

**Missouri
Southern State
University
Employee Handbook**



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**MISSOURI SOUTHERN STATE UNIVERSITY
EMPLOYEE HANDBOOK**

TABLE OF CONTENTS

TABLE OF CONTENTS	1
1.0 ABOUT THE UNIVERSITY.....	5
1.1 GOVERNANCE AND HISTORY	5
1.2 UNIVERSITY HISTORY.....	5
1.3 UNIVERSITY MISSION, VISION, AND VALUES	6
2.0 UNIVERSITY POLICIES.....	7
2.1 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY	7
2.2 SEXUAL HARASSMENT.....	12
POLICY STATEMENT.....	12
2.3 EMPLOYEE REASONABLE ACCOMMODATION POLICY AND PROCEDURE.....	13
2.4 ALCOHOL AND DRUG-FREE WORKPLACE POLICY	14
2.5 SMOKING AND TOBACCO USE POLICY	15
2.6 RELIGIOUS ACCOMMODATIONS POLICY.....	15
2.7 CODE OF CONDUCT.....	16
2.8 CONFIDENTIALITY.....	20
2.9 WHISTLEBLOWER PROTECTION.....	20
2.10 EMPLOYMENT OF RELATIVES	22
2.11 CONSENSUAL RELATIONSHIPS INVOLVING STUDENTS.....	22
2.12 THIRD – PARTY COMPLAINTS.....	23
2.13 MINORS ON CAMPUS.....	23
2.14 ACCEPTABLE USE OF COMPUTER AND TECHNOLOGY RESOURCES	24
2.15 ACCESS CONTROL POLICY	29
2.16 CAMPUS CLOSING POLICY.....	35
2.17 SOCIAL MEDIA POLICY.....	38
2.18 VOLUNTEER & INTERSHIPS POLICY.....	42
2.19 UNIVERSITY PROPERTY	43
2.20 UNIVERSITY OPERATING POLICIES & PROCEDURES MANUAL.....	44
3.0 EMPLOYMENT POLICIES AND PROCEDURES	44
3.1 RECRUITMENT AND HIRING.....	44
3.2 PROCESSING APPLICATIONS	45
3.3 PROMOTION AND TRANSFER.....	45
3.4 IMMIGRATION REFORM AND CONTROL ACT (IRCA).....	46
3.5 SPONSORSHIP OF FOREIGN NATIONAL POLICY.....	47
3.6 BACKGROUND CHECKS AND CRIMINAL HISTORY POLICY.....	50
3.7 WORK AND SHIFT ASSIGNMENTS.....	53

3.8 LAYOFF	53
3.9 SEPARATION/RESIGNATION FROM EMPLOYMENT.....	54
4.0 COMPENSATION AND CLASSIFICATION.....	55
4.1 UNIVERSITY EMPLOYEE STRUCTURE	55
4.2 OVERTIME PAY FOR CLASSIFIED EMPLOYEES	59
4.3 CALL-IN PAY FOR CLASSIFIED EMPLOYEES.....	60
4.4 MEAL AND REST BREAK POLICY	60
4.5 REMOTE WORK POLICY	61
4.6 COMPENSABLE TRAVEL TIME POLICY	67
4.7 CELL PHONE POLICY	68
5.0 PERFORMANCE EVALUATIONS	70
6.0 LEAVE BENEFITS	71
6.1 HOLIDAYS	71
6.2 VACATION LEAVE FOR CLASSIFIED & PROFESSIONAL STAFF EMPLOYEES	71
6.3 VACATION/SICK LEAVE EARNING SCHEDULE – 10 & 12 MONTH FACULTY.....	73
6.4 SICK LEAVE FOR CLASSIFIED EMPLOYEES.....	74
6.5 SICK LEAVE FOR PROFESSIONAL STAFF EMPLOYEES	75
6.6 SHARED SICK LEAVE POOL	76
6.7 EXCESSIVE ABSENCES AND OTHER LEAVE ISSUES	77
6.8 LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA).....	77
6.9 PARENTAL LEAVE POLICY	84
6.10 JURY DUTY AND COURT WITNESS LEAVE.....	87
6.11 BEREAVEMENT LEAVE.....	87
6.12 MILITARY LEAVE	88
6.13 VOTING LEAVE	88
6.14 LEAVE OF ABSENCE	88
6.15 VICTIMS ECONOMIC SAFETY AND SECURITY ACT (VESSA)	89
7.0 EMPLOYEE BENEFITS	90
7.1 INSURANCE BENEFITS	90
7.2 RETIREMENT BENEFITS.....	92
7.3 EMPLOYEE AND DEPENDENT TUITION SCHOLARSHIP	96
7.4 WORKERS’ COMPENSATION BENEFITS.....	98
7.5 MISSOURI SOUTHERN STATE UNIVERSITY STAFF SENATE.....	101
7.6 PATIENT PROTECTION AND AFFORDABLE CARE ACT (ACA).....	101
8.0 EMPLOYEE CONDUCT.....	102
8.1 PERSONAL APPEARANCE/DRESS CODE	102
8.2 ATTENDANCE AND PUNCTUALITY	103
8.3 DISCIPLINARY GUIDELINES	104

8.4 PROGRESSIVE DISCIPLINARY ACTION	106
8.5 OTHER DISCIPLINARY ACTIONS	107
8.6 GENERAL PROVISIONS FOR DISCIPLINARY ACTIONS	108
9.0 GENERAL EMPLOYMENT COMPLAINT POLICY	108

FORWARD

Welcome to Missouri Southern State University! We sincerely hope that all employees of Missouri Southern find their employment to be both personally and professionally rewarding. To this end, our goal is to create a work environment which is fair to all employees, and which is conducive to the attainment of excellence in supporting the University's vital mission.

This Handbook has been prepared to acquaint you with the basic personnel policies and procedures of Missouri Southern State University, and to briefly describe the benefits available to eligible employees. Employees are encouraged to familiarize themselves with the contents of the Handbook for it will answer many common questions concerning employment with the University.

Information and policies in this Handbook apply to all regular, full-time classified and professional employees as well as faculty members where applicable university policy applies. Additional policies pertaining specifically to faculty are located in the *Faculty Handbook*. Please note that this edition of the *Employee Handbook* supersedes any previous Employee Handbook editions.

While no employee handbook can anticipate every circumstance or question about policy, every attempt has been made to ensure that this Handbook is as complete as possible and that the policies and procedures contained herein conform to local, state, and federal requirements as well as to recognized principles of employment practices and standards. As the University continues to grow and change, it may need to add to the policies in this Handbook or revoke or modify them at any time without prior notice. If Handbook statements are found to be in conflict with existing or future state or federal laws, regulations, policies or procedures, such rules shall supersede and prevail over the Handbook statements. The Human Resources Office will attempt to keep the Handbook current and notify employees of modifications, but there may be times when policy will change before the material can be revised.

The policies described in this Handbook are *not* intended to create an employment contract, nor are they to be construed to constitute contractual obligations of any kind. Employment is "at-will" which means that the employment relationship can be terminated at any time, by either the employee or the University, and for any reason, as long as the reason is not prohibited by law.

All University employees are expected to read, understand, and comply with the policies of the Employee Handbook, as well as all applicable laws and regulations. Failure to do so may result in disciplinary action or civil and/or criminal penalties. All employees acting on behalf of the University are expected to report violations of these or other applicable standards to their supervisor or an appropriate University officer.

Please contact your supervisor or the Human Resources Office with any questions you may have about information in this Handbook or about employment policies, procedures or benefits that are not answered in this handbook. This Handbook is also available on the Human Resources intranet site (<https://intranet.mssu.edu>)

We welcome you as a valuable member of our staff and sincerely hope you find your work challenging and enjoyable at Missouri Southern State University.

1.0 ABOUT THE UNIVERSITY

1.1 GOVERNANCE AND HISTORY

Public higher education is made up of the University of Missouri System with campuses at Columbia, St. Louis, Kansas City and Rolla, the State Universities at Joplin, Maryville, Kirksville, Cape Girardeau, Springfield, St. Joseph, Warrensburg, Harris-Stowe located at St. Louis, and Lincoln University located at Jefferson City.

The Coordinating Board is made up of nine lay members and a professional staff that advises the Governor on matters of higher education. The Board is charged with preparing an annual report on the status of higher education in Missouri. By executive order and statute, the Board is responsible for budgetary recommendations to the Governor, for planning and coordinating all federal programs, and for coordinating all post-secondary education in Missouri.

Each state university has a governing body called the Board of Regents, Board of Governors or the Board of Curators. The members of each board are appointed by the Governor with the consent of the Senate. Missouri Southern has seven members with each serving a six-year term. The terms rotate with a new member appointed each year.

Each Board appoints a President to serve as Chief Executive Officer of the college or university. The President of each institution is directly responsible to their Board for complete operation of the unit.

1.2 UNIVERSITY HISTORY

The citizens of Joplin, who in the late 1930s asked the public school district to offer college classes, could not have envisioned the sprawling campus and multidiscipline curriculum that today is Missouri Southern State University. From that initial request came Joplin Junior College, founded in 1937 as part of the Joplin school system. Nine faculty members and 114 students began classes under the auspices of the Extension Division of the University of Missouri in the new high school building.

In the spring of 1938, voters approved almost five-to-one a bond proposal that would assure the continuation of the junior college. During the next 25 years Joplin Junior College established a national reputation for outstanding academic strength, a strong foundation for what was to come. By the mid-1960s, area citizens again recognized the need for expanded educational opportunities.

In 1964, the citizens voted eight to one to create the Junior College District of Jasper County with a Board of Trustees to govern the newly named Jasper County Junior College. The following year, the Missouri General Assembly established a two-year senior college to be funded by the state when facilities of the junior college became available. The district would continue to fund the freshman and sophomore years.

The area again responded with enthusiastic and generous support to fund the building of a new campus on the site of the Mission Hills Farm to house the growing college. Administration and faculty, working with other college educators around the state, began developing the new

curriculum. In August 1967, students gathered for the first time on the new campus of Missouri Southern State College.

The dual funding arrangement with the state continued until 1977 when on July 1 the State of Missouri officially took on the responsibility of funding the entire college. The next major milestone occurred August 28, 2003, when the college officially became Missouri Southern State University–Joplin. The Joplin reference was later dropped by legislation. With this latest change the institution took on a broader state mission and expanded its programs. Partnering with other universities in Missouri, joint graduate degree programs were offered. Today Missouri Southern State University remains a proud member of the state’s higher education family while continuing to serve the region that is an integral part of its past and beyond.

1.3 UNIVERSITY MISSION, VISION, AND VALUES

1.3.a. MISSION

Missouri Southern State University will educate and graduate knowledgeable, responsible, successful global citizens.

1.3.b. VISION

Missouri Southern State University will be a leader in offering relevant undergraduate and graduate programs that fulfill the educational needs of each student. To attain our vision, we will:

- Be the University of Choice for Students, Faculty and Staff
- Create Transformative Experiences through Innovative Programs
- Promote our Culture of Excellence Engage in High-quality Scholarly Activities
- Grow and Thrive

1.3.c. VALUES

We believe in:

- Service
- Integrity
- Respect
- Transparency
- Global Perspectives
- Community
- Responsibility and Accountability
- Diversity and Inclusion
- Broad-based Learning

2.0 UNIVERSITY POLICIES

2.1 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Missouri Southern State Missouri Southern State University (the “University”) is committed to maintaining an environment for all faculty, staff, students, and third parties that is free of illegal discrimination and harassment. In keeping with that policy, the University prohibits discrimination and harassment by or against any faculty, staff member, student, applicant for admissions or employment, vendor, contractor, or other third party (collectively the “University Community”) because of their race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, gender expression, pregnancy, age, genetic information, disability, veteran status, or any other legally-protected class (collectively “Protected Status”).

2.1.a. SCOPE

This policy applies to all members of the University Community, as well as others that participate in the University’s educational programs and activities. This policy applies to: (a) all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, job-related training, and compensation; and (2) all educational programs and activities, including but not limited to, admissions, academics, athletics, housing, and student services.

Notwithstanding the above, pursuant to Title IX of the Education Amendments of 1972, which protects individuals from discrimination and/or harassment based on sex in education programs or activities, the University maintains a separate Sexual Harassment Policy. If individuals believe that they are experiencing or have experienced discrimination and/or harassment based on sex in education programs, they should consult the University’s Sexual Harassment Policy.

Additionally, the University maintains a Sexual Violence/Assault Policy, which should be consulted if individuals believe that they have experienced sexual violence or a sexual assault.

If employees want to report what they believe is an unlawful act or serious misconduct that violates a clear mandate of public policy as articulated in a constitutional provision, statute, or regulation promulgated under a statute, or if an employee refuses to carry out a directive that if completed would be a violation of the law, those employees should consult the University’s Whistleblower Protection Policy. The Whistleblower Protection Policy is not intended to apply to complaints based on an employee’s Protected Status as provided in this policy.

If employees wish to present a complaint about a work-related situation that is not covered by this policy or any of the other policies described in this section, they should consult the University’s General Employment Complaint Policy.

As to faculty, this policy is intended to be read in conjunction with applicable policies contained in the Faculty Handbook.

2.1.b. DEFINITIONS

A. DISCRIMINATION

Discrimination in employment can be defined, generally, as an adverse employment action directed at a specific individual, or a group of identifiable individuals based on that individual's or group's Protected Status.

Discrimination in education can be defined, generally, as materially adverse conduct that, based on an individual's or group's Protected Status, subjects that individual or group to treatment that adversely affects their ability to enjoy a full right to educational opportunities, including participation in academics, and/or the University's other educational programs and activities.

B. HARASSMENT

Harassment in employment can be defined, generally, as unwelcome conduct that is based on a Protected Status, where enduring the offensive conduct becomes a condition of continued employment, and/or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Harassment in education can be defined, generally, as conduct motivated by an individual's Protected Status that is sufficiently severe, persistent and/or pervasive so as to interfere with or limit the ability of an individual to participate in or benefit from the educational programs or activities.

1. Sexual Harassment

Sexual harassment is covered by the University's Sexual Harassment Policy and employees and students should consult that policy for sexual harassment issues or complaints. Nevertheless, some examples of prohibited conduct include:

- Unwelcome sexual assaults, advances, or propositions – whether they involve physical touching or not.
- Sexually oriented, suggestive, obscene, or insulting comments, language, jokes, written or verbal references to sexual conduct, comments about an individual's body, sexual activities, experiences, deficiencies, or preferences.
- Displaying or possessing in the workplace sexually suggestive, revealing, or pornographic objects, pictures, graffiti, or cartoons.
- Physical horseplay, practical joking, leering, unnecessary touching such as patting, pinching, or intentional brushing against another's body, or sexual gestures.

- Threats, or promises of preferential treatment, designed to induce submission to or toleration of any of the above conduct.

2. Racial Harassment

Some examples of prohibited conduct include:

- The use of racial epithets or slurs by staff or students
- A professor tells racist jokes that target persons of a particular national origin
- A coach uses stereotyping based on race, color, or national origin
- Fellow students circulate or publish written or graphic materials (such as graffiti) that show hostility to a racial or ethnic group
- A student in a residence hall places racially inflammatory symbols on the wall for the purpose of intimidating or harassing others

3. Disability Harassment

Some examples of prohibited conduct include:

- Fellow students continually remark that a student with a disability is “retarded” or “deaf and dumb” and does not belong in class or on a team.
- A student intentionally impedes a wheelchair-bound employee by placing objects in their path.
- A professor belittles or criticizes a student with a disability for requiring the use of accommodations with the result that the student is discouraged or feels alienated.
- Fellow students taunt or belittle a person with a disability by mocking or intimidating her, so she does not participate in class.

2.1.c. COMPLAINTS

A. Making a Complaint

All members of the University Community have a responsibility to come forward and report behavior they believe may constitute discrimination and/or harassment. Many incidents of discrimination and/or harassment can be effectively addressed with a minimum of disruption to the affected employee, student and the University if promptly reported. Failure to report perceived discrimination and/or harassment

on a timely basis may make it difficult for the University to take effective corrective action. A member of the University Community that wishes to make a complaint of discrimination or harassment may do so by contacting the appropriate individual below:

Faculty, staff and third parties should report a potential violation of this policy to:

Evan Jewsbury
Chief Human Resources Officer
Office: Hearnes Hall Room 217B
Phone: 417-625-9805
Email: jewsbury-e@mssu.edu

or

Tamika Harrel
Title IX Coordinator
Office: BSC 347
Phone: 417-625-3022
Email: Harrell-t@mssu.edu

Students and prospective students should report a potential violation of this policy to:

Samantha Quackenbush
Director of Student Conduct
Office: BSC 347B
Phone: 417-625-9531
Email: quackenbush-s@mssu.edu

or

Tamika Harrel
Title IX Coordinator
Office: BSC 347
Phone: 417-625-3022
Email: Harrell-t@mssu.edu

B. Content of the Complaint

So that the University has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the University may follow up appropriately.

C. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of discrimination or harassment that also constitutes a crime – including hate crimes, assault, or property offences – is encouraged to make a complaint with the University Police Department (Emergencies: 911; Non-emergencies: 417-626-2222) or local law enforcement. If requested, the University will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

D. Timing of the Complaint

The University encourages persons to make complaints of discrimination and harassment as soon as possible because late reporting may limit the University's ability to investigate and respond to the conduct complained of.

E. Anonymous Complaints

While anonymous complaints will be accepted, the University may be limited in its ability to investigate or resolve anonymous complaints. If the anonymous complaint contains sufficient information regarding the conduct, the University will take reasonable steps to address the concerns in coordination with any relevant department or division.

F. Bad Faith Complaints

While the University encourages all good-faith complaints of discrimination and harassment, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed, and the person who filed the knowingly false complaint may be subject to discipline.

2.1.d. RETALIATION

It is a violation of this policy to retaliate against any member of the University Community who reports or assists in making a complaint or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in Section II.A.

2.1.e. INVESTIGATION AND CONFIDENTIALITY

All complaints of discrimination and harassment will be investigated in accordance with this policy, and the University will take disciplinary or other action where it deems appropriate. The University will take efforts to preserve an individual's privacy and protect the confidentiality of information when investigating a complaint; however, the University cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a

complainant insists that their name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. The University reserves the right to initiate an investigation and take action despite a complainant's request for confidentiality in limited circumstances involving a potential crime, serious or repeated harassment or where the alleged perpetrator may pose a continuing threat to the University Community.

