

# AUBURN UNIVERSITY AT MONTGOMERY

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AUBURN

MONTGOMERY

## Personnel Policies and Procedures Manual

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**Adopted May 2007**

Auburn University President Jay Gouge

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Auburn University at Montgomery Chancellor Carl Stockton

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## Introduction

1.1 General - Auburn University at Montgomery recognizes its legal and moral obligation to provide an environment in which an opportunity for employment is available to all qualified individuals without discrimination on the basis of race, color, sex (which includes sexual orientation, gender identity, and gender expression), religion, national origin, age, , veteran status, genetic information, or disability (protected classes). The University affirms its commitment to this principle and to an affirmative action program which not only will establish and sustain the criteria of equal opportunity for employment, but which will also detect and eliminate any elements of discrimination in employment which may be found to exist within the institution. The University also commits itself to maintaining the conditions for continuing employment and for individual advancement within the job structure of the University.

1.1.1 By performing the assigned duties, each employee of Auburn University at Montgomery contributes to the instructional, research, and outreach/extension activities of the University. The University desires to have employees that are reasonably content, industrious people who will work courteously and efficiently. In return, the University will provide working conditions based upon fair and equitable standards.

1.1.2 Any employee or group of employees has the right, without discrimination or retaliation, to discuss with their supervisor(s) and/or the Office of Human Resources/Affirmative Action the terms of their employment or working conditions.

1.1.3 Occasionally, the University must make decisions without prior consultation with its employees. The University must, therefore, maintain exclusive discretion to exercise the customary functions of management including, but not limited to, the discretion to select, hire, promote, transfer, demote, suspend, dismiss, assign, supervise, and discipline employees; to determine the work schedule; to determine the sizes of and composition of the work force; to establish, change, and abolish policies, procedures, rules and regulations; to determine and modify job descriptions and job classifications; to assign responsibilities to employees; and to establish and change salary and wage rates in accordance with needs and requirements determined by the University.

**This manual is not an employee contract, but rather a collection of university policies and information that will be of practical use to employees.**

1.1.4 Responsibility for administration of the policies and rules in this manual is delegated by a committee comprised of Chancellor, Vice Chancellors and Provost.

1) The Office of Human Resources is responsible for the application, conformity, and coordination of the policies and procedures and the recommendation of changes when necessary.

2) The Office of Human Resources is responsible for matters relating to implementation of the University's Affirmative Action Program and equal opportunity policies.

## **2.0 Employment Policies**

### **2.1 Employees**

**2.1.1 Coverage** - Employees covered by this manual include exempt Administrative/Professionals, nonexempt University staff, adjuncts (staff) and Faculty for all policies that are applicable and are not covered in the Auburn University at Montgomery Faculty Handbook at the Montgomery, Alabama campus. Jobs designated as exempt under the provisions of the Fair Labor Standards Act (FLSA) are Administrative/Professional. Jobs designated as nonexempt are University staff, and these positions are subject to the overtime pay provisions of the FLSA. Covered employees are hereinafter referred to collectively as staff.

**2.1.2 Terms and Conditions** - Employment is subject to a variety of terms and conditions as identified by University needs and generally accepted personnel management practices. Employees will be designated either regular or temporary, full-time or part-time, limited term or continuing term, and bi-weekly, nine months or 12 months. Additionally, they will be assigned positions designated as exempt or nonexempt under the FLSA, and paid biweekly, semi-monthly, or monthly. These terms are described below, and additional policies and procedures concerning the application of these terms are provided throughout this manual.

**2.1.3 At-will Employment** - Your employment with Auburn Montgomery is a voluntary one and is subject to termination by you or Auburn Montgomery at will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of Auburn Montgomery employees.

### **2.2 Definition of Terms**

#### **2.2.1 Status**

1) Probationary - One who is under consideration for regular full time employment. Probationary employees are subject to an orientation period and are paid either biweekly or monthly, and are eligible for the employee benefit package.

- 2) **Regular Full Time** - One who has successfully completed an initial orientation period. Regular employees are subject to limited term or continuing appointments and are paid either biweekly or monthly, and are eligible for the employee benefit package.
- 3) **Temporary** - One who is scheduled to work less than 20 hours per week on a continuing basis or who is scheduled to work 20 hours per week or more but for a period of less than 11 months. Temporary employees are employed on a day-to-day basis, paid biweekly, and are not eligible for the employee benefit package.
- 4) **Part-time** - One who works less than 30 hours. Part time employees are paid either biweekly or monthly and are not eligible for the employee benefit package.
- 5) **Student Employees** – One who is classified in the Banner system as a student in the AU system. Student employees are paid either biweekly or monthly and are not eligible for the employee benefit package. Typically, they are limited to one job at a time and are capped at 20 hours per week.

#### 2.2.2 Work Schedule

- 1) **Part-time** - One whose normally scheduled work week is for an average of less than 40 hours.
- 2) **Full-time** - One whose normally scheduled work week is 40 hours or more.

#### 2.2.3 Duration

- 1) **Limited Term** - One whose appointment is for a specific period of time, generally governed by the duration of a project, contract, or grant. Duration will be specified at the time of employment.
- 2) **Continuing Term** - One whose appointment is for an unspecified time but is still subject to the availability of funds, rules of performance, and the business needs of the University.

#### 2.2.4 Annual Schedule

- 1) **Nine-Month** - One who is appointed to a regular schedule for a specific calendar period of nine months under the University's nine-month program for compensation and benefits.
- 2) **Twelve-Month** - One who is appointed to a regular schedule for twelve months.

#### 2.2.5 Pay Method

- 1) **Biweekly** - One who is paid every two calendar weeks.
- 2) **Semi-Monthly** - One who is paid twice each month.
- 3) **Monthly** - One who is paid once each calendar month.

### 2.2.6 FLSA Designation

1) **Nonexempt** - One whose duties and responsibilities, and salary level does not meet the criteria for exemption under the FLSA and is not otherwise exempt. Employees in this category are subject to documenting time worked and overtime payments (either cash or compensatory time off) at premium rates (one and one-half time).

2) **Exempt** - Typically refers to one who serves in a position having duties, responsibilities and a salary level which meet the FLSA criteria for exemption either as an executive, professional, or an administrative employee. Such employees are not required by FLSA to document time worked or to receive overtime pay.

### 2.2.7 Hours of Work

1) The established regular hours of work comprising full-time employment for a nonexempt employee of the University is 40 hours per week.

2) The established University-wide standard work week begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the following Saturday.

3) All offices shall be open during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except on official University holidays. Changes in this schedule must have prior approval of the respective Dean, Director, appropriate Vice Chancellor, and the Chief Human Resource Officer.

4) Time must be recorded daily by every non-exempt employee.

**2.2.8 Work Breaks** - Supervisors may authorize two paid 15-minute breaks, one during the first half of the shift and one in the second half of the shift for nonexempt employees. Employees may leave their work area during their break unless notified otherwise by their supervisor. Where it is necessary to have someone on duty at all times, care should be taken to make sure the work assignment is covered. Breaks are not accumulative, and employees cannot forego a break time to use later.

## 2.3 Exceptions and Special Cases

**2.3.1 Volunteers** - Occasionally people may serve the University as volunteers. The University, as a public institution, may accept the services of volunteers as long as the individual receives no salary or wages and the services are not the same type of service the individual normally performs for the University as a University employee. A volunteer may be paid expenses and nominal fees without establishing an employee-employer relationship. Volunteer work by University nonexempt employees should be approved in advance by the employee's supervisor and HR.

**2.3.2 Multiple Positions** - University Staff employees, upon appropriate approvals, may engage in University activities for extra compensation. Such activity must constitute an employer/employee relationship, and will be titled as a multiple job. Multiple jobs shall not be considered as consulting, but rather a bona fide employment opportunity within Auburn University at Montgomery which is eligible for compensation. The HR-12/UPO-

10 affords the opportunity to work an additional job above the full time hours that the employee is already working not to exceed an FTE of 1.5.

Please refer to the Consulting Policy

[http://www.aum.edu/sites/default/files/Consulting%20Policy\\_0.pdf](http://www.aum.edu/sites/default/files/Consulting%20Policy_0.pdf)

The home department will be responsible for all payroll processing. Form HR-12 must be processed for approval prior to the beginning of the assignment.

**2.3.3 Independent Contractors** - The University may engage independent contractors to perform services for a fee. These contracts are subject to strict federal regulations and guidelines regarding employee-employer relationships. Department Heads are responsible for ensuring that an employee-employer relationship does not exist and the contract is executed in accordance with federal guidelines, policies, and procedures. For further information, please refer to the Auburn University Spending Policies and Procedures in the Auburn University Financial Policies and Procedures Manual.

**2.3.4 Job Titles and Pay Grades** - University Staff employees will be assigned a classification title, working description, and salary band. A listing of classification titles and applicable pay salary bands may be found under the Human Resources tab on AUMnet.

## **2.4 Recruitment and Selection**

**2.4.1 Background** - The recruitment and selection of new hires and promotions of current employees are subject to a number of public laws, agency guidelines, and executive orders applicable to employers in general. The University is subject to additional directives applicable to organizations doing business with a Federal agency as a contractor or grant recipient. The University is committed to developing, maintaining, and following action-oriented programs designed to provide equal opportunity for employment and promotion throughout our University system. University policies and procedures are established to comply with Federal and State laws, guidelines, and directives regarding employment.

**2.4.2 Coverage** - Recruitment and selection of employees for all regular appointments are covered in this section.

**2.4.3 Responsibilities for Compliance** - The Office of Human Resources will be responsible for developing policies and procedures designed to comply with applicable law. Hiring supervisors are responsible for conducting their recruitment and selection activities consistently with the policies and procedures.

**2.4.4 Selection Responsibilities** - Selection will be initiated by the respective hiring supervisor. Selection recommendations will be reviewed at a next higher level in the



organization. Positions which are funded by contracts and grants require approval by the Controller. A representative from the Office of Human Resources will provide, counsel, advice, and guidance to search committees prior to beginning each selection process.

**2.4.4.1 Affirmative Action** - A major focus of Auburn University at Montgomery's affirmative action program is the recruitment of qualified minorities and women to all job groups for which there is underutilization based on availability within the relevant labor pool. If utilization within specified job groups falls short of availability, affirmative action goals will be established to specifically address those cases. If an affirmative action goal exists for a vacant position, the Office of Human Resources will notify the hiring department. Every effort will be made to work with the department to identify qualified minorities and/or women applicants for such positions depending on the specific goal.

**2.4.4.2 Internal and External Searches** - The hiring department will have the option of restricting the search to internal (on campus and Auburn University) applicants or conducting an internal and external search concurrently, unless an affirmative action goal has been established for the vacant position. Then, the recruitment area will be subject to approval by the Office of Human Resources.

**2.4.5 Recruitment Area** - Recruitment area decisions will be coordinated by the Office of Human Resources and the hiring supervisor. The recruiting area will include all departments University-wide. External geographical areas and sources will be decided on a case-by-case basis and approval given to the smallest recruitment area necessary to ensure that a sufficient number of highly qualified candidates apply and that appropriate internal and/or external recruitment areas are considered whenever there is a vacancy in an underutilized category.

**2.4.6 Advertising Media and Methods** - Methods and media for advertising will be appropriately directed to internal and/or external recruitment areas in accordance with the University's approved Affirmative Action Plan. These will include one or more of the following: local, regional and/or national newspapers; trade/professional journals; electronic bulletin boards/announcements; listings forwarded to prospective source organizations; and local bulletin board postings. Additionally, vacancies will be registered at [www.jobs.aum.edu](http://www.jobs.aum.edu). Advertising strategies will be coordinated by the Affirmative Action/Equal Employment Opportunity Office and the Office of Human Resources. All logos must be approved by the Office of Strategic Communication and Marketing. All advertisements require approval from the Office of Human Resources. A Pre-Order Approval Form must be approved by the Office of Human Resources for all vacant positions before an advertisement is placed.

**2.4.7 Advertising Content** - Position advertisements will include a brief description of

the duties and responsibilities; minimum education, and experience levels required for consideration; specific knowledge, skills and abilities; special licenses; an organizational unit; salary range (optional); application review date; and instructions for applying.

**2.4.8 Application Forms** - Interested persons can visit [www.jobs.aum.edu](http://www.jobs.aum.edu) to complete an application. Completed application forms are required for all staff positions so that the hiring supervisor can fully and totally evaluate applicants' qualifications. Failure to properly complete the application form shall result in the candidate being rejected from further consideration. Once the applicant pool has been reduced to the most qualified candidates, the hiring department should conduct reference checks using the names of professional references or reference letters provided by the candidates. The hiring department or search committee must obtain permission from the candidate using the Consumer Disclosure Form to conduct a background check.

**2.4.9 Working Description-** Since proper selection is dependent upon accurate statements of the qualifications, nature of the job, and selection criteria, supervisors will review the working description and minimum qualifications prior to initiating recruitment. Any concerns with the appropriateness of the documented job content or minimum qualifications should be brought to the attention of the Office of Human Resources for review and resolution.

**2.4.10 Reference and Background Checks** - Employment at the Auburn Montgomery is contingent upon successful completion of a reference and background check. Background checks will include but may not be limited to criminal history including conviction and driving records, verification of education, and verification of occupational and professional licenses. Driver's licenses will be validated whenever such action is job related. In all cases, reference and prior employment information shall be obtained by the hiring department. Consideration for employment will be contingent upon meeting all hiring criteria including eligibility to be bonded as defined by Auburn University's bonding company.

It is the position of Auburn University at Montgomery that employees occupying positions identified as safety or security sensitive will be subject to periodic background checks as a condition of employment. This protocol is designed to support the University's efforts to maintain a safe secure environment for all, and fulfill its regulatory commitments.

The information obtained in a background check is confidential, and the use of such information in making an employment decision is limited "job-related, severity, and consistent with business necessity." These background checks will be initiated and administered by the Office of Human Resources. Supervisors may not conduct or request background checks on current employees.

All adjuncts and student employees who are in special trust or sensitive jobs at AUM

must complete a background check before the offer of employment is finalized.

**2.4.11 Status of Temporary/Part-Time Employees** - Temporary/part-time employees are employed on a day-to-day basis and they will be treated as external applicants and considered for selection for regular employment only if the recruitment area is external to the University.

**2.4.12 Proof of Employment Eligibility** - To comply with public law and the Department of Homeland Security regulations, applicants will be required to provide proof of eligibility for employment at the time an offer of employment is extended. All new employees will be required to complete a Form-I9 attesting to citizenship/alien status. The Office of Human Resources will work with new hires to complete the Form-I9.

**2.4.13 Child Labor Provision** - Employment of persons less than 18 years of age is subject to the limitations contained in the FLSA as well as appropriate state law. Only persons age 18 years or older will be considered for regular employment. Persons 17 years old and younger may be considered for temporary employment.

**2.4.14 Tests, Skills Assessments, Physical Examinations** - Certain occupations, licensure, and identified jobs may require job-related tests, skills assessments, and post-offer physical examinations. Jobs subject to these requirements will be identified in Auburn University at Montgomery's employment opportunities.

