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**NORTHEASTERN
STATE UNIVERSITY**



***Employment Handbook
for All Faculty and Employees
Office of Human Resources
Published March, 2011
Updated January 2017***

Employee Handbook for All Faculty and Employees Table of Contents

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*** FH 1.3 and other FH numbers reference information in the Faculty Handbook effective 7 -1-2010.**

NORTHEASTERN STATE UNIVERSITY

Employment Handbook for All Faculty and Employees

HR 1.0 INTRODUCTION

Employment at Northeastern State University (NSU) is “at will” in nature. This means that NSU and or its employees may terminate an employment relationship at any time, for any reason or for no reason, with or without “cause” or notice. All employees of NSU are employed “at will” unless employed pursuant to a written employment agreement signed by the President stating otherwise. No other employee of NSU is authorized to bind NSU to employment other than “at-will” whether orally or in writing.

HR 1.1 – Board of Controls

THE OKLAHOMA STATE REGENTS FOR HIGHER EDUCATION is a constitutional board of nine members, appointed by the Governor and approved by the Senate, with one member's term expiring each year. This board issues all degrees earned, determines the curricula and courses of study, prescribes academic standards, establishes student fees, and allocates funds to each institution for operation and maintenance from the legislative appropriations which are made to the board.

THE BOARD OF REGENTS OF REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA is a constitutional board of nine members, eight of whom are appointed by the Governor and approved by the Senate. The duties and powers of the board are to make rules and regulations governing the University, to employ all persons in the service of the University, to construct all buildings, and to authorize the purchase of all equipment and supplies.

NORTHEASTERN STATE UNIVERSITY (NSU) is locally under the direction of the President who is subject to the supervision of the two boards of regents. As chief executive officer, it is the responsibility of the President to provide for the execution of all University policies and regulations. In the discharge of these duties the President is regularly assisted by the other University officers and by administrators and representatives of the faculty.

HR 1.2 – Affirmative Action/EEO Policy Statement

The Administration of Northeastern State University strongly supports the fundamental belief and commitment to the principles of equality and opportunity for all people.

This institution, . . . in compliance with and to the extent required by Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Section 402 of the Readjustment Assistance Act of 1974, Americans with Disabilities Act of 1990 and other applicable federal laws and regulations, does not discriminate on the basis of race, creed, color, national origin, sex, age, religion, disability, genetic information, or status as a veteran in any of its policies, practices, or procedures. This includes but is not limited to admissions, employment, financial aid, and educational services.

To stimulate efforts toward increasing involvement of persons from diverse backgrounds, the University has developed and revises periodically an Affirmative Action Plan. Northeastern's Affirmative Action Plan governs efforts related to selection, placement, training, and promotion of all employees with respect to personnel actions, such as compensation, reassignments, in-service training, tuition, or other professional growth subsidies and termination. The continual thrust of the University's plan is to employ and retain individuals who are members of a diverse group which may be or may become under-utilized in the total employment force. However, the primary criterion for employment shall be the ability of the employees to perform the work. Every member of management is responsible for insuring his/her department's compliance with the University's commitments and policies. Overall monitoring responsibility for Northeastern's Affirmative Action Program and 504 Compliance has been assigned to the Affirmative Action Officer. Employees should contact the Office of Human Resources immediately if they believe that any of these policies have been violated.

HR 1.2.1 Reporting and Investigating Complaints

Northeastern State University is committed to addressing and eliminating all forms of discrimination and harassment. If a student, faculty member, staff member or visitor believes that he/she has been discriminated against or harassed on the basis of race, creed, color, national origin, sex, age, religion, disability, genetic information, or status as a veteran; or if he/she has witnessed such discrimination, that person should promptly report it using the reporting methods available through HR 8.0 Sexual Harassment Policy. This policy serves as a guide to review and resolution of all discrimination and harassment complaints.

HR 1.3 Employment Handbook

This handbook is meant to outline Northeastern State University policies, programs and benefits and act as a guide to such. This handbook does not constitute a contract, express or implied nor is it all inclusive. Northeastern State University, in its sole discretion, may modify, alter, delete, suspend, or discontinue any part or parts of the policies in this handbook at any time in writing, with or without prior notice to its employees. Unless otherwise specified, any such change to the Handbook shall apply to existing as well as future employees. The Office of Human Resources is responsible for developing and implementing personnel policies. Policies and procedures may change with approval of the President of the University. No employee may rely on or otherwise interpret a statement or promise by a supervisor, manager, or department head as constituting a change in policy, nor will any such statement or promise constitute an agreement between the University and an employee. As an at-will employee of the University, an employee may terminate his/her employment at any time, with or without cause or notice, and the University retains the same right. Any changes should be referred to the Office of Human Resources.

HR 1.4 Prior Handbooks

Upon official adoption of this handbook, policies and procedures contained herein supersede all previously adopted policies and all previous handbooks produced or promulgated by Northeastern State University.

HR 1.4.1 Institutional Prerogatives (RUSO 5.18.1)

The Regional University System of Oklahoma Board of Regents has properly left to institutional administration broad responsibilities for internal development of policies and procedures for the conduct of affairs not specifically addressed by (RUSO) board policy. Institutions are encouraged and expected to go beyond the policies and procedures contained herein (RUSO Manual) in the development of an articulated and comprehensive policy structure governing the conduct of university affairs.

HR 2.0 EMPLOYMENT

HR 2.1 Staff Employment Categories

HR 2.1.1 Regular Full-time Employees

Regular full-time positions are regularly scheduled to work 40 hours per week but not less than 30 hours, 12 months per year (or at least 1560 hours per year in pay status). Regular full-time employees are eligible for benefits subject to the terms, conditions, and limitations of the benefits program.

HR 2.1.2 Regular Part-time Employees

Regular part-time positions are regularly scheduled to work less than 30 hours per week (less than 1560 hours per year in pay status). Hours may increase or decrease from week to week but should not average 30 hours or more per week.

HR 2.1.3 Student Employees

Student Employee status applies to employees currently enrolled at NSU whose primary purpose for being at the University is to obtain an education. Student employee records are maintained by the Office of Financial Services, regardless of whether the student is a federal work study or institutional employee. The number of hours eligible to work is determined by the Office of Financial Services.

HR 2.1.4 Temporary Employees

Temporary employees are hired to work at the University for a specified period of time but no longer than one year. Temporary employment may be on full time (30 or more hours per week) or part time (29 hours per week or less). Eligibility for benefits is based on a written appointment agreement for full-time employment lasting more than four months.

HR 2.1.5 Seasonal Employees

Seasonal positions may last for an undefined period of time but require work on a periodic and uncertain schedule totaling less than full time.

HR 2.1.6 Graduate Assistantships

Graduate Assistant is defined as a regular student with at least a one-quarter time graduate assistantship approved through the Office of Graduate Studies.

HR 2.1.7 Interim Appointments

An employee may be appointed on an interim basis to temporarily fill a vacant position. The requesting department director, dean, etc. through the appropriate Vice President and the Human Resources Director will determine the salary and length of appointment on a case-by-case basis.

HR 2.2 Position Development

HR 2.2.1 Creating a New Position or Changing an Existing Position

Requesting a new position is a part of the annual or strategic budgeting process. All requests must be approved by the appropriate Vice President and the President's Cabinet. The University maintains a process through which all positions are approved and numbered. At the beginning of each budget year, a list of approved positions with the position numbers, names of the employees filling the positions, and their current salaries is available to each Account Sponsor (also referred to as Hiring Authority). If a new position is approved, it will be included on this list.

HR 2.2.2 Development Process

A New Position/Change Position Request Form is submitted to the respective Vice President for approval and a budget recommendation. The Office of Human Resources conducts a review and analysis of the proposed position. The hiring process will begin upon approval at all required levels of the request. New Position requests that require new funding must be approved by the appropriate Vice President, the President's Cabinet and the President before any hiring activity takes place. Change of position requests require the appropriate Vice President and the President's Cabinet approval if the grade level of the position is raised and a salary increase will follow. Changes that are to be funded from a current position or a change in position title require only the appropriate Vice President and the President's Cabinet approval.

HR 2.3 Recruitment

The Office of Human Resources will coordinate recruitment for approved vacancies. Recruitment is begun when the job description is updated and all necessary approvals have been given.

HR 2.3.1 Advertising—General

Announcements of vacancies are provided in a manner appropriate to gain attention, support, and participation of individuals, institutions, and placement organizations which best assist the University in the successful recruitment of the most qualified applicants.

Unless a Direct Appointment is approved by the President (HR 2.8) position openings will be posted on the Office of Human Resources website unless a fully-qualified candidate from the same department is promoted. Searches for the best qualified candidate may include: 1) internal department candidates, 2) candidates employed at the University and/or 3) both internal and external candidates. Job postings seeking candidates internal and external to the University will be noted on the University's website.

In most instances, the scope of external advertising reflects the position level.

- National: Director or above.
- Regional: Coordinator and positions requiring special skills or experience.
- Local: Clerical and non-skilled labor.

Advertisements usually appear in only one edition of printed publications. All advertisements appear on the Office of Human Resources webpage. The Search File includes a notation of all advertisement locations. The first advertisements for staff positions will be paid by the Office of Human Resources. National level recruitment is also provided through an annual subscription to www.HigherEdJobs.com. Additional ads are the responsibility of the hiring department.

HR 2.3.2 Application and Review

All employment applications are to be submitted to the Office of Human Resources. Office of Human Resources will provide completed applications/credentials to the appropriate hiring authority, supervisor or search committee.

Screening for minimum requirements and submission of all required application materials will be completed by the Office of Human Resources. Applicants must possess minimum qualifications as specified in the job description to be eligible for consideration. When no applicant meets the minimum qualifications, a review of the position requirements occurs, the current recruitment effort is closed and a new one is opened.

The hiring authority or department may choose to utilize a search committee to assist with the review and selection process. The decision of which candidates to interview will be made by the hiring authority from the completed applicant files which meet the minimum qualifications.

HR 2.3.3 Selection

The Hiring Authority selects the applicant to fill the available full-time position by using the appropriate hiring process. The Hiring Authority completes reporting which lists all applicants interviewed, states a reason(s) why the candidate was chosen for the position and other applicants were not. Submission of the Recruitment Report closes a search.

Employment is contingent upon the satisfactory results of a pre-employment background check. Therefore, offers of employment are conditional until the required background check has been completed and reviewed. Human Resources is the approved NSU office to authorize, conduct and review background checks. Types of checks will include national criminal and national sex offender and may also include residency history, educational and employment verifications.

HR 2.4 Employment of Relatives (per RUSO policy)

Except as prohibited by the laws of the State of Oklahoma, relationship by consanguinity or by affinity shall not, in itself, be a bar to appointment, employment or advancement in universities governed by the Board nor (in the case of faculty members) to eligibility for tenure of persons so related. But, no two persons who are related by affinity or consanguinity within the third degree shall be given positions in which either one is responsible for making recommendations regarding appointment, employment, promotion, salary or tenure for the other; nor shall either of two persons so related who hold positions in the same internal budgetary unit be appointed to an executive or administrative position for said internal unit.

Relatives that are within the third degree of relationship to an employee by blood or marriage are as follows: spouse; parent; grandparent; great-grandparent; parent, grandparent or great-grandparent of spouse; uncle or aunt; uncle or aunt of spouse; brother or sister; son or daughter; son-in-law or daughter-in-law; grandson or granddaughter or their spouse; and great-grandson or great-granddaughter or their spouse.

Waivers may be granted by the University president, but performance evaluations and recommendations for compensation, promotion and tenure will be made by one not related to the individual being evaluated.

HR 2.5 Promotions/Transfers/Demotions

NSU encourages the upward mobility of employees to positions for which they are qualified and which meet their career interests and objectives. Supervisors are to submit a letter of justification to their Vice President and the Office Human Resources to request the promotion of an employee within the same department or area. The employee must meet the minimum qualifications for the position to which they are being promoted. Appropriate review and approval are required before any change is considered final.

When considering positions not in an employee's current department, the employee is to submit an application for the position and be considered along with other qualified applicants. It is the employee's responsibility to inform the supervisor if they are considering a transfer to another department. Departments accepting employees by transfer or promotion assume responsibility for any accumulated personal or vacation leave.

Lateral transfers or demotions will only be allowed in special cases where it is determined that the move will be in the best interests of both the employee and the University.

HR 2.6 Re-employment

Employees leaving employment at NSU under satisfactory conditions and who desire to return may apply to do so by completing a new application and providing other application materials. The former employee will be considered along with other qualified applicants. Resignations stay in place for 180 days but reapplication may be accepted sooner for difficult to fill positions. A recommendation for re-employment from the department director and approval by the Human Resources Director are required. The restoration of previous benefits will occur only when the employee has been gone less than 180 days.

An employee will not normally be re-hired if during his/her previous employment the employee was fired, quit without notice, or had an unsatisfactory work or attendance record. Individual cases will be determined by the appropriate supervisor and the Director of Human Resources.

