ST. MARY'S UNIVERSITY

PERSONNEL MANUAL

MISSION

St. Mary's University, as a Catholic Marianist University, fosters the formation of people in faith and educates leaders for the common good through community, integrated liberal arts and professional education, and academic excellence.

Our mission statement is a reflection of the Characteristics of Marianist Universities. There are five elements that characterize the Marianist approach to education: educate for formation in faith, provide an integral quality education, educate in the family spirit, educate for service, justice and peace, and educate for adaptation and change. The three Marianist universities have published a book called Characteristics of Marianist Universities to fully describe the Marianist approach to education at the university level.

Office of Human Resources
St. Mary’s University
Approved September 2015
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1.0 Introduction and Personnel Records

This manual governs all St. Mary’s University personnel except those whose positions are designated as faculty by the Provost. Positions that are designated as faculty by the Provost are covered by the Faculty Handbook. Persons possessing faculty status as designated by the Provost who are engaged primarily in administrative, non-faculty positions are covered by this manual, although they retain certain rights and privileges attached to their faculty status with the Faculty Handbook. Students and other temporary employees, except for specific reference, are not covered by this manual.

The provisions of this manual do not create any legal rights. This manual is not intended to be and is not a contract, express or implied, nor does it create any legally enforceable contractual obligations on the part of the University. Employment relationships that are not subject to a signed contract between the individual employee and the University are considered "at-will". This means that the employee is free to resign at any time, with or without cause. Similarly, The University may terminate the employment relationship at any time, with or without cause.

Updates of this manual will be made from time-to-time at the sole discretion of the University. The official version of the Personnel Manual is maintained on the University’s Gateway site. Questions may be directed to the Office of Human Resources.

The Office of Human Resources maintains the official records of all University employees. Any employee may inspect his/her own file by a request to the Director of Human Resources. It is necessary that the Office of Human Resources be provided with information about all new employees and all changes in employment status: emergency contact, changes of address or marital status, change of job status, salary change, etc.

Ordinarily, the only information which will be released from an employee’s file in response to an outside inquiry will be job title, dates of employment and salary confirmation, except where further information is required to be divulged by law. An employee may authorize the release of additional information (i.e. for bank, credit, or employment references) by submitting a written request to the Office of Human Resources.
2.0 Introductory Status, New Employee Orientation, and Staff Development

Introductory Status
All newly hired, non-faculty employees have an introductory period. The introductory period is defined as the first three months of continuous service from the beginning date of employment. The Introductory Status also applies to employees of the University who are transferred or promoted to a new position.

This time allows the employee the opportunity to become acquainted with a new position and evaluate the job. In addition, the employee’s supervisor will observe the performance of the employee to determine whether to continue employment following this introductory period.

By mutual agreement between the supervisor, director of Human Resources, and the vice president or president of the employee’s reporting line, the introductory period may be extended up to nine months to accommodate professional licensing and training.

Benefits available during the introductory period include sick, bereavement, civil duty, and military leaves, and medical, dental, vision, and all other voluntary insurance benefits. University grievance procedures are not applicable until the introductory period is successfully completed.

New Employee Orientation
The Director of Human Resources provides basic information about campus, pay and benefits, work schedules, and employment policies. During the fall semester, the Provost and the Director of Human Resources conduct an orientation for new employees where the following information is provided: purposes and origins of St. Mary’s University, educational opportunities, personnel policies, and benefits for campus employees in general.

The Human Resources Advisory Council in partnership with University Ministry and the Human Resources office provides an enhanced orientation session for all exempt and non-exempt new hire staff. The orientation provides an opportunity to learn about the campus and meet people that represent all levels of the University. A welcome packet and campus tour are provided to help orient the new hire team member to the campus facilities. New Hire booklets are available in the Human Resources office.

Supervisors may also consider including a more specific job related tour of department facilities, an explanation of the department’s activities and operations, a description of the department’s organizational chart and an introduction to co-workers. In addition, there should be a review of the work assignment, job description, and procedural manual of the department as well as arrangements for necessary training, key contacts for help, basis for evaluation, and plans for regular meetings.

Staff Development
Full-time employees with six months or more of service are eligible to enroll in credit courses in the undergraduate schools and the Graduate School of the University without payment of tuition charges. This benefit is more fully described in Section 7.0 under the Tuition Benefit.

Training and development opportunities are also available through each department. Should the activity require travel, approval must be documented using the University’s General Travel Expense Report form. The form and procedural requirements are available in the Accounts Payable Office. Travel for non-exempt staff must include funding for overtime if travel and training exceed 40 hours within the work week.
Classification of Positions, Work Schedules, and Reporting Hours of Work

Job requirements and responsibilities are evaluated to determine classification and compensation. Requirements, responsibilities, and compensation are periodically compared to the appropriate benchmark in the industry or community, and additional factors may be considered including education, experience, skill, and effort.

All positions must be documented with job descriptions, which are updated annually and kept on file with the supervisor and the Office of Human Resources. If classifications or responsibilities are not accurately portrayed in the employee’s job description, the matter should be discussed with the supervisor, who will then consult with the Office of Human Resources. The Federal Wage and Hour Laws define parameters for positions that are referred to in this manual as non-exempt, while other positions that are not subject to such regulations are called exempt. In some sections of the manual, a distinction will be made between these two classifications in terms of regulations, compensation, and/or benefits.

**Exempt:** Those employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law and who are exempt from overtime pay requirements. Exempt employees are paid on a monthly basis. Exempt functions are primarily managerial, administrative or professional in nature and are those in which the person must regularly exercise discretion and independent judgment and perform supervisory, directorial, instructional, or specialized technical activity.

**Non-exempt:** Those employees covered by the FLSA’s overtime pay requirements. This law states that certain employees are compensated at the rate of time and one-half for time worked over 40 hours per week. Non-exempt employees are paid on a semi-monthly basis, and positions include technical (specialized knowledge and skills); clerical and secretarial; skilled crafts (electricians, carpenters, plumbers, etc.); service and maintenance (Facilities housekeepers and grounds); and police and security officers.

**Full-time:** Those employees who work an average of 40 hours per week for 12 months of the year.

**Part-time:** Those employees who generally work less than 40 hours per week. Employees working fewer than 30 hours per week are not eligible to receive benefits, except as mandated by law.

**Temporary or Seasonal:** Those employees who are hired for a short period (usually less than one year) or who are classified as student employees. Temporary, seasonal, and student employees are not eligible for benefits, except as mandated by law.

**Work Schedules**
University Offices are open from 8 a.m. to 5 p.m., Monday through Friday. Extended hours for participating offices are set annually. If the employee is salaried, the position is considered “exempt” from overtime pay provisions of the FLSA. Employees are paid a salary for carrying out a particular function over a period of time rather than for completing assigned tasks during a standard 40-hour workweek. Therefore, the number of hours that it is necessary for an employee to work from week to week in order for the employee to perform his/her functions may vary.

The job of a non-salaried employee is “non-exempt” from the overtime pay provisions of the FLSA. This means that the employee is paid time and one-half for all hours worked over 40 hours in any one-workweek. For overtime purposes, vacation time, holidays, sick days, and personal days are counted as hours worked. If the employee works extra hours on a particular day, the supervisor may choose to
reduce the employee’s work hours on a subsequent day within the same workweek so that the employee works 40 hours or less in that particular workweek.

Employees are required to follow core-working hours, and work is to be performed on University premises. Exempt employees must also adhere to the core working hours.

Department schedules and workflow may vary; therefore, it is the responsibility of the supervisor to schedule lunch periods and breaks with each employee. Breaks must not be used for late arrivals, extended lunch periods, or early departures. Two break periods of 15 minutes each are counted as part of each workday. The one hour lunch period is not counted as part of the eight-hour workday.

**Reporting Hours of Work**
The University is required by state and federal law to maintain records of the actual hours worked by employees. Non-exempt employees are required to record and report their hours of work via an online timesheet and/or a physical time sheet or time card, depending on individual departmental procedures.

Where required, timecards must be punched in no more than seven minutes before an employee starts work and punched out when the employee leaves. Any additional time that may appear on the employee’s time card because of punching in or out prior to the beginning or ending of the normal work schedule must be specifically authorized by the supervisor.

Employees must punch/enter their own time. Anyone who falsifies an online or physical timecard or timesheet will be subject to disciplinary action, up to and including termination.

If an employee is absent or late because of illness or any other reason, the employee must record the absence on the online timesheet/timecard.

In the event an employee takes a planned personal/vacation/sick day, the supervisor is responsible for verifying and approving the time entered on the employee’s timesheet.

All online timesheets must be submitted by the employee and approved by the immediate supervisor or department head at the end of each pay period. An employee’s paycheck will not be issued unless an online timesheet is submitted when due.

Employees (both exempt and non-exempt) can view their attendance record online. This serves as a permanent record of the number of sick, personal, and vacation days as well as holidays that have been earned and used by the employee. This record becomes the official documentation for vacation pay due at the time of termination. Department supervisors are responsible for maintaining attendance records for their exempt and non-exempt employees.
4.0 Performance Appraisals, Promotions, and Transfers

All non-faculty employees are eligible for job performance reviews on an annual basis. The purpose of the review is to discuss employee job performance and to provide an opportunity for the employee and the supervisor to discuss individual and departmental goals and objectives and to outline developmental needs. Employees are provided an opportunity to respond in writing. Individual ratings and employee comments are reviewed by the department head and the area vice president to monitor equity. Completed evaluations and employee comments are forwarded to the Office of Human Resources for placement in the employee’s file.

The University encourages career growth and internal promotions. A promotion is a change from one position to another at a higher level and normally entails an increase in pay. The University adheres to its policy of equal employment opportunity and considers all applicants for advancement regardless of race, religion, sex, age, disability, military status, national origin, or any other characteristic protected by law. As job openings occur, they are posted within the University so that current employees can apply and receive consideration for promotion.

