will allow the area supervisor to determine if an employee has the option, when working overtime, to receive compensatory time off. It will be at the discretion of the employee to designate if compensatory time off in lieu of overtime pay is requested. This must be documented on the Compensatory Time Off Election Form.

This form is to be completed on non-exempt positions at the time of hire and at any interval as deemed appropriate by the area supervisor thereafter.

The supervisor may fix a time limit for an employee to request and take compensatory time off. If compensatory time off is not requested or taken within the established time limit, the employee must be paid for overtime work at the overtime rate in effect for the work period in which it was earned.

A non-exempt employee can accumulate compensatory hours up to 240 hours of compensatory time earned.

Any employee who has accrued compensatory time and asks to use it or any part of it, shall be permitted to use such time within a reasonable period, if such request does not duly disrupt the operations of the area.

8.14 Payroll Administration

The Payroll Office shall be responsible for the transaction of employee pay. This includes paycheck disbursal, processing payroll deductions, and benefit remittance.

Employee paychecks shall be issued as follows:

- For salaried faculty and staff, payday shall be the last working day of the month.
- For hourly employees, payday shall be the 15th of each month. If the 15th falls on a non-work day, payday shall be the last working day of the preceding week.
- For student assistants paid through departmental funds, payday shall be the 15th of each month. If the 15th falls on a non-work day, payday shall be the last working day of the preceding week.
- For student workers overseen by the Financial Aid Office and funded by federal funds, payday shall be the 15th of each month. If the 15th falls on a non-work day, payday shall be the last working day of the preceding week.

All checks shall be released to the Bursar's Office. Check disbursal options are as follows:

- Employees may pick up checks on the scheduled payday.
- Employees may have checks mailed to a residential address.
- Employees may have checks deposited into an account. This option applies to permanent employees only.

All check disbursals shall have a statement indicating gross earnings, withholdings, deductions, and net pay. A leave accrual balance will also be included on the statement.

At the end of each calendar year, in accordance with Internal Revenue Service guidelines, Tax Form W-2 income reporting will be sent to each employee's residential address.

Benefits

8.21 Annual Review of Benefits

A periodic review of employee benefits, including those granted to professors emeriti, will be conducted by the Employee Compensation and Benefits Committee.

8.22 Employee Holiday Schedule

A set schedule of fourteen holidays will be observed during each fiscal year. The non-academic holiday schedule is approved by the Board of Curators before the beginning of the fiscal year. These recognized holidays are listed: Independence Day, Labor Day, Thanksgiving and the day after, Christmas Eve Day and Christmas Day, New Year's Eve Day and New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday observed, Spring Recess Week (two days off), a free day designated on Good Friday, and Memorial Day.

All regular full-time and part-time employees who are employed at the time of a recognized holiday will receive time-off pay for the holiday. Temporary employees will not be paid time off for a holiday. Employees will receive their regular salaries or wages for any day on which there is a holiday and on which no work is required. Holidays which occur during an approved paid leave of absence will be paid. Holidays which occur during an approved unpaid leave of absence will not be paid.

Holidays observed by Lincoln University which occur on Sunday shall be observed on the following Monday; holidays which occur on a Saturday will be observed on the Friday immediately preceding the designated holiday.

On holidays all employees, except those engaged in essential services (Power Plant operations, Public Safety, University Farms, KJLU-FM, Page Library, PBX Operations, and dormitory operations when the residence halls are open), shall be excused from duty. The essential services units shall determine appropriate staff holiday schedules.

A full-time essential service employee who is normally scheduled to work on a holiday will be paid double time for performing her or his duties on that day.

Any essential services employee who does not work the holiday will be paid straight time for the holiday.

An essential services employee whose normal day off occurs on the holiday is entitled to that holiday and is entitled to received additional compensation equivalent to one day of pay at straight time.

8.22.1 Religious Holiday Accommodation

In accordance with federal law, Lincoln University will make reasonable accommodation for employees' observations of religious holidays as long as such accommodation does not cause undue hardship to the department or unit. Employees must submit personal or vacation leave requests or, when possible, arrange alternative scheduling within the unit in advance in order for the accommodation request to be considered. If an employee's supervisor determines that the absence would cause undue hardship to the unit, the supervisor must provide written justification.

8.23 Academic Holidays

Holidays for faculty on academic year contracts will be published in the academic calendar.

8.24 Annual Leave Policy

Employees in full-time (.75 full time equivalency or higher), twelve-month positions shall be entitled to accumulate annual leave as follows:

Employees with less than ten years of total university service earn ten hours of annual leave each pay period with a maximum annual leave balance of 240 hours (i.e., a cap of thirty days or two times the annual total of fifteen days).

Employees who have completed ten years of total university service earn twelve hours of annual leave each pay period with a maximum annual leave balance of 288 hours (i.e., a cap of thirty-six days or two times the annual total of eighteen days).

Employees who have completed fifteen years of total university service earn fourteen hours of annual leave each pay period with a maximum annual leave balance of 336 hours (i.e., a cap of forty-two days or two times the annual total of twenty-one days).

The rate of accrual of annual leave is based upon total uninterrupted years of service at the university, not upon years in a particular position.

Employees may accumulate more annual leave than their allowed maximum until June 30 of any year. After June 30, any excess annual leave over an employee's maximum balance is reduced to the maximum, at which time the employee can begin accumulating above the maximum.

An employee entitled to annual leave who has resigned or otherwise separated from university service shall be entitled to receive reimbursement for the amount of this accrued leave which does not exceed the maximum allowable accumulation.

Because they work directly with students, personnel employed as professional tutors have ten-month, academic year appointments; however, they work forty hours per week during the time school is in session. Professional tutors do not accrue vacation leave; periods when the university is closed, such as semester breaks, constitute vacations with pay for professional tutors. As with faculty, summer hours will be negotiated separately from the ten-month appointment.

Faculty on academic appointments are not eligible for annual leave accrual.

8.24.1 Requesting/Reporting Annual Leave

Employee requests for, or reports of, annual leave shall be submitted to the appropriate supervisor when the employee plans to be absent from the regularly scheduled hours of work or has been absent due to illness or an emergency. Such requests or reports shall be made and recorded in increments of no less than fifteen minutes.

8.25 Personal Leave

Employees are granted fifty-six hours of personal leave with pay each fiscal year, without carryover beyond the fiscal year. Personal leave for new hires will be prorated at 4.67 hours/month from the time of hire through the end of the fiscal year. Requests for personal leave must be approved by the area supervisor, based upon the needs of the unit.

8.25.1 Requesting/Reporting Personal Leave

Employee requests for, or reports of, personal leave shall be submitted to the appropriate supervisor when the employee plans to be absent from the regularly scheduled hours of work or has been absent due to illness or an emergency. Such requests or reports shall be made and recorded in increments of no less than fifteen minutes.

8.26 Sick Leave

Sick leave is a provided benefit to protect an employee from loss of pay due to illness or injury which makes that employee unable to fulfill the responsibilities of her or his position. Both faculty and staff are eligible to accrue and take sick leave. (See Chapter III, section 3.36.2, for policies regarding reporting and covering faculty absences.)

Sick leave is accrued at the rate of eight hours per month of continuous full-time service and is accrued from the beginning of employment.

Credit for sick leave accumulates during vacations, sick leave, excused absence with pay and any leave of absence without pay granted for Workers' Compensation or approved medical leave.