**2.4.15 State Law Concerning the Selective Service Act** - As provided by state law, newly hired or promoted employees must certify compliance with the Selective Service Act requiring certain individuals to register with the Selective Service Board.

**2.4.16 Open Until Filled Job Postings** - To facilitate recruitment and selection, job postings with open end dates may be used when necessary. The Office of Human Resources will identify those jobs with relative high vacancy rates for such action. Otherwise, external postings will be opened for 10 calendar and internal postings will be opened for 5 calendar days.

**2.4.17 Procedures** - Procedures for the recruitment and selection of new employees, processing employment forms, and submitting new employees into the payroll system are included in **Section 2.16** through **Section 2.19**.

**2.4.18 Underutilized Jobs/Classifications** - Job categories subject to numerical goals under the Affirmative Action Program in accordance with the Affirmative Action Plan will be identified on an annual basis.

**2.4.19 Nepotism** - No person will be hired, either as a regular or temporary employee, for a position over which a member of the employee's immediate family exercises supervisory or managerial authority. Immediate family includes (as in **Section 4.1.2**): spouse, son, daughter, parents, stepchild, stepparent, brother, sister, stepbrother,

stepsister, half-brother, half-sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandchild, grandparent, and grandparent-in-law.

**2.4.20 Student Employees** - To be considered for regular employment, students must have been out of school the Fall or Spring semester before they apply unless recently graduated.

## **2.5 Promotion**

**2.5.1 Definition** - A promotion is any personnel action resulting in the movement of an employee to a position affording higher pay and grade and requiring greater skills and responsibilities.

**2.5.2 Methods of Promotion** - A regular employee may be promoted through competitive recruitment and selection to a higher position; through a noncompetitive promotion due to a reclassification of the current position due to the accrual or assignment of similar, higher level duties and responsibilities over time or through an administrative reevaluation of his or her position to a higher salary band.

**2.5.2.1 Promotion through Competitive Recruitment and Selection** - Competitive recruitment and selection will be made in accordance with the policies and procedures described in section 2.4. To be considered as a candidate for promotion an employee must have completed the orientation period and have not received any written reprimands within six months of applying, and will:

- 1) Have completed a period of one-year in his or her current position;  
Or
- 2) Be a candidate for a promotion for a position vacancy within the same University department;  
Or
- 3) Have the approval of both the current and hiring supervisor to transfer before the end of the one year period. The respective Vice Chancellor(s) or Provost must also approve the transfer.

**2.5.2.2 Promotion through Position Reclassification** - This is a noncompetitive promotion through reclassification of the position due to the accrual or assignment of similar, higher level duties. Reclassification actions generally occur as the result of a twenty-five (25) percent change in technology, methods, organization, and/or systems and are subject to the following conditions:

- 1) The employee must meet the minimum qualification requirements for the higher level position, and past performance must indicate an ability to perform the new responsibilities in a satisfactory manner.
- 2) The employee must be released from orientation period.

- 3) Employee has not received any written reprimands within six months of applying.
- 4) The promotion is approved by the respective supervisor(s).
- 5) The promotion is approved by the respective Vice Chancellor or Provost/Chancellor in accordance with the policies and procedures for position reclassification, **Section 2.5.2.2**.

Requests for reclassifications as a result of changes in job content are to be submitted in conjunction with the annual budget process.

Requests for reclassifications as a result of organizational changes or restructuring may be submitted at any time during the year and will be processed based on availability of funds.

Employees must wait a year after a reclassification or other salary enhancements except as required by law in order to compete for another campus position or to be considered for any other reclassification or equity adjustment.

Procedures for reclassifications are found in the Classification and Compensation Manual.

## **2.6 Classification and Compensation**

**2.6.1 Salary Administration** - A sound classification and compensation plan is an integral part of progressive human resources management practices. Any good classification and compensation plan should be formed with consideration of both *external competitiveness* and *internal equity*. External competitiveness is the cornerstone of any classification and compensation plan, and refers to the idea that the organization must compete for employees within a market of many employers. Internal equity refers to the fairness of the plan across the organization, and implies that (1) classifications in the same salary band are considered to be of equal value to the organization, and (2) the ranking of salary bands reflects the relative values of the classifications in those grades to the organization. The implementation of a sound classification system assumes that classifications are meaningful and are established for a specific reason. Each classification and the distinctions among classifications serve a purpose.

**2.6.2 Compensation Philosophy** - Auburn University at Montgomery seeks to attract, retain, and motivate well-qualified employees through the University's salary compensation plan. Within its fiscal resources and contingent on all applicable rules and laws, the goal of the University's salary administration plan is to pay faculty, administrative, and staff employees a salary that is:

- 1) Competitive with like positions offered by other employers in appropriate geographic areas and by peer institutions; and
- 2) Equitable among all employees with regard to position responsibilities and

different performance levels recognized among individual employees.

**2.6.3 Scope** - The University is committed to quality and fairness in the process of hiring new employees. Moreover, the Staff Classification and Compensation Plan represents the University's concern for internal equity in establishing staff hourly wages and annual salaries as well as its commitment to provide a clear and consistent means for advancement in employment status. Thus, the University developed the Staff Classification and Compensation Plan as one means to ensure that:

- 1) AUM staff salaries compete with those offered in the external job market, as well as those offered at peer institutions of higher education; and
- 2) Hourly wages and annual salaries are equitable among all AUM employees with regard to qualification, job responsibility, and level of performance.

**2.6.4 Human Resources (HR)** - Representatives in the Office of Human Resources are available to discuss classification and compensation issues and concerns. They want to ensure that all staff employees have a familiarity with and clear understanding of the Compensation Plan. For further information, contact X3657.

## **2.7 Pay for Employees**

**2.7.1 New Hire** - HR will approve all starting pay rates established through discussions with the supervisor and/or department/unit head. As a general rule, starting pay rates/salaries will be set at the minimum of the assigned salary band. Applicants who have qualifications that clearly exceed the minimum entry qualifications of the assigned job classification may be paid a starting salary above the minimum of the assigned salary band.

**2.7.1.1** HR will work with the supervisor and/or department/unit head to establish the starting pay rates for employees. In determining the starting pay rate, these individuals will consider

- 1) the employee's relevant training and level of experience as they relate to the minimum qualifications of the position for which he/she is hired,
- 2) internal equity issues,
- 3) special exceptions (noted above, if such exceptions exist), and
- 4) the amount currently budgeted for the vacant position. As a general rule, employees meeting the minimum qualifications will start at or near the minimum of the assigned classification's salary band range. Those employees exceeding minimum qualifications are placed appropriately in the salary band range, after approval by HR.

**2.7.1.2** The delegated administrative authority for setting starting salaries for employees is as follows:

- Minimum to 1<sup>st</sup> Quartile                      Hiring Supervisor or Dept./Unit Head and HR
- Above 1<sup>st</sup> Quartile to Midpoint              Appropriate Vice Chancellor or Provost/HR
- Above Midpoint                                  Chancellor and/or his/her designee, in consultation with HR

Exceptions to these stated authorities require the approval of the Chancellor/VC/Provost, and must be submitted in writing through the HR.

### 2.7.2 Individual Changes in Hourly Rate or Annualized Salary

**2.7.2.1 Temporary Assignments** - An administrator may, upon written approval from Human Resources, temporarily (1) assign an employee to a different position, or (2) assign responsibility for the work of a position vacated by reason of an incumbent's extended leave. Such assignments may be made for a period not to exceed one year. An employee temporarily assigned for a time period of 30 days or less shall receive no change in pay. If the temporary assignment exceeds 30 days and involves a classification in a salary band higher than the grade of the employee's regular position, the employee's hourly rate or annualized salary may be increased *temporarily*. The temporary increase may be approved for the duration of the assignment. The temporary adjusted salary will equal the employee's current salary plus 10 percent of that salary or the minimum of the salary range of the temporary assignment, whichever is greater. If the salary band for the classification of the temporary assignment is the same as, or lower than, the salary band of the employee's regular position, the employee's hourly rate shall remain unchanged. Only the hourly rate shall be changed for temporary assignments. The title will not change.

**2.7.2.2 Promotion** - When an employee is promoted to a position classified in a higher salary band than the one he or she currently holds, the employee's hourly rate or annualized salary will be increased using one of the following methods: (1) five percent of the employee's current pay rate for each salary band increase, or (2) the minimum of the new salary band, or (3) to an amount that reflects current market data and compensable factors such as required education and experience, complexity, decision authority, and additional relevant experience, whichever decision will result in the highest salary for the employee and keeping in consideration internal equity.

**2.7.2.3 Voluntary Reassignment to a Lower Band** - When an employee requests, and is approved by the department/unit head, to be reassigned to a different classification in a lower salary band, the employee's hourly rate or annualized salary will be decreased to an amount appropriate to the lower band. HR, in consultation with the supervisor and/or department/unit head, will determine the amount of the decrease.

**2.7.2.4 Lateral Transfer** - Lateral transfer to the same classification or to a classification in the same salary band will not result in an hourly rate or annualized salary change (increase or decrease). Regardless, the classification title may change.

**2.7.2.5 Equity Adjustment** - In extremely rare occasions, the University must respond to unusual circumstances that have the potential to cause inequities in pay. An equity adjustment provides a mechanism for addressing salary inequities arising from external pressure in high-demand fields; internal salary equity; and retention considerations. All equity adjustments must be approved by the appropriate Vice Chancellor/Provost and the Chancellor.

Protocol and procedures for Equity Adjustments are found in the Classification and Compensation Manual.

**2.8 Overtime Compensation** - Pursuant to FLSA guidelines, all **non-exempt** employees are eligible for time and a half overtime compensation when required to work in excess of 40 hours per standard workweek. Overtime work must be approved prior to the employee's working the overtime hours. When possible, the employee who works overtime hours should receive compensatory time off instead of extra pay. The supervisor must approve payment for approved overtime service. Without reasonable prior notification, compensatory time in lieu of a cash payout must be mutually agreed upon.

**2.8.1 Compensatory Time** – Compensatory Time is capped at 240 hours per year with exceptions. In the case of departmental transfers, all compensatory time must be paid out by the department where the compensatory time was accrued prior to the employee leaving the department.

**2.8.2 Call Backs** - Nonexempt employees who are called back to work outside their regular schedule are guaranteed at least four hours of paid time. This policy does not apply when an employee still at work is asked to continue working past the normal work schedule or when an employee is called to start the work shift early.

## **2.9 Transfer**

**2.9.1 Definition** - Internal Transfers are considered lateral moves whereby the pay rate of the employee remains exactly the same. The employee must transfer to a classification within the same salary band. The classification title must also fall within that salary band. There has to be a vacancy in a department. This process cannot be used to switch employees. A transfer may involve a change in classification description or working titles. Excluded are those actions which meet the definition of either a promotion or demotion as described in **Section 2.5** or **Section 2.10**.

**2.9.2 Circumstances Leading to Employee Transfers** - Prior to initiating a transfer, supervisors will request assistance and guidance from the Office of Human Resources to



ensure that such actions are according to current policies and generally accepted human resource management principles and will not result in a promotion as described in **Section 2.5.** or demotion as described in **Section 2.10.**

**2.9.2.1 Transfers Initiated by the Organizational Unit** - A transfer within an organizational unit may be initiated to satisfy the needs of the unit or to serve the best interests/wishes of the employee and must be facilitated by the Office of Human Resources. Transfer between two organizational units may be made by mutual consent of the heads of both units for the same reasons. Generally, the wishes of an employee will be considered prior to a supervisor-initiated transfer; however, the unit head reserves the right to make transfers to meet the business needs of the unit even when the employee may not favor the change. The respective Vice Chancellor(s) or Provost must also approve the transfer.

**2.9.2.2 Transfers Initiated by an Employee** - Employees wishing to transfer but not through application of open, announced vacancies must make their wishes known to the supervisor. The supervisor may initiate a transfer as described in **Paragraph 2.9.2.1** above.

Employees must meet the same eligibility requirements as outlined in **Section 2.5.2.1.**

**2.9.2.3 Transfers Initiated by the Office of Human Resources** - Whenever it appears that the mutual interest of the University and the employee will be best served, the Office of Human Resources may facilitate and coordinate transfers following generally accepted principles and procedures for effective personnel management. The Chancellor or designee must approve transfers initiated through the Office of Human Resources.

**2.9.3 Timing** - Effective dates of transfers will be subject to mutual agreement by the respective supervisors. Special, or extraordinary cases not resolved at lower levels will be referred to the respective Vice Chancellor/Provost/Chancellor for resolution.

**2.9.4 Salary Adjustment** - Salaries will not be adjusted for a lateral transfer.

**2.9.5 Forms and Reports** - The Office of Human Resources will assist supervisors by providing appropriate information and guidance for completing transfers.

## **2.10 Demotion**

**2.10.1 Definition** - A demotion is the movement of an employee to a position in a lower pay grade or lower rank, with less responsibilities and/or requirements.

**2.10.2 Circumstances Leading to an Employee Demotion** - An employee may be demoted when the employee's position is reclassified to a lower classification or the employee is reassigned to a lower classification. Demotion may be initiated by the supervisor to meet the operational needs of the unit; at the request of the employee; or

made as a result of application by the employee for consideration of an open vacancy. For demotions initiated for operational reasons, the University will attempt to find reasonable alternatives for the employee's consideration.

**2.10.2.1 Demotion Due to Position Reclassification** - A position may be reclassified when lower level duties and responsibilities are assigned due to reassignment of an employee or elimination of work to accommodate restructuring; changes in technology or methods; inability of the employee to perform the higher level work; or upon request by the employee. Additionally, a position may be reclassified to a lower grade as a result of reevaluation of the assigned job responsibilities.

**2.10.2.2 Demotion Due to Reassignment to a Lower Level Position** - An employee may be reassigned to another position as a result of the elimination of the currently assigned position, the inability of the employee to perform in the current position.

**2.10.2.3 Demotion at the Request of the Employee** - An employee may request a demotion through an administrative reassignment to another lower level position; through a change in currently assigned duties and responsibilities; through the application selection process for filling vacancies; or through a request for an accommodation.

**2.10.2.4 Limitations** - Demotions initiated by a supervisor and not related to employee performance will be made only when business needs, available work, and available funding dictate and alternatives are not available. Demotion due to employee performance will be made in accordance with job action policies and procedures. Prior to initiating demotions, supervisors will request assistance and guidance from the Office of Human Resources to ensure that such actions will not be in violation of rules and procedures related to demotion and promotion and are according to generally accepted human resource management principles.

## **2.11 Orientation Period**

**2.11.1 General** - All employees hired for regular employment will complete an initial orientation period. Orientation Periods provide employees with the opportunity to learn more about the University and to demonstrate the necessary knowledge, skills, and abilities to perform the duties of the position in a satisfactory manner. Hiring supervisors will continually review the performance and suitability of the new employee and, prior to expiration of the orientation period, decide to conclude the orientation period or terminate the employee. The employee may be terminated at any time following the initial date of employment. Employees terminated during the orientation period will not have access to the employee's grievance procedure; however, they may challenge their termination under our Equal Employment Opportunity Policy. After satisfactory completion of the orientation period, continued employment is conditional, consistent with other University regulations and rules. Performance standards continue after successful completion of the orientation period.