2.1.f. RESOLUTION

After investigating a complaint, the University will take action it deems to be appropriate, including corrective and remedial action. Students, faculty and staff may be subjected to discipline, up to and including written reprimand, probation, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from the University's programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant; academic, work, transportation, or living accommodations for the complainant; separation of the parties; and training for the alleged and other persons.

2.1.g. FREEDOM OF SPEECH AND ACADEMIC FREEDOM

While discrimination and harassment can include verbal and written conduct, the First Amendment to the U.S. Constitution and University policies establishing academic freedom provide significant space for individuals to express controversial views, teach controversial subjects, and engage in controversial research. As such, the offensiveness of a particular expression, course content, subject of academic inquiry, or research topic, as perceived by some, standing alone, may not be sufficient to constitute a violation of this policy. The University will apply and construe this policy consistent with the legal rights of University Community members under the First Amendment, similar Missouri state laws governing freedom of speech, and University policies governing academic freedom.

Faculty members and students should be aware that conduct occurring in the context of educational instruction may exceed the protections of free speech and academic freedom if it meets the definition of discrimination or harassment and is not germane to academic subject matter, lacks a pedagogical purpose, advances the personal interest of a faculty member or student without relating to the learning process or legitimate academic objectives, causes material adverse action against a person, reveals confidential information about a person, is defamatory or libelous, threatens physical harm or imminent violence, and/or constitutes some other category of speech that is unprotected by the U.S. Constitution or other law.

2.2 SEXUAL HARASSMENT

POLICY STATEMENT

Missouri Southern State University (the "University") is committed to establishing and maintaining an environment where individuals are free from sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, stalking, and retaliation (collectively "sexual misconduct").

The University considers sexual misconduct to be a serious offense because it undermines the atmosphere of trust and respect that is essential to a healthy University Community. As such, sexual misconduct violates the standards of our University Community and constitutes a violation of this policy.

It is a separate violation of this policy to retaliate against any person who reports or assists in making a report of sexual misconduct or who participates in the investigation and resolution of a complaint in any way.

The University will promptly and thoroughly investigate and resolve all complaints of sexual misconduct in accordance with this policy and the Complaint Resolution Procedures. If the University determines that sexual misconduct occurred, the University will take prompt and effective remedial action to prevent the recurrence of the sexual misconduct, eliminate any hostile environment, and address the misconduct's effects on the victim and others, if applicable.

Individuals found to be in violation of this policy will be subject to disciplinary actions by the University. The discipline imposed will depend on all the facts and circumstances and may include one or more of the following: a requirement not to repeat the conduct at issue, requiring training, written or verbal warning/reprimand, demotion, transfer or reassignment, denial of pay increases, probation, suspension (with or without pay and for varying lengths of time), limitation on participation in particular programs and activities, limitation on access to campus, expulsion, dismissal, or termination. Under certain circumstances, acts of sexual misconduct may also result in criminal and/or civil penalties.

While University employees, as described in Section V.A.1 of this policy are required to report sexual misconduct that they observe or learn about, the University takes seriously reports of sexual misconduct from any interested person.

Please see full SEXUAL HARASSMENT POLICY located at: policy.mssu.edu.

2.3 EMPLOYEE REASONABLE ACCOMMODATION POLICY AND PROCEDURE

The University is committed to complying with all applicable provisions of the Americans with Disabilities Act, as amended, (the "ADA"), state law, and with Section 504 of the Rehabilitation Act of 1973. It is the University's policy not to discriminate against any qualified employee or applicant in the hiring process, in compensation decisions, in advancement decisions, or with regard to any terms or conditions of employment because of an individual's disability or perceived disability so long as the employee or applicant can perform the essential functions of the job, with or without reasonable accommodation.

Consistent with its commitment to nondiscrimination, the University will make good faith efforts to provide reasonable accommodation(s) to any qualified individual with a disability, as defined by the ADA, provided that such accommodation does not constitute an undue hardship to the University and/or does not alter or remove the essential functions of the job position. Requests for an accommodation should be made to the Chief Human Resources Officer. An employee making a request for an accommodation may be requested to provide current documentation of their

disability from an appropriate professional source. Upon receipt of an accommodation request, the Chief Human Resources Officer will meet with the employee to engage in the interactive process of determining the reasonableness of the requested accommodation(s).

Even though the employee provides input concerning the accommodation process, the University will determine what constitutes a reasonable accommodation on a case-by-case basis and reserves the right to request additional independent medical examinations, evaluations, or other appropriate information at the University's expense. Medical information is treated as confidential and will be shared with university administrators only on a need-to-know basis. The University will not provide accommodations without appropriate documentation.

In limited instances, a requested accommodation may pose an "undue hardship" on the University which prevents the accommodation from being offered. The determination of whether an accommodation creates an "undue hardship" is contingent upon a number of variables and is made by the Human Resources Department with input from other individuals as necessary. Supervisors must contact the Human Resources Department before disciplining, transferring, terminating, or relieving an employee of job responsibilities due to disability or pregnancy.

Employees or job applicants who have questions regarding this Policy or believe they have been discriminated against based on a disability should notify the Human Resources Department as soon as possible. Following the report of a complaint of potential disability discrimination, the Human Resources Department, when appropriate, will conduct an investigation into the complaint and work to reach an amicable resolution with the complaining individual.

2.4 ALCOHOL AND DRUG-FREE WORKPLACE POLICY

In keeping with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, the University prohibits the unlawful manufacture, distribution, dispensing, possession or use of alcohol and/or any illegal substance by employees in the workplace, on university property, or as part of any University -sponsored activity. This includes violation of the Missouri law prohibiting possession or use of alcohol by persons under 21 years of age and violation of all other state and federal laws regulating use, possession, or distribution of alcohol and other drugs. "University - sponsored activity" includes those activities that are planned, promoted, or sponsored by a university department or other University subdivision. "University property" includes University owned or leased land, facilities, vehicles, and equipment. On limited occasions the President may approve the legal serving of alcoholic beverages at a university event or activity.

The University recognizes alcohol and drug abuse as a potential health, safety and security problem. Excessive alcohol consumption or use of illegal drugs impairs the user's ability to function, changes the user's behavior, and subjects the user to serious health risks, including disease, addiction, and death. An employee with an alcohol and/or drug-related problem is encouraged to seek help. Confidential information regarding different drug and alcohol counseling and rehabilitation is available through the University's Health Center, Advising, Counseling, & Testing Services (ACTS) or through the University's Employee Assistance Program.

The University is committed to the safety and well-being of the University community and to the provision of a drug-free workplace. Thus, it is the expectation of the University that all employees

abide by the terms of this policy as a condition of employment. If an employee violates this policy, the University may subject the employee to immediate disciplinary action, up to and including termination, and report the employee to the appropriate officials for prosecution under the laws of the State and the United States of America, under which, penalties may include fines, imprisonment, or both. Any employee, as a condition of employment, is required to notify the Chief Human Resources Officer within five days of any criminal drug conviction if the violation occurred on campus or off campus while conducting University business.

2.5 SMOKING AND TOBACCO USE POLICY

In keeping with the mission and values of Missouri Southern State University and out of respect to students, employees, visitors, and the environment it is the policy of Missouri Southern State University to prohibit smoking, the use of smokeless tobacco product and nicotine delivery devices in facilities, grounds, property, and vehicles owned, leased, or controlled by the university effective Fall, 2016.

Products subject to this policy include but are not limited to: cigarettes (traditional or electronic), cigars, pipes, hookah, smokeless tobacco (chewing tobacco or snuff), other tobacco administering products, and other products containing nicotine (excluding Nicotine Replacement Therapy). It is the responsibility of all administration, faculty, staff and students to abide by the university's tobacco policy. Employees and students are encouraged to communicate this policy with courtesy, respect, and diplomacy, especially with regards to visitors. Any individual willfully ignoring this policy is subject to discipline by and under university policies. Offenders are subject to discipline appropriate to their status, e.g. students are subject to the student discipline process as outlined in the student handbook and faculty/staff are subject to discipline from their appropriate supervisor and held to established administrative policies regarding conduct. Guests or visitors that repeatedly violate the policy may be asked to leave campus.

Those with questions, concerns, or complaints related to this policy may contact the Dean of Students.

2.6 RELIGIOUS ACCOMMODATIONS POLICY

The University respects the religious beliefs and practices of its employees and will make, upon request, a reasonable accommodation for such observances when one is available that does not create an undue hardship on the University.

An employee who's sincerely held religious beliefs or practices conflicts with their job, work schedule, the University's policy on personal appearance or other policy, or with other aspects of employment and who seeks a religious accommodation should notify their immediate supervisor of their need for an accommodation as soon as possible. Employees are responsible for initiating the religious accommodation request process. The request should include the type of religious conflict that exists, and the employee's requested accommodation and each request will be forwarded to the University's Human Resources Department. The University's Human Resources Director and the employee will meet to discuss the request and the decision on an accommodation.

2.7 CODE OF CONDUCT

The purpose of the policy is to provide guidance to university employees regarding the policy below in order to comply with the standards set forth by the University. This policy is necessary in order to maintain an effective and compliant workforce that meets the University mission.

2.7.a. PURPOSE

The purpose of the policy is to provide guidance to university employees regarding the policy below in order to comply with the standards set forth by the University. This policy is necessary in order to maintain an effective and compliant workforce that meets the University mission.

2.7.b. ETHICS/CODE OF CONDUCT

“Doing What’s Right”

We create a stronger and better University when we come together with one ethical culture and a common set of standards. We are responsible for our own actions, and we are responsible to each other. Ethical decision-making is about choices. But ethical choices are not always obvious. When faced with a choice like this, it might be helpful to ask and answer the following questions:

- Is the health or safety of anyone, including myself, endangered by my action or inaction?
- Will my action or inaction violate any Federal, State, or local law, rule, or regulation or University policy or procedure?
- Will I feel proud if the full details of my action or inaction were disclosed to my fellow employees, friends, family, students and/or the public?
- Would the most ethical person I know do it?
- How would I feel if I were on the receiving end of this decision?

Finally, this Statement is not intended to be comprehensive and may be modified in the future. The absence of a specific guideline or instruction covering a particular situation does not relieve an individual of the responsibility to apply the highest ethical standards when reacting to that situation. Actions in accordance with these standards will be upheld by the University. Parts of this statement are taken from Cornell University’s guidelines (permission granted unrestricted access web version only).”

All employees have an obligation to conduct business within legal and ethical guidelines that prohibit actual, potential or perceived conflicts of interest between the employee and the University. A conflict of interest exists when an employee is in a position to influence a decision that might result in personal, financial or political gain for the employee, a relative or friend.

Employees of public institutions of higher education are subject to the laws of the State of Missouri (RsMO, Chapter 105, Section 105.40-105.498) and the Conflict-of-Interest Policy

as set forth by the Coordinating Board of Higher Education. Complaints concerning conflict of interest shall be presented in writing to the Chief Human Resources Officer, who shall investigate the complaint and attempt to bring about a resolution to the matter. Any disciplinary requirements will follow the appropriate disciplinary procedures outlined for that employee's position. An appeal process is also available to the employee under the corresponding policy for such appeals based on the employee's position.

2.7.c. CONFLICTS OF INTEREST

All University employees are expected to meet the specific responsibilities, requirements and obligations of their positions and pursue related professional activities in a manner that avoids any conflicts of interest between the employee and the University. A conflict of interest is defined as any situation in which an employee's judgment or conduct in the performance of their duties for the University, could be influenced or would give the appearance of being influenced by the employee's personal interests (whether financial, political, or otherwise), or the interests of others closely associated with or related to that employee.

Because of the variety of possible combinations and complexities, it is not feasible to describe all potentially conflicting situations. Therefore, the following non-exhaustive list contains examples of situations that may constitute conflicts of interest and require disclosure in accordance with the Reporting Requirements section of this policy:

- a. Selection of an entity as a university vendor by an employee who has a personal or economic interest in that entity or is related to someone with a personal or economic interest in that entity.
- b. Use of the University name, logo, trademarks, or service marks intended to endorse or promote individual entities not affiliated with the University or to otherwise enhance private gain.
- c. Exploitation or solicitation of students for private gain.
- d. Acceptance of other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of their duties at the University.
- e. Intentionally or knowingly solicit, accept or agree to accept any benefit for having performed the employee's duties in favor of another.
- f. Required use of books, supplies, equipment, or other instructional resources at the University when they are created or published by the employee or by an entity in which the employee has a financial interest or by someone who is related to that employee, unless prior written approval from the University is obtained.

These reporting requirements are in addition to and do not relieve an employee from the responsibility for making disclosures required by chapter 105 of the Missouri statutes pertaining to conflict of interest.

It is the obligation of all University employees, regardless of position or length of employment, to disclose any conflicts of interest or outside activities. Whenever a question, or appearance of conflict, could arise, or an employee is considering the possibility of pursuing an outside activity, the employee is expected to report the situation to their supervising Vice-President as well as the Chief Human Resources Officer. An employee must disclose all relevant facts related to activities that might involve a conflict of interest or constitute an outside activity. The University reserves the right to determine when an employee's activities represent a conflict of interest or a prohibited outside activity and take whatever action is necessary to resolve the situation. The University expects that employees will not engage in any activities that may constitute a conflict of interest without obtaining prior written approval from the University. Approval may be granted, withheld, or withdrawn at any time in the sole discretion of the University. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest or a prohibited outside activity, that employee should contact their supervising Vice-President as well as the Chief Human Resources Officer to obtain the University's position on the issue.

The University requires disclosure of conflicts of interest and outside activities annually and whenever a conflict of interest or an outside activity arises or changes within 48 hours. Employees in violation of this policy is subject to disciplinary action, up to and including termination of employment.

In addition, any employee knowingly violating the conflict-of-interest law also shall be subject to punishment as prescribed by section 105.478, RSMo. Any disciplinary requirements will follow the appropriate disciplinary procedures outlined for that employee's position. An appeal process is also available to the employee under the corresponding policy for such appeals based on the employee's position.

If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, they should contact their supervisor or the Human Resources Director to obtain advice on the issue.

2.7.d. OUTSIDE EMPLOYMENT/ACTIVITIES

The primary responsibility of employees is the accomplishment of the duties and responsibilities assigned to their positions at the University. All employees must conduct themselves and all activities in a manner that does not conflict with, or distract from, their jobs or the mission, goals, policies, or reputation of the University. University employees have a fundamental obligation to act in the best interests of the University and not let outside activities or outside interests interfere with that obligation.

Certain kinds of personal activities, even if not otherwise viewed as a direct conflict of interest, may interfere with devotion of time and attention to job performance, or may become disruptive or reflect on the University, or may create the appearance that the employee is using their position to exert undue influence on students or others. While it is impractical to anticipate all such outside activities, the following non-inclusive list contains

some examples of situations that constitute activities and require disclosure in accordance with the Reporting Requirements section of this policy:

Operation of a personal or “sideline” business or working a second or “moonlighting” job if activities related to the other employment or personal business disrupt or adversely impact the performance of responsibilities owed to the University.

Charitable or volunteer work, or other activities unrelated to the University, which involve a commitment of time that disrupts or adversely impacts the performance of responsibilities owed to the University.

Solicitation of students, employees, or patrons of the University, on campus or during or in connection with university activities.

Using University resources or contact information, for the purpose of attempting to sell, buy, or trade products or services to others for personal gain or to benefit persons or organizations other than the University.

If a university employee (“Employee A”) directly or indirectly supervises or evaluates, as part of their job duties, another employee at the University (“Employee B”) or student, Employee A should refrain from directly or indirectly supervising Employee B or student in any activities unrelated to the University.

Use of personnel, facilities, assets, equipment or supplies of the University with any outside non-University sponsored activities for personal gain or to benefit persons or organizations other than the University, unless prior written approval from the University is obtained. For example, use of personnel, facilities, assets, equipment or supplies of the University to conduct political campaigns or to promote or oppose specific candidates or political issues for personal gain or to benefit persons or organizations other than the University is specifically prohibited.

The University expects that employees will not engage in any of these outside activities, or in any other personal activity which, in the opinion of the University on a case-by-case basis, may disrupt or negatively impact job performance or the University, without obtaining prior written approval from the University. Approval may be granted, withheld, or withdrawn at any time in the sole discretion of the University. Disciplinary action may be taken for violation of this policy, up to termination of employment.

2.7.e. EMPLOYEES TEACHING AT THE UNIVERSITY AS A SECOND JOB

Exempt employees wishing to teach part time at MSSU must have prior (before the beginning of the class) written approval from their supervisor. If the employee wishes to teach more than 6 semester hours, prior written approvals from the Department Supervisor and the Vice President for Academic Affairs/Provost are required and should be sent to Human Resources in advance of the beginning of the semester. If the exempt employees are making preparations for or engaging in teaching duties during normal office hours, they are required to adjust their schedules (with supervisory approval) to timely complete all

primary tasks. Non-exempt (hourly) employees are not permitted to teach at MSSU. Very exceptional and limited circumstances may dictate such employment on a temporary basis, thereby granting non-exempt employees' eligibility to teach in an exempt role, as approved by the appropriate Vice-President, Chief Human Resources Officer and the Vice-President for Business Affairs. This approach is cost prohibitive to the University and should only be used in rare and unusual cases, on a temporary basis as the circumstances dictate.

2.7.f. HISTORY

This policy may be revised, edited, changed or removed at any time with or without notice to applicable individuals.

2.8 CONFIDENTIALITY

During the course of employment, an employee may have access to confidential, personal and/or sensitive information. Other than the disclosure of information to appropriate management or department employees as required in the performance of their jobs, all information should be treated in the most highly confidential manner. This treatment of information should continue indefinitely. The direct or indirect unauthorized disclosure, unauthorized removal or negligent handling of personal, sensitive or confidential information may result in disciplinary action up to and including termination. Additionally, all employees are subject to upholding the Family Education and Privacy Rights Act (FERPA) that is posted on the MSSU intranet and all HIPAA compliance requirements when applicable.