HR 2.7 Employment of Retirees

The Teachers' Retirement System of Oklahoma (OTRS) regulations require a minimum of 60 calendar days between a retiree's last day of pre-retirement public education employment and any such post-retirement employment. Retirees may return to work, but only within the

parameters established by the Teachers' Retirement System of Oklahoma. Copies of the regulations and further information are available at <http://www.ok.gov/TRS/> or secured through the Office of Human Resources. Employees not retiring through OTRS are not subject to these restrictions.

HR 2.8 Direct Appointments

Direct appointments will be used only in exceptional cases when the need to fill the position is immediate, or the field of eligible internal and external candidates is known and limited, or a current employee has been effectively performing higher level duties for an extended period of time. Direct appointments can only be made with the approval of the President. This policy provides operational efficiency, equitable consideration and opportunity for qualified employees to fill vacant positions.

HR 2.9 Employment Documentation

In order to be employed by NSU, a number of documents must be presented that establish identity, verify eligibility to work in the United States, and make provisions for appropriate federal and state tax withholding. Other information may be required to establish a Personnel file.

HR 2.9.1 Required Documents at Hiring

- Income Tax Withholding W-4 Employee's Withholding Allowance Certificate, Internal Revenue Service, State of Oklahoma.
 - In order to complete the federal and state W-4 forms, individuals must have a U.S. Social Security Number (SSN) or evidence that they have made application for a SSN. A copy of the Social Security card must be attached to the W-4 forms. The Office of Human Resources and the Payroll Services Office will not process the initial Payroll Action Form until the individual has properly completed both federal and state W-4 forms and submitted them to Payroll Services.
- I-9 Employment Eligibility Verification Form, Department of Homeland Security
 - Individuals must establish both identity and work eligibility via the federal I-9 form, by presenting one or two identified documents as printed on the I-9 form. Departments may not place individuals on payroll and may not allow individuals to perform work, until this documentation has been presented. Allowing an individual to work more than three business days without having presented proper documentation may subject the hiring department to significant federal fines. NSU also verifies Social Security numbers through the E-Verify program.
- Employee Data Sheet
 - The information in the HR/Payroll database file is used to compile statistical reports requested from various internal and external sources. Information is gained on an employee's emergency contact information and for the Campus Telephone Directory. It is confidential to the highest extent possible.
- Loyalty Oath
 - Every officer and employee of the State of Oklahoma or a county, school district, municipality, public agency, public authority, or public district thereof, who on or after July 1, 1953, is appointed or elected to office, or who after said date is

employed for a continuous period of 30 days or more, in order to qualify and enter upon the duties of his/her office, or employment and/or receive compensation, if any, therefore, shall first take and subscribe to the loyalty oath or affirmation required by this Act and file the same as hereinafter set forth. Provided, that a public employee who is employed or whose employment is extended on a fiscal year basis and who has duly taken and filed the oath required by this Act in order to qualify and enter upon, or continue in, the duties of his/her employment, need not again take and file such an oath so long as his/her said employment or re-employment is continuous or consecutive.

- **Drug Free Workplace**

All University employees shall sign and return to the University the statement referred to in the Drug Free Workplace Policy.

- **Driver's License**

It is University policy that any employee who is required to operate a University motor vehicle on any public roadway (including roadways on NSU property) while in the performance of his/her regular job duties must have a valid driver's license. The NSU department hiring a new employee whose duties will involve operation of a University motor vehicle will conduct a driver's license verification and status check. The department will conduct periodic driver's license verification and status checks on all employees in positions involving operation of a University motor vehicle. A record of these verifications will be supplied to the Office of Human Resources for inclusion in the employee's personnel file.

HR 2.9.2 Identification Cards

University Identification Cards will be issued to part-time and full-time employees hired for nine months or longer. Temporary professional staff employed full-time for a semester or longer, will also be issued an ID Card. Cards will be issued upon presentation of employment verification. The Office of Human Resources will provide verification of employment for full-time employees at the employee orientation; verification is furnished by the appropriate department for part-time employees.

The card will admit the staff/faculty member, without charge, to all home games of the Northeastern football, basketball and baseball teams. Family members pay the regular price for admission to these events, unless they are members of the Northeastern Athletic Association. Advance notice is given regarding any event which might be an exception to this policy. In addition, the ID card may be used for Library privileges, membership verification in the Fitness Center, and to purchase food at campus dining locations.

HR 2.10 Personnel Files

NSU maintains individually identifiable personnel files on persons who are current or past employees. These files are one source of documentation of employment decisions. Guidelines are needed for access to the records in order to promote an informed public while maintaining the security of personnel records necessary to protect the privacy of its employees and the interests of the University in fulfilling its mission. Individual employees are entitled to access

their own personnel file. Access to appropriate records is in accordance with the provisions of this policy, the University's Open Records Policy, and the Oklahoma Open Records Act.

Official faculty personnel records are maintained in the Office of the Provost/Vice President of Academic Affairs.

HR 2.10.1 File Contents

The Office of Human Resources, as custodian of personnel files, maintains the official, complete personnel file for each staff employee. The custodian of the file determines the type of information to be placed in the files. Only information related to an individual's employment with the institution shall be retained in these files. Examples of this type of information are:

- Appointment and employment records,
- Pay increase information,
- Performance appraisal information,
- Disciplinary actions,
- Education and/or training documentation, or
- Applications for employment and/or resume and other information submitted at hire.

Supplemental files may be necessary. For example, information on medical conditions and related absence forms will be maintained separately from the primary personnel file. FMLA medical certification and Americans with Disability Act-related files are maintained separately. Grievance files are maintained in a separate location to provide greater security for the employee. These are accessible on a "need-to-know" basis.

HR 2.10.2 Access to Personnel Files

Supervisors or administrators shall have access to the personnel files of persons employed or being considered for employment in their areas of responsibility on a need-to-know basis and shall have authority to share the information with others responsible for personnel recommendations and/or decisions; further, other institutional officers or employees showing a legitimate need for the information shall be permitted such access.

Except as may otherwise be made confidential by statute or University policy, an employee (or his or her designee as authorized in writing and signed by the consenting employee) shall have a right of access to his or her own personnel file, provided:

1. An individual wishing to inspect his or her personnel file should submit a written request for inspection to the custodian of the file;
2. Letters of evaluation and/or recommendation that apply to pre-employment qualification, tenure and/or promotion that are solicited in confidence or sent with the expectation of confidentiality shall be deemed confidential and unavailable to the employee unless otherwise ordered by a court of law;
3. If the file contains confidential records as set forth above, they must be removed before the file is opened to the individual. Upon request, employees will be advised of the type and number of documents that were not made available to the employee for his or her

review and that the documents will be returned to the file after the review; and

4. An individual may not remove or add any records to his or her file at the time of inspection.

HR 2.10.3 Correction of Records

An employee may dispute the accuracy of any material included in his or her personnel file. Such questions should be directed to the Director of Human Resources in writing. If the questions are not resolved by mutual agreement, the employee may initiate a formal challenge through the employment grievance procedures.

HR 2.10.4 Past Employee Personnel Files

Past employee personnel files are the sole property of Northeastern State University and as such are sealed from viewing or copying once an individual is no longer employed at NSU. Exceptions may be made by the University General Counsel or the Director of Human Resources.

HR 2.10.5 Open Records Act*

The following personnel records shall be deemed confidential and may be withheld from public access:

1. Those that relate to internal personnel investigations including, examination and selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation; or
2. Those where disclosure would constitute a clearly unwarranted invasion of personal privacy such as, but not limited to, employee evaluations, payroll deductions, and employment applications submitted by persons not hired by the University; or
3. Those which are specifically required by law or University policy to be kept confidential; or
4. All personnel records not specifically falling within the exceptions provided above shall be available for public inspection after providing a written request to the General Counsel unless it is determined that disclosure would constitute a clearly unwarranted invasion of the employee's personal privacy.

*Oklahoma Statute, Title 51.24A.1, et seq. – Open Records Act.

HR 2.11 Release of Employment Information

All personal employee information will be regarded as confidential and careful consideration will be given to ensuring this confidentiality. The University is subject to statutory requirements which make an employee's name, office address, position or job title, length of service, and salary public information published by the State of Oklahoma.

HR 2.11.1 External Written Inquiries

Only the name, recent job title, department, employment dates, current employment status, and pay rate will be verified when responding to external written inquiries. The University will not provide performance-related information, personal attributes or other information of a personal nature, i.e., punctuality, attendance, etc., concerning current or former employees without a signed release from the employee. The request must include an employee's signed authorization

to release personal information.

Computerized listings of employee information will not be provided to individuals or organizations for the purpose of soliciting business or promoting commercial products or commercial services.

HR 2.11.2 Employee Letter of Reference Requests

Current or former employees may request personal letters of reference from supervisors, co-workers, or others. Questions on content may be addressed to the Office of Human Resources. Official University reference letters are issued through the Office of Human Resources.

HR 2.12 Leaving Employment

There are several ways to leave employment with Northeastern State University and a variety of reasons for leaving. This procedure provides basic guidance or reference for most situations that are likely to occur. There are always situations that cannot be anticipated. Those will be reviewed on a case-by-case basis to ensure both the University's and the employee's rights are protected. In general, leaving the University can be broken down into two categories, voluntary and involuntary. NSU is an "at will" employer and employment may be ended by the university or the employee at any time. Eligibility for rehire is determined based on the reason for termination and consultation with the supervisor and the Director of Human Resources.

Earned, unused vacation time will be paid to all eligible terminating employees. This payment may be made on the normal pay date the month following termination.

VOLUNTARY SEPARATION

HR 2.12.1 Retirement

Northeastern has a long-standing tradition of separation through retirement. For details on the Oklahoma State Retirement System consult the TRS Handbook or website. Benefit amounts are calculated on a combination of average salary and years of services.

Employees are expected to provide at least three months prior written notice of anticipated retirement date from NSU to their immediate supervisor, with a copy of the notice given to the appropriate Office of Human Resources staff. Details of retirement (normal and early), eligibility and availability of benefits are provided by the Office of Human Resources.

HR 2.12.2 Resignation

Resignation is defined as an act initiated by an employee and may occur for a variety of reasons. Employees should submit resignations to the University in writing. Professional personnel should provide 30 days notice, and all others two weeks.

HR 2.12.3 Job Abandonment

Job Abandonment occurs when an employee ceases to report for work. The employee's supervisor is in the best position to determine if the employee has abandoned his or her job and should, therefore, be the person who notifies the Office of Human Resources that the employee is no longer coming to work and employment needs to be officially ended.

INVOLUNTARY SEPARATION

HR 2.13.1 Discharge

When positive steps have been used but performance has not changed, or when an employee has committed a major offense, discharge of that employee is the next step for consideration. A major offense is one that involves dishonesty or seriously threatens University operations or the safety and wellbeing of the individual or other employees. This represents behavior that is unacceptable to the University. It may also be determined that an employee is unsuited for University employment for repeated deliberate or serious violation of work rules or any other recognized standard of good conduct.

A recommendation for discharge should be documented in writing and provided to the Director of Human Resources for approval through the normal administrative channels. Approval is to occur before an employee is notified of the requested action. An employee may be placed on Administrative Leave pending review of the action. Documentation should include the employee's name, date of the incident(s), explanation of the circumstances resulting in the recommendation for discharge, and reference to all previous disciplinary steps taken. The Director of Human Resources will assist the supervisor or administrative personnel in any part of this process.

HR 2.13.2 Circumstances for Which Employees are not Responsible

The University makes every effort to provide stable employment to members of the staff. However, there may be occasions which necessitate a reduction or change in the work force. Financial exigency, layoff, reorganization, or discontinuation of position are circumstances beyond the control of the employee. The decision as to the extent of the reduction or change within the affected budgetary unit shall be recommended by the supervisor to the appropriate vice president who will approve the recommendation and forward it to the President.

In all cases of reassignment, the employee must be judged well suited for the position by the appropriate administrator and must possess the minimum qualifications for the new position or be easily qualified for the new position. In cases in which the affected employee(s) are not reassigned to other positions, employment will be ended. The original date of hire will be retained if the employee is recalled within six months of the termination date.

HR 2.14 Check Out Procedures

All employees leaving the University must complete check out procedures. It is the department's responsibility to provide Termination PAF's and other termination documentation. The exiting employee is to contact the Office of Human Resources and arrange for an exit interview.

The check-out process may include:

- Exit Interview: When leaving the University, it is helpful to know why, employee experiences, observations and suggestions. A confidential exit interview questionnaire will be distributed by the Office of Human Resources to gather such information.
- Returning University Owned Property: All NSU-owned property, including clothes,

equipment, keys, handbooks, parking permits, procurement cards and ID's are to be returned.

