Staff Employee Handbook

Prepared by:

Office of Human Resources
Salisbury University

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INTRODUCTION

This handbook is intended for use by staff members of Salisbury University to provide you with important information regarding personnel policies, procedures, practices, and services. The information in this handbook is applicable specifically to Regular/PIN staff employees who are not covered by separate policies and procedures in collective bargaining agreements.

An overview of information specifically applicable to Contingent employees is provided in a separate section toward the end of this handbook. The text identifies where policies relate specifically to exempt or nonexempt employees. If you are unsure of your status, please check with your supervisor. The information in this handbook does not constitute any agreement, implied or otherwise, as to the terms and conditions of employment and is not a contract. The information contained herein supersedes all previously published staff handbooks and is subject to change at the discretion of the University. University policies and procedures, which may be updated and approved subsequent to the publication of this document, will take precedence over the contents of this handbook. Any changes to the material in this handbook will be posted on the Office of Human Resources web page at www.salisbury.edu/hr/employee_handbook.htm. Please contact the Human Resources Office if you need an explanation or clarification of any item mentioned in this handbook (410-543-6035).

Selected source documents may be found in the appendix. The complete Personnel Board of Regents (BOR) policies referenced in this handbook can be found at http://www.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionVII or via navigation from the Human Resources web site page http://www.salisbury.edu/hr. Click on the "Policies & Procedures" link on the left hand side of the page, then on "USM Leadership, section VII: Personnel" to see a listing of all BOR Human Resources policies. These policies are University System policies. Additional Salisbury University policies and guidelines will apply.

University Police Officers in the Sworn Police Officers bargaining unit should refer to their Memo of Understanding (MOU) for specific details of the collective bargaining agreement related to wages, hours, and other terms and conditions of employment. The MOU of the Sworn Police Officers bargaining unit can also be found on the Human Resources web site page at http://www.salisbury.edu/hr. Click on the "*Policies and Procedures*" link, then on the "*UPO MOU*" link to access the document.

Non-exempt employees in the Non-Exempt Employees bargaining unit should refer to their Memo of Understanding (MOU) for specific details of the collective bargaining agreement related to wages, hours, and other terms and conditions of employment. The MOU of the Non-Exempt Employees bargaining unit can be found on the Human Resources web site page at http://www.salisbury.edu/hr. Click on the "*Policies and Procedures*" link, then on the "*Non Exempt MOU*" link to access the document.

Important Topics

While it's important for you to be familiar with the handbook's content in general, be sure to read about the following topics included in this handbook:

Contingent Employee Policies and Benefits: The Board of Regents and Salisbury University policies and processes relating to contingent employment have been summarized in this handbook.

Family and Medical Leave Act (FMLA): While this Federal law is not new, it is critical that you understand your role in complying with FMLA. It may be your legal obligation to notify employees of their rights under FMLA.

Gull Card & Plus 1 Membership Program: Information regarding this program has been included in this handbook under Services.

SU Policy on Definition of Sensitive Positions: This policy and set of guidelines is documented in compliance with the State Executive Order on Substance Abuse.

SU Policy on Dual Employment: In accordance with Federal wage and hour law, certain guidelines must be considered when hiring an existing SU employee for a secondary job. This policy outlines those guidelines to be followed.

SU Policy on Progressive Discipline for Non-Exempt employees: This SU policy has been in effect since 02/04/02 and has been included in the handbook

Policy on Reporting to Work and Attendance for Non-Exempt employees: This SU policy has been in effect since 02/04/02 and has been included in the handbook

SU Policy on Sexual Harassment and Other Discriminatory Harassment: This section explains and defines all types of harassment and includes information on the process for filing and/or investigating complaints related to harassment or discrimination.

SU Threats of Violence Policy: This policy was created in 2000 and applies to all staff, faculty and students.

Salisbury University's Organizational Chart: The organizational chart can be found on SU's website at **http://www.salisbury.edu/iara**

SU Smoke Free Campus Policy: This was policy was in effect as of August 22, 2010 and applies to all staff, faculty and students.

WHAT'S NEW AND REVISED

The updates to the Staff handbook include the amendment of the Affirmative Action and Equal Opportunity statement, the Sick Leave policy and Family & Medical Leave policy in regard to the inclusion of the Genetic Information Non-discrimination Act (GINA) guidelines. Another new and revised SU policy previously implemented and included in this handbook is: Smoke Free Campus -- see the following pages for updates:

Smoke Free Environment – page 16

Title II of the Genetic Information Nondiscrimination Act (GINA) – page 13, 37, 42, 58

Smoke Free Campus Policy – page 93

ABOUT YOUR UNIVERSITY

Salisbury University (SU) began as a two-year college in 1925. By 1931 SU was a four-year college and became authorized to grant the Bachelor of Science degree in 1935. In 1960, academic programs had expanded and the Bachelor of Arts degree was added. The first graduate program was approved in 1962 and since then, additional graduate programs have been added, some as recent as 1998. The State Legislature approved a name change in 1988 from Salisbury State College to Salisbury University. Today, SU is a nationally accredited, four-year comprehensive university.

Salisbury University's Mission

Salisbury University is a premier comprehensive Maryland public university, offering excellent, affordable education in undergraduate liberal arts, sciences, pre-professional and professional programs, including education, nursing, social work, and business, and a limited number of applied graduate programs. Our highest purpose is to empower our students with the knowledge, skills, and core values that contribute to active citizenship, gainful employment, and life-long learning in a democratic society and interdependent world.

Salisbury University cultivates and sustains a superior learning community where students, faculty, and staff engage one another as teachers, scholars, and learners, and where a commitment to excellence and openness to a broad array of ideas and perspectives are central to all aspects of University life. Our learning community is student-centered; thus, students and faculty interact in small classroom settings, faculty serve as academic advisors, and virtually every student has an opportunity to undertake research with a faculty mentor. We foster an environment where individuals make choices that lead to a more successful development of social, physical, occupational, emotional, and intellectual well being.

The University recruits exceptional and diverse faculty, staff, and undergraduate and graduate students from across Maryland, the United States, and around the world, supporting all members of the University community as they work together to achieve the institution's goals and vision. Believing that learning and service are vital components of civic life, Salisbury University actively contributes to the local Eastern Shore community and the educational, economic, cultural, and social needs of our State and nation.

Salisbury University's Values

The core values of Salisbury University are excellence, student-centeredness, learning, community, civic engagement, and diversity. We believe these values must be lived and experienced as integral to everyday campus life so that students make the connection between what they learn and how they live. The goals and objectives of our strategic, academic, facilities, and enrollment plans, as well as our fiscal commitments, reflect our fundamental values. In addition to these principal values, the University embraces the long-honored tradition of honesty and mutual regard that is and should be a defining characteristic of higher education. The "Salisbury University Promise" is a statement of integrity and respect for others to which we ask all new students to commit as a way of highlighting the University's values and expectations for our students.

Excellence: Excellence, the standard against which all University activities and outcomes are measured, connotes the perfection and the quality for which we strive and hold ourselves accountable. We accept the notion that the quality of a university depends on the heads and hearts of those in it.

Student-Centeredness: Our students are the primary reason for our existence. Our focus is on their academic and individual success and on their health and well-being. We are committed to helping students learn to make reasoned decisions and to be accountable for the outcomes of the decisions they have made.

Learning: We believe that learning is fundamental to living a life with purpose in an increasingly inter-related world and that our role is to teach students not what to think, but how to think. The university introduces students to a system of ideas about the nature of humanity, the universe, and the world created by art and thought. Through active learning, service learning, international experience and co-curricular activities, students connect research to practice, and theory to action.

Community: Salisbury University takes pride in being a caring and civil place where individuals accept their obligations to the group, learn through their interactions and relationship with others, where governance is shared, and where the focus is on the common good. We honor the heritage and traditions of the institution which serve as a foundation for future change.

Civic Engagement: The University stands as part of, rather than apart from, the local and regional community. Recognizing its history and traditions, we seek to improve the quality of life for citizens in the region. We believe it is our responsibility to enrich cultural life, enhance the conduct of public affairs, and contribute to the advancement of the region. We seek to instill in our students a life-long commitment to civic engagement.

Diversity: Salisbury University views itself as a just community where there is respect for the value of global, societal and individual differences and commitment to equal opportunity. Diversity is purposefully cultivated as a way to strengthen and enhance our University community.

Human Resources Mission Statement

Human Resources is dedicated to providing quality services, guidance and assistance to faculty, staff and members of our community as we align our efforts in support of the goals and objectives of the University.

We are committed to excellence, honesty and integrity in all that we do and strive to build and maintain effective partnerships while promoting an environment in which human values and relationships are respected, diversity is supported, and people are recognized as our most valuable resource.

http://www.salisbury.edu/hr

Employees' Voice in Governance

Staff Senate

The Salisbury University Staff Senate (SUSS), formerly the Staff Advisory Council, was officially established in July 2000. The Staff Senate considers and makes recommendations on University issues affecting exempt, non-exempt and contingent staff employees, communicates employee concerns to the president, and informs employees of the Senate's activities and actions. Members serve a one or two-year term. Senate elections are held annually in the Spring, and new members begin terms the following July 1. Senate meetings are open to all employees. Senate members as well as proceedings of the Staff Senate may be found on the SU web page http://www.salisbury.edu/campusgov/staffsenate/default.htm

The President's Advisory Team

The President's Advisory Team (PAT) is composed of administrative, staff, faculty and student leaders across campus who meet monthly with the President. The team has been established as a broad communication network for bringing issues to the President. Additionally, the President can provide information to all segments of the campus by having information brought back and discussed by PAT members with their constituent groups. The PAT is designed and intended to enhance communication and to expand participation in a way that promotes shared governance.

Council of University System Staff

The Council of University System Staff (CUSS) was founded in 1992 and serves as an advisory body to the USM Chancellor on system-wide issues regarding the pay plan, personnel policies, and staff benefits. Salisbury University has two representatives serving on CUSS: one for the exempt staff and one from the nonexempt staff. These representatives are selected by the SU Staff Senate. For more information, see www.usmd.edu/Leadership/Workgroups/SystemStaff

Campus Expectations

Affirmative Action and Equal Opportunity

Salisbury University has a strong institutional commitment to diversity and is an Equal Opportunity/ Affirmative Action employer, providing equal employment and educational opportunities to all those qualified, without regard to race, color, religion, national origin, gender, age, marital status, disability, genetic information or sexual orientation. The University adheres to the EEO/AA policies set forth by federal and state governments. Although the AA/EEO has specific responsibilities to affirmative action and equal opportunity, each office, student, and employee is an essential component in fostering diversity and respect for differences.

Salisbury University values diversity among our students, faculty, and staff and believes that interactions with those holding varying perspectives, backgrounds, and beliefs contribute to a well-rounded educational experience and promotes personal and professional development. Understanding and acceptance of others is of ever-increasing importance in today's world.

EEO/AA oversees the hiring processes of new employees and ensures that they are handled in an equal and fair manner. EEO/AA also hears complaints in regards to academic as well as employee discrimination and works to resolve these issues.

For EEO/AA issues related to employment practices, please contact:

Salisbury University Human Resources Office, HH140
410-543-6035
8am-5pm, Monday-Friday

For concerns, complaints, and formal grievances related to academic as well as employee discrimination, please contact:

Amy Hasson, Chief of Staff, HH233
410-548-3316
8am-5pm, Monday-Friday

Harassment

Salisbury University is committed to maintaining a working and learning environment in which students, faculty, and employees can develop intellectually, professionally, personally, and socially. Sexual and any other forms of harassment are inconsistent with maintaining such an environment and are forms of discrimination prohibited by federal and state law. The position of this University is that any form or type of discriminatory harassment within the campus community are prohibited and will not be tolerated.

Sexual harassment includes a variety of behaviors and may occur within a variety of relationships, including relationships between persons of the same or different gender or persons of equal or unequal power. Sexual harassment may be as undisguised as a direct solicitation of sexual favors or overt threats. It may be implied by unwelcome physical contact, remarks, conversations or jokes, or the display of sexually explicit materials.

Some types of harassment cases can be defined as "hostile environment" which involves conduct that unreasonably interferes with the victim's work performance or creates an intimidating, hostile, or offensive working environment. Additionally, cases can arise where a supervisor creates or condones an atmosphere tainted by unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, even through the behavior may not be directly linked to a tangible job benefit. This behavior generally requires showing a pattern of offensive conduct unless the conduct is severe. In assessing whether a particular act constitutes sexual harassment forbidden under this policy, the rules of common sense and reason shall prevail.

Other types of prohibited discrimination include harassment based on race, color, religion, gender, age, sexual orientation, national origin and disability. The same general principles (such as unwelcome, severity or pervasiveness, hostile environment) also apply to these types of harassment. Examples of such harassment include:

- Using nicknames, slurs or stereotypes
- Threatening, intimidating, or engaging in hostile acts that relate to a protected characteristic
- Offensive jokes or pranks targeted at members of a protected group
- Placing on walls, bulletin boards or elsewhere on SU's premises, or circulating in the workplace by oral, written, electronic or graphic means any materials that belittle, mocks or shows hostility toward a person or group because of protected characteristics.

The standard of other discriminatory harassment is essentially the same as that for sexual harassment – the harassment must be offensive to a reasonable person in the position of the person being harassed, considering all of the circumstances including that person's protected characteristics.

Members of the University community with personal knowledge of incidents of harassment are encouraged and University employees are required to report knowledge of harassment to the Director of Human Resources. All allegations of harassment shall be expeditiously and thoroughly investigated following the University's procedures. Frivolous or false reports of harassment shall be treated as seriously as the offense itself.

Harassment cases sometimes result in situations of retaliation where the plaintiff alleges that s/he was discriminated against for reporting or opposing harassment in the workplace. The law states that employees are liable if adverse action results from harassment. Therefore, retaliation complaints will be thoroughly investigated. Sanctions for harassment may vary from reprimand to termination of employment or dismissal from the University. In addition, individuals may be criminally prosecuted.

SU's Policy on Sexual or Other Discriminatory Harassment and the procedures for handling EEO-related complaints may be found in the Source Documents section in the back of this manual.

More Information? See BOR-USM Policy VII – 6.00 Interim Policy on Human Resources Management

Drug-Free Workplace

Salisbury University strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances. Unlawful manufacture, distribution, dispensation, possession, or use of controlled substances by employees in the workplace is prohibited. Employees found to be in violation of the State of Maryland Substance Abuse policy shall be subject to disciplinary action as well as any legal penalties under federal and state law. Employees are encouraged to seek assistance for substance abuse problems. Employees receive a copy of the State of Maryland Substance Abuse Policy – Executive Order 01.01.1991.16 upon start of employment; additional copies are available from the Office of Human Resources. In compliance with the Executive Order on Substance Abuse, SU has defined certain positions as "sensitive" in accordance with the guidelines of the Executive Order. SU's Policy on Definition of Sensitive Positions may be found in the Source Documents section in the back of this manual.

Risk Management

Salisbury University considers its personnel to be among its most important and valuable assets and realizes that the health and well-being of its employees, as well as the protection of its physical resources, are as important as the work activities being performed. Salisbury University seeks to protect human and physical resources by reducing or eliminating where possible, potential health and physical hazards, by increasing employee awareness of hazards that cannot be easily eliminated, and by encouraging the use of common sense in conducting work activities safely.

Salisbury University recognizes its responsibility for providing its employees with a safe and healthful work environment and is committed to meeting its obligations under federal and state fire codes. The University is also committed to meeting standards of national consensus such as those published by the National Safety Council, National Fire Protection Association, and the American National Standards Institute.

In recognition of these obligations, the University has implemented and is actively supporting the provisions of the Maryland State Employee Risk Management Program in accordance with the Executive Order 01.01.1989.15. Additionally, a Health & Safety Committee has been created to be the primary advisory group on matters pertaining to accident and injury prevention, reduction and management. The campus coordinator of these programs is the Campus Sustainability & Environmental Safety Director; for more information contact 410-546-6485.

Safety cannot be the responsibility of any one person or department. All supervisors will implement progressive discipline for repeated safety violations. Supervisors will be held responsible for safety conditions and proper training of safety standards within their areas of responsibility. Accidental injuries will be thoroughly investigated and preventive measures will be implemented to guard against their recurrence.

Each employee is required to comply with the Employee Risk Management Program. The University will provide personal protective clothing and/or equipment (not including safety prescription glasses) that, as determined by the University, are required by applicable State and/or Federal laws and regulations. Employees are required to wear or use these items when appropriate, including safety shoes.

Employees are asked to notify their immediate supervisor upon noticing an unsafe condition. The supervisor, in consultation with the department manager, shall take necessary corrective action when deemed appropriate. When the matter is not resolved to the satisfaction of the employee, the employee may request a review by the

Campus Sustainability & Environmental Safety Director. After the investigation, the employee and the supervisor will be advised of the results of the investigation in writing.

Uniforms

In certain departments and/or positions, employees will be required to wear uniforms. Where required, the employee must wear the required uniform, including required safety shoes (when applicable). The University provides both at no cost to the employee.

Workplace Violence

Salisbury University is committed to maintaining a work environment that is as free as possible from acts or threats of violence or intimidation. The safety and security of staff, faculty, students, and visitors are of vital importance. Violent or threatening behavior will not be tolerated. SU's Threats of Violence Policy applies to any acts of violence or threats made on SU property, at SU events, or under other circumstances that may negatively affect SU's ability to conduct business. Included in this prohibition are such acts or threats of violence made directly or indirectly, by words, gestures, or symbols that infringe on the University's right or obligation to provide a safe workplace for its employees, students, and visitors. The Threats of Violence Policy can be found in the Source Documents section in the back of this manual.

Smoke-Free Environment & Salisbury University Smoking Policy

Salisbury University is committed to promoting a healthy and safe environment for students, faculty, staff and visitors. Therefore, smoking is prohibited on the campus of Salisbury University ("University"). This consists of all buildings, including residence halls; all grounds, including exterior open spaces, parking lots and garages, on-campus sidewalks, streets, driveways, stadiums, recreational spaces and practice facilities; and in all University-owned or leased vehicles. In addition, retail operations located on campus are prohibited from the sale of all tobacco products.

This policy is intended to reduce the health risks related to smoking and secondhand smoke for the campus community. Smoke-free and tobacco-free policies are becoming a standard to foster a healthy environment in municipalities, businesses, and colleges and universities alike.

Definition:

For purposes of this policy, "smoking" is defined as the burning of tobacco or any other material in any type of smoking equipment, including but not restricted to cigarettes, cigars or pipes. This policy applies to all individuals on Salisbury University's campus, including faculty, staff, students, parents, vendors, and visitors.

Responsible Executive and Office:

The Vice President of Administration and Finance and/or her designee will be responsible for implementing this policy for faculty and staff and the Vice President of Student Affairs will be responsible for implementing the policy for students.

Procedures:

Faculty, staff and students who violate this policy are subject to University disciplinary action. Visitors who violate this policy may be denied access to the University campus. Concerns regarding student, faculty/staff, and visitor violations of this policy should be respectively referred to the Office of Student Affairs, the Office of Human Resources and the University Police Department.

For more information, go to http://www.salisbury.edu/smokefree/

UNDERSTANDING YOUR JOB

SU Hiring Practices

Salisbury University hiring practices follow guidelines supporting equal opportunity, diversity and employment law compliance. Any manager who wishes to pursue hiring for a PIN or contingent position must first complete a Personnel Requisition Form which can be found on the SU Human Resources website or in the Office of Human Resources. SU's policy on Dual Employment is located in the Source Document section in the event secondary employment is being requested for a current SU employee.

More Information? See BOR-USM Policy VII - 1.01 Policy on Recruitment and Selection; and the SU Policy on Staff Hiring Practices and the SU Dual Employment Policy can be reviewed in the Source Document section in the back of this manual.