2.9 WHISTLEBLOWER PROTECTION

2.9.a. PURPOSE

The purpose of this policy is to protect any University employee who witnesses or has evidence of personal appropriation of University resources or violation of University policies while employed with the University and who communicates, in good faith, or testifies to, the appropriation of University resources or violation, verbally or in writing, to one of the employee's superiors, to an agent of the University or to an appropriate authority, provided that the communication is made prior to any adverse action by the employer.

Specifically, this policy:

Encourages an atmosphere that allows individuals to meet their obligations to disclose violations of law and serious breaches of conduct covered by university policies.

Informs Individuals how allegations of wrongful conduct may be disclosed

Protects individuals from reprisal by adverse academic or employment action taken within MSSU as a result of having disclosed wrongful conduct.

Provides individuals who believe they have been subject of reprisal a process to seek relief from retaliatory acts that fall within the authority of MSSU.

The University shall devise procedures for handling a good faith report of wrongful conduct and for responding to complaints of reprisal or retaliation against individuals making such

reports. These procedures will be published in university and campus handbooks, as well as on applicable websites and are outlined in the following steps below.

2.9.b. REPORTING

All members of the University community are encouraged and expected to abide by state and federal laws and regulations as well as University policies. An employee should report, in writing, their concerns and/or knowledge of specific acts which they reasonably believe violates the law or University policy to an appropriate University official. Specifically, that official would be the individual's supervisor or manager. If for any reason an employee finds it difficult to report their concern to a supervisor or manager, the employee can report it directly to Human Resources. Directors, officers, supervisors and managers are required to report suspected violations to Human Resources or to the Vice President for Business Affairs office, who has specific and exclusive responsibility to investigate all reported violations. Accordingly, a director, officer, supervisor or manager who receives a report of suspected retaliation:

1. Should not contact the person suspected to further investigate the matter or demand restitution
2. Should not discuss the case with anyone other than the office of Human Resources, the office of the Vice-President for Business Affairs, or a duly authorized law enforcement officer to include MSSU Campus Police Officers
3. Should direct all inquiries from an attorney retained by the suspected individual to the Vice-President for Business Affairs
4. Should direct all inquiries from the media to University Relations and Marketing.

No director, officer or employee who in good faith reports a violation of policy, procedure or law shall suffer harassment, retaliation or adverse employment consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. The University will use best efforts to protect whistleblowers against retaliation. In matters of disclosure, the University will make all reasonable efforts to maintain the identity of the employee making the disclosure confidential, as long as maintaining confidentiality does not interfere with conducting an investigation of the specific allegations or taking corrective action. Whistleblowers should be cautious to avoid baseless allegations.

2.9.c. ENFORCEMENT

If it is determined that a violation of this policy has taken place, a written finding will be presented to the appropriate senior administrator(s) for appropriate action. Action will be based on the violation and the position held by the employee and will follow established disciplinary guidelines. Actions will be consistent with all applicable handbooks and policies of the University.

For having made a report under this policy of wrongful conduct which violates law or University policies, an employee may not:

- be dismissed from employment;
- have salary increases or employment related benefits withheld
- be transferred or reassigned;
- be denied a promotion that the employee otherwise would have received; or
- be demoted.

An employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal as determined by the employee's applicable governing employee policy. However, any employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedures set forth below.

2.9.d. APPEALS PROCESS

Appeals will be provided per applicable existing avenues for grievance or appeal as outlined in the applicable handbook. Allegations against the University President will be reported to the Board of Governors. The President's decision, or the board's decision in a case of allegations against the President, will be final.

*If an employee is unsure of their appropriate administrator, they may refer to the University's organizational chart or contact Human Resources for assistance.

2.10 EMPLOYMENT OF RELATIVES

No person in a full-time, part-time, or student employee position, may be employed, promoted, or transferred to a department where they would be the immediate supervisor of or receive direct supervision from a relative. For the purpose of this policy, the term "relative" shall include persons living together (including roommates), a spouse, child, grandchild, great-grandchild, parent, grandparent, great grandparent, brother/sister, aunt/uncle, great aunt/uncle, niece/nephew, grandniece/nephew and cousin. All relationships are included, whether full-, half-, step-, foster-, adopted, or in-law. An employee who has a question pertaining to the relatives covered by this policy should contact their supervisor or Human Resources.

2.11 CONSENSUAL RELATIONSHIPS INVOLVING STUDENTS

Missouri Southern State University's educational mission is promoted by professional relationships between employees and students. Relationships of an intimate or sexual nature compromise the integrity of an employee-student relationship whenever the employee has a professional responsibility for the student because there is an inherent conflict of interest as well as potential for unethical professional judgment, exploitation, and actual or apparent favoritism.

For purposes of this policy, the following definitions apply:

A “consensual relationship” is a consensual relationship between an employee and student of a dating, intimate, and/or sexual nature.

An “employee” is any employee with professional responsibility for students.

“Professional responsibility” means, but not limited to, directly or indirectly, teaching, advising, supervising, mentoring, evaluating, coaching or doing research with a student.

The University prohibits consensual relationships between employees and students when the employee has, or is reasonably likely to have in the future, a professional responsibility for the student.

The University strongly discourages such relationships even when an employee has no professional responsibility for a student. An employee considering or engaged in such a relationship should be sensitive to their potentially exploitative nature and the possibility that they may be unexpectedly given professional responsibility for the student due to evolving circumstances at the University.

A faculty member must disclose to the Chief Human Resources Officer immediately if they are given professional responsibility for a student with whom there is a current consensual relationship or there was a past consensual relationship. The Chief Human Resources Officer will confer with the appropriate administrator and determine the appropriate course of action. Failure to disclose the consensual relationship will result in disciplinary action.

2.12 THIRD – PARTY COMPLAINTS

Any member of the University community who believes this policy has been violated may initiate a complaint with the Chief Human Resources Officer. Employees of the University community are encouraged to make such complaints when they believe a consensual relationship has resulted in unfair treatment. The Chief Human Resources Officer will speak to the parties involved. Substantiated complaints will result in disciplinary action.

2.13 MINORS ON CAMPUS

Minors come to the Missouri Southern State University campus, for a variety of reasons. They may visit as prospective students, as participants on field trips or community service projects, or to attend camps or athletic events. Whatever the reason for their presence, the University’s personnel are to be particularly vigilant regarding their safety and security.

Reporting Suspected Abuse or Neglect

Consistent with Missouri law, it is the University’s policy that any employee who has reasonable cause to suspect that a minor child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect shall immediately make a report to the Children’s Division Child Abuse and Neglect Hotline (1-800-392-3738). Subsequently, the reporter should provide relevant information to the following College official: Evan Jewsbury, Chief Human Resources Officer (417-625-9805 or jewsbury-e@mssu.edu). The University cannot begin an investigation into the matter until the reporter has made the report to the Missouri hotline.

For purposes of reporting suspected abuse or neglect under this policy, a minor child is any person under the age of eighteen years old.

For purposes of this policy, “employee” includes students who are working with minor children in a field experience, clinical environment, camp setting, or other similar situations (e.g., student teachers, nursing interns, camp counselors, etc.).

“Reasonable cause” does not require that the individual making the observation conduct an investigation prior to making the report of their suspicion that a child has been abused or neglected or is at risk of it.

The University will ensure that any employee making a report of child abuse or neglect has immediate and unrestricted access to communications technology necessary to make an immediate report and will temporarily relieve the employee of other work duties so that a report can be made.

If there is reason to believe that the victim of the abuse or neglect is a resident of another state or was injured as a result of an act that occurred in another state, the report may be made to the child protection agency of that other state having authority to receive such reports pursuant to that state’s laws in lieu of reporting it on the Missouri Children’s Division Child Abuse and Neglect Hotline. If that other state’s agency accepts the report, no report is required to be made to the Missouri hotline, though it is still appropriate to do so.

Missouri law grants any person making a good faith report of suspected child abuse or neglect immunity from any liability, civil or criminal, that might otherwise result by reason of such action.

Nothing in this policy is intended to prevent non-employees, such as students and visitors, from making a report if they have reasonable cause to suspect that child abuse or neglect has occurred or may occur.

2.14 ACCEPTABLE USE OF COMPUTER AND TECHNOLOGY RESOURCES

As part of our educational mission, Missouri Southern State University acquires, develops, and maintains computers, computer systems, applications and networks. These computing resources are intended for university-related purposes, including direct and indirect support of the university’s instructional, research and administrative activities. This policy applies to all users of university computing resources, whether affiliated with the university or not, and to all uses of those resources, whether on campus or from remote locations. Additional policies may govern specific computers, computer systems or networks provided or operated by specific units of the university; for further information, consult the department heads of the specific computer, computer system, or network (Registrar’s Office, Financial Aid, Business Office, et al). This policy may be modified at any time, as deemed appropriate by the university.

2.14.a. Rights & Responsibilities:

The use of university computing resources, like the use of other university-provided resources and activities, is subject to the requirements of legal and ethical behavior. The legitimate use of a university computer, computer system, or network is a privilege and not

a right, and the university may withdraw or limit that privilege at any time in its sole discretion.

2.14.b. General Rules:

Users of university computing resources must comply with federal, state, and local laws as well as university rules and policies. Users of university computing resources must also comply with intellectual property laws and the terms and provisions of any applicable contracts including but not limited to software licenses.

Users are responsible for any activity originating from their accounts which they can reasonably be expected to control. Accounts and passwords may not, under any circumstances, be used by persons other than those to whom they have been issued. In cases when unauthorized use of accounts or resources is detected or suspected, the account owner should change the password and should immediately report the incident to the IT Help Desk (417-659-4444) and the CIO CIO@mail.MSSU.EDU.

The university network is a shared resource used by all users. Excessive use of bandwidth or applications that inhibit or interfere with the use of the university network are not permitted. The university at any time in its discretion may elect to establish specific limits on bandwidth, disk usage, CPU time, or any other limit applicable to uses of university computer resources.

Users may not state or imply that they speak on behalf of the university or that they are authorized to use or permit others to use university copyrights, trademarks, trade names or logos. Authorization to use university copyrights, trademarks, trade names or logos may be granted only by the Office of University Relations (info@mssu.edu) or the University Athletic Department (lionsfans@mssu.edu), and any such authorization must be in writing and limited to the specific authorization granted in such writing.

Users must not use computing resources to gain unauthorized access to remote computers or to impair or damage the operations of MSSU computers or networks, terminals or peripherals. This includes blocking communication lines, intercepting or sniffing communications, and running, installing or sharing virus programs. A deliberate attempt to circumvent data protection or other security measures is prohibited.

Users must not attempt to implement their own network infrastructure, offer alternative methods of access to MSSU IT resources such as by using modems and virtual private networks (VPNs), or attempt to install or configure wireless access points.

University computing resources are not to be used for personal commercial purposes or for personal financial or other gain.

MSSU-provided email (name@mssu.edu) is considered the official e-mail communication mechanism recognized by the University for E-mail Communication and should be used at all times for the conduct of university business by e-mail.

2.14.c. Security:

The university employs various measures intended solely for the benefit of the university and the security of its computing resources. Users should be aware, however, that the university does not warrant or guarantee security confidentiality and does not undertake any duty to any user or other person. Users should therefore engage in "safe computing" practices by establishing appropriate access restrictions for their accounts, guarding their passwords, and not using computing resources for communications which the user may consider private or confidential to the user.

2.14.d. Privacy:

All university computing resources are the property of the university. Users have no expectation that any information transmitted over or stored on university computing resources is or will remain private. Users also should be aware that in some instances e-mails and other electronic communications and uses of computing resources could be subject to public disclosure under the Missouri Sunshine Law or other laws or legal procedures.

For many reasons, including security and compliance with applicable laws and policies, the university reserves the absolute right, in its sole discretion and without notice or consultation with any user, to the fullest extent permitted by applicable law, to monitor, view, examine, record, and otherwise track or investigate any use of university computing resources or activity involving computing resources, but the university undertakes no obligation to do so. Examples of such monitoring or investigation may include, without limitation, review of e-mails, access of user accounts, files, or login sessions, examination of the substance or content of any user communications or websites accessed by the user and use of software or other technology to assist with any of the foregoing monitoring or investigation.

The university, in its discretion, may disclose the results of any such general or individual monitoring or investigation, including the contents and records of individual communications, to appropriate university personnel or law enforcement agencies and may use those results in university disciplinary proceedings or other legal proceedings.

2.14.e. E-Mail and Other Similar Forms of Communication:

For purposes of this policy, e-mail includes point-to-point messages, postings to newsgroups and list-serves, and any electronic messaging involving computers and computer networks. Organizational e-mail accounts, including those used by student organizations, are held to the same standards as those for individual use by members of the University community. The university from time to time may designate specific e-mail programs or accounts to be used by students or by faculty, staff, or administrators for communications related to university business or education.

2.14.f. Examples of Inappropriate Uses of E-mail:

While not an exhaustive list, the following are or may be considered inappropriate or unacceptable uses of university computing resources:

- Chain mail that misuses or disrupts resources, including e-mails sent repeatedly from user to user; with requests to send to others;
- Any e-mails, communications, website access, or other uses of computing resources that violate university rules, policies, or regulations, including university policies regarding harassment and professionalism;
- Computer hacking, spread of computer viruses, or any similar efforts to attack or gain unauthorized access to university computing systems, or the spread of hoaxes regarding viruses or other threats;
- Spamming, phishing, e-mail bombing attacks, or similar abuses, or intentional e-mail transmissions that disrupt normal e-mail service;
- Junk mail - Unsolicited e-mail that is not related to university business and is sent without a reasonable expectation that the recipient would welcome receiving it;
- False identification - Any actions that defraud another or misrepresent or fail to accurately identify the sender; and
- Use or access of Web pages, blogs, or other Internet sites or applications which contain or promote pornography, child pornography, gambling, or other criminal activity, or which in the discretion of the university would otherwise be inconsistent with standards of professionalism and conduct reasonably expected by the university with respect to use of its computing resources, compliance with laws, and the function and reputation of the university as a public institution of higher learning.

2.14.g. Personal Use:

Computing resources provided by the university are primarily for university-related purposes. Limited, occasional, or incidental use of university computing resources for personal purposes may be permitted when it does not consume a significant amount of those resources, does not interfere with the performance of the user's job or other university responsibilities, and is otherwise in compliance with this policy. Further limits may be imposed upon personal use in accordance with normal supervisory procedures concerning the use of university equipment or as the university may deem appropriate in its discretion.

2.14.h. Web Pages:

Official university pages (including colleges, departments, bureaus, centers, institutes, etc.) represent the university and are intended for the official business functions of the university. Each official home page must use an address that ends in "mssu.edu" and be registered with the university's Web administrator webmaster@mssu.edu who will then include it as a link from the MSSU Web Site Listing.

Each such Web page should include the following:

The name of the unit or group represented by the page;

A means of contacting the person(s) responsible for maintaining the page content;

The date of last revision;

An active link to the MSSU home page;

Using MSSU Web pages for personal commercial gain is forbidden. Any private commercial use of MSSU Web pages must be pre-approved pursuant to existing university policies and procedures including those related to outside employment activities. The university may require pages/ads involving commercial use to reside on a specific domain such as mssu.org or mssu.com. All MSSU units that accept payments electronically via the Internet must have approval of the application from the MSSU Business Office and IT Department.

2.14.i. External Links:

MSSU accepts no responsibility for the content of pages or graphics that are linked from MSSU pages. However, Web page authors should consider that such links, even when clearly labeled, can be misinterpreted as being associated with the University. Links to pages where the user has a personal monetary interest should be avoided and may violate policies regarding advertising and commercial use.

2.14.j. Problematic Use:

Excessive or disruptive use of university resources in the viewing or publishing of Web pages is not permitted. Departments owning or administering the resources involved may determine whether specific usage is considered normal, excessive or disruptive, and the university in all cases reserves the right to make such determinations in its sole discretion.

2.14.k. Enforcement:

Users who violate this policy may be denied access to university computing resources and may be subject to other penalties and disciplinary action, up to termination of employment. The university may suspend, block or restrict access to an account in the discretion of the university or when it reasonably appears necessary to do so in order to protect the integrity, security, or functionality of university or other computing resources or to protect the university from liability or promote compliance with applicable laws, regulations, and policies. The university may also refer suspected violations of applicable law to appropriate law enforcement agencies.

2.14.l. Disclaimers:

The university makes no warranties, whether express or implied, for the computing resources, services or access it provides. The university is not responsible for delays, non-deliveries, missed deliveries, loss of data, service interruptions or the like, any act or

omission of user(s), or issues related to personal privacy or the like. The university does not warrant or guarantee the accuracy or quality of information obtained from the Internet or use of university computing resources. Access or use does not include endorsement of content or accuracy of the information obtained.

This policy is intended only to state certain rules and expectations for use of computing resources, and it does not contain or reference all policies which may be applicable, or which may be implemented by the university pertaining to use of computing resources. Users are expected to be familiar with all university policies and rules, and with all applicable laws and regulations concerning use of computing resources. The university also expects users to demonstrate courtesy, professionalism, respect for others, and common sense when making use of computing resources or communicating electronically; when in doubt about the appropriateness of a particular use or communication, the user should refrain from such use or communication or should first consult the IT Help Desk for guidance or clarification regarding whether or not such use or communication may violate university policies.

To report violations, please contact abuse@mssu.edu For questions concerning this policy, please contact: IT Help Desk at 417-659-4444.

2.15 ACCESS CONTROL POLICY

2.15.a. PURPOSE OF ACCESS CONTROL POLICY

The purpose of the Access Control Policy is to balance strong physical security and reasonable, monitored building access for the benefit and safety of the campus community. The Access Control Policy will serve to define the role of access control on Missouri Southern State University (MSSU) campus. This policy will define procedures to authorize access to campus buildings, property and will maintain the future security of these areas by revoking access when appropriate. This document will define access balanced against demonstrated need to ensure faculty and staff have appropriate access to work areas, and service personnel have access to facilities.

Finally, this policy will underscore the responsibilities that possessing access to university property entails. Clear guidelines and remedies for non-compliance and misuse will be provided, as well as key loss from theft, misplacement or destruction.

This policy will be reviewed by the committee the spring semester of each year.

2.15.b. CONTROL ADVISORY COMMITTEE

The duties of the Committee are to review and advice policies and procedures and make recommendations to the administration. Membership is comprised of those divisions requiring special access and responsible for the security and safety of the campus facilities. Members include Dean, College of Arts and Science; Dean, College of Health Sciences; Director of Physical Plant; Chief of Campus Police; Campus Card Service Manager; Director of Residence Life and Chief Information Officer.