- Continuation of Benefits: Specific voluntary, employer and employee paid benefits may be continued at the separating employee's request. Separating employees are notified in writing regarding which benefits may be continued and of the terms, conditions, and limitations of such continuance.
 - Final Paycheck: Employees will receive any pay they have earned up to the date of the separation at their next scheduled pay date.
 - Payment of Unused Vacation and Personal Leave: Employees are paid for vacation time accrued and unused as of the last day of employment. Separating employees are not compensated for unused Personal Leave. If the employee is vested with OTRS, unused Personal Leave will be reported to OTRS for possible inclusion in retirement benefits.
 - Employees, when separating, are not eligible for any holiday pay beyond the date of separation, even though accumulated vacation time might encompass the holiday.
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HR 3.0 COMPENSATION

HR 3.1 Position Descriptions

A description has been developed for each position specifying the duties, responsibilities, supervision received, supervision given, education, training, and experience necessary for a person to function effectively in the position. A job code and title have been assigned to each position for easy reference. An accurate position description will be the basis for classification and compensation decisions.

HR 3.2 Position Classification and Compensation

The compensation and classification of positions at Northeastern State University are administrated in conjunction with the Office of Human Resources, based on the appropriate position description and review of relevant pay documentation. Pay equity for similar positions both within an area and across campus are included in reviews conducted when determining a beginning salary or a change in salary.

The Office of Human Resources will determine and specify, subject to the provisions of the “Fair Labor Standards Act” appropriate classifications (exempt, non-exempt status) for all positions. Non-exempt positions are evaluated and placed on a pay grade scale. Similar positions are grouped together. Minimum pay is established for each grade and is the beginning wage for staff employed at this level. No employee will be hired below the minimum of the grade designated. Exempt positions are considered Professional level and are grouped by level of responsibility. Beginning salaries are to be coordinated between the hiring authority, the appropriate Vice President and the Director of Human Resources and the Budget Office. Faculty compensation is determined according to policies established by the Office of Academic Affairs.

HR 3.3 Changes in Pay

The salaries of employees are reviewed at the beginning of the fiscal year during budget preparation for the next fiscal year. Any adjustments are based on work performance, promotion, demotion, labor market conditions, legislative actions and/or budget constraints.

Changes in pay outside of the budgeting process require submission of justification by the appropriate Vice President to the President’s Cabinet and require Presidential approval.

HR 3.4 Special Compensation Calculations

HR 3.4 Compensatory Time

The University’s policy is to accrue 1.5 times the number of “worked hours” over 40 in a workweek. These comp hours are banked for the employee’s use. Any comp time balance remaining at separation will be paid to the employee. Other payouts of comp time are at the discretion of management. All hours worked must be accurately documented and maintained in accordance with federal and state regulations.

HR 3.4.1 Eligibility

Employees whose jobs are designated as non-exempt, by law, are paid for all actual “working

time” hours during the designated workweek. Employees whose jobs are designated as exempt by legal definition are paid a salary for the job that is to be completed, regardless of the number of “working time” hours that may be required to get the job done within the designated workweek.

Therefore, a non-exempt employee who has worked hours during the workweek in excess of 40 hours will receive a premium of one and one half times the hours as compensatory “time off” for all hours “worked” in excess of the 40. However, an exempt employee who works in excess of 40 hours during the designated workweek is not entitled to overtime premium for those hours, either in salary or compensatory time off.

HR 3.4.2 General

Policy states that all overtime worked must be approved in advance by the immediate supervisor.

Comp time off should be scheduled in advance like vacation or personal leave. In all circumstances, comp time is to be used before vacation; comp time may be used before personal leave at the discretion of the employee. Comp time must be permitted on the date requested unless the time off would “unduly disrupt” operations of the department. Use of comp time can also be designated by the supervisor. Example: The employee is needed to work extra hours during a heavy enrollment period. The department may then assign time off in the following weeks or month to allow the employee to use the time off that has been earned.

Public universities are permitted to use compensatory time instead of overtime “dollars.” However, if a significant amount of comp time is accrued by an employee and the department is unable to allow the time off, management has the option to pay out the comp time to reduce the balance.

Supervisors should carefully monitor comp time and encourage employees to schedule and use comp time off to keep balances within reason.

HR 3.5 Compensation for Travel/Conferences THIS POLICY IS CURRENTLY UNDER REVIEW FOR COMPLIANCE WITH FLSA REGULATIONS. PLEASE CONTACT HUMAN RESOURCES FOR INFORMATION.

Guidelines for payment of non-exempt positions for special circumstances involved with travel and conference time are very complex and must be calculated according to regulations in the Fair Labor Standards Act. Timekeepers are to work with the Office of Human Resources and Payroll staff to ensure current payment of time.

HR 3.6 Break Periods

Breaks are a privilege granted to ensure staff have a brief rest. Breaks are optional if workload and/or staff size do not accommodate them. Non-exempt employees may be provided with one break period of up to 15 minutes during each four hour period or up to one 30 minute rest period for each eight hours of work. Since break period time is compensable time, employees must not be absent from their work stations beyond the 15 minute period. Breaks may not be used in

conjunction with non-compensable time such as lunch break, to adjust the starting or ending time for the work day or leave time.

HR 3.7 Meal Periods

Non-exempt employees are allowed one unpaid meal period of up to 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Nonexempt employees are to be relieved of all active responsibilities and restrictions during meal periods. Non-exempt employees who work through their meal period must be compensated for that time.

HR 3.8 Flextime

By definition, flextime is maintaining a work week that varies from the core business hours. The University's core business hours during the academic year are from 8 a.m. – 5 p.m. in Tahlequah, 8:30 a.m. – 5:30 p.m. in Broken Arrow and 8 a.m. - 5 p.m. in Muskogee Monday through Friday. All offices are expected to maintain coverage during these hours. The University may announce other core hours as appropriate. Supervisors and employees may agree on flextime schedules on an individual basis provided the assigned position responsibilities and department duties are completed.

HR 3.9 Call-In Pay

An employee called in to work (unscheduled) after his/her regularly scheduled work shift, will be guaranteed one hour pay plus pay for actual time worked when the time exceeds one hour. When completing the time sheet, "Call-in pay" will be specified on the time sheet. Any time worked in the week that results in more than 40 hours worked will accrue at the comp time rate of 1.5 x the base hourly rate. This policy applies to full-time non-exempt (those employees required to complete a time sheet) employees only.

Departments likely to call employees in to provide essential services are to maintain a list of employees participating in the program. Employees will be called in by rotation on the list and the type of skill necessary to perform the essential service.

HR 3.10 Standby

Some jobs may require an employee to be identified as "standby," or subject to being available should their services be required. It is the department's responsibility to develop and maintain an equitable way to provide manpower for such occasions. In some instances, this may require reimbursement of a specific amount for a cell phone to the employee.

HR 3.11 Work Week

The University's work week begins Sunday at 12:01 a.m. and ends Saturday at 12:00 midnight.

HR 3.12 Time Record Keeping

Non-exempt employees (those employees whose time worked must be documented and retained in accordance with federal regulations) must keep a time sheet or use a time clock showing the exact time of arrival and departure from work. Unless appropriate leave time has been approved, pay will be reduced anytime the "total hours worked" is less than the "required

hours”, as specified on the time sheets. Instructions for completion are available through the Payroll Office. Training of designated Timekeepers is provided through the Payroll Office.

HR 3.13 Additional Compensation Procedure

Full-time non-teaching professional and support staff members may receive additional compensation for conducting workshops, seminars, courses or other activities which are of benefit to the University, but which are not part of their regular job description. Consultation with the Director of Human Resources and the appropriate Vice President are required.

HR 3.13.1 Exempt Non-Faculty Employees

Exempt administrative or staff employees may teach as adjunct instructors with the written permission of their supervisor. Preparation for classes taught as an adjunct instructor must be completed outside of normal working hours or responsibilities. Examples of non-teaching additional responsibilities include grant-writing or administration, developing or conducting workshops or seminars, delivering professional services, performing, creating, leading and directing research. Hours taught are not to exceed 4 credit hours. If courses taught are held before or after the employee’s normal working hours, the employee will receive adjunct instructor pay as determined by Academic Affairs.

With the written permission of the supervisor, an exempt employee may teach courses which are held during the employee’s normal working hours. In such cases either:

1. The employee shall receive adjunct instructor pay as determined by Academic Affairs and be placed on a flexible schedule to make up for the time lost to teaching; or
2. The services as an adjunct instructor shall be considered to be a temporary part of the employee’s other duties as assigned and no additional compensation as an adjunct instructor will be received.

HR 3.13.2 Non-exempt Employees

Non-exempt employees must be compensated at one and one-half time for all work in excess of the regularly scheduled 40-hour work week, regardless of whether it is performed for the department the employee is assigned to or another University department. Overtime is calculated and paid by adding work time in all areas for the same employer. Overtime earned, due to secondary employment with NSU must be paid.

HR 3.14 Payroll Changes

Any change in the amount of a payroll deduction should be submitted to Payroll Office by the tenth of the month in order for it to be effective in the current month. Changes in insurance coverage should be made in Human Resources following the same schedule.

HR 3.15 Disbursement of Payroll

Employees are paid according to the fiscal year Payroll Schedule, which is available through the Payroll Office. Any changes to the schedule will be announced in advance to the campus community. Payroll slips may be retrieved through Banner Employee Self-Service.

HR 3.16 Garnishments

Each employee is expected to manage his/her financial obligations independent of the University. The University will accept and honor court-ordered wage assignments, garnishments and tax levies in accordance with state and federal guidelines.

HR 4.0 BENEFITS

Northeastern State University maintains a benefit program for the welfare of employees. Eligibility varies and is based on employment status. Coverage is available the 1st of the month after employment even when employment begins on the 1st day of the month for most benefits. A number of benefits are paid by the employer; others are the employee's responsibility.

HR 4.1 Eligibility

NSU provides University paid benefits to regular employees and faculty holding positions classified at 75% FTE or more. Employees classified as full-time temporary with longer than four months anticipated employment are eligible for NSU paid benefits. Employees' insurance coverage will normally be continued for up to three months while on an approved leave of absence. If an employee is authorized to receive pay after three months, insurance coverage may be extended at the discretion of the President or appropriate Vice President. Details of eligibility are available through the Office of Human Resources.

HR 4.2 Enrollment in Benefits

HR 4.2.1 Initial Enrollment

For employees newly eligible for group insurance coverage, Human Resources will offer regularly scheduled enrollment sessions as a part of New Hire Orientation. It is the employee's responsibility to return completed enrollment information to the Office of Human Resources by dates designated in order for insurance to become effective.

HR 4.2.2 Option Period Enrollment

A designated time occurs annually which provides an opportunity to change selected benefits. Plan participation can be changed, added or dropped on the basis of contractual agreements with providers. Effective date is January 1 of the following year.

HR 4.2.3 Mid-year Changes to Coverage

Changes to coverage at any time other than initial enrollment or Option Period require a "qualifying event" as determined by the Office of Human Resources, providers and the Internal Revenue Service. Examples include: birth, death, marriage, divorce, and gain or loss of other coverage.

HR 4.3 Employer Paid Insurance

The University provides an annually determined amount toward insurance coverage for the employee. The employee has the responsibility for any remaining premiums for coverage they elect, any dependents insurance elected and any optional insurance coverage(s) elected. Determination of over or under payment of employee paid premiums are the responsibility of the Office of Human Resources and Payroll Office in consultation with the provider and the employee.

HR 4.3.1 Group Medical Insurance

Group health insurance plans are offered to all full-time regular employees of the University. In addition, employees may elect to provide coverage for their families by paying the dependent coverage premium. Questions concerning insurance and requests for additional information and/or claim forms should be directed the Office of Human Resources.

HR 4.3.2 Group Life Insurance

The University provides eligible full-time employees with life insurance equal to the base salary multiplied by 2. Accidental Death and Dismemberment (AD&D) coverages are included. Coverage reduces after employee's reach their 65th, 70th and 75th birthdays.

The Oklahoma Teachers' Retirement System provides active in-service members with a death benefit. This benefit is not available to inactive members and is reduced upon retirement.

HR 4.3.3 Long Term Disability Insurance with Buy-Down

After six months of employment, Long-term Disability insurance provides that, after 90 days of medically documented disability, an employee's income will be equal to at least 60 percent of his/her salary, up to a maximum amount at the time the disability began. Benefits begin after 90 days of disability. It is the employee's responsibility to maintain contact with the Office of Human Resources and to complete necessary documentation to receive this benefit.

HR 4.3.4 Vision Insurance

A vision insurance plan is offered to all full-time-regular employees of the University. In addition, employees may elect to provide coverage for their families by paying the dependent coverage premium. Employees may elect to utilize the services available at the Optometry Clinic at NSU.

HR 4.4 Retirement Benefits

Participation in the Teachers' Retirement System of Oklahoma is mandatory for exempt employees under the age of 55. Participation by all other eligible employees is optional. Northeastern State University and participating employees share the cost of this benefit.