Employees are encouraged to discuss the possibilities of advancement with supervisors when the time is appropriate for such a move. There may also be opportunity for increased responsibilities within the current department. No employee will be adversely affected as a result of expressing an interest in another job opening. Anyone interested in a posted position is encouraged to contact the Office of Human Resources for further information. An employee will be considered for transfer or promotion only after the employee has completed the introductory period in the previous position and satisfies the requirements of the position being sought.

Open positions at the University are generally posted internally for a period of five days. Employees who wish to apply for transfer or promotion should, within five days of the announcement of the job vacancy, complete and submit the appropriate application to the Office of Human Resources. The department seeking to fill the vacancy/new position makes the final selection subject to review by the Director of Human Resources to assure that proper procedures have been followed in filling the vacancy.

In some situations, the result of a promotion may not prove satisfactory to either the employee or the University. For this reason, there is an introductory period, during which time the employee and the supervisor have the opportunity to evaluate the new situation. If expectations are not met, a demonstrated effort will be made to assist the employee in finding a more suitable position within the University; however, there is no guarantee of another position.

Transfers represent a permanent change from one position to another within the same salary level, or in some instances, at a lower salary level. A transfer may result from a request made by either the University or the employee and may be initiated to develop the employee’s career or to provide the employee the opportunity to work in an area where the employee’s full potential may be realized. Transfers may also occur when positions are to be phased out.

Because of reasons such as reorganization, personal request, inability to perform, or reevaluation, either an employee or the University may initiate a move to a job at a lower level. Under some circumstances, an employee’s pay may be reduced to coincide with the new salary range. Because the University is committed to fair and equitable treatment, the supervisor and employee should discuss any action of this nature with the Director of Human Resources.
5.0 Separation from Employment

At times, it may be necessary to sever the employment relationship. Categories of separation and the policies and procedures related to each are set forth below.

**Resignation:** An action by which an employee voluntarily seeks to be released from the University. Because of the potential hardship that is often caused by untimely resignation, it is requested that all employees provide the earliest possible written notice of a request to resign. All resignations are subject to approval by the University. The employee is expected to give notice, as a courtesy to the University, to his/her supervisor, area vice president or president, and the Director of Human Resources not later than 20 working days for an exempt employee or 10 working days for a non-exempt employee prior to his/her last day of employment.

**Reduction in Force:** A University action taken when necessary due to the elimination of programs, decline in enrollment or financial emergency, reduction in services, reorganization, or other reasons. The University values the stability of its workforce, and it is policy that necessary reductions be accomplished through attrition, transfer, or reassignment of employees whenever practical in the judgment of the University.

**Dismissal:** Employees of the University are hired for an indefinite period of time and are “at-will” employees. This means that either the employee or the University is free to terminate the employment relationship at-will, for any reason or no reason, with or without notice.

**Non-Renewal of Contract** (See Faculty Handbook)

**Progressive Discipline**
Disciplinary actions should, in normal circumstances, be preceded by a written admonition by the appropriate supervisor describing the alleged problem and warning that the employee’s status is in jeopardy. The warning must also stipulate a period of time within which correction of the alleged problem is expected. If the employee does not contest the admonition and corrects the problem, the matter is settled. If the employee fails to correct the problem, appropriate disciplinary actions may be taken, up to and including dismissal. Disciplinary actions taken are grievable through the procedures in Section 9.0 Grievance Procedures. The University recognizes that certain types of employee problems are serious enough to justify immediate dismissal from employment, without going through the progressive discipline steps. Furthermore, nothing in this policy affects the University’s right to dismiss an at-will employee for any reason or no reason.

**Exit Interview**
In the event an employee retires or leaves the employment of the University, the employee will schedule an “exit interview” with the Director of Human Resources so that all matters pertaining to retirement, insurance, health benefits, and monetary concerns can be handled in an orderly manner.
6.0 Compensation and Leave

Employee compensation is reviewed on an annual basis in conjunction with performance.

The University is required by law to deduct social security and federal income taxes from each paycheck. The amount withheld is based on the employee’s gross salary less the number of exemptions claimed by the employee. Employees participating in the flexible cafeteria plan for benefits (health or dependent care accounts), will have these deductions subtracted from gross earnings before calculations of social security tax.

Employees may authorize deductions for life, medical and/or dental insurance premiums, retirement accounts, and contributions to the University and/or other campaigns, etc.

If the number of exemptions claimed for income tax purposes changes, employees must sign a new withholding exemption form. Forms for all deductions are available in the Office of Human Resources.

Employees are responsible for paychecks that have been issued to them. Lost or missing checks should be reported immediately to the Finance Office to assure a “stop payment” of the check. A new check will be issued after a short waiting period.

Exempt employees’ payroll checks are disbursed on the last business day of each month via direct deposit or check. Employees are required to present their University identification card and personally pick up their paycheck, unless they have made arrangements with the Office of Human Resources to have their check mailed to a home address. The paycheck reflects salary for the previous month’s work. A schedule is issued on an annual basis indicating pay periods and pay dates.

Non-exempt employees are paid semi-monthly, with pay dates set on the 7th and 22nd of each month or the preceding Friday if the date falls on a Saturday or Sunday. The paycheck reflects hours worked in the preceding pay period. A schedule is issued on an annual basis indicating exact paydays.

Exempt and non-exempt employees may choose to have their checks deposited directly to their bank accounts. Application for direct deposit is made through the Office of Human Resources. Once the forms are completed, there is a minimum 30 day waiting period before direct deposit becomes effective.

Payroll deductions are made as required by law for social security and income taxes, as authorized by the employee in accordance with the retirement plan, for medical insurance, other group insurance, and for other purposes. An attachment to the paycheck details these deductions. The employee should retain these attachments for their personal records. The employer’s share of social security tax is paid on behalf of employees by the University and the employee’s share is withheld from salaries in accordance with federal law.
**Paid Leave**

**Holidays:** The University observes the following holidays:

- New Year’s Day
- Martin Luther King Jr. Birthday
- Good Friday
- Oyster Bake (one-half day)
- Battle of Flowers (one-half day)
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Break (five days)

Holiday pay is a benefit for full-time employees, including new employees in the introductory period. Regular part-time employees who have completed a year of service and work at least 1,000 hours per year are entitled to the same holidays with pay pro-rated according to the number of hours regularly worked. In order to be eligible for holiday pay, the employee must be regularly scheduled to work and in a pay status, on sick leave, or on a previously approved vacation day on the scheduled workday before and after the holiday.

Non-exempt employees who are required to work on a holiday will be given the option of taking paid time off during the same week, or be paid at the overtime rate for the hours worked on the holiday.

Because holidays may fall on weekends, the day off with pay may differ from the actual holiday. Holiday schedules are available in the Office of Human Resources and on the University Gateway site. The holiday schedules are subject to change with notice from the Office of Human Resources.

**Vacation:** Upon eligibility, full-time employees are entitled to annual paid vacation coinciding with the University’s fiscal year (June 1 to May 31). Vacation is scheduled at the employee’s request provided staffing and workload permit and approval is given by the immediate supervisor. Employees are generally encouraged to take vacation during the summer months or during school breaks. All full time employees, exempt and non-exempt, receive vacation days according to the following schedule based on years of service as of June 1:

- During years one through three, inclusive: two weeks (10 days)
- During years four through seven, inclusive: three weeks (15 days)
- During years eight and subsequent years: four weeks (20 days)

New employees who have previous accredited time from another institution of higher education will be issued credit years towards the vacation time benefit with request and approval through the Office of Human Resources. Those exempt employees (administrators and directors) who report directly to a vice president or the president receive four weeks (20 days) vacation per fiscal year. Administrators or directors who have faculty status are governed by the Faculty Handbook.

Up to 10 days of unused vacation automatically carry over at the end of the fiscal year. Vacation is available to use at the start of the fiscal year, although days are earned throughout the year. Vacation is pro-rated for employees hired or separated from service based on the number of days worked during the fiscal year, and final pay will be adjusted upon separation depending on days actually earned.
Accrued and unused vacation time will be paid to the employee at the time of the employee’s separation from employment, unless the employee has been dismissed from employment for misconduct as determined by the University in its sole discretion.

**Personal Leave:** Full-time employees are eligible to exchange two available sick days for two personal days each fiscal year (June 1 to May 31). Personal days may not be taken prior to the completion of the three-month introductory period. Unused personal days may not be carried over to the next fiscal year, nor may they be taken after notice of termination is given or paid upon termination.

**Sick Leave:** The University recognizes that occasional absences because of personal sickness or injury may be unavoidable. Therefore, a paid sick leave plan has been designed to guard against income losses in these instances. Regular attendance by employees is necessary for the successful operation of the University. It is expected that employees will come to work when they are well.

Sick leave is available for full- and part-time employees at the rate of one day per month of service (12 days per year), to an accumulated maximum of 60 days. Unused days carry forward at the end of the fiscal year to a maximum of 60 days. Non-exempt employees will receive a $50 wellness bonus each year the maximum days are accumulated as of June 1.

If the employee is going to be absent or late because of illness or any other reason, it is the responsibility of the employee to call the immediate supervisor or department head prior to the employee’s scheduled starting time to report the absence and the date of expected return. If the employee cannot return at the expected time, the supervisor or department head must be called again with the employee’s expected length of absence. The University requests a physician’s note or other medical evidence after the third consecutive day of absence due to illness or injury.

Sick leave is intended for specific use during employment and is not a vested benefit; therefore, unused days are not paid on separation of employment. In cases of excessive absenteeism, disciplinary action up to and including termination of employment may be necessary.

**Bereavement Leave:** Paid leave may be taken, not to exceed three days, when a death occurs in the employee’s immediate family: child, wife, husband, mother, father, grandparent, mother-in-law, father-in-law, sister, brother, sister-in-law, or brother-in-law.