All employees must report use of sick leave from work to their immediate supervisor as soon as possible. If a sick leave request is made for more than three consecutive workdays, a doctor's statement may be requested by the employee's supervisor.

When the employee returns to work, the employee must record the sick leave taken on the Request for Leave form, submit for appropriate supervisor approval, and then forward to Human Resources.

Upon termination of employment, employees shall not receive payment for accrued sick leave. Any unused accumulated sick leave balances will be reported to MOSERS for creditable service upon retirement.

Lincoln University participates in the state of Missouri's sick leave reciprocal program, which allows the transfer of unused accumulated sick leave for up to a five-year period after employment termination.

An employee who suffers an injury and is eligible for time off work under Worker's Compensation may elect to receive Worker's Compensation and utilize sick leave pay from the university. The sick leave will be prorated and taken in conjunction with Worker's Compensation. Sick leave accrual will be reduced accordingly. (See section 8.35.7: Workers' Compensation.)

8.26.1 Requesting/Reporting Sick Leave

Employee requests for, or reports of, sick leave shall be submitted to the appropriate supervisor when the employee plans to be absent from the regularly scheduled hours of work or has been absent due to illness or an emergency. Such requests or reports shall be made and recorded in increments of no less than fifteen minutes.

8.27 Family and Medical Leave

Lincoln University, in compliance with the Family and Medical Leave Act (FMLA), provides employees the protections of this law pertaining to entitlement of leave, maintenance of health benefits during leave, and job restoration after leave; sets requirements for notice and certification of the need for FMLA leave; and protects employees who request to take FMLA leave.

Subsequently, Lincoln University allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of twelve workweeks in any twelve months, for any of the following:

- the birth of a child and to care for the newborn child
- the placement of a child with the employee for adoption or foster care
- when the employee must care for a family member (child, spouse, or parent) with a serious health condition

- when the employee's own serious health condition makes the employee unable to perform the functions of her or his job

In certain cases, this leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

An employee on this leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay her or his share during the leave period. The employer may recover her/his share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's immediate family member, or another reason beyond the employee's control.

An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave. The taking of this leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

The university has a right to thirty days advance notice from the employee when practicable. In addition, the university may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in a delay in the start of this leave. The university may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The university may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

8.28 Medical Leaves Not Under FMLA

Medical leaves, including maternity leave, not taken under the FMLA may be taken at the request of the employee and upon approval of the supervisor. Requests for leave are to include the period of absence and a doctor’s certification stating the need for medical leave, duration of leave required, and expected date of return to work.

Medical leave may be paid leave utilizing any accrued sick or vacation leave. Medical leave without pay may be requested and approved by the employee’s supervisor and the president. This type of leave would require the employee to cover the cost of employee benefits during the time away from work.

8.29 Faculty Sabbatical Leave

A faculty member who has been employed full time by Lincoln University six consecutive years and who has been awarded continuous academic tenure is eligible to apply for a sabbatical leave. The person who is granted a sabbatical leave is entitled to one-half an academic year at full salary or a full academic year at half salary.

Faculty members who wish to apply for a sabbatical leave must write a letter of application addressed to the Board of Curators, transmitted through the appropriate academic channels beginning with the immediate supervisor. The application for leave with pay shall include a precise statement of planned activities designed to contribute to the professional growth of the applicant and to the benefit of the university. At the end of the sabbatical leave period, the faculty member shall submit a report to the vice president for Academic Affairs detailing the nature and extent of activities engaged in during the leave.

The faculty member who completes a sabbatical leave must return to Lincoln University for at least one semester following the sabbatical. A faculty member who does not return following the sabbatical will be required to refund to the university, on a prorated basis, the salary received during the leave.

Sabbatical leave shall be dependent upon available funding, as determined by the president in consultation with the vice president for Academic Affairs.

8.30 Military Leave

This policy covers all regular full-time and regular part-time employees who serve in the Armed Forces, Army, National Guard or reserve component of the Armed Forces as it relates to military service requests. The policy is in accordance with Federal Law of the Uniformed Services Employment and Re-employment Rights Act of 1994 and the Missouri Revised Statute 105.270. This policy covers an employee's compensation, benefits, retirement eligibility, length of service and reinstatement to employment rights.

<u>Leave with Pay for Periods of Intermittent Service (not to exceed 120 hours per fiscal year)</u>
An employee requesting uniformed services leave with pay must provide written documentation to her/his supervisor at least two weeks in advance of the scheduled training or service, specifying the reason and duration of the leave.

Employees who are members of the National Guard or Reserve units will be granted uniformed services leave with pay not to exceed fifteen regular work days in any calendar year. Travel time required for reporting to the place of duty is included in the fifteen-day allowance. Vacation or personal leave may be used for any training or service in excess of fifteen work days subject to the approval of the area supervisor.

Leave Without Pay for Periods of Active Service

An employee requesting uniformed services leave without pay should present her/his orders to her/his immediate supervisor. Extended uniformed services leave without pay will be granted to employees performing active military or national defense service. Cumulative uniformed services leave is limited to five years throughout employment at Lincoln University. Employees can continue benefits coverage while on unpaid leave, to include health insurance coverage through COBRA, continued basic life insurance, and long-term disability for a year at her/his expense. Upon reinstatement, time served during the uniformed services leave will be credited toward the retirement service accrual with proper documentation. Employees are entitled to apply earned but unused vacation or personal leave to their service leave before beginning the unpaid portion. Vacation, personal leave and sick leave do not accrue while on leave.

Reinstatement of Employment

Upon honorable completion of military service, an employee is entitled to be reinstated to the position he/she held prior to military leave or to an equivalent position for which he/she qualifies. If disabled by reason of uniformed service, an employee is entitled to be reinstated to her/his former position or a position of similar pay and status for which he/she is qualified, with reasonable accommodation. Upon reinstatement, the employee's compensation, benefits, retirement eligibility, and length of service will be reinstated as if he/she had been continuously employed during the service leave period. Compensation will reflect any increases and annual across-the-board pay adjustments, or promotions by reason of seniority that reasonably would have been expected to take effect if the employee had not been on leave. To be eligible for reinstatement, employees must apply within the time periods outlined in the Uniformed Services Employment and Re-employment Rights Act of 1994.

If, through no fault of the employee's own, it is impossible or unreasonable for the employee to apply for reinstatement within the prescribed period, he/she may report as soon as possible following the period, without forfeiting her/his reinstatement rights.

Protection from Discharge Period

Upon reinstatement, an employee is protected from discharge without cause for a period of time tied to the length of uniformed service. One year of protection is provided if the period of uniformed service was more than 180 days. Six months protection is provided for service of 31 to 180 days. There is no protection period for service of less than 31 days.

8.31 Jury Duty and Court Witness Leave

Regular full-time employees are eligible for paid jury duty and court witness leave. An employee will be granted leave with pay when required to be absent to serve on a jury or when subpoenaed to serve as a witness before a court, commission, or legislative committee. Employees who are called to such service must show the jury notice or subpoena to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. A copy of the jury notice or subpoena must

be forwarded to Human Resources for the employee's personnel file. Employees are expected to report to work whenever the court schedule permits.

The university will continue to provide university-paid health insurance benefits for the full term of the jury duty/witness absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty/witness leave.

The employee may request an excuse from jury duty if the employee's absence would create serious operational difficulties.

Paid court leave is not available to employees appearing on their own behalf or in an action in which they are named as the plaintiff or defendant. Absences from work for court appearances not pursuant to a subpoena must be taken as vacation, personal leave, or unpaid leave.