Five years of continuous employment constitute vesting in the plan. At retirement, benefit amounts are calculated on a combination of average salary and years of service. Detailed information is available in the Office of Human Resources. Employees should contact the Office of Human Resources at least four months prior to their planned date of retirement.

HR 4.5 Workers' Compensation Insurance

HR 4.5.1 On the Job Injuries

"Safety" and "Accident Prevention" are broad terms used to describe such concepts as fire prevention, injury prevention and environmental protection. No phase of administration is of greater importance than accident prevention. All levels of university administration and all employees have a primary responsibility for the safety and well-being of the campus community.

Despite all efforts to promote safety, accidents occur; when they involve personal injury to employees, the procedure described is to be followed. The cause(s) of an accident is to be investigated and steps taken to prevent reoccurrence.

HR 4.5.2 Reporting of Accidents

On-the-job injuries are governed by the State of Oklahoma Workers' Compensation Act. Employees may contact the Office of Human Resources for information concerning their rights and obligations. An employee injured on the job to any extent should report immediately to his/her supervisor. In the absence of the supervisor, the injured employee should report to the department designee. The supervisor is to immediately notify the Office of Human Resources and inform them of the nature of the injury and receive further instructions. The supervisor or designee must complete the required forms and immediately submit these to the Office of Human Resources. Witnesses to the incident are to provide statements as requested. Forms to be completed and additional information are available through the Office of Human Resources or its website.

HR 4.5.3 Light Duty Assignments

Northeastern State University shall strive to arrange for a temporary work assignment for employees unable to perform their regular job duties due to work-related or non-work related injuries. Human Resources will advise employees of the availability of light duty assignments.

These reassignments will be administered on a case-by-case basis and in a fair, consistent and equitable manner for all university employees. The legal boundaries of federal and state rules and regulations will be followed. Light-duty assignments are not intended to supersede policy guidelines related to intermittent Family Medical Leave Act benefits.

The employee shall be responsible for immediately notifying his/her supervisor of any medical condition which will affect job performance. The Employee is responsible for providing requested medical information to Human Resources. The supervisor shall be responsible for filing the necessary paperwork and notification of the employee's injury and/or making prompt arrangements for the employee to be advised of medical treatment and documentation.

HR 4.6 Enrollment in University Courses

Full-time, regular employees may audit or enroll in classes, provided it can be done without interfering with their work assignments. By policy of the Oklahoma State Regents for Higher Education, regular staff members at constituent institutions in the Oklahoma System of Higher Education may enroll in courses at the institution where employed and be charged tuition at the rate of one-half (50%) of the general enrollment amount charged regular students. The value of the reduced tuition may be taxable as income. This does not apply to class or non-tuition fees. Validation by the appropriate supervisor regarding the relevance/benefit of the course work will be required to authorize reduced fees.

Employees may enroll in a maximum of six hours (during regular working hours) during the fall and spring terms and three hours during the summer term. The reduced fee will apply on a maximum of six hours per term. All working hours missed must be made up by the employee and shown on

the time sheet (non-exempt employees). Prior to enrollment, the employee's supervisor must present a completed enrollment schedule, and a request for the appropriate fee reduction, to the appropriate Vice President for approval. If by agreement between the Vice President and the supervisor, the employee is allowed to enroll in any class(es) in excess of those outlined above, all such hours missed will result in an appropriate payroll deduction and cannot be made up.

HR 4.7 Fee Waivers for Dependent Children and Spouses of University Employees

Northeastern has a fee waiver program for qualified residents of Oklahoma who are dependent children (less than 24 years of age) or spouses of full-time University employees. The waiver is for general enrollment tuition during the fall, spring and summer semesters and does not include any fees. The maximum award will be \$600 for summer and \$1200 per semester for fall and spring terms. The total amount of all combined tuition waivers cannot exceed the student's total tuition costs. Other criteria to be eligible for the waiver are available from the Scholarship Office.

HR 4.8 Unemployment Insurance

The University is self-insured with the Oklahoma State Employment Securities Commission to provide unemployment compensation benefits for eligible terminated employees or those who are laid off. Information concerning unemployment compensation can be found on oesc.state.ok.us To receive unemployment benefits, an employee must have earned a certain amount in covered employment and be willing and able to work.

HR 4.9 Continuation of Benefits after Termination

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees and their qualified beneficiaries the opportunity to continue health, dental, and/or vision coverage when a qualifying event would normally result in their loss of eligibility. Common qualifying events are termination of employment, death of the employee, reduction in hours, a leave of absence, divorce or legal separation, or qualified dependents who no longer meet the eligibility requirements for insurance. Under COBRA, the employee or beneficiary is responsible for paying the full cost of coverage at the University's group rate, plus an administrative fee. The Office of Human Resources will contact employees who have a qualifying event to provide them with written notice describing their rights and obligations.

HR 4.10 Optional Benefits

Northeastern State University offers a number of optional benefits paid by the employee through payroll deduction. Additional information is available through the Office of Human Resources. These include but are not limited to:

1. Tax-deferred retirement programs –403(b), 457(b),
2. Dependent health, dental, vision and life insurance,
3. Oklahoma College Savings Plan,
4. Short-term disability insurance, and
5. Long-term care insurance.

HR 4.11 Insurance Premiums During Summer Months

As a fringe benefit, regular full-time employees who are not working during the summer, but have appointments or intend to return to work in the fall, will be covered by University provided

insurance during June and July. Premiums for dependent coverage or other optional insurance will be deducted from the appropriate paychecks.

HR 4.12 Employee Assistance Program

NSU recognizes that balancing a job and other responsibilities may pose challenges and provides an Employee Assistance Program (EAP) as a benefit to employees. The EAP is available at no charge to all full-time employees and immediate family members. Personal and work problems can be dealt with successfully when identified early and referred to appropriate care if assistance is needed. The EAP is designed to offer no-cost services for multiple visits or referrals to help with life management problems. Details are available through the Office of Human Resources.

HR 5.0 LEAVE PROGRAMS

The University acknowledges that individuals may occasionally need to miss work for a number of reasons. Therefore, as a part of the Benefits Program, the University maintains a number of Leave Programs. The employee, his/her supervisor and Office of Human Resources work together to determine the appropriate type of leave and pay status that is available to meet the employee's need.

It is the employee's responsibility to submit a request for any type of leave to the supervisor as soon as the employee knows that leave will be necessary or desired. Advance notice allows the supervisor to consider leave requests when planning work schedules. Employees are required to comply with departmental rules for reporting absences and approving time off work. Whenever possible, the University will grant time off at the convenience of the employee, but reserves the right to deny leave when and if a hardship or disruption for the department may result. Documentation of leave requested or taken is to be maintained by the approving department.

Leave which is accrued is available for use the month in which it is earned. Negative leave balances are not allowed. Non-exempt employee's pay will be reduced on an hour-for-hour basis if a supervisor approves an absence from work for an employee when no applicable paid leave is available. Time without pay will not be granted as long as accrued leave time is available. All paid leave time must be taken in no less than quarter-hour increments.

Additional leave will not accrue during leaves of absence without pay, unpaid family or maternity leave, suspension without pay, lay-off, sabbatical leave, or removal from the payroll for any reason. In addition, leave time will not accrue while receiving donated time through the Leave Sharing Program.

HR 5.1 Notification of Supervisor

Staff are to notify their supervisor or designated administrator when they are going to be late or absent. When conditions do not permit a request in advance the employee is to notify the supervisor at the earliest possible time of the need to use accrued leave. Call-ins of this nature should be made at the beginning of the shift. In chronic or unusual cases of absenteeism, the University reserves the right to require documentation/verification of the reason for the absence. More than six occurrences of unscheduled leave in six months may be considered abuse of leave and may result in disciplinary action, including termination. Individual departments may establish more specific time notifications schedules and designate administrative staff to be notified to fit their work schedules.

Any employee who misses work for three consecutive days and fails to call in during this period will be considered to have voluntarily terminated his/her employment with the University.

HR 5.2 Vacation Leave

Vacation leave with pay is available to eligible regular full-time employees to provide opportunities for rest, relaxation and personal pursuits. Time is accrued on a monthly basis, and rates of accrual vary by the position and longevity of the employee, as follows:

<i>POSITION</i>	<i>HIRE DATE</i>	<i>AFTER 5 YEARS</i>	<i>AFTER 10 YEARS</i>	<i>AFTER 15 YEARS</i>
Executive: President, Vice President	15 hr./month	15 hr./month	15 hr./month	15 hr./month
Deans, 12-month Faculty, Directors, Management	13.5 hr./month	13.5 hr./month	13.5 hr./month	15 hr./month
All Others (*Sponsored Programs see below)	7. hr./month	10 hr./month	13.5 hr./month	15 hr./month

Vacation leave is earned from the date of full-time employment. Vacation leave time may be accumulated to a maximum of 480 hours. University observed holidays that fall within an employee's scheduled vacation will not be charged as vacation time. Employees who transfer to another department, if not a contract or sponsored program employee, retain their accrued vacation time and length of service.

All vacations are to be scheduled with the employee's supervisor, who will make reasonable efforts to minimize restrictions. Supervisors may deny leave if it is determined to be in the best interest of the University.

Upon termination, employees will be paid for accrued unused vacation hours.

HR 5.2.1 Sponsored Programs

Salaries of employees of Sponsored Programs are funded through specific short-term grants and contracts. Consequently, these employees are subject to the requirements and restrictions of the specific funding source from which their positions are paid. Accrual rates, use of time, and carry-over policies are determined by each contract. Details are available through The Office of Research Administration or the College of Optometry.

HR 5.3 Personal Leave

Personal Leave is designed to assist faculty and staff during periods of personal or family illness or to prevent a loss of pay due to certain other absences, such as: attending a funeral, inclement weather conditions, conducting legal business, appointments with a doctor, dentist or other recognized medical professional or other appointments that can only be dealt with Monday through Friday during regular business hours.

Use of Personal Leave for absences other than personal illness or emergency is to be scheduled in advance with supervisory approval. Employees are required to comply with departmental rules for reporting absences and approving time off work. The supervisor may require employees to

furnish satisfactory documentation in chronic or unusual cases. Employees should be mindful of the impact their absence may have on their department and coworkers. Appropriate disciplinary actions, up to and including termination, may be taken if Personal Leave abuse is discovered.

Personal Leave is earned at the rate of 12 hours per month (18 days annually for a full-time employee). The maximum that may be accumulated is 180 days (1440 hours). Personnel who transfer from one department to another department or subdivision within the University take with them the balance of unused, accumulated Personal Leave. Personal Leave time is designed to replace time missed during straight-time hours only. There will be no payment for any unused accrued Personal Leave balance at the time of termination or reduction to less than full-time status.

HR 5.3 Types of Personal Leaves

HR 5.3.1 Family Medical Leave Act

NSU supports and complies with the Family Medical Leave Act of 1993 (FMLA), all revisions to the Act and the National Defense Authorization Act which extends benefits to military families. Qualified employees are informed of the specific job protections for qualifying events such as personal illness or injury or to care for family members. Notice of rights under FMLA is posted on the campus for employee review. The Act and regulations will prevail for all practices, policies and procedures.

HR 5.3.2 Qualifying Events

- The birth of a child or placement of a child for adoption or foster care.
- A serious health condition that makes the employee unable to perform the essential function(s) of the position.
- A serious health condition that affects the spouse, child or parent when the employee is needed to give care.
- Qualifying exigency arising from the spouse, son, daughter or parent of an employee being on active duty or call to active duty status in support of a contingency operation as a member of the armed services.
- Qualifying employee: The spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness.

HR 5.3.3 Employee Eligibility

To be eligible for FMLA leave, an employee must have been employed by NSU for twelve (12) months and must have worked at least one thousand two hundred fifty (1250) hours during the twelve (12) months immediately preceding the leave.

HR 5.3.4 Leave Requests

It is vital that an employee and department management understand the requirement to report FMLA leave eligible absences of four (4) or more days to the Office of Human Resources. The Office of Human Resources must rely on communication from the employee or department management in order to follow required processes.

Leave requests are to be directed to the Office of Human Resources. An FMLA Leave Request form is available on the Office of Human Resources website. Once the request is received in the Office of Human Resources, a Notice of Eligibility and Rights & Responsibilities form will be returned to the requesting employee from the Office of Human Resources. An employee must comply with all requests for additional information.

An employee is expected to provide thirty (30) days advance notice whenever the need for leave is foreseeable. In situations when leave notice is not possible each case will be evaluated individually. An employee may discuss with HR staff the anticipated need for FMLA leave without providing specific medical information. Should medical certification be needed, the Office of Human Resources will request that the employee obtain this from the employee's medical provider. Medical providers are to return the completed document to the employee or the Office of Human Resources. This information is not to be sent to the supervisor or department management. A Designation Notice will be sent to the employee by the Office of Human Resources as notification of FMLA designation and entitlement.