**Civil Duty Leave:** An employee who is validly subpoenaed or summoned to involuntarily appear or serve as a juror during regularly scheduled work hours in a judicial forum, or compelled to appear before a judicial, legislative, or administrative body with civil power, shall be entitled to receive leave with pay for a period of time necessary for such appearance, if the appearance cannot be reasonably accommodated by rescheduling the employee’s work hours, as determined by the University. Civil Duty to which an employee is called entitles the employee to leave with pay during the time the employee is required to serve. For Grand Jury Duty, the employee has the option to remit to the University the compensation received for jury service or to forego the salary from the University for the time of such service.

Civil Duty leave shall not be granted for appearances as an expert witness for a party to litigation. Civil Duty leave must be approved in advance in writing by the supervisor.

**Unpaid Leave:** There are four categories of unpaid leave that the University may grant: (1) Family and Medical Leave; (2) Non-Qualifying Medical Leave; (3) Military Leave; or (4) Personal Leave of Absence.
The University will attempt to place an employee returning from a leave of absence in the same job as was held prior to the beginning of the leave, or in a job comparable to that which the employee held before the leave. Except in instances required by law, the University gives no guarantee in this regard. If a position is offered to an employee returning from a leave of absence and the employee fails to accept such offer, he or she will be considered as having voluntarily resigned employment.

An unpaid leave of absence may be granted for a reason acceptable to the University or permitted by law. In order for a leave to be granted, the employee should make his/her request in writing at least 30 days prior to the absence, except in emergency situations.

While on an approved, unpaid leave of absence, the employee continues to accumulate days of service, but does not earn additional vacation and sick leave benefits. Holidays are not compensable when falling during an unpaid leave of absence.

In addition, the accrual of vacation or sick leave benefits is mandatory when an employee is on leave due to military service. Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the University is required to maintain the employee’s job with the same pay, benefits, and status had he or she not been away on duty.

An employee on leave may be required to provide periodic written reports regarding their status and intention to return to work. Employees on leave must also provide at least 10 days advance notice of their expected return to work.

An employee who does not return to work on the first regular working day following the end of the approved unpaid leave of absence shall be discharged, unless an extension is requested in writing by the employee and granted by the supervisor before the expiration of the originally approved leave.

**Family and Medical Leave:** This Family and Medical Leave policy applies to all non-faculty employees. Faculty employees should refer to the Faculty Handbook for specific policies in application of this Act in respect to: (1) the birth of an employee’s child; and (2) a serious health condition rendering the employee unable to perform the assigned job (Short-term Disability).

This policy is intended to comply with the Family and Medical Leave Act (FMLA) of 1993, and is to be interpreted in conformity therewith. The FMLA and regulations interpreting the Act contain other provisions regarding the respective rights and obligations of employers and employees, and the University reserves the option to rely upon any provision thereof.

Subject to the conditions set forth below, eligible employees who need to care for family members or themselves may be granted up to 12 weeks of unpaid leave per year. The term “year” for this purpose is the one-year period preceding the date the employee begins a Family and Medical Leave rather than a calendar or fiscal year.

The employee must have been employed for at least 12 months and worked at least 1,250 hours during the previous 12 months in order to be eligible for Family and Medical Leave. The employee must also work at a facility where the University has at least 50 employees within 75 miles. Employees who do not meet these eligibility requirements should refer to the other types of leave discussed below. Eligible employees should provide at least 30 days’ notice, if possible, of their intention to take a Family and Medical Leave.
Eligible employees are entitled to take up to 12 weeks of unpaid leave a year for: (1) the birth of the employee’s child; (2) the placement of a child with the employee for adoption or foster care; (3) purposes of caring for the employee’s spouse, child or parent who has a serious health condition; or (4) a serious health condition rendering the employee unable to perform his or her job.

An employee’s right to leave for the birth or adoption of a child ends 12 months after the child’s birth or placement with the employee.

In addition, the FMLA includes two important leave rights related to military service:

- **Qualifying Exigency**: Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty or has been notified of an impending call to covered active duty status. Qualifying exigencies may include addressing issues arising from a short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, spending time on with a service member on rest and recuperation leave, arranging parental care, and attending post-deployment reintegration briefings.

- **Military Caregiver**: An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty is entitled to up to 26 weeks of unpaid leave to care for the service member. This military caregiver leave is available during “a single 12 month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Employees are required to utilize all available paid leave benefits and apply such paid leave toward the period of Family and Medical Leave, except where the leave is accompanied by workers’ compensation temporary income benefits.

The University will continue the employee’s health insurance under the same conditions as if the employee were working. Thus, if the employee ordinarily pays a portion of his or her health insurance, the employee must continue to pay that portion of the premiums in order to continue coverage during the leave. Premiums for other insurance benefits, if any, such as life, dental or long-term disability benefit premiums will be the responsibility of the employee. If the employee elects not to return to the job, then the employee will owe the health insurance premiums paid to maintain the coverage during the leave, except where the failure to return to work is due to: (1) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to Family and Medical Leave (either affecting the employee or an immediate family member); or (2) other circumstances beyond the control of the employee.

Medical certification of necessity will be required for leaves due to the employee’s own serious health condition or that of a family member. The University reserves the right, at the University’s expense, to require a second medical opinion. If the first and second opinions differ, the University may request a third opinion, at the University’s expense, which is then binding. In addition, the University reserves the right to require a certification from the employee’s treating physician before returning to work following a Family and Medical Leave absence.

The employee may take Family and Medical Leave intermittently or on a reduced work schedule when medically necessary due to the employee’s or a family member’s illness. The University reserves the
right to temporarily transfer the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee’s regular job.

An employee returning from Family and Medical Leave is entitled to return to the same or an equivalent position, with equivalent pay and benefits, if the employee returns within the approved period of leave.

The Short-term Disability program may be used while an employee is out on Family and Medical Leave. If an employee has completed three months of their introductory period, they are eligible for the short-term disability benefit offered by the University.

**Non-qualifying Medical Leave:** In certain instances, employees who do not qualify for Family and Medical Leave may nevertheless be granted a medical leave. Medical leaves of employees eligible for Family and Medical Leave will be handled under the Family and Medical Leave policy set forth above. For employees who are not eligible for Family and Medical Leave (i.e., employees who have not worked for the University for at least one year, have not worked at least 1,250 hours in the preceding 12 months, or who do not work at a location where the University has at least 50 employees within 75 miles), a non-qualifying medical leave may be granted under the policy set forth as follows.

In the event a full-time employee who is not eligible for Family and Medical Leave has a medical condition that prevents the employee from working, the employee may be granted an unpaid medical leave of absence, at the discretion of the University, for as long as he or she is unable to perform his or her job, up to a maximum of 4 weeks, including extensions, in any 12 month period. To qualify for such leave, the employee must report his or her need for such leave to the supervisor or manager as soon as possible and must, within one week after the absence begins, furnish a doctor’s certificate showing the nature of such condition and the estimated length of time the employee is likely to remain unable to work. During such medical leave, the employee may be required to furnish a similar report from a doctor whenever requested by the University. Depending on the circumstances, moreover, the University may require an employee to submit to an examination by a doctor of the University’s choosing at any time, in order to verify the employee’s current physical condition.

Group insurance coverage will be maintained during medical leave. Employees must pay their portion of benefits during this leave.

With the exception of absences resulting from an on the job illness or injury (which are covered by workers’ compensation insurance), employees will be required to use any available paid sick leave or vacation during medical leave.

Employees granted a medical leave who are not eligible for Family and Medical Leave are not guaranteed reinstatement. The medical leave is merely permission to be absent from work without automatic termination. If the University has filled the position previously occupied by an employee on medical leave, or if the employee’s previous position is unavailable for any other reason, the employee may be administratively dismissed from the University upon exhaustion of medical leave, unless the employee has a legally recognized disability that may require an extended leave period as reasonable accommodation under the Americans With Disabilities Act.

The University will attempt to return an employee on medical leave to work as soon as the employee’s physical limitations and the needs of the University will permit. The University may (but is not required to) reassign the returning employee to any vacant position of the same or lower pay for which the
employee is deemed to be qualified. If the employee’s temporary physical condition prevents the employee from performing the essential functions of his/her regular job, but the employee is able to perform other available, productive work of equal or lower grade, the University may return the employee to work on temporary “light duty” status. An employee who fails or refuses to return to “light duty” when offered will be considered to have resigned from employment. If an employee on “light duty” status is assigned to a position having a lower pay grade than the position held at the beginning of the leave, he or she will receive the pay rate of the position being performed. An employee may perform work in a “light duty” status for up to 12 weeks. Thereafter, if the employee on light duty remains unable to perform the essential functions of the position he or she previously occupied, or if no vacancy exists in the position the employee previously occupied, the employee may be administratively dismissed from the University, unless the employee has a legally recognized disability that may require an extended leave period as reasonable accommodation under the Americans With Disabilities Act.

If the employee is released by his/her doctor for return to work, either with or without temporary medical restrictions, the employee must present the doctor’s written certification of his/her condition to the Office of Human Resources immediately.

The Short-term Disability program may be used while an employee is out on Non-qualifying Medical Leave/Disability Leave. If an employee has completed three months of his/her introductory period, they are eligible for the short-term disability benefit offered by the University.

**Military Leave:** An unpaid leave of absence for service in the Armed Forces or National Guard, or for attendance at regular annual military encampment or cruise, and the terms of reinstatement, shall be governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. Advance written notice of the need for such leave is preferred and should be presented to the Office of Human Resources. Notice of the need for military leave, either orally or in writing, should be given as soon as reasonably possible under the circumstances. USERRA extends reemployment rights for up to five years to individuals who have been absent from a position of employment as the result of military duty in the “uniformed services.”