Job Specification and Job Description

Job Specification is a statement of the essential components of a job class including a summary of the work to be performed, primary duties and responsibilities, and the minimum qualifications and requirements necessary to perform the essential functions of the job. The Office of Human Resources maintains USM Job Specifications for nonexempt positions. Because these specifications are system-wide, they cannot be changed, deleted, or amended without the approval of the Chancellor.

Job description, on the other hand, is the statement of the actual duties and responsibilities that an employee performs. It is more detailed and specific than the Job Specification. At SU, a Position Description (PD) Form is used for exempt positions to record an employee's actual duties and responsibilities. The PD is a comprehensive position description that provides information that is needed to assess the exemption status under the Fair Labor Standards Act (FLSA) regulations. Each exempt employee must have a PD. For non-exempt employees, the Position Information form (PI) is used.

Position Reclassification for Non-Exempt Employees

Reclassification of a position may occur when significant and substantial changes occur in the primary duties of the position and only when the job class to which a position is assigned is changed by raising it to a higher class, reducing it to a lower class or changing it to another class at the same level.

Reclassification requests may be submitted to the Human Resources Office at any time when the job duties and responsibilities have significantly and substantially changed. When the Vice President of Administration and Finance approves a job reclassification request, the decision will be retroactive to the first full pay period after the submission of the reclassification request to the Human Resources Office. The University reserves the right to suspend acceptance of job reclassification requests for fiscal reasons.

An employee may not initiate a reclassification request where a job study has been completed within the past 12 months, unless the job duties have significantly changed. Changes in the volume of work assigned or performance of an individual are not considered justifications for a reclassification.

The employee, his/her supervisor or department head may initiate a request for a reclassification review using the following procedures:

- The employee, supervisor or department head will request from the Human Resources Office a Request for Job Analysis form for completion and return the completed form to the Human Resources Office.
- Human Resources will acknowledge the receipt of the document and contact the employee to schedule an initial meeting to discuss the reclassification process and steps.
- Upon completion of the initial meeting, the employee will be asked to complete the *Job Analysis Classification Employee Questionnaire* and forward to the Human Resource Office
- Concurrently, the supervisor will complete an updated *Position Information (PI)* form and submit to Human Resources the revised and PI and a copy of the position's *original PI* form.
- Upon receipt of the three required documents (Job Analysis Questionnaire, the revised PI and the original PI), Human Resources will schedule an on-site desk audit.
- Human Resources may contact the supervisor or department head for additional information.
- After the desk audit, Human Resources will forward to the supervisor the Job Analysis Classification Employee Questionnaire, revised PI and a copy of original PI for review. The supervisor will then be asked to complete the *Job Analysis Classification – Statement of Immediate Supervisor* form and make any adjustments to the revised PI form.
- All documents will then be forwarded to the department head for review. Upon the completion of the review the department head will complete the *Statement of Department Head* form and forward all documents to the Human Resource Office.
- Human Resources will assess all information and determine the appropriate job classification and forward its recommendation along with the submitted forms/documentation collected during the job analysis process to the Vice President of Administration and Finance for review and approval.
- At the completion of the reclassification process, Human Resources will provide written documentation of the decision to the employee, supervisor and department head.

For information on salary changes as a result of a reclassification, see the Salary section in this handbook.

More Information? See BOR-USM Policy VII - 9.40 Policy on Salary Upon Transfer or Reclassification.

Promotional Opportunity & Qualifications for Non-Exempt Employees

A promotion is an advancement into a higher job classification. A promotional opportunity will be announced to the campus community via a position announcement posting on the HR bulletin board and on the SU web site and, where appropriate, to the external community via an advertisement in the newspaper. The position announcement will include the minimum qualifications and skills required for the position. Any employee may submit an application for a promotional opportunity. In order to be eligible to apply for a promotion, an employee must:

- Have completed any probationary period associated with the employee's job classification

- Have received a rating of "meets standard" or better on the employee's performance evaluation (PMP) preceding the date of the employee's application
- Have proof of possession of the posted minimum qualifications and skills necessary for the position. Proof of qualifications and skills necessary to perform the duties of a position must be evident and clearly documented for any individual applying for a promotional opportunity.
- Have no active disciplinary actions

More Information? See BOR-USM Policy VII – 1.01 Policy on Recruitment and Selection; and the SU Policy on Staff Hiring Practices

Work Schedules and Overtime

For nonexempt employees, the standard workweek is eight hours per day, 40 hours per week. For Regular (PIN) employees, the workweek begins at 12:00 a.m. on Wednesday and ends at 11:59 p.m. on Tuesday. For Contingent employees, the work week begins at 12:00 am on Thursday and ends at 11:59 pm on Wednesday. All offices must be open and maintain telephone coverage from 8:00 a.m. until 5:00 p.m. weekdays. With the approval of his/her supervisor, an employee works one of the following work schedules:

8:00 a.m. to 5:00 p.m. with a full hour lunch break
8:00 a.m. to 4:30 p.m. with a half-hour lunch break
8:30 a.m. to 5:00 p.m. with a half-hour lunch break

Employees may be required to work shifts or different work schedules as necessary to meet campus needs. A permanent change in work schedule requires a 14-calendar day advance written notice to the employee. The *Permanent Schedule Change* form should be utilized to communicate the change in work schedule. This form can be found on the HR Forms web site under Forms for Supervisors/Managers. A copy of the completed form is forwarded to Human Resource to be filed in the personnel folder.

Specific guidelines for non-exempt employees' work schedules:

- Employees are required to record hours worked on their time sheets.
- Employees who work an eight-hour day are required to take at least a 30-minute unpaid lunch break.
- Supervisors may authorize temporary deviations from the work schedule.
- In accordance with the Fair Labor Standards Act, employees shall receive 1-1/2 times their regular rate of pay for hours worked in excess of 40 hours per week. At the request of the employee and subject to management approval, overtime may be compensated in the form of compensatory time off. This applies to both Regular (PIN) and Contingent II status employees.
- All hours in excess of 40 hours must be preapproved by the employee's supervisor. The *Overtime & Compensatory Time Authorization Form* is used to approve overtime and for the employee to request compensatory time in lieu of overtime pay.
- Subject to management approval, earned compensatory time shall be used no later than two pay periods following the pay period in which the compensatory time off is earned. For more details, see the *Overtime & Compensatory Time Authorization Process* on the HR web site under Forms for Supervisors/Managers.

- Reasonable efforts will be made to distribute overtime opportunities as equally as possible among all qualified and interested employees within a specific job classification in their respective departments.
- In circumstances when a special event is scheduled, a notice shall be posted for employees to volunteer to work during the event.
- In circumstances when mandatory work schedules are released in advance, the employee must provide proper rationale and documentation of the inability to accept the assignment no later than two weeks after release of the schedule, or at least one work shift in advance, whichever occurs first.
- When an insufficient number of employees are available or willing to accept the overtime offer, or no employee willing to work the overtime is deemed capable of performing the overtime work, the supervisor or department head may require any employee who is capable to perform the work to work the overtime.

Employees in exempt positions are expected to work the hours necessary to satisfactorily complete the requirements of their job. A full-time commitment typically requires a minimum of 80 hours per biweekly payroll period.

Specific guidelines for exempt employees' work schedules and overtime:

- Employees shall note on their time sheets "D" (Duty Days) to record days worked and the appropriate code to record annual and personal leave, sick leave, or holiday leave time. Annual, personal and sick leave may be taken in one (1) hour increments; holiday leave must be taken in full days.
- Employees are not entitled to compensatory pay or compensatory leave in accordance with the Fair Labor Standards Act. The University recognizes that in exceptional or limited situations, employees who are exempt from the overtime provisions of the federal Fair Labor Standards Act ('FLSA exempt') may be required to temporarily work significantly longer work hours or work weeks than normally are required. The work of employees in exempt positions is not measured solely by the hours worked. Employees in exempt positions are expected to work the hours necessary to complete assignments on a schedule that satisfies the requirements of the job. In these circumstances, a supervisor has the ability to adjust work schedules to help meet necessary deliverables and subsequently may make a minor adjustment in the employee's work schedule in recognition of the extra hours worked. Consistent with the Fair Labor Standards Act (FLSA), SU exempt employees will note on their timesheets "D" (duty day) to record job duty fulfillment for the position.

More Information? See BOR-USM Policy VII - 6.10 Policy on Work Schedules for Regular Exempt Employees.

Shift Differential

Eligibility applies to a departmental unit that operates on two or more regularly scheduled shifts daily and to those nonexempt Regular employees assigned to a departmental unit that operates on *regularly* scheduled qualifying shifts. Contingent I and II employees are not eligible for a shift differential. Qualifying shifts are the evening and night shift for departments that operate on two or three shifts daily. For departments working only two shifts daily, a qualifying shift is regularly scheduled to start between 2:00 p.m. and 1:00 a.m. To qualify for shift differential, an employee must be employed on a 50 percent or more bases. Shift differential pay is one dollar ($1) per hour and is prorated for partial hours worked.

The following provisions shall be used to establish eligibility:

- Qualifying shift times will be established for eligible departments. Shifts are not established by the time the employee begins to work but rather by when an established shift starts.
- Eligible employees who work all or part of an established qualifying shift will receive shift differential for the portion of time worked during the qualifying shift as established for the departmental unit. In an overtime situation where the employee continues working from a non-qualifying shift into a qualifying shift, the employee will receive a prorated shift differential provided the employee works at least one-half of the qualifying shift. This payment is in addition to any overtime payment. In situations where an eligible employee's shift was adjusted for the day, the employee will receive a prorated shift differential only for time worked during established regular shift periods. Employees working in a departmental unit that normally does not operate on qualifying scheduled shifts will not receive the prorated shift differential payment for overtime hours or adjusted work time that occurs outside of their normal daytime shift.
- Shift differential is authorized for an employee who is assigned to a qualifying shift while on approved leave with pay. An employee who is on a rotating shift schedule is eligible for the shift differential only for leave taken while scheduled for a qualifying shift. However, such payment of shift differential will cease after 10 full workdays of continuous paid leave for which there has been a shift differential payment.
- Eligible employees receiving a call back payment will receive a prorated shift differential payment if called back on a qualifying shift.

Shift differential will not be included in the regular rate calculation for the computation of overtime.

More Information? See BOR-USM Policy VII - 4.60 Policy on Shift Differential for Classified Employees (Approved June 19, 1991, Amended November 12, 1993)

On-Call and Call-Back Compensation

On-Call Compensation

All Regular non-exempt employees, when required to be available to report to work outside the normally scheduled hours for emergencies or other unusual circumstances, are considered in On-Call status and will receive compensation. Contingent I and II employees are not eligible for On-Call pay. Effective February 1, 2006, the On-Call pay rate is $2.00 per hour.

- Employees assigned to be On-Call are required to be accessible if it is necessary for them to return to work. If during the On-Call period unforeseen circumstances arise where the employee cannot be reached or is no longer able to respond, the employee must notify the supervisor immediately. The employee shall be removed from On-Call status for that day for pay purposes unless the individual had previously responded during that same day.

- Employees in University Dining Services who are required to work a "split-shift" (unpaid break greater than one (1) hour) will be paid On-Call pay for this period.

- On-Call pay shall be included in the base pay for purposes of computation of overtime pay.

Call-Back Compensation

All Regular non-exempt employees who (1) are called back to work on a regularly scheduled on-duty day after going off-duty, or (2) are required to work on a regularly scheduled off-duty day, are eligible for Call-Back compensation. This policy applies to employees who are called back to work whether or not such employees are in on-call status.

- Employees called back to work shall be paid a minimum of two (2) hours work time even if the time spent on duty is less than two (2) hours. This does not apply to an employee working overtime as a continuation of the employee's normal hourly schedule.

- Normally, travel between home and work is not work time. However, where employees have gone home after completing a day's work or are on scheduled off-duty days and subsequently are required to return to the normal place of work or any other location in order to perform a necessary task, travel time is included as work time. Such hours spent in travel count toward the two (2) hour minimum Call Back time and toward the accumulation of overtime hours. Additionally, an employee who is called back during a qualifying shift will receive a pro-rated shift differential according the Shift Differential policy.

More Information? See BOR-USM Policy VII-4.62 Policy on On-Call and Call-Back for Classified Employees.

Salary

USM exempt and nonexempt pay plans govern the salaries of employees. The pay plans include salary ranges for job classes. The pay plans may only be changed with the review and approval of the USM Board of Regents upon the recommendation of the Chancellor of the University System of Maryland. Questions regarding an employee's individual salary should be directed to his/her supervisor. Cost of Living Adjustments (COLA), merit pay, equity adjustments, reclassification, or movement within/out of a pay level (exempt) may result in salaries being adjusted.

The following guidelines shall be used to determine a nonexempt employee's salary:

- If there is an increase in the minimum salary within a salary range, all employees below the minimum shall be moved to the minimum salary within their job class.

- If there is a decrease in the maximum salary within a salary range, affected employees shall not experience a reduction in current pay.
- Employees whose salaries are at or exceed the maximum salary within the range will receive any COLA increases even if their adjusted salary exceeds the salary range maximum adjusted by the COLA.
- Employees whose salaries are at/above the maximum salary within the range routinely will receive merit only to the extent their adjusted salary does not exceed the salary range maximum.
- Upon a reclassification promotion, the salary of a non-exempt employee shall increase at 6 percent (6%) or to the minimum of the new pay range/grade, whichever is the greater.
- Upon a reclassification demotion, if the maximum of the pay rate in the new lower pay range/grade is greater than the employee's current rate of pay, the employee's rate of pay will remain unchanged. If the employee's rate of pay before the demotion is above the maximum of the new pay range/grade, the employee's rate of pay shall be reduced to the maximum of the new pay range/grade.
- If a reclassification and/or a demotion is the result of disciplinary action, the employee's rate of pay shall be reduced to the maximum of the lower new pay range/grade or by 6 percent (6%), whichever is the greater deduction.

More Information? See BOR-USM Policy VII - 9.20 Policy on Salary Increases and Bonuses.

Pay Periods

Employees are paid every two weeks on a Wednesday. For Regular employees the pay period begins on a Wednesday and ends on a Tuesday two weeks later; Contractual employees' pay periods begin on a Thursday and end on a Wednesday two weeks later. Employees' paychecks are distributed the 2nd Wednesday after the end of the pay period.

Paychecks

An earnings statement or pay stub is attached to each paycheck. The statement provides employees with a record of regular and overtime earnings, deductions, and State-paid benefits. Employees are to complete the Direct Deposit Payment form or request an exception upon start of employment. Questions on paychecks and direct deposit should be directed to the Payroll Office at 410-543-6046 or 410-543-6044.

Time Sheets

Employees are responsible for the accuracy of their timesheets. Paper timesheets must be submitted to supervisors no later than 10 a.m. on the first Wednesday following the pay period (for Contractual employees by 9 am on the first Thursday following the pay period). For those employees completing a web timesheet, timesheets should be completed by the end of the last business day of the pay period, but no later than 9 am on the Wednesday following the pay period. Each timesheet is verified by the supervisor and reviewed for proper code accuracy and documentation by the department's timekeeper. Upon supervisor's signature, timesheets are forwarded to the Payroll Office. In some departments, alternate forms of timekeeping may be used (i.e., swiper-card system). Check with your supervisor to confirm your designated timekeeping procedures. For Leave codes details, see the appropriate Leave section in this handbook.

For non-exempt employees who swipe in and out of the ADI time-keeping system, a copy of their time sheet will be available for review from 11 am until 12 noon on the Wednesday following the close of the pay period. During pay periods when payroll has to be processed early (i.e., due to holidays), copies of time sheets will be available some time after the close of the pay period. See your Timekeeper for more details.

Probationary Period

Non-exempt employees

A probationary period is a trial employment period in which employees demonstrate their ability to perform the duties and responsibilities of their positions. All newly hired non-exempt employees shall serve a six-month probationary period. During a probationary period, non-exempt employees shall receive a written performance evaluation at the following intervals:

- Mid-way through the initial probationary period
- At the end of the initial probationary period.

For the probationary period performance evaluations, the *Probationary & Below Standards Performance Evaluation form* is used, which can be found on the HR Forms web site under Forms for Supervisors/Managers. The supervisor is responsible for the completion of the probationary evaluation form. Upon the successful completion of the probationary period, the non-exempt Regular employee receives a 2.5 percent salary increase. Contingent I and II employees are not eligible for a probationary increase.

During the probationary period, the supervisor, with the approval of the department head and written notification to the Office of Human Resources, may separate the employee without reason at any time with a two-week written notification. An employee has the right to appeal the rejection within five workdays of receipt of the written notification on grounds of procedural deficiency. Under certain circumstances as described in VII-1.21 – USM Policy on Probation for Non-exempt Employees (7/12/1996), a promoted, transferred, or reinstated nonexempt employee may be placed on probation. In such cases, the employee may only be separated with cause and a 30-calendar day written notification.

Exempt Employees

Newly hired exempt employees shall serve a probationary period of one (1) year. Under certain circumstances described in Policy VII-9.01 on Implementation of Phase II - Exempt of the USM Pay Program (January 12, 2000), promoted employees shall also be required to serve a one-year probation. During the probationary period, the supervisor, with the approval of the Director of Human Resources, may reject an employee *without reason* provided there is a 30 calendar day notification and the notice occurs at least 30 calendar days prior to the expiration of the probationary period. In such cases, the employee has the right to appeal the rejection within five working days of receipt of the written notification on grounds of procedural deficiency.

More Information? See BOR-USM Policy VII - 1.21 UMS Policy on Probation for Nonexempt Employees 7/12/96; BOR-USM Policy VII - 1.22 on Separation for Regular Exempt Employees; and BOR-USM Policy VII - 9.01 on Implementation of Phase II – Exempt of the USM Pay Program. For information regarding Librarian positions (as identified in BOR-USM Policy VII – 9.01, Section IV.3), see BOR-USM Policy II – 1.00, Appointment, Rank and Tenure of Faculty, Section G: Criteria and Procedures for Promotion and Permanent Status of Faculty Librarians.

Performance Evaluation

Employee performance is evaluated using the Performance Management Process (PMP). This process provides a method and form to evaluate employee performance in a manner that is individually tailored to the employee. Supervisors must inform new employees of the factors they will be evaluated on during probation. Supervisors must also provide periodic feedback on new employees' performance during probation (see the Probationary Period section in this handbook for more information about non-exempt probationary performance evaluations). At the completion of probation and at least annually in subsequent years, the supervisors meet with the employees to provide them with an evaluation of their performance. The evaluation is based on goals and objectives previously agreed upon by the employee and supervisor and performance factors pertaining to the employee's position. The employee's performance is evaluated on the following rating scale: Above Standards, Meets Standards, and Below Standards. A copy of the form used in the PMP is available via the Office of Human Resources web page at http://www.salisbury.edu/hr/forms.html In general, the following guidelines should be followed:

- The annual performance cycle is 4/1 through 3/31.
- The PMP is intended to be much more than a "rating" and should be used as a developmental tool/guide throughout the performance cycle. PMPs are required for all "PIN" and Contingent II staff.
- In April, at the beginning of the review period (if not already done at the end of the previous cycle in March), managers and employees should have completed Part I of the PMP to establish accountabilities and goals as well as establish weightings. Those goals and weightings should remain with the employee and supervisor; it is not necessary to send the form to HR at this time.
- Throughout the performance cycle managers and employees should be giving (or asking for) informal or formal performance feedback as well as specific recommendations on how to develop skills and improve performance. (The end of the performance cycle should not be the first/only time an employee is made aware that performance issues exist!) You are encouraged to make written note of examples for later reference as needed. HR is available to assist you with feedback/coaching sessions if you would like.
- In March, PMP written evaluations should be prepared by the manager/supervisor and shared with the employee. Some managers/supervisors solicit input from the employee in the same format, but the employee's written evaluation is not intended to be the manager's written evaluation. Managers also may solicit input from peers, colleagues, other internal co-workers with whom the employee interacts with/provides service to. The manager must discuss that feedback and the evaluation with the employee prior to the PMP being submitted to HR. Ideally this is the same time the manager and employee begin work on performance and development goals for the next year. While the employee may be comfortable signing the PMP at the time of the meeting, the employee also must be given the option to review and respond before signing. All completed PMPs must be submitted to HR by mid-April in order for merit increase processing to occur for eligible employees by Central Payroll Bureau deadlines.
- For non-exempt employees who completed their probationary period successfully during January – March, and the supervisor completed and forwarded the *Probationary & Below Standards Performance Evaluation form* to Human Resources, it is not required to complete a formal PMP in March of that same calendar year. The probationary period evaluation is used to determine eligibility for an approved merit increase. Annually, hereafter, the official PMP will be required.

