

MUSKINGUM

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U N I V E R S I T Y

**Employee Handbook**

**ACKNOWLEDGEMENT OF RECEIPT**

My signature below acknowledges that I have received a copy of the Muskingum University Employee Handbook. I understand that it is my responsibility to read the handbook as it contains applicable University policies, rules and guidelines.

I understand that, except for certain faculty members and administrators with written employment contracts (“contract employees”), employment with the University is terminable “at-will” and, therefore, I may terminate my employment at any time for any reason. The University likewise has the right to terminate my employment at any time and for any lawful reason, at its sole discretion, with or without cause, and with or without prior notice. I further understand that no employee of the University, except its President, may vary a non-contract employee’s at-will employment status by express or implicit statements, promises, a course of conduct, or otherwise, and that if the President varies a non-contract employee’s at-will status, he or she may do so only in a signed writing.

Further, I understand that the policies and rules described in the Employee Handbook are subject to change from time to time. I understand the Handbook is not intended to be, nor should it be regarded as, an employment contract or a commitment for employment of any particular duration. I recognize that the University may add to, delete from, or revise any policy in the Employee Handbook, and that it has the right to interpret its policies as it deems appropriate. In a continuing effort to keep Muskingum University employees informed of the latest university policies, an up-to-date version of the Employee Handbook is listed at:  
<https://www.muskingum.edu/sites/default/files/media/administration/HR/EmployeeHandbook.pdf>“

I understand the provisions of the Employee Handbook supersede any other written or unwritten polices, practices or representations regarding non-contract employees.

By my signature below, I authorize the University to deduct or withhold from my final paycheck any amounts owed to it by me for any failure to return University property (i.e. tools, equipment, uniforms, keys, monetary advances, etc.) or any failure to satisfy any of my financial obligations to the University incurred prior to issuance of such final paycheck.

Employee Name (Please Print) \_\_\_\_\_

Position: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

To be retained in employee’s personnel file located in the Human Resources office.

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## **WELCOME TO MUSKINGUM UNIVERSITY...A MESSAGE FROM OUR PRESIDENT**



Welcome to employment at Muskingum. It is my hope you will find your employment here to be a pleasant experience as we work together to strengthen Muskingum's already fine reputation as an outstanding educational institution. The University mission statement appears below. It behooves each of us to bear in mind that the reason for the University's existence and, hence, our positions here it is to educate students; they are our "customers." The mission statement should serve all of us as a reminder of our mutual objective.

### **The University's Mission Statement**

The mission of the Muskingum University is to offer quality academic programs in the liberal arts and sciences in the setting of a residential, coeducational, church-related university and in the context of a caring community where individual fulfillment is encouraged and human dignity is respected. Its primary purpose is to develop--intellectually, spiritually, socially, and physically--whole persons, by fostering critical thinking, positive action, ethical sensitivity, and spiritual growth, so that they may lead vocationally productive, personally satisfying, and socially responsible lives.

As Muskingum's President, I look forward to working with you in making this University the best learning institution possible.

## **Section I: INTRODUCTION**

### **A Reminder**

The University's community is composed of employees, students, alumni, friends and area residents. This Handbook addresses matters concerning the University's employees. Generally, the University's employees fall into three groups: Faculty, Administrators, and Support Staff. Within those broad categories, a number of classifications exist.

Some of the University's policies are classification-specific while others are general. The general policies apply to all University employees except as otherwise noted. Faculty members have a number of classification-specific policies that are set forth in the University's Faculty Handbook or its Academic Policies and Procedures. Where a Faculty specific policy is inconsistent with the University's general policy on the same subject, the Faculty specific policy supersedes the general policy to the extent of any irreconcilably inconsistent provisions.

While the University provides this Employee Handbook as a reference to information and a guide for the conduct of its employees, no single document can cover every circumstance that might arise in the employment context. This Handbook is not to be construed as a contract of employment under any specific terms or for any specific duration. The University has the right to change its policies at any time without prior notice. Additionally, the University reserves the right to interpret its policies as may be appropriate to a given set of circumstances. While the University will try to keep employees aware of policy changes, the employee must assume the responsibility of keeping up-to-date by periodically reviewing the most recent on-line version of the University's employment policies on its website.

If an employee has a question about the University's policy on any subject, for clarification he or she should consult the Provost or the Vice President over the employee's position, or the Human Resources Manager.

In order to be as effective as possible in his or her job performance, the employee will want to learn as much about the University (and its expectations) as is possible. There are numerous sources for such information. The Human Resources Office can direct the employee to appropriate resources.

Each employee is reminded that unless he or she has a written contract with a specific duration of employment, his or her employment relationship to the University is at-will. This means that either the University or the employee may discontinue the employment relationship, without prior notice, at any time for any lawful reason,

### **Accreditation**

Muskingum has been continually accredited by the North Central Association of Colleges and Schools since 1919 and by numerous other accrediting bodies. We strive to maintain such accreditations through excellence in our programs, facilities and services to students. When



accrediting agency on-site reviews are pending, additional or re-prioritized work may be required. The employee's full cooperation is expected.

### **The Physical Campus**

A map showing the location of various University buildings appears on the University web page at <http://www.muskingum.edu/visitsmaps/campusmap.html>

## **Section II. BASIC EMPLOYMENT STANDARDS**

### **Employment Eligibility**

All new employees, including student employees, must complete a Form I-9 showing employment eligibility. The employee must also demonstrate his or her age where required for certain types of work and the employee's age of majority or valid school-issued work permit, where required. They also must provide documentation supporting their Form I-9 within 3 days of reporting for work. No Paycheck can be issued until such documentation has been delivered to the Human Resources Office.

### **Non-Discrimination Policy**

Muskingum University does not discriminate in its employment or educational programs or activities based on age, ancestry, color, disability, genetic information, gender identity or expression, military or veteran status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or socioeconomic status.

The following individuals have been designated to receive and respond to reports of discrimination:

#### **Holly Gleason**

Asst. Vice President for Human Relations and Risk Management  
Title IX Coordinator  
Muskingum University  
260 Stadium Drive  
New Concord, OH 43762  
Montgomery Hall – 16  
740-826-8116  
[discrimination@muskingum.edu](mailto:discrimination@muskingum.edu)

#### **Leann DiAndreth-Elkins**

Executive Director of Disability Resources Services  
ADA/504 Coordinator  
Muskingum University  
260 Stadium Drive

New Concord, OH 43762  
Walter Hall - 24  
740-826-8284  
[lelkins@muskingum.edu](mailto:lelkins@muskingum.edu)

Inquiries may also be directed to the U.S. Department of Education, Office for Civil Rights, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115-1812, 1-800-877-8339 or [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

### ***Gender-Based Discrimination and Sexual Misconduct Policy***

*In connection with the Non-Discrimination Policy and other regulatory obligations including Title IX of the 1964 Civil Rights Act and its amendments, Muskingum University has adopted a unified policy that is applicable to the entire University for matters pertaining to gender-based discrimination and sexual misconduct. The Gender-Based Discrimination and Sexual Misconduct Policy is incorporated by reference into the Employee Handbook, and all employees are responsible for abiding by and adhering to the terms of this policy, as with any other policy listed or described in this Handbook.*

### **Harassment**

It is Muskingum's goal to maintain a working and learning environment that is pleasant, safe and dignified; one that respects the individual and fosters teamwork, goodwill, and an appreciation of diversity. Harassment of any kind is a type of discrimination and is considered unprofessional conduct when engaged in, on the campus or at any University-sanctioned event. In furtherance of this goal, Muskingum enforces the following Anti-Harassment Policy:

#### **1. Policy Statement**

Muskingum's legal and ethical obligation to employees and to students is to assure that they are free from harassment by any person, including supervisors, co-employees, faculty members, and fellow students with whom they interact during University activities. Muskingum, therefore, expressly forbids harassment based upon an employee's or student's personal traits, including without limitation, race; color; national or ethnic origin; ancestry; non-disqualifying disabilities or physical challenge; sex, including gender identity, gender expression, or sexual orientation; pregnancy or parenting status; age; religion; socio-economic status; political affiliation; or status as a veteran. Any supervisor, Faculty member, Administrator, Support Staff employee, or student who is found, in accordance with the University Grievance Procedure or other applicable procedure, to have practiced such harassment, will be subject to prompt disciplinary action.

Harassment of employees or students will not be tolerated. This policy applies equally to all employees, all students, and all applicants for employment or enrollment and is in keeping with the intent of government guidelines on discrimination based on the foregoing personal traits. Threats, intimidation, or harassment of employees by supervisors or co-workers will subject the harasser(s) to appropriate discipline, which may include termination. Threats,

intimidation or harassment of employees or students by other students will subject the harasser(s) to appropriate discipline, which may include expulsion.

## **2. *Definitions***

For purposes of this Policy, “Harassment” is generally defined as conduct that annoys, threatens, intimidates, alarms, or puts a person in fear of their safety. Harassments include but are not limited to:

- A. Written or verbal abuse of a derogatory racial, religious, sexual, or ethnic nature, or such abuse pertaining to any individual’s protected personal traits such as, but not limited to, race, color, religion, gender, national origin, age, disability, veteran’s status, sexual orientation, or family status.
- B. Graphic verbal or written comments about an individual’s body or any legally protected trait.
- C. Racial, ethnic, gender-oriented or other slurs or epithets regarding any protected trait.
- D. Threats of physical harm of any kind when associated with abuse regarding the recipient’s protected traits.

If an employee engages in harassment as defined in subparts A – D above, the severity of disciplinary action taken will be determined based upon (i) whether the offense is a repeat of prior harassment, and (ii) whether the harassment had the purpose or the effect of unreasonably interfering with an individual’s work or academic performance or of creating an intimidating, hostile or offensive working or learning environment.

NOTE: A supervisor’s urging of an employee to perform work of greater quantity or better quality, or an instructor’s urging of a student to render better quality academic performance, does not typically constitute harassment or a threat.

### *Sexual Harassment*

Harassment also specifically includes sexual harassment which is defined in the Gender-Based and Sexual Misconduct Policy. Instances of alleged sexual harassment will be addressed in accordance with the Gender-Based and Sexual Misconduct Policy.

## **3. *Consensual, Romantic, or Sexual Relationships between Faculty, Staff, and Students***

When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at the university, there is the potential for a conflict of interest, favoritism, and exploitation. In order to protect the integrity of the University academic and work

environment, this policy outlines limitations on consensual romantic or sexual relationships between faculty, staff and students at the University to ensure that the academic and work environment remains free from real or apparent conflicts of interest when individuals in positions of unequal power at the university are involved in consensual romantic or sexual relationships.

For the purpose of this policy, consensual romantic or sexual relationships means relationships of a romantic, dating, and/or sexual nature entered into with consent of both parties. For the purpose of this policy, supervisory or evaluative authority is the power to control or influence another person's employment, academic advancement, or extracurricular participation, including but not limited to, hiring, work conditions, compensation, promotion, discipline, admission, grades, assignments, supervision of senior/graduate projects, recommendations, financial support, or participation in extracurricular programs.

### **Consensual Romantic or Sexual Relationships and Evaluative Authority**

When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at the university, such as faculty-student, graduate or teaching assistant-student, supervisor-supervisee, advisor-advisee, coach-student, senior faculty-junior faculty, senior staff-junior staff, or faculty-staff, there is the potential for a conflict of interest, favoritism, and exploitation. These relationships may be less voluntary than the person with greater power perceives, or circumstances may change and conduct that was once welcome may become unwelcome. The fact that a relationship was initially consensual does not insulate the person with greater power from a claim of sexual harassment. Further, a party's professional or academic reputation may suffer due to perceptions of favoritism or exploitation. Moreover, such relationships may lead to restricted opportunities, or a perception thereof, for others in the work or academic environment.

To protect the integrity of the University academic and work environment, the University requires that when a consensual romantic or sexual relationship exists or has existed between people in positions of unequal power at the university, the person with the greater power must not hold any supervisory or evaluative authority over the other person in the relationship, except as provided below. A special rule applies for faculty-student and coach-student relationships, see below.

If such a consensual relationship exists or develops, the person in the position of greater power must immediately report the relationship to the Provost (in the case of a faculty member), or Human Resources (in the case of a staff member). It is the responsibility of both the person with the greater power in the relationship and the individual to whom the relationship is reported to ensure that the party with the greater power is removed from any supervisory or evaluative authority over the other party to the relationship. In extraordinary circumstances where removal of supervisory or evaluative authority is not practicable, the parties must work with the Provost (in the case of a faculty member), or Human Resources (in the case of a staff member) to determine whether a written management plan can be developed to manage the conflict of interest. Failure to comply with the notification, removal, or management plan requirement is a violation of this policy.

## **Consensual Romantic or Sexual Relationships Between Faculty and Students, Coaches and Students, and Staff and Students**

Consensual romantic or sexual relationships between faculty and students, coaches and students, or administrative/support staff (“Staff”) and students, even absent any supervisory or evaluative authority, may lead to unanticipated conflicts of interest since a teacher’s, coach’s, or Staff’s influence and power may extend beyond the classroom, department, office or team. There is always the possibility that the faculty member, coach, or Staff may unexpectedly be placed in a position of power over the student. Due to the institutional power differential in faculty-student and coach-student relationships, there is the inherent risk of coercion and the perception by others of exploitation.

**When undergraduate students are involved, the difference in institutional power and the inherent risk of coercion are so great that no faculty member, coach, or Staff member shall enter into a romantic, dating, or sexual relationship with an undergraduate student, regardless of whether there is a supervisory or evaluative relationship between them.**

Romantic or sexual relationships between faculty and graduate/professional students are also problematic. No faculty member shall enter into a romantic, dating, or sexual relationship with a graduate/professional student under his/her supervision. Should such a relationship begin, the Provost must be notified promptly so that arrangements for alternative supervision and removal of evaluative authority can be made.

If the faculty member and graduate/professional student are in the same department or affiliated with the same graduate or professional program, the possibility exists that the faculty member may influence evaluation or academic or career advancement of the student even if the faculty member does not directly supervise the graduate/professional student. Relationships between a faculty member and a current student within the same department or affiliated with the same graduate or professional program as the faculty member must be disclosed by the faculty member to the Provost promptly upon the beginning of the relationship. Should such relationship be in existence as of the effective date of this policy, it must be disclosed by the faculty member to the Provost within 30 days of the effective date. Management of such relationships will be considered on a case-by-case basis, and, when possible, will lead to development of an appropriate plan in consultation with the department chair, dean, and the Provost.

Accommodations for pre-existing relationships between a faculty member and a prospective student will also be considered on a case-by-case basis, and, when possible, will lead to development of a management plan in consultation with the department chair, dean, and the Provost. Failure to comply with the required notification, removal of evaluative authority or management plan is a violation of this Policy.

### **Confidentiality**

Personal employee information will be considered confidential and as such will be shared only as required and with those who have a need to have access to such information. If an employee becomes aware of a material breach in maintaining the confidentiality of his or her

personal information, the employee should report the incident to a representative of the human resources department. The human resources department has the responsibility to investigate the incident and take corrective action.

### **Consequences of Violations of this Policy**

If any faculty, staff, or student of the University violates the terms of this Policy, disciplinary action will be taken in accordance with relevant disciplinary procedures contained in the relevant handbooks, policies, procedures, practices, or contracts. Violations of this policy will result in disciplinary actions, which can include, but are not limited to, written warnings, loss of privileges, mandatory training or counseling, probation, suspension, demotion, exclusion, expulsion, and termination of employment, including revocation of tenure.

### **Grievance Procedure**

Under Title IX of the Education Amendments of 1972, the College has adopted an internal reporting procedure providing for prompt and equitable resolution of complaints made by students and employees alleging any action prohibited by Title IX, or by U.S. Department of Education, Office for Civil Rights, regulations implementing Section 504 of the Rehabilitation Act, which prohibit discrimination on the basis of sex and disability, respectively. Complaints of harassment or discrimination will be resolved in accordance with the following procedure.

#### **1. *Report the Incident***

Prompt reports of incidents of sexual or other harassment or other discrimination are essential to effective enforcement of this Policy. Multiple administrators have been identified to receive reports so that reports can be made even when the complainant's immediate supervisor may be unavailable or when the aggrieved is not comfortable reporting the matter to that supervisor. Reports of sexual harassment or misconduct should be reported as specified in the Gender-Based and Sexual Misconduct Policy. The following lists the staff who are trained to receive and manage reports for each constituency:

- A. Administrators and Support Staff should report disability discrimination to the Human Resources Manager. All other discrimination or harassment should be immediately reported to the Vice President for Business and Finance, or to the Human Resources Manager.
- B. Faculty Members should report disability discrimination to the Human Resources Manager. All other discrimination or harassment should be immediately reported to one of the following individuals, as appropriate: The Provost; the Vice President of Graduate & Continuing Studies; or the Human Resources Manager.
- C. Students should report disability discrimination to the Human Resources Manager. All other discrimination or harassment should be immediately reported to one of the following administrators, as appropriate:

- If the alleged harasser is a Faculty member, report the matter to the Provost, the Vice President of Graduate & Continuing Studies, or the Human Resources Manager.
- If the alleged harasser is an Administrator or Support Staff member: Report the matter to the Vice President for Business and Finance or the Human Resources Manager.
- If the alleged harasser is another student: Report the matter to the Dean of Students, or the Director of Student Conduct.