**2.11.2 Orientation Period** - Except for special cases, the orientation period is 90 calendar days commencing with the initial date of employment. This may be extended for an additional period of up to 90 calendar days for a total of no more than 180 calendar days. Where the orientation period for a department is automatically 180 calendar days, this period will not be extended.

**2.11.3 Responsibilities** - Hiring supervisors will provide leadership and training to support employees through the orientation period. If the new employee fails to show satisfactory progress and to demonstrate work habits and an aptitude necessary for success in the job during the orientation period, the hiring supervisor may initiate action to terminate the employee. However, when the new employee's progress and work habits indicate a potential for success, the hiring supervisor may extend the 90-day period for up to an additional 90 days. Supervisors will keep employees informed of their progress, either good or poor, during the orientation period. The supervisor is encouraged to seek the assistance and guidance from the Office of Human Resources whenever the supervisor plans to terminate the employee or extend the orientation period.

**2.11.4 Office of Human Resources** - The Office of Human Resources will provide supervisors with forms and instructions for review of the employee's performance during the orientation period.

## **2.12 Acting/Interim Administrative Appointments**

**2.12.1 General** - In order to promptly cover vacancies in a unit's senior supervisory positions and pending recruitment and selection efforts, it is occasionally necessary to give subordinate employees "acting" or "interim" appointments. Acting/interim appointments may be for a specific term or on a month-by-month basis. Employees who are given an appointment to a higher classification may receive a temporary increase in compensation for the newly assigned responsibilities. When the acting/interim period is completed, the salary adjustment will be removed. These administrative appointments will be approved by the respective Vice Chancellor/Provost or Chancellor. Any salary adjustment greater than 10 percent of current salary for acting/interim appointments will require the approval of the Chancellor, unless more than a 10 percent adjustment is required to take the employee to the minimum at the salary grade.

**2.12.2 Special Guidance** - If there is more than one subordinate employee qualified for an acting/interim appointment, special care should be taken to ensure compliance with our Affirmation Action Program. Typically, acting/interim appointments will not extend beyond one year.

**2.13 Reemployment of Former University Employees** - An employee who resigns or is discharged by the University is not considered for reemployment earlier than 30 days after termination and must have separated in good standing. Any extenuating

circumstances which might justify an exception to this policy are subject to review by the Office of Human Resources.

A former University employee who is rehired by the University will receive credit for service for the purpose of determining of annual leave accrual rates in accordance with the provisions of **Section 4.6.1**. Former University employees are advised to contact the Office of Human Resources to inquire concerning previous service credit for retirement purposes.

## **2.14 Re-employment after Active Military Service**

2.14.1 Full and part-time employees who leave their jobs to enter military service may be guaranteed reemployment rights and other pay and job protections under federal law. In general, employers are obligated under the Uniformed Services Employment and Reemployment Rights Act (USERRA) to grant leave to workers to serve in the Uniformed Services armed forces including the reserve units, and the National Guard under federal orders. Upon completion of their military service, employees also are entitled to be restored to their former jobs with full seniority or to a position offering the same pay, rank, and seniority. Along with protecting employees' pre-service rates of pay, federal law mandates that returning service personnel be given any general increases, length-of-service, cost-of-living increases and other benefits or personnel actions they would have received had their employment not been interrupted by military duty. Merit increases, however, are not provided if the service member did not work in the covered year. USERRA further provides that employees cannot be discharged or denied promotions or other employment benefits or advantages because of military service.

2.14.2 **Application of the Law** - The determination of whether an employee is protected by federal law hinges on a number of factors, including;

- 1) prior employment status
- 2) purpose and intent when taking leave
- 3) length of active duty
- 4) quality of military service
- 5) whether the required procedures are adhered to upon application for re-employment.

2.14.3 **Prior Employment Status** - The employee must have left employment in other than a temporary position for the purpose of military service, training, or medical examination to determine fitness to enter active duty or initial active duty training.

2.14.4 **Employee's Purpose and Intent** - Employees must have left their position for the purpose of performing service in a uniformed service. "Service" includes active duty, active duty for training, inactive duty training, full-time National Guard duty, or an absence to be examined for such service or training. Employees who leave a job for service in the uniformed services are expected to give advance written notice to their immediate supervisor. The notice can be given by the individual employee, an

authorized representative, or by the uniformed service to either the employer or a responsible representative of the employer. However, employees are excused from the advance notice requirement if giving notice is "impossible or unreasonable" because of military necessity or for other legitimate reasons. The employee's terminating Change Form should clearly state that the employee is leaving the employment of Auburn University at Montgomery for the express purpose of performing in the uniformed services.

**2.14.5 Length of Active Duty** - Service limits are set by the law on the amount of time that an employee may spend in active duty and still be eligible for reemployment. In general, an employee may serve a total of five years on active duty with statutory protection. However, there are exceptions for training and involuntary active duty extensions.

**2.14.6 Quality of Military Service** - To qualify for protection under the reemployment statute, former employees must have performed satisfactory military service. Service leading to a discharge or release from active duty that is "honorable," general or "under honorable conditions" is considered satisfactory and meets the statutory standard. However, persons released from active duty with a dishonorable or bad conduct discharge are not entitled to the benefits provided under USERRA.

**2.14.7 Application for Re-employment** - The returning employee who wishes to be reemployed by Auburn University at Montgomery must contact the Office of Human Resources within the time frame established by USERRA. The time frames established are based on the amount of time the former employee has been away from the workplace and address periods of military leave as well as enlistment in active service:

- 1) **Service less than 31 days** - Employees must report at the beginning of the first regularly scheduled work day after release from service. Employees must be allowed, however, a "reasonable" time to arrive back at their residences, rest, and travel to their places of employment.
- 2) **Service from 31 to 180 days** - The employee must submit an application to the Office of Human Resources no later than 14 days following the completion of military service.
- 3) **Service over 180 days** - The employee must submit an application no later than 90 days after completion of the service.

**2.14.7.1** These time limits may be extended up to two years if an individual is hospitalized or convalescing from an injury caused by active duty.

**2.14.8 Documentation Requirements** - Returning employees must provide DD Form 214, Certificate of Release or Discharge from Active Duty. Returning employees will also be referred to the Federal Office of Veterans Employment and Training in Montgomery for assistance and any additional information. Any difficulties the returning employee may encounter in obtaining the required DD Form 214 must be brought to the attention

of the Office of Human Resources and the above referenced federal agency as soon as possible so that a determination can be made as to the proper handling of the employment issue until the documentation can be provided to the University. If documentation is received reflecting a dishonorable discharge after the reemployment has occurred, Auburn University at Montgomery has the right under law to terminate the employee at that time.

**2.15 Jobs Included for Continuous or Intermittent Posting** - Jobs identified to be filled from a pool of applicants over a period of time will be clearly identified in the position posting. Applications taken for these identified jobs will be active for the standard six-month period. As position vacancies become available, applications of qualified candidates will be forwarded to the hiring department.

## **2.16 Recruitment/Selection Procedures**

**2.1.1 Recruitment/Selection Procedures** - These recruitment and selection procedures apply to regular Faculty, Administrative/Professional and University Staff positions. The procedures are designed to assist departments in obtaining the most qualified and suitable candidates for position vacancies and to ensure all applicants equal opportunity in the employment process. All stages of the recruitment and selection process will be in accordance with applicable laws and regulations governing equal employment opportunity and nondiscrimination in employment. The Office of Human Resources will work on those matters relating to Affirmative Action and Equal Opportunity Employment.

**2.16.2 Procedure for Initiating Search to Fill a Position** - Hiring Managers may refer to the PeopleAdmin Guide to Manager's for specific information on how to initiate a search at [www.jobs.aum.edu/hr](http://www.jobs.aum.edu/hr).

**2.16.3 Campus Only Recruitment** - If recruitment for a position vacancy is limited to eligible Auburn University at Montgomery employees, the vacancy will be posted for a minimum of five working days. The employee must complete and submit an application at [www.jobs.aum.edu](http://www.jobs.aum.edu), (along with a resume, if desired) no later than the close of business as designated on the position vacancy list. Internal applicants must meet the minimum qualifications established for the position in order to be referred to the hiring department.

**2.16.4 External Recruitment** - If recruitment for a position vacancy is open to external candidates, the applicant must first complete an application on line at [www.jobs.aum.edu](http://www.jobs.aum.edu). For external recruitment, vacancies must be posted for a minimum of ten working days.

**2.17 Application Process** - Persons interested in applying for vacant positions at Auburn University at Montgomery should visit [www.jobs.aum.edu](http://www.jobs.aum.edu) to apply.

## 2.18 Procedures and Forms for Submitting New Employees into Payroll System

2.18.1 **Completing and Processing the Hire Form/Change Form** - The hire form is the primary personnel form used to record information for an employee. It is used for initial employment and to initial secondary jobs. The change form is used to record name changes, promotions, demotions, transfers, reclassifications, leaves of absence, and separations.

2.19 **Underutilized Job Categories by EEOC Code** - Each year the Office of Human Resources will identify EEO categories where there is underutilization for minorities and women. Recruitment and selection goals will be established for jobs within these identified categories.

## 2.20 Employment and Termination Dates

2.20.1 **Employment Dates** - The employment date for a new employee is the first date on which that employee works. Holidays are not considered to be scheduled working days.

2.20.2 **Termination Dates** - The termination date for an employee is the last date on which that employee physically works. Holidays are not considered to be scheduled working days.

The employee shall report to work at the employee's assigned location on the last day worked. Annual leave may not be counted as the last day. Accrued and unused annual leave may be paid to the employee as terminal leave as described in **Section 4.6.6**.

2.21 **Resignations** - If an employee wishes to voluntarily resign from his or her position, a required period of advanced notice must be given to afford the employing department an opportunity to recruit/appoint a replacement for the employee. For University non-exempt employees, a two weeks' notice is required. A 30-day notice is required for exempt employees. In exceptional circumstances and in consultation with the Office of Human Resources, the minimum periods may be changed.

For information on the Auburn Montgomery Classification and Compensation System Please refer to the Classification and Compensation Manual.

## 3.0 Performance Management

3.1 **Philosophy** - Auburn University at Montgomery is committed to providing a fair and effective performance management system, facilitating effective communication between employees and supervisors, and providing resources and training to ensure that supervisors can successfully manage the performance management process.

**3.2.1 General** - All regular employees shall receive written notification of the supervisor's expectations for future performance, be given feedback at least semi-annually about the supervisor's assessment of the employee's performance compared to those expectations, and be assisted or guided to improve any deficiencies that are identified. Expectations will be communicated through written standards or statements related to assigned responsibilities, and periodic reviews will assess the achievement of these written standards.

**3.2.2 Orientation Period Program** - The Orientation Period Program, covered in **Section 2.11**, is a performance evaluation program for all new employees in addition to the Performance Development Program. During the Orientation Period, employees will not be subject to a Mid-year or Annual Performance Review. However, the Orientation Period Review Form should be completed and submitted to the Office of Human Resources for inclusion in the employee's personnel file.

### **3.3 Procedures for Conducting and Recording Performance Development Actions**

**3.3.1 General** - New or revised performance planning worksheets (PPWs) will be developed to cover periods of regular employment commencing with a new hire date or the date of a change in either job or supervisor. Subsequent performance reviews will be conducted whenever there is a change in the job or supervisor. In addition, supervisors will communicate to employees annual cycles for completing an evaluation period.

**3.3.2 Action** - The Office of Human Resources will assist supervisors with the planning and review process by:

- 1) Reviewing periodic reports of personnel changes for regular employees and offering recommendations for employee's PPWs and Working Description (WD) documents to the supervisor for new hires.
- 2) Reviewing returned, completed PPWs, and Performance Management forms and maintaining a hard copy in the employee files.
- 3) Maintaining hard copy files for subsequent use.

**3.3.3 Performance Planning Worksheets.** Supervisors are responsible for creating a Performance Planning Worksheet (PPW), outlining the expectations and performance standards to the employee. A new or revised PPW is developed to cover periods of regular employment commencing with a new hire date, beginning of a new performance cycle, or the date of a change in either job or supervisor. The PPW lists the Job Responsibilities and Performance Factors essential to the position. Key Tasks are defined for each job responsibility and performance factor, and performance goals for the period are developed by the supervisor. PPW Forms are available online for supervisors on the Auburn Montgomery Performance System (AMPS).



**3.3.4 Performance Reviews.** Supervisors are responsible for conducting annual and mid-year Performance Reviews for each employee according to the Job Responsibilities and Performance Factors outlined on the PPW. The supervisor issues a rating for each job responsibility and performance factor, and may provide comments.

**3.3.5 Performance Review Rating Scales.** For annual reviews, the supervisor issues a rating that corresponds to the performance level for each job responsibility and performance factor, and may provide comments.

**3.3.6 Performance Improvement Plans.** For employees who are not performing at an acceptable level for any job responsibility or performance factor or who need additional support, supervisors must create and implement a Performance Improvement Plan (PIP), detailing the steps necessary for improving performance. The PIP develops a clear path for employee improvement, with specific goals and standards of measurement. PIP Forms are available for supervisors on AMPS, and are forwarded to the Office of Human Resources along with the Performance Review for inclusion in the employee's personnel file.

## **4.0 Leave**

### **4.1 Definitions and General Provisions:**

**4.1.1 Eligible Employee** - Employees eligible for participation in Auburn University at Montgomery leave programs are:

- 1) All full time employees
- 2) All part time employees with an FTE of .5 or more who are expected to be employed continuously for 12 months or longer.
- 3) Those not on a regular appointment who work 50 percent time or more and who have been employed continuously for 12 months or longer.

**4.1.2 Immediate Family** – (for purposes other than sick leave or FMLA) includes spouse, son, daughter, parents, stepchild, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, grandparent, and grandparent-in-law.

**4.1.3** The number of hours of paid leave charged for a day's absence from work will equal the number of hours the employee would otherwise have been scheduled to work on that day.

**4.1.4** All paid leaves will be allowed proportionately for an eligible employee on a part-time appointment.

**4.1.5** Departments may not establish separate policies on leave use without written authorization from the Office of Human Resources.

4.1.6 A supervisor may request written documentation as to the circumstances of an employee's absence prior to approving any paid leave except Annual Leave.

**4.2 Court and Jury Duty Leave** - Employees will be granted leave with pay when legally required to attend court when summoned for jury duty. Evidence of attendance (including applicable dates and time of service) in court is required before payment by the University. This documentation should be attached to the leave form. Employees are expected to return to work if released from court prior to the end of their scheduled work day. Reasonable travel time will be allowed.

**4.2.1 Poll Workers** - Employees who serve as poll workers will be granted annual leave at the discretion of his/her supervisor.