HR 5.3.4a Forms Available

The initial request form is located on the Office of Human Resources website. Other forms for FMLA leave are available by contacting the Office of Human Resources. Forms include:

Family and Medical Leave Request (HR Website under Forms)

Certification of Health Care Provider for Employee's Serious Health Condition

Certification of Health Care Provider for Family Member's Serious Health Condition

Certification of Qualifying Exigency for Military Family Leave

Certification for Serious Injury or Illness of Covered Service Member – for Military Family Leave

Notice of Eligibility and Rights & Responsibilities

Designation Notice

HIPAA Authorization Form

HR 5.3.5 Job Protection for Approved FMLA Leave

Leave approved under FMLA allows job protection to an eligible employee for up to twelve (12) weeks of absence from assigned duty within a twelve (12) month period. Job protection allows an employee to be restored to his/her original or equivalent position with equivalent pay, benefits, and other terms or conditions of employment. In situations of workforce reduction or where funding for the position has ended, the employee may not be reinstated to the same or

equivalent position. Key employees may be exempt from the job protection under FMLA leave.

When both spouses are employed at NSU, they are limited to a combined total of 12 weeks of family leave for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement. Combined leave time is 26 weeks to care for a covered service member with a serious injury or illness.

When FMLA leave is exhausted, other leave types may be applicable and available. An employee should consult with the Office of Human Resources for additional information.

HR 5.3.6 Intermittent / Reduced Leave Schedule

The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member or serious personal health condition. Intermittent/reduced leave schedule requests will be evaluated by the Human Resources Director in consultation with department management.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with department management to schedule the leave so as not to unduly disrupt operations.

Medical certification is required for an Intermittent/reduced leave schedule request.

HR 5.3.7 Call-Out Procedure for Absences

In all cases notice of need for FMLA leave must be given with proper timing and content. All employees approved for FMLA leave are to comply with departmental policies and practices for reporting an absence. Employees reporting an absence that qualifies for FMLA leave must either specifically reference the qualifying reason for the leave or state that he/she needs FMLA leave. If calling in "sick" without providing more information, the FMLA leave is not activated and the leave may not be covered by FMLA.

HR 5.3.8 Compensation and Benefits While On FMLA Leave

An employee (both exempt and non-exempt) is required to use accrued time off to continue income during the FMLA leave duration. Accrued leave will be used in the following order: 1) Personal Leave; 2) Comp Time (non-exempt only); and 3) Vacation. If no accrued time is available or accrued time is exhausted, the leave is without pay for both exempt and non-exempt (hourly) staff and faculty.

During approved FMLA, an employee's university provided group health and life benefits will continue to be paid by the University. For dependent and optional benefit premiums normally paid by the employee, arrangements are to be made through the Office of Human Resources for premiums to be paid by the employee when payroll deduction is not an option.

While receiving disability payment or workers' compensation payment, FMLA leave will run concurrently for the duration of the leave. Use of accrued benefits should be discussed with the Office of Human Resources. Leave Share and FMLA are two separate policies and FMLA leave may not qualify for the Leave Share Program.

HR 5.3.9 Certification and Release

Initial and continued medical certifications may be requested by the Office of Human Resources and will be required within the specified timeframe according to the Act. NSU reserves the right to determine when a leave request will require additional documentation such as caregiver (non-military), intermittent leave/reduced leave schedule, employee request, additional clarification or verification or supporting certification. Leave may be denied for failure to provide required medical certification or documentation. Certification forms are available from the Office of Human Resources.

A release to return to work or Fitness for Duty form from the medical caregiver listing any and all restrictions as applicable will be required in all personal medical leave situations. NSU reserves the right to determine if a release to return to work is necessary. No release is required for paternity leave or certain military eligible leave.

HR 5.3.10 Documentation and Recording Time

Department management and the Office of Human Resources must communicate concerning any potential eligibility for FMLA leave. Any absence situation that is FMLA eligible of four (4) or more days requires department management or designee to immediately notify the Office of Human Resources. For FMLA qualifying absence or when FMLA eligibility is unknown, NSU via the Office of Human Resources is obligated to send notification of rights. The Office of Human Resources will determine if the initial leave is FMLA eligible. If it is FMLA eligible, the Office of Human Resources will issue the appropriate documents and notify department management.

Record keeping is a critical part of FMLA documentation. Intermittent absences that have been deemed to fall under FMLA will be recorded or noted as such by department management or the employee. These absences include separate blocks of time for a single qualifying reason or a reduced leave schedule. In the case of approved medical leave for a single block of time, the Office of Human Resources will record FMLA leave. FMLA records will be maintained by the Office of Human Resources.

HR 5.3.11 Exhausting FMLA Leave

Once an employee has exhausted FMLA leave and no other leave policy applies, the employee must return to work. If no other leave is available and the employee cannot return to work, the employee will be terminated.

HR 5.3.2 Extended Medical Leave

An employee who has been employed for one year or longer and who must be absent from the job for more than three consecutive days due to a medical situation may be placed on Extended Medical Leave, depending on the circumstances of the illness or injury. Extended Medical Leave is approved leave for any serious medical condition, defined as: any condition requiring care or

continuing treatment by a health care provider which incapacitates an employee and/or prevents him/her from performing assigned duties, or the existence of a contagious disease/illness which, in the judgment of the institution, would jeopardize the health of fellow employees. For eligible employees, Extended Medical Leave runs concurrent with FMLA. Medical verification of the necessity for extended medical leave is required and regular physician statements indicating the continued need for leave may be required.

Upon notification from an employee, a supervisor will review the circumstances with the assistance of the Office of Human Resources. If it is determined that a formal Medical Leave is required, the supervisor will submit a completed Medical Leave Notification Form, signed by the account sponsor, to the Office of Human Resources.

The employee who has been on medical leave must provide a physician's release to the University before he/she may return to work. Payment for time away from work is contingent on documentation provided by the treating physician. Leave will be paid in accordance with the employee's combined accumulated Personal Leave and Vacation (unused and prorated), and any earned comp time. When the accumulated leave has been exhausted, the employee will be placed on leave without pay unless the absence qualifies for and assistance is granted under the NSU Shared Leave Program. (See Shared Leave procedure.) An employee who becomes ill or suffers a disabling injury while on annual leave may opt to charge the relevant time to medical leave, rather than vacation, provided that such illness or disabling injury is verified by certification from a licensed medical practitioner.

A full time staff employee's job is protected by the University for up to three months when he/she is on an approved extended medical leave. Failure to return to work on the next scheduled work day following the end of the period (or earlier, if released by a physician) may result in the employee's termination from University employment unless medical leave is extended by the President or the appropriate Vice President.

HR 5.3.3 Continuation of Benefits

For the duration of FMLA leave and while on Extended Medical Leave for up to a total of three months, the University will continue to pay the monthly premium for the employee's group medical insurance. If the employee wishes to continue optional coverages and/or dependent coverage, he/she must make arrangements to pay the monthly premium.

HR 5.3.4 Returning to Work

The University will make every effort to reinstate an employee returning from medical leave to the same position and rate of pay as previously held. If the leave is going to be for an extended period of time and the position must be filled, the University will attempt to hire a replacement on a temporary basis. If a permanent replacement must be hired, the returning employee will be offered the most appropriate available job. If no job is available when the employee is ready to return, he/she would be placed on a lay-off status. Failure to return to work at the beginning of the next scheduled workday after being released by the physician may result in termination.

HR 5.4 Leave Sharing Program

The Leave Sharing Program provides a means for NSU employees to donate paid leave to a fellow University employee who is eligible for and requires donated leave time due to an extraordinary or catastrophic illness, injury, impairment or physical or mental condition for either the employee or an immediate family member, and which has caused or may cause the employee to take leave without pay or terminate employment. For the purposes of this policy, “immediate family member” shall be limited to the spouse, child, stepchild, grandchild, grandparent, parent or stepparent of the employee. This term shall also include foster children and legal wards, but not in-laws.

The NSU Leave Bank is maintained through Personal Leave hours donated for general distribution. The Office of Human Resources will solicit donations for the Leave Bank as needed. Employees shall have no expectation of entitlement to Leave Sharing. Receipt or donation of shared leave is a gift from fellow employees and is not intended to constitute or obligate debt or reciprocity. The Office of Human Resources has sole discretion in determining eligibility for participation in the Leave Sharing Program at NSU. Details of the program are available from the Office of Human Resources.

HR 5.5 Weather Conditions

The Public Information Office will be responsible for contacting the news media if the President makes the decision to close any part of the University due to inclement weather conditions. The local radio stations will specify whether the administrative offices and/or classes will be closed. Unless the administrative offices are specifically mentioned as being closed, always assume the University is open. Employees are expected to make every effort to listen to the radio rather than calling in, but if the announcement is missed, the employee may call the campus switchboard or refer to the NSU website for recorded information.

If classes are not held but administrative offices are open, employees who are unable to come to work would have the option to charge the time missed to either Personal Leave or Vacation. If administrative offices are closed, that day’s absence would be entered on time sheets as “Administrative Leave.” By doing so, an employee would be paid for the day and the time would not be deducted from any accumulated Vacation or Personal Leave.

When administrative offices are closed due to inclement weather conditions by the appropriate authority, there are still a few employees who are required to be on the job due to the nature of their work assignment. When this situation exists, these employees will be credited with the appropriate amount of administrative time.

HR 5.6 Holidays

A tentative holiday schedule will be announced at the beginning of each fiscal year. These holidays usually include: Independence Day, Labor Day, Thanksgiving (three days), Christmas (days to be specified each year), New Year's Day, and Memorial Day. Annually other days may be designated by the President as Holidays. If any of the identified holidays fall within an employee’s employment period, these days will be considered holidays with pay. Paid holidays are available to full-time employees.

Some employees may be required to work during holiday periods. If an employee works on an observed holiday, he/she will be credited for the hours worked and for the holiday. Any hours in excess of 40 for the workweek will go into an employee's comp time bank, according to normal payroll process. In special circumstances, excess hours may be paid out as overtime pay at the discretion of department management.

Employees are eligible for holiday pay if, on the last regularly scheduled work day before the holiday and the first regularly scheduled work day after the holiday, they are either at work (no minimum number of hours required) or on approved leave with pay. An employee who terminates before returning to work after the holiday will not be paid for the holiday.

HR 5.7 Administrative Leave

At the discretion of the University or a specific department, offices must close temporarily due to unforeseen, unplanned situations or because the University, for its own convenience, has chosen to temporarily discontinue the work for a specific limited period of time. When this situation arises, employees (full-time) will receive pay for the time they miss. Unless designated otherwise by the University, this pay is charged to "Administrative Leave" and is not counted against any leave time employees may have accumulated. Administrative Leave will be designated at the discretion of the President, who will determine the appropriate length and use of the time.

HR 5.8 Jury Duty/Court Leave

The University recognizes the responsibility of each individual to perform civic duties as called upon. A copy of the summons or subpoena must be submitted to the appropriate supervisor (to be included in the employee's personnel file) the next working day after the receipt thereof, or no later than 72 hours prior to the start of the leave. Jury duty allowance will not be paid for any time other than the normal 40 hours during an employee's regularly assigned work week. If the employee is not selected for jury duty after reporting each of the required days, he/she must return to work for the remainder of the work day.

Employees appearing as a witness or jury member for the Federal Government, State of Oklahoma, or a political subdivision thereof, or in private litigation as a representative of the University, are entitled to leave with full pay. Employees subpoenaed in private litigation to testify as an individual outside of his/her scope of employment with the University, will use Vacation, Personal Leave, or leave without pay.

HR 5.9 Military Leave

All University employees who are members, either officers or enlisted, of the Reserved Components, to include the Army and Air National Guard and the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any other component of the Armed Forces of the United States, shall, when ordered by the proper authority to active or inactive duty or service, be entitled to a leave of absence from their employment for the period of such service without loss of status or seniority. During the first thirty regularly scheduled work days of such leave of absence in any federal fiscal year (Oct-Sept), the employees shall receive his/her full regular pay.

During the remainder of such leave of absence in any federal fiscal year, the state may elect to pay the officer or employee an amount equal to the difference between their full regular pay and their military pay; employees shall receive the difference between their full regular pay and their Reserve Components pay when they are ordered by proper authority to active or inactive service retroactive to the date that the officer or employee reported to active service on or after September 11, 2001, during the period that Operation Enduring Freedom is in effect. The durational limit of protected military service as provided for in this section shall not be less than that provided by federal law. If it is necessary in the interest of the University to provide for the performance of the duties of their positions during such absence, the Office of Human Resources, as authorized by the Director and the President of the University, may appoint substitutes, to be known as acting incumbents, who shall qualify as required for the regular incumbents. Prior approval must be obtained by submitting a Personnel Action Form with a copy of the duty orders to the appropriate supervisor. The orders should then be submitted to the Office of Human Resources.