Deficient Performance

If at any time an employee's performance is considered to be at a level which fails to meet standards, the employee's supervisor shall notify the employee in writing as soon as possible. Unless the deficient performance occurs late in the evaluation period, the notice of deficiency should be given sufficiently in advance of the employee's annual evaluation so that the employee has the opportunity to improve the performance to a "Meets Standard" level. The *Probationary & Below Standards Performance Evaluation form* is used to communicate to a non-exempt employee in writing that performance is below "Meets Standards". This form can be found on the HR Forms web site under Forms for Supervisors/Managers.

If an employee receives a "Below Standard" evaluation in two (2) consecutive year-end performance evaluations, the employee may be subject to termination.

More Information? See BOR-USM Policy VII - 5.20 Policy on Performance Evaluation Program (Approved November 12, 1993)

Staff Development

Professional development opportunities are available to SU employees and are scheduled on campus throughout the year. Technical training opportunities in various software applications also are available on campus throughout the year. Contact Information Technology for more information at 410-543-6114.

Progressive Corrective Discipline & Steps

Department managers and supervisors should inform nonexempt employees of University rules and regulations. Disciplinary action should be taken as soon as possible after a work rule violation or unacceptable behavior. For repeated but relatively minor incidents of substandard performance, misconduct, or rule violations, corrective counseling and discipline should be progressive. The normal sequence of action is: (1) Counseling or Initial Discussion; (2) Verbal Reprimand; (3) Written Reprimand; (4) Suspension without pay; (5) Discharge from University service. Depending on the severity of the case, action may begin at any of these steps. Any action involving suspension or discharge requires prior review by the Director of Human Resources or her/his designated representative.

Offenses are any willful, deliberate, or negligent acts or violations of University policies or rules of such a degree that continued employment of the offending individual may not be desirable. The following are examples of some offenses which may subject an employee to corrective action.

- Poor performance of duties, including failure to follow instructions or to maintain established standards of workmanship or productivity.
- Insubordination or willful disobedience including refusal to accept instructions from supervisors or other proper authorities.
- Use of profane or abusive language on University premises, or actions which may be discourteous or harmful to others.

- Threats, fighting, or other physical action against another person while on University premises, including abusive, unruly, indecent or obscene conduct.
- Continued absences or excessive tardiness which exhibit a pattern or trend.
- Failure to inform the supervisor when leaving the work station, or failure to report back to the work station at the scheduled conclusion of a work break or meal period.
- Failure of an absent employee to notify the supervisor on each day of absence.
- Absence from work for three (3) consecutive workdays without notifying the supervisor.
- Failure to adhere to University or departmental safety policies or procedures, including failure to immediately report an accident on University premises involving an on-the-job injury or property damage.
- Unauthorized or improper use of University funds or property.
- Being in an unfit condition to perform the duties of the job, including, but not limited to, sleeping on the job, or working under the influence of drugs or alcohol.
- Willfully falsifying any University records.
- Behavior which compromises another's safety or privacy, or discloses confidential University information to unauthorized persons.

Steps

Counseling or Initial Discussion: Normally, initial disciplinary action should be in the form of an oral discussion, especially for minor rule violations.

Verbal Reprimand: If the initial discussion fails to produce the desired results, a verbal reprimand is normally the next step. Supervisors should maintain a complete and accurate written notation of the reprimand.

Written Reprimand: A Written Reprimand involves both a formal interview with the employee by the supervisor and an official memorandum to the employee emphasizing the negative effect of the employee's conduct or work performance on her/his record. Consult Office of Human Resources for review of written document before it is presented to employee.

Suspension: "Suspension" means the interruption (without compensation) of the active employment status pending an investigation and decision as to the extent of disciplinary action; or suspension may be disciplinary action in itself. Consult the Office of Human Resources for guidelines regarding suspensions.

Discharge or Release: In cases other than serious offenses, termination from employment should be used as a last resort and be based on an employee's employment record. Consult the Office of Human Resources before any discharge action is taken.

For the complete Policy on Progressive Discipline for Non-Exempt Employees and the Policy on Reporting to Work and Attendance for Non-Exempt Employees see the Selected Source Documents and SU Policy Documents section of this handbook. Forms for counseling and/or reprimands are available on the HR website at http://www.salisbury.edu/hr/forms.html for both Regular and Contingent employees.

Grievances

Legitimate problems and differences of opinion may develop between employees and their supervisors. Individuals are encouraged to try to resolve these differences in an informal manner during the normal course of business and are encouraged to talk to their supervisors. When matters cannot be resolved informally, employees may use the appropriate formal grievance procedure if their complaint regards the interpretation and application of a University policy or rule. Employees seeking to file a grievance should obtain from the Office of Human Resources detailed information on the guidelines that apply to the grievance procedure and appropriate representation during any grievance hearings (Also see BOR-USM Policy VII - 8.00). While Contingent Employees do not use the formal USM grievance procedures, these employees should contact the Office of Human Resources to discuss any informal grievance issues and options.

Non-exempt: The following summary outlines the basic steps involved in the non-exempt grievance procedure:

- Grievances must be filed in writing to the department head within 30 calendar days of the action involved or within 30 calendar days of the employee having had reasonable knowledge of the act. The *First-Step Hearing* will be arranged by the department head within five workdays after receipt of the formal grievance.

- If the employee is not satisfied with the written decision that resulted from the First Step Hearing, the employee may file for a second hearing within five workdays after receipt of the written decision. The grievance is filed with the Office of Human Resources and the *Second-Step Hearing* is heard by the President or her/his designee within 10 workdays of receipt of the request. A written decision shall be issued to the employee within 15 workdays after the hearing.

- If the grievance is still unresolved, the employee has the right to submit the grievance to the Office of Administrative Hearings within 10 workdays after the receipt of the decision resulting from the second-step hearing. Costs of the third step shall be assumed equally between the University and the employee. In either case, the Office of Administrative Hearings shall make the decision.

Exempt: Working with their supervisors, exempt employees may use a problem-solving process. Exempt employees seeking to file a grievance should obtain from the Office of Human Resources detailed information on the guidelines that apply to the grievance procedure and consult former BOR Policy Appendix M. The following summary outlines the basic steps involved in the grievance procedure:

- Grievances must be filed in writing to the immediate supervisor within 30 calendar days of the action involved or within 30 calendar days of the employee having had reasonable knowledge of the act. The *First-Step Hearing* will be arranged by the department head within three workdays after receipt of the formal grievance. Within three days of the First Step Hearing, a decision shall be presented either orally or in writing to the employee. If the decision initially was presented orally, a written summary must follow.

- If the employee is not satisfied with the decision that resulted from the First Step Hearing, the employee may file with the intermediate supervisor (i.e., Department Head) for a *Second-Step Hearing* within three workdays after receipt of the written decision. A hearing should be scheduled within five workdays of receipt of the request. Upon conclusion of the hearing, a written decision shall be issued to the employee within three workdays.

- If the grievance is still unresolved, the employee has the right to submit the grievance to be heard by the President or her designee within three workdays after the receipt of the decision resulting from the second-step hearing. The decision of the President shall be binding on both parties and shall be presented in writing to the employee and the supervisor within 10 days. Otherwise, the President may choose to appoint a hearing committee instead of personally considering the grievance. If a committee is to be appointed, it is to be identified within five days of receipt of the grievance at this level. The committee would include three individuals, two of which shall have no managerial responsibility for the employee's functional area. The committee hearing would be held within 10 days of the committee's appointment upon which the committee would submit an advisory opinion to the President within five days of the hearing. The President will then make the final decision and present the findings in writing to the employee and the immediate supervisor within three days. Such findings shall be final and binding upon all parties.

More Information? See BOR-USM Policy VII – 8.00 Policy on Grievances for Associate Staff and Classified Personnel.

Special Action Appeals

Nonexempt employees faced with charges for removal, disciplinary suspensions, involuntary demotions, and rejection on probation may use the special action appeal process. All special action appeals must be filed with the Office of Human Resources within five working days from the date on which the employee receives the written notification of the charges for removal, involuntary demotion or rejection on probation. The Director of Human Resources shall review the appeal and determine the proper disposition.

More Information? See BOR-USM Policy VII – 8.10 Policy on Special Action Appeals for Classified Employees.

Separation from Service

Resignation

Upon receiving notice of an employee's resignation, the supervisor is to send a Notice of Separation Form or a letter of resignation received from the employee along with any and all related documents to Human Resources. The Office of Human Resources shall contact the employee to schedule an exit interview before leaving employment and forward a separation clearance form to the supervisor. The supervisor will conduct the separation clearance on the employee's last day of employment. Any unused annual leave and accrued holidays to which the employee may be entitled shall be paid upon separation.

Nonexempt employees wishing to resign in good standing shall give their supervisor a minimum of two weeks written notice. An employee absent from work for three (3) consecutive workdays without notifying his or her supervisor are considered to have resigned without notice under the following sequence of circumstances:

1. The supervisor notifies the employee of his or her status by registered mail with a receipt required, within a period of not more than five workdays including the first day of unexplained absence.
2. The employee does not respond within three workdays after receiving the registered notice.
3. The employee shall be considered to have resigned as of the employee's last day of work.

Exempt employees who wish to end their employment in good standing should give written notice at least 30 calendar days before their separation date. It is important to note exempt employees serve "at-will" and may be asked at any time to leave employment. The length of notice given to employees who are given a separation notice depends on their length of service with Salisbury University. This period of notification is *not* required if the employee is to be terminated for disciplinary reasons. In addition, certain senior staff and management positions as described in the BOR-USM Policy VII – 1.22 Policy on Separation are excluded from this requirement. The period of notice shall be as follows:

Years of Institutional Service	Period of Notice
Less than one year	One month
One year but less than four years	Three months
Four years but less than seven years	Six months
Seven years but less than ten years	Nine months
Ten years or more	Twelve months

After the exempt employee receives notice of separation, the employee may be placed on administrative leave with pay status for any part or all of the period until separation. During the period of administrative leave, the employee shall not accrue annual, sick, holiday, or personal leave. Alternatively, the employee may be assigned other duties for part or all of the period until separation.

More Information? See BOR-USM Policy on Separation VII-1.22 on Separation of Regular Exempt Employees, Annual Leave, Holidays, Administrative Leave, Grievances, and Reassignments.

Dismissal

For serious reasons, the University may file for removal of a nonexempt employee. The employee has the right to appeal the charges within five workdays of receipt of notification of the charge. See also "Special Action Appeal." Exempt employees serve at the pleasure of the President and may be dismissed at any time.

More Information? BOR-USM Policy VII - 1.22 on Separation for Regular Exempt Employees.

Reassignment

An employee's ongoing duties and responsibilities may be changed or modified by his or her supervisor at any time. Unless there is an emergency situation, the supervisor shall provide the employee with a written notice two (2) weeks before the reassignment takes place. Also, the supervisor shall work with the employee to develop a revised job description and forward the revised description to the Office of Human Resources.

Reassignment can move a nonexempt employee from one position in a given class to another position in the same class. Failure of a nonexempt employee to accept a reassignment shall result in disciplinary action.

In the case of the exempt employee, the supervisor shall consider the employee's knowledge, skill, abilities, and salary in making a reassignment to another similar or comparable position. Failure of an exempt employee to accept a reassignment shall be considered an immediate voluntary resignation.

More Information? See Disciplinary Actions and Resignation; BOR-USM Policy VII - 9.51 on Reassignment for Regular Exempt Employees: BOR-USM Policy VII – 9.40 Policy on Salary Upon Transfer or Reclass; BOR-USM Policy VII – 9.50 Policy on Temporary Assignments and Acting Appointments.

Reinstatement

Former employees who leave in good standing and return after a break of less than three years in service from University or state employment are considered reinstated employees. These employees receive full credit for prior service as it applies to service time and unused accumulated sick leave. Salaries will be administered pursuant to BOR Policy VII – 9.60 Policy on Salary Upon Reinstatement.

More Information? See BOR-USM Policy VII - 9.60 Policy on Salary Upon Reinstatement; and BOR-USM Policy VII - 9.61 Policy on Reinstatement for Regular Exempt Employees.

Layoff

Layoffs occur when positions are abolished or discontinued due to reduction or termination of funds, program or organizational changes, or lack of work. The Director of Human Resources must give authorization for any layoff to occur. Layoffs are implemented according to the following procedures:

- The department head notifies the Director of Human Resources in writing of the justification for the layoff.
- After receiving authorization from the Director of Human Resources, the department head provides at least 90 calendar days advance written notice to the affected employee. The employee shall acknowledge the notice of the layoff in writing. In cases where the layoff is caused by reduction of funds, the advanced notice may be less than 90 calendar days.
- Nonexempt positions affected by a layoff are determined by seniority according to USM Policy VII-1.30. An employee affected by a layoff may displace another employee with less seniority within their department under certain circumstances. Employees who are laid off will be certified and placed on the SU eligibility list and the USM eligibility list, if interested. These employees shall receive priority for appointment to vacancies in the classification from which the layoff occurred and to any comparable area both within Salisbury University and, if the employee desires, other institutions in the University System of Maryland.

- Exempt positions affected by a layoff are determined by the department head with the review of the Director of Human Resources. An employee who is laid off shall be recalled for reappointment within one year if the specific position from which the layoff occurred is reestablished. If the employee is appointed to any USM position within three years of the layoff, the employee shall be considered reinstated.

More Information? See BOR-USM Policy VII - 1.30 Policy on Layoff for Unclassified and Classified Personnel; BOR-USM Policy VII - 1.31 Policy on Reemployment; and BOR-USM Policy VII - 1.32 Policy on Layoff and Recall of Regular Exempt Employees.

LEAVE POLICIES FOR
REGULAR STATE EMPLOYEES

The following leave policies and leave codes only apply to Regular State employees. Contingent Employees should reference the section at the end of this manual for applicable information about leave policies.

Leave Codes

ACCLV	Accident Leave (Human Resources Approval required)
ADMIN	Administrative Leave (Human Resources Approval required)
ADMIN2	Administrative Leave – Union (Human Resources Approval required)
ANNLV	Annual Leave (Vacation)
HOL	Holiday Leave
JURY	Jury Duty
MIL	Military Leave (Human Resources Approval required)
PER	Personal Leave
SICK1	Sick – Illness
SICK2	Sick – Birth/Adoption
SICK3	Sick – Bereavement
SICK4	Sick – Sick Leave Advanced (Human Resources Approval required)
SICK5	Sick – Sick Leave Extended (Human Resources Approval required)
SICK6	Sick – Family Illness
SICK7	Sick – USM Leave Reserve Fund (Human Resources Approval required)
SUS1	Suspension with Pay
SUS2	Suspension without Pay
UNPD	Unpaid Leave (for swipers)
LNP	Leave No Pay (for non-swipers)

Holiday Leave

Eligible employees are entitled to 11 paid holidays (12 in a general or congressional election year). Three (3) additional University holidays are to be earned each calendar year and observed at the discretion of the President of SU or designee. Part-time employees who are employed on at least 50 percent of a full-time basis earn prorated holiday leave. The actual dates of observation for the holidays and administrative leave vary from year to year. Employees may find the current year listing of observed dates on the University Human Resources web page. Each holiday is earned on the day it occurs during the calendar year:

Holiday	Calendar Date Holiday is Earned
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election Day	First Tuesday in November (even numbered years only)
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
Three Additional Holidays	At the discretion of the President of SU or designee
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May

- Holiday leave should be entered on (web) time sheets with leave code "HOL"
- Employees must be in a paid active employment status on the calendar date the holiday is earned to be eligible for holiday pay when the holiday is observed. Exempt 10-month employees with 26-pay status and non-exempt 10-month employees do not earn holiday leave during the two months when no work is performed
- Holiday leave is not payable to a non-exempt employee who is on a medical certificate/sick slip requirement and who had an unapproved or undocumented absence on either the day before or after the Holiday
- Holiday leave must be taken in full days
- The university schedules the observance of selected holidays on days other than the date of occurrence when it is in the best interest of the university
- Holiday leave is to be taken on the day it is earned unless otherwise specified by the University
- The University retains the right to require an employee to perform duties on a holiday when operational needs require the employee(s) services. Should an employee be required to work on the university observance date of a holiday, another day off will be scheduled
- When a holiday falls on a Saturday, it is earned the Friday before; when a holiday falls on a Sunday, it is earned on the following Monday
- All unused Holiday leave must be taken by the first pay period ending in January of the following calendar year, including any floating holidays
- Employees shall be paid for any unused holiday leave that has been earned as of the date of separation.

More Information? See BOR-USM Policy VII - 7.30 Policy on Holiday Leave for Regular Exempt Employees

Personal Leave

Employees are eligible for three (3) days or 24 hours of personal leave per calendar year. An employee must be in paid active status to receive the personal leave accrual. If an employee is in an unpaid status on January 1st, personal leave is earned when returned to paid status.

Specific Personal Leave guidelines:

- Personal leave should be entered on (web) time sheets with leave code "PER"
- Part-time employees who are employed on at least 50 percent of a full-time basis earn prorated personal leave
- Personal leave is subject to approval by the supervisor, and employees must notify their supervisor before taking personal leave. Unless a critical staffing shortage occurs, personal leave shall be granted.
- Personal leave must be taken in one-hour increments.
- Requests for personal leave to attend religious observances shall be honored.
- Any unused personal leave will not be paid out after separation from service. Any unused personal leave at the end of the calendar year shall be forfeited and be contributed to the USM Leave Reserve Fund.

More Information? See BOR-USM Policy VII - 7.10 Policy on Personal Leave for Regular Exempt Employees

Annual Leave

Specific information applying to non-exempt employees

Non-Exempt employees' annual leave depends on their length of continuous, uninterrupted service with Salisbury University. During the first six (6) months of employment no leave is earned but is credited for record-keeping purposes. Upon completion of the sixth month, employees are credited with the annual leave that was earned during the first six months based on the schedule below and the earned leave is then available for use. Annual leave is earned as follows:

Years of Service	Annual Leave Earned
Through 4 years	10 days per year = 3.08 hours per pay period
Beginning with the 5th through the 10th year	15 days per year = 4.62 hours per pay period
Beginning with the 11th through the 20th year	20 days per year = 6.15 hours per pay period
Beginning with the 21st year	25 days per year = 7.69 hours per pay period

- Annual leave is subject to advance approval from the employee's immediate supervisor. Request must have been received and approved no later than the end of the shift/work day before the actual annual leave day. Leave requests should be made in writing, either through the use of the *Leave Request form* or via email. The Leave Request form can be found on the HR Forms web site under Forms for Employees.
- Annual leave may be taken in increments of one-half (1/2) hour.

Specific information applying to exempt employees

Full-time Exempt employees are eligible for 22 days of annual leave per calendar year and earn leave at the rate of 6.77 hours per pay period. Beginning with the 21st year of service, annual leave shall be earned at the rate of 25 days per calendar year.