8.32 Special Leaves

An employee can request a special leave of absence with or without pay for personal or professional reasons. The leave request shall be initiated by the employee and must receive approval by and through the chain of administrative command including the president. The special leave of absence should not exceed a maximum of one year.

8.32.1 Administratively-Initiated Leaves

An employee may be placed on paid or unpaid administratively-initiated leave, subject to approval by the president, for personnel-related issues, i.e., during an investigation which may or may not result in termination of the employee.

8.33 Inclement Weather Policy

It is the policy of the university to maintain its teaching, public service, and operational activities in accordance with established schedules. To this end, the suspension or cancellation of classes or the temporary suspension of campus operations will be avoided if at all possible.

When classes are canceled due to inclement weather, offices will also be closed. An official announcement of any change or suspension of university events and/or operations will be issued through University Relations to the public media (television and radio stations; the LU Web site). The decision to cancel day classes due to inclement weather does not necessarily pertain to evening classes or evening shift employees. A normal evening schedule will occur unless a separate decision is released to the media canceling such activities. If no announcement is made through local media regarding evening classes and activities, employees should assume that work is to continue as scheduled.

In the event the university is closed due to inclement weather, employees are not to report to work unless they are notified or have been given prior instructions to report as part of

essential services. Full-time employees will be paid their regular pay for the time the university is closed if they are regularly scheduled to work. Classified employees who are required to work during the hours the university is officially closed will be paid one and one-half times their regular hourly rate.

Any absences which result because of inability to report to work due to inclement weather (but when the university is **not** officially closed) will be deducted from available personal leave. Should this leave be exhausted, any available vacation will be used. If vacation leave is not available, employees not reporting to work during the described times will be on unpaid leave.

8.34 Time Off Work to Vote

All employees are entitled to time away from work to vote without affecting accrued vacation, sick leave or emergency leave time. All polling locations are open from 6:00 a.m. to 7:00 p.m. Lincoln University employees are encouraged to exercise their right to vote between the hours of 6:00 a.m. and 9:00 a.m. or 4:00 p.m. and 7:00 p.m. If an alternative schedule is needed, employees are asked to communicate with their immediate supervisor regarding the time needed to visit their designated polling location.

8.35 Employee Benefits with Employer Contributions

Lincoln University will provide a full array of employee benefits. All benefits will be reviewed periodically by the Employee Compensation and Benefits Committee.

8.35.1 Health Insurance

Lincoln University's full-time regular employees have the opportunity to enroll in a health insurance plan at the time of hire or during an annual open enrollment period thereafter. Lincoln University provides a determined amount of monthly premium contributions for each employee. An employee has the option for spouse and dependent coverage at the employee's expense. A new employee can elect to enroll in a health plan from the date of employment, effective the first day of the employee's first full month of employment.

An employee's health insurance coverage ends when the employee elects to cancel coverage or upon employment termination. An election to continue health insurance coverage after termination from employment through COBRA provisions will be available to those qualifying employees, spouses or dependent children. Under COBRA guidelines, only those terminated for gross misconduct are not qualified.

Employees retiring from Lincoln University (non-professors emeriti) will have the opportunity to continue ongoing coverage, as outlined below, provided that the retiree pays 100% of her/his monthly premium.

Pre-65 Non-Medicare Eligible Retirees

Retirees who are not eligible for Medicare may stay on the Lincoln University health insurance plan and be pooled with the active employees for monthly premium rates. The Lincoln University pre-65 retirees will be charged an additional percentage rate to more closely reflect market value. This percentage rate will be based on the State of Missouri Health System's pre-65 retiree group rate. Upon reaching age 65, the retiree may choose to transition into the post-65 plan described below.

Post-65 Medicare Eligible Retirees

All current and future retirees on the Lincoln University health insurance plan will be transitioned to the United Health Care AARP Medicare Supplement Insurance Plan F and Part D Drug Plan, effective January 1, 2009.

After completion of the annual review and recommendation process by the Employee Compensation and Benefits Committee, Lincoln University will select a group health-care provider in accordance with established procurement guidelines.

8.35.2 Retirement Plans

Lincoln University provides a vested employee retirement plan through the Missouri State Employees Retirement System (MOSERS).

A "defined benefit plan" through MOSERS is for all full- or part-time employees who work at least 1,000 hours in a position within a twelve-month period. The employee does not contribute to the plan; Lincoln University contributes a determined percent annually of the employee's base salary. An employee is fully vested after five years of employment. A new employee will receive a MOSERS Employee Retirement Booklet at the time of employment.

Lincoln University employees who are employed under the classification of federal employment will be covered through the Federal Civil Service Retirement System. Lincoln University contributes a determined percent of the employee's base salary.

The College and University Retirement Plan (CURP) is a 401(a) defined contribution plan for education employees, defined as benefit-eligible academic faculty, hired for the first time on or after July 1, 2002. The purpose of CURP is to provide a retirement benefit that offers the interstate portability needed to facilitate the recruitment of teaching personnel. Lincoln University contributes a determined percent annually of the base salary as established by the MOSERS agency.

8.35.3 Life Insurance and Long-Term Disability

Employees who are in regular positions of .5 FTE or more and enrolled in the MOSERS retirement system are eligible for basic life insurance coverage paid by Lincoln University at an annual salary amount or a minimum of $15,000, whichever is more. Additionally, employee, spouse and children optional life insurance is available at cost to the employee.

Long-Term Disability Insurance is paid by Lincoln University for employees enrolled in the MOSERS retirement system; this covers absences due to injuries and illnesses that are not job-related. Lincoln University provides disability insurance as a voluntary benefit to employees and any disability benefits received by the employee are taxable. Lincoln University's long-term disability policy starts 90 days after the onset of illness or injury. The policy coverage is to cover 60% of the insured's pre-disability income. This 60% will integrate where applicable with other income sources including social security awards and/or accrued leave. There is a maximum amount of $10,000 cumulative pay-out per month.

Academic faculty enrolled in the College and University Retirement Plan or Civil Service Retirement Plan receive similar life insurance and long-term disability insurance coverage.

8.35.4 Employee Assistance Program

All employees who are eligible for health insurance will be covered by this employer-paid coverage. The Employee Assistance Program emphasizes the maintenance of health, the prevention of injuries in the workplace, and the value of rehabilitation for life problems. Intervention counseling services by a designated vendor are provided to employees and families for substance abuse, family issues, marital issues, work related issues, emotional and mental health, and legal or financial. Further information is available from Human Resources.

8.35.5 Educational Assistance Tuition Waiver

An educational assistance tuition waiver is granted to benefit eligible employees. Benefit eligible employees are full-time staff members with one or more years of service. In-state tuition for full-time employees with one or more years of service shall be waived for the first six hours each semester for undergraduate enrollment. Fifty percent of in-state tuition for dependent children and/or spouse of an eligible employee shall be waived for the first twelve hours each semester for undergraduate enrollment. A FAFSA must be completed to determine eligibility except individuals who hold prior baccalaureate degrees.

The Employee Tuition Waiver Form must be submitted and approved for the respective semester no later than the last day for making financial arrangements with Student Accounts.

For the purpose of this policy, a dependent child is defined as one of the following: one of natural birth (documented by copy of birth certificate), one of legal adoption (documented by copy of legal adoption certificate), a stepchild by marriage (documented by birth certificate and marriage license), and not over the age of 24. To establish eligibility, the dependent child must complete and submit a financial aid application (FAFSA) to demonstrate dependent status.