HR 5.10 Voting

When properly coordinated with the appropriate supervisor at least one day in advance, employees will be allowed up to two hours in which to vote. Those employees living at such a distance that more than two hours are required to vote shall be allowed a sufficient time. The employee shall not be subject to any loss of pay or other penalty for exercising his/her right to vote. A supervisor may determine the hours during which an employee may vote. Any employee whose normal work day on the day of the election begins three hours or more after the time of the opening of the polls, or ends three hours or more before the time of the closing of the polls, cannot utilize the provision of this policy.

HR 5.11 Leave of Absence Without Pay

A leave of absence is a leave without pay for good and sufficient reason, which does not qualify under any other leave with pay. Such leave may be granted up to 30 days by the immediate supervisor, six months by the appropriate Vice President and up to one year by the President. All accrued leave must be used before leave of absence without pay will be granted.

HR 6.0 WORKPLACE and EMPLOYEE RELATIONS

HR 6.1 Employee Responsibilities and Personal Conduct

Employees of Northeastern State University are representatives of the University during working hours and are expected to conduct themselves in a professional and ethical manner. They are expected to work together to protect the interests and safety of each other and others on campus. Employees are responsible for their own personal conduct and for taking the necessary steps to ensure, to the extent possible, a safe and harmonious work environment. All employees are expected to demonstrate a commitment to customer service, recognizing that everyone serves both internal and external customers, including students, faculty, staff and the community.

Nothing contained within this Handbook may be interpreted as giving an employee an expectation of privacy. Offices, desks, computers, email, file cabinets and other furniture and equipment provided by the State or from a grant are not private although certain spaces may contain records that are specifically confidential. Each employee must ensure that there is clear access at all times to any materials or information which may be needed to conduct the business of Northeastern State University.

Supervisors are expected to address any employee conduct problems that occur within their own area of responsibility. While the Office of Human Resources provides assistance or guidance in this area, the supervisor is responsible to ensure that employees exhibit proper conduct.

Because it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, supervisors and employees are trusted to use their best judgment. However, the following are examples of conduct that may result in disciplinary action up to and including termination of employment:

- Theft or inappropriate removal of NSU owned, student owned or coworker owned property.
- Falsification or intentional misrepresentation of personnel or other records.
- Working under the influence or possession of alcohol or illegal or illicit drugs.
- Fighting or threatening violence in the workplace.
- Negligence or improper conduct leading to damage to NSU, student or coworker owned property.
- Insubordination—disregard or disrespectful behavior toward supervisors or co-workers.
- Intentional violation of safety or health rules.
- Violation of NSU tobacco use policy.
- Sexual or other unlawful harassment or discrimination.
- Possession of dangerous or unauthorized materials in the workplace.
- Excessive absenteeism or tardiness.
- Unauthorized or inappropriate use of University facilities or property.
- Unauthorized or inappropriate disclosure of confidential information.
- Accessing or manipulating personal federal financial aid and/or personnel related records and/or data, as well as the records and/or date of family members and relatives.

HR 6.2 Political Activities

An employee of the Northeastern State University who participates in political activities, must do so in a manner that does not imply directly or indirectly that the Board of Regents of the Regional University system of Oklahoma or any of its Universities endorse such activities, in no way interferes with the rights and privileges of other employees of this board or of students attending any University, in no way interferes with the assigned duties of the employee. Violation of these principles may be considered cause for disciplinary action up to and including termination. (Board of Regents Policy)

HR 6.3 Conflict of Interest and Commitment

Full-time NSU employees who accept paid and unpaid responsibilities with entities other than NSU are subject to the Conflict of Interest and Commitment Policy. When employees perform work beyond their usual duties for outside entities that provide the funding through NSU, that funding must include benefit contributions to be paid by NSU.

HR 6.4 Disciplinary Actions

Northeastern State University is an “at-will” employer. The contents included in this Handbook in no way modify or amend the right of the University as an “at-will” employer in originating or terminating employment of personnel. “At-will” employment is for no specified term and is terminable at the will of either the employee or employer. Promises or representations made by anyone except in writing by the President of Northeastern State University concerning the conditions of employment, express or implied, do not negate the right of the University to terminate employment at any time, without notice and with or without cause.

Disciplinary action may be required when an employee’s work habits, attitude, performance, or personal conduct fall below appropriate standards. Such disciplinary action will not be of a capricious or arbitrary nature. The University’s intent when imposing any type of disciplinary action is to be constructive rather than punitive. Supervisors will consider the severity of the offense, the previous record of the employee, the lapse of time since the last disciplinary action and the departmental and institutional practices in dealing with previous cases related to discipline. The end result of any such action is intended to eliminate the problem and allow for the retention of the employee.

Similar offenses should be handled in a consistent manner; this can be accomplished through coordinated efforts between the supervisor and the Director of Human Resources when disciplinary action is anticipated. Counseling and warning the employee in sufficient time for improvement normally precede formal disciplinary action, but the nature of the offense may require immediate formal discipline.

The standard types of disciplinary action are:

- Oral Warnings - Normally used for the first minor infraction.
- Written Warnings - Normally used for:
 - A repeat of a minor infraction for which the employee may have previously been orally warned;
 - Several minor infractions occurring within a short time; and/or

- The first incident of a major infraction.
- Suspensions - Employees may be suspended without pay as a disciplinary measure for a period of 1-30 calendar days. Suspensions are normally used for:
 - Recurrences of habitual minor infractions or several major infractions; and/or
 - The first act representing a gross, serious, or significant violation.
- Termination - Terminations occur for serious infractions or when other disciplinary measures have not corrected the unacceptable behavior.

HR 6.4.1 Written Documentation

Supervisors may informally discuss verbally a minor disciplinary problem with an employee without documenting it in the personnel record. However, when formal counseling or disciplinary action takes place or when a serious disciplinary problem exists, proper documentation is essential. A written reprimand is to be given to the employee should up to three informal discussions not eliminate the problem. A record of the counseling will be placed in the employee's personnel file.

Each notice of suspension, demotion, or dismissal from employment shall be given to the affected employee in writing with a copy to be filed in the Office of Human Resources. In situations requiring immediate action by the supervisor such notice may be given verbally, but in all cases a written notice must be given in person or by certified mail, return receipt requested, as soon as possible thereafter.

All documentation should be forwarded to the Office of Human Resources. A copy of the reprimand will be retained in the employee's personnel file for 12 months at which time it will be considered inactive. If during the 12-month period an additional reprimand is issued, neither will be removed until 12 months have gone by during which no reprimands were issued. Records including demotions, disciplinary lay-offs or discharge will remain as a permanent part of the employee's file.

HR 6.4.2 Appeals

Employees who have at least six months of service shall have the right to appeal any matter of suspension, demotion, or dismissal from employment by the department or other administrative subdivision by which the person is employed.

HR 6.4.2.1 Procedure for Processing Appeals

An employee desiring to make an appeal following a suspension, demotion, or discharge from employment shall advise the Director of Human Resources in writing of the desire to initiate appeal. This notice to the Director must be made within ten working days after the employee is officially notified of the action being taken.

Upon receipt of the notice of intent to appeal from an employee the Director of Human Resources shall determine if the notice of appeal has been filed in accordance with the provisions of these sections and shall notify the appellant, the departmental officials, and the appropriate administrative supervisor accordingly.

The appeal will be directed to the next higher level of supervision above the supervisor who made the decision to suspend, demote, or dismiss. If not resolved at that level the appeal may then be submitted to the next level of supervision in the regular administrative channel. Each supervisor will have five working days in which to render a decision in writing to the appellant with a copy to the Director of Human Resources and to the appropriate Vice President. Additional time to render a decision may be granted by the Director of Human Resources or the President for good cause. The decision of the Vice President in all cases of appeal shall be considered final and binding.

HR 6.5 Employee Grievances

The University recognizes the right of employees to express their grievances and seek a resolution concerning work-related disagreements arising from working relationships, working conditions, employment practices or differences of interpretation of policy that might arise between the University and its employees. The purpose of the employee grievance policy is to provide an avenue for the resolution of informal and formal grievances without fear of coercion, discrimination, or reprisal due to exercising rights under University policy. Excluded from this policy are issues concerning:

1. Salary increases, job classifications, fringe benefits;
2. Performance-related dismissals during the initial probationary period of employment;
3. Actions taken during a Reduction of Work Force or the non-renewal of appointment time;
4. Falsification of application (or resume) for employment and other employment-related documents; and/or
5. Suspensions, demotions or discharge from employment shall not be considered as formal grievances but shall be considered as basis for appeal.

With the exception of the exclusions outlined, the grievance procedure is available to regular full-time and part-time staff. Employees are to begin the process within five working days of the event being grieved and are to follow regularly established administrative channels. The grievance procedure is the only formal process for resolving internal employment problems for those employees protected by it.

HR 6.5.1 Informal Grievances

Employees having complaints are encouraged to seek informal resolution with the people involved. The University encourages employees to communicate issues of concern to their supervisor or the Affirmative Action Officer (AAO). The AAO serves as a resource on University grievance policies and procedures and is available to provide an opportunity for neutral resolution and mediation. If the matter cannot be satisfactorily resolved at this level, the formal procedure is available.

HR 6.5.2 Formal Grievances

A formal grievance may be made when informal processes have not resolved a work-related issue and when an employee believes that he or she has been discriminated against on the basis of

race, national origin, age, sex, disability or status as a veteran or that a violation of policy has occurred concerning working conditions, employment practices, individual rights or due process.

HR 6.5.3 Filing of Formal Grievances

All formal grievances must be filed with the AAO. The grievance must be filed with the AAO as soon as possible, but not more than thirty (30) calendar days from the date on which the employee believes the violation giving rise to the grievance occurred. The employee shall state fully in writing the facts upon which the complaint is based. A written complaint must contain the following:

- a. A clear and detailed, signed statement of the grievance, and/or
- b. The specific remedial action or relief sought.

The AAO will immediately notify the respondent(s) of the formal grievance. The respondent will have 5 calendar days from notification of the complaint to respond in writing to the AAO.

HR 6.5.4 Withdrawal of Complaint

The grievant may withdraw the complaint at any point prior to the adjournment of the formal hearing by notifying the AAO in writing. Once withdrawn, the same complaint may not be resubmitted under any grievance procedure.

HR 6.5.5 Formal Hearing Panel

The Director shall appoint an ad hoc panel composed of not less than three members to serve as a review panel. The ad hoc panel will not have the power to make a decision or agreement binding upon the University. The board shall be composed of at least one member appointed from the administrative or professional ranks, at least one member appointed from classified personnel, plus one member of any of the above categories to serve as chairperson of the review panel.

HR 6.5.6 Formal Review Process

1. The AAO will convene the review panel as soon as practical after the grievance is filed. Hearings will be closed. No party may be represented by counsel at the hearings
2. The panel has the ability to decide to accept the written information provided or call witnesses identified by the complainant and/or respondent. The panel may also identify other employees they believe to be important but will consider only evidence relevant to the grievance. Questions of relevance shall be decided by the committee chair.
3. The panel will communicate its findings, conclusions and recommendations in writing to the Vice President in the employee's administrative channel within 10 calendar days of the conclusion of the hearing.
4. The Vice President will report to the grievant, respondent and the review panel his/her decision within 10 calendar days of the receipt of the recommendation. The decision of the Vice President will be final in all cases of grievance.

HR 6.5.7 Confidentiality of Proceedings and Records:

All University employees are charged individually to preserve confidentiality to the extent appropriate with respect to any matter investigated or heard. A breach of the duty to preserve confidentiality is considered a serious offense and will subject the offender to appropriate

disciplinary action. Anyone else involved with the proceedings are also admonished to maintain confidentiality. All records of the grievance proceeding will be held by the AAO as confidential records.

HR 6.6 Employees with Special Needs

Northeastern State University complies with the provisions of the American with Disabilities Act (ADA) which prohibits discriminatory employment practices against individuals with disabilities. Upon appropriate notification, NSU will make a good faith effort to provide reasonable accommodation to an otherwise qualified candidate who applies for a position or an employee who is able to perform the essential functions of his/her job.

It is the policy of the university to allow and assist all employees to continue to work as long as they are medically able to perform their work satisfactorily and do not pose a threat to their own health or safety or to the health or safety of others in the workplace. Coworkers are expected to cooperate with this policy. An employee or applicant must meet minimum qualifications for the position.

ADA accommodations must be requested and approved through the Office of Human Resources.

HR 6.6.1 Requesting an Accommodation

The requesting person should contact the Director of Human Resources for guidance on requesting a reasonable accommodation due to a disability. A Request for Accommodation form must be completed to begin the process. Appropriate verification of the disability from a certified medical professional which includes a detailed description of the disability, limitations, and duration may be required. The Director will consult with necessary management staff when an accommodation is needed. A separate file will be maintained in the HR Office as the official record of reviews and accommodations.

HR 6.6.1a Forms

Request for Accommodation (HR Website Forms).

Employee ADA Medical Certification (HR Use).