**NOTE:** A student also may report the matter to any of the above Administrators who then will refer the matter to the administrator with jurisdiction over the alleged harasser.

## **2. *Investigative Procedure***

The University will investigate all complaints of discrimination or harassment. For specificity in investigation, the observing employee or student may be asked to put the charge or complaint in writing. The University official receiving the report will ensure that the complaint is given to the administrator responsible for investigation, and inform the complainant of the name and position of the administrator who will manage the complaint. The complainant will be advised of the University's findings and conclusions and of any corrective actions taken that directly impact the complainant.

The University recognizes that privacy is very important. All actions taken to investigate and resolve reports shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and fairness of the investigation. All persons involved in an investigation are expected to treat the process with respect. In connection with any investigation, the University expects full cooperation from all employees and students having information regarding the allegations made in the complaint.

Complaints may be investigated by administrators who have been trained in conducting such investigations or by a contracted third party, such as an attorney. Complaints of sexual harassment or sexual misconduct will be investigated and adjudicated in accordance with the Gender-Based and Sexual Misconduct Policy.

In fairness to any individual accused, the University will not tolerate employees or students making knowingly false or malicious accusations. The University may take appropriate disciplinary action against the complainant if his/her complaint proves to have been made maliciously. It is also a violation of University policy to retaliate against anyone bringing forth a good faith complaint of harassment, even if the complaint is not subsequently substantiated.

## **3. Complaint Resolution**

Except for complaints made under the Gender-Based and Sexual Misconduct Policy, all other complaints of discrimination or harassment will be resolved as follows:

- Complaints involving members of the Faculty will be resolved in accordance with Faculty Bylaw IV – Grievance Procedure.
- Complaints involving members of the Staff will be resolved using a process of evaluation

of the investigation results and consultation among key administrators who will consider:

- The severity of the actions that gave rise to the complaint;
- If the actions were a repeat offence; and
- Other facts of the matter.

The administrators will determine the appropriate institutional response based on these elements. The institutional response may include the requirement of training on harassment prevention for one or more individuals, a work unit, or a department; reassignment of the person responsible for the harassment or discrimination; suspension or termination of the individual from employment. Key administrators may include supervisors of the complainant and person responsible for the harassment or discrimination (unless the individual is named in the complaint); the Human Resources Manager; the VP for Finance and Administration; the President; and outside legal counsel.

#### **4. *Additional Information***

Any questions about this policy or procedures undertaken pursuant to it should be addressed to the Human Resources Manager or, if Title IX, gender-based discrimination, or sexual misconduct is alleged, the Director of Equity, Compliance, and Risk Management.

#### **Americans with Disabilities Act Statement and Requesting Accommodations**

In addition to the foregoing anti-discrimination and anti-harassment policies, the University does not practice or permit employment discrimination against a qualified individual with a disability, which means one having a physical or mental impairment that substantially limits one or more major life activities, or a record of such an impairment, or one who is regarded as having such an impairment. The University also does not permit discrimination against any employee or applicant because he or she is related to or associates with a person with a disability.

Under the ADA, the University is obliged to and will make reasonable job accommodations, following federal and state guidelines, to a qualified individual with a disability if those accommodations are necessary to permit the individual to perform the essential functions of his or her job. Unless doing so would impose an "undue hardship" on the University or the program involved, or would create a risk to the health and safety of the individual or others, the University will make such reasonable job accommodations after engaging in interactive process with the employee.

In order to process a desired, non-personal use job accommodation, the employee or applicant must advise the Human Resources Manager of the accommodation being sought. Supervisors who become aware of an employee's potential need for an accommodation should contact the Human Resources Manager for advice on how to proceed.

Complaints regarding disability discrimination should be reported to the Human Resources Manager and will be managed per the Grievance Process outlined above.

## **University Policy on Alcohol and Illicit Drugs**



## **I. Statement in Compliance with the Drug-Free Schools and Communities Act and Drug-Free Workplace Act**

Muskingum University (“University”) prohibits the unlawful possession, sale, use, or distribution of alcohol and/or illicit drugs, as defined herein, by students, employees, and other members of the University community in or on University property or as part of any activity sponsored or sanctioned by the University.

As an institution of higher education within the State of Ohio, Muskingum University is committed to compliance with all applicable federal, state and local laws.

## **II. Definitions**

The following terms, as defined, apply to this Policy:

1. **Permitted Drug** – A prescribed drug or over the counter drug that has been legally obtained and is being used for the purposes and in the manner for which it was prescribed or manufactured, including prescribed controlled substances.
2. **Illicit Drug** –
  - a. Any drug that may not be legally obtained or possessed under federal or Ohio law. Examples include, but are not limited to, marijuana, opiates, barbiturates, amphetamines, narcotics, and hallucinogens; or
  - b. Any permitted drug that has been illegally obtained or prescribed; is a drug not being used for prescribed purposes; or is not being used in accordance with the prescribed use; or
  - c. Any drug that is obtained without prescription that alone, or in conjunction with other prescription and non-prescription medications, results in impairment; or
  - d. Commonly used chemicals or substances that may cause impairment after prolonged exposure or ingestion. Examples include, but are not limited to adhesives and cleaning supplies.
3. **Marijuana**– “Marijuana” means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin.
4. **Medical Marijuana** refers to cannabis or marijuana, including constituents of cannabis, THC, and other cannabinoids, which is used as a physician-recommended form of medicine or herbal therapy. Medical Marijuana for certified medical use is

limited to the following forms (i) oils, (ii) tinctures, (iii) plant material, (iv) edibles, (v) patches, and (vi) any other form approved by the Ohio State Board of Pharmacy pursuant to the Ohio Medical Marijuana Control Program (the “Program”).

5. **Over the Counter Drugs** – Any drug that may be legally obtained without prescription.
6. **University Property** - For the purpose of this Policy only, University Property includes all property owned, leased, or rented by the University, including motor vehicles and equipment.
7. **Reasonable Cause** – Defined as, but not limited to, evidence that an employee is or was using alcohol, an illicit drug or marijuana drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. These facts and inferences may be based on, but are not limited to, any of the following:
  - a. Observable phenomena, which may include: direct observation of (i) use, possession, or distribution of alcohol, an illicit drug, or marijuana; or (ii) the physical symptoms of being under the influence of alcohol, an illicit drug, or marijuana. Such symptoms include, but are not limited to: slurred speech, dilated pupils, odor of alcohol, odor of an illicit drug or marijuana, changes in affect, or dynamic mood swings;
  - b. Abnormal conduct, erratic or aberrant behavior, or deteriorating work performance that appear to be related to the use of alcohol, an illicit drug, or marijuana and does not appear to be attributable to other factors. Examples include, but are not limited to frequent absenteeism, excessive tardiness, or recurrent accidents. A single instance of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance may be sufficient to create reasonable cause depending on the totality of the circumstances;
  - c. The identification of an employee as the focus on a criminal investigation into unauthorized possession, use, or trafficking of an illicit drug or marijuana;
  - d. A report, provided by a reliable and credible source, of any prohibited conduct regarding alcohol, an illicit drug, or marijuana;
  - e. Repeated or flagrant violations of the safety or work rules of the University that are determined by the employee’s supervisor to pose a substantial risk of physical injury or property damage; that appear to be related to the use of alcohol, an illicit drug, or marijuana; and that do not appear attributable to other factors.

8. An **Employee** is any individual who has signed a letter of employment with the University, regardless whether that individual is employed full-time, part-time, seasonally, as a graduate assistant, or on a temporary or contract basis. For purposes of this Policy, “employee” also includes volunteers, who do not receive compensation in exchange for their services. Independent contractors are not employees of the University but may be required to abide by this Policy under the terms of their contract. When acting in the course of their employment, students are considered “employees” under this Policy.
9. **Possession** can be actual or constructive. Actual possession entails ownership or physical control, whereas constructive possession is defined as knowingly exercising dominion and control over an object, even though that object may not be within one’s immediate physical possession. Under this Policy, the “object” would be alcohol, illicit drugs, or marijuana.
10. **Traffick** means to sell, offer to sell, prepare for shipment or delivery, ship, deliver, transport by any means, prepare for distribution, distribute, receive, procure, share, give, or manufacture any illicit drug. Any attempt to traffick illicit drugs will be treated the same as trafficking in illicit drugs.
11. A **University-Supported Activity** is any activity that either (1) occurs on campus and is hosted by any office of Muskingum University or any employee, other than student employees, as a representative of the University, or (2) occurs off-campus and University funds are used to pay for any event expense.

### III. Alcohol

Ohio law prohibits the consumption of beverage alcohol by any person who is under 21 years of age, and also prohibits individuals of legal age from selling or furnishing beverage alcohol to anyone not of legal age. All University students, faculty, staff, visitors, and guests are expected to obey the law and take responsibility for their own conduct. In addition to the Events with Alcohol Policy, the University maintains the following rules regarding alcohol:

1. The consumption of alcohol or the possession of open containers of alcohol is prohibited in or on University property. However, the following exceptions apply:
  - a. Alcohol may be possessed and consumed as approved under the Events with Alcohol Policy;
  - b. Alcohol may be possessed and consumed as approved under the Policy on Alcohol Events (students); or
  - c. Employees who live in University-owned housing may possess and consume alcohol. The employee may not invite any student to possess or consume alcohol in or on the property, shall comply with all state and local laws, and

shall maintain the property in a manner that reflects positively upon the University.

2. Employees, visitors, and guests are prohibited from bringing alcohol to any University event that is open to the public.
4. Employees, guests, and visitors are prohibited from providing alcohol to individuals under the age of 21. Any employee, guest, or visitor found to be providing alcohol to minors will be subject to disciplinary action, and the matter will be referred to law enforcement.
5. Employees, guests, and visitors shall not provide or host an environment in which individuals under the age of 21 are found to be in possession of or consuming alcohol or provided the opportunity to possess or consume alcohol.
6. Employees, guests, and visitors who are 21 years of age or older are expected to act responsibly if they choose to consume alcohol at an event where alcohol is permitted. Behaviors that are disorderly, inappropriate, threatening, or a disruption to the community violate this Policy and may result in other policy violations. Intoxication will not justify or excuse a violation of this Policy or any other policy.
7. Individual employees and employee groups are responsible for their conduct and the conduct of their guests and for promoting compliance with Ohio laws and this Policy.
8. No employee may operate any motor vehicle while intoxicated or impaired including, but not limited to, automobiles owned, leased, or rented by the University and golf carts.

Consistent with the Events with Alcohol Policy, the University recommends that any employee or organization considering an event involving alcohol formulate and implement a program to increase alcohol awareness and prevent alcohol misuse for its members and guests.

Compliance with this Policy at off-campus University-supported events, including attendance at off-campus events where the employee represents or is attending on behalf of the University, is required. Off-campus impairment that reflects negatively on the University in any way may result in disciplinary action.

The University provides counseling services to members of the University community who believe they abuse or are dependent upon alcohol. Students may contact University Counseling by calling (740) 826-8091 or sending an email to [counseling@muskingum.edu](mailto:counseling@muskingum.edu). Employees may use confidential counselors available through the Employee Assistance Program (EAP). The Human Resources Manager can provide the contact information for EAP.

## **IV. Illicit Drugs**

Not only is it unlawful, but the presence, use, or abuse of illicit drugs on any University property is contrary to the intellectual and educational purposes for which the University exists. Possession of illicit drugs may be an indication that the employee is not constructively engaged in academic endeavors or the University's mission.

Students and their guests are expected to read and follow the Code of Student Conduct and the Student Handbook regarding their possession and use of illicit drugs.

The following acts constitute violations of this Policy if committed by a University employee, guest, or visitor:

1. No employee, guest, or visitor may use illicit drugs on or in University property. Additionally, employees, including student employees, are prohibited from using illicit drugs prior to, while participating in, or attending University-supported activities or prior to or while performing job duties.
2. No employee, guest, or visitor may possess any illicit drug, or drug paraphernalia, on or in University Property or while attending or participating in any University-supported activity.
3. No employee, guest, or visitor may traffick in illicit drugs.

## **V. Medical Marijuana**

In September of 2016, the State of Ohio passed House Bill 523, known as the Ohio Medical Marijuana Control Program (the "Program"). The Program legalizes the limited use of marijuana for medical purposes. However, marijuana remains illegal under federal law, specifically, Schedule I of the Controlled Substances Act. Thus, in conjunction with the Federal Drug Free School Zone Act of 1988 and the Federal Drug Free Workplace Act of 1988, the University remains an institution of higher education dedicated to maintaining a drug-free learning and working environment.

Accordingly, medical marijuana is treated the same as an illicit drug in Section IV of this Policy even if a student or employee possesses a valid Ohio medical marijuana patient card. Students with questions regarding medical marijuana should contact the Student Affairs Office. Employees with questions regarding medical marijuana should contact the Human Resources Manager.

In accordance with the Program, the University shall not consider out-of-state medical marijuana patient cards as valid until such time, if ever, that the Program officially recognizes the same.

## **VI. Prescription Medication**

If an employee is taking a legally obtained prescription medication, other than medical marijuana, that may result in impairment or impact the employee's ability to safely and competently perform the employee's job duties, the employee must contact the Human Resources Manager to determine whether a reasonable accommodation may be made. Student employees should contact their direct supervisor, who will contact the Human Resources Manager. As noted above, the term "illicit drugs" shall be construed to include drugs for which the employee or student does not have a valid prescription or has a valid prescription, but is not being used in accordance with the prescribed use.

## **VII. Testing of Employees – Alcohol and Illicit Drugs**

An employee, including a student employee, or applicant for employment may be required to submit to an alcohol and drug test under the following circumstances:

1. Any applicant for employment is subject to pre-employment testing, at the discretion of the University. Such testing will be conducted within the parameters set forth herein;
2. Where such testing is required by state or federal regulations ((e.g., for Department of Transportation requirements), the rules of any relevant athletic governing organization, or any employee's professional licensing or accrediting agency;
3. Where the University has reasonable cause to believe the employee is using alcohol and/or illicit drugs in violation of this Policy;
4. Where, following a violation of any University policy, an employee has been referred to drug or alcohol treatment by the University as a condition of continued employment, the employee shall be subject to random testing for one (1) year after the employee returns to work, at the discretion of the University. The employee will also be required to furnish the University with a copy of the treatment facility's prescribed after care program and proper verification of the employee's compliance with the aftercare program or revisions thereto;
5. Randomly, pursuant to a program developed by the Office of Human Resources, which shall be designed to apply uniformly to all University employees, without exception. Under any such program, no employee may be tested more than twice in a rolling twelve (12) month period; or
6. As determined appropriate by the University in accordance with applicable law.

## **VIII. Testing Procedures**

1. At the discretion of the University, an officer with the University Police Department may transport an individual to be tested to and from the testing facility.

2. Alcohol and drug testing will be conducted through methods with proven reliability and in strict compliance with appropriate methodology. If an applicant or employee fails to pass the initial drug screening test, the original test sample will be further analyzed using the gas chromatography/mass spectrometry method (or a superior method if available at a competitive cost) before any action is taken.
3. All body fluid collections for testing purposes shall be conducted by a physician or health care professional. Specimen containers shall be labeled with a number and the donor's signature and shall be closed with a tamper proof seal in the donor's presence.
4. The specimen number and identifying information of the donor shall be entered on a chain of custody form and signed by the collecting technician in the presence of the donor, and the donor shall initial the proper line on the chain of custody form.
5. The volume of each specimen shall be sufficient to permit for confirmation testing and/or independent testing (at the donor's cost).
6. For specimens that produce a positive test result, the testing facility must retain and store for at least thirty (30) days, in a scientifically accepted manner designated to maintain the integrity of the specimen, a sufficient portion of each specimen so that independent testing can occur if requested. There is no requirement for the facility to retain specimens that produce negative test results.
7. All handlers and couriers of the specimen must complete entries and identify themselves on a proper chain of custody form.
8. Testing will be done by a facility certified by the Federal Department of Health and Human Services.

## **IX. Test Results**

1. Any employee who, as a result of testing, is found to have illicit drugs or a detectable blood or breath alcohol level will be considered in violation of this Policy.
2. The test result will be deemed positive if the employee engages in any of the following: failing to submit a sample, submitting an adulterated sample, submitting a sample from another individual, or diluting a sample.
3. All records and information obtained by the University regarding alcohol and drug testing, requests for testing, the test results and treatment of employees for chemical dependency will be confidentially maintained by the University and will only be shared on a need to know basis for proper administration of this Policy.