- Annual Leave may be taken in one (1) hour increments
- There is no 6-month waiting period for exempt employees during the first year of employment before any leave time may be used
- Exempt employees in a 10-month 26-pay status are not eligible for annual leave. Any time taken off at their request and when no holiday or personal leave is available for use must be taken as unpaid leave and will cause a proration of their biweekly salary.

Information applying to both nonexempt and exempt employees' annual leave:

- Annual leave should be entered on (web) time sheets with leave code "ANNLV"
- Part-time employees working on at least a 50 percent basis shall earn annual leave on a prorated basis.
- If worked fewer than 80 hours in a pay period and no paid leave was taken in lieu of any time missed, the annual leave accrual will be prorated accordingly
- Annual Leave may be taken at any time that is mutually agreeable with the employee and the supervisor and should be requested at least 24 hours in advance. Supervisors have the right to refuse a request for annual leave.
- Earned but unused annual leave may roll over to the next calendar year up to a maximum of 50 days or 400 hours. This maximum is prorated for employees working on a part-time basis.
- An individual leaving employment shall be paid for any earned but unused annual leave, which has been credited and is available for use on the day of separation.
- If an employee's request for annual leave is denied, the employee may request through their supervisor payment for annual leave in excess of the maximum accumulation. Such requests shall be accompanied by the employee's written request for leave as well as the written response from the supervisor stating why the leave was denied. The Director of Human Resources reviews all requests for payment for denied annual leave.
- When an employee transfers to another institution within the University System of Maryland or to another department, or to SU, all unused accumulated annual leave shall be transferred with the employee.

More Information? See BOR-USM Policy VII – 7.00 Policy on Annual Leave for Administrative and Classified Personnel and BOR-USM Policy VII - 7.01 Policy on Annual Leave for Regular Exempt Employees

Sick Leave

Employees earn 15 days of sick leave per year. Part-time employees on at least a 50 percent of full-time basis earn sick leave proportionate to their employment. Sick leave may be accumulated without limitation.

- Sick leave used for personal illness/injury or medical appointments should be entered on (web) time sheets with leave code "Sick1" = Sick - Illness
- If worked fewer than 80 hours in a pay period and no paid leave was taken in lieu of any time missed, the sick leave accrual will be prorated accordingly
- There is no 6-month waiting period during the initial contract year before any days may be used

- Sick leave is to be used for personal illness/injury, medical appointments, or when needed to care for the employee's sick spouse, child, or other immediate family member. See the applicable section below for more details
- Non-exempt staff may use sick leave in any increments; exempt staff may use sick leave in one (1) hour increments
- Sick leave for scheduled medical appointments must be approved in advance by the supervisor to be considered "excused or planned".
- In the event of an absence due to illness/injury, it is the employees' responsibility to notify their supervisor as soon as possible to explain the reason and to state when they expect to return to work. The supervisor/manager may require a medical note for more than three (3) consecutive days of absence. Any medical documentation received must be forwarded to Human Resources
- Should the use of sick leave become excessive, or other concerns about the employee's sick leave usage have been identified, the employee may be required to provide medical documentation for each future occasion regardless of duration (Medical Certificate/Sick Slip requirement). Prior to imposing a requirement for documentation of sick leave usage, the departmental supervisor must have concurrence from the HR Director. Such a requirement shall be imposed for not more than six (6) months with the option (of Departmental Supervisor or designee) to extend the requirement for cause.
- The university may require a physical examination and/or medical certificate at any time to determine the ability to continue employment
- Sick leave cannot be used in lieu of annual, personal or other leave
- Earned but unused sick leave may roll over to the next calendar year and may be accumulated without limitation
- There is no compensation for accrued but unused sick leave at termination of employment. However, accumulated sick leave may be applied toward service credits in the State of Maryland Retirement System at the rate of one-month credit for every 22 days of unused sick leave

Note with Regard to a Request for Medical Documentation: Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

Care of Immediate Family Members

A maximum of 15 days of earned sick leave per calendar year may be used to provide medical care to a member of an employee's immediate family. Sick leave may also be used to take a family member to a medical appointment, which cannot be scheduled during non-work hours. An employee may be required by his or her supervisor to provide written documentation of the need to be absent due to illness or injury of or a medical appointment for a member of the employee's immediate family. Immediate family includes spouse, child, stepchild, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law, or legal dependent irrespective of residence.

- Sick leave used to provide medical care, including medical appointments, for a member of an employee's immediate family should be entered on (web) time sheets with leave code "Sick6" = Sick – Family Illness

- Sick leave for scheduled medical appointments must be approved in advance by the supervisor to be considered “excused or planned”.
- The supervisor/manager may require a medical note for more than three (3) consecutive days of absence. Any medical documentation received must be forwarded to Human Resources.
- Should the use of sick leave become excessive, or other concerns about the employee’s sick leave usage have been identified, the employee may be required to provide medical documentation for each future occasion regardless of duration (Medical Certificate/Sick Slip requirement). Prior to imposing a requirement for documentation of sick leave usage, the departmental supervisor must have concurrence from the HR Director. Such a requirement shall be imposed for not more than six (6) months with the option (of Departmental Supervisor or designee) to extend the requirement for cause.

Birth or Adoption of a Child

An employee may use sick leave if she is temporarily disabled during pregnancy or childbirth. Written documentation of the need to be absent signed by a qualified practitioner is required. In addition, an employee may use up to a maximum of 30 earned sick days following the birth or adoption of a child. If both parents are employees of SU, sick leave for this purpose is available to only one parent.

- For absences of five (5) or more consecutive days related to the birth or adoption of a child, employees should contact Human Resources to request a Family and Medical Leave
- Sick leave used for absences after the birth or adoption of a child should be entered on (web) time sheets with leave code “Sick2” = Sick – Birth/Adoption
- Sick leave used for absences due to being disabled as a result of a pregnancy should be entered on (web) time sheets with leave code “Sick1” = Sick – Illness

Death of a Relative

A maximum of five (5) days may be charged to earned sick leave in the event of the death of a spouse, child, stepchild, parent of employee or spouse, brother or sister of employee or spouse, grandparent of employee or spouse, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or other relative who is a permanent resident of the household. A maximum of one (1) day may be charged to earned sick leave for reasons related to the death of an employee's or spouse’s aunt, uncle, niece or nephew.

- Sick leave used in the event of a death of a relative should be entered on (web) time sheets with leave code “Sick3” = Sick – Bereavement”
- All requests for bereavement leave must be approved by the supervisor

More Information? See BOR-USM Policy VII - 7.45 Policy on Sick Leave.

Leave Reserve Fund

The USM administers a Leave Reserve fund composed of unused personal leave. An employee with a serious temporary disability or personal illness may request to use up to 20 days of leave from the Reserve Fund. The Director of Human Resources reviews the request and may submit it to the USM Director of Human Resources for consideration. The maximum number of days which may be requested from the Leave Reserve Fund shall not exceed one day for each month of creditable service. To be eligible to receive leave from the Leave Reserve Fund, the employee must meet the following requirements:

- Have at least one (1) year of USM service
- Have a satisfied record of work performance and sick leave usage
- Have exhausted all available paid leave, including advanced sick leave, extended sick leave and personal leave
- Have a reasonable expectation of returning to work

While using Leave Reserve Fund days, an employee continues to accrue Sick, Annual and Holiday Leave. Approved Leave Reserve Fund days/hours shall be entered on (web) time sheets with leave code "Sick 7 = USM Leave Reserve Fund".

More Information? See BOR-USM Policy VII - 7.11 USM Policy on Leave Reserve Fund for Exempt and Non-Exempt Staff Employees on Regular Status.

Accident Leave

For a Regular State employee to be eligible to receive consideration for accident leave, the guidelines of the Maryland Workers' Compensation Act must be followed. Accident leave is leave paid at two-thirds of the employee's regular pay. An employee who is injured while at work and is unable to return to work as a result of the work-related incident or missed work due to medical appointments as a result of the incident, may be eligible to receive up to six months of accident leave. Accident leave may be granted for up to an additional six (6) months if a physician selected by SU certifies that the employee continues to be disabled. In addition, an employee has the right to file a claim with the Workers' Compensation Commission. To be eligible to receive consideration for accident leave, the following guidelines are to be followed:

- The injury is within the guidelines of the Maryland Workers' Compensation Act.
- The employee reports the injury immediately to his or her supervisor and completes an Incident Report. The Incident Report must be submitted to Human Resources within 24 hours of the incident.
- The employee's supervisor is responsible for submitting a Supervisor's Incident report to Human Resources within 24 hours following the injury.
- Within three (3) workdays of the injury, a physician must examine the employee and certify the employee is disabled.
- Approved Accident Leave requires approval by Human Resources and shall be entered on the (web) time sheet with leave code "ACCLV"
- Approved Accident Leave may be deemed Family & Medical Leave (FMLA) and run concurrently.

More Information? See BOR-USM Policy VII - 7.40 Policy on Accident Leave for Exempt and Non-Exempt Personnel.

Family and Medical Leave Act of 1993

Employee Rights and Responsibilities

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Per the Family and Medical Leave Act and the USM BOR Policy, SU employees are generally eligible if they have worked for at least one year and for 1,040 hours during the twelve (12) month period immediately prior to the beginning date of the leave as a USM or State of Maryland employee, and if at least 50 employees are employed at the employer's facility within 75 miles.

The 12-month period in which up to 12 weeks of FMLA can be taken is calculated as a "rolling" 12-month period measured backward from the date of any FMLA usage.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition

that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees will be required to use accrued paid leave while taking FMLA leave and comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

Salisbury University - General Information

The following guidelines are observed in granting Family and Medical leave:

- For eligible part-time employees employed on at least 50% basis, the minimum 1,040 number of hours required for eligibility shall be prorated.
- Any approved Worker's Compensation/Accident Leave may be designated as Family and Medical Leave (i.e., the Family and Medical Leave would occur at the same time as the approved Worker's Compensation/Accident Leave).
- Unless an emergency situation exists, an employee shall give his/her supervisor at least 30 calendar days prior notice and provide documentation of the need for the leave. The Director of Human Resources or designee reviews all Family and Medical Leave requests. Failure to provide notice may be grounds for delay of the leave.
- For those instances where advance notice is not possible, supervisors should notify the Office of Human Resources any time an employee is on sick leave for five days or more to determine if a Family and Medical Leave situation applies.
- For leave related to serious health conditions, the employee shall provide medical certification(s) from the employee's or family member's health care provider. The employee shall have fifteen (15) calendar days to obtain the medical certification unless not practicable to do so despite the employee's diligent and good faith efforts. Failure to furnish the medical certification may result in a delay or denial of the leave.
- When the approved Family and Medical Leave and all accrued paid leave have been exhausted and an employee is not able to return to work, the employee is no longer eligible for subsidized health benefits. When in an unpaid status, the employee will need to make arrangements for payment of the health insurance premiums and other benefit deductions to prevent cancellation of benefits. A request to be placed in an Unpaid Leave status (see the following section for details and eligibility for Unpaid Leave) is subject to approval by the President or designee.
- Upon returning to work, the employee will be required to present a fitness-for-duty certificate. Failure to furnish the certificate may result in a delay of the return to work.
- An employee's failure to return to work on the agreed upon date shall be considered a resignation.

More Information? See BOR-USM Policy VII - 7.50 Policy on Family and Medical Leave.

Updated 01/04/11

Leave of Absence Without Pay

Under certain circumstances, an employee may be eligible for voluntary leave without pay. A primary consideration in granting leave of absence without pay is that it shall advance the institution's mission or enhance the ability of the individual to support that mission. Leave without pay may also be granted for personal or health reasons.

Specific guidelines for leave without pay are as follows:

- Only employees who have completed at least one (1) year of USM service and have a satisfactory work performance and leave usage record are eligible.
- Employees interested in requesting an unpaid leave of five (5) or more days must contact Human Resources for more information and formal procedures
- Leave without pay shall only be granted if the leave does not impact negatively on work operations. Supervisors may request the employee use other leave including personal leave, holiday leave and annual leave before granting leave without pay.
- Leave without pay is granted at the recommendation of the department head and at the discretion of the President or designee and/or Director of Human Resources.
- Except in the case of on-the-job injury, all employee benefits including the accrual of all leave benefits (annual, sick, personal and holiday leave) are suspended during the period of leave without pay. An employee may maintain health benefits if the employee agrees to pay the full cost of the premium.
- Except in the case of a layoff where an employee loses his or her position, the employee, at the termination of the leave, returns to his/her former position or to another equivalent position within the same department with the same terms and conditions of employment that he or she enjoyed prior to taking the leave. Also, the employee's salary on returning to work shall be consistent with any pay decreases or increases that occurred during the leave without pay.
- An employee's failure to return to work on the agreed upon date shall be considered a resignation.
- Unpaid Leave codes: "Non-swiper" employees shall enter approved Unpaid Leave on the web time sheet with leave code "LNP"; The "UNPD" leave code is used for "swiper" employees for any unpaid leave time entered in the ADI time and attendance system.

More Information? See BOR-USM Policy VII - 7.12 Policy on Leave of Absence Without Pay

Inclement Weather and Emergency Conditions

Liberal Leave

In emergency situations such as extreme weather conditions, the campus may be closed. In such cases, announcements will be posted on the campus telephone line, the Gull Line, at 410-546-6426 and campus web site (www.salisbury.edu) as soon as possible. Local radio/television stations will also be notified in the event of a closing or delay.

If the University declares Liberal Leave to be in effect, the campus is still open. Employees in positions designated as "non-essential" for these conditions may make the individual choice given weather/emergency conditions not to report and take accrued leave instead. Employees using Liberal Leave are expected to notify their supervisors before the start of their regular work day/shift and request the use of either accrued annual, personal or holiday leave. Employees in positions designated as "essential" must report to work. Individuals who are unsure of their position's status as essential or non-essential should check with their supervisors.

When the campus closes prior to the start of classes and/or before the start of regular work hours, non-essential employees, except those on previously approved leave, are considered to be on paid Administrative Leave. If the campus is closed after the start of normal work hours, all non-essential employees are on paid Administrative Leave for the remaining work hours. Employees who did not report to work as scheduled while the University remained open and Liberal Leave was in effect and who are not on previously approved leave shall have the option of either using accrued leave or being placed on leave without pay.

Regular State and Contingent II essential employees who are required to work during the emergency shall in addition to their regular pay be compensated with leave or cash payment equal to the amount of administrative leave given to non-essential employees. Essential employees who fail to report to work shall not be paid for the day. Individuals who are unsure of their status should check with their supervisors to determine if they are essential or nonessential employees.

Approved Administrative Leave shall be entered on the (web) time sheet with leave code "ADMIN"

More Information? See BOR-USM Policy VI – 12.00 Policy on Emergency Conditions: Cancellation of Classes and Release of Employees; SU's Internal Policy for Emergency Conditions can be reviewed in the Source Document section in the back of this manual.

Administrative Leave

When special circumstances require, the President of the institution may authorize administrative leave with pay. Such leave may be granted to all non-essential employees when special circumstances like extreme weather conditions require the closing of campus or, on a limited basis, may be granted to an individual or group of employees to participate in an employee organization event. The department head must submit written requests for administrative leave to the Director of Human Resources at least 30 calendar days before the need for the leave. Additionally, the President or designee may approve a request for administrative leave or may require an employee to take administrative leave for any purpose considered to be in the best interest of the institution. The Director of Human Resources must review all requests and forward as appropriate.

See the section on "Inclement Weather and Emergency Conditions" and/or SU's Internal Policy for Emergency Conditions for more details related to administrative leave for extreme weather conditions.

For Administrative Leave related to union activities, see the section titled "Administrative Leave for Union Function" following this section.

Approved Administrative Leave shall be entered on the (web) time sheet with leave code "ADMIN"

More Information? See BOR-USM Policy VII - 7.20 Policy on Administrative Leave for Administrative and Classified Personnel.

Administrative Leave for Union Functions

Administrative leave time may be granted to designated employees when an exclusive bargaining organization requests administrative leave for its members for the purpose of participating in "approved organization activities." The approval of such Administrative Leave is at the discretion of the Director of Human Resources. Specific guidelines for Administrative Leave for Union Functions are as follows:

- All requests for Administrative Leave shall be submitted by the exclusive bargaining organization's representative to the Director of Human Resources 30 calendar days in advance of the event and shall include:
    1) a general description of the event and its purpose;
    2) the date and location of the event;
    3) the names of the employee members for whom administrative leave is being requested
- After verifying the validity of the request and the accuracy of the time being requested, the Director of Human Resources may approve administrative leave if the employee's services can be spared without impairing the services of the department
- If the employee organization needs to substitute employee members for those previously granted administrative leave, or substitute new dates, such requests will be submitted to the Director of Human Resources for approval. Such substitutions may be approved if the substitution will not impair the services of the department.
- Approved Administrative Leave for Union Function shall be noted on the (web) time sheet with leave code "ADMIN2"

More Information? See BOR-USM Policy VII - 7.20 Policy on Administrative Leave for Administrative and Classified Personnel.

Leave for Legal Actions

Employees who are summoned to appear in a court action, before a grand jury, before an administrative agency, or for a deposition, and are neither a party to the action nor a paid witness, may be permitted to be absent from work without loss of pay or charge to accrued paid leave.

If an employee is a paid witness in such an action, the absence may be charged to accrued annual, holiday or personal leave, or the employee may be granted a leave of absence without pay if the employee does not have sufficient leave to cover the absence. If the employee merely receives the nominal court witness payment, the employee may endorse the check to the institution and not have the period charged against his/her leave.

The following guidelines are considered in granting leave for legal actions:

- The employee notifies his/her supervisor immediately and provides written documentation to verify the summons. This documentation is forwarded to Human Resources for approval.
- The employee returns to work after being dismissed from the court.
- Upon the supervisor's request, the employee shall provide documentation to verify attendance
  For approved Leave for Legal Actions, the employee shall enter the Administrative Leave code "ADMIN" on the (web) time sheet

More Information? See BOR-USM Policy VII - 7.22 Policy on Leave for Legal Actions for Administrative and Classified Personnel

Leave for Service as Election Judge

An employee who is appointed by the Election Director of a Local Election Board may, under certain circumstances, be absent from duty without loss of any pay or without charge to the employee's accrued leave. Such an appointed employee may be entitled to use one (1) hour of paid Administrative Leave for each hour of service as an Election Judge up to a total of eight (8) hours for each day of service when the following criteria are met:

- The employee must serve as an Election Judge during the hours that the employee was otherwise scheduled to work
- The employee must notify his/her supervisor, no less than 30 calendar days prior to the election date, of the employee's intention to work as an Election Judge to accommodate any scheduling changes.
- The employee must provide his/her supervisor with documentation from the Election Board, confirming the date and hours in service as an Election Judge, within the pay period in which the employee served or the next business day.
- Paid administrative leave for State/University holidays on specific election days will not be applicable unless the employee is scheduled to work on that State/University holiday.
- Elections under this law include all general, primary and special elections.
- All documentation provided by the employee must be submitted to Human Resources for approval.
- Approved Leave for Service as Election Judge shall be entered on the (web) time sheet with leave code "ADMIN".

More Information? See BOR-USM Policy VII - 7.25 Policy on Leave for Service as Election Judge for Exempt and Non-exempt Staff Employees on Regular Status

Jury Duty

Employees selected for jury duty may be permitted to be absent from work without loss of pay and without charge to earned leave. The following guidelines are considered in granting jury leave:

- The employee notifies his/her supervisor immediately and provides supporting documentation. The supporting documentation is forwarded to Human Resources. If jury duty interferes with the necessary work of the department, the department head can make a written request to the court to have the employee excused from jury duty.
- The employee will be required to provide documentation to verify his or her attendance at jury duty. This documentation will be forwarded to Human Resources.
- If after reporting for jury duty the employee is dismissed for the remainder of the day by the court, the employee shall return to work if there are 2 ½ hours or more left in the employee's work schedule (upon arrival at the department).