HR 6.6.2 Reasonable Accommodations

A reasonable accommodation is broadly defined as any change or adjustment that permits a qualified individual with a disability the opportunity to equally participate in a program or service of the University. The Office of Human Resources will evaluate all requests and make recommendations to the appropriate management level. It is expected that Human Resources will work with the department/unit to identify any expenses involved and to assist in locating necessary funding sources. Equipment becomes the property of the department/unit. Major equipment requests will be advanced to the appropriate Vice President for review.

NSU may choose an effective accommodation option(s) that is different from the requested accommodation(s). If providing an accommodation poses an undue hardship, NSU reserves the right to deny an accommodation. Personal use items necessary for daily activities are not provided by NSU. A reasonable accommodation does not include removing essential functions,

creating a new job or lowering production standards.

HR 6.6.3 Notification of Determination

The Office of Human Resources will review the request along with the medical certification and consultation with department management. A decision as to the accommodation or denial of the request will be provided to the employee by the Office of Human Resources.

HR 6.7 Performance Appraisals

All full-time employees will have their job performance evaluated on at least an annual basis by their supervisor. Appropriate forms are available on the Office of Human Resources website. New employees are to be evaluated at least 15 calendar days prior to the end of their probationary period.

HR 6.8 Probationary Period

All regular part-time and full-time new hire and rehire employees will serve a six-month probationary period. During the fifth month of this period the department director will have an opportunity to evaluate whether the employee meets the performance standards required by the position. Administrators will serve a one-year probation period. The probationary period is an extension of the selection process. Recommendations for dismissals are in consultation with the Director of Human Resources.

Upon promotion to a new classification, transfer or demotion, employees shall be placed in a six-month probationary period to allow the supervisor a sufficient amount of time to measure the efficiency and productivity of the probationary employee. Such probationary periods do not affect an employee's eligibility for accrual or use of University benefits.

If the probationary period is interrupted for any type of leave, the employee must complete the full probationary period upon return to work. Part-time and/or full-time temporary employees who are subsequently employed in a regular full-time position within the same department (with no break in service) will receive credit toward the probationary period for the time worked.

HR 6.9 Dress/Grooming Guidelines

NSU, as a matter of policy, does not dictate a particular dress code. The University recognizes that due to the variety of job duties and responsibilities there will be differences in what constitutes acceptable dress depending on an employee's position. Immediate supervisors or department heads will determine appropriate attire for their areas. The University will only intervene when an employee's dress style or grooming habits interfere with or cause a serious distraction within the work environment, or become a safety concern.

Some employees by the nature of their jobs will be issued uniforms. In some cases it may be determined that long hair, facial hair or loose clothing may present a safety hazard. Wearing the appropriate uniform and/or appropriate grooming is considered to be part of the position and as such may be considered in the employee's evaluation and disciplinary actions.

NSU is not just another place to work, it is a community. All employees should be mindful that the University is a public institution and that personal and work area appearance is a reflection on all who work here.

HR 6.10 Consensual Sexual Relationships

The University considers it a conflict of interest when an employee involved in a consensual sexual relationship has responsibility for evaluating the employment or academic performance or for making decisions regarding the promotion, tenure, or compensation of the other party to the relationship.

These relationships may be subject to concerns about validity of consent, conflicts of interest, and unfair treatment of other students or employees. Such relationships can undermine the atmosphere of trust essential to the education process and the employment relationship.

Further, what began as a consensual relationship may easily be construed as harassment or exploitation at a later time. While the University does not intend to regulate the social interactions or relationships of its employees, any behavior that constitutes harassment will not be tolerated and is subject to discipline according to the University's Sexual Harassment Policy.

HR 7.0 DRUG FREE WORKPLACE POLICY*

HR 7.1 Purpose

The Federal Drug-Free Workplace Act enacted into law in 1988 requires that any entity seeking to be considered to receive a grant from any federal agency, and any entity seeking to be awarded a contract for the procurement of any property or services of a value of \$25,000.00 or more from any federal agency, certify to the Federal granting or contracting agency that it will provide a drug-free workplace. The Board of Regents for RUSO, in support of this anti-drug abuse legislation, and recognizing that drug abuse in the workplace is a concern regardless of any connection with federal funds, hereby establishes the following Drug-Free Workplace Policy and requires each university under its governance to effectuate this policy immediately as to all university employees.

HR 7.2 Establishment of Program

Each university under the governance of the Board of Regents for RUSO shall establish a drug-free awareness program to inform employees about:

- a. the dangers of drug abuse in the workplace;
- b. the university's policy of maintaining a drug-free workplace;
- c. any available drug counseling, rehabilitation and employee assistance programs that are available either through the university or through any third-party assistance programs in the area; and
- d. the penalties that may be imposed upon employees for drug abuse violations.

HR 7.3 Minimum Implementation Measures

At a minimum, each university under the governance of the Board of Regents for RUSO shall:

- a. Publish and post in each department of the university a written statement containing the following information:
 - i. a notification that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in all university areas;
 - ii. a description of the actions that will be taken against employees for violations of such prohibitions; and
 - iii. a notification that as a condition of employment employees will abide by the terms of the statement and notify the university of any state or federal drug statute conviction for a violation occurring in any university area no later than five days after such conviction;
- b. Require that each university employee be personally given a copy of the statement required in paragraph "a" of this section. Each such employee shall be required to acknowledge receipt of such statement by signing and returning a copy of same to the university;
- c. Designate appropriate supervisory and administrative personnel who will be responsible for identifying all university employees engaged in the performance of federal grants and contracts, for obtaining signed statements from all university employees, and for submitting those

statements to the university official(s) in charge of maintaining personnel records for appropriate retention. Such supervisory and administrative personnel shall be responsible for obtaining and submitting their own statements to such record keeping officials.

d. Designate appropriate supervisory and administrative personnel to have the responsibility to personally meet with and explain the university's drug-free workplace policy to all university employees.

e. Designate appropriate supervisory and administrative personnel to be responsible for and who shall provide timely notification (within ten days of knowledge) to appropriate federal granting or contracting agencies when a university employee engaged in the performance of federal grants and contracts is convicted under any state or federal criminal drug statute for misconduct in the workplace.

f. Impose an appropriate administrative sanction (up to and including dismissal) on any employee so convicted, within thirty (30) days of knowledge of such conviction, or require the satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by the university.

g. Make a good faith and continuous effort to maintain a drug-free workplace by taking the steps enumerated for federal compliance certification of a university drug-free workplace.

HR 7.4 Employee Responsibility

All university employees shall sign and return to the university the statement referred to in this policy and, if convicted under state or federal criminal drug statutes for misconduct in the workplace, as a condition of continued employment shall notify his/her immediate supervisor and, if applicable, federal grant or contract supervisor, of such conviction within five (5) days of the conviction.

HR 7.5 Sanctions

a. Refusal, failure or neglect by any university employee to sign and return the written statement referred to in this policy shall be deemed an act of insubordination and will subject the employee to appropriate disciplinary action.

b. The administrative sanction for failure to timely report a workplace related state or federal criminal drug statute conviction by such an employee, or for a workplace related criminal drug statute conviction by an employee which has been timely reported to the university may include any sanction up to and including dismissal from employment.

c. In all instances where a university employee is not dismissed from employment, and as a condition to continued employment, has been required to satisfactorily participate in a drug abuse assistance or rehabilitation program, such program must be approved by the university. Any such employee must provide to the university a signed statement attesting as to the employee's successful participation in the university-approved drug abuse assistance or rehabilitation program.

d. With or without the existence of a workplace related state or federal criminal drug statute conviction, if an employee is found at any time to have violated the university drug-free workplace policy, he/she may be disciplined and/or referred for counseling and treatment as set forth in general university disciplinary policies.

e. Administrative sanctions as set forth in this policy shall be imposed by the university within thirty (30) days of notification or awareness of the employee's workplace related criminal drug statute conviction.

HR 7.6 Definitions

a. "Controlled Substance" means any controlled substance set forth in Schedules I through IV of Section 202 of the federal Controlled Substances Act (21 U.S.C. Sec. 812, as amended). Such controlled substances include, but are not limited to cocaine, marijuana, opiates, amphetamines and barbiturates.

b. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

c. "Criminal Drug Statute" means any criminal drug statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

d. "Employee" means any person receiving pay through the university payroll system.

HR 7.7 Contractors

Each university shall require of contractors performing services for or on behalf of the university in amounts exceeding \$25,000, certification that said contractor has filed a current plan with the appropriate federal agency assuring the maintenance of a drug free work environment. *Human Resources*

* REGIONAL UNIVERSITY SYSTEMS OF OKLAHOMA Manual, Section 5.8:

HR 7.8 Workplace Drug Testing Policy

HR 7.8 Commitment

In addition to the Drug Free Workplace policy, Northeastern State University is committed to providing a safe, healthy and efficient work environment for all employees through the implementation of drug testing procedures. Drug, chemical and alcohol abuse are serious social and economic problems. When any employee illegally or illicitly uses drugs, chemicals or alcohol in the workplace or is impaired due to the use of drugs, chemicals or alcohol, a safety and health risk is present. There is also a negative effect on standards of performance and conduct. Northeastern State University maintains its commitment to a safe and productive environment for employees, students and visitors by supporting educational programs and material for employees and management and providing assistance through community programs, our health insurance plan, and the employee assistance program.

HR 7.8.1 Testing Circumstances

The Workplace Drug Testing Policy is designed to balance a respect for individuals with the need to maintain a safe, productive, and drug-free environment. The multiple basis for testing under this policy shall include:

1. For Cause
 - a. Drugs or alcohol on or about employee's person or vicinity,
 - b. Employee conduct that suggests impairment or influence of drugs or alcohol,
 - c. Report of drug or alcohol use while at work or on duty,
 - d. Information that employee has tampered with drug or alcohol testing procedures at any time,
 - e. Negative performance patterns, or
 - f. Excessive or unexplained absenteeism or tardiness
2. Post-accident
 - a. Employee suffers injury or causes another person injury while at work or on duty, or
 - b. NSU property is damaged
3. Post-rehabilitation
 - a. If within two years after employee returns to work following a positive test, or
 - b. Following participation in a drug or alcohol treatment program

HR 7.8.2 Persons subject to alcohol and drug testing

All NSU faculty and staff are subject to for cause, post-accident and post-rehabilitation drug and alcohol testing. Student workers are exempted from this policy.

HR 7.8.3 Testing Procedure

All testing will be coordinated through the Director of Human Resources or their designee. Supervisors will contact the Director of Human Resources for guidance. When one or more of the basis given in HR 7.8.1 occurs NSU may request or require an employee to undergo testing. Employees suspected of being under the influence of illegal drugs or alcohol will be driven to the testing facility by a designated NSU employee and will be considered time worked.

In the event of a workplace or on duty accident, supervisors must immediately contact the Human Resources Office for referral to a testing facility. Employees involved in the accident will be required to submit to a drug, chemical and/or alcohol test as soon as reasonably, medically possible following the accident. Transportation will be provided to the testing facility.

In relation to all drug tests, an employee's refusal to undergo drug or alcohol testing within the time frame given may result in immediate suspension with pay pending an investigation and may result in further disciplinary action, up to and including discharge. Refusals include, but are not limited to: (a) failure to appear at the test collection site for the sample collection at the designated time; (b) failure to provide satisfactory identification to the person responsible for sample collection; (c) refusal to provide a specimen; (d) failure to remain at the testing site until the collection is completed; or, (e) tampering with or contaminating the urine specimen.

HR 7.8.4 Disciplinary Action

A violation of policy is considered serious and will subject the employee to disciplinary action up to and including separation of employment. Employment policy HR 6.4 provides details on Disciplinary Actions. Disciplinary action may be taken for refusal to test or for a positive test. An employee may be placed on suspension pending test results. Employees discharged for a positive test or refusal to test will be treated as discharged for misconduct for purposes of unemployment compensation benefits. Employees testing positive or who refuse to submit to a post-accident test will not be eligible for Worker's Compensation benefits.

HR 7.8.5 Substances for Testing

For the purposes of this policy testing will be for drugs and alcohol.

HR 7.8.6 Testing Methods and Collection Procedures

All testing for illegal or illicit substances will be performed with respect for individual rights and privacy. Testing will not be conducted by university personnel but at an independent laboratory/medical facility location. Procedures will be carried out with personnel qualified by the State Commissioner of Health. A sufficient quantity sample must be obtained. The authorized collection site personnel will be responsible for maintaining the chain of custody forms upon receipt of a specimen. It is the intent of Northeastern State University to comply with Title 40 of the Oklahoma Statutes Chapter 15 Standards for Workplace Drug and Alcohol Testing Act, and other state and federal laws and regulations.

HR 7.8.7 Providing Information and Retesting

When submitting to a drug, chemical or alcohol test, an individual has the ability to provide any information which he or she considers relevant to the test. Identification of currently or recently used prescription or nonprescription drugs may be requested by the Medical Review Officer (MRO) at the laboratory and should be provided to the MRO or other testing facility personnel and not to personnel at Northeastern State University.