**4.3 Military Leave** - An eligible employee who is an active member of the National Guard, State Guard, Naval Militia or the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard will be entitled to military leave of absence for training or other service (including short periods necessary to retain active reserve status or instances when one is called by the Governor to duty in the active service of the State). The employee must submit a request in advance for such leave, along with copies of his or her military orders, to the department head and the Office of Human Resources.

4.3.1 The first 21 working days of military leave per calendar year will be with full pay. Extended military leave (for more than 21 working days per calendar year) must be without pay and requires approval by the Office of Human Resources.

4.3.2 An employee may elect not to take military leave. Affected employees are not required to use annual leave in lieu of paid or unpaid military leave; however, they may elect to use accrued annual leave or earned comp time at their discretion.

4.3.3 Salary differential for employees activated during war on terrorism: If the military base pay, of an employee called into active service for the war on terrorism, beginning September 11, 2001, is less than the salary he or she would have continued to receive if not called to active service, he or she may receive a salary differential (pursuant to Ala. Code § 31-12-5 (2002)) that is equal to the difference between the lower active duty military base pay (plus all military allowances) and the higher University salary.

**4.4 Funeral Leave** - Eligible employees may be granted paid leave up to three working days for the funeral of an immediate family member. One additional day may be granted for travel purposes when the funeral is more than 100 miles from the regularly assigned work site or two additional days (i.e., five days total) when the funeral is more than 200 miles distant from the work site. Mileage will be determined using the University travel regulations. Funeral leave is separate from all other types of paid leave.

**4.5 Sick Leave** - Auburn University at Montgomery provides paid sick leave benefits to all eligible employees. Sick leave is defined as the absence of an employee from work for one or more of the following reasons:

- 1) Personal illness or injury which prevents the employee from performing his or her duties.
- 2) The employee's or immediate family member's appointment with a physician, dentist, optometrist, psychologist or other recognized health practitioner, hospital, or clinic. Employees are encouraged to schedule such appointments outside working hours whenever possible. Employees are expected to return to work as soon as the appointment is completed.
- 3) The illness, injury, or disability of a member of the immediate family when the presence of the employee is required.

4.5.1 Sick leave must be used for medical reasons. An employee must notify his or her immediate supervisor prior to the beginning of the scheduled workday if unable to report due to illness or injury. The employee assumes full responsibility for such notification.

4.5.2 An eligible employee accrues sick leave according to the information below, which is based on regular (not overtime) hours worked. Sick leave may not be used until it is accrued. "Hours worked" (for purposes of leave accrual calculation) includes holidays and paid leave but not unpaid leave. Non-exempt employees earn 3.7 hours of sick leave each pay period based on hours worked. Exempt employees accrue 8 hours of sick leave per month.

Accrual of sick leave for eligible full-time exempt employees, during the month of initial hiring or the month of termination, is prorated according to the percentage of the month to be worked.

4.5.3 Sick leave accrues whenever an employee is in pay status, including payment for on-the-job injury loss wages. However, sick leave is not accrued by employees being paid under the salary continuation program. Sick leave does not accrue during any period of leave without pay.

4.5.4 In computing the use of sick leave for an employee, holidays, or non-work days will not be counted.

4.5.5 Supervisors are responsible for notifying HR of any employee who is absent more than three or more consecutive workdays. Employees who are absent from work for a period of three or more consecutive work days must contact the office of Human Resources immediately upon their return and prior to resuming their duties.

4.5.6 If an employee has advance knowledge of the need for extended (i.e., 30 days or longer) sick leave, he or she should immediately advise the supervisor (preferably at least one month ahead of time) so arrangements can be made for a temporary

replacement if necessary. Included with such; leave request must be a written document from the attending physician indicating the inclusive sick leave dates. The request will include a statement of the anticipated date on which the employee is approved to return to work and a statement that the employee intends to return to work. Upon returning to work from extended sick leave, an employee must present written documentation from the attending physician certifying fitness to work. The employee is expected to give the supervisor as much notice as possible of the planned date of return to work.

4.5.7 A supervisor may request written documentation as to the circumstances of an employee's absence prior to approving any paid leave except Annual Leave. If the supervisor suspects that an employee is abusing the sick leave privilege, the supervisor should review the facts and, if necessary, take appropriate disciplinary action. Please consult with HR before any action is taken.

4.5.8 Sick leave requests must be filed by the first workday following the return from an absence.

4.5.9 An employee who transfers or is promoted from one department to another will retain any unused sick leave balance.

4.5.10 An eligible employee hired before October 1, 1990, may be compensated for unused sick leave at the rate of 25 percent, subject to a maximum of one additional month's pay or equivalent, upon terminating University employment. An employee will not receive credit for previously accumulated sick leave if rehired after an interruption of employment.

4.5.11 When it is apparent that injury, personal illness, or hospitalization will result in the use of all accumulated sick leave, the department head should contact the Office of Human Resources for verification of eligibility for benefits under the Salary Continuation Plan (SCP).

4.5.12 Leave accruals for exempt employees become available for use on the first day of the following pay period. For non-exempt employees, the leave becomes available on the Wednesday following the pay period.

4.5.13 Outside employment during an employee's sick leave is prohibited and may result in disciplinary action up to and including termination of employment.

4.5.14 Employees who transfer to or from another school or agency which participates in the State Teachers Retirement system, on or after August 1, 2001, may retain their accrued and unused sick leave balances. Sick leave which is thus transferred to or from Auburn University at Montgomery may be used for any purpose normally permitted for sick leave.

**4.6 Annual Leave** - The University provides annual leave which an employee may use for recreation or other activities which provide a change from the pattern of day-to-day work. Employees are encouraged to take, not accumulate, annual leave. Annual leave may not be used until it is accrued.

4.6.1 An employee will not receive credit for previously accumulated annual leave if rehired after an interruption of employment. A former University employee who is rehired by the University may receive credit for previous service for the purpose of determination of annual leave accrual rate if the following conditions are met:

- 1) The employee must have been eligible for annual leave during the earlier employment.
- 2) The employee must have terminated in good standing.
- 3) The employee must be re-employed in a nonexempt position eligible for accrual of annual leave.

The employee is responsible for requesting such re-employment credit, and must do so no later than 30 calendar days after rehire.

4.6.2 Eligible full-time, nonexempt employees earn annual leave according to the following table:

Years of Service	Hrs/Yr	Lv/Hr	Hrs/40 Hr	Days/Yr
<b>0 - 2</b>	97.76	<b>0.047</b>	1.88	12.22
<b>3 - 4</b>	112.32	<b>0.054</b>	2.16	14.04
<b>5 - 6</b>	128.96	<b>0.062</b>	2.48	16.12
<b>7 - 8</b>	145.60	<b>0.070</b>	2.80	18.20
<b>9 or more</b>	160.00	<b>0.077</b>	3.08	20.02

Leave accrues on hours worked per pay period. Accrual of annual leave for eligible full-time exempt employees, during the month of initial hiring or the month of termination, is prorated according to the percentage of the month to be worked.

4.6.3 "Hours worked" (for purposes of leave accrual calculation) include holidays and paid leave but not unpaid leave.

4.6.4 Annual leave accrues whenever an employee is in pay status, including payment for on-the-job injury loss wages. However, annual leave is not accrued by employees being paid under the Salary Continuation Plan. Annual leave does not accrue during any period of leave without pay.

4.6.5 The maximum annual leave balance for exempt employees on each January 1 will be no more than two years' accrual of leave. The maximum annual leave balance for nonexempt employees with less than 10 years of service on January 1 will be no more

than one year's accrual of leave; the maximum annual leave balance for nonexempt employees with 10 or more years of service on January 1 will be no more than two years accrual of leave.

4.6.6 Eligible employees will be compensated for accrued annual leave at the time of separation from University employment (termination or retirement) to a maximum of one month's additional compensation.

4.6.7 Annual leave is to be scheduled at the mutual convenience of the department and the employee involved. If the dates of leave requested are incompatible with the needs of the department, the employee and his or her supervisor will schedule alternative dates, within a reasonable time frame.

4.6.8 Department Heads should schedule employees' annual leave within their departments so as to meet the seasonal workload of the department and to maintain adequate staff at all times.

4.6.9 Annual leave must be requested and approved by the supervisor, in advance; using the leave form. Annual leave may be taken in any amount up to the total of the employee's unused accrual.

4.6.10 Sickness occurring during an annual leave period may be charged to sick leave upon approval by the employee's supervisor and department head with documentation of the illness being forwarded to the Office of Human Resources.

4.6.11 An employee who transfers or is promoted from one department to another will retain any unused annual leave balance.

4.6.12 Leave accruals for exempt employees become available for use on the first day of the following pay period. For nonexempt employees, the leave becomes available on the Wednesday following the pay period.

**4.7 Family and Medical Leave (FMLA)** - In compliance with the FMLA, Auburn University at Montgomery will grant an eligible employee up to 12 work weeks of unpaid, job-protected leave within each calendar year (beginning on January 1 and concluding on December 31) for any one or a combination of the following reasons:

- 1) for the birth of the employee's child and for bonding with the newborn;
- 2) for the placement of a child with the employee for adoption or foster care and for bonding with the newly-placed child;
- 3) to care for the employee's spouse, son, daughter, or parent with a serious health condition; or
- 4) when the employee is unable to perform the essential functions of his or her job due to the employee's own serious health condition.

**4.7.1 Family Leave Due to a Call to Active Duty** - This benefit provides 12 weeks of FMLA leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. Leave may be used for any “qualifying exigency” arising out of the service member’s current tour of active duty or because the service member is notified of an impending call to duty in support of a contingency operation.

**4.7.2 Caregiver Leave for an Injured Service member** - this benefit provides 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member’s office, grade, rank, or rating.

**4.7.3 Eligibility** - Employees are eligible if they have been employed with the University for at least 12 months and have worked at least 1,250 hours over the preceding 12 months. For salaried employees, a 60 percent (or greater) appointment for 12 months would equal at least 1,250 hours. For part-time biweekly employees, actual hours worked as reported on biweekly time sheets will be calculated to determine if 1,250 hours were worked in the preceding 12 months.

FMLA will run concurrently with any accrued paid sick leave for the FMLA leave if the absence is for reasons as covered by the University's sick leave policy. Employees using salary continuation (short term disability) along with the On-Job Injury program for FMLA qualifying reasons will be placed on FMLA leave, which will run concurrently with the short term disability or On-the-Job Injury (OJI) Program. Employees may choose to substitute accrued paid vacation leave for FMLA leave that would otherwise be unpaid. The maximum FMLA leave allowed in 12 months is 12 weeks whether paid or unpaid.

Certification of the attending health care provider must be provided when FMLA is for your own or immediate family member’s serious health condition. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement. Eligible employees may take FMLA leave intermittently (in blocks of time), or by reducing your normal weekly or daily work schedule, when medically necessary for your own or immediate family member’s serious health condition. Intermittent leave is not permitted for birth of a child, to care for a newborn or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave should try to schedule their leave to minimize disruption of their unit’s operation.

#### **4.7.4 Definitions**

1) **Family Member-** The employee’s child, parent or spouse. These terms are defined as follows:

a) **Child** - A biological, adopted, or foster child, a stepchild, a legal ward or child or a person standing in loco parentis who is either under 18 or older

and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

b) **Parent** - Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents "in law."

c) **Spouse** - A husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state.

2) **Serious Health Condition** - An illness, injury, impairment, or physical or mental condition that involves inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

a) **Continuing Treatment** - Includes a period of incapacity of more than three consecutive calendar days, as well as any incapacity due to pregnancy, prenatal care, a chronic health condition, a permanent or long-term condition, or multiple treatments for restorative surgery.

3) **Health Care Provider** - Includes, but is not limited to, a doctor of medicine or osteopathy, clinical psychologist, podiatrist, dentist, optometrist, chiropractor, or licensed nurse practitioners. The University requires that a medical certification be obtained from the attending health care provider for any request for FMLA leave for a serious health condition of self or family member. Medical certification forms can be obtained from the Office of Human Resources.

#### 4.7.5 Procedures

- 1) Eligible employees requesting FMLA leave should contact the Office of Human Resources.
- 2) The leave request form is to be completed as far in advance as possible (preferably 30 days) for foreseeable leave.
- 3) The medical certification form is to be completed by the attending health care provider and returned to the Office of Human Resources.
- 4) Supervisors who have questions about the employee's eligibility, required forms, types of health care provided, or other aspects of the FMLA leave request should contact the Office of Human Resources.

4.7.6 **Health or Life Insurance** - During the FMLA leave, the University will maintain the employee's coverage for health and life insurance as follows:

- 1) If there is a sufficient amount in the pay period; the premium will be deducted from the employee's paycheck.
- 2) If the employee is not in a pay status, the amount of the premium normally deducted for the particular pay period must be received in the Auburn University Payroll and Employee Benefits Office on or before the last day of the month for



salaried employees and on or before the biweekly pay date for hourly employees. Payment must be by check or money order made payable to Auburn University.

**4.7.7 Other Benefits** - Employees will not accrue any annual or sick leave while on unpaid leave for any reason. Employees receiving pay through an approved On-the-Job-Injury claim will continue to accrue leave at their regular rate. Those employees on intermittent or a reduced work schedule will accrue leave in proportion to the hours worked.

**4.7.8 Reinstatement** – Except for key employees, An employee taking leave under this policy will be returned to the employee’s same position if possible, and, if not possible, to an equivalent position. If the employee would have been terminated (e.g., layoff or termination of a temporary position), the employee will not be returned to his or her former position. The University requires a release from the health care provider that the employee is able to return to work.

**4.7.9 Rights and Obligations**

1) The University Reserves the right to request periodic reporting from the employee as to the status of the leave and the intent to return to work. The University may also request that a medical condition be recertified, but no more often than every 30 days.

2) The University may request that a second opinion be obtained from an independent medical provider selected by the University. The University will pay for the second opinion. If the second opinion differs from the first one, a third opinion (by a provider agreed to by the University and the employee) will be obtained and will be considered final and binding. The University will pay for the third opinion.

3) This policy does not create any employment rights for any individual other than specifically stated in this policy.

4) Outside employment during FMLA leave may be prohibited, and may result in disciplinary action, up to and including immediate termination of employment.

5) The University is the sole administrator of this policy and, as such, is the exclusive interpreter of its terms. All provisions of this policy will be interpreted consistent with the FMLA.

6) Employees and employers have various rights and obligations under the FMLA. For further information, a copy of the FMLA regulations at <https://www.dol.gov/whd/fmla/fmla-faqs.htm>.

**4.8 Leave without Pay** - Leave without pay (LWOP) has four major categories:

- 1) Extended sick leave without pay.
- 2) Voluntary leave without pay, which refers to employees who have exhausted applicable paid leave time, but who, for approved reasons, are not immediately returning to work.
- 3) Disciplinary LWOP.
- 4) Employees who have not accrued sick leave and do not qualify for FMLA.