2.15.c. ACCESS DEFINITIONS

- a. Access Control - Control of entry/exit to an area by any means (mechanical or electrical).
- b. Access Control Key - Any device used to gain entry/exit to a controlled system (normally a mechanical key or a card key).
- c. Campus Card System - A single card used for ID, meal plans, purchasing, admission to campus activities, vending and access control
Key – Any mechanical or electrical device used to operate a mechanically controlled mechanism for entry/exit to a controlled area.
- d. Grand Master - A key, either mechanical or electrical, that allows unlimited access to all buildings and areas on campus. These keys are restricted to senior level administrators, public safety officers and maintenance staff that may require access into any areas of campus 24 hours a day, 7 days per week.
- e. Building Master Access - A key, either mechanical or electrical, that allows the carrier unlimited access to all areas within a specific building. These keys are restricted to persons with administrative responsibility for an entire building.
- f. Department Master Access - A key, either mechanical or electrical, which allows the carrier access to all areas within a specific department.
- g. Outside Door Access - A key, either mechanical or electrical, which allows the carrier to open or secure outside doors to a building.
- h. Individual Access - A key, either mechanical or electrical, which allows the carrier access to the building, an individual office or work area.
- i. Custodial / Communication / Electrical / Security / IT Access - A key, mechanical or electrical, which allows the carrier access to service closets and mechanical rooms restricted from general access.
- j. Student Access - A key, either mechanical or electrical, which allows a student access to a specific room, work area or residence hall.
- k. Temporary Access - A key, either mechanical or electrical, which allows the carrier temporary access to a specific room or set of rooms for a limited time.

2.15.d. ACCESS APPROVAL

Requests for access are approved as outlined below. A Dean, Vice-President or Director must approve the request for their area of oversight and sign for access.

- a. Grand Master - President and Vice-Presidents approve request and sign for access for their areas.
- b. Building Master - Deans, Vice-Presidents, and Non-Academic Directors approve request and sign for access for the building.
- c. Department Master - Deans, Vice-Presidents, and Non-Academic Directors approve request and sign for access for the building.

- d. Individual Access - Dean or Director of non-academic units approve request and sign for access for units.
- e. Utility Master - Director of Physical Plant, Chief Information Officer approve requests and sign for access for utility master.

NO INDIVIDUAL, OTHER THAN THE PRESIDENT, MAY SIGN THEIR OWN ACCESS REQUEST.

2.15.e. GUIDELINES FOR AWARDING ACCESS

- a. Administrators and Professional Staff - May be given access approval for a grand master by the President or Vice President; approval for a building master and/or department master may be given by their immediate supervisor.
- b. Department Heads - Department Master and/or individual access approved by their immediate supervisor.
- c. Departmental Full-time Faculty and Staff - Department Master and/or individual access approved by their immediate supervisor.
- d. Department Secretary/Staff - Department Master and/or individual access approved by their immediate supervisor.
- e. Adjunct Faculty/Seasonal Staff /Continuing Education Instructors- A key, either mechanical or electrical, will not be issued to this group. Exceptions to this can be approved by the Access Control Committee.
- f. Student Access - Request by Department Head or Director of Non-Academic unit with final approval by a Dean or a Vice-President.
 - 1. Student Employees - Any department that utilizes student employment is responsible for developing a clear policy that responsibly delegates reasonable and appropriate access. Department heads, Directors and/or Deans must approve every key issuance. When possible, access should not be issued to individual students. If a student cannot perform their duties without access, only specific access (e.g., only rooms within the department, not entire floors or buildings) should be granted. Ideally, keys should be checked out only when needed and card-controlled access should be during a timed interval, i.e., the student's work schedule. All student employees share an equal responsibility for securing doors and university property. Students are never to allow any person to use their keys or permit access to secured areas. Students will not make copies of any key. Students should not "prop open" doors or otherwise disable the secure closure and locking of any door. All access granted to students is to be surrendered upon separation of employment. Any student found violating these rules will be subject to the university disciplinary procedures listed in the *Student Handbook*.

2. Student Lab/Studio Use - Students will not be issued passes or access to departmental labs or facilities after normal operating hours unless formally approved by Dean and Department Head of a specific area. These students must abide by the written department policy on facility use, and successfully complete an orientation. Extended access permits exclude high risk areas with equipment deemed hazardous. Those who do not abide by the policy as spelled out in item **XIII Compliance** in the Access Control Policy will be subject to disciplinary action.
3. Student Residents-Residence Hall students will be issued keys to access room and mailbox assigned by Residence Life. Students are responsible for securing their assigned room and contents inside their room. Loaning keys, making copies and propping outside doors are forbidden. All assigned keys will be turned into residence hall staff when checking out of the residence halls. Failure to return keys will result in a monetary charge.
- g. Temporary Access - Temporary master keys, grand master, building master or maintenance master keys are issued by the University Physical Plant during the week and the University Police Department (UPD) on weekends to contractors working on campus on a specific project(s). Advanced notification must be submitted to the Physical Plant office by an online form to validate those entities needing access to campus facilities. Key(s) and cards must be picked up and returned every day in the University Physical Plant or UPD office.
- h. If a department sponsors an event at a time other than regular operating hours, a staff or full-time faculty member must be present for the entire event.

2.15.f. ACCESS CONTROL REQUEST

Employees needing access to buildings/offices must pick up a *Key Card (Yellow card)* from the Physical Plant office. The employee's supervisor(s) signature is required to authorize access. The appropriate key(s) will be issued by Physical Plant and card access by the Campus Card Service Center.

2.15.g. OBTAINING ACCESS VIA MECHANICAL (KEY) OR CARD SYSTEM

Access Control Request - Employees needing access to buildings/offices must pick up a *Key Card* from the Physical Plant office. The employee's supervisor's signature is required to authorize access.

Once approval is obtained, key(s) are issued in the Physical Plant office during regular business hours. Access cards are issued at the Campus Card Service Center. Proper

identification will be required to pick up key(s)/card. Access key(s) or card cannot be obtained through the mail.

2.15.h. ACCESS CONTROL RECORDS/INVENTORY

Mechanical keys

The Carpenter Supervisor maintains electronic access control records. The electronic system maintains records of specific lock cores assigned to each door along with a complete list of the keys issued to every employee.

When an individual needs to be assigned a key to a specific area, a *Key Card* will be completed listing the individual's name, SID number and the area(s) in which they will need access. The key card must be signed by the Department Head with either the Dean's, a Senior Administrator's or the Director of the Physical Plant's approval. The Carpenter Supervisor will deliver the approved key(s) to the Physical Plant office attached to the *Key Card*. Employees must pick up key(s) at the Physical Plant office. Individuals will be required to sign the *Key Card* validating receipt of the key(s). The signed key card will be maintained by the Carpenter Supervisor.

UNDER NO CIRCUMSTANCES ARE KEYS TO BE TRANSFERRED FROM ONE INDIVIDUAL TO ANOTHER WITHOUT GOING THROUGH THE ABOVE-LISTED PROCESS.

All keys, upon a key holder's termination or resignation, are to be returned to the Physical Plant office, who will note that the keys have been removed from the individual's access record.

Card Access

Access control records are maintained electronically by the Campus Card Service Center. The electronic system maintains records of specific locations and times assigned to each access card along with a complete list of every employee and the card locations for which they are approved. The system also maintains a record of the dates and times cardholders used the cards.

2.15.i. CHANGING OR REPLACING LOCKS

Mechanical locks requiring repair or replacement will need to have a work order submitted to the Physical Plant by the supervising department. The Carpenter Supervisor will be responsible for completing the lock change request.

2.15.j. REPLACEMENT OF KEYS (BROKEN, WORN OUT OR LOST KEYS) OR ACCESS CARDS

- a. Broken/Worn Out Key(s) or Access Cards

- i. Mechanical Key(s) - replacement of broken or worn-out mechanical keys will be handled by the Carpenter Supervisor through the normal work order system.
 - ii. Access Card - replacement for the access control system will be handled by the Campus Card Service Center on the 1st floor of Billingsly Student Center (BSC). Cards needing replacement due to physical damage will incur a fee. Cards found to be defective will be replaced at no cost.
- b. Lost
 - i. Replacement of lost mechanical keys will be handled by the Carpenter Supervisor. Lost keys will be replaced, if approved by the key holder's supervisor. A new *Key Card* will need to be completed to replace the lost key.
 - ii. Replacement of key cards for the access control system will be handled by the Campus Card Service Center on the 1st floor of BSC. A fee will be charged to any individual who requires a replacement for a lost card.
- c. Fee to Replace Key or Access Card

A Key or Access Card replacement fee will be assessed for all replaced keys or cards (See the Lion Card Office for a list of current fees.)

The individual to whom the replaced key or access card is issued is responsible for payment of the replacement fee.

If an individual's keys or access cards have been stolen, the individual may appeal the cost of the lost or stolen key or access card by presenting a police report to the Access Control Committee. If it is determined that negligence on the part of the individual did not contribute to the key or Access Card being stolen, the fee will be waived.

If a Dean, Vice President, Director, or Department Head believes that extenuating circumstances justify not charging a replacement fee for a lost key or access card, an appeal can be presented in writing to the Access Technical Committee to determine whether a replacement fee is required.

If keys have been lost or stolen, it is critical that those doors affected by the loss of the keys be rekeyed. To rekey a room, the department which was issued the key needs to send a completed work order to the Director of Physical Plant.

2.15.k. RETURNING KEYS/CARD -TERMINATION OF EMPLOYMENT

a. Voluntary

Employees leaving MSSU due to retirement or other voluntary reasons are required to relinquish all university keys, identification cards, etc. to the Physical Plant office. A Transition Team e-mail will be completed and forwarded to appropriate personnel from Human Resources. The building access authorization for the employee will be changed in the Campus Card System immediately.

b. Involuntary

Terminated employees will submit all key(s), access cards and identification to their supervisor or a member of the Physical Plant or UPD. The building access authorization for the employee will be changed in the Campus Card System.

2.15.l. ACCESS APPEAL PROCESS

Individuals denied access by the Access Control Policy may appeal in writing to the Access Control Advisory Committee if the request is believed to be unjustly denied. The Access Control Advisory Committee will then determine if circumstances warrant the issuance of access to the appealing party. Final authority regarding appeals resides with the Vice President(s) and/or President of the university.

2.15.m. COMPLIANCE

Individuals found to be in violation of the Access Control Policy will be subject to disciplinary measures by the university (such measures could include, but are not limited to, suspension, expulsion, immediate lifetime loss of access privilege and/or employment termination).

Examples of access violations include loaning or transferring keys/cards without authorization, unauthorized duplication of keys/cards, propping of doors, and admitting unauthorized persons into a building.

2.16 CAMPUS CLOSING POLICY

It is the policy of the University to maintain its teaching, public service, and operational activities in accordance with established schedules. To this end, the suspension or cancellation of classes or the temporary suspension of campus operations will be avoided whenever possible. When University classes are temporarily suspended or cancelled, University offices will also be closed. There may also be times when no classes are scheduled but there is the need to close University offices due to severe weather or other emergencies.

If inclement weather or other emergency circumstances cause the cancellation of classes or programs at the University, students, faculty and staff should check the following sources for announcements:

- The University's main Web home page at www.mssu.edu;
- MSSU Alert (text/email);
- The University's main switchboard phone line – 417-625-9300;
- MSSU Social networking sites Facebook and Twitter; available on the footer of every MSSU website;
- Local and regional radio stations, including 88.7 KXMS/Fine Arts Radio International, in Joplin, Aurora, Carthage, Miami, Monett, Neosho, Nevada, Pittsburg, Springfield, and stations in Northwest Arkansas;
- Joplin TV stations KSN, KODE, KOAM and FOX 14 and their respective Web sites;
- Web news services at JoplinGlobe.com, and Fourstateshomepage.com. Joplin.com, JoplinIndependent.com;

Administrators and departments are encouraged to post Out of Office Messages utilizing the campus via e-mail and/or use the University's phone answering system to post announcements for students, vendors and others who may miss media announcements.

Any announcement from the Office of University Relations and Marketing regarding closings will apply to Graduate Center programs. If a closing occurs during Finals Week, the printed and online versions of the Schedule Booklet contain information on the contingency plan for finals. If theatre, music, athletic, or other events are scheduled on days that classes are cancelled, individuals should check applicable University websites or contact the departments to determine the status of those activities.

When a full day closure occurs, the campus is considered closed from the time of announcement until 11:59 pm unless campus is "reopened" for classes in the afternoon or evening. If no announcement is made on local media, employee should assume that the University will be open for business on the next working day following closure.

When inclement weather occurs, and classes are canceled at the main campus in Joplin, lecture classes will be canceled at all sites; lab classes will be held at the distance sites, unless weather prevents students from safely traveling to the distance sites.

When inclement weather occurs at the distance sites, and the lecture originates from that site, the lecture will be canceled for that site. Distance students will arrange to make-up lab sessions with the appropriate instructor.

When inclement weather prevents distance sites students from attending lectures originating from Joplin, taped sessions will be viewed by students as soon as possible.

2.16.a. UNSCHEDULED CLOSINGS

On occasion the administration may designate an unexpected campus closing in addition to the standard holidays. Examples of this could include a state or federal function being held at MSSU, an unanticipated break day being scheduled, etc. Unlike weather or emergency closings these closings are typically announced in advance of the closing and may allow supervisors sufficient time to modify work schedules for part-time employees.

2.16.b. WORKING WHEN THE CAMPUS IS CLOSED

In the event the University is closed due to severe weather or an unscheduled day off, employees are not to report to work unless they are notified or have been given prior instructions to report as part of essential services. Employees are expected to be at work unless campus is officially closed.

2.16.c. Timekeeping

When campus is closed due to inclement weather or another emergency, an employee NOT scheduled to work does not receive pay as there was no shift missed due to the closing.

Employees scheduled to work receive their regular pay for the number of hours they were scheduled to work when the University is closed. Unless an employee is considered “essential personnel,” they should not be on campus when it is closed due to university liability. Essential personnel are considered to be: UPD, Mechanical Maintenance, Grounds, Custodial, and I.T.

Employees who have scheduled the day off for sick or vacation leave when campus is closed for inclement weather, will not be required to use vacation or sick accruals but will receive “weather pay” for the work shift missed. Employees are expected to communicate to their supervisor regarding any absence or tardiness for weather related issues as soon as possible.

Classified employees required to work when the campus is closed due to the critical nature of their jobs will receive regular pay for the hours they work and “weather or MSSU pay” for the hours that the campus is closed. If an employee is already at work when the closure is announced, they will receive pay for the hours they’ve worked plus the hours that campus is closed. Employees classified as “Seasonal non-benefitted,” will receive pay for hours actually worked. Weather pay is paid at the employee’s regular rate of pay. Please indicate these hours on the timesheet line designated for Other Leave-Unscheduled/Weather.

If the campus is not officially closed and the employee chooses not to report to work due to weather related issues, any time missed from work must be reported as vacation leave. Alternatively, the employee may be able to make up the missed time within the same work week with the permission of their supervisor.

Professional employees who work when the campus is closed due to the critical nature of their jobs shall have their work schedules adjusted by their Department Head to allow for some additional time off with pay at a later date. If campus is not officially closed and the

employee chooses not to report to work due to weather related issues, any time missed must be reported as vacation leave or alternatively made up at a later date upon approval by their supervisor.

In the event campus is closed because of severe or inclement weather, employees should also refer to the Severe Weather Policy for additional information.

2.17 SOCIAL MEDIA POLICY

2.17.a. PURPOSE & SCOPE OF POLICY

Missouri Southern State University acknowledges that social media may be used to further the University's mission by providing channels of interaction and engagement between the University and students, parents, employees, alumni, fans, media, the surrounding community, potential students, donors, etc. The University supports this kind of participation in social media and is committed to academic freedom in these channels.

Social media refers to technology tools and online spaces for integrating and sharing user-generated content in order to engage constituencies in conversations and allow them to participate in content and community creation. Social media includes:

- Social networking sites (e.g., Facebook, Twitter, LinkedIn)
- Video and photo-sharing websites (e.g., YouTube, Instagram)
- Blogging sites
- Forums, discussion boards (e.g., Yahoo Groups, Google+, Google Groups), news article comments and online encyclopedias (e.g., Wikipedia)
- Other, similar technologies

Due to the rapidly evolving nature of social media and online technology, the list above is non-exhaustive, and this policy applies to other sites, including those that are emerging or have yet to be developed as of the effective date of this policy.

The purpose of this policy is to encourage the use of social media by institutional users while making sure usage is in line with applicable state and federal laws and regulations, and to provide protection to the University's reputation and members of its community. While this policy primarily focuses on social media accounts that are University-affiliated and University-managed, it will also provide general guidelines regarding personal use.

Nothing herein is designed or intended to be so far reaching that it might foreclose any legal rights of an employee or student, including an employee's right to discuss conditions of employment.

2.17.b. MSSU'S SOCIAL MEDIA ACCOUNTS

A. Social Media Accounts Covered by this Section

For purposes of Section II of this policy, "University Accounts" include the following University-affiliated and University-managed social media accounts:

- Public-facing accounts (such as the University's Facebook and Twitter accounts).
- Any other University department, program, or organization's social media account that is used for building engagement with members of the campus community and/or public.

The following accounts are not University Accounts:

- Social media accounts/groups used in the classroom environment.
- Social media accounts of student organizations.
- Personal social media accounts.

B. Account Creation and Password Storage

1. Creation of a University Account is subject to the following:

- a. The creator must be a university employee.
- b. The creator must submit a request for approval in writing to University Relations and Marketing. The account should not be created until formal written approval has been received.
- c. Each University Account should have at least three administrators, one of which should be a staff member from University Relations and Marketing. These administrators and their contact information should be included in the request for approval.
- d. A request to create a University Account should include a proposed name for the account. Naming is important for consistency and brand unity. Whenever possible, "Missouri Southern State University", "Missouri Southern," "MOSO" or "MSSU" should be listed before the department, program or organization name.
- e. University Accounts should feature proper University-approved logos and/or other photographs reflecting positively on the University's population and physical appearance. Acceptable University logos can be obtained through University Relations and Marketing. For guidance, please refer to the Social Media Guidelines document, which can be obtained through University Relations and Marketing.