Approved Jury Duty Leave shall be entered on the (web) time sheet with leave code "JURY".

More Information? See BOR-USM Policy VII - 7.21 Policy on Jury Service for Administrative and Classified Personnel.

Military Leave

An employee who is a member of the Army, Navy, Air Force, Marine or Coast Guard is entitled to a leave of absence for military training for a period of up to 15 workdays per calendar year without loss of pay or charge to accrued leave. This leave is prorated for part-time employees who work at least 50 percent of the time.

- Before military leave for training is granted, the employee will be required to submit to his/her supervisor a copy of the military orders that contain the employee's name and dates of training/active duty. The supervisor will forward a copy of the military orders to Human Resources for approval.
- When the 15 Military Leave days have been exhausted, an employee may but is not required to use accrued annual, personal or holiday leave. The employee may elect to use Unpaid Leave.
- Approved Military Leave shall be entered on the (web) time sheet with leave code "MIL".

For active duty other than military training, the employee or supervisor should contact Human Resources for details and applicable policies. Service members are required to provide advance written notice or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity.

More Information? See BOR-USM Policy VII - 7.23 Policy on Military Leave with Pay for Exempt and Non-Exempt Staff Employees on Regular Status, and BOR-USM Policy VII - 7.24 Policy on Call-Up to Active Military Duty During a National or International Crisis or Conflict for USM Exempt and Non-Exempt Staff Employees on Regular Status

BENEFITS FOR REGULAR STATE EMPLOYEES*

Regular State Employees appointed on at least a 50 percent basis are eligible to enroll in the following benefit plans.

Health and Life Insurance Plans

Employees are eligible to enroll in any of several flexible health care and insurance plans including but not limited to general health care, dental care, vision care, life insurance, personal accident death and dismemberment, long-term care, and disability insurance. The University pays a major portion of the benefit premiums for medical, prescription, and dental plans and the individual employee pays his/her share through payroll deductions. All other plans are paid entirely by the employee. Detailed information on the specific current offerings may be obtained by calling the Office of Human Resources at 410-543-6035.

New Enrollment for Health Benefits

New employees must enroll in health benefits within the first 60 days of employment. After enrolling, the employee and dependents are locked into the selected benefits for the remainder of the calendar year unless the family status changes. If a new employee does not enroll within the first 60 days, the employee shall not have access to the benefits until Open Enrollment for Health Benefits or until a Change in Family Status.

Change in Family Status

A change in family status is a result of a qualifying event, such as the birth or adoption of a child, loss of a dependent, marriage, change in the work status of a spouse, or divorce. Employees should notify the Office of Human Resources *immediately* when a change in family status occurs. Documentation may be required to implement a change in benefits. All changes must be implemented within 60 days of the qualifying event.

Open Enrollment for Health Benefits

Open enrollment is an annual period, generally in the Spring, during which employees have the option of enrolling/changing one or more of their health plans through the State Group Health Benefits Plans. The dates for open enrollment will be communicated to employees from the Office of Human Resources in the Spring of each year.

*Contingent Employees should reference the Contingent II section of this manual for relevant information regarding benefits.

Retroactive Adjustments

When a delay occurs in the enrollment of a newly eligible employee or dependent, a retroactive adjustment to extend the effective date of coverage back to the actual date of eligibility can be made. Such cases may include a change in family status or a transfer from another state agency. Employees shall notify the Office of Human Resources as soon as the event has occurred. Retroactive adjustments *must* be submitted to the Maryland Department of Budget and Management Employee Benefits Division within 60 days of the qualifying event.

Extended Coverage

An employee and/or dependent who lose eligibility for subsidized health benefits may receive extended coverage through the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). The employee and/or dependent may remain in the State Group Health Benefits Plan on an unsubsidized basis for 18 to 36 months, depending on the situation. Enrolling in COBRA assures no break in health coverage. Information on COBRA may be obtained by calling the Office of Human Resources.

More Information? See website: http://www.dbm.maryland.gov and click on "Employee Services"

Tuition Remission

Employee Tuition Remission

A Regular employee who has completed his/her probationary period may is eligible to receive tuition remission for courses taken at any teaching campus within the USM. Full-time employees receive 100 percent tuition remission for up to eight credit hours per semester. For employees working on at least a 50 percent basis, tuition remission is proportionate to the percent of time employed.

Eligible employees will be permitted, with supervisory approval, to adjust their work schedules or, at the employee's discretion, to use available leave to take a course or courses totaling no more than four (4) credit hours per regular academic semester (does not apply to special sessions), provided that any time missed to attend class be made up by the employee during the regular work week in which the time is missed, and provided the course cannot otherwise be scheduled during non-work hours.

For Contingent II employees employed on at least a 50 percent basis and full-time Non-Tenure Track Faculty members, tuition remission may be available for courses taken at Salisbury University only; they are not eligible for tuition remission at other USM institutions. See *Tuition Remission* in the Contingent Employee Benefits/Policies section of this handbook or contact Human Resources for more details.

Information and application forms for tuition remission are available in Human Resources. The USM Tuition Waiver form to request for tuition remission is also available on the HR website at http://www.salisbury.edu/hr/forms.html.

Courses taken under this policy shall not interfere with the assigned job responsibilities of any Staff employee and shall require the approval of the Department Director or Manager.

Spouse and Dependent Children

Spouses and dependent children of regular employees are eligible to receive tuition remission based on the following guidelines:

Spouses and dependent children of regular staff whose period of employment began before January 1, 1990 may register for courses at any of the institutions of the University System of Maryland with 100 percent tuition remitted at both the undergraduate and graduate level. For spouses and dependents of regular employees working on at least a 50 percent basis, tuition remission is proportionate to the percent of time employed.

Spouses and dependent children of regular faculty and staff whose period of employment began after January 1, 1990 and before July 1, 1992 may receive tuition remission of 100 percent on courses toward a first undergraduate degree at Salisbury University. If the academic program is not available at Salisbury University, the spouse or dependent child may, with approval from the Office of Human Resources, register for courses at other institutions of the University System with 50 percent tuition remission. For spouses and dependents of regular employees working on at least a 50 percent basis, tuition remission is proportionate to the percent of time employed.

Spouses and dependent children of regular faculty and staff whose period of employment began on or after July 1, 1992 may receive tuition remission of 100 percent on courses toward a first undergraduate degree at Salisbury University. This tuition remission benefit for regular employees' spouses and dependent children is available only after the employee has been in the University service for two years prior to the anticipated date of registration for course work. If the academic program is not available at Salisbury University, the spouse or dependent child may, with approval from the Office of Human Resources, register for courses at other institutions of the University System with 50 percent tuition remission. For spouses and dependents of regular employees working on at least a 50 percent basis, tuition remission is proportionate to the percent of time employed.

Spouses and dependent children of Contingent II and FTNTT Faculty members may be eligible to receive tuition remission of 100 percent on courses toward a first undergraduate degree at Salisbury University. This tuition remission benefit for employees' spouses and dependent children is available only after the employee has been in the University service for two years prior to the anticipated date of registration for course work. For spouses and dependents of employees working on at least a 50 percent basis, tuition remission is proportionate to the percent of time employed. Contact Human Resources for more details.

Retirement Benefits

Employees are enrolled in retirement plans at the time of appointment. Individuals anticipating retirement should contact the Office of Human Resources at least six months prior to the date of retirement. Detailed information on the retirement programs may be found in the Office of Human Resources or visit the State Retirement Agency's website at: http://www.sra.state.md.us

Supplemental Retirement Annuities (SRAs)

SRAs are voluntary programs that permit employees through payroll deduction to defer or postpone receiving a portion of their current income until retirement. All contributions and earnings accumulate tax-free until the employee withdraws the money upon retirement, leaves state service, or reaches a specific age. Employees may invest a portion of their salary in an SRA. There is no specified enrollment period for employees to enroll in an SRA. For more information, contact the Office of Human Resources.

Death Benefits

In the event of an employee's death prior to separation from service, the employee's beneficiaries or estate shall be entitled to any unpaid salary, compensation for accrued and unused annual and holiday leave, life insurance where applicable, and any other entitlement that may be due from the Maryland State Retirement and Pension System or Optional Retirement Plans.

Miscellaneous Benefits

Employee Assistance Program: The State of Maryland sponsors a confidential employee assistance program to help employees who face personal matters that adversely affect their lives and job performance. For information on the program, call 1-800-411-5123.

Social Security: Employees are required to contribute through payroll deduction to Social Security, which provides additional retirement income, disability and death benefits.

U.S. Savings Bonds: Bonds may be purchased through payroll deduction by contacting the Office of Vice President for Administration and Finance.

Workers' Compensation: Employees are protected under the state's workers' compensation laws in the event of an injury arising out of and in the course of employment.

SERVICES

The Gull Card

The Gull Card is a multi-functional card that serves as the official Salisbury University identification card for all faculty, staff and students. The Gull Card is necessary for accessing services at Blackwell Library, Maggs Physical Activities Center, residence halls, computer labs and other services throughout campus and for access to assigned office buildings after business hours. The Gull Card may also be used as a debit card, a prepaid declining balance account that enables plan participants, to make cash-free purchases at all campus locations that accept the Gull Card and participating off-campus merchants.

The Gull Card Plus 1 Member program, which includes the debit card feature, is available also to dependent children and a spouse or another family member or friend of staff and faculty members.

For more information about the Gull Card or Gull Card Plus 1 Member program, contact the Gull Card office at Ph: 410-543-6053 or visit the Gull Card's Office website at http://gullcard.salisbury.edu/Plus+1.htm

Athletic Events

Most athletic events are free to University employees upon presentation of their Gull Card/SU identification card. For athletic schedules or additional information, contact 410-548-3503.

Book Rack

The Book Rack University bookstore is owned and operated by Salisbury University. The pricing structures are governed by the University and operated for the University community. Profits generated are used to support the overall SU budget. The store accepts cash, checks (with proper identification), VISA, MasterCard, Discover and the SU Gull Card. Employees of the University may make purchases in the store, and with a valid SU identification card will receive a discount on most non-textbook items. The SU Bookstore is located on the ground floor of the Commons Building. For more information on the SU Bookstore, call 410-543-6085.

Dining Services

The University dining facilities are open seven days a week when students are in residence. Employees have a variety of dining options available on campus including:

The Commons Dining Hall
The Bistro at the Commons
The Gull's Nest Pub
Cool Beans Cyber Café

In addition, food carts are located in various buildings on campus. Catering services also are available. For more information contact University Dining Services at 410-543-6105.

Maggs Physical Activities Center

The Maggs Center has a swimming pool, strength rooms, fitness room, racquetball/handball courts, dance studio, a main gymnasium, auxiliary gym and classrooms. Employees may use the facilities when they are open and not in use for classes or other scheduled activities. Athletic equipment may be checked out with a valid Gull Card/employee identification card. For more information, contact Maggs Physical Activities Center at 410-543-6345.

University Fitness Club

The University Fitness Club is home to 4 racquetball courts, a state-of-the-art group fitness studio, a weight room featuring new Hammer Strength equipment, two cardiovascular rooms with new Life Fitness equipment, a cycling studio, and a Nautilus training room. Membership to the UFC is available to all Salisbury University faculty/staff members for a fee of $50 for the academic year. A faculty/staff membership application is required, and payment is made directly to the cashier. For more information, contact the UFC at 410-677-6715 or visit the UFC web site at: http://www.salisbury.edu/fitnessclub/membership.html

Blackwell Library

Blackwell Library serves faculty, staff, and students of Salisbury University. The library participates in a collaborative circulation system with other institutions of the University System of Maryland (USM). The library also cooperates with other USM libraries for subscription to electronic databases that can be accessed on the web. For additional details about the library, visit the SU website or call 410-543-6130.

Parking

Employees are required to register personal vehicles parked on campus and in the SU parking garage by following campus registration procedures and paying appropriate fees. Each parking registrant receives a copy of the University parking regulations. Vehicles can be registered at the Parking Services Building. For more information contact 410-543-6338 or visit the University Police's Parking Information website at http://www.salisbury.edu/police/Parking/

Security

The University maintains its own police force for the protection of students, staff, and visitors, as well as University property. Each employee is nevertheless responsible for taking reasonable precautions for his or her own protection and for the protection of personal and institutional property. Employees are required to comply with reasonable requests of University police officers acting in the performance of duties. All crimes and suspicious circumstances should be immediately reported to University police at 410-543-6222. Annual Campus Security Act Disclosure Statement is available to all employees. The statement details crime and arrest data for the campus and gives additional information about security programs and services. For more information on campus security or police services, contact University Police at 410-543-6222 or visit the University Police's web site at http://www.salisbury.edu/police/

CONTINGENT EMPLOYEE BENEFITS / POLICIES

The section contains summarized information on employment status, contingent categories, benefits, leave eligibility, and tuition remission applicable only to Contingent employees, both exempt and non-exempt, at Salisbury University. The complete Board of Regents (BOR) policy for Contingent employment, approved by the BOR on December 13, 1996 and last amended on October 22, 2004, *Policy VII – 1.40 USM Policy on Contingent Status Employment for Non-Exempt and Exempt Staff Employees* can be found at http://www.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionVII or via navigation from the Human Resources website page http://www.salisbury.edu/hr. Click on the "Policies & Procedures" link on the left hand side of the page, then on the "USM Leadership, section VII: Personnel". All other general SU employment-related information can be found under the previous sections of this staff handbook, which pertain to all Regular staff unless noted differently.

EMPLOYMENT STATUS

Contingent Status Employment - is a non-regular status of employment for nonexempt or exempt staff positions in the USM. Contingent employment, compensation, terms and conditions of employment are governed by a written agreement (contract) and BOR-USM Policy VII – 1.40. The employment agreement is covered by applicable Federal and State of Maryland Equal Employment Opportunity and Affirmative Action laws and other applicable USM employee protection policies.

CATEGORIES

Contingent I Category

Contingent Category I is defined as any Contingent Status employee whose written agreement (contract) is for a term of six months or less regardless of the percentage of time worked and regardless of whether it is seasonal or intermittent in nature (works "if and when needed"). Contingent I employees are not entitled to receive fringe benefits.

Contingent I contracts may be renewed indefinitely by executing new contracts of up to six months at a time for 49% or less of fulltime employment (19 hours or fewer per week). However, contracts of 50% or more of fulltime employment (20 hours or more per week) lasting for a period of six consecutive months are only eligible for contract renewal to a lifetime maximum of 12 months.

Contingent I employees are entitled to receive service credit for the time served in this category if they have worked 50% or more of fulltime, on a consecutive basis, immediately preceding appointment to a Regular Status position through a competitive process. The term "service credit" is applicable only to leave accrual, service award, tuition remission and seniority rights; service credit is not applicable to any retirement rights.

Contingent II Category

Contingent II Category is defined as a Contingent Status employee whose written agreement (contract) is for more than six months, but no more than 12 consecutive months; and is on a fulltime basis or on a part-

time basis of 50% or more of fulltime employment; and is not seasonal or intermittent in nature. As of October 2004, the University is operating under an internal policy of limiting the appointment term of any newly hired Contingent II employee to a limit of two (2) years in a position. This limit does not apply to the "externally" funded positions.

Contingent Category II Employees are required to be hired through competitive recruitment and selection; are eligible for certain benefits as outlined below, depending on the contract funding; and are entitled to receive service credit for the time served in this category, if appointed, without a break in service, as a Regular Status employee. The term "service credit" is applicable only to leave accrual, service award, tuition remission and seniority rights; service credit is not applicable to any retirement rights. Contingent II employees shall be given a Performance Evaluation under the same criteria and guidelines as for Regular Status employees (see the Performance Evaluation section in this handbook).

More Information? See BOR-USM Policy VII – 1.40 USM Policy on Contingent Status Employment for Non-Exempt and Exempt Staff Employees, and BOR-USM Policy VII – 5.20 Policy on the Performance Evaluation Program

CONTINGENT II EMPLOYEES' BENEFITS

Salisbury University offers limited benefits to its Contingent II staff including participation in a variety of health plans and paid time off.

**Contingent II employees hired under a grant are not eligible for benefits unless such benefits are specified in the employment contract. Contingent II grant employees should consult their contract or the Grants Office for specific guidelines regarding benefits.

Contingent Category II employees may participate in the State Health Insurance programs and Prescription Plan that are available to State employees by paying 100% of the premiums directly to the State Health Benefits Division. Participation shall be in accordance with regulations of the State Department of Budget and Management.

Other benefit plans available:
- Dental Plans
- Personal Accidental Death & Dismemberment Plan
- Term Life Insurance
- Flexible Spending Accounts
- Long Term Care
- Group Long Term Disability

Tax Deferred Programs:

Contingent Category II employees may participate in employee-only-contribution Tax Deferred Investment programs that are approved by the State of Maryland and USM, and as permitted by law and regulations.

Mandatory Payroll Deductions:

Contingent Category employees shall have the required mandatory deductions via payroll deduction, e.g., Maryland and Federal Income Tax withholding, and Federal Insurance Contributions Act (FICA) which includes Social Security and Medicare.

Mandatory Employer Paid Subsidies:

Contingent Category employees shall have the required mandatory employer paid subsidies, e.g., Unemployment Insurance; Workers Compensation Insurance; and FICA

Other:

Contingent Category II employees may participate in other programs with voluntary deductions, e.g., U.S. Savings Bonds; charitable contributions; State Employees Credit Union (SECU).

Contingent Category staff shall not be entitled to participate in the State Pension System or the USM Optional Retirement Program.

For more details on the available benefits to Contingent II staff, see the Contingent II Benefits Brochure

CONTINGENT II LEAVE POLICIES

Beginning January 2004, Contingent II employees' leave benefits were increased to become consistent with those of regular PIN employees. Leave benefits are maintained on a fiscal year basis (July 1 – June 30) for non-grant employees and on a contract-year basis for grant employees, which is intended to be consistent with that of regular PIN employees whose leave is accrued on a calendar-year basis. Any hire date after the start of the fiscal year, or a position of fewer than 40 hours per week or less than 12 months in duration will result in prorated leave amounts.

There are no limitations to using leave except that it requires supervisor approval and leave cannot be taken if not accrued, this includes Annual, Sick, Personal and Holiday Leave. Borrowing of Annual or Sick Leave is not permitted.