4.8.1 An employee on either approved extended sick leave without pay or voluntary leave without pay is considered to be in inactive status. Certain restrictions and limitations apply regarding specific employee benefits relating directly to the assigned leave without pay category. If an unpaid leave is granted after FMLA has been exhausted, every effort will be made to return the employee to his or her former position, but such reinstatement cannot be guaranteed.

4.8.2 Extended sick leave without pay refers to certified personal illness, injury, or disability. The critical nature of an immediate family member's illness or injury may also justify the granting of extended leave without pay depending upon the circumstances. All accrued sick leave must be used before extended sick leave without pay may be considered. An employee is not required to exhaust his or her annual leave prior to beginning extended sick leave.

4.8.3 If annual leave is carried forward, it will be available when the employee returns. If the employee does not return, the accumulated annual leave will be paid as terminal leave up to one month's salary (173.33 hours), if applicable. No annual or sick leave will accrue during any authorized leave of absence without pay.

4.8.4 No Change Form will be processed for salary improvement until the employee returns to active work. Salary improvement will not be retroactive.

4.8.5 A medical practitioner's release, certifying that the employee is able to resume normal work activities, will be required when an employee is returning from an extended leave without pay. This statement must be presented before resuming normal duties.

4.8.6 If the employee is not eligible for salary continuation benefits, the Department Head should place the individual in a leave of absence without pay status if the return of the employee is expected and desirable. In this situation, the employee may elect to use accrued annual leave before being placed on leave without pay status.

4.8.7 Voluntary leave without pay normally applies where an employee requires additional time off for medical reasons. Employees must have completed one year of continuous service to be eligible for such leave.

4.8.8 A request for voluntary leave of absence without pay for medical reasons will be submitted in advance through the Department Head to the Office of Human Resources for approval. The employee will provide a statement of intention to return to work. Such leave of absence will normally not exceed a period of six months.

4.8.9 Except for military duty, leave without pay will not be permitted for an employee to work for another employer.

4.8.10 For the purposes of education, study, research and writing, consideration may be given to granting leave without pay for periods of up to one year. The employee must, in this instance, use all accrued annual leave before beginning any period of leave without pay.

4.8.11 No annual or sick leave will accrue during any authorized leave of absence without pay.

## 5.0 Records

5.1 **Types of Records** - The official personnel records for all employees of the University shall be maintained in the Office of Human Resources. Counseling documents will not be incorporated into an employee's record unless that employee has previously been afforded an opportunity to examine the document. I-9 Records, Immigration Status, Notices of Bankruptcy, and Medical information shall not be placed in the official personnel file.

5.2 **Access to Personnel Files** - Personnel files are the property of the University and access to the information they contain is restricted. Generally, only management officials and representatives of the University who have a legitimate, verifiable reason to review information in a file are allowed to do so.

5.2.1 With advance notice of two business days and a written request, an employee may request to receive an electronic copy of his or her personnel file.

5.2.2 Information in a personnel file will not be disclosed to anyone outside the University without a signed consent from the employee specifically authorizing the release of the information, except as listed below:

- 1) Employee Name, Job Title, Department and Dates of Employment can be verified without notification to the employee for Employment Verification purposes.
- 2) The Office of Human Resources will comply with lawfully issued subpoenas and judicial orders.

5.3 **Personal Data Changes** - It is the responsibility of each employee to ensure that personal information is updated. Personal mailing addresses, telephone numbers,

individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. This information can be changed on line by accessing the Employee Self-Service area in Banner HR.

5.3.1 Any employee who questions the accuracy or completeness of information contained in the employee's personnel file should notify his or her supervisor, who will apprise the Office of Human Resources. The Office of Human Resources reserves authority to make the final determination as to the contents of such file. However, an employee is entitled to place a brief, signed statement in the file identifying the alleged errors or inaccuracies.

5.4 **Retention of Records** - Personnel files shall be retained indefinitely for all active employees. Records of employees who have terminated University employment shall be retained in archival form in accordance of the law.

## 6.0 Human Resource Development

### 6.1 The Auburn University at Montgomery Educational Improvement Policy

6.1.1 **Policy** - Auburn University at Montgomery recognizes the importance of further education as a part of employee development. Therefore, the University has established an Educational Improvement Policy to provide a course enrollment benefit for full-time, regular employees.

6.1.2 **General Provisions** - The Employee Educational Improvement Benefit (EEIB) allows a full-time employee to take up to five credit hours per academic period of University courses during the regular work day and receive a waiver of some or all of the fees for such attendance.

- 1) For the purposes of this policy, the following definitions apply:
  - a) Academic period - Fall Semester, Spring Semester and Summer Term
  - b) Course or class - a lecture period or lecture period and related laboratory, even if listed separately.
  
- 2) For employees attending class during regular work hours:
  - a) Class attendance cannot take priority over the work to be performed. If class attendance is scheduled during regular work hours, approval to enroll in the class must be granted in advance by the supervisor, and time away from work should be made up after regular work hours.
  - b) However, when a department head requires an employee to enroll in a course which is directly related to the employee's assigned duties, time spent in class shall be considered a part of the regular work schedule for that employee.

- 3) What is paid? The EEIB has two parts:
  - a) a 100 percent waiver of the administrative service fee and the student activity fee for all full-time, regular employees regardless of the length of employment and whether or not the employee is a full-time or part-time student, and
  - b) a waiver of tuition charges for up to five credit hours per academic period for full-time, regular employees who have 12 months continuous, full-time regular service with the University.
  
- 4) When to register: In order to preclude employees taking advantage of the EEIB from displacing other students who are paying the full cost and from creating the need for additional faculty or more class sections, employees must not register for classes up to a week prior to the first day of classes.

### **6.1.3 Specific Provisions for the Employee Educational Improvement Benefit (EEIB)**

- 1) Eligibility for the tuition portion of the EEIB will begin during the academic period immediately following the full-time, regular employee's 12 month anniversary.
  
- 2) The waiver of tuition fees is granted for only a maximum of five credit hours per academic period regardless of the number of hours enrolled for the credit hours per course.
  
- 3) Part-time employees, temporary employees, student employees, graduate teaching assistants, graduate research assistants, adjunct professors and visiting professors are not eligible for the EEIB.
  
- 4) Employees must meet the admission requirements expected of all entering students.
  
- 5) The EEIB may be used for enrollment in any undergraduate or graduate program including cross-registration, between Auburn University and Auburn University at Montgomery.
  
- 6) Under the EEIB, employer reimbursements for full time employees pursuing undergraduates will be treated as a non-taxable fringe benefit. For graduate students, if the educational assistance is not job-related, it will be included in the employee's wages and is subject to federal and state income tax, FICA, and Medicare withholdings.
  
- 7) Employees who terminate their employment for any reason will be allowed to continue under the provisions of this policy only until the end of the academic period in which termination occurs.

8) Beginning Aug. 1, 2016, the Auburn System will discontinue tuition waivers for graduate and doctoral-level courses to the spouses and dependents of AU/AUM faculty and staff.

6.1.4 Interpretations of this policy and the procedure for its application are the responsibility of the Office of Human Resources. Inquiries concerning individual bills for classes should be directed to the Office of Student Accounts, and questions about student status should be directed to the Office of the Registrar.

## **7.0 Employee Relations**

### **7.1 Employee Conduct and Job Rules**

**7.1.1 General** - Auburn University at Montgomery's rules concerning employee conduct and job performance are guidelines that are necessary to ensure that all employees can work in an efficient manner, free from disturbances which hinder job training, and production. It is the full responsibility of each employee to know what University and departmental rules and regulations exist and to observe them at all times.

**7.1.2 Classification of Rules and Regulations** - Rules and regulations are classified by degree of severity so that corrective action can be consistently administered. The classifications of severity and the rules are intended as general guidelines to promote good judgment and fair treatment. Rules are not restricted to those listed, for some are covered by specific departmental regulations which will be discussed with the employee by the supervisor. Employees shall know and understand what these other regulations contain as well as the general conduct and job performance rules listed here. Supervisors/Managers are required to work in conjunction with the Office of Human Resources **prior** to issuing any counseling at the level of written reprimand or Last Formal.

**7.1.3 Group I** - Employees who commit these actions will be subject to a minimum Last Formal Reprimand or immediate termination based upon the frequency or severity of the action:

- 1) Intimidating or intentionally imposing on the rights and privileges of other individuals.
- 2) On University property, drinking intoxicants or using drugs particularly when there may be an adverse effect or danger to others.
- 3) Improperly changing or otherwise falsifying or forging any University records, permits, time cards or time sheets, licenses, certifications, passes, badges, or the approving signatures thereon.
- 4) Indulging in grossly offensive, obscene, or immoral conduct.
- 5) Deliberately restricting production output and/or University operations or concealing defective work.

- 6) Stealing or misappropriating University property or property belonging to other individuals.
- 7) Intentionally defacing or damaging University property or the property of other individuals.
- 8) Fighting on University property or creating disturbances which adversely affect morale, production, studies, or discipline.
- 9) Unavailability for work.
- 10) Any other actions not listed in 1-9 above but considered by the University as constituting major misconduct, insubordination, gross negligence, or gross disregard of obligation to the University. Such actions will include violation of another employee's protection against discrimination or harassment as set out in the Equal Opportunity Affirmative Action Policy of Auburn University at Montgomery.

7.1.3.1 **Note:** Under certain circumstances, being convicted of a criminal offense outside of the University could lead to discharge. Specific action will be determined by the nature of the offense and the employee's job performance.

7.1.4 **Group II** - Employees who commit these actions, except where the circumstances are extremely aggravated, will be given at a minimum a Written Reprimand which will show that any repetition of the violation or further violation of University rules, generally within six months, will result in a continuation of progressive discipline up to and including termination. Such written reprimands will be placed in the employee's personnel file.

- 1) Sleeping while on duty during working hours.
- 2) Continually or intentionally disregarding appropriate departmental or University rules.
- 3) Reporting to work under the influence of intoxicants, narcotics, or drugs particularly when there may be an adverse effect or danger to other individuals.
- 4) Refusing to obey reasonable and necessary orders or job assignments.
- 5) Indulging in physical roughhousing or malicious mischief in any form.
- 6) Smoking on campus or disregarding University security or fire regulations.
- 7) Leaving University premises prior to the end of normal work period without prior notice or approval.
- 8) Failing to return to work at the end of an authorized leave period unless supervisor has been advised of the reason for delay.
- 9) Any other actions not listed in 1-9 above but considered by the University as misconduct, insubordination, negligence, or disregard of obligation to the University.

7.1.5 **Group III** - Employees who commit these actions, except where circumstances are extremely aggravated, will proceed through steps of progressive discipline (in order and as repeated violations occur)

- 1) Given an oral reprimand.

- 2) Given a written reprimand.
- 3) Given a last formal reprimand showing the employee was advised that future offenses could be subject to demotion, suspension, or discharge.

7.1.5.1 These actions are:

- 1) Failing to immediately report to the employee's supervisor all injuries or illnesses occurring at work.
- 2) Continually disregarding normal safe work practices.
- 3) Contributing to poor housekeeping or unsanitary conditions.
- 4) Practicing poor personal hygiene.
- 5) Damaging University property and equipment through improper use or lack of care.
- 6) Abusing sick leave privileges.
- 7) Failing to notify the employee's supervisor for each day of unscheduled absence from work.
- 8) Failing to comply with a department's dress policy.
- 9) Having continued absences from work for which the reasons for absence are not considered valid.
- 10) Having continued tardiness from work for which the reasons for tardiness are not considered valid.
- 11) Continually displaying poor performance or demonstrating performance deficits.
- 12) Any other actions not listed in 1-12 above but considered by the University as constituting a Group III offense.

7.1.5.2 **Note:** Employees serving in their orientation periods of initial employment or re-employment are considered to be on a trial basis, and they will be subject to formal disciplinary action and/or discharged for any conduct or job performance rule violation during this orientation period. They also do not have a right of appeal except for grievances based on claims of discrimination or harassment because their protected status.

## 7.2 Progressive Disciplinary Procedures

7.2.1 Auburn University at Montgomery encourages open and informal discussion of complaints and problems between supervisors and employees. Supervisors should encourage employees to discuss their complaints and problems with them. When a conflict between supervisors and employees cannot be resolved through normal channels, one or both parties may seek resolution and advice from the Office of Human Resources. Employees also have access to the employee grievance process contained in **Section 7.4**.

7.2.2 The supervisor is responsible for establishing and maintaining a work environment where employees can improve their job performance. The supervisor's continuing emphasis on developing correct work habits through effective orientation, training,



performance reviews and consistent feedback is essential in contributing to the productivity and well-being of employees and developing good employee/management relations.

7.2.3 Disciplinary action should be corrective rather than punitive. The level of corrective action initiated by the supervisor depends upon the severity and the frequency of the situation. Wherever possible, coaching should be used before formal corrective action is taken.

7.2.4 Before determining what form of corrective action to take, a supervisor should follow these procedures for progressive discipline:

- 1) Identify the job performance problem and discuss it with the employee as soon as possible; and use discretion: One single incident may not necessitate action, but deviation from acceptable job performance patterns should be identified early.
- 2) Be specific in describing the performance problem; make sure the employee understands exactly where he or she needs to improve and to what extent; and explain the consequences of continued job performance deterioration.
- 3) Keep discussions focused on job performance problems.
- 4) When reprimands are given, supervisors should develop strategies to correct the performance and discuss with the employee other actions to solve the problem: Follow-up discussions should be held to determine whether the employee is actually taking action, particularly in cases where the performance continues to deteriorate. The supervisor may use his or her discretion in deciding how direct to be in these matters.
- 5) If a problem reoccurs, treat it on an individual basis, depending upon the employee's progress and attitude.
- 6) When you are considering a dismissal, contact the Office of Human Resources to initiate the pre-termination process.

7.2.6 **Oral Reprimand** - Review the problem (attendance, job performance, general behavior, etc.) with the employee; listen to the employee since there may be mitigating circumstances of which the supervisor is unaware, be sure that the employee understands what is expected and discuss expectations in order to gain understanding. Document the discussion for future reference; emphasize to the employee that confidentiality will be maintained to the extent possible; and keep the documentation in a personal file if needed for future reference. If improvement occurs, advise the employee accordingly.

### **7.2.7 Written Reprimand**

- 1) Review the problem with the employee. Ensure the employee is notified that the reprimand is being given because of unsatisfactory job performance or workplace behavior.
- 2) Review what is expected of the employee; explain why the employee's performance is unsatisfactory; and offer suggestions and set goals for improvement.
- 3) Document the discussion. Furnish a written copy of the reprimand to the employee as soon as possible, covering the points discussed during the meeting; and ask the employee to sign the reprimand. The employee's signature does not indicate agreement with the reprimand, but shows that the employee is aware of it; and send a signed copy of the reprimand to the Office of Human Resources to be placed in the employee's file.
- 4) In cases involving job related performance, establish a follow-up date to review progress with the employee and document whether steps have or have not been taken toward correction. The appropriate time frame will vary with each employee.