- f. If it is discovered that a University Account has been created without proper approval as required above, the account will be subject to review and may be amended or removed.
2. All usernames and passwords or other login credentials established for access to any University Account are the property of the University. Employees responsible for maintaining, monitoring, and moderating University Accounts that require the use of a username and password or other login credentials shall provide such login credentials to University Relations and Marketing, which will maintain a database of such login credentials. Any modification of usernames or passwords must be reported to University Relations and Marketing immediately upon such change. This change will be reflected in University Relations and Marketing's login credential database. If a user's login credentials are the same as their personal login credentials (because their personal account is connected to the university account), they must make a member of University Relations and Marketing a co-administrator on the account (see 1c).
3. Administrators of University Accounts that have already been created as of the effective date of this policy should bring such accounts to the attention of University Relations and Marketing. While there will not be a formal approval process for an existing University Account, University Relations and Marketing will ensure there are at least three administrators for the account, with at least one being a staff member from University Relations and Marketing.

2.17.c. FACULTY/STAFF USAGE OF UNIVERSITY ACCOUNTS

This section outlines MSSU's rules of engagement and expectations when using University Accounts on behalf of the University within the scope of their employment. This section does not apply to an employee's use of their personal social media accounts.

1. Account administrators should represent the University in a positive light. Be accurate, do not mislead others, and correct mistakes if they are made. Also, keep in mind that a non-active or poorly managed social media account can and will reflect negatively on the University.
2. Administrators of University Accounts must observe all other University policies while utilizing social media.
3. Do not disseminate confidential information. This is especially important in relation to HIPAA and FERPA statutes and regulations.
4. Be mindful of copyright and intellectual property rights of others as well as the University and adhere to university policies regarding those rights.
5. Have a plan. Administrators of University Accounts should consider their messages, audiences, and goals as well as strategies for keeping information on social media

sites up to date. University Relations and Marketing can assist and advise employees with their social media planning.

6. Protect the institutional voice. Posts on social media sites should protect the University's institutional voice and brand by remaining professional in tone and in good taste.
7. Respect the opinions of others and use good judgment regarding content. MSSU will not tolerate content that is threatening, defamatory, illegal, obscene, infringing of intellectual property rights, invasive of privacy, profane, libelous, discriminatory, harassing, bullying, abusive, or hateful, in violation of university policy, or otherwise injurious or objectionable. The University reserves the right to take down any content it deems intolerable and remove the employee's administrative rights if necessary. However, the University does not intend this paragraph to limit opposing ideas and viewpoints in the course of legitimate social media interactions.
8. Strive for accuracy and give credit where credit is due. When using the thoughts, ideas, quotes, pictures, videos, etc. of other parties, give them credit for their work. Provide a link when necessary.
9. If using social media in the recruitment of potential student-athletes, do so in accordance with NCAA rules and regulations. Please contact University Relations and Marketing with questions.
10. Whenever possible under emergency conditions such as inclement weather, share the official university posts and messaging rather than creating new wording. This ensures consistent voice and information.

2.17.d. PERSONAL USE OF SOCIAL MEDIA

This section applies to personal use of social media. It also outlines the potential impact of personal social media use to your employment or student relationship with Missouri Southern State University.

1. Think first, post second. Conduct that would subject an employee or student to discipline with the University if it occurred in-person can have the same consequences if it occurs in the realm of the internet and social media. Some examples include sexually harassing a student or colleague, discrimination, violating privacy policies or laws, defamation, and other conduct that is illegal or violates University policy.
2. Be mindful of copyright and intellectual property rights of others as well as the University and adhere to university policies regarding those rights.
3. Generally, employees should manage their personal social media accounts on their own time. There may be *de minimis* personal use of social media while utilizing University resources, but only to the extent such use does not hinder an employee's job productivity, the productivity of other employees, or University programs and activities. However, it is acknowledged that faculty may choose to use their personal

social media accounts in furtherance of their academic endeavors and employment with the University and this policy is not intended to hinder that option.

4. Computers, hardware, information technology accounts, and information technology infrastructure are properties owned and operated by the University. Employees and students do not have an expectation of privacy in their usage of them.
5. Employees and students are prohibited from using the Missouri Southern State University name, its logos or images to endorse a product, business or political candidate. Employees and students should also refrain from indicating themselves to be a representative of the University when they are not acting as such.
6. Due to a person's status at the University, there could be times when others may believe a personal opinion is actually a statement on behalf of the University. If an employee or student believes this may occur with their social media activity, the University encourages them to attempt to dissociate their opinions from those of the University by using a disclaimer. This could be a general disclaimer on their personal social media account, or a one-time disclaimer within a particular post where differentiation may be difficult. Here is a statement you can use in such situations: "The views expressed herein are my personal opinions and are not necessarily those of Missouri Southern State University."
7. Only authorized institutional staff members may recruit potential student-athletes. The University could be held in violation of NCAA rules and regulations if employees use their own personal social media accounts to contact potential student-athletes with whom they do not have close personal relationships in an attempt to recruit or entice them to attend MSSU.

2.17.e. NON-COMPLIANCE/BREACH OF POLICY

Violations of this policy will result in a review of the incident and may include action under appropriate University discipline processes. Corrective action may involve a verbal or written warning, suspension or dismissal and/or termination of employment or privileges with the University. This section does not preclude disciplinary action for conduct that involves social media that also violates other University policies.

2.18 VOLUNTEER & INTERSHIPS POLICY

Any student who will be participating in an internship program at the University must complete the University's Student Acknowledgement, Assumption of Risk, and Waiver of Liability form. Any individual who will be participating in a volunteer activity associated with the University must complete the University's Volunteer Acknowledgment, Assumption of Risk, and Waiver of Liability form. The department that intends to utilize a student intern or volunteer is responsible for ensuring that the individual is classified correctly as well as ensuring that the student intern or volunteer completes the appropriate acknowledgement form prior to the start of the activity. All acknowledgment forms must be submitted to Human Resources prior to the start of the activity. The department should keep a copy of the completed acknowledgment form in the department's

files. If a student intern or volunteer fails to complete the appropriate acknowledgement form, or the department fails to submit the form to Human Resources, the student intern or the volunteer may be denied participation in the event.

The Volunteer Acknowledgement, Assumption of Risk, and Waiver of Liability form is to be used for volunteers. For example, individuals who donate their time at sporting events, driving, etc. This form is NOT to be used for students who are receiving course credit, or the work is required as part of a program of study.

The Student Acknowledgement, Assumption of Risk, And Wavier of Liability form is to be used when a university student or a student from another institution is performing an unpaid internship at the University. For example, an un-paid internship in the counseling area of A.C.T.S; a university student who is required to perform services as part of their degree program; or any student who receives course credit.

If you have any question about the acknowledgment forms or need help analyzing whether an individual is an intern or volunteer, please contact Human Resources.

2.19 UNIVERSITY PROPERTY

The University provides various items to employees for their use in performing their job. This may include, but is not limited to, such items as information, telephones, computers, iPads, e-mail access, intranet/internet access, desks, chairs, workstations, tools, supplies, etc. The appropriation or use of university property for private enterprises or similar gain is prohibited. While employees may reasonably use some University property, such as local phone calls, for limited and necessary functions, any abuse of university-owned property could be grounds for serious disciplinary action up to and including termination.

Inspecting and Monitoring

To ensure the safety and protection of employees, students and members of the public, as well as to protect the interest of the University in ensuring that its departments operate in an effective and efficient manner, the University reserves the right to inspect any University provided items as well as employees' personal property located on University premises when there are reasonable grounds for suspecting that an inspection or search will turn up evidence that an employee is guilty of work-related misconduct, or that the inspection or search is necessary for a non-investigatory work related purpose. It is the express intention and policy of the University that any such inspection or search be conducted in compliance with prevailing state and federal law. The employee may avoid exposing personal belongings to inspection at work by simply leaving them at home.

The University also reserves the right, except where prohibited by state or federal law, to monitor telephone and computer usage, and to use cameras in all non-restroom areas of its facilities to monitor the activity of any individual on the premises. If this monitoring demonstrates that an employee has exhibited poor performance or improper conduct or activity, they will be subject to disciplinary action up to and including termination.

2.20 UNIVERSITY OPERATING POLICIES & PROCEDURES MANUAL

The University Operating Policies & Procedures Manual may be found by visiting the University intranet or by contacting Human Resources. Examples of these policies and procedures included in this library would be items such as the Access Control Policy, Financial Policies, HIPAA, Bloodborne Pathogens, Car Rental Policies, Use of University Equipment & Facilities, and General Services, for example. Employees are required to familiarize themselves with these policies as well as others posted or updated.

3.0 EMPLOYMENT POLICIES AND PROCEDURES

3.1 RECRUITMENT AND HIRING

Human Resources is responsible for the recruiting activities and the hiring process for budgeted and approved classified and professional staff positions in all departments of the University. If an applicant initially contacts a department, the applicant should be directed to Human Resources. Regardless of the availability of a position, no employment offer should be made until all employment procedures have been followed. The *Recruiting & New Hire Procedures Checklist* outlines the University's recruitment and employment process for non-faculty employees and is available on the Human Resources Intranet/SharePoint site for reference. Any questions about the recruitment and employment process should be directed to Human Resources. The preferred method of applying for a position at the University is via an electronic application by visiting www.mssu.edu/jobs.

Instructions for applying for faculty positions, full-time, part-time Adjunct positions, and on-line instructors, are also provided on the Human Resources Intranet/SharePoint site. Applicant materials for all faculty positions are coordinated through Human Resources. The preferred method of applying for a faculty position at the University is via an electronic application by visiting www.mssu.edu/jobs.

For classified positions, an *internal* job posting procedure is typically used to notify employees of full-time job opportunities. These job announcements generally include the title, department, hourly wage, minimum hiring qualifications, and the closing date for filing internal applications. These announcements are posted on the electronic bulletin board outside the Human Resources Office, sent to all employees through campus e-mail, and posted on the university's intranet web site. An Internal Job Application form is available in an electronic format on SharePoint and should be used when applying for a transfer or promotional position within the classified jobs group. Current employees have 5 working days to apply for an internal job opening before external applicants are considered (See the "Promotion and Transfer" policy in this Handbook.)

Open classified and professional positions may also be advertised in local newspapers and on other employment-oriented websites. Individuals applying for open positions with the University must complete the applicable application for the position as given through the University's applicant tracking portal located on the Human Resources website. Each position will require the applicant, whether internal or external, to complete the applicable online employment application through the

University's applicant tracking portal along with the applicable additional information such as a resume, unofficial transcripts, and references if required.

Each professional position will require the applicant, whether internal or external, to complete the applicable online employment application through the University's applicant tracking portal along with applicable additional information such as a resume, unofficial transcripts, and references.

3.2 PROCESSING APPLICATIONS

Applications and resumes received by Human Resources are tracked in an Applicant Tracking System online and forwarded electronically to the hiring supervisor for review. Following review, selected qualified candidates are then asked to interview for the vacant position. The hiring supervisor may form a committee to assist in the screening and interviewing process or ask the Human Resources Office for assistance. Human Resources is also available for benefit overviews when the hiring departments request such assistance. At the conclusion of the interviewing process, a decision is made as to who is the best qualified individual to fill the vacant position. Human Resources is available to conduct reference checks to verify the applicant's prior work history, education, etc., if the hiring department has not done so. Please note that reference checks are required.

Once an offer of employment is extended and an applicant has accepted the employment offer, Human Resources will present to the candidate a background release through our online onboarding process. Once the criminal and sex offender background (credit check when applicable) has been completed, the hiring department will be notified, and an official start date can be determined. An employment confirmation letter is prepared and sent to applicants who accept staff positions. Complete hiring instructions are located on the Human Resources Intranet/SharePoint site.

During the first few days of employment, an employee will be required to attend or complete an orientation process conducted by HR and/or other various MSSU departments. During orientation, employees receive information regarding university policies, benefit programs, and other general information about the University. Employees are asked to complete all employment paperwork, such as retirement and insurance enrollment forms, beneficiary designation forms, and appropriate federal and state tax-withholding forms. Employees should use the orientation process to learn about the University and applicable employment policies and benefits. A portion of the employees onboarding paperwork will be completed online. Departments are expected to provide their employees with a more specific orientation about the department and the employee's position. Additional training programs may be arranged during the first few weeks or months of employment. Specific training and/or orientation instructions will be given when applicable.

Off-site employees will be supplied appropriate orientation paperwork via an electronic method to accommodate those to whom it is not feasible to physically report to the MSSU main campus.

3.3 PROMOTION AND TRANSFER

It is the policy of the University to fill job vacancies, whenever practicable, by promotion or transfer of qualified staff persons already employed by the University. A promotion is a personnel

action that advances an employee to a different job carrying increased responsibilities and requiring a higher level of knowledge, skills, and/or abilities. Generally, a promoted employee receives a pay increase. A transfer is a personnel action that changes an employee's work assignment from one job to another at the same or lower pay. Transfers can occur as a result of an employee's request; reorganization, restructuring, or elimination of a position; or as a disciplinary measure. Background checks are required for all promotions, all changes from a part-time to a full-time position and may be required for transfers.

Full-time job opportunities for **classified staff positions** are posted internally for five (5) working days on the bulletin board in Human Resources and on the University's intranet site. An e-mail is also sent to all employees announcing the job opening with an attached job description for the position, and information on the application process. Current employees have five (5) working days to apply for a posted job opportunity before external applicants are considered. (See the "Recruitment and Hiring" policy in this Handbook.)

An employee is eligible to request a promotion or transfer to a vacant classified position if they have completed one year of service in their current position and department. In exceptional circumstances, special permission for an earlier promotion or transfer may be given with the approval of the Vice President over the employee's current area and all other Vice Presidents and supervisors involved.

Eligible employees who want to apply for promotion or transfer to a classified job opening should submit a completed *Internal Job Application* form (available electronically) to Human Resources before the application deadline listed on the internal posting. An employee's expressed interest in a job opening will not jeopardize the employee's status in their present position.

The internal job posting procedure does not apply to **professional staff positions**. Announcements of professional staff openings are posted on the electronic bulletin board located outside the Human Resources Office, sent to all employees by campus e-mail, and listed on the University's employment web site (www.mssu.edu/jobs). Professional staff positions may also be advertised in newspapers, appropriate trade journals, with area college career services offices, and on other employment-oriented websites. Current employees interested in a professional staff opening are encouraged to submit the application materials requested in the announcement to Human Resources via the online system.

Current employees wanting to apply for a promotion or transfer to a classified *or* professional staff position must satisfy the skills, education, and experience requirements of the position. The University may also consider such factors as the employee's ability to assume other responsibilities, attendance record, and previous work performance appraisals.

3.4 IMMIGRATION REFORM AND CONTROL ACT (IRCA)

The Immigration Reform and Control Act (IRCA) was implemented November 9, 1986 and made employers responsible for verifying the employment eligibility and identity of any employee hired to work in the United States. Potential employees who are not current citizens or lawful permanent residents may need to apply for Employment Authorization to establish eligibility to work in the United States. University departments responsible for hiring will need to work in coordination with the Human Resources office to ensure compliance. As a result of this law, Missouri Southern is

required to verify both the identity and employment eligibility of all regular, temporary employees, and student employees hired after November 6, 1986, and complete and retain a one-page form (INS Form I-9) documenting this verification. Failure to comply with these requirements may result in both civil and criminal liability with the imposition of substantial fines. Most importantly, failure to verify a new employee's identity and employment eligibility may result in the termination of employment for that employee.

Based on the requirements of the Immigration and Reform and Control Act of 1986, all new employees of Missouri Southern must complete a Form I-9 within their first three days of employment. Employees who do not complete a Form I-9 within their first three days of work will not be able to continue working at the University until a Form I-9 has been completed.

HR will obtain the completed I-9 during the on-boarding process while adhering to the three-day rule noted above. New employees will complete Section 1 of the Form I-9 electronically when completing on-boarding forms through the applicant tracking system. If not using the electronic system, HR will obtain the completed form in person with the new employee.

HR utilizes the E-verify system to verify employment eligibility. Use of E-verify requires a social security number be documented in Section 1 of the Form I-9. Additionally, documents establishing identity and employment eligibility are copied and stored with the Form I-9.

Rehires are required to complete a new Form I-9 if the original form was completed over three years ago and had previously been destroyed. New calendar year tax forms will need to be completed if more than a year has elapsed since previous employment.

Non-citizen employees may be required to provide updated employment eligibility documents upon expiration of originally provided eligibility documents. HR will monitor those cases and will notify affected employees when necessary.

If the University learns that an employee whose documentation for the I-9 form appeared to be in order but is not actually authorized to work in the United States, the employee will be contacted and provided with the opportunity to present appropriate I-9 form documentation proving eligibility to work. If unable to present the appropriate documents, employment will be immediately severed.

3.5 SPONSORSHIP OF FOREIGN NATIONAL POLICY

Missouri Southern State University values diversity among its faculty, students, and staff and has established this policy concerning the sponsorship of foreign national faculty members and candidates for tenure-track positions for H1B non-immigrant and Permanent Resident Status.

Initial H-1B Visa: If a foreign national requiring visa sponsorship to secure work authorization with the University wishes to accept an offer of a tenure-track position, the prospective faculty member may request that the University arrange to obtain H-1B non-immigrant visa status for the prospective faculty member. A foreign national requesting sponsorship who holds or has been offered a non-tenure track position will be considered on a case-by-case basis. The H-1B visa category is designated for individuals coming temporarily to the United States to perform services

in a specialty occupation. A specialty occupation is defined as an occupation that requires theoretical and practical application of a body of highly specialized knowledge, and attainment of a bachelor's degree or higher for the specific specialization. If the University chooses to make such arrangements, the University shall select legal counsel and pay the legal fees and filing fees incurred in obtaining the H-1B status for the prospective faculty member. If the prospective faculty member has a non-employee spouse and/or family members who require a derivative visa status, the legal fees and filing fees are the responsibility of the prospective faculty member. The University does not pay for the costs of obtaining a visa stamp at a consulate abroad. The University also does not pay for premium processing unless there is a compelling business need to do so as determined by the Provost and Human Resources.