4. Any employee who wishes to challenge a positive result may have the sample retested at a facility of their choice, so long as the facility meets the standards set forth in Section VIII of this Policy, the employee pays for the test, and the employee authorizes the facility to release results directly to the University.

## **X. Disciplinary Process**

In evaluating whether an individual has violated this Policy, the Human Resources Manager, Director of Equity, Compliance & Risk Management, or Assistant Dean of Students will be asked to conduct an investigation, which may include receipt of drug/alcohol test results. Unless the individual admits to violating the Policy, the Human Resources Manager will provide the investigative report to key administrators who will review the report and decide whether the individual is responsible for violating this Policy. “Key administrators” may include any supervisor in the employee’s chain of command, the Human Resources Manager, the Director of Equity, Compliance, & Risk Management, the Vice-President for Finance & Operations, and the President.

If the individual has violated this Policy, the key administrators will determine an appropriate sanction after considering the totality of the circumstances, which include, but are not limited to, the severity of the violation, prior disciplinary records, any injury or property damage sustained as a result of the violation(s), and any other relevant factor as determined by the administrators.

Disciplinary action may include any consequence or combination of consequences that is appropriate for the situation, up to and including termination of employment.

Student employees who violate this Policy will be subject to disciplinary action in accordance with the Code of Student Conduct, and appropriate sanctions may include loss of their student employment.

## **XI. Voluntary Disclosure**

If an employee voluntarily acknowledges that the employee struggles with chemical abuse or dependency related to alcohol or illicit drugs and seeks assistance prior to violating any University policy, the University may, but is not obligated to, offer that employee counseling, support, and other assistance.

An employee who voluntarily elects or requests treatment under this section may be subject to random testing for one (1) year after the employee returns to work, at the discretion of the University. The employee will also be required to furnish the University with a copy of the treatment facility's prescribed after care program and proper verification of the employee's compliance with the aftercare program or revisions thereto.

## **XII. Workers’ Compensation**



Any University employee who tests positive for the presence of alcohol or illicit drugs (including medical marijuana), or illegally used chemicals, or who refuses to take a drug or alcohol test by the University may be ineligible to receive Ohio workers' compensation and benefits, pursuant to Ohio law.

### **XIII. Drug Free Workplace and Grants Policy**

All aspects of the above University Policy on Alcohol and Illicit Drugs apply to the Drug Free Workplace Act and Policy. All grantees who receive federal grant money, any individual applying for a federal grant, Pell Grant recipients or an individual or institution applying for any government or financial assistance must certify that the individual or individuals involved will not violate laws involving controlled substances "in conducting any activity with the grant." Certification statements are available in the Student Financial Services Office or with federal student aid applications.

### **XIV. Implementation**

Under the Drug-Free Workplace Act and Drug Free Schools and Communities Act, all employees and students, by law, must abide by the terms of this Policy. Any covered individual convicted of a criminal drug statute violation which occurs in the University workplace as above defined, is required to notify the Human Resources Manager or the Assistant Dean of Students of such criminal drug statute conviction. Where applicable, the University is required, by law, to notify certain federal funding agencies within 10 days after receiving such notice from an individual or otherwise receiving actual notice of the conviction. Since Muskingum University is a recipient of funding from the federal government, all employees and students are required by federal law to abide by this prohibition as a condition of employment. Refer to above Policy for policy statement and sanctions. For a list of locations offering programs, treatment, rehabilitation and counseling referral, please consult with the Office of Human Resources.

#### **Workplace Violence**

Any employee act or threat of violence or any words, gestures or other forms of communication threatening bodily harm to another person or damage to his/her property during the work day, or while engaged in any University-related activity, is strictly prohibited. If an employee observes such behavior by another employee, he or she should immediately report the incident to his/her own supervisor or to the University Police.

#### **External Laws**

In any transaction where a University employee reasonably may be viewed as representing the University, the employee is expected to comply with all known local, state or federal laws. Consequently, an employee's non-reversed conviction of certain criminal violations may subject the employee to discipline, up to and including discharge.

## **Conflicts of Interest**

It is contrary to Muskingum's policy for any individual buying from, selling to, or negotiating with potential or existing vendors or contractors on behalf of the University, to have any economic interest in any such vendor or contractor, their suppliers, or the proposed transaction. Employees who may have property, equipment or facilities to lease or rent to the University may do so only with prior approval of the President. University funds and assets are to be used only for approved University purposes.

Employees should ensure that outside activities do not conflict with or reflect adversely on the University's interests, do not deprive the University of legitimate working time, and are not competitive with, disruptive to, or damaging to the University. Employees should avoid any situation where, on behalf of the University, they have transactions with their own relatives, close friends, or business associates. Employees must also avoid transactions, commitments, or other activities which could give the appearance of a conflict of interest between the employee's personal interests and those of the University. Unreported and unresolved conflicts or apparent conflicts of interest may result in discipline up to termination.

Employees may not accept any substantial gift from a party with whom the University transacts business. Tendered gifts with a value in excess of \$50.00 must be reported to the Vice President for Business and Finance for approval prior to acceptance.

## **Antitrust Compliance Policy**

The University complies fully with all applicable antitrust laws. In implementation of this policy, the University has adopted an antitrust compliance program under which its officers, managerial employees, and certain other designated employees are required to comply with the University's antitrust guidelines. "Designated employees" will receive an individual copy of our Antitrust Compliance Manual from the Vice President for Business and Finance's Office. Extreme care must be taken by all University employees to assure that any "cooperation" between themselves and employees of another university or college does not affect competition for students, faculty, employees, grants, supplies, or facilities. Discussion of non-published prices, discounts, fees, student aid amounts, salaries and similar competitive information is strictly prohibited.

## **Confidentially**

In connection with one's job, an employee may gain access to confidential information about students, other employees, or the University. Confidential information should be discussed or disclosed only on a "need to know" basis and in the appropriate work setting.

Confidential information includes, but is not limited to, the following:

- Protected personal health information
- Any internal University financial statements or reports containing financial data
- Information contained within University computers including personal identification information
- Employee records and files, salary data, and statistical reports
- Student records and files or demographic data
- Computer authorization/security codes.

- Any information about the University’s business, finances, or plans which is not made public through appropriate authorization by a member of the Senior Staff. Employees are obliged to maintain the confidentiality of this information at all times, even while off duty. Disclosure of confidential information to one not privileged to receive it constitutes a crime under Ohio law (R.C. §1333.81). Faculty, refer to the Faculty Handbook and the APAP’s regarding student educational records.

### **Whistleblower Protection**

Ohio has a “Whistleblowers Protection Act” which, where complied with, prohibits employers from retaliating against employees who report specified alleged violations to the proper authorities after giving the employer written notice of the asserted violation and the opportunity to cure. Muskingum complies with Ohio’s Whistleblowers Protection Act.

### **FERPA (Students’ Right to Privacy)**

Under the Family Educational Rights and Privacy Act (FERPA), students have the right to: i) inspect their education records, ii) request amendment of their records believed to be inaccurate, iii) consent to disclosure of personally identifiable information, where required, and iv) file a complaint with the U.S. Department of Education concerning any alleged failure by of the educational institution to comply with FERPA.

Under Muskingum’s FERPA policy, certain educational records may be released to the student’s parents without the student’s written consent on occasions involving health or safety matters. All employees are required to sign the Statement of Understanding of the Family Educational Rights and Privacy Act.

The Registrar is available to assist in determining what student educational information is confidential and on what basis it may be shared with designated others.

### **HIPPA (Health Insurance and Accountability Act)**

The University is committed to complying with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) which protects electronic data interchange and the privacy of protected personal health information. This policy applies to all members of the workforce covered by any of the University’s group health care plans. Under HIPAA, the University is required to separate personal health information from other employment records and to safeguard against disclosure of personal health information.

Upon written request, employees have the right to inspect their health information; request a change in that information (although the University is not required to make such change); request an accounting of disclosures (except for disclosures made for payment or health care operations, or any other exception provided by HIPAA’s Privacy Rule); and request restrictions on use or disclosure.

The Human Resources Manager serves as the University’s HIPPA Complaint Officer.

### **AIDS (Acquired Immune Deficiency Syndrome) Policy**

The University prohibits discrimination or harassment against any individual because he/she has AIDS, tests HIV positive, or associates with an individual testing HIV positive or having AIDS, or is perceived as having AIDS. An employee testing positive for AIDS will be treated as any other employee with a chronic illness.

## **Computer Ethics Policy**

Muskingum University provides a variety of computer and computer-related resources for students, faculty, administration, and other affiliated parties. Because these resources are limited and shared, it is important that all users adhere to ethical and legal limitations on their employment. This statement lists minimum commitments of users to these limitations. All users of Muskingum computer and network resources will abide by these policies and practices:

Users must use only those computer accounts which have been authorized for their use.

Users are responsible for all use of these facilities. They should make appropriate use of system-provided protection features and take precautions against others' obtaining access to their computer resources.

Unless authorized, users must not search for, access, or copy directories, programs, files, or data not belonging to them.

Users should not encroach on other's use of computer facilities by monopolizing computer time, interfering with proper access to resources, or in any other way.

Users must not attempt to modify system facilities or attempt to crash any system. Nor should they attempt to subvert the restrictions associated with their accounts.

Users are responsible for sensible treatment of hardware and software to which they have access and should report problems with hardware, software, or network facilities immediately to the Director of Computer and Network Services.

Users should not abuse internet, telephone line or other remote access to the Muskingum University computer and network facilities or to any other computer facilities.

Unless otherwise authorized, users should employ Muskingum University computer and network facilities for projects directly related to Muskingum University work.

The following statement endorsed by both the Software Trade Association (ADAPSO) and the national educational computing consortium (EDUCAUSE) should be read and considered carefully:

*"Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and term of publication and distribution.*

*Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community."*

Unless granted explicit written permission, it is strictly forbidden to host or share copyrighted material on any computer (including personally owned) connected to the university's network and internet service.

Data files and messages traversing the University network are not private communications. The University reserves its right, as owner of the network and the computers in

question, to examine, log, capture, archive, and otherwise preserve or inspect any messages transmitted over the network and any data files stored on University owned computers.

Abuse of computer and network privileges is subject to disciplinary action. Violations by students will be adjudicated by the Community Standards Board. Violations by faculty will be adjudicated by the Professional Relations Committee. Violations by administrators or staff will be adjudicated by the Human Resources Manager in consultation with the President's Cabinet. Penalties proposed for offending parties will in each case be referred to the Computer Advisory Board for final review. Nothing in this policy precludes enforcement under the laws and regulations of the State of Ohio and/or the United States. Questions concerning computer ethics and responsibilities should be directed to the Director of the Computer and Network Services.

### **Fundraising and Other Solicitations**

The Office of Institutional Advancement is the University's official fund raising unit. It is policy to consult that office before initiating or developing any fundraising activities involving Administrators, Faculty, Support Staff, alumni, friends, foundations, students, corporations, or other organizations within or outside of the University.

The University believes that working time is for work. Thus, it prohibits outsiders from coming on the campus to solicit employees for any cause at any time. By like token, employees may not solicit other employees for any cause when any of the employees involved are on working time. Scheduled or otherwise approved rest breaks, however, are not considered working time. Additionally, employees may not distribute any non-work related materials while on working time.

### **Dress and Office Décor**

By virtue of their employment here, all employees are viewed as representatives of the University. Thus, employees should select usual dress and workplace decor presenting a professional and "appropriate for function" appearance.

### **Campus Smoking Policy**

The buildings on the Muskingum University campus are smoke-free. Smoking is permitted on University grounds but smokers must be far enough away from the building as to not allow smoke to enter the building.

### **Professionalism**

All employees shall conduct themselves in a professional manner in any employment or other activity where they reasonably may be viewed as representatives of the University. Professionalism is demonstrated by courtesy, respect, compassion, honesty, self-control and maintenance of personal dignity even when differences of opinion occur. Without limitation, professionalism also requires that the employees communicate with one another in an open, honest and useful manner and perform their duties as efficiently and conscientiously as possible. In the performance of duties, the employee will treat members of the public, students, other employees, and colleagues with courtesy and sensitivity.

## **Productivity**

All employees are expected to meet high standards of productivity relating to time management, teamwork, efficiency, cooperation and contribution.

## **Policy Violations**

The University may discipline employees for policy violations or other misconduct including that involving alleged criminal activity. In doing so, it employs the standard of a reasonable, good faith belief that the employee in fact engaged in the alleged misconduct or policy violation.

If any employee has knowledge of a potential policy violation or information indicating that dishonest, discriminatory, illegal or fraudulent activity has occurred, the employee should immediately report the matter to his/her supervisor or another University official. If not addressed, such improper conduct by of another employee can jeopardize all of our positions with the University.

## **Section III: EMPLOYMENT**

### **Employment at Will**

Although the University contemplates that its employees will have a continuing opportunity for work, employment that is for an indefinite period can be terminated, with or without cause or prior notice, at any time at the will of either the University or the employee. Unless otherwise expressly provided in an appropriate writing signed by the President, every employee is an employee-at-will.

Faculty, refer to the Faculty Handbook and APAP's documents.

### **Employment Background and Fingerprint checks**

Ohio law requires that individuals hired to provide the care or supervision of children, or to teach them, be subjected to a criminal activity background check via the National Web Check System. This provision applies to employees in Muskingum's Center for Child Development and Wellness Center. The Human Resources Office also has a background check performed on all new employees through independent contractors engaged by the University for such purpose.

### **Filling Administrator and Support Staff Positions**

Authorization to create a new position or to fill a vacant or modified positions, as well as final approval of the candidate selected, rests with the President. Any supervisor desiring to create a new position, or to fill a vacant or modified position, should obtain a Position Request form and a Candidate Selection Form from the Human Resources Manager.

All Administrator and Support Staff jobs will be defined in a position description that includes the position's purpose and its general responsibilities, essential functions, and reporting lines, along with any required or preferred qualifications.

The University is an equal opportunity employer and thus publishes hiring opportunities through advertising. The extent to which a given position will be advertised depends on the requirements of the position. Upon candidate selection, a letter of appointment will be generated. No employee is to commence work until he or she has signed and returned the letter of appointment.

### **Introductory Period**

Upon hiring, which may be conditional upon a favorable criminal background check, an Administrator or Support Staff employee serves an "introductory period" during the first sixty days of employment. In certain circumstances such period may be extended. It is the responsibility of the supervisor to evaluate the performance and the progress of the employee during this introductory period. If progress is not satisfactory at any time during the period, a separation may be effectuated by the University.

If eligible, the employee will accrue and may take paid sick leave during the introductory period. An eligible employee will also be credited with accrued paid vacation leave upon successful completion of the introductory period, retroactive to his/her start date. Further, the employee may enroll in appropriate benefit programs after meeting any time or other qualifying criteria. During and after completion of this Introductory Period, the employee continues to be an at-will employee.

Any non-faculty employee subsequently transferred to a different position will be evaluated by that position's supervisor after service of six months or at the employee's normal performance appraisal time, whichever is appropriate given the proximity of the transfer date.

Faculty refer to the Faculty Handbook.

### **Employment Classifications**

Employee positions are categorized as either "exempt" or "non-exempt" under the Fair Labor Standards Act. This categorization defines whether the position holder is or is not entitled to overtime compensation. If a position is classified as non-exempt, pay is calculated on an hourly basis. Non-exempt positions are entitled to overtime pay, which is one and one-half times the employee's regular hourly rate, for all hours worked beyond 40 in a workweek,

Exempt positions are not entitled to overtime pay. Because of the employee's responsibilities and salary level, that salary covers all hours worked in a workweek.

### **Employee Status Definitions**

- "Senior Staff" means any member of Administration reporting directly to the President and holding the title of Provost or Vice President.
- Full-time Regular Employee - Means an employee who, on a regular basis, is scheduled to work at least 40 hours per week\* throughout the twelve-month calendar year.

Those employees regularly scheduled to work such weekly hours on a nine, ten, or eleven-month basis are entitled to the same fringe benefits as those on a twelve-month basis except for (where eligible) accrual of vacation and sick pay which, instead, is prorated according to the months worked, and except for holiday pay which is paid only for the holidays falling within the employee's actual "term of service," meaning the time when the employee is actively working for the University; not while the University is on a break in its normal class sessions.

(\*Faculty employees are expected to work as many hours in a workweek as are necessary to properly complete their job tasks. Faculty employees are overtime exempt Professional employees under the FLSA.)

- Part-time Employee - Means an employee who, on a regular basis, is scheduled to work less than 40 hours per week. Part-time employees are eligible for University employee benefits only where the provisions of the specific benefit policy or plan expressly so specify.

- Faculty Employees

- *Full-time Faculty* - Means a Faculty member who is teaching at least twelve credit/contact hours per semester, and serving on appropriate committees, maintaining regular office hours, and advising students, or as otherwise specified in the individual's employment contract. Faculty members may be afforded nine, ten, eleven or twelve-month terms of service contracts. Generally, faculty salary payments are spread over the twelve-month academic year.