Listed below are the Contingent II Leave Policies with the leave details by Leave Plan:

Annual Leave – Exempt Employees

- Full-time Exempt employees are eligible for 22 days of annual leave per fiscal/contract year and earn leave at the rate of 6.77 hours per pay period. The annual leave entitlement will be prorated for less than full-time employment and/or work week. Beginning with the 21st year of service with Salisbury University, annual leave shall be earned at the rate of 25 days per fiscal/contract year
- If worked fewer than 80 hours in a pay period and no paid leave was taken in lieu of any time missed, the annual leave accrual will be prorated accordingly
- Annual Leave may be taken in one (1) hour increments
- Annual Leave may be taken at any time that is mutually agreeable with the employee and the supervisor and should be requested at least 24 hours in advance

- There is no 6-month waiting period for exempt non-grant employees during the initial contract year before any days may be used
- A waiting period may apply for exempt Grant employees depending on the Grant contract. Grant employees should contact the Fiscal Grants Management Office (FGMO) for the specific details on the waiting period
- Earned but unused annual leave may roll over to a new contract renewal period up to a maximum of 50 days or 400 hours
- Earned but unused annual leave may be paid out in a lump sum upon separation from service, with the exception of Grant employees. Grant employees may not be paid for any leave balance at the end of their contract since doing so would cause their salary to exceed the approved amount
- Annual leave for exempt Contingent II employees should be entered on time sheets with leave code "ALCE"

Annual Leave – Non-Exempt Employees

- Full-time Non-Exempt employees' annual leave depends on their length of continuous, uninterrupted service with Salisbury University. The annual leave entitlement will be prorated for less than full-time employment and/or work week

Years of Service	Annual Leave Earned
Through 4 years	10 days per year = 3.08 hours per pay period
Beginning with the 5th through the 10th year	15 days per year = 4.62 hours per pay period
Beginning with the 11th through the 20th year	20 days per year = 6.15 hours per pay period
Beginning with the 21st year	25 days per year = 7.69 hours per pay period

- During the first six (6) months of the initial contract no leave is earned. Upon completion of the sixth month, employees are credited with five days of annual leave (or prorated amount), which then becomes available for use
- A different waiting period may apply for Grant employees depending on the Grant contract. Grant employees should contact the Fiscal Grants Management Office (FGMO) for the specific details on the waiting period
- If worked fewer than 80 hours in a pay period and no paid leave was taken in lieu of any time missed, the annual leave accrual will be prorated accordingly
- Annual Leave may be taken in increments of one-half (1/2) hour.
- Annual Leave may be taken at any time that is mutually agreeable with the employee and the supervisor and should be requested at least 24 hours in advance
- Earned but unused annual leave may roll over to a new contract renewal period up to a maximum of 50 days or 400 hours
- Earned but unused annual leave may be paid out in a lump sum upon separation from service, with the exception of Grant employees. Grant employees may not be paid for any leave balance at the end of their contract since doing so would cause their compensation to exceed the approved amount
- Annual leave for non-exempt Contingent II employees should be entered on time sheets with leave code "ALC"

Sick Leave

Note with Regard to a Request for Medical Documentation: Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

- Full-time employees are eligible for 15 days of sick leave per fiscal/contract year and earn leave at the rate of 4.62 hours per pay period. The sick leave entitlement will be prorated for less than full-time employment and/or work week
- If worked fewer than 80 hours in a pay period and no paid leave was taken in lieu of any time missed, the sick leave accrual will be prorated accordingly
- There is no 6-month waiting period during the initial contract year before any days may be used
- Sick leave is to be used for personal illness/injury, medical appointments, or when needed to care for the employee's sick spouse, child or legal dependent. A medical certificate may be required to be provided to the supervisor
- In the event of an absence due to illness/injury, it is the employees' responsibility to notify their supervisor as soon as possible to explain the reason and to state when they expect to return to work
- The university may require a physical examination and/or medical certificate at any time to determine the ability to continue employment
- Should the use of sick leave become excessive, the employee may be required to provide medical documentation for each future occasion regardless of duration
- Sick leave cannot be used in lieu of annual, personal or other leave
- Earned but unused sick leave may roll over to a new contract renewal period and may be accumulated without limitation
- Earned but unused sick leave is forfeited upon separation from service
- For non-exempt Contingent II employees: Sick leave should be entered on time sheets with leave code "SLC". If sick leave is approved for the employee's sick spouse, child or legal dependent, the leave should be entered with leave code "FAMCN".
- For exempt Contingent II employees: Sick leave should be entered on time sheets with leave code "SLE". If sick leave is approved for the employee's sick spouse, child or legal dependent, the leave should be entered with leave code "FAMCE".

Death of a Relative

- A maximum of three (3) days may be charged to earned sick leave in the event of the death of a spouse, child, stepchild, parent of employee or spouse, brother or sister of employee or spouse, grandparent of employee or spouse, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or other relative who is a permanent resident of the household.
- A supervisor may approve the use of an additional two (2) days of earned sick leave if extensive travel is required.
- A maximum of one (1) day may be charged to earned sick leave for reasons related to the death of an employee's or spouse's aunt, uncle, niece or nephew.

- All requests for bereavement leave must be approved by the supervisor
- For non-exempt Contingent II employees, bereavement leave should be entered on the time sheet with leave code "BERCN"
- For exempt Contingent II employees, bereavement leave should be entered on the time sheet with leave code "BERCE"

Holiday Leave

- Eligible employees are entitled to 11 paid holidays (12 in a general or congressional election year). Three (3) additional University holidays are to be earned each fiscal/contract year and observed at the discretion of the President of SU or designee. Part-time employees who are employed on at least 50 percent of a full-time basis earn prorated holiday leave. Each holiday is earned on the day it occurs during the contract year:

Holiday	Calendar Date Holiday is Earned
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election Day	First Tuesday in November (even numbered years only)
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
Three Additional Holidays	At the discretion of the President of SU or designee
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May

- Employees must be in a paid employment status on the calendar date the holiday is earned to be eligible for holiday pay when the holiday is observed
- Holiday leave must be taken in full days
- The university schedules the observance of selected holidays on days other than the date of occurrence when it is in the best interest of the university
- Holiday leave is to be taken on the day it is earned unless otherwise specified by the University
- The University retains the right to require an employee to perform duties on a holiday when operational needs require the employee(s) services. Should an employee be required to work on the university observance date of a holiday, another day off will be scheduled
- When a holiday falls on a Saturday, it is earned the Friday before; when a holiday falls on a Sunday, it is earned on the following Monday
- Holiday leave may not be carried over into the next contract year
- Earned but unused holiday leave may be paid out in a lump sum upon separation from service, with the exception of Grant employees. Grant employees may not be paid for any leave balance at the end of their contract since doing so would cause their compensation to exceed the approved amount
- For non-exempt Contingent II employees, holiday leave is entered on the time sheet with leave code "HLC"
- For exempt Contingent II employees, holiday leave is entered on the time sheet with leave code "HLCE"

Personal Leave

- Effective July 1, 2004, contingent employees are eligible for three (3) days of personal leave per fiscal/contract year. Part-time employees who are employed on at least 50 percent of a full-time basis earn prorated personal leave
- Any unused personal leave will not be paid out after separation from service and is forfeited at the completion of the contract period. Any unused personal leave at the end of the fiscal/contract year may not be carried over into the next fiscal/contract year
- Personal leave is subject to approval by the supervisor, and employees must notify their supervisor before taking personal leave
- Personal leave for may be taken in one (1) hour increments.
- For non-exempt Contingent II employees, personal leave is entered on the time sheet with leave code "PLCNE"
- For exempt Contingent II employees, personal leave is entered on the time sheet with leave code "PLCE"

Jury Duty Leave

- Employees shall be permitted to be absent from work without loss of pay or charge to earned leave for instances in which jury duty service is required
- Documentation verifying the jury duty requirements must be provided to the supervisor in advance
- Employees who are excused from jury duty for the day are required to return to work if time permits. If an employee is instructed not to report for jury duty on a specific day, he/she is required to report to work
- If the public interest would not be served by the employee's absence from work, the department head may make a request of the appropriate office of the court that the employee be excused from jury duty
- For non-exempt Contingent II employees, jury duty leave is entered on the time sheet with leave code "JDCNE"
- For exempt Contingent II employees, jury duty leave is entered on the time sheet with leave code "JDCE"

Leave for Legal Actions

- If an employee is summoned to appear in a court action, before a grand jury, before an administrative agency, or for a deposition, and he/she is neither a party to the action nor a paid witness, the employee may be absent from work without loss of pay or charge to earned leave
- Contingent II employees enter leave code "ADMC" for approved leave for legal actions

Administrative Leave

- Employees are eligible for administrative leave when under special circumstances the President of SU authorizes administrative leave with pay. Such leave shall be granted to all non-essential employees, except those on previously approved leave, when special circumstances like extreme weather conditions require the closing of the campus.
- Employees must be in a paid employment status on the calendar date the administrative leave is authorized to be eligible for administrative leave pay
- Contingent II employees enter leave code "ADMC" for approved administrative leave

Leave of Absence Without Pay

- Employees may request in writing a leave of absence without pay during a contract period when all other accrued Annual, Sick, Holiday and Personal leave have been used. A leave of absence without pay requires prior approval. No leave of absence without pay will be granted or extended beyond the contract period
- Employees are eligible to request a leave of absence without pay if they hold a full-time or part-time (50 percent or more) position; have completed at least twelve months of uninterrupted service at Salisbury University; and have a satisfactory record of work performance and attendance
- A written request for approval must include complete, accurate and timely information relevant to the necessity for an employee to be absent for the period of time requested
- The approval of this leave is at the discretion of the Department Manager and Director of Human Resources or designee and cannot have a negative impact on work operations

TUITION REMISSION

Contingent II employees and their spouses and dependents are eligible for tuition waiver according to guidelines consistent with tuition waiver available to other SU employees. Tuition waiver for full-time employees includes Salisbury University undergraduate or graduate courses up to eight credits per semester. Spouses and dependents of full-time employees with more than two years of service are eligible for SU undergraduate courses including full course load waiver in Fall and Spring semesters.

Eligible employees will be permitted, with supervisory approval, to adjust their work schedules or, at the employee's discretion, to use available leave to take a course or courses totaling no more than four (4) credit hours per regular academic semester (does not apply to special sessions), provided that any time missed to attend class be made up by the employee during the regular work week in which the time is missed, and provided the course cannot otherwise be scheduled during non-work hours.

- Employees working on a part-time basis of at least 50% or more will receive tuition remission credit proportional to their percentage of service.
- Tuition waivers may be available for Winter Term or Summer School on a space available basis.
- Tuition waivers are not eligible for courses offered at any other University of Maryland institution.
- Tuition waiver forms may be obtained in the Human Resources Office.

For more information: See *Tuition Remission* in the Benefits for Regular State Employees' section or contact Human Resources for more details.

SELECTED SOURCE DOCUMENTS
AND
SU POLICY DOCUMENTS

USM/SU REFERENCE DOCUMENTS

About Your University

Affirmative Action/EEO and Nondiscrimination	SU Policy,
Drug-Free Workplace	Board of Regents, Section VII-1.10
Pets in Campus Buildings	SU Policy
Sexual Harassment	SU Policy
Smoking Policy	SU Policy
State of MD Substance Abuse Policy	The State of Maryland Executive Order 01.01.1991.16
Storage Policy	SU Policy
Threats of Violence Policy	SU Policy

Understanding Your Job

Disciplinary Actions	SU Policy
Grievances	Board of Regents, Section VII-8.00
	Appendix M
Hiring Practices	Board of Regents, Section VII-1.01
	SU Policy on Staff Hiring Practices
	SU Dual Employment Policy
Layoff	Board of Regents, Section VII-1.30
	Board of Regents, Section VII-1.31
	Board of Regents, Section VII-1.32
On-Call and Call-Back Compensation	Board of Regents, Section VII-4.62
Performance Evaluation	Board of Regents, Section VII-5.20
Position Reclassification	Board of Regents, Section VII-9.70
Probation	Board of Regents, Section VII-1.21
	Board of Regents, Section VII-1.22
	Board of Regents, Section VII-9.01
Reassignment	Board of Regents, Section VII-9.40
	Board of Regents, Section VII-9.50
	Board of Regents, Section VII-9.51
Reinstatement/Reemployment	Board of Regents, Section VII-1.31
	Board of Regents, Section VII-1.32
	Board of Regents, Section VII-9.60
Salary	Board of Regents, Section VII-9.00
	Board of Regents, Section VII-9.01
	Board of Regents, Section VII-9.10
	Board of Regents, Section VII-9.11
	Board of Regents, Section VII-9.20
	Board of Regents, Section VII-9.30
	Board of Regents, Section VII-9.40
	Board of Regents, Section VII-9.61
Separation	Board of Regents, Section VII-1.22
Shift Differential	Board of Regents, Section VII-4.60
Special Action Appeals	Board of Regents, Section VII-8.10
Work Schedules	Board of Regents, Section VII-6.10

Leave

Accident Leave ..... Board of Regents, Section VII-7.40
Administrative Leave..... Board of Regents, Section VII-7.20
Annual Leave..... Board of Regents, Section VII-7.00
Board of Regents, Section VII-7.01
Contingent Employees Policies & Leave……..Board of Regents, Section VII-1.40
SU Policy
Family and Medical Leave ..... Board of Regents, Section VII-7.50
SU Employees Rights & Responsibilities
Holiday Leave ..... Board of Regents, Section VII-7.30
Jury Duty..... Board of Regents, Section VII-7.21
Leave for Legal Actions ..... Board of Regents, Section VII-7.22
Leave for Service as Election Judge..... Board of Regents, Section VII-7.25
Leave of Absence Without Pay..... Board of Regents, Section VII-7.12
Leave Reserve Fund..... Board of Regents, Section VII-7.11
Military Leave..... Board of Regents, Section VII-7.23
Board of Regents, Section VII-7.24
Personal Leave..... Board of Regents, Section VII-7.10
Sick Leave ..... Board of Regents, Section VII-7.45

Benefits

Tuition Remission ..... Board of Regents, Section VII-4.10
Board of Regents, Section VII-4.20
SU Policy

Miscellaneous

Interim Policy on Human Resources Management..... Board of Regents, Section VII-6.00
Emergency Conditions & Cancellation
of Classes/Release of Employees ..... Board of Regents, Section VI-12.00
SU Policy
Employment of Members of the Same
Family (Nepotism)..... Board of Regents, Section VII-2.10
Sensitive Position, Policy on Definition of ..... SU Policy
Soliciting of Personnel ..... Board of Regents, Section VII-2.20
SU Policy
State of MD Substance Abuse Policy ..... The State of Maryland Executive
Order 01.01.1991.16

SALISBURY UNIVERSITY POLICY PROHIBITING SEXUAL AND OTHER DISCRIMINATORY HARASSMENT

Salisbury University encourages an atmosphere of physical, psychological and social well-being which offers all members of the University community an environment that provides opportunities to work, learn and develop with the human dignity that caring individuals bestow on one another. As a result, intimidation and harassment of any kind and, specifically, harassment motivated by gender, race, religion, national origin, sexual orientation, age, or disability are expressly prohibited. Discriminatory harassment of all types is serious. When it occurs between faculty and students or between supervisors and subordinates, it exploits the unequal power structure inherent in these relationships. When it occurs between students or co-workers, it may create an intimidating or hostile environment in which to learn or work. It is unacceptable conduct and will not be tolerated by the University.

Salisbury University defines sexual harassment to include unwelcome sexual attention, unwelcome requests for sexual favors and other verbal or physical behavior of a sexual nature when

- submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or participation in an academic or work program; and
- submission to or rejection of the conduct by an individual is used as the basis for employment, or for academic or work decisions affecting that person.

In addition, sexual and other discriminatory harassment can include conduct that unreasonably limits an individual's ability to fully participate in work or school, interferes with work or academic performance, or creates a hostile, offensive or intimidating work or academic environment, and has no legitimate relationship to the subject matter of the course or the demands of the workplace.

Some examples of behaviors that could be perceived as harassing include, but are not limited to, graphic comments, offensive e-mail transmissions, and offensive or suggestive graphics visible on public display or on the Internet. In addition, sexual harassment can include the display of sexually graphic objects and persistent and unwelcome sexual advances.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. This policy shall not be construed so as to abridge the right to academic freedom that is consistent with the University's mission and federal and state law.

Sexual and other discriminatory harassment violate Salisbury University policy and may violate federal and state civil or criminal law. Persons who feel that they may have been subject to harassment based on their protected status should immediately seek assistance and report their concerns using the Salisbury University Procedures for Pursuing Complaints of Sexual or Other Discriminatory Harassment. Retaliation against a person who makes a complaint of harassment prohibited by this Policy or is a witness in a harassment investigation is also expressly prohibited by this Policy.

In addition, due to the potential for serious harm to innocent persons, the filing of a knowingly untruthful complaint of harassment is also expressly prohibited. The failure to prove to the Fair Practices Officer or the hearing committee that discriminatory harassment has occurred is not, by itself, evidence that a knowingly untruthful complaint has been made.

Consensual Romantic or Sexual Relationships

In its commitment to foster an educational or work environment free from all forms of harassment and discriminatory behavior, Salisbury University strongly discourages any romantic or sexual relationships between faculty and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the parties. Even if consensual, these relationships are always a cause for concern because:

a) they may involve one person's exerting power over another;
b) conflict of interest issues may arise in evaluating a student or employee;
c) there is a strong potential for retaliation when a relationship ends;
d) a third party may allege favoritism; and
e) they undermine the professional interaction upon which faculty-student/ supervisor-subordinate relationships should be based.

When such a relationship ends, there is a risk that one of the parties will retaliate for the break-up and/or that a claim of sexual harassment will be made. Retaliatory acts themselves may constitute sexual harassment prohibited by University policy. The University's administration warns that a sexual harassment claim in the context of a failed consensual relationship could be difficult to defend.

Persons who need more information about this Policy or who desire to pursue a complaint under this Policy should contact the SU Fair Practices Officer.

Persons found to be in violation of this Policy may be subject to disciplinary action and/or other appropriate sanctions.

Sexual Harassment Policy & Procedures
Approved by Dr. Janet Dudley-Eshbach, President
April 11, 2001
Updated: December 22, 2008;
February 23, 2009

SU Policy and Procedures on Prohibiting Sexual and Other Discriminatory Harassment conform to the following policies of the University System of Maryland Board of Regents:

BOR VI-1.20 Policy on Sexual Harassment
(Approved by the Board of Regents, June 5, 1992)

BOR VI-1.05 Policy of Non-Discrimination on the Basis of Sexual Orientation
(Approved by the Board of Regents, July 11, 1997)

SALISBURY UNIVERSITY PROCEDURES FOR PURSUING COMPLAINTS OF SEXUAL OR OTHER DISCRIMINATORY HARASSMENT

Informal Complaint Procedure

Some discriminatory harassment complaints may initially be handled more appropriately by informal procedures. Students, exempt, nonexempt and contingent employees, and faculty should feel free to raise a concern about discriminatory harassment to any person in a position to advise them and with whom they feel comfortable. For example, these persons could include a faculty advisor, dean, department chair or director, the Director of Human Resources, the Fair Practices Officer, the Provost, or another University administrator. The Complainant and the recipient of the complaint should work together to decide additional steps necessary to resolve the complaint, and in many instances, they may conclude that no additional action need be taken. In all instances, however, the Fair Practices Officer, located in Room 233 of Holloway Hall, should, at a minimum, be advised of the existence and the resolution of the complaint and, similarly, should advise the Director of Human Resources. In some cases, it may be necessary to refer the complaint formally to the University for a resolution even if the Complainant would prefer that this not occur. All reasonable efforts will be made to resolve the matter to everyone's satisfaction.

All persons involved should treat such complaints of harassment as confidential unless the law requires otherwise.

Formal Complaint Procedures

A. Filing a complaint

A person wishing to initiate a formal claim of discriminatory harassment or other behavior in violation of the Sexual and Other Discriminatory Harassment Policy shall file his or her complaint in writing with the Fair Practices Officer within six months of the conduct at issue. The Fair Practices Officer is located in Holloway Hall. The complaint shall be signed by the Complainant, and shall include the following information: a description of the allegations, with relevant dates, places, and statements made; the names of the person(s) involved; the names of any witnesses to the events in question; and the remedy requested. The Respondent, the person accused in the Complaint, shall be given a copy of the Complaint promptly by the Fair Practices Officer and shall submit a written response to the Fair Practices Officer within ten (10) days of receiving the Complaint. The Director of Human Resources also shall be advised of the existence of the complaint by the Fair Practices Officer.

Upon receipt of the written Complaint, the Fair Practices Officer shall begin an investigation into the claims. The investigation ordinarily will include a discussion with the Complainant, a discussion with the Respondent, interviews of any witnesses to the events, a review of any pertinent documents, and any other actions deemed appropriate by the investigator. The Fair Practices Officer shall make every effort to keep the investigation confidential, although this cannot be guaranteed, and shall seek assurances of confidentiality from all participants in the investigation. If feasible, no interviews with witnesses will be conducted before the interviews with the Complainant and Respondent are completed.