This policy applies to fees for tuition only as stated above. This policy does not apply to any other fees. This policy does not include the summer session nor applied courses such as music where one on one instruction occurs. Only persons who have satisfied all university admission requirements are eligible to benefit from the provisions of the policy.

Any person who receives a tuition waiver as provided herein and does not maintain a cumulative grade point average of 2.00 or above shall be denied further benefits under this policy until a cumulative grade point average of 2.00 or above has been achieved. Benefits shall be denied until a 2.00 or above grade point average is achieved the subsequent semester.

An individual receiving the fee waiver benefit under this policy who is not a candidate for a degree shall be limited to a time period of thirty-six months for receiving such benefits.

An eligible employee shall be granted three academic hours of release time during the normal work week. In addition, an eligible employee may utilize the lunch hour for attending academic classes with the approval of the area supervisor.

8.35.6 Unemployment Insurance

Terminated employees can apply for eligibility for unemployment through a claims process administered by the state of Missouri. If the terminated employee is determined eligible for unemployment assistance, the state of Missouri requests reimbursement for these claims from Lincoln University.

8.35.7 Workers' Compensation

Lincoln University utilizes the State of Missouri Workers' Compensation Program. The state of Missouri, as a self-insurer, administers its workers' compensation program through the Office of Administration, Central Accident Reporting Office (CARO).

CARO is devoted to providing timely workers' compensation benefits to the employees of Lincoln University. CARO utilizes a preferred provider network, a medical referral service and case management designed to provide prompt quality medical care in an economical manner.

Lincoln University's Human Resources Office provides specific information regarding employer, employee and supervisor responsibilities and proper injury reporting. If medical treatment is required, an employee must seek authorized medical care through CARO. In the case of an emergency, an employee should seek medical care promptly then notify CARO when possible.

All employees—full-time, part-time, temporary or student workers—are eligible for coverage.

Benefits available are medical care including fees and costs, payments based on lost wages, and rehabilitation services.

Lincoln University in conjunction with CARO has established an Early Return to Work program to enhance the recovery of employees who are injured or contract an occupational disease in the course and scope of university employment. Employees will be placed in temporary modified duty assignments, when feasible, during the course of the recovery to perform duties consistent with the temporary limitations.

8.36 Employer Sponsored Non-Contributory Benefits

Lincoln University will sponsor an array of voluntary, non-contributory employee benefits. All benefits will be reviewed on a periodic basis by the Employee Compensation and Benefits Committee.

8.36.1 Vision and Dental

A Vision Plan and a Dental Insurance Plan are optional benefits and, if elected, are paid for by the employee. The premiums are payroll-deducted. Enrollment takes place at time of employment or during an open enrollment period each year.

8.36.2 Missouri State Employees' Cafeteria Plan

The Missouri State Employees' Cafeteria Plan is an option benefit for Lincoln University employees. At the time of employment or during an open enrollment period each year, an employee may enroll in the plan and elect to tax defer any or all of the following:

- health insurance premiums
- medical expenses
- dependent care assistance

8.36.3 Tax Deferred Plans

Lincoln University offers employees different options and companies through which to participate in tax-sheltered programs. These are 403-B plans and deferred compensation plans.

8.36.4 Other Ancillary Benefits

Other ancillary benefits will be determined through competitive proposal consideration and recommendation by the Employee Compensation and Benefits Committee and authorized by the administration (unless the vendor has been pre-approved by the state).

Employee Relations in the Workplace

8.51 Work Schedule

The work week is generally considered to be Sunday through Saturday. The work week can be changed based on the needs of the department.

With the exception of essential services personnel, the majority of full-time, non-academic personnel are employed for a forty-hour work week, Monday through Friday from 8:00 a.m. to 5:00 p.m.

The president may declare a four-day, ten-hour-per-day work schedule to be observed during the summer months.

The area supervisor has the discretion to alter the general hours of operation to fit the needs of the unit and/or the employee. Flex time is permissible upon an employee request and supervisor approval. The decision to grant flex time is based on the needs of the area.

8.52 Affirmative Action Policy Statement

Lincoln University, as a federal government contractor with fifty or more employees and a contract of $50,000 or more, is required to have an Affirmative Action Program in accordance with the Office of Federal Contract Compliance Programs, U.S. Department of Labor. The complete Affirmative Action Program is available in Human Resources.

The Affirmative Action Program is a management tool designed to ensure equal employment opportunity. A central premise underlying affirmative action is that, absent discrimination, over time Lincoln University's workforce, generally, will reflect the gender, racial and ethnic profile of the labor pools from which the university recruits and selects. This Affirmative Action Program must contain a diagnostic component which includes a number of quantitative analyses designed to evaluate the composition of the workforce and compare it to the composition of the relevant labor pools. The Affirmative Action Program must also include action-oriented goals. If women and minorities are not being employed at a rate to be expected given their availability in the relevant labor pool, the Affirmative Action Program includes specific practical steps designed to address this under-utilization. The Affirmative Action Program will also include internal auditing and reporting systems as a means of measuring the progress toward achieving the workforce that would be expected in the absence of discrimination.

The Affirmative Action Program will ensure equal employment opportunity by institutionalizing the university’s commitment to equality in every aspect of the employment process. Therefore, as part of its Affirmative Action Program, Lincoln University must monitor and examine its employment decisions and compensation systems to evaluate the impact of those systems on women and minorities.

The Affirmative Action Program will also include those policies, practices, and procedures that the university implements to ensure that all qualified applicants and employees are receiving an equal opportunity for recruitment, selection, advancement, and every other term and privilege associated with employment.

Lincoln University will also employ affirmative action guidelines towards individuals with disabilities and Vietnam-era and disabled veterans. This compliance will include an attestation of affirmative action policy statements and assurances plus an opportunity for employees to self identify.

Lincoln University's Affirmative Action Program shall comply with all other necessary provisions as stated in the federal regulations. A notice of the Affirmative Action Program will be posted in conspicuous locations stating availability for review in Human Resources upon request.

8.53 Equal Employment Opportunity Policy Statement

It is the policy of Lincoln University to promote and ensure equal employment opportunity for all persons regardless of race, color, gender, national origin, religion, age, disability, sexual orientation or gender identity.

Equal employment opportunity principles govern all aspects of the university's personnel policies, employment practices, and operations. All phases of employment, including recruitment, hiring, evaluation, promotion, transfer, assignment, training, benefits and separation, shall be conducted in compliance with equal employment opportunity laws and regulations.

Supervisors at all levels share the responsibility to ensure equal employment opportunity.

Lincoln University agrees to comply with the following federal laws prohibiting job discrimination:

- Title VI and Title VII of the Civil Rights Act of 1964, which prohibit employment discrimination based on race, color, religion, sex, or national origin;
- Equal Pay Act of 1963, which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- Age Discrimination in Employment Act of 1967, which protects individuals who are forty years of age or older;
- Title I and Title V of the Americans with Disabilities Act of 1990, which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;
- Sections 501 and 505 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified individuals with disabilities who work in the federal government; and

- Civil Rights Act of 1991, which, among other things, provides monetary damages in cases of intentional employment discrimination.