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Under USERRA, the University is required to maintain the employees’ jobs with the same pay, benefits, and status had they not been away on duty.

**Personal Leave of Absence:** The University recognizes that occasionally an employee may need time off from work for personal or family emergencies not covered by other leave policies. A personal leave of absence without pay may be granted to a full-time employee for a reason acceptable to the University, in its sole discretion, for a period generally not to exceed two weeks in any calendar year if the employee submits a written request to the supervisor setting forth the reason(s) for the request. Except in the case of an emergency, the application for leave shall be made at least two weeks in advance. Leaves of absence for personal reasons will be granted sparingly and in no event may personal leave be extended beyond a maximum of 30 calendar days. No sick leave or vacation time is accumulated during the unpaid Personal Leave of Absence, but time previously accumulated is not lost.
7.0 Benefits

The University makes available to all full-time employees, effective the first of the month following their date of hire, numerous elective benefits. The University’s benefits for medical, dental and vision are offered under Section 125 cafeteria programs. Employees are able to make choices annually (June 1) at the time of open enrollment or due to a qualifying life event during the plan year. Employees should contact the Office of Human Resources for qualifying event eligibility.

The St. Mary’s Benefits Committee assists in reviewing various benefits, including plan design, and makes recommendations to the Director of Human Resources and the Vice President for Administration and Finance regarding the benefits and plans that best meet the needs of University employees. Several instructional meetings are offered prior to the annual open enrollment period, which ordinarily takes place on, or before June 1.

Medical Insurance
The University offers a choice of plans for employee selection. The University and employees share the cost of these plans. The employee’s share of the premiums is deducted from his/her paycheck before taxes as a participant in the Flexible Benefits Cafeteria Plan. Full-time employees and part-time employees who work a minimum of 30 hours per week, having met the specified waiting period for the benefit, are eligible to participate in the health plans. Employees who are 65 years of age or older may select a plan offered by the University as their primary health insurance or they may choose Medicare.

Dental Insurance
The University offers a choice between two types of dental insurance coverage for the employee and the employee’s family: (1) Dental Maintenance Organization (DMO); or (2) traditional insurance. The employee pays the full premium for coverage selected, and premiums are deducted from pay before taxes, provided the employee participates in the Flexible Cafeteria Benefits Plan.

Disability Insurance
The University provides Disability Insurance for all full-time employees that pays up to two years at 60 percent of base salary. Employees may have the option to purchase additional coverage at their own expense.

Short-term Disability
It is the University’s policy to work closely with full-time employees and their families when disability situations occur. A short-term disability means any condition, whether physical or mental (including conditions resulting from pregnancy and childbirth), which disables the employee from performing the duties assigned in the position by the University or which imposes a risk of infection to other employees. The determination that a short-term disability exists shall be made by the University’s short-term disability carrier, taking into consideration the essential job functions of the position and the employee’s condition.

If approved through the University’s short-term disability carrier, and the employee has successfully completed three months of their introductory period, the employee will be paid for up to 90 calendar days at their full rate of pay. After 90 days of short-term coverage, the employee may be eligible for long-term disability benefits. Employees shall not be paid or otherwise credited for unused short-term disability leave.
The Short-term Disability program may be used while an employee is out on Family and Medical Leave or Non-qualifying Medical Leave.

**Life Insurance and Accidental Death and Dismemberment Insurance (Life/AD&D)**
The University offers Basic Life/AD&D coverage to all eligible employees, and the University pays 50 percent of the premium.

Employees may purchase one to four times their salary up to $500,000, and spouse coverage up to 50 percent of the employee’s amount for additional voluntary life coverage. The maximum benefit for spouses is $50,000. Without providing proof of good health, the maximum that can be purchased is $100,000 for the employee and $20,000 for the spouse. Employees must be enrolled in basic life to participate in additional coverage. Spouse premiums are based on the employee’s age, not the spouse’s age. Children may be covered up to $500 from age 15 days to six months, and $10,000 for age six months to 25 years.

Voluntary AD&D for employee, spouse, and dependent coverage is available after purchase of Basic AD&D. Minimum coverage is $25,000 and maximum is 10 times the employee’s annual salary.

**Retirement**
An eligible employee may enter the University retirement plan after completion of one year of service in which the employee has worked at least 1,000 hours. Eligible employees contribute 5 percent of their respective salary, which is tax deferred, and the University will contribute 7 percent. (For employees with a TIAA/CREF 403(b) annuity contract or a Fidelity Investment 403(b) account from another participating place of employment, the one-year waiting period may be subject to waiver. The employee should contact the Office of Human Resources for eligibility criteria.)

The two vendors for the University’s Retirement Plan are TIAA-CREF and Fidelity Investments. In addition, the University offers supplemental plans, both pre-tax and post-tax with TIAA-CREF and Fidelity Investments. The employee should contact the Office of Human Resources for additional details.

**Flex Plan**
The University offers a cafeteria plan called the Flex Plan. Full-time employees may join the Flex Plan having met the specified waiting period for the benefit. This plan provides a way for employees to take advantage of the special tax benefits made available by current government regulations. Through the Flex Plan, the employee may set aside a portion of his/her pay in a health care or dependent care account to pay medical and dental insurance premiums, dependent care coverage, and other medically related items. If the employee participates in setting up the health and dependent care accounts, the amount the employee sets aside is not included in his/her income for purposes of determining social security and federal taxes. Full information on the Flex Plan is available in the Office of Human Resources.

**Liability Insurance**
St. Mary’s maintains liability risk coverage for officers and employees in the performance of their duties. Information on this policy, if needed, is available in the Office of the Vice President for Administration and Finance.

**Employee Assistance Program**
The Employee Assistance Program (EAP) is administered through the Office of Human Resources. Brochures identifying the program coordinator and detailing the services provided are available for employees in the Office of Human Resources.
Tuition Benefit
Full-time employees, with six months or more of service, and their dependents and spouse are eligible to enroll in credit courses in the undergraduate schools and the Graduate School of the University through the Tuition Benefit program. (The School of Law, Ph.D. Program, and certain other programs are excluded. A complete list is available in the Office of Human Resources.) If the employee has met the waiting period through prior year(s) of service at an accredited institution, the waiting period will be waived.

Class participation is dependent on meeting basic admission standards and satisfactory progress as defined through the Office of Financial Assistance.

Tuition Benefit Regulations:

- Tuition benefit may only be used for actual St. Mary’s tuition.
- Employees, dependents, and spouses receiving tuition benefits may be eligible for other forms of need-based financial aid including Pell Grant, educational loans, and College Work-Study Program [as determined by the completion and assessment of the Free Application for Federal Student Aid (FAFSA)].
- For dependents participating in the Tuition Benefit program, the maximum amount of a St. Mary’s scholarship or a St. Mary’s-sponsored scholarship is $1,000 per year and may be used toward direct costs. For dependents participating in the University’s Honors Program, the maximum amount of a St. Mary’s scholarship or a St. Mary’s-sponsored scholarship is $2,500 per year, which may be used towards direct costs.
- Benefit forms and procedures are available in the Office of Human Resources.
- If appropriate benefit forms(s) have not been completed immediately following registration, the benefit will not be granted. The completed form is to be submitted to the Office of Human Resources, where it will then be analyzed to determine eligibility and percentage of benefit. Tuition charges will be determined through the Business Office, and the Office of Financial Assistance will initiate credits to the student account.
- Students will be responsible for payment of fees and any portion of tuition not covered by the benefit. Payments will be required in accordance with the general University business policies for all students.
- Benefit forms are required for each session the student attends (fall, spring, summer session I and summer session II).
- Tuition Benefit terms are subject to change upon consultation and notification of the Executive Council.

Employees: Eligible employees are allowed to enroll in classes under the following conditions:

- A maximum of six credit hours of undergraduate or graduate courses per semester per fall and spring semesters may be taken without charge. No more than two courses may be taken during both summer sessions. The maximum number of courses available to an employee during the fiscal year is six (or 18 hours).
- Courses may be taken after work hours and/or during one of the two class times approved during the lunch period.
- Tuition Benefit requests need to be made to the Office of Human Resources immediately following registration. If appropriate benefit form(s) have not been completed immediately following registration, the benefit will not be granted.
- Employees may register at regular registration times but their registrations are subject to change if paying student enrollment is insufficient for the class to make or high enrollment should cause paying students to be displaced.

Use of the Tuition Benefit should not infringe on an employee’s primary job responsibilities at the University. Therefore, studying and performing class-related activities during working hours are inappropriate.

**Dependent Children:** Employees’ children (son, stepson, daughter, or stepdaughter) under 25 years of age are eligible for the Tuition Benefit. If the dependent reaches the age of 25 during the academic year, then eligibility ceases at the conclusion of the academic year. Example: Student turns 25 in October. Dependent would receive the benefit until the end of the academic year with the conclusion of summer session II in August. Student turns 25 in April, dependent’s tuition benefit would cease at the end of the academic year with the conclusion of summer session II in August. (Note: The academic year begins with fall and concludes with the summer session II. Actual dates are announced by the Office of the Registrar.)

The following conditions also apply:

- Dependent children of an employee are eligible for undergraduate tuition benefit according to this schedule of employment services:
  - After six months of service and during years one to three, 50 percent benefit
  - After three years of service, 100 percent benefit
- Full course load is allowed for eligible dependents at undergraduate level
- The employee/parent of the dependent child must complete a benefit form immediately following registration. Benefit forms and procedures are available in the Office of Human Resources. If appropriate benefit form(s) have not been completed immediately following registration, the benefit will not be granted.

**Spouse:** An employee’s spouse is subject to the same conditions as dependent children. If no dependent children are availing themselves of this benefit, a spouse may take undergraduate courses on a full-time basis. Spouses are not, however, eligible to take graduate courses. If an employed spouse takes undergraduate courses and their respective employer offers a tuition benefit, that employer’s benefit will take precedence over the University’s benefit.