The Fair Practices Officer shall complete the investigation if possible within fifteen (15) days of receiving the Complaint. A written decision shall be prepared at the conclusion of the investigation, setting forth (1) a statement of the findings of fact concerning the alleged events; (2) a statement of the conclusion that a violation of University policy did or did not occur; and (3) a recommendation of a sanction. The possible sanctions include, but are not limited to, a letter of reprimand, a letter of apology, service to the University, counseling, demotion or suspension, termination of employment, or expulsion from the University. These sanctions may be imposed even after a first offense, under appropriate circumstances. This written decision shall be provided to the Complainant, Respondent and President when it is finalized.

B. Formal hearing

If either the Complainant or Respondent disagrees with any conclusion reached by the Fair Practices Officer, either may request a formal hearing by filing a written request with the President of the University within fifteen (15) days of the date of the written decision of the Fair Practices Officer. The request shall state which conclusions are disputed.

The President then shall promptly appoint a Hearing Committee of three persons, and one of these shall be designated by the President as the Presiding Officer. The committee members shall be chosen from the Discriminatory Harassment Panel, a group of six persons from the campus community who have received training in sexual and other forms of discriminatory harassment policy, law and procedures. No member of the Committee shall have been involved at any earlier stage of the process. The President shall advise the parties of the identities of the committee members. If either party has a reason to challenge the appointment of any member to the Committee hearing the case, he or she shall make the concern known to the President as soon as possible. The President shall make the final decision on the makeup of the Committee.

A hearing shall promptly be conducted. The Presiding Officer shall be in charge of organizing the hearing. He or she shall make all reasonable efforts to schedule the hearing at such time so that the Complainant and the Respondent can both be present. The Presiding Officer shall contact potential witnesses and arrange for their appearance at the hearing. Notice of the hearing shall be given at least five (5) days in advance.

The Presiding Officer may focus the hearing so that it concerns only those aspects of the decision about which the parties disagree. The decision of the Fair Practices Officer shall be offered into evidence at the hearing, but it is entitled to no presumption of correctness. Neither the Complainant nor the Respondent shall be entitled to have an attorney at the hearing; each may be allowed an advocate from the University community who is not an attorney. If the Committee requests legal assistance, the University's attorney may be present at the hearing to provide advice related only to the procedures to be followed during the hearing. The Complainant, the Respondent, and the Fair Practices Officer may all fully participate in the hearing, may present opening and closing statements, may call witnesses and examine and cross-examine witnesses, and may introduce documentary evidence. The questioning of the Complainant and Respondent shall be conducted by the parties' advocates or the Committee, and not by the parties themselves. Hearing Committee members also may question other witnesses. The Presiding Officer may exclude irrelevant, repetitious, or unduly prejudicial evidence. The Presiding Officer shall be in charge of gathering the documentary evidence that is presented at the hearing and transmitting it to the Fair Practices Officer after the Committee no longer needs it, so that a record is created.

Within fifteen (15) days of the conclusion of the hearing, the Hearing Committee shall issue a written report to the President containing its findings, conclusions and recommendations on the matter. The written report shall be provided to the Complainant, Respondent, and Fair Practices Officer at that time.

Within fifteen (15) days of receiving the report, the President shall issue a final written decision. The President may accept, reject or modify the findings and proposed sanction recommended by the Hearing Committee. The President's decision shall be mailed to the Complainant, the Respondent, the Fair Practices Officer, and the members of the Hearing Committee. There can be no appeal from this decision.

C. Alternative to formal hearing; finality of decision

Instead of opting for a hearing, either the Complainant or the Respondent can appeal the decision of the Fair Practices Officer by filing a written statement of appeal with the President of the University within fifteen (15) days of the decision, setting forth the reasons for the appeal. Alternatively, if no appeal from the decision of the Fair Practices Officer is taken, the decision will be referred to the President for final action. The President will have full discretion to address the issues of the decision or appeal as he or she sees fit. The President shall promptly issue a written decision and shall convey it to the Complainant, the Respondent, and the Fair Practices Officer. This shall be the final decision on the matter.

Other Options

While there is no further appeal from the President's decision provided under this Policy, regular employees and tenured and tenure-track faculty may have additional rights to challenge the sanctions of suspension and termination pursuant to University policy or State law. Further information on these rights can be obtained from the Office of Human Resources or the Provost.

Employees, but not students, may choose to pursue a formal complaint of discriminatory harassment under the State-wide anti-discrimination policy applicable to all regular State employees. If this choice is made, it is an alternative to the use of the University process for handling harassment complaints and not an additional avenue of complaint.

To begin the State-wide complaint mechanism, an employee must file a written complaint with the head of the state unit, in this case the President of the University, alleging that discrimination has occurred. The complaint will be investigated by the Fair Practices Officer, and he or she will recommend a decision to the President. Within thirty (30) days of the complaint being filed, the President will issue a written decision. There is no hearing allowed in the Statewide process. This decision can be appealed to the Secretary of the Department of Budget and Management. Further explanation of the use of this process can be provided by the Fair Practices Officer.

Depending on the nature of the complaint, there may be other remedies available through federal or State government agencies, such as a complaint to the Equal Employment Opportunity Commission (EEOC). Information about such remedies can be obtained from the Fair Practices Officer.

All time limitations contained within this Policy may be extended for good cause.

Sexual Harassment Policy & Procedures
Approved by Dr. Janet Dudley-Eshbach, President
April 11, 2001
Updated: December 22, 2008;
February 23, 2009

SU Policy and Procedures on Prohibiting Sexual and Other Discriminatory Harassment conform to the following policies of the University System of Maryland Board of Regents:

BOR VI-1.20 Policy on Sexual Harassment
(Approved by the Board of Regents, June 5, 1992)

BOR VI-1.05 Policy of Non-Discrimination on the Basis of Sexual Orientation
(Approved by the Board of Regents, July 11, 1997)

SALISBURY UNIVERSITY
POLICY ON DEFINITION OF SENSITIVE POSITIONS

A. PURPOSE AND APPLICABILITY

USM policy specifies that each institution should have a formally identified list of positions that are considered "sensitive." These positions are ones which have a "substantially significant degree of responsibility for the safety of others and there is a potential that impaired performance of the employee [in the position] could result in death of or injury to the employee or others." (Code of Maryland Regulations 17.04.09.01.08a)

B. IMPLEMENTATION

A. In the event the institution identifies such positions exist, the institution shall be responsible for notification to the employee in the position designated as sensitive as well as maintenance of documentation of the reasons for the designation.
B. The institution is responsible for ensuring compliance with state and institution regulations and requirements.
C. The institution has the obligation and/or right to take certain actions in the event there is suspicion or confirmation that compliance is not being met. Actions will be consistent with the Substance Abuse policy outlined in Executive Order 01.01.1991.16 State of Maryland Substance Abuse Policy as well as with the System and University grievance and/or disciplinary policies.
D. The employees' rights are outlined within the guidelines of the above Executive Order as well as within the System and University grievance and/or disciplinary policies.

C. DESIGNATED POSITIONS

A. Based on the interpretation of the definition for "sensitive" as written in Code of Maryland Regulations, the following positions are designated as sensitive positions at SU:

1. University Police Officers
2. Police Communications Operators
3. Police Communications Supervisors
4. Security Guards
5. Shuttle Bus Drivers
6. On-the-Road Bus Drivers
7. Athletic Trainers
8. Physicians
9. Nurses/Nurse Practitioners
10. Science Laboratory Instructors
11. Art Studio Instructors
12. Theatre Set Design Instructors

B. Any other positions to be designated as sensitive first must be reviewed by the SU Executive Leadership Committee and upon approval must be registered as such in the SU Office of Human Resources.

Updated April 13, 2017

Salisbury University
Dual Employment Policy
Exempt and Non-Exempt Employees

In an effort to meet documented critical need, a current SU employee may serve the University in a capacity additional to his or her primary duty. An employee who is appointed at 100% time will not receive additional compensation for any work which is related to the employee's appointment. Supervisory approval by the primary supervisor and vice-president will be required in all instances. Part-time employees are eligible for multiple contracts however the contracts cannot exceed 100% FTE,

When such need arises, the following guidelines will apply:

Exempt Employees
Steps:

1. Determine the need for a separate employment contract vs. occasional, additional duties within primary job. (See examples below).
2. Prior to dual employment, affected parties will complete the "Dual Employment Certification" form, obtain appropriate signatures, and return the completed form to HRO.
3. No employee may begin dual employment until the request for dual employment from has been approved by the HRO.
4. Once approved, the hiring department will prepare the contingent employment contract and forward to the HRO for processing.

The employee in conjunction with both managers will maintain positive time records to document duty days for primary and secondary duties.

Non-Exempt Employees
Steps:

1. Determine the need for a separate employment contract vs. occasional, additional duties within primary job. (See examples below).
2. Prior to dual employment, affected parties will complete the "Dual Employment Certification" form, obtain appropriate signatures, and return the completed form to HRO.
3. No employee may begin dual employment until the request for dual employment form has been approved by the HRO.
4. Once approved, the hiring department will prepare the contingent employment contract and forward to the HRO for processing.

The employee in conjunction with both managers will maintain positive time records to document hours worked in the primary and secondary position.

A non-exempt employee cannot be considered exempt for the secondary position and therefore should not be paid a flat fee. The appropriate hourly rate should be calculated and overtime applied if appropriate.

If the secondary contract causes the employee to be in an overtime status, (more than 40 hours worked for SU per week), the hiring manager of the secondary contract will work with HRO to determine the appropriate overtime rate of pay, per Fair Labor Standards Act (FLSA) guidelines.

Overtime will be charged to the secondary department.

Should unanticipated overtime occur, payroll will notify the secondary department so that appropriate steps may be taken to avoid such a scenario in the future.

Employees will not be compensated for secondary duties which coincide with hours submitted from the primary department.

NOTE: If a secondary department has questions as to the FLSA status of a dual position, they should contact Human Resources *PRIOR* to discussing the position with the prospective employee.

Consideration of Additional Duties as Dual Employment

EXEMPT EMPLOYEE:

Volunteer efforts –i.e., Community service or service to student organizations. **Not considered dual employment.**

"**One-time" event/activity, unrelated to primary duties** –i.e., hosting on campus meeting/guests during visit.

- Determine if duties can be considered occasional, additional task within primary role or volunteer service. If so, no dual contract.
- If event/activity on day other than day worked as part of primary role, If so, no dual contract.
- If days/hours of secondary duties overlap those of primary job, manager may adjust primary work schedule in conjunction with employee so that 40 hours minimum is met. If so, no dual contract

Ongoing event/activity, unrelated to primary duties –i.e., teaching a course.

- If additional work is unrelated to primary job and is conducting during days/times other than when the primary job is performed, dual contract should be used.
- If days/hours of secondary duties overlap those of primary job, manager may adjust primary work schedule in conjunction with employee so that 40 hours minimum is met.
- Determine if duties are considered part of grant effort (in which case grant contract may apply).

NON-EXEMPT EMPLOYEE:

Volunteer efforts – i.e., Community service or service to student organizations. Not considered dual employment.

"One-time" event/activity, unrelated to primary duties –i.e. hosting on campus meeting/guests during visit

- Determine if duties can be considered occasional or sporadic, additional task within primary role or volunteer service for which schedule adjustments in primary role can be made temporarily. If so, no dual contract.
- If event/activity is on day other than day worked as part of primary role and total number of hours does not exceed 40 per week, consider use of Compensatory Time, for which option of time or pay must be offered. If so, no dual contract.
- **If event/activity results in more than 40 hours total time worked per week, the overtime rate applies.**

Ongoing event/activity, unrelated to primary duties – i.e. teaching a course.

- If additional work is similar in nature to that performed in primary job, and cannot be considered part of primary job for which schedule adjustment may be made, overtime pay vs. dual contract should be used. (i.e., Administrative Assistant providing admin support for area other than primary job)
- If additional work is unrelated to primary job and is conducted during days/times other than when the primary job is performed, dual contract should be used. Additional work should not be done during days/hours primary job is performed without both managers' approval. If approved, primary manager may adjust the primary work schedule so 40 hours are completed.
- Determine if duties are considered part of grant effort (in which case grant contract may apply).
- **If event/activity results in more than 40 hours total time worked per week, the overtime rate applies.**

**** Special provisions may be applicable to those non-exempt employees covered by collective bargaining. Please reference the MOU or contact the HRO before completing and submitting a dual employment request form and contract.**

A revised form and procedures are in effect as of March 2008. The revised Request for Dual Employment form is now an online fill-in form that can be completed and transferred electronically as an email attachment between departments and then printed for final signature prior to submitting to the Human Resources Office for review and processing. The form can be found on the HR website at http://www.salisbury.edu/hr/forms.html. For questions regarding the Dual Employment Policy please contact the Human Resources Office at ext. 36035.

SU Threats of Violence Policy

Salisbury University is committed to providing a learning and working environment that provides the highest possible sense of safety and security for all members of the University community. Conduct, including threats (verbal or other) to kill or do harm, or comments that can be construed as threatening constitute a violation of this policy. Prohibited conduct also can include threats which might have been meant to be humorous or exaggerated by the speaker but whose intent is not apparent to a reasonable person, or threats not necessarily directed at a named individual.

Individuals who have experienced or witnessed incidents of violent acts or threats are encouraged to report the incident to University Police. Alleged threats of or acts of violence will be investigated and may result in criminal charges being filed and the accused being arrested. Victims of violent acts or threats will be advised of University action and the University will assist them in filing criminal charges to the extent permitted by law.

If the continued presence of the accused on campus is dangerous, threatening or disruptive to the conduct of University business, the University also reserves the right to temporarily remove the person from the campus pending further action. In addition, the University reserves the right to require the accused to undergo a psychological assessment. The results of the assessment will be reviewed by appropriate University personnel and will constitute part of the record in subsequent judicial proceedings.

If the accused is a student, a judicial hearing will be held at the earliest practical time to establish the facts and to take appropriate disciplinary action, which may include suspension or expulsion from the University. The rights of the accused and the victim(s) are outlined in the Judicial System Policies and Procedures section of the Student Handbook.

If the accused is a faculty member or staff/administration employee, the matter will be handled through the appropriate grievance and/or disciplinary processes and may include suspension and/or termination from the University. The rights of the faculty member are outlined in the Faculty Handbook and the rights of staff/administration employees are outlined in the respective grievance and disciplinary policies for exempt and non-exempt staff.

Policies -- Threats of Violence
7/7/00

Internal Policy for Emergency Conditions: Cancellation of Classes and Release of Employees (BOR VI – 12.00)

Revised Effective January 1, 2010

I. Purpose and Applicability

This policy governs work and the use of leave in the event of an emergency condition. This policy applies to all Salisbury University regular and contractual employees and to all Salisbury University students.

II. Terms and Conditions

A. Higher education institutions within the University System of Maryland are exempt from the State governed policy for emergency conditions. The institutions, at the discretion of the President or his/her designee(s), define the institution's policy. Additionally, declaration of states of emergency by the Governor, do not dictate emergency closings for the University System of Maryland.

B. Emergency conditions are determined by the campus President and/or designee(s) to be serious enough to warrant the cancellation of classes or the release of employees. Such conditions may arise because of inclement weather, fire, power failure, civil disorders or other unusual circumstances, which may endanger students and employees.

C. This policy supplements USM policy VI – 12.00 "Policy on Emergency Conditions: Cancellation of Classes and Release of Employees."

III. Determination of Open/Closed Status

A. All University employees are expected to report to work as scheduled, unless employees have been notified through established campus procedures not to report.

B. Decisions to close the University will be made by the President and/or his/her designee(s) in conjunction with local officials and any appropriate weather/traffic officials.

C. Any employee who does not report to work as scheduled while the University remains open is considered to be on personal or annual leave. Notification and request to take personal or annual leave must be approved by employee's supervisor or designee before the start of regularly scheduled work day/shift.

D. In the event of University closing, notification to employees and students will be made via local radio, television, the SU Gull Line and the SU website.

IV. University Closing

A. When the University closes prior to the start of classes and/or an employee's work day/shift, non-essential employees, except those on previously approved leave, are considered to be on administrative leave.

B. If the University closes after the start of classes and/or an employee's work day/shift, non-essential employees, except those on previously approved leave, will be placed on administrative leave. Non-essential employees who have not reported to work and are not on previously approved paid leave must be given the option to use accrued paid leave or to be placed in a no-pay status for the full day/shift during which they did not report. (Administrative leave would not be given.)

V. Essential Employees

A. Essential employees are those in positions that have been designated as vital to the operation of the facility, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and well being of the campus population and/or physical plant.

B. Employees whose positions are previously designated as "essential" are required to perform duties after an emergency condition has been declared. Only extenuating circumstances of a most serious nature will warrant the exemption of an essential employee from the requirement to report for duty in a timely manner.

C. In addition to their regular pay, essential employees who were required to work during a campus closure will be compensated as follows:

- Non-Exempt essential employees shall be compensated with Administrative Leave to be used at a later date or cash payment equivalent to the Administrative Leave granted to non-essential employees

- Exempt essential employees shall be granted Administrative Leave to be used at a later date equivalent to the Administrative Leave granted to non-essential employees.

D. Positions identified as "essential" should be determined in advance and must be approved by the respective University Vice President(s). While some positions are considered essential year-round, designation of additional essential employees will be determined primarily by whether or not students are in residence.

1. Year-round essential positions:
   a) University Police
   b) Physical Plant

2. Essential positions – students in residence:
   (Note: Department Head/Director for respective areas may previously designate specific employees/positions within each area instead of entire functional area.)

a) All positions in (1)
b) Dining Services (only those designated)
c) Health Center
d) Residence Life
e) Library
f) Information Technology
g) Maggs Gymnasium
h) Guerrieri University Center

E. University closings will be communicated via:
1) Campus E-mail
2) Campus switchboard (410-543-6000)
3) Gull Line (410-546-6426)
4) SU website
5) Local radio and television.

Decisions to close the University for the day will be communicated as soon as possible.

SALISBURY STATE UNIVERSITY
POLICY ON STAFF HIRING PRACTICES:
DETERMINATION OF SEARCH/INTERVIEW REQUIREMENTS
(Effective March 2000)

I. PURPOSE: To better clarify the circumstances when searches are/are not required for hiring of staff positions.

II. APPLICABILITY: Searches are defined as the advertising to, screening and interviewing of internal and/or external candidates via a committee of at least three SU employees. For all staff and administration positions at Director level and above, the minimum requirement is an external search (including external candidates). (Staff/Administration positions as they exist at SU are attached.) For any positions below Director the minimum requirement is an internal search, including internal advertisement with screening and interviewing conducted. Any internal or external search must be conducted in coordination with Human Resources and within the parameters of EEO/AA hiring practices. This policy would support and supplement existing SU hiring practices for Staff and Administration.

III. Criteria: A hiring manager may choose to exceed the minimum search requirements and conduct an external search although it may not be required. In these situations, criteria to be considered when determining an internal vs. external search must include:

A. Specialization of skill set/experience required
B. Breadth of viable internal candidate pool
C. Current diversity (utilization data) for department where position will exist

IV. EXTERNAL SEARCH WAIVER:

A. Appointment by President, Vice President, Provost only if employee to be converted was hired into SU via a search including external candidates
B. Conversion from contingent to PIN due to longevity policy.
C. Conversion from contingent to PIN (other than longevity)
    1. Provided incumbent contingent employee was identified via search for that position
    2. Provided content/accountabilities of position have not changed
    3. Provided internal announcement is posted via Human Resources for minimum of ten days

In the event an internal posting yields other viable candidates as determined by the hiring manager and Human Resources, an internal search must be conducted. NOTE: Policy does not require search for interim positions.