**7.2.8 Note:** It is important in these first two steps to encourage employees to give their views on the performance problem in order to avoid any misunderstandings. The supervisor should encourage the employee to acknowledge that there is a current job performance problem on their own or with normal supervisory guidance. The supervisor should not assume that personal problems are the cause of low performance, nor should the supervisor attempt to diagnose such problems. If the employee admits to a personal problem, the supervisor should ask whether the employee would like to discuss the problem with Human Resources.

### **7.2.9 Last Formal Reprimand**

- 1) If the problem is not corrected, issue a last formal reprimand to the employee; make sure the employees understand the significance of the last formal reprimand and why they are given one; ask the employee to sign the reprimand. Send a signed copy to the Office of Human Resources to be placed in the employee's personnel file.
- 2) The last formal reprimand must describe steps for improving of the employee's work performance and state that without significant improvement, action for dismissal, demotion, or suspension will be taken.
- 3) Establish a follow-up date; and review progress with the employee on the established date and document that progress or the lack thereof.

7.2.10 **Job Action** - If corrective actions have not resulted in improved job performance, specific action should be taken. It may take one of these forms:

- 1) **Suspension** - Occurs when an employee is not allowed to work for a specific period of time. Suspension is typically used during the pre-termination process or when an investigation of an employee's alleged wrong doing is needed, and in these cases the employee may be suspended with pay until the investigation is completed and a decision is made. Supervisors must get approval from the Office of Human Resources to suspend an employee.
- 2) **Demotion** - May be appropriate when an employee is otherwise in good standing but is in a job for which he or she is not qualified to perform. It may also occur as part of the result of corrective action that is taken against an employee. A demotion results in a downgrade in classification and/or pay. Demotions should be closely coordinated with the Office of Human Resources and the appropriate Dean, Director, Department Head or Vice Chancellor/Provost before demotion of an employee is completed.
- 3) **Dismissal** - Occurs when an employee is separated from employment with the University. Dismissals should be closely coordinated with the Office of Human Resources and the appropriate Dean, Director, Department Head or Vice Chancellor before termination of an employee is completed.

7.2.11 An employee who receives a written reprimand, last formal reprimand or is suspended without pay, demoted or discharged, has full recourse through the appropriate Staff Grievance Procedures, found in **Section 7.4**.

7.2.12 Individual counseling and corrective actions are necessary motivating steps for employees to improve their conduct or job performance. It is equally important that full recognition be given to employees who do make successful efforts to correct their deficiencies.

7.3 **Involuntary Terminations** - Auburn University at Montgomery reserves the right to manage its workforce as stated in **Section 1.1.3**. However, consistent with sound management practices, employees are generally only subject to discipline or dismissal for cause. Each individual case for dismissal will be evaluated on its own set of circumstances. Proper procedures for dismissing an employee from the University are essential to ensure that an employee's rights are protected.

This protection is accomplished through due process. Due process is not a single event that occurs in isolation. AUM promotes a system-wide respect for the principles of due process by ensuring that employees who face adverse employment action to their protected interests receive proper notice, an opportunity to present and respond to evidence, and that academic and disciplinary decisions are made by impartial officials. The following steps will be taken prior to making a decision of dismissal.

- 1) The employee will be advised that he or she has allegedly committed a serious violation of University work rules and that the circumstances are being reviewed. The employee will be provided an approximate time for the review to be completed.
- 2) Upon completion of the review, the employee and the unbiased official will establish a time for a conference. During the conference, the details of the rule violation will be explained to the employee, and the employee will be given an opportunity to explain his or her action and to present evidence in addition to his or her own statements. At the conclusion of this meeting, the official will establish the time by which he or she will reach a final decision on this matter.
- 3) If the decision is one of dismissal, the Office of Human Resources will inform the employee of that decision and of his or her rights to appeal that decision through the grievance procedure.

7.3.1 Pre-termination meetings and dismissals will be coordinated through the Office of Human Resources and the appropriate Dean, Director, Department Head, or Vice Chancellor/Provost.

7.3.2 **Categories for Involuntary Termination** There are three categories for involuntary termination of employment from Auburn University at Montgomery:

- 1) **Termination for Cause with Immediate Discharge** - Rules for general conduct and job performance are listed in **Section 7.0**. Employees committing Group violations will be subject to immediate discharge from Auburn University at Montgomery depending upon the frequency and severity of the action, and if the termination is sustained they will not be eligible for reemployment.
- 2) **Termination for Cause** - Employees under contract may be terminated with notice for reasons related to substandard performance or for inappropriate job behavior. For substandard performance, the supervisors must have a record of appropriate employee counseling; and for inappropriate job behavior, the supervisor will have exercised the three steps of the progressive discipline procedure. In most cases, a minimum of 30 calendar days' notice may be provided to the employee prior to the scheduled date of termination.
- 3) **Termination Resulting from Employee Layoff** - Employees may be placed in layoff status for a period of 180 days as a result of reduction in force. Reduction in force may result from major restructuring or realignment, organizational downsizing, outsourcing of programs or services, changes in work volume, or reductions or elimination of funding. Following the 180 days in layoff status and the lack of an employment opportunity, the employee will be terminated from

Auburn University at Montgomery employment. Layoff decisions are made by the Vice Chancellor.

**7.3.3 Layoffs** - Within each job classification in each recognized Auburn University at Montgomery division or unit, layoffs will be initiated considering University seniority (date of last continuous full-time employment) beginning with the least senior date.

- 1) Where affected employees have the same University seniority, unit seniority (date of last continuous full-time employment in the unit) will be the guiding factor.
- 2) Employees affected by layoff because of their seniority who, on the effective layoff date, may be on authorized Sick Leave or Leave Without Pay, will not be reassigned elsewhere nor placed on layoff status until their Sick Leave or Leave Without Pay period has been completed.
- 3) Announcement of force reductions and pending layoffs will be provided in writing to affected employees as much in advance as possible before the effective date for such action, with two full workweeks being the minimum notification period.
- 4) Qualified employees in layoff status must be interviewed for employment opportunities for which they apply and meet minimum qualifications.
- 5) Employees may be in layoff status for a period up to 180 days from date of layoff.

**7.3.4 Fringe Benefits for Employees in Layoff Status**

- 1) Accrued unused Sick Leave and Annual Leave balances for affected employees will be "frozen" effective with the layoff. If recalled from layoff, these unused balances will be reinstated. No Annual or Sick Leave will accrue while in layoff status. Should the employee be terminated from employment, he/she will be paid as terminal leave any unused accrued Annual and Sick Leave balances in accordance with normal terminal leave pay practices.
- 2) There will be no Holiday pay for paid holidays observed while in layoff status.
- 3) Group hospital/medical and life insurance benefits in effect prior to layoff may be continued during the layoff period provided arrangements for prepayment of premiums are made by the employee with Auburn University Payroll and Benefits.
- 4) Long Term Disability: No benefits can be claimed nor will any be paid during the layoff period. However, if recalled during the layoff period, the employee will

not be required to again satisfy the one-year waiting period if employed on a full-time basis.

5) State Teachers Retirement Plan: Contributions cannot be withdrawn until employees either resign or are terminated. If recalled during the layoff period, contributions will automatically resume if otherwise eligible.

### **7.3.5 Employee Reassignment**

- 1) Employees in layoff status who are offered reasonably comparable positions but who decline such positions will be considered as having "resigned" from University employment unless extenuating circumstances provide justifiable reasons for non-acceptance and are approved by the Dean/Director with the endorsement of the Office of Human Resources.
- 2) Employees eligible for reassignment to another unit by virtue of being affected by layoff will be reassigned at the direction of the University's Administration. Compliance with such administrative reassignment will be expected unless extenuating circumstances provide justifiable reasons for non-acceptance and are approved by the Dean/Director with the endorsement of the Office of Human Resources.

### **7.3.6 Recall from Layoff**

- 1) Employees in lay off status, including those who volunteer for layoff, will be recalled by University seniority date on the principle of "last out, first in." They will be recalled to their regular or to a reasonably comparable permanent position.
- 2) The salary level for a recalled employee will be the same as prior to layoff, unless there has been a general pay change for that classification in the interim or unless the employee's pay rate would create inequities within any new job assignment as determined by the Office of Human Resources with concurrence by the Dean/Director.
- 3) After 180 days on layoff status, the employee will be terminated from University employment.
- 4) Upon recall from layoff status, employees have three working days to contact the Office of Human Resources once notification is received.

## **7.4 Staff Grievance Policies and Procedures**

**7.4.1 Purpose** - Auburn University at Montgomery is committed to providing a harmonious working environment for all employees. Thus, the University has established fair and consistent workplace policies and procedures, while realizing that, as in all human relationships, conflicts may arise. Usually, these conflicts can be resolved

through informal discussions between the employee and his or her immediate supervisor. However, misunderstandings and problems may occur that cannot be resolved through an informal process.

#### 7.4.2 Definitions

1) *Employee*: Employees covered by this manual include exempt Administrative/Professionals, nonexempt University staff, adjuncts (staff) and Faculty for all policies that are applicable and are not covered in the Auburn University at Montgomery Faculty Handbook at the Montgomery, Alabama campus. Jobs designated as exempt under the provisions of the Fair Labor Standards Act (FLSA) are Administrative/Professional. Jobs designated as nonexempt are University staff, and these positions are subject to the overtime pay provisions of the FLSA.

2) *Grievance*: A grievance is an allegation by an employee that there has been a violation, misinterpretation, misapplication, or unreasonable application of a University policy, procedures, rule, or regulation regarding the staff employee's employment conditions.

3) *Staff Grievance Committee*: This term denotes a committee of the staff employee's peers formed to assist in the resolution of conflicts related to employment.

4) *Staff Grievance Hearing Panel*: The Hearing Panel is a subcommittee of the Grievance Committee selected to review and make recommendations for the resolution of a specific grievance alleged by a staff employee.

7.4.3 **General Policy** - A staff employee who is seeking a solution concerning a disagreement which constitutes a grievance, as defined in **Section 7.4.2 Definitions** above, may seek such a resolution using this policy.

7.4.3.1 Employees who feel they are being discriminated against because of a protected status should immediately and directly take the issue to the Office of Human Resources (Taylor Center 304). The Office of Human Resources will investigate all complaints of discrimination and harassment.

7.4.3.2 While the University recognizes the employee's right to file a grievance, the employee must discuss his or her concerns with the immediate supervisor and/or department head before filing a grievance. If the immediate supervisor is the alleged cause of the grievance, the grievant will take the concern to the next level of management. Experience shows that most concerns can be resolved informally at the supervisory level without the need for a formal grievance. The Office of Human Resources provides mediation services to assist an employee in resolution of a problem or conflict.

7.4.3.3 The grievance process is not a formal court proceeding, but is a peer review process for employees who want to seek an internal resolution of grievance. It is not intended to supersede the legal rights of any employee.

**7.4.4 Pre-Grievance Mediation** - Grievances that are not settled through discussion as required in **Section 7.4.3.2** above can be submitted to mediation by any party to the grievance. This procedure requires notification to the Office of Human Resources of a party's willingness to submit the grievance to mediation. Mediation is a less formal means of settling a dispute and is strongly encouraged as an alternative to filing a grievance. All parties to the grievance must agree to mediation; otherwise, the process cannot go forward. Within fifteen (15) working days of the occurrence of a dispute, all parties to the grievance must notify the Office of Human Resources in writing of their willingness to submit the grievance to mediation. A representative of the Office of Human Resources will provide access to trained mediators available to facilitate the process. Any person needing assistance with the mediation process should consult with the Chief Human Resources Officer or designee.

**7.4.5 Forms** - Copies of the official Auburn University at Montgomery *Grievance Form* are available through the Office of Human Resources. The form is to be used by all staff employees seeking a resolution of grievance under the grievance procedure. The Staff Grievance Committee will not consider the merits of a grievance unless it is submitted on the *Grievance Form*. The completed form must be submitted to the Office of Human Resources. HR is responsible for providing copies to the Chair of the Staff Grievance Committee and to all parties to the grievance.

**7.4.6 Time Limits** - The time limits established in section **7.4.13 Steps in the Grievance Process** below must be strictly followed unless they are extended by mutual written agreement among the parties prior to the beginning of a hearing by the determination of the Chair of the Staff Grievance Committee that the time limits should be extended. Failure of the employee to adhere to the time limits shall result in his or her waiving all rights under the grievance procedure for the issue(s) raised in the grievance. Failure of the person(s) against whom the grievance is filed to adhere to the time limits will authorize the employee to move to the next step of the grievance procedure.

**7.4.7 Examples of Actions Which Are Not Subject to a Grievance**

- 1) Salaries
  - a) Hiring salaries
  - b) General salary adjustments
  - c) Promotional salary adjustments
  - d) Other salary adjustments
- 2) Performance reviews
  - a) Performance Improvement Plan
- 3) Verbal counseling
- 4) Voluntary resignations
- 5) Position elimination due to restructuring and/or layoffs



- 6) Position classification/reclassification decisions
- 7) Adjustments to work schedules or shifts
- 8) Hiring and promotion decision
- 9) Actions that fall within the purview of the AA/EEO Office
- 10) Termination from employment during initial orientation periods.
- 11) Termination from employment based on felony conviction or unavailability for work due to incarceration.
- 12) Termination from employment while in temporary employment status

**7.4.8 Employee Advisor** - Employees shall have the right to have one advisor of their choice present at each step of the grievance procedure. This advisor may observe all proceedings but may confer only with the staff employee. The advisor has no formal voice in the process. The advisor, if also a University employee, shall, at such times as approved by the advisor's supervisor, be granted the necessary time off during working hours to attend formal proceedings without loss of pay and without charge to annual or compensatory pay. Preparation of grievance materials must be completed outside the employee's normal work schedule.

7.4.8.1 The advisor may also be an individual selected from outside the University. However, if the person selected by either party as an advisor is an attorney, notification of such selection must be provided to the Chair of the Grievance Committee who will be responsible for notifying all other parties to the grievance that such a selection has been made. In those cases where a grievance is filed by a subordinate against a supervisor, the supervisor may not select an attorney as an advisor unless the person filing the grievance has chosen an attorney as his or her advisor. As with all other advisors, an attorney selected as an advisor is not permitted to participate in the hearing process and is allowed to confer only with his or her client.

**7.4.9 Witnesses** - Employees shall have the right to submit a list of potential witnesses to support their allegation(s) or defenses. The Grievance Hearing Panel will make the determination as to which witnesses will be called to testify. In the event that a witness is unable to attend the formal grievance proceedings, and the Hearing Panel has determined the witness has relevant information, an affidavit may be submitted.

7.4.9.1 Witnesses will be required to testify under oath. Also, each witness who is an employee of the University should be aware that a deliberate falsehood can result in a disciplinary action against the witness.

7.4.9.2 The Staff Grievance Hearing Panel may grant adjournments of reasonable length to enable either party to investigate evidence if the Hearing Panel believes a valid claim of surprise is made concerning that evidence.