The university has established a discrimination grievance procedure. This complaint and grievance procedure is for any type of alleged discrimination regarding job decisions, employment practices, and other terms of employment or privileges of employment based on age, disability, marital status, veteran status, national origin, race, religion, sex, sexual orientation, or gender identity. Additionally, this complaint procedure pertains to a hostile work environment or harassment based on age, disability, marital status, veteran status, national origin, race, religion, sex, sexual orientation, or gender identity. Any Lincoln University employee or job applicant has a right to file a complaint of discrimination. Information pertaining to the filing of a complaint is kept on file in Human Resources. (See sections 8.76, 8.77, and 8.78.)

8.54 Veterans' Employment and Re-employment

Lincoln University will rehire veterans in their former jobs or jobs of similar seniority, status, and pay if veterans meet particular eligibility standards. Individuals eligible for such re-employment rights include the following: enlistees, re-enlistees, reservists, and members of the National Guard who entered active duty in the Army, Navy, Marines, Air Force, Coast Guard, Army National Guard, Air National Guard, the Public Health Service, or any other category designated by the President of the United States in the time of service or emergency.

Individuals returning from duty in the uniformed services will be reinstated to their former jobs or provided jobs of similar seniority, status, and pay. There is a five-year time limit on the total cumulative amount of time that an employee may be absent for military leave.

Veterans seeking re-employment after service in the uniformed services must apply based on the following schedule:

Period of Service	Required Notice of Time to Return to Work
Less than 31 days	First full regularly scheduled work period following completion of service (with an eight-hour period for safe transportation)
More than 30 days but less than 181 days	Four days after the completion of service
More than 180 days	No later than 90 days after the completion of service
A person who is hospitalized or convalescing	At the end of the period that is necessary for the person to recover

Only service members who are discharged under honorable conditions have the right to re-employment. The individual is required to give thirty days of advance notice unless precluded by expedited military necessity. The service member should provide the documentation as provided by law.

Lincoln University will not discriminate against a service member in any equal employment opportunity provision. A service member is required to be qualified to perform the duties of her or his former position in order to be entitled to re-employment. If a service member is not qualified to perform the duties of her or his former job because the standards have increased, the person shall be allowed to qualify for a job requiring the same skills as those required in the former job before the standards were increased. There must be like seniority, status and pay.

If there are benefits or similar rewards for seniority, the returning veteran must receive such benefits or other rewards as if the individual had been continually employed by the university during the time that the person was in military service.

Employees on uniform service leave have the right to elect continuation of coverage similar to the rights under COBRA. Time spent in the military is to be credited toward pension benefits as length of time on the job.

8.55 Immigration and Employment

Lincoln University will comply with the Immigration Reform and Control Act of 1986 and subsequent related laws pertaining to employment eligibility verification. Therefore, as an employer, Lincoln University must ask for and examine documents that prove that an individual has the right to work in the United States. As part of this process of verifying the identity and employment eligibility of a new employee, both the employee and the employer must complete and sign the federal Employment Eligibility Verification Form (I-9) attesting, under penalty of perjury, that documents presented have been examined and appear to be genuine and that the employee is aware that federal law provides for imprisonment and/or fines for false statements or the use of false documents. The I-9 form must be retained by the employer and made available for inspection upon request by officials of the U.S. Immigration and Customs Enforcement, the Department of Labor, and the Office of Special Counsel for Immigration Related Unfair Employment Practices.

Applicants for employment will be asked to provide supporting documentation to establish identity and eligibility to work in the United States at the time of an employment offer. Lincoln University will examine the I-9 form documents within three business days of the date of hire. All offers of employment will be conditioned on providing proof of work eligibility and identification. I-9 forms will be maintained in Human Resources. To comply with federal law, I-9 forms must be maintained in a separate file from the employee's personnel file.

Work authorization in a non-resident alien status is limited to a specific length of time. Because Lincoln University must serve as the official sponsor of each non-resident alien employee, it is the employee's responsibility to a make timely request to Human Resources for filing of work authorization, change of status, or extension of such authorization so that continuation of employment may be granted by the U.S. Immigration Service prior to the expiration date of the current status.

8.56 Drug-Free Workplace Policy

Lincoln University as a recipient of federal grant funds has established this policy in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act amendments of 1989, Public Law 1010-226.

Purpose and Goal

Lincoln University is committed to protecting the safety, health and well-being of all employees, students and other individuals in the workplace. The university recognizes that alcohol abuse and drug use pose a significant threat to the goals of the institution. The drug-free workplace policy balances respect for individuals with the need to maintain an alcohol- and drug-free environment.

Covered Individuals

Any individual who conducts business with Lincoln University, is applying for a position, or is on Lincoln University's property is covered by the drug-free workplace policy. The policy includes, but is not limited to, employees, students and visitors.

Applicability

The drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours.

Prohibited Behavior

It is a violation of the drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Notification of Convictions

Any employee who is convicted of a criminal drug violation in the workplace must notify her/his supervisor in writing within five calendar days of the conviction. The university will take appropriate action within thirty days of notification. Federal contracting agencies will be notified when appropriate.

Consequences

One of the goals of the drug-free workplace policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious:

- In the case of an applicant, if he/she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply.
- If an employee violates the policy, he/she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment.

Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Assistance

Lincoln University recognizes that alcohol and drug abuse and addiction are treatable illnesses. Early intervention and support improve the success of rehabilitation. To this end, Lincoln University offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. In addition, employees are encouraged to be concerned about working in a safe environment, support fellow workers in seeking help, use the Employee Assistance Program, and report dangerous behavior to their supervisor.

It is the supervisor's responsibility to clearly state consequences of policy violations.

Communication

Communicating the drug-free workplace policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting our drug-free workplace policy, all employees will receive a written copy of the policy and are asked to review it annually.

Exception

The distribution, dispensing, possession, or use of alcohol is prohibited on the Lincoln University campus except for those times, places, and purposes approved by the president of the university.

8.56.1 Testing Requirement for the Commercial Driver's License

In accordance with the Omnibus Transportation Employee Testing Act of 1991, any Lincoln University employee who is required to obtain a commercial driver's license (CDL) to operate a commercial motor vehicle is subject to testing for alcohol and controlled substances.

8.57 Conflict of Interest Policy

Lincoln University employees are expected to meet the specific responsibilities, requirements, and obligations of their positions and to pursue related professional activities in a manner that precludes conflict of interest or commitment. While the university encourages employees to engage in professional and creative activities and public service, and to engage in and disseminate research, such pursuits must not result in any type of personal gain that would improperly influence the performance of the employee's university duties.

A conflict of interest is defined as any situation in which an employee's judgment or conduct in the performance of her/his official duties for the university could be influenced, or might give the appearance of being influenced, by the employee's familial, personal, or business relationship with a third party. Conflicts of interest are further defined and delineated in Revised Missouri State Statutes 105.452 and 105.454. Areas in which conflicts of interest may arise include but are not limited to the following:

8.57.1 Secondary Employment/Business/Activities

An employee's secondary employment, business, and/or activities must not interfere with the employee's university position or duties nor represent a conflict of interest as defined above and in the Revised Missouri State Statutes. Such secondary employment, business, and/or activities also must not interfere with the regularly scheduled hours for which an employee is expected to perform her/his university duties.

8.57.2 Consulting Activities

University faculty and other exempt employees may be involved in consulting activities and may profit financially. Consulting is a significant means of professional improvement as well as a form of community service. However, consultation may in some instances also constitute a business interest requiring disclosure and approval when the entity for which the employee consults transacts business with the university or is in competition with the university, or where the consultation itself competes with the work of the university. Consulting activities are therefore allowable under the following circumstances and with the following stipulations:

- The consulting activity is related to the professional interest and development of the faculty member or other exempt employee.
- The consulting activity does not interfere with the time and energy required of the employee by her/his primary responsibility to the university.
- The employee does not utilize university materials, facilities, and other resources for the consulting activity.
- The consulting activity does not compete with the work of the university, and is not contrary to the best interests of the university.
- The consulting activity does not violate federal or state law.
- The consulting activity does not represent a conflict of interest under any other policies of the university.