A request for a Tuition Benefit for spouses must be made to the Office of Human Resources immediately following registration. Benefit forms and procedures are available in the Office of Human Resources. If appropriate benefit form(s) have not been completed immediately following registration, the benefit will not be granted. Spouses may register at regular registration times.

**Marianists:** For purposes of this policy, members of the Society of Mary who are employees of St. Mary’s are considered the same as all employees; their first generation nieces and nephews under 25 years of age are eligible for the Tuition Benefit.

**Death, Disability, or Retirement:** The dependent(s) and/or spouse of an employee at the time of the employee’s death or disability, as defined by IRS regulations, Section 132(f) (below), are covered under the benefit policy if the employee has completed five years of full-time service to the University. “Death and disability” shall be defined in terms consistent with the University’s insurance policies at the time of the event.
Internal Revenue Service Code, Section 132(f) addresses certain exclusions from gross income for benefits to employees and identifies certain individuals, related to the employee, who are eligible for the same tax-free benefit, such as tuition benefit, as is the employee. The individuals eligible for the tax-free benefit are the employee’s spouse and dependent children. For the purpose of the tax-free tuition benefit on the undergraduate level, the dependent child is a son, stepson, daughter, or stepdaughter who meets the requirement of being eligible for a deduction on the employee’s tax return. An individual who is not yet 25 years of age is eligible for tuition benefit if either of his/her parents would have been eligible for the benefit. A copy of the Internal Revenue Service Code is on file in the Office of Human Resources.

The retiree and dependent(s) and/or spouse of an employee, who retires after completing 10 years of full-time service to the University and after attaining a minimum age of 55, shall be covered under the Tuition Benefit Policy.

**Review Process:** The Tuition Benefit Review Committee (Director of Finance Office, Director of Financial Assistance, and the Director of Human Resources) will review all written requests by employees concerning special circumstances and/or appeals regarding the Tuition Benefit Policy, and make a recommendation to the President for final disposition.

**Tuition Benefit Exceptions:** A complete list of programs excluded from the Tuition Benefit is available in the Office of Human Resources.

The University participates in various Tuition Exchange programs. Information about these programs is available in the Office of Human Resources.

**Dining Services**
Full dining privileges are available to employees in the cafeteria located in the University Center. Employees are eligible to purchase a meal card from the Business Office or pay on a cash basis per meal.

**Identification Cards**
Employees are issued Identification Cards in the University Center upon presentation of an authorization form, which may be obtained in the Office of Human Resources. This card is necessary for checking out books in the library and for other University activities, such as attendance at on-campus athletic events, and use of recreational facilities. Identification Cards must be returned when employment ends.

**Parking**
Parking privileges are extended to all employees, except student employees, without charge. Employees are required to observe all University parking and traffic regulations.

**Recreational Facilities**
University employees may use the Alumni Athletics & Convocation Center’s fitness facilities at no cost. Family members can use the facilities for a reduced annual rate. Arrangements can be made through the Student Development Office.
Workers’ Compensation
Workers’ Compensation insurance is provided for all employees. Medical expenses incurred because of a covered injury and a portion of salary loss are payable through this insurance. Employees are expected to be safety conscious and must report any unsafe conditions to the supervisor. An employee who is injured on the job must report the injury immediately to the supervisor. Every injured employee is encouraged to seek medical attention. A “First Report of Injury” must be completed by the supervisor and filed with the Office of Human Resources immediately or not later than 72 hours after the accident has occurred.

If the employee is absent from work as a result of a work related injury, he/she may be eligible for payments under the Texas Workers’ Compensation Act. The employee will not be paid by the University for periods when the employee is entitled to receive workers’ compensation benefits. An employee must submit a clearance from the treating physician before returning to work following an absence due to a work-related injury.

Unemployment Compensation
St. Mary’s subscribes to the Texas Unemployment Compensation Act. Information about the benefit is available from the Office of Human Resources.

Continuation Health Coverage (COBRA)
Under the federal law, Consolidated Omnibus Budget Reconciliation Act (COBRA), employees and their dependents have the right to temporarily extend coverage under the University’s Group Health Plan in certain circumstances when the coverage would otherwise have been terminated as the result of a “Qualifying Event.” Employees and their dependents that are covered under the University’s Group Health Plan on the day before a Qualifying Event have the right to elect to continue the level of health coverage in effect under the Group Health Plan if such health coverage would otherwise terminate by reason of Qualifying Event. Employees and their dependents do not have to show that they are insurable to choose this continuation coverage. This notice is intended to inform the employee, in summary, of his/her rights and obligation under the continuation coverage provisions of the law. (Both the employee and the employee’s dependents should take the time to read this notice carefully.)

An employee of the University covered by the Group Health Plan has the right to choose this continuation coverage if the employee loses his/her group health coverage due to retirement or other termination of employment (except for gross misconduct), or reduction of work hours.

The spouse of an employee covered by the Group Health Plan has the right to choose continuation coverage for himself/herself if the spouse loses group health coverage under the Group Health Plan for any of the following four reasons: (1) death of spouse; (2) termination of spouse’s employment (for reasons other than gross misconduct) or reduction in spouse’s hours of employment; (3) divorce or legal separation from spouse; or (4) spouse becomes entitled to Medicare.

In the case of a dependent child of an employee covered by the Group Health Plan, he or she has the right to continuation coverage if group health coverage under the Group Health Plan is lost for any of the following: (1) death of a parent; (2) termination of parent’s employment (for reasons other than gross misconduct) or reduction in a parent’s hours of employment with St. Mary’s University; (3) parent’s divorce or legal separation; (4) parent becomes entitled to Medicare; or (5) dependent child ceases to be a “dependent child” under Group Health Plan.
Notification Responsibilities: Under the law, the employee or a family member has the responsibility to inform the University's Plan Administrator (Director of Human Resources) of a divorce, legal separation, or a child losing dependent status under the University’s Group Health Plan within 60 days of the date of the event. If the employee or his/her dependents do not notify the University within this time period, they may lose their rights to continuation coverage. The University has the responsibility to notify the Plan Administrator of the employee’s death, termination, reduction in hours of employment or Medicare entitlement. Similar rights may apply to certain retirees, spouses, and dependent children if the University commences a bankruptcy proceeding and these individuals lose coverage.

Election Period: When the Plan Administrator is notified that one of the aforementioned events has happened, the Plan Administrator will in turn notify the employee or family member that they have the right to choose continuation coverage. Under the law, the employee or family member has 60 days from the date he/she would lose coverage because of one of the events described above, or the date the notice of the employee’s election rights is sent to him/her, whichever is later, to inform the Plan Administrator that the employee or family member wants continuation coverage. To elect continuation coverage, the employee and/or his/her dependents must notify the Plan Administrator in writing within the election period. If continuation coverage is not so elected, coverage under the University’s Group Health Plan will cease.

Premium Requirements: In order to receive continuation coverage, the employee and/or his/her dependents must pay the required premium. The required premium may be paid in monthly installments. The first premium payment for the initial period of continuation coverage is payable no later than 45 days after the day on which the election of continuation coverage is first made. If the employee and/or his/her dependents elect continuation coverage, they will be informed when the subsequent premium payments are due. Once the employee and/or his/her dependents have elected continuation coverage, they have a 30-day grace period in which to pay subsequent premiums.

Maximum Period of Continuation: Depending on the Qualifying Event, health benefits may be continued for the following maximum periods:

- 18 months upon retirement, termination of employment, or reduction of hours
- 36 months upon death of an employee, divorce or legal separation, Medicare entitlement, or ineligible dependent

The 18 months may be extended to 29 months if an individual is determined to be disabled at the time of termination (for Social Security disability purposes) and the Plan Administrator is notified of that determination within 60 days of the determination and before the end of the original 18-month period. The affected individual must also notify the Plan Administrator within 30 days of any final determination that the individual is no longer disabled. St. Mary’s is permitted to charge 150 percent of the applicable premium for the additional 11 months of coverage provided to disabled beneficiaries.

Second Qualifying Event: If a second Qualifying Event occurs within the first 18 months of continuation coverage (or within the first 29 months of continuation coverage for disabled persons as described above), coverage will be continued for 36 months from the date of the second Qualifying Event.

Continued Medical Child Support: Court orders issued under state domestic relations laws, Qualified Medical Child Support Orders, are intended to ensure children will have coverage under employer-provided plans of their parents.
Termination of Continuation Coverage: The law provides that continuation coverage may be terminated for any of the following reasons:

- The University no longer provides group health coverage to any of its employees;
- The premium for continuation coverage is not paid on time;
- The employee and/or his/her covered dependents becomes covered by another group plan, unless the plan contains exclusions or limitations with respect to a pre-existing condition of the employee or his/her covered dependents;
- The employee becomes entitled to Medicare; or
- The employee extends coverage for up to 29 months due to a disability and there has been a final determination that the employee is no longer disabled.

This law applies to the University’s Group Health Plan beginning annually on June 1. If the employee has any questions about this law, please contact the Plan Administrator (Director of Human Resources). If the employee has changed addresses, please notify the Office of Human Resources.
8.0 University Employment Policies and Statements

Employees are expected to comply with all University Policies. The complete texts of University Policies are in the Policy Library on Gateway. Some University Policies require annual review and acknowledgment. These Policies are noted below with an asterisk (*).

Accident Prevention Plan*

St. Mary’s University is committed to providing a safe workplace and learning environment for all employees, students, and visitors. The University has developed the accident prevention program to identify and eliminate hazards that may develop in the work place. Safety, health and job performance shall be considered when performing any task. No employee or student shall knowingly violate a safety rule or risk their personal safety or the safety of others in performance of his/her duties. The complete text is in the Policy Library on Gateway.