H-1B Visa Extension: Once H-1B status has been obtained for a tenure-track (non-tenure track if approved) faculty member, and the faculty member has begun employment with the University, such faculty member may subsequently request that the University arrange to extend their H-1B status as needed. The initial H-1B visa can cover a period of up to three years. It can be extended for a maximum period of three additional years. In general, the maximum amount of time a faculty member may spend in H-1B status is six years unless certain steps have been reached in the permanent residence process. Requests for H-1B extensions should be made at least seven months in advance of the expiration of the faculty member's current H-1B status. If the University intends for the individual to remain a tenure track faculty member and chooses to make the requested arrangements for an extension of H-1B status, the University shall pay the legal and filing fees incurred in the extension of status. As with the initial H-1B visa petition, the responsibility for extending the visa status of any non-employee spouse or other family members shall lie with the faculty member.

Permanent Residence ("Green Card") Sponsorship: If a tenure-track faculty member has taught at the University for one (1) academic semester along with meeting or exceeding all expectations of a faculty member at MSSU, a request may be made for assistance from the University in obtaining lawful permanent residence, i.e., a "green card." Permanent Residency is the legal right to live and work in the United States indefinitely. A request for assistance in obtaining permanent residence must be submitted in writing by the department chair to the Provost. The decision regarding sponsorship will be made on a case-by-case basis. If a decision is made to sponsor a tenure-track faculty member for permanent residence, the University will select legal counsel and work with the faculty member to determine the most appropriate process for the individual to obtain their green card.

Except in certain exceptional cases, the process used to pursue employment-based permanent residence for faculty members will involve the "special handling" labor certification procedures available to colleges and universities. There are typically three steps to obtaining permanent residency, described below:

- **Labor Certification:** The first step in the process generally will be obtaining an approved labor certification from the Department of Labor. The University will take primary responsibility for this step. Note that in order to take advantage of "special handling" labor certification procedures, which allow the University to establish that it hired a foreign faculty member after a competitive recruitment and selection process. The labor certification must be filed within 18 months after the faculty member's selection for the

position. The clock starts running when the search committee selects the faculty member for the position, not when the faculty member begins employment. As such, an initial request for assistance must be made by a faculty member within 10 months of the date listed on the offer letter. For example, if the faculty member was offered the position on January 1, 2018, a request for assistance in obtaining permanent residence should be made no later than October 1, 2018, to allow sufficient time to prepare and file a case by the 18-month deadline.

If the case is not opened in a timely fashion to allow filing within 18 months of receiving the job offer, a new recruitment for the position must be completed.

For non-faculty employees, the Labor certification is only appropriate for hard to fill jobs. It is much more complex and, in nearly all cases, requires new recruitment. Labor certification is a technical process and requires that a series of advertisements be placed in the local job market to see if there are qualified and available US workers who are willing and able to take the job. Market conditions or other labor issues may affect the timing of when a labor certification case can be prepared and filed. For hard-to-fill positions, sponsorship for non-faculty employees will be considered on a case-by-case basis. The University will work with outside counsel in this regard to evaluate the likelihood of whether a labor certification will be successful before moving forward with a permanent residency case. If the University determines to proceed with a permanent residency case, it will cover the legal fees and the filing fees for the employee's PERM labor certification application, which is the first step of the process; however, the balance of the costs will typically be the responsibility of the employee. The additional steps are the I-140 petition, and the I-485 application. Medical exams, photos, and the educational evaluations are the responsibility of the employee. The University does not cover the cost of any non-employee dependent family members applying with the employee.

- **Dependent Family Members:** Dependent non-employee family members may need to have an I-539 petition filed on their behalf for an extension of their H-4 status. The University does NOT cover the legal fees or filing fees for non-employee dependent family members who may need petitions for H-4 dependent status filed on their behalf.
- **Filing the I-140 Immigrant Petition and the I-485 Adjustment of Status or Consular Processing:** Steps two and three include filing the I-140 Immigrant Petition and the I-485 Adjustment of Status (or consular processing of the immigrant petition). The primary responsibility for these steps lies with the faculty member. The tenure-track faculty member may request that the University provide financial assistance for the additional steps of this process. With respect to the filing of the immigrant petition and adjustment of status or consular processing, the Provost, in consultation with Human Resources, at their discretion, may agree to pay all attorney fees and government filing fees up to \$11,000 per tenure-track faculty member. In such cases, the faculty member shall pay any attorneys' fees incurred in the green card application process over \$11,000 and shall be responsible for all filing fees and attorneys' fees related to the green card application process for any non-employee spouse or other family members, even if the costs of the faculty member's case is less than \$11,000.

TN Visas: Individuals working in TN status can obtain a TN directly at a border crossing or from a US consulate abroad. The University does not typically pay for legal assistance in obtaining TN work authorization (either the initial petition or the extension) but may elect to do so in a particular case. If an employee is eligible for sponsorship for permanent residency, then in some instances, and upon recommendation of outside counsel, the University may provide assistance with a TN extension at the University's discretion on a case-by-case basis.

Cooperation: The faculty member or candidate must make reasonable efforts in obtaining documentation and information requested throughout the H-1B petition and green card application process to minimize processing fees.

Disclosure Obligations: Any individual making a request under this policy must disclose to the University at the time of the request anything regarding the individual or their family that may make any application or process under this policy problematic or unusually expensive. In such instances, the University reserves the right to deviate from this policy in whatever manner it deems appropriate.

Other Immigration Matters: There are other ways that an individual can obtain work authorization or immigration benefits in the United States. For example, an individual may marry a US citizen and obtain work authorization while a case is pending. Alternatively, an individual may obtain work authorization through temporary protected status or through their F-1 student status or even through a diversity visa lottery. Unless the employer is required to cover costs by the Department of Labor, please be aware that the University does not typically pay for other types of work authorization or immigration benefits, even though the individual is required to have valid work authorization to work for the university.

University Discretion: In deciding whether to provide assistance, the University will take into account all relevant factors including, without limitation, the need for the candidate, the faculty member's progress toward tenure, student evaluations, and the estimated expense to the University of providing the desired assistance. If the University agrees to assist the candidate or faculty member, the University may, in its discretion, discontinue its assistance in the non-immigrant petition or green card application process at any time.

3.6 BACKGROUND CHECKS AND CRIMINAL HISTORY POLICY

The University is committed to employing individuals consistent with its mission and to creating a university community that is as safe as possible for students and employees. Information discovered in the background check process will be used solely for the purpose of evaluating a candidate's suitability for employment with the University and will not be used to discriminate against a finalist on the basis of any classification protected by law.

3.6.a. Initiation of a Background Check

- A. Background checks are required for the following.
 - 1. A final candidate that will be newly hired as a university employee (including full-time, part-time, faculty, staff, etc.).
 - 2. A person being re-hired by the University if they have not been employed by the University in the past twelve (12) months.
 - a. Re-hires will be treated as new hires for purposes of this policy.
 - 3. A volunteer whose volunteer activities will involve the individual working closely with or in close proximity to students, including, but not limited to, student-athletes.

- B. Background checks are not required for the following:
 - 1. Candidates for student employment positions absent unique circumstances as determined by the University.
 - 2. A current employee who moves to a new position within the University that would typically require a background check, but the employee has had a background check in the past six (6) months.
 - 3. The person is an active Adjunct Faculty member, Law Enforcement (LE) Academy Instructor, or other individual who works at least once per year and has worked for the University within the last twelve (12) months.
 - 4. The person is hired as an independent contractor.
 - 5. Promotions and those moving from part-time employment to full-time employment.
 - 6. Volunteers who will not interact with students as a part of their volunteer activities.

3.6.b. Interplay with Application Process

- A. Each applicant reviews and signs a *Disclosure and Authorization* form. An applicant that declines to complete the form will no longer be considered for employment.

- B. Falsification of application materials is grounds for termination of employment or non-selection of an applicant.

3.6.c. Initiating a Background Check

- A. Human Resources will initiate a background check for a final candidate after an offer of employment is extended and accepted.

- B. A criminal background check will determine convictions and guilty pleas at the county, state, and federal levels in every jurisdiction where the candidate currently resides, has resided, or has been employed and will cover the last 7 years. Convictions and guilty pleas include all felonies and misdemeanors.

- C. A driving record check will determine conviction and guilty pleas related to operating a vehicle. With driving records, convictions and guilty pleas include all felonies and misdemeanors, including minor traffic violations. The University reserves the right to periodically check the driving record of individuals who are driving vehicles on official University business.
- D. A credit check will also be performed for specific accounting positions, specific positions requiring the handling of cash and/or monetary transactions as a major aspect of the position, and specific positions with high level of fiduciary responsibilities.
- E. Sex offender registry checks are part of the background check process. The University reserves the right to periodically perform sex offender registry checks as it deems appropriate.

3.6.d. Background Check Results

- A. Human Resources will review background checks to determine if a final candidate is eligible for employment. The University will use information obtained through a background check only for the purpose of evaluating the individual's ability to perform the functions of the job and for the safety or well-being of the University's students, other employees, and visitors.
- B. If any negative information is found in a report, Human Resources will review the background results and if necessary, will review the information with the appropriate unit or department and may jointly evaluate the information and make a determination as to whether an offer of employment will be confirmed or withdrawn.
 - 1. Human Resources and the appropriate unit or department may but are not required to ask the individual at issue for additional information prior to making their decision.
 - 2. Human Resources and the appropriate unit or department may also gather and review other information that may be relevant and readily available, and they may consult with other University officials or legal counsel as necessary.
 - 3. Negative information in the report does not automatically disqualify the individual from being hired. Human Resources and the appropriate unit or department will undertake an individualized assessment and consider relevant factors including, but not limited to, the seriousness of the negative information, the passage of time since the incident occurred, how the negative information affects the individual's ability to do their job, and safety concerns. Negative information on a background check that is relevant and job-related is grounds for not hiring the candidate.
 - 4. Negative information in a background check will not be used to discriminate in violation of the University's Non-Discrimination/Equal Employment Opportunity Statement.

- C. If information identified in a background check report is going to be used to disqualify a candidate from employment, Human Resources will send the individual a Pre-Adverse Action Notice and a copy of *A Summary of Your Rights Under the Fair Credit Reporting Act* as required by the Act.
1. A final decision shall not be made until five (5) business days after the Pre-Adverse Action Notice has been sent out, giving the individual enough time to protest the results of the background check or claim they are in error.
 2. If the individual challenges the information contained in the background check with the screening agency, the University is not required to hold open a position.
 3. Once the final employment decision is made, Human Resources will send the individual an Adverse Action Notice as required by the Act.
- D. If the candidate is determined to be eligible for employment or suitable for the intended employment action, appropriate parties are notified, and the hiring of the individual is approved. The background check results are considered as part of the employee's personnel file, but will be housed electronically in Human Resources, outside of the personnel file.

If a final candidate is determined to be ineligible for employment, the candidate and hiring manager are informed. The hiring manager will then discuss with Human Resources the next steps to fill the position. The results of the background check shall be maintained by Human Resources for 5 years from the decision not to hire.

3.7 WORK AND SHIFT ASSIGNMENTS

Any employee may be required to engage in any type of work that is necessary or required in the operation of the University, provided the employee is qualified to perform such work. Supervisors may, for example, assign work duties that are not ordinarily performed by an employee to maintain a steady workflow for the employee during slower times, or to help the University in meeting particular job deadlines. Such additional duties or work assignments should be of a short or temporary duration. If the additional duties or work assignment is for a long period or an indeterminate period, the job description for the employee should be reviewed with Human Resources and appropriate changes made when needed.

Supervisors may also schedule a classified employee to work a shift other than the employee's usual shift. Any change in an employee's usual schedule will be communicated to the employee before the beginning of the workweek or earlier, if at all possible.

3.8 LAYOFF

If it is necessary to reduce the number of university employees because of a reduction of work or funds, program restructuring, or other reasons, the University will give consideration to skills, abilities, and work performance in designating the employee or employees to be laid off. When in

the University's judgment, the skills, abilities, and job performance are equal among employees; the employee with the least amount of service with the University will be laid off first.

Employees separated under these conditions with at least one year of continuous, full-time service shall be given priority for re-employment at the University for one year from the date of layoff if a vacancy occurs in the same department and same job classification that the employee occupied prior to layoff. Employees with at least five years of continuous, full-time service at the time of layoff will be given priority for re-employment for two years from the date of layoff. Employees rehired in this manner will return to employment at the same vacation accrual rate that they had on their layoff date. Laid-off employees may also apply for other positions for which they are qualified and will be given consideration in the University's normal recruitment and hiring process.

3.9 SEPARATION/RESIGNATION FROM EMPLOYMENT

The effective date of a staff employee's separation is their last day worked. With the exception of retirement, earned leave will not extend the effective date of termination beyond the employee's last day worked. Employees who voluntarily resign or retire from employment with the University should submit a written resignation letter to their supervisor, which should be forwarded to Human Resources. Human Resources will also schedule and conduct an exit interview with the resigning employee whenever possible.

The University expends considerable time and resources recruiting and hiring all members of the campus community. If an employee tender's resignation of their employment, the University will not consent to a rescission of the resignation once the University has undertaken substantial steps towards finding a replacement for the employee's position. An employee desiring to rescind their resignation after the University has taken such substantial steps, may follow the proper procedures to reapply for the now available position. The employee will be considered with the other applicants, but the employee is not guaranteed reemployment.

Prior to leaving, the employee must return all University property in their possession to the appropriate area. Departing employees are expected to settle all financial obligations with the University before leaving employment. Appropriate adjustments will be made to the last payroll check, when necessary.

When employment with the University ends, life insurance ends the last day worked. Other insurance coverage ends on the last day of the month worked (e.g., if employee ends employment on October 17, life insurance ends on October 17th, other insurance coverage such as health, vision, dental, etc. ends on October 31st). Employees may have the option of requesting continuation or conversion of their insurance coverage after termination and should refer to the insurance plan booklets and/or contact Human Resources for information about these options. Employees who are retiring from Missouri Southern should see the "Benefits Available to Retired Employees" section in this Handbook regarding the continuation of some employee benefits.

An employee's final paycheck will include payment for all days worked during the employee's last pay period. Employees will also be paid for any earned but unused vacation days up to a maximum of 160 hours if full time and a prorated amount for part time. See Vacation Leave policy in this Handbook. The University does not pay employees for unused sick leave upon termination of

employment. See Sick Leave policy in this Handbook. Unused sick time may be contributed to the Shared Sick Leave Program.

Personnel Records:

It is the policy of the University that former employees are not entitled to access their closed personnel records (absent subpoena or other legal process), nor may they access the personnel records of any other employee whether former or currently employed.

The University may charge a fee to parties who request and are authorized copies of employee files. Our minimum charge for authorized requests is \$20.00.

4.0 COMPENSATION AND CLASSIFICATION

4.1 UNIVERSITY EMPLOYEE STRUCTURE

The University is a complex organization made up of many departments and different classifications of employees. The University has adopted and established the below categories and nomenclature to define the University staff employee structure, consistent with applicable law.

Professional and Administrative Staff:

The Professional and Administrative Staff category is comprised of exempt (not eligible for overtime pay) positions. These positions are located in all areas across campus and have functions of executive, administrative, managerial, and professional support. Individuals in these positions are salaried, typically have higher level educational requirements and/or specialized career fields and are eligible to teach as adjunct faculty, provided they also meet the necessary degree requirements as defined by the Higher Learning Commission.

Classified Staff:

The Classified Staff category is comprised of non-exempt (eligible for overtime pay) positions. These positions consist of technical positions, secretarial and clerical support positions, skilled craft and trade positions, and service positions. Individuals in these positions are paid hourly and are required to complete and submit weekly timesheets for all time worked. It is a violation of university policy to falsify time worked, omit time worked, or to make any other misrepresentation or omission on individual time sheets.

Defining University Staff:

- The staff of the University is comprised of two primary groups. The two primary divisions of staff are:
- Professional and Administrative Staff:
 - All full-time and part-time exempt staff, as noted above.
- Classified Staff:

- All full-time and part-time non-exempt staff as noted above.
- Other Staff:
- Seasonal/Part-time employees:
 - Typically, non-benefited, non-exempt positions working for a short period of time as workloads require or for special seasonal projects. These positions may work up to 40 hours in certain circumstances but for a short duration of time.
- Volunteers:
 - Typically, unpaid, non-benefit eligible that volunteer at the university. A signed volunteer agreement form should be signed by the volunteer and filed with the Human Resources Department prior to beginning any volunteer work.
- Student Employees:
 - Students are non-exempt, paid with university funds and are known as Student Help or they are paid by federal student aid funds and are known as Work-Study.
 - If an employee or supervisor has a question, concerning whether a position is exempt or nonexempt, or the category of the position, please contact the Human Resources Department.

4.1.a. Wage and Salary Administration:

The University is committed to maintaining competitive wage and salary ranges consistent with community standards and budgetary constraints placed on the University in order to attract and retain qualified employee.

Every year, the University's Board of Governors determines if there will be a general wage and salary increase for full-time faculty and staff employees. If an across-the-board percentage increase is declared, it will usually be effective at the beginning of each fiscal year, which is July 1 for classified and professional staff employees. When an across-the-board percentage increase is declared, the Human Resources Office will send eligible employees a letter providing each employee with their wage or salary information for the upcoming fiscal year.

The following factors are considered in determining a position's placement upon the wage scale: the amount of knowledge, skill, and education required to perform the job; the degree of innovation and/or self-motivation required; the degree of confidentiality required; the amount of responsibility for the work of others; the degree of judgment expected, and the FLSA classification factors used to determine the position classification of either non-exempt or exempt.

4.1.b. Paydays:

The University is on a bi-weekly pay schedule for non-exempt employees and a monthly payroll schedule for exempt employees. Paydays are on a bi-weekly (every other Friday) or monthly schedule, depending on employee classification unless otherwise noted. A copy of the pay schedule is available in Human Resources upon request. In the event that a regularly scheduled payday falls on a holiday, every effort will be made to ensure that employees receive pay on the last day of work before the regularly scheduled payday. Please note that pay advances are not permitted. Student employees are paid twice per month. For monthly exempt employees, paydays are on the last working day of the month. All employees are required to have pay directly deposited into their personal financial account(s). A personal itemized, printable statement of wages and deductions (pay stub) is available electronically on LioNet.