- *Part-time Faculty* – Means a faculty member who regularly teaches at Muskingum on a yearly basis but is scheduled to provide less than 12 credit/contact hours per semester.

- *Adjunct Faculty* – Means a faculty member who teaches part-time as needed and usually, but not always, on a per semester basis and is scheduled to provide 9 credit/contact hours or less per semester .

- Secretarial, Clerical, or Administrative Assistant Employee - means a Support Staff employee who generally performs secretarial, clerical, or administrative work. Such employees are classified into (i) one of four levels of secretarial compensation depending on qualifications and experience; into (ii) either the general or the specialized clerical rank, or into (iii) the rank of administrative assistant, a non-exempt position typically assisting a Director, Department Head, or other executive. The specialized clerical rank requires special training as a prerequisite while the general clerical category does not carry such prerequisite. The clerical/secretarial "administrative assistant" is not to be confused with an "administrative employee" who has a qualifying salary level and specific authority or responsibility as provided in the FLSA's overtime compensation exemption requirements.

- Support Staff – Means any University employee who is neither a member of the Faculty nor an Administrator and includes secretarial, clerical, administrative assistant, plant, grounds, and custodial employees.

- Temporary Worker - Means an individual hired for a specific job or project of finite duration who may or may not work on a regular schedule for the duration of their limited employment. Employees who are engaged to work for the University less than nine months per year generally are considered to be temporary workers.

- Retiree - Means any former employee who is so classified by the University. Under present policy, in order for a retiree to be eligible for post-retirement status and benefits, he or she must have worked for the University full-time and continuously for at least 5 years,



his/her years of age and years of service to the University at retirement total at least 70, and his/her age at the time of retirement is at least 58 years.

- Student Employee - Means a Muskingum University student whose employment is: i) a referral from the Student Financial Services Office typically restricted to 20 hours a week, and ii) part of the academic program. Preference for on-campus student jobs is given to students with demonstrated financial need, although students with special abilities are permitted to work in "specialty positions" without qualifying for need-based work.

Summer hiring preference is afforded first to current Muskingum students and next to students enrolled to start here in the fall. Should summer student employee needs still not be fully met, recent graduates can be hired or high school/college students from the local community may be hired.

- On call/Casual Employees – Means employees who work only when called by the University to do so, which may be on a daily or weekly basis, depending on the University’s needs.

Adjunct, Temporary, Student, and On-call/Casual employees receive only those employee benefits required by law, namely Social Security and Workers Compensation coverage.

## **Term of Service**

“Term of Service” means the date on which the employee’s University work obligations start through the date on which they end.

“Academic Year” refers to the period starting the third week of August in one calendar year and running through the second week of August in the following calendar year. Academic work responsibilities (i.e., the Faculty member’s “term of service”) are deemed to commence on the day before the faculty fall conference in one calendar year and to continue through the day grades are due at the end of the ensuing spring semester. Faculty see Faculty Handbook Bylaw II, and the APAP’s.<sup>1</sup>

“Fiscal Year” refers to the period July 1 of one calendar year through June 30 of the next.

## **Work Hours**

The University’s normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Non-exempt Administrative staff and Support Staff (other than Physical Plant employees) receive an unpaid lunch break during such hours. An employee’s regular workweek may vary, however, depending upon the staffing demands of his or her department. Exempt employees are simply required to perform their expected duties and have no assigned lunch breaks. An employee may take a lunch break at their discretion during the University’s working hours unless otherwise directed by their supervisor on a case-by-case basis depending on the University’s needs.

Physical Plant employees’ hours normally fall into 8.5 hour shifts, typically including a mid-shift 1/2-hour unpaid lunch period. Again, the time of a given employee’s lunch period may be modified by his or her supervisor depending on the University’s needs in a given instance. Faculty refer to Faculty Handbook.

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<sup>1</sup> Certain employees are hired on an August to July or a September to August basis.

## **Unexcused Absences**

An unexcused absence is any unauthorized absence from scheduled work. Unexcused absences may lead to discipline up to and including termination. Non-exempt employees incurring unexcused absences will not be paid for the hours missed. Hours of work missed due to absences of any nature, including paid leaves and unworked holidays, are not counted as hours worked in determining whether a non-exempt employee qualifies for overtime pay in a given workweek. Health condition-related absences which exceed an exempt employee's accrued paid sick leave availability may result in the docking of pay from the exempt employee's weekly salary for the time missed. Faculty refer to Faculty Handbook.

## **Rest Breaks**

Support Staff, including Physical Plant employees, may take a 15-minute paid work break in the morning and a 15-minute paid work break in the afternoon. Breaks are to be scheduled so that offices and work areas are not left unattended or closed. Rest breaks may not be used to cover late arrivals, early departures, or to constitute make-up time for work time missed to attend classes. Exempt employees are simply required to perform their expected duties and have no assigned break times unless otherwise specified by their supervisor.

## **Internal Opportunities**

The University believes interested employees should be given consideration for any job for which qualified. Typically, Support Staff and Administrator vacancies are posted internally through campus communications or the University website. Vacancies also may be advertised externally. Positions which involve only increased responsibilities, changes of working hours, changes of job title for the incumbent employee, or concurrent internal transfers involving two or more employees, are not considered vacancies and typically will not be posted.

## **Outside Employment**

Employment at the University must be considered each full-time employee's principal vocation. Individuals, however, may engage in other employment, consultation, or private practice under the following parameters, if applicable:

- The outside employment must not interfere with efficient performance of the employee's University position. At no time are employees permitted to be engaged in outside employment during their regularly scheduled work hours.
- The outside employment must not conflict with the interest, ethics, or reputation of Muskingum University.
- The outside employment may not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests.

If it is determined that the employee's second job interferes with the employee's performance of his/her University position or appears to impugn the University's reputation, the University may request that the employee resign such second job or face employment discipline, up to termination. Faculty refer to the Faculty Handbook.

## **Employment Records**

All records containing facts regarding a specific employee are generally maintained in the Human Resources Office.<sup>2</sup> The personnel-related facts pertaining to an employee are required for use by the University, by various governmental agencies, and by benefit program administrators. To ensure accurate personnel information, the employee must promptly report to the Human Resources Office any change of name, address, phone number, marital status, dependent reaching age 24, dependent no longer a full-time student, or change in his/her number of dependents or beneficiaries.

All personnel records are deemed confidential. An employee may examine his or her personnel-related file at any time during normal office hours by scheduling an appointment with the Human Resources Office. The file may not be removed, but copies of any material in the file will be made by the Human Resources Office upon the employee's request. Should an employee believe information in the file is inaccurate, a note signed by the employee containing a statement regarding such information will be placed in the file by the Human Resources Manager, if requested.

## **Responses to Reference Inquiries**

When asked for a reference on a former employee by a third-party, the University will release only information about the employee's dates of employment and job title at the time of separation, unless the former employee presents a signed release authorizing it to provide the third party with salary information, reason for termination, and performance evaluations. No general or unsolicited information will be provided.

Where a terminating employee requests a reference letter for obtaining other employment, only the employee's Department Head may issue such a letter after consultation with the Human Resources Manager.

## **Hiring Related Persons**

No two persons related by blood or marriage may hold positions, including student employee positions, in which either is directly responsible for supervising the other or making pay recommendations, promotional decisions, or other employment-related decisions affecting the other.

## **Re-employment and Changes in Employment**

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<sup>2</sup> Faculty assessment records are kept in the Office of the Provost.

Former employees may be rehired at the University's option. Benefits and service-based recognition awards will be premised on the employee's most recent date of hire, unless a given benefit plan provides for a more favorable method of calculation or for enrollment transfer.

### **Terminations of Employment**

There are two ways in which employment with the University may be terminated: voluntarily and involuntarily. Voluntary terminations include, without limitation, resignation, retirement, failure to return on time from an approved leave, failure to return a signed employment appointment letter within the required time, declination of a job offer while on inactive status, or the completion of a set term appointment. Involuntary terminations include, without limitation, indefinite lay-offs, non-renewals of appointment, discharges, death, expiration of an inactive status period without extension or renewal by the University, abolishment of position, and termination due to inability to perform the position's essential functions, even with reasonable accommodations, where applicable.

### **Notice of Voluntary Termination**

For staff coverage purposes, exempt personnel who intend to terminate their employment are requested to provide a minimum of 60 days' advance written notice. Non-exempt employees should provide at least two weeks of written notice. Any failure to provide a timely advance notice will be noted in the individual's personnel file. Written notice of an employee's voluntary termination should be delivered to both the immediate supervisor and the Human Resources Manager. If an employee voluntarily terminates via oral notice, he/she will be considered as having resigned.

### **Exit and Clearance Procedures**

Upon leaving employment, full-time employees will receive an exit letter stating the effective date of termination, the amount and date of final pay, the amount of any unused vacation leave, the termination dates for any applicable benefits, a statement of eligibility for continuation of coverage rights for group health, vision and dental insurance (COBRA), opportunities (if any) for continuation or conversion of group life insurance, and other pertinent data relating to the termination.

University credit/purchase cards, identification cards and badges, keys to University facilities, parking tags, and any other University property must be returned to the Human Resources Office before the employee's final pay can be issued. (A retiree in good standing is permitted to retain custody of his/her identification card and is encouraged to have continuing association with the University.)

## **Retirement**

There is no mandatory retirement age. Under the TIAA Defined Contribution Retirement Plan, “normal retirement age” is 65 years. For purposes of qualifying for University-provided post-retirement benefits, however, retirement is defined as completion of five years of fulltime and continuous service; a minimum age of 58 years, and a total of age plus years of fulltime service that equals 70 or more.

## **Faculty and Staff Visas**

International Faculty or staff should note that expenses other than those fees mandated by the Department of Homeland Security for visa status petitions, changes or extensions, or for permanent residence petitions, are their personal responsibility. The Human Resources Office and, where faculty is involved, the Office of the Provost will assist as needed.

## **Performance Appraisals**

An annual performance review program for Administrators and Support Staff employees is viewed as the culmination of an on-going feedback process because it offers a formal opportunity for both the employee and supervisor to focus on the employee’s strengths and developmental needs. All supervisors are required to complete the Staff Performance Review Form for each subordinate employee supervised. Assessment of an employee’s performance is an integral part of the University’s compensation process. The supervisor’s timely and accurate completion of such reviews is considered in the University’s evaluation of the supervisor. Faculty refer to the Faculty Handbook.

## **Code of Expected Employee Conduct**

Employees should be aware that the University is supportive but will not tolerate certain acts and behaviors that are unproductive or detrimental to Muskingum. These acts are usually basic acts of non-compliance or acts of misconduct and are handled through disciplinary action. Examples of events requiring disciplinary action include but are not limited to:

### **Acts of Non-Compliance**

1. Failure to maintain a desired level of satisfactory performance
2. Misuse of work time, including solicitation while on the employee’s working time or when any other party to the solicitation is on their working time.
3. Excessive absenteeism
4. Failure to comply with University policies or regulations, including without limitation becoming involved in situations which may give the appearance of a conflict of interest

5. Repetitive disregard of known regulations or procedures (parking, safety equipment requirements)
6. Unauthorized use of University equipment
7. Disregard of an authorized work request
8. Declination to cooperate with co-employees or a supervisor

### **Acts of Misconduct**

1. Acts or threats of violence
2. Intentional or reckless endangerment of life or property
3. Immoral or indecent conduct including moral turpitude.
4. Theft or fraud, including misrepresentation on a time sheet
5. Possession or sale of illegal drugs on University property or while engaged in University business, including at any time while driving a University vehicle
6. Inappropriate Harassment, including Sexual Harassment
7. Violation or misuse of confidential information
8. Working under the influence of illegal drugs or alcohol
9. Possession of a firearm at the workplace or while operating a University vehicle by one other than a member of the University Police Department
10. Failure to disclose actual conflicts of interest
11. Conviction of any crimes (other than minor traffic violations) under state or federal law
12. Insubordination
13. Intentional violation or disregard of University policies or regulations

Efforts to manage acts of unintentional non-compliance typically will be attempted through a progressive disciplinary program described below provided to help an employee solve a problem, or understand expected performance or behavior, or to improve performance.

When acts of misconduct occur and where the violations are considered flagrant or involve the endangerment of the students, fellow employees, or University property, or are considered major infractions, dismissal may be effected without prior warnings or application of progressive discipline. In all cases, even where only acts of non-compliance are involved, Muskingum reserves the right to by-pass this progressive process if warranted in its sole discretion and terminate an employee immediately.

Faculty refer to Faculty Handbook.

### **Progressive Discipline Process**

The following procedure provides a supportive process which encourages Support Staff employees to modify unacceptable behavior or performance. (Neither Faculty nor Administrators are subject to this process.) Through this process Support Staff employees generally will have a reasonable time to improve performance or behavior. The University, however, maintains the right to initially discipline at advanced levels of such process, up to and including discharge, particularly where the conduct involved is not susceptible to correction, e. g., dishonesty. The entry step may vary, any step may be repeated, and steps (up to and including all steps prior to discharge) may be skipped, depending on the University's assessment of the seriousness of the situation.

Typically, the following steps will be involved in Support Staff progressive discipline:

1. The supervisor will deliver an oral warning describing the performance deficiency or policy violation and advising the employee that more severe discipline may result if the misconduct is not remedied. The supervisor will promptly generate a signed memorandum verifying the date on which the oral warning was given and the purpose of such warning.
2. If an oral warning does not resolve the problem, the employee will receive a written warning defining the standard of performance expected and generally a time frame for improvement. The written warning will generally notify the employee of the consequences for failure to improve performance or behavior up to and including termination. A copy will be placed in the personnel file pertaining to the employee. The employee may respond to this statement in writing and such response will also be placed in the personnel file.
3. If the problem remains unresolved, the employee may be placed on time-limited probationary status or on an unpaid suspension of specified duration on a case-by-case basis.<sup>3</sup>
4. If the problem still persists, the employee may be terminated.

**NOTE:** The forgoing procedure notwithstanding, the University has and may exercise the right to dismiss at-will employees immediately and for no reason or any lawful reason without disclosing the reason to the employee.

Faculty refer to Faculty Handbook.

## **Section IV: EMPLOYMENT SERVICES**

### **Publishing Comments about the University**

Any employee publication to be distributed off campus intended for a general audience and communicating any message about the University, its status, its plans, or its personnel, must be reviewed and cleared by the Public Relations Office before publication.

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<sup>3</sup> There may be times when the employee is placed on paid or unpaid leave during any period of investigation into behavior or performance.

## **Responses to Media**

Muskingum is a private university and, as such, is not subject to Ohio's public records accessibility law. It is Muskingum's policy that no employee other than one specifically designated by the President may respond to any media representative in any official capacity as a University representative. Any questions are to be referred to the Director of Marketing and Communications or a member of the Senior Staff.

## **Campus Directory**

Employees may refer to the campus-only website to view photographs taken for University Identification Cards, as a means of recognizing colleagues. A Campus Directory is printed to assist with employee office correspondence.

## **Campus Telephones**

Employees may not use campus telephones for personal long-distance calls.

## **Campus Services Office (ARAMARK)**

All campus events and room reservations, including outdoor areas, are scheduled through the Campus Services Office (8383). Note that when planning events, ARAMARK's Classic Fare has exclusive catering rights for all on-campus events involving the service of meals or food. As a general rule, Sunday events are to begin at 3:00 p.m. or 7:30 p.m. and evening events during any other days are to begin at 8:00 p.m.

## **Mailroom and Mail Service**

The University mailroom provides on-campus delivery and collection at all campus locations. The Mailroom's operating hours are 8:00 a.m. to 5:00 p.m.

## **Mailbox Distributions Prohibited**

Campus mailboxes are not to be used for unsolicited or anonymous non-business correspondence. Individuals/groups from outside the campus community may not distribute materials through the University mail system. Because of the danger of slip/fall and the unsightly appearance of litter, employees may not distribute non-work related materials in any working area or public area of the campus. Distribution of such material must be confined to non-work areas dedicated exclusively to employee usage, such a lunchrooms or uniform changing locker rooms.

## **Email Policy**

[employees@muskingum.edu](mailto:employees@muskingum.edu) - This list is for university business/announcements only. All employees on mcmemos will now be in "employees".



[mucommunity@muskingum.edu](mailto:mucommunity@muskingum.edu) - This list is for sharing non-university related announcements, to list items for sale, to promote fundraisers, etc.

To unsubscribe from MUCommunity:

Log into Webmail

Click on the "Contacts" tab

Click on "Distribution Lists" in the left column

Click on "Muskingum University Community" in the center column

Click the "Unsubscribe" button on the right side of the page

Click "OK" on the informational box that pops up

Click on the "Mail" tab to return to your mail messages

To resubscribe to MUCommunity:

Log into Webmail

Click on the "Contacts" tab

In the "Search" bar at the top of the page, type in mucommunity

Click on "Muskingum University Community" in the center section

Click the "Subscribe" button on the right side of the page

Click "OK" on the informational box that pops up

Click on the "x" on the Search tab

Click on the "Mail" tab to return to your mail messages

## **Campus Copy Center**

The copy center maintains the same hours as the mailroom. Deliver printing requests electronically or they may also be delivered to the half door entrance in the Bottom of the Quad Center.