Alcohol Service and Sales

Members of the campus community and visitors at St. Mary’s University are expected to comply with Texas State Law and exercise responsible behavior when consuming alcoholic beverages on campus, whether provided at an event or purchased at the Pub. In accordance with Texas State Law, the University does not permit persons younger than 21 years of age to purchase, possess, consume, or be served alcohol. Service may be suspended to any person who, in the judgment of the server or the University Police, is at risk for over-consumption. Persons may not leave a Texas Alcoholic Beverage Commission (TABC) approved area with alcoholic beverages, and no alcoholic beverages may be brought into a TABC approved area. The complete text is in the Policy Library on Gateway.

At-will Employment

All employees covered by this Manual are considered “at will” employees, and either the employee or employer may terminate the employment relationship at any time without notice. Each party will endeavor to provide the other notice, but it is not required. Any termination by the University must be consistent with applicable laws prohibiting discrimination. Initial and renewal appointment forms are budget documents and do not constitute a contract.

Children on Campus

University campus grounds and buildings are designed to provide an environment conducive to academic and occupational activities performed by students, faculty, staff and guests. For safety reasons, and to limit the disruption of University activities, operations and services, the University cannot accommodate minor children in unsupervised circumstances on campus. Additionally, there are specific areas of campus where minor children are never allowed.

Code of Business Conduct *

The University Code of Business Conduct (“the Code”) describes standards expected of all staff employees of the University when conducting University business. Although the principles set forth are not designed to govern or address every matter, event, or situation that may arise, staff is expected at all times to adhere to the letter and spirit of the Code, abide by all laws, rules and regulations, and exercise high standards of integrity and sound ethical judgment in all University dealings and in conduct of all University business. Employees whose professional fields call for stricter standards must adhere to the criteria established for their line of work. Members of the Faculty are encouraged to support the Code, although their conduct is governed by the Faculty Handbook. Annually, employees are to acknowledge the Code and their commitment to comply. The complete text is in the Policy Library on Gateway.
Communicable Diseases and AIDS
St. Mary’s shall treat AIDS the same as any other disease that may be contracted by University personnel. Victims of AIDS or other diseases will be permitted to teach, work and/or enroll in courses at the University unless the student or staff member’s personal physician, campus medical officials, or state or federal public health officials declare that their disease represents a substantial risk to the health and safety of other members of the community. In such cases, appropriate measures will be taken to protect the institution and the individual.

Copyright Compliance
All employees of St. Mary’s shall conduct their activities on behalf of the University, including but not limited to any research or writing activities, in such a fashion so as to meet and comply with all the requirements of the United States copyright laws and regulations (Title 17 U.S. C.).

Distracted Driving
Employees driving a University vehicle or a personal or rental vehicle used for University business are prohibited from using any mobile devices (mobile phone, tablet, etc.) whether personal or University issued that may lead to a distracted driving situation - whether the vehicle is in motion or stopped at a traffic light. This prohibition includes, but is not limited to, answering or making phone calls if such use requires pressing more than a single button, reading or responding to emails, text messaging, surfing the Internet, instant messaging, checking phone messages, or programming a GPS device. If an employee needs to use a phone or other electronic device, it is recommended that the employee pull over safely to the side of the road or to another safe location.

Drug-free Workplace *
Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent and obligation of the University to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on University premises or while conducting University business off University premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including dismissal, and may have legal consequences for violators of the policy.

The University recognizes that drug and alcohol dependency is an illness and a major health problem. The University also recognizes that drug abuse is a potential health, safety and security problem. Those employees needing help in dealing with drug abuse or drug dependency should contact the Office of Human Resources in order to determine community drug counseling and drug assistance programs that are available.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of a conviction must be made within five days after the conviction.

Emergency Procedures and University Closure
In the event the University opening is delayed due to any type of emergency, the employee is required to report to work at the announced time. If the employee does not report to work, he/she will not be paid for that entire day unless the employee has sick or vacation leave available.
Should inclement weather begin during a working day and the decision is made to close early, all departments will be appropriately informed and payment will be made for the hours closed. Should the employee feel he/she must leave early due to inclement weather when the decision has been made to keep the campus open, the employee will only be paid for such time if the employee makes up hours of absence within the same week of the emergency and at a time mutually agreeable to the employee and the supervisor or with sick or vacation leave the employee has available.

Each department has designated “essential personnel” in the event of an emergency. These employees may be required to report as part of their assigned duties.

**Employment of Relatives**
It may be deemed a conflict of interest in employment at the University for an employee to serve in a direct supervisory capacity over a relative or dependent, or in a situation where influence could be exerted on decisions concerning the status of their employment, promotion, or compensation. For the purposes of this policy, “relative” shall be deemed to be any person within the first degree of consanguinity (blood relation) and “dependent” shall be defined as provided in Section 152 of the United States Internal Revenue Code. Should a faculty member serve in direct supervisory capacity over a relative or dependent, the Provost shall appoint another faculty member to evaluate said relative or dependent. (See the Faculty Handbook.)

**Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment**
St. Mary’s University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise in full compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, the Pregnancy Discrimination Act of 1978, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Americans with Disabilities Act, the Equal Pay Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Immigration Reform and Control Act of 1986, and other federal, state, and local laws.

All alleged violations of this policy will be handled in accordance with the University’s Equity Discrimination Resolution Process. The Equity Discrimination Resolution Process applies regardless of the status of the parties involved, who may be students or employees (staff, faculty, or administrators). The University reserves the right to act on conduct that may constitute a violation of this policy occurring on campus or off campus, when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

The Director of Human Resources serves as the Title IX Coordinator and oversees implementation of this policy. Allegations of violations of this policy must be reported to the Title IX Coordinator immediately. Reporting is addressed more specifically in the complete Policy and Equity Discrimination Resolution Process maintained in the Policy Library on Gateway.

**Exposure to Blood-borne Pathogens**
Full information pertaining to the policy on Exposure to Blood-borne Pathogens (BBP) is available in the Office of Human Resources. The following staff and faculty members of St. Mary’s are identified as having occupation exposure to Blood-borne Pathogens: (1) staff of Health Services; (2) staff of Operations and Support Services; (3) faculty and staff of Athletics Department; and (4) specific academic personnel in research situations.
**Fraternization**
The University prohibits sexual or dating relationships where there is an institutional power difference between the parties involved, for example, between a supervisor and an employee, or between a coach and an athlete, or an academic advisor and an advisee. Relationships with this power disparity may cast doubt on the objectivity of the supervision and evaluation provided, and may result in claims of sexual harassment and questions about the voluntariness of the relationship. Employees of the University who engage in a relationship prohibited by this policy may be subject to disciplinary action, up to and including termination of employment.

In addition to the prohibition stated above, the University strongly discourages romantic, intimate, or sexual relationships between a student and faculty, student and staff, or student and University administrator, regardless of whether one party has institutional responsibility for or authority over the other. Individuals who enter into relationships where a professional power differential exists must realize that if a charge of sexual harassment is lodged, it will be exceedingly difficult to prove mutual consent. Romantic relationships often are perceived differently by each party—especially in retrospect. One party may recall the relationship being less consensual than the individual whose position confers power or authority. Thus, parties involved in these types of relationships assume all associated risks, and the University will hold both parties accountable regardless of blame or fault if such a relationship causes a problem for the University.

Employees covered by the Personnel Manual engaged in a relationship that is discouraged by this policy are required to notify the Director of Human Resources in writing of such relationship. At the discretion of the University, one or both parties to the relationship may be subject to transfer or termination of employment. If transfer or termination is appropriate, the parties involved will be given the opportunity to determine which party will be subject to the change in employment status, to the extent possible. If the parties are unable to agree, the University will make the determination in its sole discretion.

This policy does not apply where the spouse of an employee is a student at the University so long as such relationship is disclosed to the Director of Human Resources.

**Health Insurance Portability and Accountability***
The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules, effective with respect to the University’s health plans on April 14, 2003, limit the University’s ability to receive and use individually identifiable health information (“Protected Health Information”). Protected Health Information can be used only for purposes of administering the health plans and not for other purposes (including, especially, employment-related purposes such as hiring and firing decisions). Questions regarding HIPAA should be directed to the Office of Human Resources.

**Hiring for Mission**
Responsive to the Catholic identity of St. Mary’s University and to its sponsorship by the Society of Mary, the following hiring policies are honored:

- To further its objectives, the University shall give special consideration to recruiting and appointing qualified faculty and staff who, whether Catholic or not, are able to support the Mission of the University and work comfortably in its institutional culture.
- To further its objectives, the University shall give special consideration to recruiting and appointing qualified faculty members of the Society of Mary, the Daughters of Mary Immaculate, and lay Marianists to positions at the University.
- To further its objectives, the University shall give special consideration to recruiting and appointing qualified active members of the Roman Catholic faith to positions at the University.
Manifest competence for a position is a requisite in all the above situations, and this is clear. No one is hired for the “Marianist” or “Catholic” reason alone. Any Catholic and Marianist candidate hired under the above hiring policies must clearly be qualified for the position, and is subject to all of the performance reviews within the University.

**Immediate (Emergency) Notifications (Clery Act)**
St. Mary’s University has implemented a comprehensive communications system to provide prompt warning notifications and alerts of immediate threats to the health and safety of members of the campus community using both email and text messages. St. Mary’s University will also utilize building fire alarm systems to notify students and employees of an emergency. The University may also use the University website to provide information to the surrounding area. In addition, University community members can call St. Mary’s University emergency hotline at 210-431-8075 for more information.

**Immigration and Employment Requirements**
The Immigration Reform and Control Act of 1986 (the Act) requires employers to verify both the identity and work eligibility of all new employees within three business days of employment. Employers must attest on an I-9 form that they have examined certain documents to verify the employment eligibility and identity of the individual hired. Every new employee must report to the Office of Human Resources immediately upon hire with proof of identity (i.e. passport or driver’s license) and eligibility to work (i.e. passport, green card, social security card, or birth certificate). Please contact the Office of Human Resources for information concerning acceptable verification documents. The Office of Human Resources will provide employees with all the necessary forms that must be completed including Internal Revenue Service Form W-4 and all benefits applications.