7.4.9.3 All grievance hearings shall be closed. No witness (except the parties themselves) will be allowed to hear the testimony of any other witness.

**7.4.10 Retaliation** - No employee will retaliate against any employee who uses the grievance procedure, serves as an advisor, or participates in any way (*e.g.*, witness) in the grievance process. A person violating this prohibition against retaliation may be subject to disciplinary action, up to and including, termination. Additionally, no employee is to use an official position to attempt to exert improper influence over the grievance process.

**7.4.11 Dismissal or Withdrawal of a Grievance** - Any one of the following circumstances is adequate cause for the dismissal or withdrawal of a grievance:

- 1) The allegation does not meet the definition of a grievance as stated in **Section 7.4.2 Definitions**.
- 2) The person filing the grievance voluntarily withdraws it or voluntarily resigns from the University.
- 3) The parties to the grievance have not fully complied with the procedures and/or timelines set forth in *Grievance Policies and Procedures for Staff*.
- 4) Under the provisions of section **7.4.13 Steps in the Grievance Policy (2)** below the allegations are determined to be frivolous and thus do not merit a formal hearing.

**7.4.12 Staff Grievance Committee** – The nine (9) members of the AUM Staff Grievance Committee shall be diverse and be broadly representative of the staff job classifications throughout the University. Members will be selected through a nomination and election process established and conducted by the Office of Human Resources. Members of the committee are the employees from whom, in the grievance process, a Staff Grievance Hearing Panel will be selected. Criteria for membership on the Staff Grievance Committee require that all members be AUM staff employees in good standing, with a minimum of two (2) consecutive years of full-time employment at AUM. Members of the Staff Grievance Committee will serve one (1)-year terms and may serve up to two (2) consecutive terms. Subsequent terms may be served after a one (1)-year hiatus from serving on the Panel. By a process which it deems appropriate, the Office of Human Resources will select the Chair of the Staff Grievance Committee.

**7.4.13 Steps in the Grievance Procedure**

- 1) Any staff employee filing a grievance must complete in all required details a *Grievance Form* and submit it, along with all supporting documents that he or she deems necessary, to the Office of Human Resources within forty-five (45) calendar days of the alleged occurrence. Once the grievance has been filed, Human Resources will forward a copy to the Chair of the Staff Grievance Committee.
- 2) In consultation with the Office of Human Resources, the Chair of the Staff Grievance Committee has five (5) working days to determine whether the issue is grievable. If the Chair of the Staff Grievance Committee determines that the issue is not grievable, he or she will indicate this decision in the appropriate place on the *Grievance Form*, sign and date the form, and return it to the Office

of Human Resources. The Office of Human Resources will notify the staff member of the decision.

3) If after the consultation with the Office of Human Resources, the Chair of the Staff Grievance Committee determines that the allegations merit a formal hearing, he or she will indicate that decision on the *Grievance Form*, sign and date, and return the form to the Office of Human Resources. The Office of Human Resources will forward this copy of the *Grievance Form*, along with all supporting documents, to the person against whom the grievance has been filed. Upon receipt of this material, he or she must within ten (10) working days provide a rebuttal statement, and forward it, along with all supporting documents, to the Office of Human Resources and the Chair of the Staff Grievance Committee.

4) During the same ten (10) day working period, the Chair of the Staff Grievance Committee will work with the grievant and the person against whom the grievance is filed to select a Staff Grievance Hearing Panel from among the members of the Staff Grievance Committee.

5) The Chair of the Staff Grievance Committee will supply to both parties the grievance with a list of all Grievance Committee members who have not been recused as provided for in step **(8)** below.

6) Within two (2) working days of receiving the list, each party to the grievance will select one person from the list as a representative on the Grievance Hearing Panel. In the event that both parties choose the same person, the grievant will have two (2) working days to choose a second member. The two persons selected will then select the third person to serve on the Hearing Panel. The three persons selected will choose the Chair of the Hearing Panel.

7) Once the Hearing Panel has been established and its Chair selected, the Chair of the Staff Grievance Committee will distribute all appropriate documents to all parties to the grievance and will determine and announce the date, time, and location of the hearing.

8) At his or her discretion, the Chair of the Staff Grievance Committee may recuse any staff employees in the following categories from service on the Staff Hearing Panel:

- a) Any person named in the written allegation.
- b) Any person employed in the same department or unit of any party to the grievance.
- c) Any person related to any party to the grievance.
- d) Any person who claims that there is bias or the perception of bias in his or her consideration of the matter to be heard.
- e) Any person unable to meet the time commitment necessary for the

hearing.

9) The Hearing Panel will conduct its proceedings informally. It may admit any evidence that it considers to be of value in determining the issues, subject to the Hearing Panel's judgment of the relevance, credibility, and weight of the evidence. The Hearing Panel may ask the parties to produce evidence on specific issues, may examine witnesses selected by the parties to the grievance, and may call and examine its own witnesses. Both parties to the grievance and the Office of Human Resources will cooperate with the Hearing Panel in obtaining witnesses and in ensuring their presence, as well as in ensuring that documents and other evidence are made available as needed by the parties to the grievance and the Hearing Panel. If there is any question about the confidentiality of documents or other evidence, the Chair of the Hearing Panel will ask the Office of Human Resources to consult with university counsel about their release. There will be no ex-parte communications with members of the Hearing Panel by the participants in the grievance.

10) All proceedings will be confidential and closed to the public. The Hearing Panel will keep only one official record (recorded or otherwise) of the hearing.

11) The Hearing Panel will base its findings and recommendations solely on relevant facts pertaining to the issues and the material presented during the hearing. A ruling on the matter heard may be a consensus of the members of the Hearing Panel. The members of the Hearing Panel will prepare a written statement of their findings and their statement of recommendation and submit this statement to the grievant, the person(s) against whom the grievance was filed, the Chair of the Staff Grievance Committee, and the Office of Human Resources within fifteen (15) working of the completion of the hearing.

12) Within five (5) working days of their receipt, the Office of Human Resources will report the findings and recommendations to the appropriate Vice Chancellor(s). If the person against whom the grievance was filed holds faculty rank, the findings and recommendations will be submitted to the Provost. Otherwise, the findings and recommendations will be submitted to the Vice Chancellor/Provost(s) of the unit employing the individual filing the grievance and the person against whom the grievance was filed. If either Vice Chancellor was the person grieved against, the findings and recommendations will be submitted directly to the Chancellor, whose decision on the matter will be final.

13) Upon receipt of the Hearing Panel's findings and recommendations, the Vice Chancellor to whom the findings and recommendations were submitted will have thirty (30) calendar days to record his or her response on the *Grievance Form*, sign it, and forward it to Office of Human Resources, the Chair of the Staff Grievance Committee, and the members of the Hearing Panel of the University's disposition of the grievance.

14) No employee will be entitled to more than one formal hearing on the same grievance.

15) All relevant materials will be sent to the Chair of the Grievance Committee who will submit to the Office of Human Resources for retention.

## **8.0 Employee Benefits**

**8.1 Unemployment Compensation** - Unemployment Compensation coverage is provided for all eligible employees, as determined by the State of Alabama Department of Industrial Relations. The purpose of Unemployment Compensation is to pay benefits to those employees who lose their job through no fault of their own. Persons who voluntarily terminate or persons discharged for "just cause" may be disqualified for unemployment Benefits for a period of time or altogether. The University contributes the total cost for this coverage.

## **8.2 Liability Insurance**

**8.2.1** Auburn University at Montgomery as an instrumentality of the State of Alabama may not be a defendant in any State court. The constitutional immunity of the institution does not prohibit suit against a faculty member or employee for negligence causing injury or damage to third parties. Even though claims may be made against the University through the State Board of Adjustment and settlements may be made on behalf of the institution in this way, an injured party may also elect to file suit against the faculty member or employee individually.

**8.2.2** In order to protect Trustees, Officers, Faculty, and University Staff employees from potential liability suits, Auburn University at Montgomery has implemented a Comprehensive General Liability Insurance Plan. This plan provides insurance protection in accordance with the terms and conditions of the policy, from the legal liability which could result from events occurring during the course of performing their duties for the University.

**8.2.3** Educators Legal Liability Coverage is provided for the Board of Trustees, Officers, Faculty, Administrative/Professional and University Staff employees and will pay in accordance with the terms and conditions of the policy any claims that an insured may become legally obligated to pay as damages resulting from claims arising from a wrongful act of an insured in the performance of his or her duties for the University.

**8.2.4** Auburn University at Montgomery also carries Automobile Liability Coverage which extends to the Board of Trustees, Employees, Students and Volunteers while driving a University owned vehicle on University business. There may also be non-owned coverage for individuals when driving personal vehicles on University business.

**8.3 Benefits While on a Leave of Absence** - Group health care and group life coverage may be extended for employees while on official leave without pay as follows:

**8.3.1 Continuation of Coverage** - Coverage will continue with no change in the premium provided the employee requests continuation of coverage and arranges for advance premium payment. Periodic reviews will be made for employees to maintain this status. Application forms are available in the Office of Human Resources.

8.3.1.1 Employees approved for leave under the Family Medical Leave Act will be permitted to continue their group health insurance coverage with no change in the premium in accordance with the University's policy and procedures.

**8.3.2 Voluntary Leave Without Pay** - Coverage will continue for the pay period for which their last premiums were deducted.

8.3.2.1 Employees with at least three years of service can request coverage up to three full months beyond the last premium period deduction provided the employee pays 100% of the total cost. Group health insurance may be continued after the three month period under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Additional information is available in the Office of Human Resources.

8.3.2.2 Employees with less than three years of service can request coverage under COBRA paying 102% of total cost.

8.3.2.3 Supplemental Long Term Disability benefits will not be effective while on Voluntary or Involuntary Leave without Pay.

**8.4 Auburn University Federal Credit Union** - Auburn University Federal Credit Union offers membership and services to AUM employees. Payroll deduction is permitted for savings and loans but all arrangements must be made with the Credit Union office. To contact the Credit Union Office, call 844-4120.

**8.5 United Way** - All faculty and staff on the Auburn and Montgomery campuses are invited to participate in the annual United Way Fund Drive. The necessary pledge cards are distributed each fall by the United Way local representatives. These cards should be returned to the local representatives who will forward them to the Payroll and Employee Benefits Office for payroll deduction.

**8.6 Athletic Events Discounts - AUM Employees are granted free admission to all AUM Athletic functions with a Faculty/Staff ID card.** Discounted tickets are available for most Auburn (main campus) sporting events. Please contact the Auburn Athletic Department for further information.

**8.7 Warhawk Shop Discounts** – A 20% discount off the total purchase price for most items is offered to staff at the University Bookstore.

**8.8 “The Roost” Discounts** - An Employee must load funds on to their Warhawk Identification Card at the Warhawk Card Center. The employee will receive a 10% discount at the time they load the funds to the Warhawk Card. The employee’s Warhawk card can be used to purchase items from The Roost.

**8.9 Direct Deposit** – Paychecks must be directly deposited into an employee’s bank account. For more information, contact the Office of Human Resources, (334)244-3641.

### **8.10 Disability - Group Plan**

**8.10.1 Eligibility – All regular**, full-time (non-student) employees are eligible if the most recent employment period is continuous for a minimum of one year (nine or twelve months as appropriate to the appointment).

**8.10.2 Coverage** - The plan consists of two parts:

- 1) Salary Continuation during the first six months of disability; and
- 2) Long Term Disability Insurance beginning at the end of the 6-month period.

**8.10.2.1** Both parts provide coverage up to 60% of the employee's pre-disability rate with a maximum amount of \$7,000 per month and a minimum of \$100.

**8.10.2.2** Both parts are subject to the "Non-duplication Off-set Provision" which requires that any payment through Social Security, Teachers' Retirement, etc., must be coordinated with disability payments from the plan. This coverage is provided by the University at no cost to the employee.

**8.10.3 Definition of Total Disability** - For the purpose of the insurance, total disability means that during the first two years of any period of disability, a person is unable to perform the duties of his/her occupation. During the continuation of the period of disability beyond two years, the person is unable to engage in any business or occupation or to perform any work for compensation, gain, or profit for which he/she is reasonably suitable by education, training, or experience.

### **8.11 Supplemental Disability - Individual Plan**

**8.11.1 Eligibility** - All full-time regular (non-student) employees are eligible to participate in this supplemental disability insurance plan on a voluntary basis.

**8.11.2** This supplemental plan gives Auburn University at Montgomery employees the opportunity to complete their disability insurance program in accordance with their individual financial needs. It provides coverage during the one-year waiting period before the group plan takes effect; and since it is not coordinated with the group plan, provides additional monthly benefits during the total period of disability.

8.11.3 The employee is responsible for the cost of the coverage. Further information may be obtained by contacting Johnson & Sterling Company at (334) 887-5533 or 1-800-824-6256.

## **8.12 Life Insurance/Accidental Death and Dismemberment**

**8.12.1 Eligibility** - Full-time regular (non-student) employees are eligible (immediately upon hire) if the most recent employment period is continuous for a minimum of one year (nine or twelve months as appropriate to the appointment).

**8.12.2 Enrollment** - A Statement of Health is not required if application is made within 30 days following the date of employment. Participation in the program is optional. If an employee rejects life insurance when employed and elects later to accept it, they may make application at any time by furnishing a satisfactory statement of health. Coverage is subject to approval or disapproval by the life insurance company.

### **8.12.3 Coverage**

#### **Base Group Life Insurance - All employer paid.**

Amount of coverage: Employees receive up to 1 X salary (rounded up to next \$1,000) with a cap of \$35,000.

#### **Optional Life and Accidental Death & Dismemberment (AD & D) for Employees and their Spouses - All employee paid.**

Amount of coverage:

Employee: 1, 2, 3, 4 or 5 X Salary to a maximum of \$450,000

(Round Salary up to next \$1,000 then multiply).

Spouse: \$10,000 increments to a maximum of \$100,000

(\$20,000 guaranteed without evidence of good health if enrolled during first 30 days of employment or marriage.)

**AD & D:** Same as the optional life amounts for Employees and Spouses. The employee does not have to purchase the optional life in order to purchase the AD&D coverage.

#### **Optional Dependent Child(ren) Life and AD & D - All employee paid.**

Amount of Coverage: Employees may purchase either a \$5,000 or a \$10,000 policy. Eligible children are unmarried from live birth up to age 19, or up to age 24 if a full-time student. When purchased, the policy covers all children regardless of the number of children.

**8.12.4 Portability and Conversion** – Please refer to plan document

**8.12.5 Disability Benefit** – Please refer to plan document

## **8.13 Voluntary Retirement Plans**



**8.13.1 Tax Deferred Annuities** - University personnel have a means of deferring federal and state income tax that is unique to colleges, universities, and other nonprofit organizations. Under Section 403 (b) of the Internal Revenue Code, tax deferred annuity plans are made available to make up for the tax and retirement benefit advantages that are lost by not working in private industry. These plans reduce the employee's gross wages before federal and state taxes are computed. Theoretically, when these funds are withdrawn later in life and subject to taxation, the employee is usually in a lower income tax bracket. Please refer to the following link for more information [http://www.auburn.edu/administration/business\\_office/payroll/vretirem.html](http://www.auburn.edu/administration/business_office/payroll/vretirem.html).