## **Work Orders**

Work orders are to be provided to the Physical Plant Department or the Computer Network Services, as applicable, in order to facilitate scheduling non-emergency repairs or requests for service from those departments.

## **Purchasing Card**

University Purchasing Cards may eliminate purchase orders/check requests or low-dollar value invoices. PNC is the on-line tool for reviewing and approving transactions with the card. If a card's holder believes a limit adjustment is needed, he/she should contact the Program Administrator in the Business Office. The full policy is published on the Business Office web page

## **Mileage Policy**

Mileage for conducting University business with the employee's personal vehicle is reimbursed utilizing current IRS standard reimbursement guidelines. The University does not pay employees mileage for commuting from home to work and back to home regardless of distance. The current rate for mileage reimbursement and other policies around mileage are defined on the [Business Office web site](#).

## **Section V: SAFETY, SECURITY AND ENVIRONMENT**

### **Concealed Weapons on Campus**

The carrying of concealed weapons on the University's campus by employees or others is prohibited unless the carrier is a member of the University Police Department on active duty.

### **University Police Department**

Campus safety and security is coordinated by the University Police Department. The University Police enforce regulations of the University as well as village, county and State of Ohio criminal and traffic laws.

### **Emergency Procedures Guide (On-campus)**

Employees should refer to the booklet entitled "On-Campus Emergency Procedures Guide" for assistance dealing with natural disasters or other emergency situations. Additional copies of the booklet are available from the Human Resources Office.

### **Emergency and Criminal Activity Reporting Procedures**

Employees should report potential criminal activity and other emergencies on campus first directly to 911 and then to the University Police Department (8155).

### **Safety Practices**

The University strives to comply with all health and safety laws applicable to its operations. Employees are expected to comply with the University safety rules regulations and procedures, and with all federal, state and local regulations. All employees are expected to be alert to unsafe conditions and practices and to report any unsafe conditions or practices to their immediate supervisor.

It is the responsibility of every employee to utilize safe working conditions, safe tools, equipment, instruments, and appropriate apparel, including safety apparel and apparatuses, where indicated by the circumstances. All employees, including involved Faculty members, are required to read all posted OSHA notices and to comply with OSHA standards. Employees willfully violating safety standards, or being willfully negligent in the safe performance of their work, will be subject to discipline.

## **Reporting Injuries**

If an employee is injured while working, he or she should immediately notify their immediate supervisor regardless of the injury's perceived severity. The supervisor will promptly assist in getting any necessary medical attention. The immediate supervisor will also assist with the completion of the required reports (First Report of Injury, Witness Reports, and Accident Report) and will forward them to the Human Resources Office.

## **Safety Guidelines**

No employee will be required to work under known unsafe conditions or with tools or equipment known to be unsafe. In the event an unsafe condition develops or unsafe equipment is encountered, the employee should immediately cease work and report such to his or her supervisor or the Chief of University Police, if available. If the immediate supervisor or the Chief of University Police is unavailable, the employee should report the condition to a member of the Senior Staff or to the Human Resources Manager.

## **Hazard Communication Program**

Muskingum has implemented a written Hazard Communication Program to inform employees about any chemical hazards in the workplace. It is the responsibility of employees to comply with this plan and to become familiar with Safety Data Sheets. Files of all campus Material Safety Data Sheets are maintained in the office of the designated Compliance Officer (unless otherwise stated, Chair of the Science Division) and a second set is kept in the University Police Department. Copies also are placed with individual departments as appropriate. Refer to complete program in the Human Resources Office or consult the Chair of the Science Division.

## **Hazardous Material Video**

Within one week after reporting to work, all employees who, in their work area, potentially could be exposed to chemicals, waste materials, or other substances that could pose a hazard, are required to view a Hazardous Communication Training video, available in the University Library. The employee must then sign a Statement of Compliance which is returned to the Human Resources Office and placed in his/her personnel file.

## **Emergency Telephones**

Emergency telephones are found at various locations throughout the campus with a continuous green light on top of the installation identifying their location. Employees can activate the telephone by pushing the button which rings into the University Police Department and the mobile units.

## **Response to Fire, Smoke, and Emergency Alarms Policy**

When a fire alarm, smoke alarm, or other emergency system activates in any campus building, all persons must evacuate the building immediately. The New Concord Fire

Department and University Police are automatically dispatched. One should not re-enter the building until permitted by authorized personnel (New Concord Fire Department, University Police Officers, or a member of the University's Senior Staff).

## **Weather Conditions**

The University typically will endeavor to operate during inclement weather. Offices and undergraduate classes generally will continue as scheduled since most undergraduate students are residents on campus. Because many graduate and continuing education students are not residents of the campus, such classes may be cancelled due to travel conditions.

All employees should make reasonable attempts to get to work. If, however, it appears those attempts may subject the employee's life or health to danger, it is acceptable to stay home. Any employee who cannot report for work should keep his/her supervisor or department chair informed of the situation.

If an employee is in doubt concerning the operations of the University, he or she should tune to one of the following broadcasting stations which will present announcements regarding any closing:

WMCO 90.7 FM radio (New Concord)

WILE 1270 AM radio (Cambridge)

WHIZ 102.5 FM radio and WHIZ TV (Zanesville)

WCMJ 96.7 FM radio (Cambridge)

Alternatively, one may call the Muskingum University Weather Hotline (off-campus, dial: 740-826-8188, follow the prompts, and then dial \*3500). If undergraduate classes are being canceled or delayed, the hotline will be updated by 6:30 a.m. If graduate and continuing education classes are being cancelled, the hotline will be updated as to those classes by 2:00 p.m. on the day in question.

If the University should officially shut down due to inclement weather, all employees will be paid their regular salary or wages for the day or days involved. The time for which paid, however, does not count as time worked for purposes of computing a non-exempt employee's overtime pay for that workweek. Any Support Staff members required to work as "emergency personnel" (e.g., grounds crew, building maintenance crew, and University Police Officers--to the extent scheduled to work that day) during such an inclement weather shutdown receive their regular pay for all hours actually worked and those hours are counted as hours worked for purposes of computing overtime pay for that workweek. An employee on an approved paid leave during the shutdown will be considered as continuing on that leave, with appropriate deductions being taken from leave accumulations.

## **Suspicious Packages**

If an employee receives or comes upon a suspicious package or letter:

- Handle with care. Do not shake or bump
- Do not open, smell, touch or taste

- Isolate it immediately
- Treat it as suspect. Call University Police (x8155) or a local law enforcement authority at 911

### **Student Employees Handling Mail**

Student employees may not open institutional mail.

### **Key Policy**

For employees with an assigned office, upon completion of a written Key Request form, office keys are issued by the Physical Plant Department (ext.8160) at no cost. A 72-hour advance notice is requested. An individual is personally financially responsible for all keys issued in his or her name. While there is no charge for the initial issuance, any lost keys will be replaced by the Physical Plant Office at a personal charge of \$15.00 for an office key or \$50.00 for a master key.

Any key requested for an area or department other than one's own must be authorized by the department head of the requested area. Requests for building master keys require the authorization signature of both the Provost and the Director of Physical Plant Services. At termination of employment, all keys are to be returned to the Human Resources Office; the transfer of keys between individuals is not permitted.

### **After-hours Access to Non-Residential Buildings**

Unless pre-authorized by a member of the Senior Staff in a particular instance, after-hours access to the University's non-residential buildings is limited to Physical Plant staff, Faculty, administrative department heads, and employees with an on-going need for access as approved by a member of the Senior Staff and the Chief of University Police.

### **Animals in Building**

Pets, or animals other than support animals assisting an individual with a disability, are not permitted in work locations, unless pre-authorized by a member of the Senior Staff in a particular instance.

### **Blood Borne Pathogens Policy**

Muskingum maintains a written policy in response to OSHA's Blood Borne Pathogens rules that provides mandatory training for certain employees, follows a written exposure plan, maintains work practice controls, and provides protective apparel or apparatuses where appropriate. Consult the Human Resources Office for a copy of the policy, if needed.

A Hepatitis B vaccine program is free of charge to certain employees who may come into contact with blood or bodily fluids or whose response to a crisis may be necessary. An employee

covered under this policy may refuse the Hepatitis B vaccine and, likewise, may receive such a vaccination upon changing his or her mind. Contact the Human Resources Office for details.

The designated employees must follow the National Health Center's Universal Precautions as set forth in the University's written policy, and must utilize appropriate protective apparel and apparatuses, precautions, and procedures when encountering a situation where human blood is or is likely to be present.

### **Operating University Vehicles**

The University motor pool provides transportation for use on University business by Faculty and other employees. Vehicles are scheduled through the Physical Plant Office. Reservations are accepted on a first-come –first served basis. Please note:

- Operators of University vehicles must attend and successfully complete the vehicle safety training program provided by the University Police.
- Seat belts must be worn by the driver and all passengers and all driving laws are to be observed.
- No more than 10 passengers may travel together in any 15 passenger van owned or operated by Muskingum University.
- Individuals participating in a University activity requiring transportation are required to comply with the Policy on Transportation for University Activities available in the Office of Human Resources and the Office of the Director of Athletics.

### **Vehicle Safety Training Program**

In addition to having successfully completed the University's vehicle safety training program, anyone operating a University vehicle must: i) possess a currently valid driver's license; ii) have no more than two moving traffic violations within the last three years, provided that neither is a serious charge such as OMVI or reckless operation.

### **Accidents Involving University Vehicles**

Any accident involving a University vehicle, regardless of severity, location, or fault, should be reported to the local law enforcement authorities and the Director of Muskingum's University Police. The local agency should be asked to complete an accident report. Some agencies will not complete a report on minor collisions. If that occurs, contact University Police at 1-740-826-8155. It is imperative that the Director of Student Affairs be advised should the accident involve a student.

An employee injured in connection with an "on the job" accident involving a University vehicle must promptly report the injury or accident to *both* his/her supervisor *and* the Human Resources Office.

## **Section VI: REMUNUERATION AND DEDUCTIONS**

## **Work Week**

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

## **Time Sheets**

Time sheets are written documentation indicating time worked. These records are required by federal law for all non-exempt employees, including any non-exempt professional employees, such as computer employees or other professionals who do not meet the applicable FLSA salary level requirement. The non-exempt employee is responsible for completing the time sheet, specifically indicating any vacation, sick leave, jury duty or other time not worked. The employee must sign the time sheet verifying the actual hours worked prior to approval and signature by the supervisor. Supervisory approval is required in order to process the time sheet for payroll purposes. The University reserves the right to require time sheets for certain groups of exempt employees. Any false information provided by an employee subjects the employee to discipline up to termination.

Supervisors are to deliver their unit's approved time sheets to the Payroll Office (MH 16A) on the first working day following the close of the applicable payroll period.

## **Pay Days**

For non-exempt employees, the employee's hire date determines his or her first pay day. Thereafter, most full-time non-exempt employees are paid to-date on the bi-weekly payroll every other Friday, and most adjustments, such as overtime, are made on the following bi-weekly pay date. Part-time, temporary and on-call employees are usually paid with the bi-weekly pay period following receipt of the time sheet, which typically creates an ongoing two-week delay. Should the pay day fall on a holiday, pay will usually be issued the day before the regular pay day. Should the pay day fall on the Friday after Thanksgiving, pay will usually be issued on the following Thursday. All pay days will be published on the University website in the Business Office and/or payroll sections (<http://www.muskingum.edu/home/business/payroll.html#PayDates>).

Exempt employees (Faculty, Administrators, and professional employees) typically are paid the last Friday of each month. Should that pay day fall on a holiday, the pay usually will be issued the day before. All pay days will be published on the University website in the Business Office and/or payroll sections.

## **Salary Adjustments**

Salaries are typically reviewed annually and any increase granted generally becomes effective July 1 for Administrators and Support Staff; August 1 for certain Athletic Department Staff; and September 1 for Faculty and other professional employees. This, however, does not preclude adjustments at other times. Likewise, the University's policy of periodically reviewing salaries does not guaranty that any employee will receive an increase.

The President has final authority for all salary and wage increase decisions. Individuals hired at other than at the beginning of a fiscal year, an academic year, or a semester, may expect salary adjustments, if any, to be prorated by length of service. An Administrator or Support Staff employee hired after January 1 in any year typically would not receive a salary adjustment at the next University-wide review date. Similarly, an individual who has already announced a termination date falling at or before the end of the relevant employment year should not expect any salary adjustment on such next University-wide review date.

### **Administrator's Pay for Teaching**

Teaching by an Administrator is at the pleasure of the Provost or Vice President of Graduate and Continuing Studies, as applicable, following consultation with an individual's supervisor. Prior to completion of any arrangements, both the Administrator and his/her supervisor should be consulted regarding availability, appropriateness, workload and time out of the office. Final authority lies with the President.

Typically, there will be no additional compensation to the Administrator for the occasional sharing of expertise and knowledge in the classroom. For actual contracted teaching, however, compensation will be granted if such additional responsibilities fall outside the Administrator's regularly scheduled working hours. Members of the Senior Staff, who hold Provost, Vice President, Dean or Director's status, will not be compensated for any teaching.

### **Overtime Pay for Non-Exempt Employees**

The Fair Labor Standards Act requires that non-exempt employees who work more than 40 hours in a single workweek are to be paid time and one-half for all hours worked in excess of 40 during such week. There is no overtime pay for working more than eight hours in a single day or for working on a Saturday or Sunday.

No overtime can be worked by a non-exempt employee without the prior approval of the appropriate supervisor. Any overtime work performed by a non-exempt employee without the appropriate prior approval may result in employment discipline, up to termination.

### **Emergency Call-ins**

Physical plant employees called in from home for emergency work will receive pay for and will be deemed to have worked a minimum of four hours in connection with the call-in, provided they remain available for work upon request during the entire four-hour period, even if less than four hours of work is performed. If the employee completes the emergency work in less than four hours and returns home but then is called in again during the original four-hour period, no additional compensation is due unless the time actually worked exceeds the original four hours. In such event, the employee shall be paid for any time worked beyond the expiration of the original four-hour period at the straight time or overtime rate, as applicable. If the second or any subsequent call-in occurs after the initial four-hour period has expired when the employee again is called back in, a new four-hour pay period shall begin under the same stated four-hour minimum conditions.



If a physical plant employee who is subject to emergency call-in is required to report for work prior to his normal scheduled start time or to remain at work beyond his normal scheduled quitting time, such additional working time is not considered a “call-in from home” situation. While the employee will be credited with having worked the extra time for overtime compensation purposes, the time (adjacent to the employee’s normal work hours) is not considered emergency call-in time and is not subject to the four hours pay minimum.

### **After-hours Work by Support Staff Employees**

No department may hire a member of the non-exempt Support Staff for work during his/her off-hours and pay him/her in any manner other than through payroll at his/her regular wage rate or at the overtime rate, whichever is applicable.

### **Payroll Deductions**

Deductions made through the payroll process fall into two categories: Mandatory and Optional.

#### *Mandatory Deductions*

1. All employees are covered by the Federal Insurance Contributions Act (F.I.C.A.) commonly called Social Security and Medicare tax. The University, as an employer, matches employee contributions and forwards the combined amount to the appropriate governmental agency in the employee's name.
2. Federal Income Tax is deducted on a regular basis from all non-exempt earnings. The amount withheld and forwarded to the Internal Revenue Service is based on the number of exemptions claimed by the employee on his/her withholding exemption certificate and is also subject to the employee’s participation in various tax exemption programs established by the University.
3. State withholding tax is a graduated tax and is deducted on all non-exempt earnings in accordance with the taxing rate established by the State of Ohio.
4. The Village of New Concord payroll tax is automatically deducted from the pay received by employees who perform services for the University. An employee who resides elsewhere is responsible for paying and identifying his/her local income tax, subject to state and local ordinances.
5. The Ohio School District Income Tax requires Muskingum University to withhold the school district income tax on all wages subject to Ohio and federal withholding taxes, and to submit these amounts to the school district in which the employee resides if the school district has adopted this tax.
6. Garnishment or child support deductions if mandated by a court order.

7. Retirement Plan contributions after one year of eligible employment or age 21, whichever comes later. Separate information is provided in the Summary Plan Description available from the Human Resources office.

### *Optional Deductions*

Optional deductions are those the employee chooses to have taken from his/her periodic pay, including the employee's share of the premium for group health insurance coverage. The Human Resources Office can provide detail on the availability of such deductions upon request.

### **Direct Deposit**

Muskingum deposits an employee's pay directly into the bank account designated by the employee. The authorization form designating his/her bank and account of choice is filed with the Human Resources Office and may be changed from time to time by the filing of a new form. Each pay day a "pay advice" is issued to the employee containing information about deductions, taxes, and paid leave balances.