8.57.3 Grants and Contracts

University employees will not enter into any grant or contract, or any other type of business arrangement, with the university through which they will profit financially. Employees shall not realize any personal gain, in any form, from any purchase of goods or services by the institution. Employees shall not accept any gift, gratuity, or other reward with monetary value from any person or entity which transacts business with the institution or which seeks to transact business. If an employee holds interest in any firm or corporation with which the university begins proceedings for entering into a grant or contract, the employee will disclose such interest, in writing, to her/his supervisor who shall make such fact known to the university department or unit initiating the grant or contract.

8.57.4 Faculty-Authored Textbooks and Other Educational Materials

University employees may not receive any direct financial benefit from the sale of textbooks or other educational materials to students at the institution. The employee may, however, profit from the sale of such materials to other universities, libraries, etc.

8.57.5 Political Activity

University employees may not engage in political activity 1) during the course of their work day; 2) in any university room, building, or property occupied in the conduct of job duties; 3) while utilizing any university resources or facilities; 4) while wearing a uniform or any insignia identifying the office or position of the employee; or 5) when using any vehicle owned or leased by the university or the state of Missouri. (See section 8.65 for allowable political activities.)

8.57.6 Conflicts of Commitment

A conflict of commitment may arise when an employee undertakes any outside activity that interferes with her/his ability to operate at the expected level of job performance. A university employee should therefore carefully consider whether

the outside activity, i.e., political office, would require a level of time and commitment that could impinge (or could reasonably be conceived as impinging) on the ability to meet the requirements of her/his university position. Before an employee undertakes such an outside activity, he/she must disclose the intention to her/his supervisor, who will forward this notice of intention through the proper channels. The university president will have the final authority in approving such outside activity.

Prohibitions and limitations regarding employees and potential conflicts of commitment in the area of student loans and lending institutions are set forth in the Student Loan Practices Code of Conduct. (See Chapter I, section 1.22.)

8.57.7 Conflict of Interest and Commitment Policies Relating to Cooperative Extension

The area of Cooperative Extension follows the university conflict of interest and commitment policies as well as the guidelines and requirements of its federal partner, CSREES/USDA.

Consulting

Extension employees must disclose any planned consulting activities for review by the immediate supervisor. Permission may be granted when the activity

- is outside the state of Missouri
- is done on the employee's own time or approved leave
- is not contrary to the best interests of the university and the area of Extension
- does not represent a conflict of interest under any policies of the university and the area of Extension

When an Extension employee engages in consulting activities, an annual report must be made to the Cooperative Extension administrator indicating the aggregate time for services performed.

Ownership/Operation of a Business

Extension employees must disclose any ownership and/or operation of a business outside their university duties to the immediate supervisor, including an estimation of the time commitment required to manage, operate, or be involved in a commercial business. Outside employment or business ventures which may conflict with the employee's job requirements, or appear to conflict, require the review of the Extension administrator or her/his designee. The time spent on outside employment or business must be done on the employee's personal time. The employee's business must not compete unfairly with similar private businesses. The employee must not have an unfair advantage over other businesses because of special university Extension job-related knowledge.

Selling articles or programs to media about work-related programs is prohibited.

Serving as an Expert Witness

Any Extension employee may serve as an expert witness with or without subpoena, provided that if serving under subpoena, he/she discloses such to the Extension administrator. If serving without subpoena, arrangements shall first be made with the employee's immediate supervisor for leave from her/his duties during the necessary time required to serve.

An Extension employee serving as an expert witness shall be entitled to retain all compensation received as such, and no deduction shall be made from her/his regular compensation.

Private-Sector Support

Extension employees must exercise caution and professional judgment when using any brand name in any service, work product, or program. To avoid potential conflicts, clarification should be sought from the immediate supervisor. It is appropriate to publicly recognize and acknowledge private sector support; however, no endorsement of product or services should be provided.

It is appropriate to accept monies from the private sector to support programs and objectives of University Extension. Also, it is appropriate to recognize organizations' contributions, but acknowledge that acceptance of support is not an endorsement of contributors' products/services by the university or University Extension.

Commodity Trading (Buying and Selling)

If the Extension employee's job assignment closely involves the commodities in question, the employee must disclose involvement in trading activities to the immediate supervisor. A determination will then be made regarding whether the employee's involvement presents unfair competition to others trading such commodities. If the activity appears to conflict with the employee's job time or assignment, a review by the University Extension administrator or her/his designee is required before further activity is undertaken.

Issues of Public Debate

University Extension employees must be objective in dealing with topics that are controversial or are issues of public debate. Employees have a responsibility to provide facts of the issue equally to all interested members of the public, regardless of their views concerning such issues. Employees primarily involved with one client group are governed by the same requirements of objectivity as those with varied clienteles.

8.57.8 Disciplinary Action Regarding Conflicts of Interest

Any Lincoln University employee who violates any provision of the Conflict of Interest policy shall be subject to disciplinary action up to and including termination.

8.58 Nepotism Policy

No person who is related by blood or marriage to any member of the Board of Curators shall be appointed to any position in the university as officer, member of any faculty, or employee. A relative includes, but is not limited to, spouse, child, grandchild, great-grandchild, great great-grandchild, parent, grandparent, great grandparent, great great-grandparent, brother/sister, aunt/uncle, great aunt/uncle, niece/nephew, grand niece/nephew, and cousin. All relationships are included, whether full, half, step, foster, adopted, or in-law. No exceptions shall be made to this rule.

No university employee may be involved in the hiring process of a job applicant related by blood or marriage to the employee. The hiring process includes the search and screening process as well as the signature authority required to hire an applicant.

No restriction on employment of persons related to other employees of the university shall be made unless the employment would result in an employee having supervisory capacity over a relative (of any degree), either immediate or within the direct chain of command**.** No exceptions shall be made to this rule.

8.59 Staff Performance Evaluation Policy

All Lincoln University staff employees shall have a formal performance evaluation at least once a year. Using the evaluation instruments found under the Human Resources link on the Lincoln University Web site, supervisors will conduct formal performance evaluations annually. Evaluations will be submitted to the Human Resources Office by the end of the fiscal year.

The staff performance evaluation procedure and guidelines are specified in the Employee Handbook and under the Human Resources link on the Lincoln University Web site.

To provide a uniform method of documenting the results of the employee's performance evaluation, each supervisor is required to document evaluation results on the Performance Evaluation Form available from the Human Resources Office. When the Performance Evaluation Form is completed at the supervisor level, the form is processed through the proper administrative channels. The final completed and signed form is given to the employee with copies maintained by the supervisor and in the employee's personnel file.

This policy is applicable to all Lincoln University staff employees. For the faculty evaluation policy, see Chapter III, section 3.20.7.

8.60 Employee Background Checks and Disclosure

To determine suitability for continued employment, Lincoln University retains the right to perform background checks on any employee. An employee must notify her/his immediate supervisor within five days of a conviction for a felony, or any drug, alcohol, or sex-related offense. Failure to report such conviction is grounds for disciplinary action up to and including termination of employment. The supervisor must notify Human Resources immediately upon being informed of any such conviction. Once a conviction is disclosed or discovered, the supervisor will evaluate the relationship between the conviction and the responsibilities of the employee's position. A relevant job-related conviction is grounds for termination.