If an individual requests a confirmation test as a result of a positive test result, that individual is responsible for the cost of the confirmation test unless the confirmation test reverses the findings of the challenged positive test. Requests for confirmation tests should be completed within 24 hours after being given notification of a positive test result.

HR 7.8.8 Referral and Information

For referral or information concerning an employee assistance program, contact the Director of Human Resources at 918/444-2230 or the Employee Assistance Program (EAP) at 877-757-7587. The employee assistance program will provide employee assistance including drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment or rehabilitation.

Seeking Assistance. Employees are encouraged to seek referral assistance for a substance abuse problem. Assistance should be requested prior to work performance or quality deterioration or the requirement for post-accident testing with positive test results. An employee who identifies

him/herself with a substance abuse problem and requests assistance prior to a positive test result will be given the opportunity for a leave of absence of not less than 30 days. Return to work is contingent on the availability of a position and with the expectation of no positive drug tests for up to two (2) years.

HR 7.8.9 Continuation of Employment and Benefits

Benefit hours such as available personal leave and vacation leave may be utilized when a leave of absence is approved. If no benefit hours are available, the approved leave is without pay. Northeastern State University will continue employment and employer contributions into insurance programs for six (6) months when leave is approved. After employment ends, an employee will be eligible for COBRA according to university policy.

HR 7.8.10 Confidentiality

In confidence, an individual has the ability to explain the test results and inspect a copy of the records of the drug test results and related information.

All test results and related information are confidential and will be treated as such by the university. Records are retained separately from the personnel file. Northeastern State will not release an individual's records to any person other than the individual, or upon written permission from the individual, to comply with a valid judicial or administrative order.

All employees, management and supervisors are to restrict conversations concerning individual testing according to this policy when participating in any questioning, evaluation, investigation or disciplinary action. This information is confidential and should not be shared except to those who have a business need to know.

HR 7.8.11 Appeal Process

If an individual's test results is positive, the individual has the right (at his/her expense) to challenge the results by requesting a confirmation test of the sample.

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HR 8.0 SEXUAL HARASSMENT POLICY

Northeastern State University affirms its commitment to ensuring an environment for all employees and students which is fair, humane, and respectful - an environment which supports and rewards employee and student performance on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to employee or student performance are damaging to this environment. Sexual harassment by any member of the university community, including students, faculty and staff, is a violation of both law and the policy of the Regional University System of Oklahoma, and will not be tolerated. Sexual harassment is a particularly sensitive issue which may affect any member of the University community and as such will be dealt with promptly and confidentially by the University administration. The Board of Regents of the Regional University System of Oklahoma reserves the right to deal administratively with sexual harassment issues whenever it deems it appropriate to do so.

HR 8.1 Definition of Sexual Harassment

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- A. When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing, or
- B. When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or
- C. When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

HR 8.2 Examples of Prohibited Conduct

Conduct prohibited by this policy may include, but is not limited to:

- A. Unwelcome sexual flirtation; advances or propositions for sexual activity.
- B. Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes.
- C. Sexually degrading language to describe an individual.
- D. Remarks of a sexual nature to describe a person's body or clothing. and/or
- E. Display of sexually demeaning objects and pictures.

HR 8.3 Retaliation

Threats or other forms of intimidation or retaliation against complaining witnesses, other witnesses, any reviewing officer, or any review panel shall constitute a separate violation of this policy which may be subject to direct administrative action.

HR 8.4 Complaint Process

This policy is in addition to current Regional University System of Oklahoma and University policies concerning discrimination and applies to all students, faculty, staff, guests or visitors. Complaints alleging violation of the racial and ethnic harassment policy will be reviewed and investigated by the appropriate University office. Complaints may be resolved informally or may

proceed through the applicable formal complaint proceedings. Complaints may be filed in the following manner:

- A. Complaints against students or student organizations shall be filed with the NSU Affirmative Action Officer in the Office of Human Resources for review and investigation. The Affirmative Action Officer, or designee, may assist in the informal resolution of the complaint or in processing a complaint through the applicable campus procedures.
- B. Complaints against faculty or staff shall be filed with the Affirmative Action Officer in the Office of Human Resources. The Affirmative Action Officer or designee may assist in the informal resolution of the complaint or in processing a formal complaint through the applicable campus procedures for faculty and staff.
- C. Complaints against visitors or guests should be directed to the University police office.

HR 8.5 Sexual Harassment Grievance Procedure

Persons who have complaints alleging sexual harassment are encouraged to raise them with the University's Affirmative Action Compliance Officer.

HR 8.5.1 Timing of Complaint

Complaints must be filed with the Affirmative Action Officer within 300 calendar days of the act of alleged sexual harassment.

HR 8.5.2 Withdrawal of Complaint

The complainant may withdraw the complaint at any point during the investigation or prior to the completion of a formal hearing. A written withdrawal request signed by the complainant is required.

HR 8.5.3 Confidentiality of Records

All records made or maintained as part of the grievance procedure shall be kept confidential.

HR 8.5.4 Proceedings

HR 8.5.4.0 Investigation and Informal Resolution

Upon receipt of a complaint of sexual harassment, the Affirmative Action Officer is empowered to conduct an investigation. The investigation may involve interviewing the parties involved and gathering evidence. The investigation shall be completed as soon as possible after receipt of the complaint. Upon a clear showing at any stage of the investigation that immediate harm to either party is threatened by the continued performance of either party's regular duties or University responsibilities, the proper executive officer may suspend or reassign said duties or responsibilities pending the completion of the investigation. Upon completion of the investigation, the Affirmative Action Officer is authorized to take the following actions.

- A. *Satisfactory Resolution*: Resolve the matter to the satisfaction of the University, the complainant and the party accused of sexual harassment. If a resolution satisfactory to the University and both parties is reached through the efforts of the Affirmative Action Officer, a written agreement shall be prepared and shall be signed and dated by each party. At that time, the investigation and the record thereof shall be closed.

- B. *No Resolution*: Render a "no resolution" decision which automatically refers the complaint to a Formal Ad Hoc Grievance Committee. Written notice of such finding shall be given to each party involved.
- C. *Dismissal*: Find that no violation of the University's sexual harassment policy has occurred and dismiss the complaint, giving written notice of said dismissal to each party involved. The complainant may appeal the dismissal. The appeal is a written request for a Formal Hearing made to the Affirmative Action Officer and must be made within 15 calendar days of the date of the notice of dismissal. If no appeal is filed within the 15 calendar day period, the matter is considered closed.
- D. *Determination of Possible Violation of Sexual Harassment Policy*: Make a finding of possible impropriety and notify the parties that a formal hearing will be required. Disciplinary action shall be in accordance with established policy in the Staff Personnel Handbook.

HR 8.5.5 Formal Hearing

A hearing will be conducted when investigation of the complaint results in the determination of a possible violation of the Sexual Harassment Policy of the Board of Regents of the Regional University System of Oklahoma.

- A. *Selection of an Ad Hoc Grievance Committee*: The Vice President for Administration shall appoint a committee comprised of five members. The committee shall be composed of two members of the Affirmative Action Committee: one member appointed from the administrative or professional rank, one member appointed from classified personnel. One member from the Affirmative Action Committee will serve as chairperson. Remaining members of the committee shall be selected at the discretion of the Vice President for Administration.
- B. *Hearing Guidelines*: It shall be the function of the Grievance Committee to conduct a complete, fair, and impartial hearing that will bring to light all the facts of the case, then, to present their recommendation for adjudication of the case including findings of fact and conclusions of law to the appropriate Vice President. The Grievance Committee will not have the power to make a decision or agreement that is binding upon the University. Neither party may be represented by legal counsel. Parties may present all evidence they consider applicable to the issue. Further, the parties may call witnesses to testify and may cross examine witnesses called by the other party. The hearing shall be closed to the public. Audio tape recordings of the proceedings shall be arranged by the chairperson of the Grievance Committee. The Vice President for Administration shall notify the parties of the date, time and location of the hearing. Each party is responsible for giving such notice to their witnesses.
- C. *Satisfactory Resolution Prior to Hearing Completion*: In the event the matter is resolved to the satisfaction of all parties at any time prior to completion of the formal proceedings of the Grievance Committee, a written statement shall indicate the agreement reached by the parties and shall be signed and dated by each party and by the chair of the Grievance Committee. The matter shall then be closed.

- D. *Grievance Committee's Findings and Recommendations:* At the conclusion of the hearing, the Grievance Committee shall deliberate in executive session to make a recommendation to a vice president designated by the Vice President for Administration. The committee's recommendation shall be prepared and transmitted to the vice president within ten calendar days after conclusion of the hearing. The decision of the Grievance Committee is not binding upon the University. Any disciplinary action recommendation shall be in accordance with established policy as written in the Procedural Manual for All Faculty and Staff.
- E. *Vice President's Decision:* As soon as possible after receipt of the Grievance Committee's findings and recommendations, the vice president shall render a decision in the matter of the sexual harassment complaint and inform the complainant and accused party of the decision. A copy of the decision shall be transmitted to the respondent, to the Chairperson of the Grievance Committee and to the Affirmative Action Officer.

HR 8.5.6 Appeal

Either party has the right to appeal this determination. The appeal is made by a written request to the President of the University for review of the Vice President's decision and must be made within ten calendar days of the date of the decision. If no appeal is delivered to the President within the ten calendar day period, the case is considered closed. The decision of the President shall be considered final and binding.

HR 8.6 Sexual Relationship Policy (RUSO 5.6.2) effective January 11, 2013

Statement of Policy

Northeastern State University, in accordance with the Regional University System of Oklahoma, affirms its commitment to the fair exercise of academic and employment power and adequate protection of individuals with limited power. University employees, including administrators, faculty, coaches, extramural and intramural activities supervisors, graduate assistants, and staff should demonstrate respect for students as individuals and adhere to their proper roles as academic guides, counselors and facilitators. Employees must refrain from any exploitation of students and other employees. Such use of power to create sexual relationships will be dealt with promptly and confidentially by the university administration.

HR 8.6.1 Sexual Conduct with Students Prohibited

No employee shall engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any student whom the employee supervises, acts as academic advisor for, or over whom the employee has any power to determine the student's grade; honors; discipline; research opportunity; scholarship opportunity; acceptance in a graduate or other program of study; participation in arts, athletic, or academic competition; work-study assignment; or other similar education-related matter. University employees' sexual liaisons with students in such situations exploit position, abuse power and fundamentally harm the academic relationship. Voluntary intoxication with drugs, alcohol or other substances shall not negate knowledge.

HR 8.6.2 Sexual Conduct with Supervisee Prohibited

Supervisors' sexual liaisons with their supervisees may exploit position, abuse power and fundamentally harm the working environment. No supervisor may engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any employee not his or her spouse, whom he or she supervises, directly or indirectly. Voluntary intoxication with drugs, alcohol or other substances shall not negate knowledge.

HR 8.6.3 Definition of Sexual Conduct

Sexual conduct includes, but is not limited to, any sex act, erotic touching, romantic flirtation, conversation of a carnal nature, advance or proposition for sensual activity, erotically explicit joke, remark of a carnal nature describing a person's body or clothing, display of an erotic object or picture, and physical contact reasonably believed to be of a sensual or flirtatious manner.

Sexual conduct does not include reasonable use of delivery of bona fide lecture and/or instructional acts, statements, or materials.

HR 8.6.4 Sanctions

Sexual conduct with students or employees in violation of this policy will not be tolerated. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

HR 8.6.5 Exceptions

Exceptions to sexual conduct prohibitions consistent with state and federal law may be granted in appropriate circumstances by the university president. The RUSO Board shall be notified of any such exceptions in a written, confidential personnel record at least one week prior to the next Board meeting. Exceptions involving presidents may be granted by the RUSO Board only.

***Employment Handbook
for All Faculty and Employees
Office of Human Resources
Effective March, 2011***

The policies and procedures appearing in this Handbook are to be construed in harmony with the policies of the Regional University System of Oklahoma's Policy Manual and the Northeastern State University Faculty Handbook. Current policies of the Regional University System of Oklahoma and the Northeastern State University Faculty Handbook supersede any policy stated in this Handbook to the extent that they conflict. The policies of this Handbook are severable. If one or more provisions of this Handbook or the applicability of any such provisions to any set of circumstances shall be determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity and enforceability of the remaining provisions. These policies can only be amended, revoked or waived in writing by the President of the University. The University retains the right to change any of the provisions in this Handbook at any time.

Approved: Dr. Don Betz, President (signature on file in Office of Human Resources)

Noted in Minutes of President's Cabinet 2011.

Portions of this handbook have been updated in compliance with approved policy changes effective January 1, 2017. The Handbook, in its entirety, will undergo review and editing during the 2017 calendar year.