**Interest in Creative Works**
Employees who develop copyrighted materials or other intellectual property in their work at the University should refer to the Faculty Handbook.

**Internet Access**
The use of the University’s computer systems to access the Internet is a privilege, not a right. Abuse or misuse of the Internet is prohibited. Examples of abuse or misuse include, but are not limited to, using the Internet for unlawful or criminal purposes; using the Internet to gain unauthorized access to other systems; using abusive or otherwise objectionable language in either public or private messages; damaging other people’s work systems; sending “Chain Letters” or “Broadcast” messages to lists or individuals, or any other message that may cause congestion of the networks or otherwise interfere with the work of others; irresponsible or discourteous actions toward other users (staying at a site longer than required); and/or using the Internet for other than work purposes.

Employee use of the Internet may be monitored at any time. Employees should not expect privacy with respect to any of their activities using University-provided Internet access or services. The University reserves the right to review any files, messages, or communications stored on, created, received, or sent using the University’s computers, networks, and other Information Technology resources and communications systems.

**Medical Emergencies and First Aid**
In the event an employee or any other person on the campus or property of the University is seriously injured or has a medical emergency, employees must immediately call the University Police Department at extension 1911. The employee must give his/her name, describe the nature and severity of the medical problem, and provide the campus location of the person injured.
The Police Department will contact 911 for ambulance services if deemed necessary. In the event of a medical emergency that does not require the service of an ambulance; the University will help the employee make arrangements with an emergency contact or next of kin.

If a University employee needs medical attention for a work-related injury, the University will provide transportation to a pre-arranged contracted medical facility. If the Office of Human Resources staff is unavailable, University Police will contact the medical facility to arrange transport.

Employees who witness a medical emergency incurred by a co-worker are asked to follow the emergency procedure stated above and contact the University Police Department immediately. Police Department staff will contact 911 for ambulance services if necessary. If the injury is not a life-threatening emergency, and the Office of Human Resources staff is unavailable, University Police may call the contracted medical facility for transport.

The University is not obligated to transport employees to doctor appointments, therapy appointments for medical-related situations, or follow-up appointments. Employees must provide their own transportation and make their own arrangements for these types of appointments during the workday.

**Parking and Traffic Regulations**
The University maintains a Police Department, staffed by commissioned officers who possess full authority as peace officers. Their responsibilities include, in order of priority: (1) protection of the safety and welfare of students and employees; (2) provision of security for University property; and (3) the regulation of campus parking and traffic. All employees are expected to cooperate with the University Police in their efforts to fulfill their responsibilities. Complete regulations are maintained in the Policy Library on Gateway.

**Personal Appearance and Courtesy**
Employees of the University represent the University in the contacts that they have with students and with the public. Employees’ dress and grooming is expected to be neat and appropriate to the work in which each one is engaged. Proper respect must be accorded to all students and members of the public with whom employees’ come into contact. Such respect for fellow employees is likewise important for the common welfare of all University personnel as well as the good of the institution.

**Personal Property**
The University assumes no responsibility for personal property brought to the campus by employees or others. The University reserves the right to search the contents of University-owned vehicles, structures, equipment, and furniture of any kind, including offices, desks, computers, lockers, and file cabinets, at any time and for any reason.

All University employees are therefore strongly encouraged to refrain from storing on or in University-owned property any personal article (including personal correspondence) they wish to protect from inspection by University officials. By accepting or continuing employment, each employee of the University is deemed to have consented to unannounced searches of his/her work area upon request. Searches of employees’ personal containers such as purses, briefcases, and lunch pails will not be conducted without the employee’s consent. An employee’s refusal to permit a search of personal containers, however, may result in disciplinary action, up to and including discharge.
Personal Use of University Property
The facilities, furniture, equipment, and other property owned by the University may be used only for work directly related to performance of University business. University employees may not be directed by a supervisor to perform work that is not directly related to University business. Should extraordinary circumstances require an exception for this regulation, written authorization by the Vice President for Administration and Finance is necessary.

University telephones may not be used for personal business except for brief local calls that might be required to take care of urgent family matters. Under no circumstances may University telephones be used for long distance or other toll calls without express authorization of the employee’s supervisor and reimbursement of the charges to the University.

University property no longer in service may not be disposed of by employees. Disposition of University property must be approved through established inventory procedures. The Facilities Department may be contacted for assistance.

Personal Work and External Employment
Performance of personal work or services by an employee for a supervisor can be inconsistent with employee job responsibilities and can significantly reduce job satisfaction. It is, therefore, contrary to University policy to require an employee to perform personal work or services.

A full-time employee who engages in other gainful employment must notify their supervisor. Such outside employment should not interfere with the employee’s obligations to the University.

Pets on Campus
No pets are allowed on campus except as outlined in the Residence Life Community Standards for resident students or as approved by the Director of Human Resources in accordance with Disability Rights laws. Campus includes all buildings on the main campus and property owned by St. Mary’s University encompassing the Center for Legal and Social Justice (CLSJ) and the Counselor Education and Family Life Center (CEFLC).

Political Campaigns and Political Activities
St. Mary’s, as a Catholic and Marianist University, is responsible for engaging people in dialogue around difficult questions of faith and culture. St. Mary’s encourages students, faculty, and staff to become involved in the political process through holding educational events on campus, such as voter registration drives conducted in a non-partisan manner, candidate debates, and other voter education activities. Members of the University community are free to exercise their rights as citizens and to be politically active, either individually or through groups and organizations.

St. Mary’s University is the possessor of considerable material resources, which have been acquired in part through its status as a tax-exempt institution of higher learning. This tax-exempt status is based on the institution’s fulfillment of the requirements set forth in part in Section 501(c)(3) of the Internal Revenue Code, which provides in effect that an educational institution qualifies for tax exemption as a recipient of deductible contributions provided that:

(1) “no substantial part of the activities (of the institution) is carrying on propaganda, or otherwise attempting to influence legislation” and

(2) the institution “does not participate in, or intervene in (including publishing and distributing statements), any political campaign on behalf of (or in opposition to) any candidate for public office.”
St. Mary’s must safeguard its tax-exempt status by establishing guidelines for those University community members wishing to exercise their right to participate in political activities on or off campus. All institutions exempt under Section 501(c)(3) are prohibited from directly or indirectly participating in or intervening in any political campaigns and/or political activities on behalf of (or in opposition to) any candidate for elective public office. Therefore, engaging in impermissible political campaigns and/or activities can result in the revocation of the University’s tax-exempt status. There is no restriction of the discussion of political issues or the teaching of political techniques, nor are academic endeavors that address public policy issues affected.

Cooperation is essential to assure that St. Mary’s University remains in compliance with federal requirements and members of the community act in accordance with the University’s mission. Any political activity, even those sponsored by campus-based organizations, including Registered Student Organizations, may be terminated immediately if found in violation of University policies and procedures.

Permissible and Non-Permissible Activities, as well as procedures for hosting of political candidate actively running for office are detailed in the Policy maintained in the Policy Library on Gateway.

Sale of Employee Created Materials to University Students
Staff members often create materials in which they hold commercial interests and which might be used in courses or programs that the staff member is teaching or administering for the University. It is the policy of the University that staff members may require students to purchase materials in which the staff member holds a commercial interest for courses taught or programs administered by that staff member. In this situation, however, the staff member shall assign all income rights for all of the materials sold to the University. Any income thus received shall be placed in a special fund, which shall then be made available by application through the Provost to staff members in order to promote research, publication, or other creative efforts.

Smoke-free Buildings and Smoke-free Zones
Smoking, including smoking electronic cigarettes, is not permitted inside any University building, and is not permitted within 50 feet of building entrances unless specifically allowed by signage. The University seeks compliance, consideration, and cooperation of both smokers and non-smokers and asks that all community members be respectful of one another in this regard.

Solicitations and Fundraising
Solicitation of contributions toward wedding, birthday, farewell, and similar gifts is prohibited during work hours. Although appropriate expressions of friendship among employees are encouraged, these should not be an occasion of embarrassment for employees who may not be able to contribute.

While the University encourages employee fund-raising on its behalf, proper coordination and approval is necessary to avoid conflicts and confusion. Therefore, all fundraising activities conducted on behalf of or in the name of the University by any employee shall be subject to the coordination of the Vice President for University Advancement. Grants or gifts may not be accepted on behalf of the University unless approved by the Provost and the Vice President for University Advancement.

Employees may not solicit funds on behalf of any organization, other than an approved University organization, on University property unless prior written approval is received from the Vice President for Administration and Finance. Employees may not sell or solicit the sale of products on University property or on work time other than University approved products – the sale of which is part of the employee’s job duties or responsibilities.
**Timely Warning Notifications (Clery Act)**
The St. Mary’s University Police Department Chief or designee will develop timely warning notices for the University to notify members of the community about serious crimes against people that occur within the core campus boundaries and in non-campus properties as defined by the Clery Act.

The decision to issue a timely warning notice for an off campus crime will be made on a case by case basis depending on an assessment of various factors, which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to campus officials and the potential direct effect on the campus community.

**Title IX Statement***
In accordance with Title IX, the University does not discriminate on the basis of sex in the University’s services, educational programs, and activities, including, but not limited to admission to and employment by the University. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX and the University. Title IX also prohibits gender based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature. Retaliation for asserting or otherwise participating in an investigation of a claim or sex discrimination or harassment is likewise prohibited. Please refer to the Policy titled “Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment” maintained in the Policy Library on Gateway.

The Director of Human Resources, Dean of Students, and Chief of Police are designated to handle inquiries regarding the University’s non-discrimination policies. The University’s Title IX Coordinator is the Director of Human Resources, One Camino Santa Maria, San Antonio, Texas, 78228, (210) 436-3725.