Conviction is defined as including all felonies and misdemeanors except minor traffic violations in relation to any position which does not require driving. For positions that require operation or a motor vehicle, the term "conviction" shall include minor traffic violations.

8.61 Discipline Policy

The staff discipline policy establishes how the university addresses discipline but also comes under the jurisdiction of the employment-at-will policy: "Any employee without a contract or appointment for a specified term of employment can be terminated at any time for any reason or no reason but not for an illegal reason." (See section 8.86.)

However, it is within the best interests of the university to have a system in place that fosters the professional growth and development of all employees. To meet this intent, it shall be the responsibility of supervisors to provide assistance, motivation and direction to the staff in the performance of job duties.

Supervisors are responsible for informing their subordinates of institutional expectations. Where problems with employee behavior or performance arise, a supervisor should seek to correct the problem with the least amount of disruption to the work environment. Progressive discipline is a means to correct and/or improve employee behavior and performance.

<u>Progressive Discipline</u>
Progressive discipline may include oral warning, written warning, suspension, and ultimately, discharge. The goals of progressive discipline are to 1) inform the employee of inadequacies in performance or instances of improper behavior; 2) clarify what constitutes satisfactory performance or misconduct; 3) instruct the employee on what action must be taken to correct the performance or behavior problem; and 4) inform the employee of what action will be taken in the future if the expectations are not met. Reasons for discipline may include but may not be limited to 1) violation of university rules and regulations; 2) failure to follow reasonable rules of procedure in the work place; 3) insubordination; 4) possession of any substance prohibited by state or federal law; 5)

assault and/or battery; 6) excessive absenteeism and/or excessive tardiness; 7) theft or destruction of university property; and 8) abuse of leave privileges.

Levels of Disciplinary Action

1. Oral Warning: An employee may be issued an oral warning for a performance or conduct problem. Oral warnings are typically issued during a private conference between the supervisor and the employee where the supervisor explains the problem and what the employee must do to return to satisfactory status. Supervisory notes to the file are permissible and in most cases appropriate. The employee should be informed that the conference is being conducted for the purpose of issuing an oral warning. This ensures that the employee is aware that disciplinary action is taking place.

2. Written Warning: Employees may be issued a written warning as a letter or memo which contains the following information: a description of the specific problem or offense; the most recent incident and when it occurred; previous actions taken to correct the problem (if applicable); expectations and acceptable standards of performance; and warning that further unsatisfactory behavior or performance may result in further disciplinary action. Typically the written warning is issued and discussed with the employee in private conference with the supervisor. A copy of the written warning should be given to the employee and a copy placed in the employee's official personnel record, located in the Human Resources Office. The written warning may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.

3. Suspension: Staff employees may be suspended without pay for significant incidents of misconduct or poor performance, or when a series of disciplinary actions have been taken but the problem continues. Typically the employee is informed of the recommended suspension in private conference with her/his supervisor. The employee is given a letter signed by the president detailing the basis for the action which specifies 1) the length of the suspension (beginning and ending dates); 2) a description of the specific problem or offense; 3) the most recent incident and when it occurred; 4) previous actions taken to correct the problem, if applicable; 5) expectations and acceptable standards of performance; and 6) a warning that further unsatisfactory behavior or performance may result in further disciplinary action, up to and including discharge. The suspension letter may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.

4. Involuntary Termination: Employees may be discharged for incidents which are serious enough to warrant immediate involuntary termination, or after all the progressive disciplinary steps have been taken (suspension being an optional step).

Typically a recommendation for termination shall be initiated by the immediate supervisor and transmitted through the appropriate administrative chain of command to the president of the university. Upon approval by the president, the employee shall be given written notice of the decision of the president and the termination becomes final.

The president may terminate any employee for reasons of gross neglect of duty on- or off-campus, grossly inadequate performance, misconduct of a nature that may bring disgrace to the university, or actions that pose a threat to the safety and well-being of members of the university community.

All termination decisions by the president are final and there is no appeal process unless the appeal is based on a claim of violation of university policies, state or federal laws. These types of appeals should be processed through the proper university grievance channel.

8.62 Job Abandonment

Any employee who has been absent from the workplace for a period of five consecutive work days without prior authorization or approval for such absence and under conditions which are not subsequently found to justify approval under existing university policy shall be deemed to have abandoned her/his university employment.

Job abandonment shall be sufficient cause for immediate termination of university employment. A recommendation for termination for reason of job abandonment shall be initiated by the immediate supervisor and transmitted through the appropriate administrative levels for approval by the president of the university.

Termination notice in a case of job abandonment shall be given at the sole discretion of the president of the university.

8.63 Disability Accommodation, Leave, and Termination

In order to reasonably accommodate qualified individuals with a disability, Lincoln University has adopted the following policy: Lincoln University prohibits any discrimination against a qualified individual with a disability. This includes, but is not limited to, discrimination with respect to application, hiring, promotion, discharge, compensation, benefits, training, and all other aspects of employment. The Human Resources Office and the Affirmative Action officer shall be responsible for implementing this policy. “Disability” means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such impairment, or is regarded as having a record of such impairment is an individual with a disability. A “qualified person with a disability” means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment

position that the individual holds or has applied for. All terms and conditions of employment will be provided on an equal non-discriminatory basis.

All policies relative to employee disability, leave, and termination are detailed in the Employee Handbook, available in the Human Resources Office.

8.64 Communicable Disease Policy

A communicable disease (also called a contagious disease) is an infectious disease that is capable of being transmitted from one person to another. The university shall treat any communicable disease that may be contracted by students or employees in the following manner: Persons with such diseases will be permitted to work at the university unless the student or employee's personal physician, campus medical officials, or local/state public health officials declare that the disease represents a substantial risk to the health and safety of other members of the community. In such instances, appropriate measures will be taken to protect the institution and its constituents.

Further details and regulations relative to the Communicable Disease Policy are found in the Employee Handbook, available in the Human Resources Office.

8.65 Political Activity Policy

The following are allowable political activities that Lincoln University employees may engage in:

1. Working with organizations of political parties qualified to place candidates on the ballot in accordance with Missouri State Statutes or of political parties seeking such qualification;
2. Working with nonpartisan or bipartisan groups seeking the election of candidates to public office;
3. Working with nonpartisan or bipartisan groups seeking the approval or disapproval of issues which are or may be submitted to the voters for approval; and
4. Working for individual candidates seeking public office, including candidates for membership of any political committee established by Chapter 120, RSMo.

Such activities, like any other personal, non-official undertaking, must be done on the individual's own time and should not interfere with university duties. (See section 8.57: Conflict of Interest Policy.)

Employees may contribute funds or expend funds on behalf of the above parties, groups, candidates or issues, subject only to state and federal laws which regulate political contributions.

Public Office

Before officially announcing candidacy, or accepting any elective office, an employee must inform her/his supervisor of such intention and the supervisor must make the fact known to the president through appropriate channels. If the policy permits, the president will offer no objection to the candidacy provided it does not require time or attention that should be given to university duties. Subject to the requirements of notice to the president, an employee may, without the president's permission, become a candidate for and hold a part-time position. In case of doubt, the president shall decide if the candidacy is permissible under this policy. Such activity must be conducted on the individual's own time and shall not interfere with university duties, in accordance with section 8.57.