## **Section VII: BENEFITS/PRIVILEGES OF UNIVERSITY EMPLOYMENT** (updated November 2022)

### **A. General Provisions**

Muskingum University, through its Board of Trustees, offers a competitive benefits program. In addition to federally-mandated employer contributions to Social Security and Workers' Compensation, the benefits described in this section of the Employee Handbook are available to eligible employees. Eligibility is determined based on employment designations, which are indicated on each job description, as signed by the employee upon hire and signed upon subsequent modification.

The University reserves the right to alter, amend, or rescind all benefit programs, and to change, alter, or rescind contributions to its benefit plans at any time, with or without notice, though it will use reasonable efforts to consult the Compensation and Benefits Council as stated herein.

The Human Resources' website will be updated to reflect current information regarding access to benefits. For benefits that use external providers, the information contained in these benefits policies, and on the Human Resources' webpage, is for information only and does not create a contract or a reasonable expectation of a contract. In the event of a conflict between the University's summary of a benefit program and the plan document, the specific terms of the plan document will govern. For benefits provided directly by Muskingum University, the Employee Handbook will govern in the event of a conflict between the policy and the summary on the Human Resources website.

## **B. *Compensation and Benefits Council***

Compensation and benefits are viewed by the University as important aspects of maintaining a quality faculty and staff to carry out the University's mission. Therefore, in the University's allocation of resources, much consideration is given to providing competitive salaries and benefits.

### **1. Membership**

To ensure that the University's benefit program remains competitive and equitable, the President has appointed a cross-university advisory council, which will be known as the Compensation and Benefits Council. The President will appoint 15 individuals to the Compensation and Benefits Council as follows:

- President
- Vice President for Finance, Operations, and Strategy ("VP-FOS")
- Provost
- Faculty Executive Secretary
- Academic Division Chairs
- Faculty members of the Professional Relations Committee
- Assistant Vice President for Human Relations & Risk Management
- Human Resources Manager
- 3 members of Staff Council, who are appointed by the President each September

### **2. Meetings**

The VP-FOS will convene meetings of the Compensation and Benefits Council at least once per semester and may convene meetings more frequently as needed.

### **3. Changes to Benefit Programs**

When the University is considering a change that reduces, eliminates, or significantly alters any of its benefits programs or contributions thereto, the VP-FOS may convene the Compensation and Benefits Council to discuss the proposed change. The VP-FOS will make a good faith effort to convene the meeting at a time that is mutually convenient to at least 2/3 of the Council members. Members of the Council will make a good faith effort to be available for Council meetings.

In the event that the terms of a benefit program or contribution thereto would jeopardize the University's financial interests, the President will attempt to consult with Compensation and Benefits Council but may make appropriate decisions to protect the University's finances. In such circumstances, the President will consider options that secure the University's financial interests with the least amount of impact on employees. The University's Board of Trustees maintains final decision-making authority as to the University's compensation and benefit plan.

## **C. *Wellness Benefits***

## 1. Medical Insurance

Muskingum is self-insured and offers a choice between one of two preferred provider (PPO) medical plans or a high deductible health plan with a health savings account.

Under each of the insurance plans, employees may select their healthcare provider, but will receive larger cost-coverage benefits if the provider is in-network. Prescription and mail-order prescription service is included.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service have the option to participate in the University's medical insurance program. Eligibility for coverage begins on the first day of the full month following the day that the employee reports for employment. The employee must complete a benefits application within 30 days from the time they report for employment. After that time, the employee may apply should a qualifying life event occur, or during the annual open enrollment period, which occurs each November. If enrolled based on the occurrence of a qualifying life event, coverage will be effective on the date on which the qualifying life event occurred. If enrolled during open enrollment, coverage will begin on the following January 1.

### Cost

The University offers different medical insurance plans with coverage to the employee, the employee plus spouse, the employee plus children, or the employee's family, and will share the cost of coverage. The price of each plan will be posted to the Human Resources website each November prior to open enrollment. The employee's share will be paid through payroll deduction according to the current schedule; or, upon the employee's choice, can be tax-sheltered under the limits of a wage reduction option.

### Health Savings Account (HSA)

Muskingum offers a self-funded HSA option to employees. Employees who participate in the high deductible health care plan and contribute to an HSA may not participate in the University's medical Flexible Spending Account; however, unlike the FSA, the HSA funds are not forfeited at the end of the plan year. Employees who are 65 years of age or older may not contribute to an HSA based on IRS regulation. For employees who do contribute to the HSA, contributions are in addition to the premium for the high deductible health plan. The money accrued in an HSA is allocated to pay for eligible medical expenses and will remain with the employee throughout their employment and after they separate from employment. Employees should review their personal medical needs, as well as financial and tax needs, when determining whether an HSA or one of the University's traditional PPO plans is the best option for them.

## Retirement

An employee who is eligible to participate in the medical insurance program, has worked on a full-time basis for a minimum of 5 years, is at least 58 years old at the time of retirement, and whose age and years of service total 70 at retirement may, along with their spouse at the time of retirement, remain on the then-current group medical insurance plan by paying the cost of all premiums for such plan. If the employee and/or spouse is 65 or older, or when they turn 65, the medical insurance plan will be transitioned to the University's Medicare supplemental plan.

If hired prior to September 1, 1995, eligible faculty and administrators may follow the Post-Retirement Health Insurance Benefit Policy.

## **2. Dental Insurance**

Muskingum offers group dental insurance to eligible employees on either a single employee or family plan.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service have the option to participate in the University's dental insurance plan. Eligibility for coverage begins on the first day of the full month following the employee's reporting for employment. The employee must complete an application within 30 days from the time they report for employment. After that time, the employee may apply upon the occurrence of a qualifying life event or during the annual open enrollment period, which occurs each November. If enrolled based on the occurrence of a qualifying life event, coverage will begin on the date on which the qualifying life event occurred. If enrolled during open enrollment, coverage will begin on the following January 1.

### Cost

The University will offer coverage to the employee or the employee's family. The price of each plan will be posted to the Human Resources website each November prior to open enrollment. The employee's share will be paid through payroll deduction according to the current schedule or, upon the employee's choice, can be tax sheltered under the limits of a wage reduction option.

## **3. Vision Insurance**

Muskingum offers group vision insurance to eligible employees on either a single employee or family plan.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service have the option to participate in the University's vision insurance plan. Eligibility for coverage begins on the first day of the full month following the employee's reporting for employment. The

employee must complete an application within 30 days from the time they report for employment. After that time, the employee may apply upon the occurrence of a qualifying life event or during the annual open enrollment period, which occurs each November. If enrolled based on the occurrence of a qualifying life event, coverage will begin on the date on which the qualifying life event occurred. If enrolled during open enrollment, coverage will begin on the following January 1.

### Cost

The University will offer several vision plans with coverage available for the employee or the employee's family. The price of each plan will be posted to the Human Resources website each November prior to open enrollment. The employee's share will be paid through payroll deduction according to the current schedule or, upon the employee's choice, can be tax sheltered under the limits of a wage reduction option.

## **4. COBRA**

An employee who is actively enrolled in the medical, dental, and/or vision insurance plan has the right to choose continuation coverage ("COBRA") if the employee loses their group insurance due to reduction in hours or separation from employment (except gross misconduct). Dependents who are on a family plan also have the right to COBRA due to loss of insurance caused by divorce, death of the employee, or the dependent reaching a disqualifying age. The employee is responsible to notify the Human Resources Office of any family change.

COBRA is a time-limited benefit according to law. Muskingum's COBRA coverage for its health and dental plans is administered through the health insurance carrier, and COBRA coverage for its vision plan is administered by the Human Resources Office.

## **5. Employee Assistance Program (EAP)**

Muskingum provides an Employee Assistance Program (EAP) to eligible employees. EAP services are rendered on a confidential basis, available online, or by phone 24-hours per day and provided at no cost to the employee. Services includes limited assistance with a broad range of personal needs, such as legal consultation, mental health counseling, and financial services. Current information about the EAP service offerings is available on the Human Resources webpage.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are enrolled in the EAP. The University pays the premium for this coverage. Enrollment is automatic upon hire.

## **6. Virtual Counseling**

Eligible employees are enrolled in virtual counseling upon hire. In addition, eligible employees may purchase, via payroll deduction, services for their spouse and/or

dependents, as defined by the IRS. Virtual counseling is provided separately from EAP services, includes unlimited appointments, and is available 24 hours per day, 7 days per week, 365 days per year. Information to access virtual counseling services is available on the Human Resources website.

#### Eligibility and Enrollment

Full-time and part-time employees, except adjunct instructors, who work on a 9-, 10-, 11-, or 12-month term of service but are paid over 12 months are automatically enrolled in virtual counseling services and may choose to enroll their spouse and/or dependents. Enrollment forms for spouses and/or dependents may be completed at any time throughout the year, but unenrollment may only occur due to a qualifying life event or during open enrollment each November.

## **D. *Financial Benefits***

### **1. 125 Flexible Spending Plan**

In compliance with Section 125 of the Internal Revenue Code, Muskingum has designed a flexible spending benefits plan, which allows eligible employees to use pre-tax dollars to pay their contributions to selected benefit programs. This plan may reduce federal, state, and Social Security taxes, and may result in increased net pay. This type of plan may also be referred to as a "cafeteria plan."

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to participate in the 125 Flexible Spending Plan. Upon employment, eligible employees must complete the appropriate form to select or waive participation in the 125 flexible spending plan. The employee's selection will be renewed automatically each year unless an employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event or during open enrollment each November.

### **2. Flexible Spending Accounts (FSAs)**

Muskingum offers a health care FSA and a dependent care FSA, which allow the employee to use a designated amount of tax-exempt money to enroll in either or both FSAs. When enrolling in an FSA, employees should estimate their anticipated expenses and designate an appropriate amount to be placed in the FSA, as the Internal Revenue Service regulations follow a "use-it-or-lose-it" rule. The University pays all service charges and fees for employee participation.

#### Health Care FSA

Employees may participate in the Health Care FSA even if they do not participate in the University's health, dental, or vision insurance plans. The maximum amount an employee may withhold from their base salary to fund their Health Care FSA is established annually by the federal government. Current information will be provided on the Human Resources webpage. Some of the expenses able to be paid using the

Health Care FSA may include deductibles, insurance co-payments, and over-the-counter and prescription medications. At the end of the plan year, up to \$500 will be rolled over to the new plan year and may be used in addition to the full maximum allowed contribution in the new plan year.

#### Dependent Care FSA

Employees may designate up to \$5,000 of base salary to pay for dependent childcare or eligible parental care costs.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to participate in an FSA. Employees must select or waive initial enrollment upon hire or during open enrollment each November. Employees may change their FSA selections due to a qualifying life event or during open enrollment. The employee's selection must be renewed by the employee each year during open enrollment – FSA renewal is not automatic.

Employees may review the Human Resources website for information about which expenses are eligible for reimbursement. Participating employees are responsible for filing their own claims in a timely manner, as unused funds will be forfeited.

### **3. Tuition Remission Program**

Muskingum offers a Tuition Remission Program to eligible employees, their spouses, and their dependents. "Tuition remission" means the waiver of tuition charges normally assessed for enrollment in certain academic courses. Tuition remission is available to eligible individuals who do not have a bachelor's degree and applies only to traditional, undergraduate coursework. The tuition remission program does not apply to room and board, PLUS program fees, independent or directed study, auditing of courses, MAP, summer school, or graduate level coursework.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to participate in or use the Tuition Remission Program. Before the start of each academic year, the employee must complete an application form available from the Human Resources Office in order to use the Tuition Remission Program.

#### Employees

Employees who do not hold a bachelor's degree are eligible to take courses toward their bachelor's degree at Muskingum University. They are not eligible to participate in the Tuition Exchange Program. Employees taking courses under the Tuition Remission Program must enroll in traditional, undergraduate classes and must use designated break or leave time to attend class.



## Dependents

Dependents of eligible employees who attend Muskingum University are granted tuition remission for either 8 semesters or for a number of attempted credit hours up to the number of credit hours required for graduation. The University utilizes the IRS definition of “dependent,” and the Human Resources Office may request appropriate documentation to determine the student’s status as a dependent of the eligible employee.

## Spouses

If the spouse of an eligible employee does not hold a bachelor’s degree, they may participate in the Tuition Remission Program if they attend Muskingum University. However, they are not eligible for the Tuition Exchange Program. Tuition remission is available without regard to calendar time or course load.

If the spouse of an eligible employee does hold a bachelor’s degree, they may participate in the Tuition Remission Program to take one course per semester, provided that space is available after all full-time students have completed registration for that semester.

Spouses must go through the admissions and registration procedures for all courses, including auditing of courses. A spouse’s enrollment does not count toward meeting a minimum class enrollment.

## Separation from Employment

If an eligible employee with at least four full years of service dies, retires (and is eligible for retiree health insurance coverage), or suffers total disability (as defined by the Muskingum University disability program), tuition remission at Muskingum University will be extended to the employees’ dependents. If the eligible employee had less than four years of full-time service, the dependent(s) will be credited with tuition remission at the rate of one year of eligibility per child for each full year of service. The dependent(s) are not eligible to participate in the Tuition Exchange Program.

If the employee separates from employment for any reason other than death, retirement, or total disability, the employee’s spouse and/or dependent(s) may complete the academic semester in which they are enrolled under the Tuition Remission Program at the time of the employee’s separation. The spouse and/or dependent(s) will not be eligible to enroll in subsequent terms under the Tuition Remission Program.

If a student eligible for tuition remission is entitled to a tuition scholarship or other tuition financial aid from other sources, it is expected that these other resources will be used prior to applying the Tuition Remission Benefit. State tuition dependent financial aid is subject to restrictions of the outside source.

#### **4. Tuition Exchange Program**

Muskingum offers a Tuition Exchange Program to the dependents of eligible employees. Tuition exchange is offered under three separate programs, and a list of participating institutions is available on the websites of the Human Resources Office and the Student Financial Services Office. Dependents must apply for admission at the host institution and must meet the host institution's admission criteria. The host institution may require students to apply state tuition dependent financial aid or other outside financial aid before using the tuition exchange benefit. Each tuition exchange program may change its guidelines and requirements at any time and at the discretion of the program.

##### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to utilize the Tuition Exchange Program for their dependent(s). Before the start of each academic year, the employee must complete an application form available from the Human Resources Office in order to use the Tuition Exchange Program, and eligibility at the host institution must be recertified each year.

##### Council of Independent Colleges (CIC)

To participate in the CIC tuition exchange program, students must apply for admission at the host school and also apply separately for tuition exchange. The Student Financial Services Office will assist with applying for the tuition exchange program. Students may receive two separate acceptance notifications: one for admission and one for the tuition exchange program.

Students who are admitted and approved for tuition exchange by the host institution will enroll tuition free. Tuition remission is renewable for up to three additional years. Students are responsible for all non-tuition charges, such as room, board, and fees.

##### Tuition Exchange (TE) Scholarship Program

Muskingum is a member of the TE Program. Interested students should apply for admission to TE member schools at least 9 months before the projected date of matriculation.

##### Association of Presbyterian Colleges & Universities (APCU) Tuition Exchange Program

Tuition exchange at APCU institutions is subject to the terms and conditions of each host school. If interested in attending an APCU institution, the employee and their dependent(s) should consult Student Financial Services for pertinent program guidelines.

#### **E. Retirement Benefits**

##### **1. Employee Retirement and Income Security Act (ERISA)**

Muskingum University complies with the regulations set forth by the Employee Retirement and Income Security Act of 1974, commonly referred to by its initials -- ERISA. The law was enacted to protect the interests of employees in pension and welfare benefit plans connected with employment. ERISA rights and statements are included in each benefit summary plan description.

## **2. 403(b) Defined Contribution and Deferred Annuity Plan**

The University offers a 403(b) Defined Contribution and Deferred Annuity Plan through TIAA (formerly known as TIAA-CREF). Under the Plan, eligible employees defer a portion of their compensation into the Plan, and Muskingum also makes matching contributions. The amounts allocated to the employee's account may appreciate, or accumulate interest, on a tax-free basis until the funds are withdrawn.

### Eligibility and Enrollment

All employees are eligible to participate in the Plan on a voluntary basis, except those working less than 20 hours per week and student employees. To be eligible for the University's matching contribution, the employee must be at least 21 years of age, worked at Muskingum for at least 12 months, and worked at least 1,000 hours during that initial 12-month period. The initial 12-month waiting period will be reduced or eliminated for employees with other creditable service under the Plan.

Once all eligibility criteria are satisfied, and as a condition of continuing employment, the employee must contribute a mandatory 5% of their base compensation to the Plan through a payroll deduction or, if selected, within the limits of the University's 125 Flexible Spending Plan. The Human Resources Office will provide all enrollment instructions and documentation to the employee. The University's current contribution is 7% of the employee's base compensation, and contributions are 100% vested to the employee immediately upon enrollment. The Board of Trustees approves the amount of the employee and employer contributions as part of the overall budget.