V. PROMOTIONS AND SEARCHES

A. In the event a promotional opportunity is identified due to a vacancy (i.e. new position, resignation, retirement, termination) a search must be conducted according to the above guidelines.

B. In the event a title/job level promotion is awarded and does not result in a vacancy, a search is not required.

Effective Date: 02/04/02

Policy on Progressive Discipline for Non-Exempt Employees

The language used in this policy does not create an employment contract between the employee and the University. The University reserves the right to revise the contents of this policy, in whole or in part.

Purpose

To establish rules pertaining to employee conduct, performance, and responsibilities so that all personnel can conduct themselves according to certain rules of good behavior and good conduct.

The purpose of these rules is not to restrict the rights of anyone, but rather to help people work together harmoniously according to the standards we have established for an efficient, courteous, and safe work environment.

The University believes that you want to, and will, do a good job if you know what is required to perform your job properly. Your supervisor is responsible for ensuring that you know what is expected of you in your job.

Statement of Policy

Degrees of discipline are generally progressive and are used to ensure that the employee has the opportunity to correct his or her performance. Factors to be considered are:

- how many different offenses are involved
- the seriousness of the offense
- the time interval and employee response to prior disciplinary action(s)
- previous work history of the employee

Exceptions. For serious offenses, such as fighting, theft, threats of violence, the sale or possession of drugs on University property, etc., termination may be the first and only disciplinary step taken. Any step or steps of the disciplinary process may be skipped at the discretion of the University after investigation and analysis of the total situation, past practice, and circumstances.

General Guidelines

A) Verbal Reprimand

Ordinarily disciplinary problems of a minor nature can be resolved by means of counseling or coaching. However, if improvement is not noted, a supervisor will move to progressive discipline and discuss the job deficiency or offense with the employee as follows:

- Explain to the employee why the meeting has been called if the employee doesn't already know.

- Explain the error or work rule violation to the employee or, if performance related, state the specific problem in terms of actual performance and desired performance.

- Indicate that it is the employee's responsibility to correct his/her behavior/performance.
- Review the progressive discipline policy and explain what steps have been taken already and what the next step will be if behavior or incident does not improve.

- Employee will have an opportunity to provide an explanation or information concerning the matter.

- Supervisor will answer questions relating to the violation.

- Complete a record of counseling/verbal reprimand form.
- Set a follow-up date to review behavior/performance.

B) Written Reprimand

A repetition of an offense previously addressed by a verbal reprimand, or the first occurrence of a more severe offense will be followed by a written reprimand. When such an action is deemed necessary, the supervisor will:

F. Prepare a Written Reprimand Notification and if applicable, attach any supporting documentation.
G. Review the material with the Department Head or a designee.
H. Present the notice to the employee, explaining in detail why the action is being taken and what the employee must do to correct the problem.
I. Allow the employee to provide information or seek clarification concerning the issue.
J. Advice the employee that a repeat of this offense and/or more serious offenses will result in further and more severe disciplinary action up to and including termination.
K. The supervisor will forward a copy of the Written Reprimand Action Notice to the Human Resources department, containing the signature of the supervisor and employee for inclusion in the employee's personnel file. Refusal by the employee to sign does not prevent the issuing of the reprimand action and notice.

C) Suspension

No disciplinary action beyond a written reprimand may be taken without authorization from the Director of Human Resources or his/her designee. When discipline beyond the written reprimand becomes necessary, the following steps shall be taken:

- The supervisor presents all the facts and necessary supporting documentation to the Department Head or his/her designee with a recommendation for discipline.
- If the Department Head or his/her designee agrees with the recommendation, the matter is next discussed with the Director of Human Resources or his/her designee, who will review and make recommendation to the Department Head
- If action is to be taken, the Department Head will complete a Disciplinary Suspension form. Once final approval is obtained, the supervisor will meet with the employee and explain why the action is being taken. If the employee is unavailable it is permissible to mail the Disciplinary Suspension Form to the last known mailing address of the employee.

Exception:

When an offense or action by an employee is of a severe nature and it would be in the best interests of everyone concerned to remove the employee from the premises, and the action calls for suspension or termination, the supervisor may suspend an employee immediately pending further investigation of the incident.

D) Termination

Termination is normally the last step in the disciplinary process and comes after all other remedial measures have been exhausted or if warranted immediate.

When Used:

When all other efforts to correct performance deficiencies have failed, termination is appropriate. In the case of an ongoing problem, there will have been a significant history of corrective efforts, generally involving most of the progressive discipline steps, before termination becomes a logical course of action. Under some circumstances, termination is used for some first offenses that are of the most serious nature.

******* If termination is warranted, disciplinary action of this nature must be reviewed in advance with the department head, appropriate Vice-President or his/her designee, and the Director of Human Resources or his/her designee before such action is given to an employee.

Use of the Disciplinary Guidelines Chart

The Disciplinary Guidelines Chart is provided as a guideline for employee conduct and work performance but is not all-inclusive. This list may be supplemented by additional regulations where employees are subject to professional and/or state regulation or licensure. These guidelines do not apply to probationary employees.

At the time of hire, all new employees are required to receive, read and acknowledge this policy by signature.

If there are any questions regarding the interpretation or application of these work rules, please contact the Human Resources department.

Effective Date: 02/04/02

Policy on Reporting to Work & Attendance for Non-Exempt Employees

The language used in this policy does not create an employment contract between the employee and the University. The University reserves the right to revise the contents of this policy, in whole or in part.

Purpose

To establish guidelines on reporting to work and attendance for employees.

The purpose of these standards and rules is not to restrict the rights of anyone, but rather to help ensure that employees are aware of minimum requirements.

Statement of Policy

All employees are expected to be at their desk or assigned workplace, ready to work at their regular starting time each day on which they are scheduled to work.

When deemed necessary, a supervisor may modify an employee's work shift or work schedule for operational reasons. Such changes may be temporary or permanent depending on the circumstances. When this is needed, the supervisor will meet with the employee to explain the rationale for the change and provide as much advance notice as possible.

Application

Where applicable, employees are required to record their time using either a time card or time sheet. Employees are to sign in when they arrive at the beginning of each scheduled workday and sign out when they leave at the end of their scheduled workday.

NOTE: Overtime must be approved in advance by the employee's supervisor. Without prior supervisory approval, employees who clock in before the scheduled start time of their normal work shift or clock out after the normal scheduled ending time of their work shift should not expect to be provided any additional compensation.

Lateness

An employee who is not at his/her desk or assigned workplace prepared to work at the beginning of his/her scheduled work time is considered to be late. Being tardy for work or leaving the job station before quitting time will be considered cause for corrective action.

Employees will not be paid for lateness of eight (8) or more minutes.

Example: If an employee who is scheduled to begin work at 8:00 a.m. arrives between 8:01 a.m. – 8:07 a.m., the employee will not be docked pay. If an employee who is scheduled to begin work at 8:00 a.m. arrives between 8:08 a.m. and 8:15 a.m. they will be docked fifteen (15) minutes pay. If an employee arrives fifteen (15) or more minutes late, the employee will not be paid for the total amount of minutes late.

Employees who demonstrate established patterns of lateness or frequent instances of lateness, even though they are less than five minutes, may expect to receive disciplinary action.

Supervisors have the discretion not to dock an employee if there is some unusual circumstance, i.e. weather conditions.

Excused or Unexcused Absences:

Time away from work is either excused or unexcused.

Excused Absence -- any absence from work that is authorized by the supervisor.

Unexcused Absence -- any absence from work (including tardiness) that is not approved leave with the permission of the supervisor.

In reviewing an employee's attendance record, occurrences where the absence was unscheduled will be used.

Notification/Call-in:

Employees must notify their supervisor in advance, whenever possible, of any absence. When prior notification is not possible, employees should call the supervisor/designee no later than fifteen (15) minutes after their regularly scheduled starting time. When providing notification, the employee is expected to give the reason and the estimated length of the absence.

Employees on extended illness, workers' compensation, or disability leave where a return to work date has not been set, should update their supervisor on their condition and the prospects for returning to work on a weekly basis.

Employees who are absent for three (3) consecutive workdays without notifying their supervisor/employer are subject to termination as a "voluntary quit".

Attendance Problems:

It is the responsibility of the employee's immediate supervisor to monitor and maintain a record of the attendance. If an employee has an attendance problem, i.e. excessive lateness (whether or not

they have been docked), unexcused absence or a combination of both, the problem should be discussed with the employee as soon as it is noted.

Excessive lateness and unexcused absence guidelines are as follows:

- Six (6) occurrences of unplanned absence in a twelve (12) month period; OR
- Six (6) occurrences of lateness in a three (3) month period; OR
- Any combination of the above.

Note: While not scheduled, absence due to a bona fide work-related injury will not be considered "unexcused" in the analysis of absences.

If attendance problems develop, the University has the right to require employees to provide acceptable evidence (physician's statement) of illness or injury. Failure to comply may result in the denial of sick leave benefits and the time off may not be charged to accrued annual leave time.

Based on the employee's past attendance record, and information resulting from the discussion, the supervisor will take appropriate progressive disciplinary action.

Effective Date: September 2006

SU Policy on Soliciting Personnel During Work Hours

Employees of Salisbury University are entitled to perform assigned duties and responsibilities during working hours without interference from solicitations. Such solicitations, unless part of the employee's assigned duties or approved by the University President or designee, are prohibited.

"Solicitation" is defined as a request for money, goods, services, or endorsements for personal, commercial, political, governmental, or charitable purposes. The University President has approved one solicitation to employees per year for the Maryland Charity Campaign and for the Salisbury University Foundation.

More Information: See BOR VII – 2.20 Policy on Soliciting Personnel During Work Hours

The State of Maryland
Executive Department

Executive Order 01.01.1991.16
State of Maryland Substance Abuse Policy

WHEREAS, Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative impact on the operation of business and government, and

WHEREAS, Surveys indicate that nationally, 65 percent of the 18 – 25 year-old adult working population have used illicit drugs; and

WHEREAS, It is estimated that at least 15 percent of the American workforce works under the influence of drugs or alcohol daily; and

WHEREAS, Every employer, including the State of Maryland, experiences a loss in productivity due to drug related absenteeism, injuries on the job, decreased work quality, and wasted dollars, and

WHEREAS, Substance abusing employees function below established standards, may make impaired decisions, may have negative effects on their co-workers, and are not as alert as non-using employees; and

WHEREAS, The illegal use of the workplace as a drug market endangers the health, safety, and welfare of State employees; and

WHEREAS, The Federal Omnibus Drug Abuse Act of 1988 requires that any State which is a recipient of Federal funds must establish a Drug-Free Workplace, including a policy on the use of substances, an employee drug awareness program, and a procedure for employees to report their own convictions; and

WHEREAS, a drug-free workplace is fundamental to efficient, effective and responsible government;

NOW. THEREFORE, I. WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND. BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1989.05 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions.

In this Executive Order the following words have the meanings indicated.

(1) "Substance" means alcohol or drugs.

(2) "Alcohol" means ethyl alcohol or ethanol.

(3) "Drug" means:

(a) A controlled dangerous substance;

(b) Any other substance which must be dispensed by a licensed health care professional; or

(c) An over-the-counter drug.

(4) "Abuse" means:

(a) The use of an illegal drug;

(b) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the State' employee or could impair the job performance of an applicant for State employment;

(c) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of a State employee or could impair the job performance of an applicant for State employment; or

(d) The use of alcohol if it impairs job performance of the State employee or could impair the job performance of an applicant for State employment.

(5) "Workplace" means any place where an employee is performing work for the State of Maryland.

(6) "Employee" means:

(a) A classified, unclassified, contractual, key employee, or other employee or official in the Executive Branch;

(b) A volunteer who provides a service to or for a unit in the Executive Branch; or

(c) A member of a Board or Commission in the Executive Branch.

(7) "Sensitive Employee" means an employee whose classification or position has been designated sensitive by the employee s appointing authority or personnel system.

(8) "Conviction" means:

(a) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of nolo contendere, and the imposition of sentence; or

(b) The staying of the entry of judgment and the placing of the defendant, on probation after a finding of guilty or the acceptance of a plea of nolo contendere.

(9) "Alcohol Driving Offense" means:

(a) Driving or attempting to drive while:

(i) Intoxicated; or

(ii) Under the influence of alcohol; or

(b) Operating or attempting to operate a vessel while:

(i) Intoxicated; or

(ii) Under the influence of alcohol.

(10) "Controlled Dangerous Substance Offense" means:

(a) A controlled dangerous substance violation, under Article 27 of the Annotated Code of Maryland;

(b) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State;

(c) Driving or attempting to drive while:

(i) Under the influence of drugs or drugs and alcohol; or

(ii) Under the influence of a controlled dangerous substance; or

(d) Operating or attempting to operate a vessel while:

(i) Under the influence of drugs or drugs and alcohol; or

(ii) Under the influence of a controlled dangerous substance.

B. General Policy.

The State of Maryland establishes and adopts the following substance abuse policy for the Executive Branch of State Government:

(1) The State of Maryland is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress.

(2) All employees in the workplace must be capable of performing their duties.

(3) Employees experiencing substance abuse problems are encouraged to seek assistance through:

(a) Their employer;

(b) Self referral to the employer's Employee Assistance Program; or

(c) Self referral to an alternative certified rehabilitation program.

(4) An appointing authority may not hire anyone whom it knows currently abuses drugs or alcohol.

(5) Employees are prohibited from:

(a) Abusing alcohol or drugs;

(b) Committing a controlled dangerous substance offense; or

(c) Committing an alcohol driving offense.

C. Alcohol Abuse Policy.

(1) Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action.

(2) An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the employee's appointing authority within 5 work days.

(3) A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol treatment program designated by an employee assistance program the first time the employee is:

(a) Convicted of an at-the-workplace alcohol driving offense; or

(b) Found under the influence of alcohol while at the workplace.

(4) A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:

(a) On the first conviction be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions;

(b) On the second conviction, at a minimum, be suspended for at least 5 days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination;

(c) On the third conviction, be terminated

D. Drug Abuse Policy.

(1) Working under the inappropriate influence of prescription drugs or over-the-counter drugs is a violation of this policy and shall subject the employee to disciplinary action.

(2) Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject me employee to disciplinary action.

(3) An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the appointing authority within 5 work days.

(4) A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.

(5) A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 work days and be required to successfully participate in a drug treatment program designated by an employee assistance program, as provided for by the appointing authority's drug testing protocol.

(6) A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:

(a) Be suspended for 5 work days; and

(b) Be required to participate successfully in a drug treatment program designated by an employee assistance program.

E. General Sanctions.

Any employee otherwise in violation of this Executive Order shall be subject to appropriate progressive disciplinary actions up to and including termination.

F. Law Enforcement.

(1) When an appointing authority learns or, based on observation or reliable information suspects, that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the appointing authority shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.

(2) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

G. Employee Education.

All appointing authorities shall educate and inform their employees about:

(1) The dangers of drug and alcohol abuse in the workplace and the community at large;

(2) The State of Maryland's policy of maintaining a drug-free workplace;

(3) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and

(4) The penalties that may be imposed upon employees for violations of this Executive Order.

H. Implementation.

(1) The Secretary of Personnel and the head of every other personnel system in the Executive Branch shall adopt such policies and regulations as are necessary or desirable for the implementation of this Executive Order.

(2) All appointing authorities are responsible for implementing and enforcing and monitoring compliance with the requirements of this Executive Order.

(3) All employees are required to acknowledge receipt of a copy of this Executive Order by returning an acknowledgement of receipt to their supervisor for insertion in their personnel file.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 1st day of April, 1991.

WILLIAM DONALD SCHAEFFER
Governor

SALISBURY UNIVERSITY
POLICY REGARDING PETS IN CAMPUS BUILDINGS

INTRODUCTION:
Recent incidents within campus buildings indicate that a formal notification of the federal, State and University regulations regarding pets in State buildings is warranted. Additionally, pet owners should be aware that some individuals on campus may have a strong aversion to pets due to allergies, phobias or religious beliefs. Further, pets may inadvertently soil carpet, create odors, damage furnishings or cause pest infestation. Consequently, the following Salisbury University policy and State regulation is to be included as a part of the faculty and the staff handbooks:

POLICY:
In accordance with State of Maryland COMAR 04.05.01.03, dogs and other pets are not permitted in University buildings. The only exceptions to this policy include the following: President's Residence, Regent's Retreat, Carriage House, laboratory animals and service animals for people with disabilities or law enforcement. Employees and /or visitors in violation of this regulation will be asked to leave the building immediately. Repeated violations of State of Maryland COMAR 04.05.01.03 will be added to an employee's personnel file and notification sent to the appropriate administrator.

Rev: 1/2009

Salisbury University
SMOKE-FREE CAMPUS POLICY
Effective August 22, 2010

Salisbury University is committed to promoting a healthy and safe environment for students, faculty, staff and visitors. Therefore, smoking is prohibited on the campus of Salisbury University ("University"). This consists of all buildings, including residence halls; all grounds, including exterior open spaces, parking lots and garages, on-campus sidewalks, streets, driveways, stadiums, recreational spaces and practice facilities; and in all University-owned or leased vehicles. In addition, retail operations located on campus are prohibited from the sale of all tobacco products.

This policy is intended to reduce the health risks related to smoking and secondhand smoke for the campus community. Smoke-free and tobacco-free policies are becoming a standard to foster a healthy environment in municipalities, businesses, and colleges and universities alike.

Definition:
For purposes of this policy, "smoking" is defined as the burning of tobacco or any other material in any type of smoking equipment, including but not restricted to cigarettes, cigars or pipes. This policy applies to all individuals on Salisbury University's campus, including faculty, staff, students, parents, vendors, and visitors.

Responsible Executive and Office:
The Vice President of Administration and Finance and/or her designee will be responsible for implementing this policy for faculty and staff and the Vice President of Student Affairs will be responsible for implementing the policy for students.

Procedures:
Faculty, staff and students who violate this policy are subject to University disciplinary action. Visitors who violate this policy may be denied access to the University campus. Concerns regarding student, faculty/staff, and visitor violations of this policy should be respectively referred to the Office of Student Affairs, the Office of Human Resources and the University Police Department.

SALISBURY UNIVERSITY
CAMPUS POLICY ON STORAGE

INTRODUCTION:
The University utilizes a variety of spaces for storage including offices, classrooms, laboratories, outbuildings, closets, etc. During routine investigations, required by law, it was found that the manner in which some offices and other campus areas have been maintained may be unsafe. State regulations apply to all storage areas that promote fire safety and meet established standards related to occupational safety & health.

University staff routinely requires access to offices and storage areas for housekeeping or maintenance purposes. For their personal safety, health and well-being, walkways must be maintained free from hazards that might cause employees to slip, trip or fall. Faculty and staff need to use containers, cabinets and/or shelving to safely manage storage of books, periodicals, papers, etc. Further, storage must not block the flow of air to wall-mounted air conditioning/heating systems in offices. If the flow is blocked, Physical Plant is unable to perform system maintenance which negatively impacts air quality in that office/area.

POLICY:
Storage in campus buildings is regulated under the Code of Maryland Regulations (COMAR) 04.05.01.03 and National Fire Prevention Association (NFPA) Life Safety Code (7.1.10.1). All University personnel are expected to comply with these regulations.

Some of the requirements of these regulations include some of the following:

- Maintain unobstructed office exit pathway (egress)
- Maintain unobstructed corridor egress
- No storage in stairways
- Storage height limited to 18 inches below ceiling in sprinkled areas
- No storage within 36 inches of an electrical panel
- Adequate clearance around and access to fire equipment
- Proper storage for flammable materials

Though not a part of the regulations described above, the following Salisbury University requirement applies:

- Maintain unobstructed access to wall-mounted air conditioning/heating systems

Rev: 1/2009