4.1.c. Non-Exempt Employees & Reporting Pay Errors or Improper Deductions:

The University makes every effort to ensure employees are paid correctly and for all hours worked. Employees can assist the University in this matter by closely reviewing each pay stub to ensure that their pay was proper. If a non-exempt employee believes a mistake has been made, either because of improper deductions, hours recorded, or the applicable pay rate, the following procedures should be followed:

The affected non-exempt employee should report the mistake(s) to their supervisor or the Human Resources/Payroll Department.

Upon notification by the employee, the University will conduct a prompt and thorough investigation into the complaint and will make every effort to conclude that investigation in a reasonable amount of time.

If the University determines that an error has been made or improper deduction taken, the University will fully compensate and/or reimburse the employee and make a good faith commitment to avoid the error in the future.

4.1.d. Exempt Employees, Deductions, and Reporting Improper Deductions:

It is the University's policy to regularly pay its exempt salaried employees a predetermined amount constituting all or part of the exempt salaried employee's compensation. With limited exceptions, the amount paid to salaried employees is not subject to reduction either because an exempt salaried employee works fewer hours in some weeks than others, except where allowed by law. In certain instances, deductions may be made for personal leave when PTO, vacation leave, or sick leave is exhausted, jury or military leave, disciplinary suspensions for violations of the University's safety or workplace conduct rules, or in the first or last week of employment, if the employee works less than a full week. This predetermined amount will be paid to exempt salaried employees for any week in which they perform any work for the University.

If an affected salaried employee believes that an improper deduction has been taken from the predetermined amount, the following procedures should be followed:

The affected exempt salaried employee should notify their supervisor or the Human Resources/Payroll Department that an improper deduction has been taken.

Upon notification by the affected exempt salaried employee, the University will conduct a prompt and thorough investigation into the impropriety of the complained-of deductions and will make every effort to conclude that investigation in a reasonable amount of time.

Once it is determined by the University that any improper deductions have been taken, the University will make full reimbursement to the affected exempt salaried employee and will make a good faith commitment to comply in the future with the terms of this policy so that improper deductions will not be taken in the future.

The University will fully comply with all applicable state and federal laws that regulate the payment of wages and all other compensation to its employees. Accordingly, this policy is subject to revision as those laws may change.

4.1.e. RECORDING HOURS WORKED

Non-Exempt Employees:

Non-exempt employees must accurately record all worked time using the recordkeeping system in place for the employee's department. The time record must be completed each workday and submitted to the employee's supervisor at the end of each week for approval and verification of all hours reported. If an employee believes that a timecard needs edits, the supervisor should be contacted. Time records cannot be adjusted without prior approval. Falsification of a time record is grounds for discipline, up to and including termination.

Information to Record:

The following information should be recorded:

Actual time worked

Uninterrupted meal breaks

Utilized vacation days, sick leave, personal days, FMLA leave, bereavement leave, military leave and jury duty

Exempt Employees:

Exempt employees are paid on a salaried basis and are required to work any hours necessary to perform the duties of their job. These employees do not receive overtime or additional pay for hours worked or travel time outside their regular schedule.

Exempt employees are not required to keep a time record except that they must accurately report the use of vacation days, sick leave, personal days, FMLA leave, bereavement leave, military leave, and jury duty. After this time has been approved by the exempt employee's supervisor, it must be reported by the employee to the Human Resources Department.

4.2 OVERTIME PAY FOR CLASSIFIED EMPLOYEES

4.2.a. University Workweek:

In accordance with the Fair Labor Standards Act (FLSA), classified (non-exempt) employees are paid at the rate of one and one-half times the employee's normal hourly rate for all time worked over forty (40) hours during a work week. The University workweek begins at 12:00 midnight Saturday and ends at 11:59 PM Friday.

4.2.b. Payment of Overtime:

Non-exempt employees will be paid overtime compensation at one-and-one-half their regular rate of pay for all hours worked in excess of 40 hours in a workweek. Only time actually worked is counted toward the 40 hours per week required for overtime pay. Pay for working more than 8 hours in a day will be at the employee's regular hourly rate until at least 40 hours of time worked have accumulated in that week.

4.2.c. Not Included in Overtime Pay Calculation:

The following hours are not considered in determining qualifying overtime hours: vacation, sick, holiday, military leave, bereavement leave, jury duty, early dismissal, snow days, and University closings. In accordance with the FLSA, professional staff employees are exempt from the overtime pay provisions of the FLSA. For all other non-exempt (hourly) classified employees, the university pays overtime to the employee in the payroll period it is earned. Professional staff are not eligible for programs such as "Comp Time."

4.2.d. General Guidelines for Overtime:

Non-exempt employees should not work over 40 hours in a week unless specifically assigned or approved by a supervisor in advance. Though an employee will be paid for any hours worked, including unauthorized overtime, they may be subject to discipline for performing unauthorized work.

Employees can be required by their supervisor to work overtime based on business needs. Supervisors will provide as much advanced notice as possible under the circumstances and will assign overtime work as fairly and consistently as possible given the nature of the work to be performed. Refusal to work scheduled overtime may result in discipline, up to and including termination.

Employees cannot waive their right to overtime compensation for hours worked over 40 in a workweek.

Supervisors cannot instruct employees to not record hours worked.

4.3 CALL-IN PAY FOR CLASSIFIED EMPLOYEES

Non-exempt employees are “on-call” when they are restricted in where they can go so that they can be reached and will be available to return to work immediately, if called. The following guidelines apply to “on-call” time: If an employee is required to remain on the University’s premises, or so close the premises that they cannot use their time effectively for their own purposes, this is compensable work time.

An employee who is not required to remain on or near the University’s premises but is merely required to leave word where they may be reached via cell phone or other means, is not working and thus does not need to be compensated for this time. However, any time during which an employee actually performs work in responding to a call is considered work time and must be compensated.

A “call-in” is when a classified (non-exempt) employee’s supervisor makes an unscheduled request for the employee to return to the University to do unforeseen or emergency work after the employee has left the University at the end of their regular shift and/or before the employee has started their next regularly scheduled shift. When responding to a call-in, the employee will be given a minimum of two hours’ work or two hours pay at the employee’s applicable rate.

4.4 MEAL AND REST BREAK POLICY

The University strives to comply with all applicable laws and regulations governing meal and rest break periods for employees. Generally, University provides two paid rest break periods of 15 minutes each during an 8-hour workday for non-exempt employees. On days when less than a full 8 hours of work are scheduled, these break periods may be adjusted accordingly. University also generally provides employees with an unpaid meal period each 8-hour workday of 30 to 60 minutes. Check with your supervisor for the applicable meal and break schedule established for your department as schedules may vary based on the needs of the department.

4.4.a. Meal Breaks

Employees are allowed an unpaid meal break near the middle of each eight (8) hour workday. The break will normally be from thirty (30) minutes and up to sixty (60) minutes; however, the schedule may vary.

Employees who work fewer than four (4) hours in a single workday are not normally entitled to a meal break.

Employees required to work more than ten (10) hours in a single workday will be allowed a second unpaid meal break no later than six (6) hours after the end of their first meal break.

Meal breaks consist of unpaid time unless an employee is required to work on the meal break. Non-exempt employees must clock-out or sign-out and back in for all meal break periods.

4.4.b. Rest Breaks

Non-exempt classified employees are allowed a rest break of fifteen (15) minutes at approximately the middle of every four (4) hours of work not broken up by a meal period, depending upon each department, as permitted by the supervisor. Part-time classified employees may have break periods equal to 15 minutes for each four hours worked or equivalent break periods to that of other classified employees in the department. Meal breaks are not applicable to part-time employees.

The time for employee rest breaks will be scheduled by each supervisor with consideration given to the workload. Time spent on rest breaks will be compensated as working time, and employees are not required to clock-out or sign-out and back in.

Employees who choose or are required to work during rest breaks are not entitled to leave work before the normal quitting time and will not receive extra pay for the time worked.

Professional staff employees do not have regular scheduled breaks.

Please consult your supervisor or the Human Resources Department for specific schedules and/or if you have any questions regarding this policy.

4.5 REMOTE WORK POLICY

Telecommuting: (also known as working from home, or e-commuting, or remote work, and used interchangeably in this document) is a work arrangement in which the employee works outside the office, often working from home or a similar location close to home, rather than physically traveling to a central workplace, i.e., the main MSSU campus.

4.5.a. GENERAL POLICY

This policy will allow employees to work at home for all or part of their workweek. The University considers remote work to be a viable, flexible work option when it determines that both the employee and the job are suited to such an arrangement. Specifically, only classified hourly staff, professional exempt staff, and non-teaching faculty and administrators are eligible for remote working when remote work is fully approved under this policy. Telecommuting may be appropriate for some employees and jobs but not for others, even if in one of the classes mentioned above. Telecommuting is not an entitlement, it is not a company-wide benefit, and it in no way changes the terms and conditions of employment with the University. The University has the right to refuse to make remote work available to an employee, and to terminate a remote work arrangement at any time. Remote workers should be good planners, self-motivated, strong communicators, able to manage their workload effectively, aware of their personal work style preferences, flexible, committed and responsible, willing to ask for feedback, able to work independently with minimal supervision, able to work without continual input and support from others,

comfortable working and being alone, possess time management skills, proven producers of quality work, and able to focus on priorities and meet deadlines.

4.5.b. ELIGIBILITY

Individuals requesting formal remote work arrangements must have a satisfactory performance record, as evidenced in yearly performance evaluations, attendance, and other performance measures as is determined by the University in its sole discretion. Before entering into any remote work agreement, the employee and their manager or supervisor, with the assistance of the Office of Human Resources, and receiving the final approval from the authorized direct report of the president, will evaluate the suitability of such an arrangement, reviewing the following areas on a Remote Work Request:

- Employee suitability. The employee and manager or supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful remote work, as noted above. That manager or supervisor will request approval from the authorized direct report of the president.
- Job responsibilities. The employee and their manager or supervisor will discuss the job responsibilities and determine if the job is appropriate for a remote work arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and their manager or supervisor will review the physical workspace needs and the appropriate location for the remote work.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in the area rests solely with the employee.

If the employee and their manager or supervisor agree, and the authorized direct report of the president approve, then the employee will be eligible to enter into a Remote Work Agreement. Once the Telecommuting Agreement has been signed by all required parties, the employee will be given a copy of the signed “Agreement”, along with the Remote Work FAQ document, and initialing the separate Acknowledgement of Remote Work Policy Provisions document.

As part of the eligibility process, the employee and supervisor will agree on the number of days remote work is allowed each week, the length of duration of the remote work arrangement, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee agrees to be accessible by phone, video call, email, and chat within a reasonable time during the agreed upon work schedule. The

University retains the right to modify, at its discretion, the number of days of remote work allowed the employee's work schedule and the manner and frequency of communication.

4.5.c. APPLICATION PROCEDURE

A remote work arrangement must first be applied for via the Remote Work Application located on the Human Resources SharePoint site.

Once approved by all parties (manager or supervisor, and the authorized direct report of the president,) a remote work arrangement can move forward. A copy of the Remote Work Request, the Remote Work Agreement and any associated documents will be kept on file in the employee's personnel file.

4.5.d. HOURS OF REMOTE WORK AND AVAILABILITY

- Remote workers shall work normally scheduled hours.
- During normally scheduled hours, remote workers must communicate any unavailability to their manager or supervisor.
- During normally scheduled hours, unavailable time must be approved by the remote workers' manager or supervisor and reflected on the workers' time sheet or leave report.
- University leave policies will apply equally to remote workers including reporting of illness.
- During normally scheduled hours, the remote worker must keep their availability on their personal email calendar up to date with "out of office" events to indicate any work-related unavailability.
- Effective communication is essential for this work arrangement to be successful. The employee will be available by phone, email, or other electronic methods (i.e., instant messaging, Microsoft Teams, etc.), during scheduled telecommuting work hours. Teleconferencing is a reliable means of communication and may substitute for actual attendance at some meetings.
- Remote working employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the University's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the employee's supervisor. Failure to comply with this requirement may result in the immediate termination of the remote work agreement, discipline and/or termination of employment.
- Should the University encounter an unexpected closure, i.e., weather-related event, the remote worker may not choose to work at the remote location/site and receive pay for work at the site unless supervisor's written approval is received in advance, or prior to any work performed at the home workplace.

- The remote work agreement will be reassessed and reviewed by the employees' manager or supervisor every 6 months. After receiving the final approval from the authorized direct report of the president, the agreement will be reinstated.
- Remote work under this policy is not considered an accommodation under an ADAAA accommodation request. Those requests are independent of this policy unless expressly designated under the accommodation application and approval process. Please see the Human Resources SharePoint site for additional accommodation information.

4.5.e. REMOTE ACCESS

- Remote access will be made available via VPN, and set up by an IT ticket, upon approval for remote work.
- The employee must provide their own internet connection. The employee will be solely responsible for purchasing any hardware or software required for the internet connection. The employee shall also be solely responsible for cost of installation and associated monthly fees. Any connectivity problems constitute grounds for canceling this remote work arrangement and do not excuse unavailability or delinquent work.

4.5.f. EQUIPMENT

On a case-by-case basis, the University will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs for each remote work arrangement. The Office of the Information Technology department will serve as resources in this matter. Providing equipment may require advanced notice to order equipment of at least three weeks, sometimes longer. Equipment supplied by the University will be maintained by the University. University supplied equipment needing troubleshooting/repair that cannot be accomplished with remote assistance tools is to be returned to campus. Equipment supplied by the employee, if deemed appropriate by the University, will be maintained by the employee. The University accepts no responsibility for damage or repairs to employee-owned equipment. The University reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Equipment supplied by the University is to be used for business purposes only. The remote worker must sign an inventory of all University property received and agree to take appropriate action to protect the items from damage or theft. The employee agrees to report to their manager or supervisor any instances of loss, damage, or unauthorized access at the earliest reasonable opportunity. The employee may secure all needed office supplies such as paper, toner for University supplied printers, folders/files, and other small office supplies, as needed from the department's office supply inventory. Upon termination of employment, all University property will be returned to the University, unless other arrangements have

been made. The University reserves the right to make determinations as to equipment needed or the adequacy of the equipment, subject to change at any time.

Work related telephone calls for conducting university business while remote working is at the expense of the employee unless the employee has been approved for a stipend under the university's Cell Phone Policy. See the Employee Handbook for details of this policy. It is recommended a landline be available in an emergency situation where a cell phone or other communication devices are unavailable or not working.

4.5.g. SECURITY

Consistent with the University's expectations of information security for employees working at the office, remote working employees will be expected to ensure the protection of proprietary university and employee information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. Employee may be asked to provide proof of a secure work site at any time by the CISO (Chief Information Security Officer) or the HIPAA Privacy Officer. If a security breach has occurred at a remote worksite, the employee is required to report such breach immediately to the Human Resources and Information Technology Offices. Employee is responsible for keeping files password protected and away from any other individuals who may reside in the remote site or otherwise may have access to MSSU data.

4.5.h. ONGOING REMOTE WORKER RESPONSIBILITIES

1. Remote worker is responsible for proper ergonomics of the equipment being used.
2. Remote worker is responsible for working in an environment with minimal background noise to receive phone and video calls.
3. Remote worker is responsible for saving all work-related files back to the University network or University approved cloud services at the end of the day or as soon as is practical.

4.5.i. OTHER REMOTE WORK PROVISIONS AND CONDITIONS

1. There may be times where the remote worker must appear in person at the office for meetings, events or other activities.
2. There may be occasions when remote work is suspended for a given period of time because of unexpected events, emergencies, business need or other reason.
3. The employee will establish and maintain an appropriate work environment within their home for work purposes. The University will not be responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.

4. The University assumes no responsibility for injuries occurring in the employee's at-home workspace outside the agreed-upon work hours or for activities beyond the course and scope of employment. The employee agrees to hold the University harmless for injury to others at the alternate work site. The employee agrees to maintain safe conditions in the at-home workspace, including proper ergonomics, or if outside the employee's at-home workspace, or University facilities at any time, and to practice the same safety habits as those followed on university premises. Remote work employees are responsible for notifying their supervisor of any workplace injuries immediately.
5. The employee understands that their personal vehicle will not be used for university business unless specifically authorized by the supervisor. However, the employee may use their personal vehicle for travel to and from the University, when required to do so by the University.
6. The employee understands that they are responsible for tax consequences, if any, of this arrangement (i.e., to be discussed with your tax advisor - your responsibility). An example of a tax consequence would be, if the employee is working/living in a different state than the employer's primary site, the payroll taxes of the state the employee is working in, is the state taxes will be based upon.
7. The employee's manager or supervisor must agree on the number of days of remote work allowed each week. The work schedule of the employee will customarily maintain the manner and frequency of communication. The employee agrees to be accessible by phone, video call, email, and chat within a reasonable time during the agreed upon work schedule.
8. The evaluation of the remote worker's performance throughout their employment relationship with the University, may include periodic interaction by phone and e-mail between the employee and the manager or supervisor, and periodic face-to-face meetings to discuss work progress and problems. The remote worker will be subject to scheduled performance review in the same manner and frequency as other University employees.
9. Telework is not designed to be a replacement for appropriate child/eldercare. Although an individual employee's schedule may be modified to accommodate child/eldercare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective remote workers are encouraged to discuss expectations of remote work with family members. The employee should not undertake other activities such as, but not limited to, providing primary care for a young child or an ill or disabled adult, performing volunteer work or participating in another business venture during at home working hours.
10. Applicable policies to apply for FMLA or leave under the FFRCA are available on the Human Resources SharePoint site.
11. All rules and regulations under said policies would apply for paid and unpaid leave for childcare, elder care, employee's own health concern or for an eligible family member.

12. The availability of Telework can be discontinued at any time at the discretion of the University. The University will attempt to provide reasonable notice of such a change. There may be instances, however, where less or no notice is practicable, desired or possible. In addition, the University retains the right to terminate or modify this policy or a particular remote working arrangement on a temporary or permanent basis in its sole discretion.
13. The employee must return University equipment, records, and materials within three (3) days of the termination of the Remote Work Agreement and/or termination of employment. Furthermore, all University equipment will be returned to the University by the employee for inspection, repair, replacement, or repossession within three (3) days of written notice.

4.5.j. AD HOC ARRANGEMENTS

Temporary remote work arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal remote work arrangements are made on a case-by-case basis, focusing first on the business needs of the University.