To avoid a break in eligible service, the employee must work 500 hours in each subsequent plan year. If an employee takes a leave of absence or a reduction in hours due to pregnancy, birth or adoption of a child, service in the military, or providing service during a national emergency, that reduced time will not count against the employee if their employment is protected under federal or state law and the employee returns to Muskingum's employment within the time required by law. While on an authorized, paid leave of absence, Muskingum will continue to make contributions to the Plan, provided the employee also contributes their mandatory share. Contributions will be based on the employee's income for the current year.

Former employees who had satisfied the service requirement before termination and are re-employed by Muskingum are eligible for participation immediately upon re-employment and completing the minimum hours worked requirement.

### Investments

Under the Plan, employees may choose from a select number of vendors and investment options, which may be viewed on the TIAA website. Periodically, the Human Resources Office will update participating employees on any new or revised list of available vendors and investment options.

### Retirement

Under ERISA, there is no mandatory retirement age; however, the Plan defines “normal retirement age” at 65 years of age. Employees who retire before reaching the age of 65 may receive a reduced monthly benefit. The employee’s Plan retirement income depends on their fund balance at the time of retirement, as well as the settlement option chosen.

### Employee Access

By logging into their account on the TIAA website, participants may obtain current information about the Plan and the participant’s investment performance. The University will furnish newly participating employees with a summary plan description within 90 days after they become participants. Similarly, beneficiaries are to receive a copy of the summary plan description within 90 days after becoming a beneficiary. Please notify the Human Resources Office if you do not receive your copy within that time. In the event of significant modification to the Plan, an updated summary plan description will be distributed to all participants.

## **3. Supplemental Retirement Annuity**

Muskingum offers a voluntary, supplemental retirement annuity (“SRA”) through TIAA, which allows eligible employees to make tax-deferred contributions, subject to IRS limits. Employees are eligible to participate in the SRA unless they work less than 20 hours per week or are student employees.

If an eligible employee elects to make retirement contributions during the 12-month waiting period for the Defined Contribution Plan or wishes to contribute more than the mandatory 5% once they are participating the Defined Contribution Plan, those voluntary and/or excess contributions are paid into the SRA. The University does not match any contributions to the SRA.

### Loans and Withdrawals

A loan provision of up to 45% of the SRA account is available by using the account’s accumulations as collateral. In addition, participants may withdraw funds from their SRA account, either in whole or in increments of \$1,000, in certain circumstances. Certain conditions apply on withdrawals made by participants who are less than 59½ years of age. In addition to tax penalties, withdrawals and distributions are fully taxable as current income for the calendar year in which they are received. Participants who separate from employment may begin to draw annuity payments without tax penalty.

#### **4. Cash Withdrawal of Retirement Accumulation Upon Separating from Employment**

For employees who separate from employment for any reason, TIAA limits cash payment of TIAA funds to a ten-year payout period. Any cash withdrawals from the program may have serious tax implications, and the University recommends that the employee consult with a tax advisor.

#### **5. Social Security**

Social Security (FICA) provides for a federal system of old age, survivors, and disability insurance (OASDI) and health insurance (Medicare). The University is required to withhold and submit to the agency Social Security taxes up to an annually-announced wage base matched by the University and Medicare taxes with no wage base limit matched by the University.

### ***F. Insurance Benefits***

#### **1. Life and Accidental Death & Dismemberment (AD&D) Insurance**

Muskingum provides life insurance coverage equal to eligible employees' annual earnings up to \$150,000. Benefits will be the amount of the employee's base salary, rounded up to the nearest \$1,000, up to \$150,000. Coverage is reduced for employees at ages 65, 70, and 75. Muskingum also provides accidental death and dismemberment (AD&D) coverage to eligible employees. Death benefit coverage and reduction of coverage is the same as stated for the life insurance coverage. The policy contains a schedule of benefits in the event that the employee suffers permanent dismemberment. There are a number of significant provisions and conditions of both coverages, so employees should consult the Human Resources Office if they need additional information regarding their particular circumstances.

##### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are enrolled in life and AD&D insurance. The University pays the premium for this coverage. Enrollment is automatic upon hire, with employees only being required to provide a beneficiary designation form upon hire and as needed thereafter.

#### **2. Voluntary Life and AD&D Insurance**

Eligible employees may purchase, at the University's group rates, additional life insurance for themselves, their spouse, and/or their children. This benefit allows employees to purchase coverage in a guaranteed amount up to \$130,000 for themselves, up to \$25,000 for their spouse, and up to \$10,000 per child without proof of health. Higher coverage limits may be available.

Eligible employees may also purchase additional AD&D insurance at the amount of their base annual compensation, up to \$500,000, and up to the guaranteed amounts for both their spouse (\$25,000) and/or children (\$10,000).

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary life and/or AD&D insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. After that time, the carrier will require completion of a medial questionnaire. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

### **3. Long-Term Disability Insurance**

Muskingum provides group long-term disability (LTD) insurance to eligible employees. In the event LTD insurance is needed, it provides monthly income benefits of up to 60% of the employee's base monthly salary, with a cap of \$6,000 per month, if the employee becomes disabled on a long-term basis. The cap is determined based on base salary and any income benefits received from Social Security, the Workers' Compensation Bureau, or from other group benefit plans. This plan has a 180-day elimination period, and the benefit is reduced periodically, starting at age 62.

For employees participating in the University's Defined Contribution and Deferred Annuity Plan, an additional monthly benefit, equal to both the University's and the employee's mandatory contributions (of last base salary), is payable by the LTD plan for contribution to the TIAA retirement plan. Voluntary employee contributions to the Supplemental Retirement Annuity cease being due during the employee's disability.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible for long-term disability coverage on the first day of the month following the day they report for full-time service. For any eligible employee who may need to enroll in the LTD insurance plan, the Human Resources Office will assist in that process.

### **4. Travel Accident Insurance**

Muskingum provides travel accident insurance, which provides a benefit of up to \$100,000 in the event of death or accidental dismemberment while an eligible employee is traveling off campus for University-related business. This benefit is offered in addition to the Life and AD&D policies referenced above.

#### Eligibility and Enrollment

Employees between the ages of 18 and 70 who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are enrolled in the travel accident insurance plan. The University pays the premium for this coverage. Enrollment is automatic upon hire, with employees only being required to provide a beneficiary designation form upon hire and as needed thereafter.

## **5. Critical Illness Insurance**

Critical Illness Insurance provides a lump sum payment in the event that an insured suffers a critical illness, such as heart attack, stroke, cancer, or other covered illness. Employees may choose from between two benefit amounts, which may be used to pay medical bills that are not covered by medical insurance or the insured's daily living expenses. No medical exams or health questions are needed to enroll, and the policy is portable in the event that the insured separates from employment.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary critical illness insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

## **6. Accident Insurance**

Accident Insurance provides a lump sum benefit amount that results from a covered accident or illness and depends on the type of injuries suffered, such as fractures, burns, and concussions. No medical exams or health questions are needed to enroll, and the policy is portable in the event that the insured separates from employment.

### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary accident insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

## **7. Hospital Indemnity Insurance**

Hospital Indemnity Insurance provides a lump sum payment in the event an insured is admitted to the hospital. Benefit amounts include a flat fee for the day of admission and a per diem for each day thereafter. No medical exams or health questions are needed to enroll, and the policy is portable in the event that the insured separates from employment.

#### Eligibility and Enrollment

Employees who work at least 30 hours per week, or the equivalent thereof for faculty, on a 9-, 10-, 11-, or 12-month term of service are eligible to purchase voluntary hospital indemnity insurance. Upon employment, eligible employees will be provided paperwork to enroll in this benefit. The employee will have 30 days from the date of hire to elect this voluntary benefit. The employee's selection will be renewed automatically each year unless the employee modifies or revokes their selection. Plan selections may be changed due to a qualifying life event.

### **8. International Travel Insurance**

Muskingum University provides international travel insurance, which is available to eligible employees who become injured or ill while traveling internationally and within the coverage territory on University-related business. Services available include medical, personal, travel, and security assistance. When planning international travel, the employee should consult with the Human Resources Office or the Director of Cultural Engagement and Inclusion.

### **9. Workers' Compensation**

Muskingum participates in a self-funded Workers' Compensation Plan, which covers employees. Eligible medical expenses under a managed care system, as well as certain benefits for loss of salary or wages, will be paid by the University.

All injuries occurring on campus and/or while performing work must be reported to the employee's supervisor immediately. The employee will be sent to WorkPro or the Urgent Care or Emergency Department at Genesis Healthcare Systems, as appropriate, though they may seek treatment from an alternate provider. The supervisor will complete required documentation in the Self-Insured Injury Reporting Packet and return it to the Human Resources Office promptly, but no later than 24 hours after the injury. In the event of a life-threatening injury, for which 911 will be called, the direct supervisor or any employee who witnesses or discovers the injured employee must report the injury to the Human Resources Office immediately.

Upon notification of an injury during the University's normal business hours, a contracted nurse will review the accident report and notice of injury. Communication will continue between the injured employee, the treating physician, and the University.

#### Eligibility and Enrollment



Eligibility for benefits is automatic and effective on date of hire.

## **10. Unemployment Compensation**

Muskingum is a reimbursable participant in the State of Ohio unemployment insurance program. Any employee whose position is scheduled on a 9-, 10-, or 11-month term of service and who has a reasonable expectation of employment at the beginning of the next term or academic year is ineligible for unemployment.

## **G. Campus Amenities**

### **1. Identification Cards**

Employees who are regularly scheduled to work 20 or more hours per week are issued picture identification cards through the ARAMARK office for themselves, their spouses, and dependents.

The University may require display or production of identification cards to access or use certain facilities or services or to attend certain events. The picture used to produce the employee's identification card will be included on the internal, electronic directory, which is available to employees and students while on campus.

### **2. Campus Dining**

Employees have the option to use the University's dining services.

#### BAIT Shop

Located on the first floor of the Quad Center, the BAIT Shop is open to all faculty, staff, and their immediate family members for breakfast, lunch, and snacks during the academic year. In addition to its own menu, the BAIT Shop proudly serves Starbucks coffee and pastries.

#### Patton Dining Hall

Located on the first floor of Patton Hall, the D-Hall, as it is known to students, is open to all faculty, staff, and their immediate family members.

Vending machines for soft drinks and snacks are located in several academic buildings.

Cash, credit card, and Muskie Bucks are accepted at the BAIT Shop and Patton Dining Hall. Starbucks gift cards may not be redeemed at the BAIT Shop. Muskie Bucks may be purchased through Campus Services (740-826-8383) and will be loaded onto the employee's ID card.

### **3. Campus Events**

#### Athletic Events

the cost of admission to most home athletic events is waived for employees, their spouses, and dependents who have a valid campus ID card.

### Cultural Events

the University offers a rich blend of cultural events throughout the year, including concerts, plays, art exhibitions, and lectures. The cost of admission to most events is waived for employees, their spouses, and dependents who have a valid campus ID card; however, a nominal admission fee may be required to attend certain events.

## **4. Library Access**

All library services are available at no cost to all employees, and their immediate family members with their Muskingum ID card.

## **5. Muskingum University Center for Child Development**

The Muskingum University Center for Child Development ("MUCCD") is licensed by the Ohio Department of Job and Family Services and operates year-round as a lab school. MUCCD provides services to the children of faculty, staff, and the public, including full-day and half-day preschool programs, as well as a before/after school program for school-aged children up to second grade.

MUCCD provides early enrollment opportunities for children of faculty and staff and offers competitive tuition costs. More information is available on the MUCCD webpage.

## **6. Recreation Facilities**

During designated hours of operation and if not otherwise reserved, University employees and retirees may use designated athletic and recreation facilities free of charge.

Available facilities include the gymnasium in John Glenn Gym, all athletic and recreational facilities located in the Chess Center, the Johnson Family Track, and Sherman Field. The weight room located in John Glenn Gym is reserved for use by varsity and University-sponsored athletic teams. Availability of these facilities and hours for use may be modified by the Director of Athletics, in consultation with the Vice President for Finance, Operations, and Strategy, based on the University's needs at any time and without prior notice.

Unless otherwise reserved for University or John Glenn High School track practices or events or for other University events, the Johnson Family Track is open to the community. Closures of the track and other applicable restrictions will be posted at the entrance gate to the track and may include other times when the track may be closed to the community.

Employees' spouses and dependents who wish to use the designated athletic and recreation facilities must be registered with the Human Resources Office and must

have a valid University identification card. In addition, the employee and/or spouse must complete and sign the Assumption of Risk, Waiver, and Release form provided on the Human Resources' website. Children under the age of 18 must be accompanied by the employee or the employee's spouse and must be supervised at all times.

Use of facilities will be on a first-come, first-served basis, and any user of the facility must provide their identification card to any University employee who requests to see it. Refusal to produce an identification card for inspection when requested, lack of a completed and signed Assumption of Risk, Waiver, and Release form, and/or failure to follow University rules of use, will result in immediate removal from the facility and could result in permanent access restrictions, as determined by the Director of Athletics and Vice President for Finance, Operations, and Strategy. In its discretion, University Police may remove individuals from University facilities, issue a no-trespassing order, and/or file appropriate criminal charges based on an individual's unauthorized or inappropriate use of University facilities.

## **7. Parking**

Free on-campus parking is available to all employees with the display of a University-issued parking tag on the rearview mirror of the registered vehicle. New employees may obtain their initial parking tag through the Human Resources Office. To replace a parking tag or update your vehicle information, please visit the University Police Department.

A parking tag does not guarantee that parking will be available in the immediate vicinity of the employee's work site; however, ample parking exists on campus.

## **8. Check Cashing**

Employees may cash personal checks of up to \$25 by visiting the cashier, located in Montgomery Hall\* 126.

## **9. Notary Public**

Notary services are available by visiting the Business Office, located in Montgomery Hall 125.

## **10. Uniforms**

The University provides uniforms, as needed, to University Police Officers and an annual clothing allowance to custodial, grounds, and maintenance personnel.

# **SECTION VIII: LEAVE AND INCOME PROTECTION**

## **Holidays**

Administrators and support staff who do not observe the academic schedule of holidays and recesses observe the following holidays:

New Year's Day	Christmas Eve
Good Friday	Christmas Day
Memorial Day	Day after Christmas
Independence Day	1 Personal Day* for exempt staff
Thanksgiving	2 Personal Days* for non-exempt staff
Day after Thanksgiving	

(\***Personal Day** “holidays” become available as of July 1 each year and must be taken within the then current fiscal year, i.e., prior to the following June 30. The Personal Day holidays may be used at the employee’s option with the supervisor’s approval, and--if not used during that fiscal year--are forfeited. An unused Personal day is not compensable upon employment termination. The employee should schedule use of a Personal Day holiday with the immediate supervisory at least 72 hours in advance of the desired utilization date.)

- The University reserves the right to change celebration dates for any holiday at the convenience of the University.
- When the holiday falls on Saturday, the University generally will celebrate it on the preceding Friday. When the holiday falls on Sunday, the University generally will celebrate it on the following Monday. An employee whose regular work day is Saturday or Sunday generally will have the holiday Saturday or Sunday off (with pay) as the holiday’s celebration date.
- If the holiday is celebrated on the employee’s regularly scheduled day off or if the employee is required to work on such celebration day, the employee should consult with his/her supervisor or the Human Resources Office regarding arranging a substitute day off or regarding the compensation due for working on the celebration day,

Faculty refer to Faculty Handbook.

### **Military Leave**

Muskingum complies with all requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA). A Faculty member, Administrator or Support Staff employee who enlists in, is inducted into, or is ordered to active duty in one of the uniformed services must give the University reasonable advance notice of the need for such leave, unless military security considerations such notice impossible or unreasonable.

In order to be eligible for reinstatement in employment following a tour of duty, generally the employee’s cumulative period of service in the uniformed services may not exceed

five years. The employee must apply for reinstatement in employment on a timely basis which depends on the duration of the employee's period of service.

Benefits are not continued while an employee is on active duty. The employee, however, may opt to continue group health, dental, and vision insurance through established provisions via COBRA. Consult with the Human Resources Office regarding requirements. Upon reinstatement, the University's retirement plan contributions for a retirement plan participating employee will be made up if the employee makes up his/her portion of such contributions. The employee may make up his/her unpaid retirement plan contributions through payroll deduction over a period which is the lesser of three times the employee's period of service or five years.

Eligible paid vacation leave and sick leave are not accrued while on military leave but, at reinstatement, time spent in military service will count toward years of service, seniority, and benefits eligibility.

### **Funeral Leave**

The University will provide up to three scheduled work days off with pay for the regular full-time employee to make funeral arrangements or to attend the funeral of a member of his/her immediate family. For purposes of this policy only, "Immediate family" means the employee's spouse, children, mother, father, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law. One day of paid leave will be granted for the employee to attend to funeral arrangements for a grandparent, aunt, uncle, niece or nephew or a spouse's grandparent, niece or nephew.