**8.13.1.1 University's Contribution and Additional Amounts that can be vested.** Auburn University at Montgomery will match up to \$1650 per year of a qualifying employee's contribution. This equates to 5 percent of gross salary with a maximum-covered salary of \$33,000 per year. All employees enrolling in one of the University's tax deferred annuity plans will not vest in the University's matching portion until they have completed five years of full-time continuous service. Upon completion of the five-year requirement, the University's matching contribution and interest earned will be credited (or vested) to the participant's accounts. Nonparticipating employees with full-time continuous service will be given credit toward the five-year requirement upon joining the tax deferred annuity programs. The appropriate company will compute the maximum amount that may be tax sheltered through payroll deduction. The total investment in the annuities is determined by Section 403 (b) of the Internal Revenue Code.

**8.13.1.3 Investment Options Available** - There are several investment options available, giving the investor a wide spectrum of opportunities ranging from fixed and variable annuities to mutual funds. Please refer to the following link for detailed information regarding the approved companies.  
[http://www.auburn.edu/administration/business\\_office/payroll/vretirem.html](http://www.auburn.edu/administration/business_office/payroll/vretirem.html)

**8.13.2 Deferred Compensation Plan** - The Retirement Systems of Alabama have implemented a Deferred Compensation Plan available to all members of the Teachers' and Employees' Retirement Systems. According to federal law, annual contributions may not exceed the amount that is set by law. The amount must be coordinated with any Tax Deferred Annuity contributions, health insurance deductions, and flexible spending account plan deductions. The income deferred is not included in the employee's taxable wages for federal and state income tax purposes. This plan only allows employee contributions.

**8.13.3 Plan Controls** – Regardless of what is stated in this document, the Retirement Systems of Alabama's Deferred Compensation Plan controls retirement benefits.

## 8.14 Mandatory Retirement Plans

**8.14.1 Retirement Systems of Alabama** - As a condition of employment at the University, all regular employees in at least a 50 percent time position for 12 months or more are required to join the Retirement Systems of Alabama. This program provides retirement allowances for eligible members in accordance with the option the member designates at the time of application for retirement. All contributions to the retirement system are tax deferred for federal income tax purposes until retirement or withdrawal from the plan.

**8.14.1.1 Teachers' Retirement System of Alabama** – All regular, non-student employees, except Civil Service employees, who are employed in at least a 50 percent work capacity on a continuing basis, must be participants in the Teachers' Retirement System.

Participants in the TRS and ERS are classified as either Tier 1 or Tier 2 members. Participants who become members prior to January 1, 2013, are Tier 1 members. Participants who become members on or after January 1, 2013, are Tier 2 members.

Deduction amounts are determined by the State of Alabama.

**8.14.1.2 Employees' Retirement System of Alabama** – Under Review

**8.14.1.3 Teachers' Retirement System of Alabama** – Under Review

**8.15 Federal Insurance Contribution Act (FICA)/Medicare** – Under Review

**8.15.1 Monthly Benefits** – Under Review

**8.15.2 Medicare** – Under Review

**8.15.2.1 Hospital Insurance (Medicare Part A)** – Under Review

**8.15.2.2 Supplemental Medical Insurance (Medicare Part B)** – Under Review

**8.16 Health Insurance** - Auburn University at Montgomery has a self-insured group health insurance program with Blue Cross/Blue Shield of Alabama acting as an administrator for the processing of medical claims. Benefits information can be found at [http://www.auburn.edu/administration/business\\_office/payroll/](http://www.auburn.edu/administration/business_office/payroll/).

**8.16.1 Eligibility** - All regular, full-time (non-student) employees are eligible upon hire. Participation in the program is optional. **There is no waiting period for preexisting conditions.**

8.16.2 **The Affordable Care Act (ACA)**, also known as Healthcare Reform, includes a long list of health-related provisions that began taking effect in 2010. Key provisions are intended to extend coverage to millions of uninsured Americans, to implement measures that will lower health care costs and improve system efficiency, and to eliminate industry practices that include rescission and denial of coverage due to pre-existing conditions. A national Health Insurance Marketplace was established to enable everyone the opportunity to purchase individual affordable health insurance coverage, even if health insurance coverage is not available to you through your employer.

Healthcare Reform requires that you and your family have health insurance coverage or you will have to pay a **penalty** when you file your taxes. If you are an active full-time non-student employee, and your most recent appointment period is continuous for a minimum of one year (nine or twelve months as appropriate to the appointment), then you and your family are eligible for the Auburn University Health Plan. You will have an opportunity to enroll in the Health Plan during Open Enrollment in November of each year for coverage in the following calendar year. If you and your family are already enrolled in the Health Plan, then you just need to be aware that the Health Insurance Marketplace is an option for you.

If you are not eligible for the Auburn University Health Plan, and do not have access to any other health insurance coverage, then the Health Insurance Marketplace Coverage Options will explain to you how to enroll for health care coverage through the national program.

The Health Insurance Marketplace is open to everyone. If you are eligible for the Auburn University Health Plan, you may still choose to purchase coverage through the Marketplace.

For more information about the Health Insurance Marketplace, go to [www.healthcare.gov](http://www.healthcare.gov).

For more information about the Auburn University Health Plan, go to the Health (Medical) Insurance web page.

If you intend to apply for coverage through the Marketplace, the following Notice will be helpful to you: Health Insurance Marketplace Coverage Options.

8.17 **Summary of Benefits** - Below is a brief overview of the benefits. Each benefit is more fully explained in the Group Health Care Plan booklet that is given to all new employees.

**1) Cost** - The University contributes a portion of the premium. The employee's share is deducted on a pre-tax basis.

**2) Continuation of Coverage through COBRA** - Continuation of your group health benefits as provided by the Consolidated Omnibus Budget Reconciliation Act of 1986 is available for employees, spouses, and dependents after certain

qualifying events occur. Additional information including cost and application for applying for coverage is available in the Office of Human Resources.

**3) Continuation of Coverage through Family Medical Leave Act** - Employees approved for leave under the FMLA will be permitted to continue their group health insurance coverage with no change in the premium in accordance with the University's policy and procedures. Employees not in pay status must make arrangements for payment of the premium.

#### 8.17.1 **Blue Cross/Blue Shield Traditional Plan** – Under Review

8.17.2 **Employee Assistance Program (EAP)** - American Behavioral will be administering a full-service Employee Assistance Program (EAP) for all benefit-eligible employees. The EAP is a full-service program which offers confidential counseling for emotional issues such as grief or relationship problems, substance abuse, financial, legal and elder care services as well as a comprehensive web-based program of over 20,000 resources designed to help with a wide range of work/life issues.

Mental health and substance abuse benefits for employees and dependents covered under Auburn University's medical plan will also be administered by American Behavioral and will no longer be covered by Blue Cross Blue Shield of Alabama.

8.17.3 **Dental Insurance Programs** - Auburn University/Auburn Montgomery provides a voluntary diagnostic and preventive dental insurance program. Total premiums are paid by the employee. For further information regarding this program, please contact the Office of Human Resources at 244-3641.

8.17.4 **Vision Insurance** - Auburn University/Auburn Montgomery provides a voluntary vision insurance program. Total premiums are paid by the employee. For further information regarding this program, please contact the Office of Human Resources at (334) 244-3641.

#### 8.18 **Termination of Coverage**

8.18.1 Upon termination, employees and their dependents will be covered for the time period for which their last premium was deducted. Coverage will cease automatically and without notice unless coverage is continued under COBRA.

8.18.2 Divorce will terminate coverage of a spouse, unless coverage is continued under COBRA. The Office of Human Resources must be notified as to the effective date of the divorce.

8.18.3 The coverage of a child as a member will terminate automatically and without notice as of the date such child ceases to be a dependent or the parent ceases to be a member, unless coverage is continued under COBRA.

**8.19 On-the-Job Injury Program (OJI)** - Copies of the Auburn University at Montgomery OJI Program are available in Office of Human Resources. The following are procedures for filing an on-the-job injury claim:

- 1) An employee must notify his or her supervisor of an injury as soon as possible.
- 2) The supervisor or the injured employee must contact CCMSI.
- 3) All medical bills must be filed first with the employee's health insurance. **All injured employees at Auburn University at Montgomery are strongly encouraged to seek medical attention from Auburn University at Montgomery's Student Health Center.** Medical emergencies should be directed to the nearest emergency facility. After the employee's insurance has paid its portion of the claim, the medical expenses not paid may be submitted.
- 4) For questions regarding OJI, please contact the Office of Human Resources at 334-244-3641.
- 5) If the injury was a result of a safety issue that needs to be addressed immediately, contact the Public Safety to report the incident and receive consultation.

## **9.0 Other Rules/Regulations and Guidance**

**9.1 Solicitation and Distribution:** Distribution, canvassing and placing of signs and posters for solicitation purposes, chain letters, and collection of any kind, and sales of tickets or merchandise are not permitted on University property unless prior approval is granted by the Vice Chancellor/Provost or the Chancellor's designee.

**9.2 Political Activity** - Each employee of Auburn University at Montgomery is specifically exempted from any obligation or compulsion to support any candidate or cause even though the support of such candidates or cause may be urged or suggested by any other employee of the institution, or division, school, or department. An individual employee of the University who may be expressing personal support for a candidate or partisan issues should do nothing to suggest or imply that he speaks as a representative of Auburn University at Montgomery.

**9.2.1** Auburn University at Montgomery recognizes the constitutional rights of its employees to participate in and to assume the responsibilities of citizenship in government affairs. These rights include that of seeking public office in local, county, state, and federal governments. It must be recognized, however, that this participation must not interfere with the performance of the employee's work obligations to the University.

**9.2.2** Employees who decide to qualify for full-time elective office in federal, state, county, or municipal governments will submit their resignation at the time they present their request for qualification as a candidate of election. Such resignations will be upon the standard forms and will be processed in the same manner as all other resignations. Such persons, so resigning, will do so without any guarantee by Auburn University at

Montgomery that they may be re-employed in the event they are not elected; or, if elected, they may be re-employed while holding an elective office; or, that they may be re-employed at the expiration of the term of office for which they have been elected.

9.2.3 Full-time employees of Auburn University at Montgomery may serve in nominally remunerative local and county elective offices provided the duties and responsibilities of such offices do not interfere with the proper performance of the duties of such employees to the institution. In such cases, it will be the duty of the employee, before qualifying for such nominally remunerative local or county elective office, to receive the approval of Auburn University at Montgomery. Such approval will depend only upon the effect of the elective office on the employee's ability to perform his or her University duties. However, in no case will such approval carry with it any obligation of Auburn University at Montgomery to support any such candidate. Approval will require a letter of understanding signed by the respective department head and Vice Chancellor/Provost.

### **9.3 Duty to Cooperate**

All employees (faculty, staff, and students) have a duty to cooperate with University investigations. This duty includes, among other things, cooperating with University Attorneys, the Office of Human Resources, and other officials and voluntarily providing all documentation which relate to the claim being investigated. Any employee who violates this policy shall be subject to disciplinary action, up to and including termination.

### **9.4 Mandatory Reporting**

There may be a time when an employee or AUM representative becomes aware of behaviors that are disruptive or of concern. In situations that could involve harassment of any type, we are required by law to take action. Additionally, employees and those representing AUM have to consider that they are not necessarily privy to all the information (similar incidents, past decisions, new rulings, etc.) needed to make the necessary determinations in these types of situations. As such, in order to protect everyone, each person should notify the Office of Human Resources immediately once they are made aware or receive a complaint of:

- Hostile environment
- Harassment
- Sexual Harassment
- Discrimination
- Sexual misconduct
- FERPA violations
- Retaliation
- Threats of violence
- Criminal activities

- Violations of Employment Law

Please note that there is no specific language that the student/employee must use. However, if there is a belief or suspicion that an incident has occurred, send the employee/student to the Office of Human Resources and follow-up with the Chief HR Officer at 334 244-3639 to personally ensure that the situation has been redirected appropriately. We want to work with the leadership on our campus to be vigilant about preventing and immediately correcting these behaviors and ensuring a culture and a workplace free from criminal, discriminatory, and harassing behaviors.

### 9.5 Campus Closures

Weather, emergency, safety, or other unforeseen or uncontrollable circumstances may result in the University declaring the campus and/or one of its affiliates is closed. When there is such a closure after employees have reported for work, employees will receive paid administrative leave for the remainder of the work day. If such closure occurs prior to employees reporting for work, employees will receive paid administrative leave for the full work day (e.g., eight hours for a full-time employee). Such leave is not to be considered as time worked for overtime compensation purposes. In the case of extreme emergencies that would necessitate an extended closure, the University reserves the right to require the use of other types of leave.

#### The following rules apply to this policy:

- Employees who are currently off or already have submitted leave to be off due to **any** other type of leave (e.g., sick, annual, funeral, jury duty, SCP, LTD, etc.) will not receive administrative leave.
- Non – exempt employees who are required to remain at work due to the nature of their job responsibilities will receive a flat rate of \$105.00\*\* per day for University closures as well as their regular time.
- Employees (exempt and non-exempt) who leave prior to the official closure will be required to use annual leave for the time taken before the closure begins.
- Employees who do not return to work, for any reason, at the official reopening time will be required to use the type of leave that best corresponds to the reason.
- The hours 12:00 am to 11:59 pm will constitute one day for the purposes of this policy. Employees who work shifts that go beyond into the next day:
  - Will be required to return to work at 12:00 am unless told otherwise
  - Will be required to submit annual leave if they do not return to work
- Based on the nature of the unforeseen or uncontrollable circumstance, a closure may be confined to a limited geographical area or number of buildings. If this occurs, only those employees housed in the impacted location(s) will follow closure procedures.
- Only in cases of an extreme emergency and with prior approval from the VC/Provost should a non-exempt employee be required to work from home during an official closure.

## 9.6 Lactation Policy

Consistent with federal law which requires the provision of an unpaid, reasonable break time for certain employees to express breast milk, the university subscribes to the following policy:

- Any employee will be provided an unpaid reasonable break time to breast feed or express breast milk for her nursing child for the first year of the child's life. These break periods will be given each time the employee has need to breastfeed or express breast milk.
- An employee lactation room will be provided as a private and sanitary place, other than a bathroom for breastfeeding employees to breast feed or express their milk during work hours. This room provides an electrical outlet, comfortable chair, and nearby access to running water. Employees may use their private office area for breastfeeding or milk expression, if they prefer.
- A refrigerator will be made available for safe storage of expressed breast milk. Employees may use their own cooler packs to store expressed breast milk, or may store milk in a designated refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date. Those using the refrigerator are responsible for keeping it clean.
- All employees are expected to provide an atmosphere of support for breastfeeding employees.

Employees needing to utilize a lactation room should contact HR to make the necessary arrangements.