The holding of any elective **full-time** office in local, county, state or federal government is forbidden while the person is employed by the university. Some offices, for example the Missouri General Assembly, should be considered full-time although not in session for the entire year. Any employee seeking election to such an office must resign or request a leave of absence as of the date of filing in the primary. Before accepting such an office, the employee is required to resign her/his university position.

8.66 Children on Campus Policy

Lincoln University is cognizant of the difficulties employees may encounter relative to safe and uninterrupted care of minor children; however, the university's first priority is to provide an environment conducive to academic and work pursuits. Therefore, employees are responsible for making childcare arrangements that do not include routinely bringing the minor child to work for any extended period of time. In all cases, the adult who brings the child to campus is responsible for direct, constant care and attention to the child's health, safety and welfare.

Children who are sick and/or infectious should never be brought to campus, and certain areas of campus (e.g., construction sites) may never be open to children for safety and liability reasons.

Permission to bring children into the work environment must be sought in advance from the unit supervisor. Supervisors are encouraged to accommodate employees to the extent possible in arranging for sick or personal leave to be taken when childcare emergencies arise. (See Chapter IV, section 4.30.3.1, for the complete policy regarding children on campus.)

Complaint Policies

8.76 Staff Complaint Policy: Non-Discriminatory

Lincoln University encourages employees to seek a solution concerning disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of policy through the following grievance procedure. The complaint basis must be a violation of Lincoln University policy, state or federal law. All full-time and part-time regular staff employees are entitled to utilize the complaint and grievance procedure.

The procedures for initiating, processing, and resolving a complaint are available in the Employee Handbook or can be obtained by contacting the Campus Complaint Coordinator in the Office of the President, or the Human Resources Office.

Claims of sexual harassment or alleged discrimination are not covered under this policy. See sections 8.77 and 8.78.

8.77 Sexual Harassment Policy

It is the policy of Lincoln University to provide a workplace environment that is free from sexual harassment, to assure compliance with federal and state employment law, and to provide a proper code of conduct for its employees. This policy applies to all employees of the university, who are advised to promptly report occurrences of sexual harassment. Employees found to be in violation of this policy shall be subject to disciplinary action including termination.

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The circumstances of sexual harassment include but are not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

The procedures for initiating, processing, and resolving a complaint are available in the Employee Handbook or can be obtained by contacting the Campus Complaint Coordinator in the Office of the President, or the Human Resources Office.

8.77.1 Consensual Relationships

It is in the best interest of the university that there be a clear statement regarding the employment risks associated with consensual romantic and/or sexual relationships between university employees. Individuals entering into such relationships are strongly advised that, although the policies of the university do not forbid consenting romantic and/or sexual relationships between employees, such relationships can expose the employee to potential sexual harassment allegations if the relationship becomes no longer consensual, the conduct becomes unwelcome, or the relationship leads to favoritism or the appearance of favoritism in the workplace.

8.78 Discrimination Complaint Policy

In accordance with the university's Equal Employment Opportunity Policy, the university has established a discrimination grievance procedure. This complaint and grievance procedure is for any type of alleged discrimination regarding job decisions, employment practices, and other terms of employment or privileges of employment based on age, disability, marital status, veteran status, national origin, race, or religion. Additionally, this complaint procedure pertains to a hostile work environment or harassment based on age, disability, marital status, veteran status, national origin, race, or religion. Any Lincoln University employee or job applicant has a right to file a complaint of discrimination.

The procedures for initiating, processing, and resolving a complaint are available in the Employee Handbook or can be obtained by contacting the Campus Complaint Coordinator in the Office of the President, or the Human Resources Office.

Claims of alleged sexual harassment acts are not covered under this policy. (See section 8.77.)

Termination of Employment

8.86 Termination Provisions

Notwithstanding any other provision to the contrary, any employee without a contract or appointment for a specified term of employment can be terminated at any time, for any reason or no reason, but not for an illegal reason.

Employment with the university is normally terminated through one of the following actions:

1. resignation, or voluntary termination by the employee;
2. dismissal, or involuntary termination by the university for any reason at any time.

Terminations are to be treated in a confidential, professional manner by all concerned. Prior to terminating an employee, the supervisor should consult with the Human Resources Office.

8.87 Resignation or Voluntary Termination

Staff employees who choose to terminate their employment with the University are required to give their supervisor written notice, preferably a minimum of two weeks prior to the last day of employment.

Employees who plan to retire are asked to provide the university with a minimum of three months' notice. This is to allow ample time for the employee withdraw process as well as the processing of appropriate retirement benefit forms to ensure that retirement benefits to which the employee may be entitled commence in a timely manner.

A letter of resignation should be forwarded to the employee's immediate supervisor and the resignation notification should then be sent through normal administrative channels to the Human Resources Office. The supervisor must notify Human Resources as soon as a letter of resignation has been received.

In certain circumstances, when an employee gives notice of resignation, the university may require the employee to leave immediately or on any other date prior to the employee's intended last day of work. This decision will be made based on the best interests of the university and not as a reflection on the employee. When such a decision is made, the employee will receive pay in lieu of notice.

8.88 Dismissal or Involuntary Termination

Non-contract employees may be terminated upon written notice as follows:

A. Administrative officers, administrative staff and professional staff shall receive a minimum of thirty days notice.

B. All other employees (administrative support, service and maintenance, skilled crafts, and technical staff) shall receive a minimum of

1. thirty days notice with ten or more years of service; or
2. two weeks notice with less than ten years of service.

In certain instances, the university may require the employee to leave immediately or on any other date prior to the employee's intended last day of work. In those instances, the employee will receive pay in lieu of notice.

Faculty may be involuntarily terminated under the condition of financial exigency and through the process described therein. (See Chapter III, section 3.44.)

8.89 Employee Withdraw Process

The employee withdraw process must be completed prior to the transacting of the employee's last payroll check to ensure any indebtedness to the university has been reconciled. Indebtedness includes financial obligation, outstanding cash advances, traffic and library fines, university-owned equipment and uniforms, filing of grade reports, and return of keys and employee identification cards. The employee should contact the Human Resources Office to request the employee withdraw form.

8.90 Withholding of Pay for Indebtedness to the University

Any debt reconciliation must be documented by the terminating employee's area supervisor and submitted to the Payroll Office so that wages can be withheld before the final paycheck processing period is completed. The recognized debt can be deducted from the employee's last regular paycheck if it is before the regular paycheck release date. The employee shall be paid equal to or exceeding the minimum wage amount for any unpaid wages after deduction for debt owed so that there is no violation of federal and state minimum wage law.

8.91 Termination Policy in Regard to Leave

In addition to the provisions in the Special Leaves policy (section 8.32), when a leave of absence occurs for disability or medical leave situations, Lincoln University will provide employer-paid benefits of health, retirement and life insurance during the initial six months of any approved medical/health leave; long-term disability benefits are available to those who qualify after 180 days. After one year of authorized disability or medical leave, an employee may be terminated or granted a continuation of the leave by the university president.

8.92 Employment Verification Policy

Lincoln University will make every effort to maintain strict confidentiality of current and former employees' employment information. All contacts from outside parties, whether in person, by phone, or by mail or e-mail, requesting employment verification for current or former employees shall be referred to the Human Resources Office. Staff in the Human Resources Office will require a written request, with signed authorization by the current or former employee, to allow for release of information. The employment information provided will include job title(s), dates of employment, and earnings.