**University Name and Seal**
The University’s name, logo, seal, emblem, or any other trademark or service marks of the University are the exclusive property of the University and, consequently, may not be used in connection with goods or services offered by any outside organization without the prior permission of the President. No report or statement relating to outside activities may be attributed to the University without the prior permission of the President.

**Using Social Media at Work**
The University recognizes that employees occasionally may desire to use social media for personal activities at the office or by means of the University’s computers, networks, and other IT resources and communications systems. Such occasional use is permissible so long as it does not involve unprofessional or inappropriate content not otherwise protected or required by law and does not interfere with employment responsibilities or productivity of the employee. Circulating or posting commercial, personal, religious or political solicitations, chain letters, spam or promotion of outside organizations unrelated to University business is also prohibited unless otherwise protected or required by law. Unless specifically authorized in writing by the President of the University, employees may not speak on behalf of, or claim to represent, the University in an official capacity on a blog, message board, or other social media website. Further, employees are prohibited from using social media to engage in unlawful harassment or discrimination or to violate any other University policy. This policy is not intended to preclude or dissuade discussions among employees about wages, terms and conditions of employment, or other legally protected or required activities.

Employee use of social media accessed through the University’s computers, networks, and other Information Technology (IT) resources and communications systems may be monitored at any time.
Employees should not expect privacy with respect to any of their activities using University computers, networks, and other IT resources and communications systems. The University reserves the right to review any files, messages, or communications stored on, created, received, or sent using the University’s computers, networks, and other IT resources and communications systems. Employees should not use the University’s IT resources and communications systems for any matter that they desire to be kept private or confidential from the University.

Employees who violate this policy may be subject to discipline, up to and including dismissal from employment.

**Weapons**

The University strictly prohibits the use, sale, manufacture, distribution, purchase, transfer, receipt, or possession of weapons during working time or while representing the University, whether on or off University campus or workplaces. The University’s Weapons Policy also prohibits:

- Use, sale, manufacture, distribution, purchase, transfer, receipt, or possession of weapons while teaching classes, attending classes, and/or while entering or being physically present on the University’s premises.
- Students, employees, (including faculty, administrators, professional staff, and support personnel), applicants, and/or visitors from entering University premises or reporting for work or class while in possession of weapons.

This policy is not intended to prohibit an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition, from transporting or storing a firearm or ammunition that the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the University provides for employees.

Any employee or student who violates this policy will be relieved of duty, and discipline may include immediate dismissal. Any visitor who violates this policy will have the firearm confiscated, will be considered a trespasser, and will be escorted off the University’s premises.

Weapons include firearms, knives with a blade longer than three inches, explosive materials, or any other object that could be used to harass, intimidate, or injure another individual, student, faculty or non-faculty member, volunteer, manager, or supervisor.

This policy applies anytime a student and/or employee (including faculty, administrators, professional staff and support personnel) is performing services for the University, including travel for any University-related business, athletic, and/or scholastic purpose, whether in the employee’s or faculty member’s personal vehicle or in a University vehicle.

The University Weapons Policy does not prohibit the possession and/or use of weapons by qualified members of the University Police Department while they are on duty and acting within the scope of their employment, and the University’s ROTC Department while they are acting within the scope of their training and/or performance activities. Marianist permanent residences on the premises are also excluded from this policy.
The University reserves the right to conduct searches or inspections at any time there is a reasonable suspicion that an applicant, employee (including administration and support personnel), and/or visitor is in the possession of weapons without prior announcement. Reasonable suspicion will exist where facts and circumstances, based on trustworthy information, are sufficient in themselves to warrant a person of reasonable caution to believe that an offense of the Weapons Policy has been or is being committed.

Searches will be conducted by authorized University police officers only. Authorizations may come from the Chief of Police, the President or the respective Vice President or their designees, or by a University police officer in instances of clear and present imminent danger. Employees, including administrators, professional staff, and support personnel, are required to submit to such procedures, upon request, and will be asked to sign a release form.

An employee’s refusal to submit to such searches may result in disciplinary action, up to and including suspension and/or termination. Visitors are required to submit to such procedures, upon request, as a condition of continued visitor status.

The University reserves the right to conduct searches and inspections of applicants, employees, including administration and support personnel, or visitors and/or their personal effects, lockers, desks, and/or other containers located on University premises. This includes University vehicles wherever located. Entry onto University premises or work sites, or performing services for, on behalf of, or as a representative of the University constitutes consent to such searches or inspections. The purposes of such searches or inspections under this policy are to determine whether any employee, applicant, or visitor is in possession of weapons.

Whistleblower Policy (Employee Protection)*
It is the intent of the University to adhere to all laws and regulations that apply to the University and all employees are expected to share in this commitment. The support of all employees is necessary to achieve the University’s goal of legal compliance. The University will not retaliate against an employee who in good faith has filed such a complaint, bringing the alleged unlawful policy, practice, or activity to the attention of the University in accordance with this policy. Any complaint or report of an alleged violation of the University’s Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy shall be handled in accordance with the Equity Discrimination Resolution Process.

Workplace Violence Prevention*
The University is committed to a safe work environment, free of threats, intimidation and physical harm. All employees have a right to work in a safe environment and share the responsibility for assuring each other’s safety.

The University prohibits physical assaults (fights), threatening comments, intimidation, and the intentional destruction of any University property, employee’s property, or merchandise. Any comments or behavior that reasonably could be interpreted as intent to do harm to an employee or property will be considered a threat.

Any employee who believes he/she may be the target of violence or threats of violence or is aware of violent or threatening conduct by another individual that could result in injury to a University employee, student, or visitor or the destruction of property, has a responsibility to immediately report the situation to his/her immediate supervisor or manager. If the employee is unable or prefers to not contact the immediate supervisor/manager, the employee may promptly contact the Director of Human Resources or the University Chief of Police.
Any information provided will be treated as important and appropriate action, including an investigation, will be taken. If an investigation reveals that this policy has been violated, such conduct will be dealt with through disciplinary action, which may include but is not limited to, suspension or termination of employment of persons in violation of this policy. Individuals violating laws also may be subject to criminal prosecution.

The University understands the sensitivity of the information and will make every effort to maintain confidentiality.
9.0 Grievance Procedure

The University has established a grievance procedure in an effort to ensure that employees receive fair and equitable treatment in the application of University policy, to provide employees with an easily accessible procedure for expressing dissatisfaction, and to sustain sound employee relations through communications and resolutions of work-related problems. All employees who have completed their introductory period are covered by this procedure. An employee is assured that his/her status as an employee of the University will not be jeopardized because he/she has been involved in the grievance procedure. Any complaint or report of an alleged violation of the University’s Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy shall be handled in accordance with the Equity Discrimination Resolution Process, not this Grievance Procedure. (See Section 8.0)

Any employee of the University who believes that he/she has not been treated fairly in a job-related matter may make use of the grievance process within ten (10) working days of the incident. This process provides three levels of action through which a grievance may be carried: (1) the grievant’s immediate supervisor; (2) the Director of Human Resources; and (3) the Vice President for Administration and Finance. A grievance must proceed through each level before moving to the next higher level. In other words, no lower level can be bypassed before proceeding to the next higher level. Work related grievances occurring more than ten (10) working days prior to the filing of the written grievance will not be accepted and are deemed to be waived.

At each level, the grievance must be filed in writing with all pertinent information included. The burden of processing the grievance through each level rests with the grievant, and the grievant’s failure to act at any level within the specified time limits shall result in dismissal of the grievance.

It is the intent of the Grievance Procedure to provide an avenue to seek internal resolution of the dispute. If an employee chooses to go “outside” the University, that is, use external sources such as any federal, state, or local agency or any other external mechanism to resolve the dispute, the employee waives his/her rights under the University’s grievance procedures and his/her grievance shall be dismissed.

First Level: Supervisor
The grievant must present to his/her immediate supervisor a written statement of the grievance and discuss it with the supervisor. If the supervisor is able to resolve the grievance, to the grievant’s satisfaction, the grievant will sign a statement that the grievance has been resolved. If the supervisor is not able to resolve the grievance, it shall be referred to the Director of the Department. If the grievant’s immediate supervisor is the Director of the Department, then the grievance shall be referred to the Director of Human Resources, and the grievance will be considered to have progressed to the second level. If the Director of the Department is not able to affect a resolution, the grievant may, within ten (10) working days following such determination, file at the second level.

Second Level: Director of Human Resources
The grievant must complete a “grievance filing form” and submit it to the Director of Human Resources, who will bring together the parties involved in the grievance in an attempt to resolve the matter to the satisfaction of all. If the Director of Human Resources succeeds in this attempt, the grievant will sign a statement that the grievance has been resolved. The Director of Human Resources, at his/her discretion, can also direct the parties to engage in mediation through the University Peacemakers rather than attempt to resolve the grievance himself/herself. If satisfaction is not achieved at this second level, the grievant may, within ten (10) working days after the Director of Human Resources so specifies, file at the third level.
Third Level: Vice President for Administration and Finance
The grievant must file with the Vice President for Administration and Finance a written statement of the grievance along with a description of the prior attempts at resolution under the first and second levels. The Vice President shall review the statement and any and all documents submitted by the grievant and/or respondent and render a final written determination on the grievance. The Vice President has the discretion to meet with the grievant and/or respondent prior to making a final determination.

General Provisions
The filing or pending of any grievance under the provisions of this policy shall not prevent the University from taking the action at issue, subject, however, to the final determination on the grievance. Failure to appeal a grievance to the next level within the specified time limits, or such additional period of time as may be mutually agreed upon in writing, shall be deemed to be acceptance of the decision rendered at that level. If a grievant at any time deviates from the grievance procedures, the University may immediately dismiss the grievance.
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