Should additional time off be required, the employee may utilize vacation time or time off without pay, both only with advance approval of the employee's immediate supervisor.

Faculty refer to Faculty Handbook.

### **Voting**

Voting hours typically extend both before and after the University's normal working hours. Employees, therefore, are encouraged to vote on personal time. The University, however, will allow an employee a reasonable amount of unpaid time off so he or she may vote.

### **Jury/Witness Duty**

The University recognizes the responsibility of employees to serve jury duty. No regular employee will lose compensation or benefits when called to jury duty, but may be required to submit an official summons for duty to the Human Resources Office. An employee is not required to return to the University any compensation received for jury duty nor any reimbursement for travel expenses and meals while serving on jury duty. Sick leave for Support Staff continues to be accumulated during time spent on jury duty or mandated witness service (see following paragraph) as long as the employee receives an earned paycheck, i.e., performed some compensable work for the University during the subject workweek. It is expected that if the employee has been dismissed from jury duty for the day within his or her normal working hours, he/she will return to work for the balance of the day, provided that at least two hours of his/her regularly scheduled working time would remain after return to the campus.

The University also will permit an employee paid time off to testify for the prosecution in a criminal case (if subpoenaed), or to testify in a civil trial at the order of a court or other governmental agency, or at the request of the University. A subpoena issued in a civil case, whether or not the employee is a party in such case, is not deemed a court order which requires the University to supply the employee with paid time off in order to testify. The employee who is so subpoenaed should consult with his immediate supervisor or the Human Resources Manager to determine whether any interest of the University would be served by granting paid time off or whether unpaid time off must be used for such purpose.

Paid time off for witness service does not apply where the employee is a named plaintiff in the litigation. If an employee must appear in court on matters pertaining to his/her own personal interests, such time will be charged against any eligible vacation leave, personal leave, or leave without pay as granted by the University.

**Faculty Academic Leave, Annual Leave and Sabbatical Leave**

Faculty refer to Faculty Handbook.

**Unpaid Leaves of Absence**

In rare instances an employee may request an unpaid leave without benefits. The granting of this leave will be contingent upon the reason for the request and the ability of the University to either temporarily function without the employee or to find an adequate temporary replacement. The granting of this leave for Support Staff or Administrators must be approved by the Senior Staff member responsible for that position upon discussion with the immediate supervisor and the Human Resources Manager. In all cases final approval will rest with the President. Any appropriate paid leave must be exhausted prior to the granting of an unpaid leave of absence. Faculty also refer to Faculty Handbook.

**Vacation Leave for Non-Exempt Support Staff**

Vacation leave for full-time non-exempt Support Staff is based on the July 1 through June 30 fiscal year. The vacation schedule for such non-exempt Support Staff employees working 12 months per year is as follows:

<b>Years of Service:</b>	<b>Vacation Leave Granted:</b>
From hire date to subsequent July 1 <sup>st</sup>	Pro-rated (*see below)
At employee's 2 <sup>nd</sup> July 1st (completion of first full fiscal year)	5 working days (40 hrs.)
July 1 of full fiscal years 2-4	10 working days (80 hrs.)
July 1 of full fiscal years 5-9	15 working days (120hrs.)

July 1 of 10 <sup>th</sup> full fiscal year and thereafter	20 working days (160 hrs.)
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\* **1st Year Prorate.** The following schedule shows vacation leave granted during the first year of employment for full-time non-exempt staff. Such leave may be taken only after successful completion of the employee's Introductory Period and is to be taken between the employee's start date and June 30 unless the Introductory Period concludes after June 30, in which event the leave may be taken at any time prior to the next ensuing July 1st.

<b>If employment begins:</b>	<b>Pro-rated leave available:</b>
July 1 - September 30	5 working days (40 hrs.)
October 1 - December 31	3 working days (24 hrs.)
January 1 - March 31	1 working day (8 hrs.)
April 1 - June 30	0 working days

Each July 1 a fulltime Support Staff member who by years of service is eligible to rise to the next higher leave level will do so regardless of employment anniversary date.

### **Vacation Leave for Exempt Administrators**

Except in the fiscal year of hire, an eligible full-time 12-month Administrator, who does not follow the academic schedule of holidays and recesses, annually is granted one month of paid vacation leave as of each subsequent July 1<sup>st</sup>. One month of paid vacation leave is defined as 20 working days, to be taken during that current fiscal year (July 1 - June 30) in which granted or the same shall be forfeited.

Newly hired eligible Administrators will be given a prorated amount of vacation leave to be taken between start date and the next ensuing July 1st as follows:

<b>If employment begins:</b>	<b>Pro-rated leave available:</b>
Between July 1 - September 30	15 working days
Between Oct. 1 - December 31	10 working days
Between Jan. 1 - March 31	5 working days
Between April 1 - June 30	0 working days

### **General Information About Vacation Leave**

Consideration will be given to all requests for vacation time by eligible employees and the employee's preference will be respected whenever practical. The Senior Staff member over the position, however, has the right to deny requests which may jeopardize the department's operations at that time. Normally vacations are taken during summer months, but vacation leave

approval as determined by one's supervisor is usually granted when the office or department can best afford to have the employee off.

- Except for unforeseen emergencies, vacation time must be scheduled as far in advance as possible. It is expected that all requests for vacation leave will be made at least three working days ahead of the time requested.
- Competitive requests for the same time off generally will be decided in favor of the employee with the longer period of continuous service to the University. In the event coveted vacation time begins to be monopolized by a particular employee, the Senior Staff member over the positions may establish a system under which selection is rotated among members of the group involved.
- A paid holiday falling within scheduled vacation time is not charged against vacation leave.
- A full-time employee changing to a part-time position will be paid, on the next applicable pay day, for the eligible vacation days which have not yet been taken.
- Support staff members having less than 6 months of employment receive no payment for vacation upon termination of employment. All unused vacation time will be paid to other eligible employees with the final paycheck in the event of separation of employment or to his/her estate in the event of death.
- Part-time employees do not receive paid vacation.

### **Sick Leave for Support Staff**

Sick leave for fulltime non-exempt Support staff is given at the rate of four hours per pay period. The purpose of sick leave pay is to provide uninterrupted compensation to employees who are temporarily unable to work for the following reasons:

- Employee illness, injury or medical condition (including pregnancy and childbirth)
- Doctor or dentist visits unable to be scheduled during off hours
- Illness of a dependent child
- Need to provide care for a critically ill member of the immediate family (parent, spouse, dependent child or minor sibling) as granted on a case-by-case basis

An employee may accumulate up to 30 work days (240 hours) of sick leave. Sick leave may be taken minimally in half-hour increments (*See Section entitled Extended Sick Leave.*) The employee's immediate supervisor is to be notified as far in advance as possible for any planned use of sick leave (e. g., doctor's visits, elective surgery), and as soon as possible for any unplanned use of sick leave. Failure to give appropriate notice may be considered as an unexcused absence.

Any support staff employee who completes a fiscal year without using sick leave or having any unexcused absences is granted an additional personal day off with pay which must be taken during the next fiscal year. Sick leave entitlement accrues during any sick leave period of less than two consecutive weeks and during any leave with pay, but it does not accrue during unpaid leaves.

Persons hired as part-time employees do not receive paid sick leave. However, a full-time employee changing to part-time status retains the portion of accumulated sick leave which is



defined by his or her new current status (i.e., a full-time person with 30 full days accumulated sick leave who changes to half-time will retain 30 *one-half* days of sick leave). No additional sick leave will thereafter accrue to that employee.

Upon termination of employment, unused sick leave is voided and non-compensable.

The University reserves the right to require a physician's statement to support the use of sick leave. The University also may require an examination by a University appointed physician, at its expense, in order to support the employee's taking of or continuation on paid sick leave.

### **Extended Sick Leave**

Extended sick leave provides compensation only to the fulltime Support Staff employees who, due to major illness or injury, are not able to return to work after using 30 days of regular sick leave. Extended sick leave is earned at the rate of 4 hours per pay period worked, but only during the pay periods when the employee's regular sick leave accumulation is at 30 days.

Full-time support staff employees may accumulate up to 30 working days of extended sick leave.

A Support Staff employee suffering from a long term illness or the long term impact of an injury may be eligible for FMLA. (See FMLA section *infra*.)

### **Sick Leave for Exempt Employees**

Exempt employees do not receive nor accrue a specific number of sick days per year, but it has been practice for the University to pay exempt staff members for a reasonable number of days missed due to illness. Full-time Administrators and fulltime Faculty members who need to be off work for an extended period of time due to a medical disability are granted salary continuation (short term disability compensation) during a period of extended illness or disability up to the 180-day elimination period required for qualification for Long-Term Disability Insurance benefits. Administrators must have worked full-time for six continuous months to be eligible for this short term disability compensation benefit.

Faculty refer to Faculty Handbook and the APAP's.

### **Maternity Leave**

Leave for pregnancy or childbirth will not affect professional advancement, longevity, or seniority benefits or benefit eligibility and rights to benefits for any person in any classification.

Per the Pregnancy Discrimination Act, Muskingum:

- Prohibits refusing to hire or promote a woman solely because she is pregnant
- Prohibits termination based on pregnancy
- Prohibits mandatory pregnancy leave based on a pre-set period of time before or after childbirth
- Mandates the same rights to women on pregnancy leave as are available to other employees on disability leave.

The University also complies with Ohio law regarding available maternity leave duration and with the Family and Medical Leave Act's provisions pertaining to pregnancy and child birth.

### **Family Medical Leave Act)**

The below University policies generally apply to all employees. Because of the different nature of full-time Faculty work, however, it is impractical (and in some instances impossible) to apply some of the policies to full-time Faculty. For example, it may not be in the students' best interests to have the faculty member teach for only a limited portion of the semester. If, for example, a faculty member takes an FMLA leave which ends five weeks before the conclusion of the semester, by policy the University has the option of providing the faculty member additional paid leave in order to allow the instructors covering the faculty member's classes to complete the semester where such would be the students' best interest. Therefore, the policies set forth for faculty maternity leave and sick leave endeavor to be as faithful as possible to the University's regular policies and, at the same time, recognize the limitations imposed by working with an academic calendar.

#### **A. General Provisions**

Under the FMLA, the University, upon request, will provide up to 12 weeks of job protected leave to eligible male or female employees during a period of 12 consecutive months measured forward from the date of the employee's first use of FMLA leave. Employees are eligible if they have worked for the University for a total of 12 months, not necessarily consecutively, and have worked at least 1,250 hours during the 12 consecutive month period preceding the date of the requested FMLA leave.

#### **B. Exhaustion of Paid Leaves**

Employees are required to exhaust any available paid leaves, such as sick leave, personal leave, or vacation leave, as part of the FMLA leave and must use it before going on the unpaid portion (if any) of the FMLA leave. After all available paid leave has been exhausted, further time-off (up to the 12 week maximum) is taken as unpaid leave. Individuals meeting the eligibility standards and working on a part-time schedule would be eligible for pro-rated FMLA leave.

#### **C. Sick Leave Accrual**

Sick leave accrues while an eligible Support Staff employee is on the paid portion of FMLA leave, but not while on any unpaid portion of such leave. Unused FMLA leave cannot be carried over from one period of 12 consecutive months to the next such period.

#### **D. Events That Entitle an Employee to FMLA Leave**

- (1) the birth of a son or daughter or to care for such newborn infant.
- (2) a child's placement with the employee for adoption or foster care.
- (3) the employee's own serious health condition which makes it impossible to perform essential job functions.
- (4) the employee's need to care for his/her child, spouse or parent with a serious health condition.

#### **E. Advanced Notice**

When the employee's need for FMLA leave is foreseeable, prompt advance notice to the University is required.

#### **F. Medical Certification**

The University requires that an employee's request for FMLA leave to care for a sick child, spouse or parent, or due to the employee's own serious health condition, be supported by a medical certification issued by the treating health care provider within 15 days after the employees' FMLA leave request, unless procuring such is not practical despite good faith and diligent efforts. The certification should include details of the illness or injury, the treatment required, an estimate of duration of the condition, and where the employee seeks leave to care for a child, spouse or parent, the need for and type of care the employee intends to provide. Certification forms are available in the Human Resources Office.

Upon receipt of the Medical Certification Form, the University may require a second verification from the qualified health care provider of its choice, at University expense. In the event the two certifications present conflicting information regarding leave necessity, the University may require a third opinion at University expense, using a health care provider jointly designated or approved by the University and the employee. Such third health care provider's opinion will be considered final.

#### **G. Re-Certifications**

Except in the instance of pregnancy, the University requires an employee to report his/her status via medical certification every 30 days during the FMLA leave and to document his or her intention to return to work. The University also requires any usually requested "fitness for duty" certification or release to return to work from the attending health care provider prior to the employee's return.

#### **H. Intermittent Leave and Reduced Load**

The maximum 12 weeks of FMLA leave during the 12 consecutive month period can be taken continuously or, under certain circumstances, intermittently (e.g. several days a week) or as a reduced load (e.g. half work days). If intermittent leave is taken, the University may transfer the individual to an alternate position of equivalent compensation and benefits, if such would reduce the otherwise applicable disruption of University operations.

#### **I. FMLA Leave When Both Husband and Wife are Muskingum Employees**

If both husband and wife are employed by Muskingum and are otherwise eligible for FMLA leave, they are entitled to a combined total of 12 weeks of leave for the birth, adoption or foster placement of a child, or for caring for one of their own parents (but not a parent-in-law) with a serious health condition. Both, however, are entitled to up to the full 12 weeks for their own serious health condition or for caring for a child or spouse with a serious health condition.

#### **J. Job Restoration at the End of FMLA Leave**

"Job protection" means that, upon timely return from FMLA leave, the employee is entitled to be restored to the same position which he or she held when the leave began or to an equivalent position with equivalent pay, benefits, status and other employment terms and conditions. Any equivalent position will require substantially equivalent skill, effort, responsibility and authority, and present equivalent opportunities as well as being on the same shift or on an equivalent work schedule.

#### **K. Health Insurance Benefits Available During FMLA Leave**

While on FMLA leave, the University will continue health care insurance (medical insurance and participation in the flexible spending account) on the same basis as if the individual is actively at work. That is, the University will continue its contribution and the employee will continue his/her contribution. For paid leave, the employee's contribution will be deducted from the employee's paycheck. For unpaid leave, employees must arrange to either pre-pay, or to pre-deduct from pay due them prior to the leave, or they may arrange to send their contribution by the 15th of each month for the next month's coverage. Failure of the employee to pay his/her share of the applicable insurance premium within 30 days of its due date, upon 15 days' written notice from the University, will excuse Muskingum from further payments for the employee's insurance and may result in a lack of coverage for the employee. Additionally, the University has no obligation to continue group health insurance for an employee who does not intend to return to work after the FMLA leave expires.

If an employee fails to return from FMLA leave for any reason other than the onset or continuation of a serious health condition or other causes beyond the employee's control, the University may recover from the employee its share of the applicable group health insurance premiums paid during the employee's FMLA leave. This may be done through any available process, up to and including legal action.

#### **L. Other Benefits Continued During FMLA**

The University will continue to pay for disability insurance and life insurance for participants in such plans who are on FMLA leave and intend to return to work at the conclusion of such leave. Employee and University contributions to the retirement plan will continue during paid FMLA leave but cease during unpaid leave. No employee fringe benefit ceases by virtue of the fact that a formerly full-time employee goes to a part-time schedule while on FMLA "intermittent leave" or "reduced work schedule" if the employee was participating in such benefit prior to the leave.

#### **M. Circumstances Under Which Muskingum may deny Job Restoration**

- If the employee would not otherwise have been employed at the time reinstatement is requested.
- If the employee fails to provide a required fitness for duty certificate to return to work.
- If the employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc. as a result of the leave. The employee, however, will be given a reasonable opportunity to fulfill those conditions upon gaining the ability to return to work.
- If the employee, even with reasonable job accommodation, is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition.
- If the employee is a key employee (a salaried employee whose earnings are among the highest paid 10% of all salaried and non-salaried employees) and job restoration (not the absence) would cause "substantial and grievous" economic injury to the University. The University must notify an on-leave key employee promptly of an intent to deny restoration and the employee has the right to return immediately. A non-returning key employee would still be entitled to a full 12 weeks of leave and continuation of health insurance as explained in this policy.

#### **N. Arrangements When 12 Week Period is Close to End of a Semester**

Depending on the timing and reason for leave, a Faculty member may wish to extend his/her unpaid leave and thus not return until the beginning of the next semester in order to provide continuity in the classroom as a benefit to students. FMLA leaves expected to continue past the beginning of the last five weeks of a semester may be extended upon such request until the end of the semester with the approval of the Provost. Additionally, if the University deems such to be in the best interest of the affected students, it may mandate that the Faculty member remain on leave until the end of the semester, but in such event the remaining leave shall be paid.

**O. The Intended Scope of the University's FMLA Policy**

The Human Resources Manager should be consulted should additional information be needed or to obtain a copy of the University's FMLA Policy in its entirety. (End)