4.6 COMPENSABLE TRAVEL TIME POLICY

The University is committed to compensating all employees for time worked in accordance with the U.S. Department of Labor's guidelines for payment of travel time by non-exempt employees. Employees subject to this Policy must record compensable travel time on their time sheets and in accordance with the University's policies regarding recording time worked. The paragraphs below describe common instances when travel time will and will not be compensated.

Normal Commuting and Travel During Workday: An employee's normal commute from home-to-work and from work-to-home is not compensable time. But, as a general rule, once the regularly scheduled work shift begins, time spent by an employee in travel as part of their activities on behalf of the University is compensable time.

Special One-Day Assignments: In limited circumstances, the time spent traveling from home-to-work, or vice versa, may be compensable. For example, time spent traveling on a special one-day assignment to a location other than the University location where an employee typically reports for work, performed at the University's request, is compensable time.

Overnight Travel to Other Locations: For overnight trips out of town (e.g., attending a conference at the University's direction), all time spent traveling is compensable work time. This not only

includes during regular working days but also includes during corresponding working hours on nonworking days.

Other guidelines related to overnight travel include:

Hours spent in travel as a passenger in a car, train, airplane, etc., are counted as compensable time. Regardless if the employee is the driver or a passenger in a car, train, airplane, etc., is counted as compensable time.

Time spent in a hotel with freedom to use time for the employee's own purposes is not compensable.

Even if the hotel time would otherwise be considered non-compensable, an employee must be paid for the time if the employee is performing other work, e.g., preparing for a meeting, reviewing a proposal or other documents, making phone calls, checking and responding to e-mails, etc. When travel cuts across time zones, actual hours worked should be used in the calculation.

Please direct questions about the application of this policy to your supervisor or to the Human Resources Department if you have any questions or would like clarification as to whether or not your travel time is compensable.

4.7 CELL PHONE POLICY

Missouri Southern will not provide cell phones nor cellular service to individual employees. Instead, the university has established a two-tiered stipend program for full-time personnel who meet specific criteria:

1) **\$50 per month stipend** for those full-time MSSU personnel who:

- Work off campus and, therefore, do not have access to a desk phone provided by the university; or
- Have a job function that designates them as an "essential" employee.

2) **\$30 per month stipend** for those full-time MSSU personnel who:

- Have a job function that requires more than 35% of work hours away from campus during which the employee must be accessible; or
- Have a job function that consistently requires irregular hours during which the employee must be accessible by phone either by internal or external constituents.

Definitions to assist in clarifying above criteria:

Full-time:

A permanent MSSU employee who averages at least 30 hours of service per week, or 130 hours of service during a calendar month on a regular, ongoing basis.

Job function:

A set of routine tasks or activities undertaken by an employee that are documented in the employee's job description.

Essential:

Employee is required to report to work to ensure the operation of essential functions during an emergency or when university operations are suspended (i.e. inclement weather).

Cellular devices and associated services may be made available by departments or offices that have multiple staff sharing a single device for on-call rotation, emergency/disaster recovery, or similar purposes.

4.7.a. ELIGIBILITY

Full-time staff at Missouri Southern may receive one of the two stipend options, but never both.

The eligibility of a Missouri Southern employee to receive a cell phone stipend will be determined by the employee's vice president, the athletic director, or by the university president and communicated in writing to Human Resources.

Once approved, the employee will be eligible to receive the stipend automatically each month.

The approving university officer (president, vice president, or athletic director) is responsible for determining the employee's ongoing eligibility for a cell phone stipend and communicating changes to Human Resources in a timely manner.

4.7.b. EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

The cell phones shall be the personal and exclusive property of the individual. The university claims no rights to the phone itself or to the contents of the phone, notwithstanding other university policies.

Acceptance of a stipend from the university requires the employee to:

- 1) Maintain active cell phone service;
- 2) Provide their cell phone number to their supervisor, other applicable university employees, and relevant external constituents who may have need for official communication; and

- 3) Make themselves reasonably available via cell phone contact during and outside of regular business hours.

University personnel accepting a cell phone stipend should understand that said stipend may constitute a taxable fringe benefit as determined by applicable state and federal laws.

4.7.c. CANCELLATION OR REDUCTION

The university president, any vice president, or the athletic director has the right to cancel or reduce a cell phone stipend for employees under their supervision at any time for any reason.

Cell phone stipends will cease immediately if:

- The individual's employment with the university terminates for any reason;
- An employee's vice president, the athletic director, or the university president determines they are no longer eligible for the stipend;
- The eligible employee no longer has a cell phone and/or a cellular service plan; or
- The individual uses the cell phone in a manner contrary to local, state, or federal laws or university policy.

5.0 PERFORMANCE EVALUATIONS

Every full-time classified and professional staff employee shall be evaluated on an annual basis by their immediate supervisor on how well the employee performs their job duties and responsibilities. The evaluation of employee performance is intended to serve several purposes, including the following: 1) to evaluate each employee's effectiveness in performing assigned duties and responsibilities; 2) to identify factors that can improve job performance; 3) to assist the employee in developing additional knowledge, skills and abilities for job advancement; 4) to recognize exceptional performance; 5) to document shortcomings or substandard performance; and 6) to identify training and development needs.

Human Resources distributes annual performance evaluation forms to be completed by supervisors in the spring of each year. In addition to these regular performance evaluations, a supervisor may conduct an interim performance evaluation whenever necessary, either to document an employee's poor performance or to recognize an employee's noteworthy performance and/or significant contributions to university operations. It is permissible for a departmental administrator or supervisor to develop a different evaluation method for employees if the method documents and monitors the employee's job performance and professional development more appropriately and is approved by the Chief Human Resources Officer before implementation.

After a supervisor completes an evaluation, they discuss it with the employee. The employee is asked to sign the evaluation acknowledging that it has been discussed. Signing the evaluation form does not mean the employee agrees with the evaluation; it means that the employee is aware of and

has been informed of the evaluation. An employee who believes they has received an unfair or inaccurate performance evaluation may submit a written response to the evaluation and request Human Resources to place it in their personnel file with the performance evaluation. The Chief Human Resources Officer is also available to advise or counsel employees about expected performance standards and to assist employees in making adjustments regarding performance.

6.0 LEAVE BENEFITS

6.1 HOLIDAYS

All full-time employees are eligible for leave benefits as outlined below.

Part-time employees in eligible positions authorized at a 50% Full Time Equivalent (FTE) level or more earn holiday, vacation, sick, and bereavement leave based upon their authorized position. For example, a person in a position authorized at a .50 FTE level would earn 50% of the full-time leave accruals; a .75 FTE position would earn leave accruals at a 75% level, etc.

Employees in non-benefit eligible positions (Interns, student workers, seasonal employees) do not receive holiday, vacation, sick, bereavement or weather closing pay benefits. If they have been authorized to physically work on a holiday or during a campus closing, they will be paid for their work time at the applicable rate.

The University normally observes the following fourteen (14) paid holidays. All employees except those engaged in continuous operations, such as Physical Plant maintenance and University Police, shall be excused from work when these holidays are observed.

New Year's Day
Martin Luther King Jr. Birthday
Memorial Day
Independence Day
Labor Day
The Day before Thanksgiving, Thanksgiving Day and the day after Thanksgiving
Christmas Day and five additional days between Christmas and New Year's Day

Classified staff employees required to work on a university-observed holiday will be paid at their regular rate of pay for actual hours worked plus the standard number of hours of holiday pay at their regular rate.

6.2 VACATION LEAVE FOR CLASSIFIED & PROFESSIONAL STAFF EMPLOYEES

Time away from work to relax and pursue special interests is important to everyone. Vacation leave may also be used for illnesses and other personal time off. All **full-time** classified and professional staff employees are eligible for paid vacation time off as follows: (Note days are 8 hours each unless otherwise designated by administration.)

VACATION EARNING SCHEDULE FOR FULL-TIME PROFESSIONAL & CLASSIFIED EMPLOYEES:

<u>Years of Service</u>	<u>Days/Hours Per Year</u>	<u>Max Accrual Cap</u>
1-2 Years	15 days per year: - 10 hours per month for professional exempt employees - 5 hours per pay period for classified, non-exempt hourly employees.	200 hours
3 or more Years	21 days per year: -14 hours per month for professional exempt employees - 7 hours per pay period for classified, non-exempt hourly employees.	340 hours

All **part-time** classified and professional staff employees are eligible for paid vacation time off as follows: (Note days are 4 hours each unless otherwise designated by administration.)

VACATION EARNING SCHEDULE FOR PART-TIME PROFESSIONAL & CLASSIFIED EMPLOYEES:

<u>Years of Service</u>	<u>Days/Hours Per Year</u>	<u>Max Accrual Cap</u>
1-2 Years	15 half days per year: - 5 hours per month for professional exempt employees - 2.5 hours per pay period for classified, non-exempt hourly employees.	100 hours
3 or more Years	21 half days per year: -7 hours per month for professional exempt employees - 3.5 hours per pay period for classified, non-exempt hourly employees.	170 hours

(*Years of service in the above table refer to continuous service in a part-time or full-time position.)

(**Accruals are posted in the first and second pay period each month or 24 times per year.)

Employees begin to earn paid vacation time from initial date of hire. However, employees who are in an *unpaid* status for more than 40 hours in any classified biweekly pay period or 80 hours for professional monthly paid employees will not accrue vacation time for that pay period.

Although employees are given their choice of vacation times whenever possible, the needs of the department must be considered. An employee may not be allowed to take vacation time during a period of peak work activity for the department, unless approved by their supervisor. Employees should request approval from their supervisor for use of their vacation time as much in advance as possible.

When a holiday that is observed by the University falls during an employee's scheduled vacation, it is not counted as a vacation day.

Vacation leave may accumulate over time. However, once the maximum hours allowed (noted in the above chart) has been met, no more vacation will be accrued until additional vacation is used.

Classified staff should document used vacation time for full or partial day absences on their weekly timesheets. Professional staff employees that use vacation time for full or partial days off, should document their time on a Request for Absence Form (form available in Human Resources and on the intranet website.) MSSU does not have "comp time" and all leave taken should be recorded accurately. Vacation records are updated after each pay period. Vacation leave may be taken only in pay periods after it is earned and is paid at the employee's base pay rate at the time the vacation is taken. The smallest increment of leave time allowed is 15 minutes or (0.25) hour.

At the end of employment, employees will be paid a lump sum with their final paycheck for all earned but unused vacation available to them, up to a maximum of 4 weeks of pay hours of base weekly hours (i.e., FT 40-hour week = 160 hours, PT 20-hour week = 80 hours). Accrued vacation time cannot be used to extend service beyond an employee's last regular day worked, unless the employee is retiring from the University and is eligible to immediately receive a retirement benefit from the Missouri State Employees' Retirement System (MOSERS).

Former employees who return to full-time employment at the University within one year will be credited with previous employment time for purposes of determining vacation accrual.

6.3 VACATION/SICK LEAVE EARNING SCHEDULE – 10- & 12-MONTH FACULTY

All 10-month faculty earn 6.67 hours per month sick leave upon hire.² All 12-month faculty and chairs earn 10 hours per month vacation and 8 hours per month sick leave upon hire for the first and second year of employment with a maximum accumulation of 200 hours.³ All 12-month faculty and chairs earn 14 hours and 8 hours per month sick leave their third year and up with a maximum accumulation of 340 hours. Up to 160 vacation hours is eligible to be paid out upon separation from the University. Please note that sick leave is not paid out upon leaving employment with the University. Sick leave balances are reported to MOSERS for any applicable service credit in increments of 168 hours for retirement purposes.

10-month Faculty should use the Faculty Request for Absence form to record Sick and Bereavement Absences, including FMLA leave. Faculty should only use one form per month to record leave. Additionally, Faculty should reference the “10-Month Faculty FMLA & Sick Leave Recording Policy and Procedure” for questions regarding recording of leave while out on FMLA.

Procedures to Record Leave:

FMLA leave requests will continue to follow the guidelines established under the FMLA policy and the “10-Month Faculty FMLA & Sick Leave Recording Policy & Procedure. FMLA leave request forms as well as a copy of the procedure are located on the HR Intranet/SharePoint site.

All faculty absences should be recorded on a Faculty Leave Request form which can be found on the HR Intranet/SharePoint site. Faculty are permitted to record either 8 hours or 4 hours leave. Faculty may take the number of hours missed from physical commitments (i.e., classes, office hours, meetings, etc., as long as the faculty member indicates that they will be completing some work from home.) Each faculty member’s department supervisor and Dean shall ensure that the number of hours recorded is correct and is used as appropriate sick leave indicated by signing the document.

6.4 SICK LEAVE FOR CLASSIFIED EMPLOYEES

The University provides paid sick leave benefits to all regular full-time employees. Sick leave may be used for an illness or injury that keeps the employee from performing their job, or for preventative health care. Employees may also use accumulated sick leave, up to a maximum of 40 hours in a calendar year, to care for an ill or injured spouse, child, parent, parent-in-law, or other family member who requires the employee’s personal care and attention. Sick leave usage in excess of three (3) or more consecutive days for the illness or injury of the employee or their family members should be brought to the attention of Human Resources to determine if FMLA applies. (Employees eligible for leave under the Family and Medical Leave Act (“FMLA”) should refer to the guidelines in the FMLA section of this Handbook.)

Classified employees accrue four (4) hours of paid sick leave in the first and second payday period per month. This is an annual equivalent of 96 hours. Employees who are in an *unpaid* status for more than 40 hours in any biweekly period will not earn sick leave for that pay period. Sick leave may be taken only in pay periods after it is earned and is paid at the employee’s base pay rate at the time the leave is taken. The smallest increment of leave time allowed is 15 minutes or (0.25) hour.

Available University-paid sick leave may be used up to a maximum of 1,040 hours per year. For retirement purposes, however, an employee may accumulate sick leave without limitation. Under the Missouri State Employees’ Retirement System (MOSERS), if an employee is either vested when leaving state employment or is immediately eligible to retire on their date of termination, the employee will receive one month of creditable service for each 168 hours (equivalent of 21, 8-hour days) of unused sick leave. This service credit will be used in calculating the amount of an employee’s retirement benefit, but not the employee’s eligibility for the benefit. Human Resources will report unused sick leave to MOSERS at termination. The University does not pay employees for unused sick leave at the end of employment.

Employees who are unable to report for work because of their illness or injury or that of a family member, should notify their supervisor as soon as possible. Supervisors may require verification of any sick leave taken, such as a written statement from a medical practitioner. Supervisors may also require a doctor's statement that includes a release to return to work. When an employee returns from a period of time off due to illness or injury which is not work related, and has work restrictions, it is up to the Supervisor to determine if there is work available for the employee that meets the restrictions. If there is no work available in the employee's own department, it is not required that this accommodation be made for work in other departments. If modified duty is granted, the modified duty shall not last an indeterminate period of time to give the expectation that said modified duty is now the normal work duties of the individual. The modified work schedule should be evaluated frequently to determine if the illness or injury will cause the employee to incur permanent restrictions. Before granting modified duty of an illness or injury that is not work related, supervisors must contact Human Resources.

Classified employees should report sick leave for full-day or partial-day absences on their weekly timesheets, which are signed by their supervisor and submitted to Human Resources. When taking sick leave, employees should indicate whether it is due to the employee's illness or injury or to take care of a family member. The smallest increment of leave time is 15 minutes or (0.25) hour.

If an employee is unable to work due to a work-related illness or injury covered under workers' compensation, they should refer to the guidelines in the Workers' Compensation Benefits section of this Handbook regarding the use of paid sick leave.

6.5 SICK LEAVE FOR PROFESSIONAL STAFF EMPLOYEES

The University provides paid sick leave benefits to all regular full-time employees. Sick leave may be used for an illness or injury that keeps the employee from performing their job, or for preventative health care. Employees may also use accumulated sick leave, up to a maximum of 40 hours in a calendar year, to care for an ill or injured spouse, child, parent, parent-in-law, or other family member who requires the employee's personal care and attention. (Employees eligible for leave under the Family and Medical Leave Act ("FMLA") should refer to the guidelines in the FMLA section of this Handbook.)

Professional staff employees accrue 8 hours of paid sick leave per month, which is an annual equivalent of 96 hours. Employees who are in an unpaid status for more than 80 hours during any month will not earn sick leave for that month. Sick leave may be taken only in months after it is earned and is paid at the employee's base pay rate at the time the leave is taken.

Available University-paid sick leave may be used up to a maximum of 1,040 hours of per year. For retirement purposes, however, an employee may accumulate sick leave without limitation. Under the Missouri State Employees' Retirement System (MOSERS), if an employee is either vested when leaving state employment or is immediately eligible to retire on their date of termination, the employee will receive one month of creditable service for each 168 hours of unused sick leave. This service credit will be used in calculating the amount of an employee's retirement benefit, but not the employee's eligibility for the benefit. Human Resources will report unused sick leave to MOSERS at termination. The University does not pay employees for unused sick leave at the end of employment.

Employees who are unable to report for work because of their illness or injury or that of a family member, should notify their supervisor as soon as possible. Supervisors may require verification of any sick leave taken, such as a written statement from a medical practitioner. Supervisors may require a doctor's statement that includes a release to return to work. When an employee returns from a period of time off due to illness or injury which is not work related, and has work restrictions, it is up to the Supervisor to determine if there is work available for the employee that meets the restrictions. If there is no work available in the employee's own department, it is not required that this accommodation be made for work in other departments. If modified duty is granted, the modified duty shall not last an indeterminate period of time to give the expectation that said modified duty is now the normal work duties of the individual. The modified work schedule should be evaluated frequently to determine if the illness or injury will cause the employee to incur permanent restrictions. Before granting modified duty of an illness or injury that is not work related, supervisors must contact Human Resources.

A professional staff employee should document any used sick leave for full or partial day absences on a Request for Absence Form (form available in Human Resources and on the intranet web site). This form should be signed by the employee's supervisor and submitted to Human Resources. When taking sick leave, employees should indicate whether it is due to the employee's illness or injury or to take care of an ill or injured family member. The smallest increment of leave time is 15 minutes or (0.25) hour.

If an employee is unable to work due to a work-related illness or injury covered under workers' compensation, they should refer to the guidelines in the Workers' Compensation Benefits section of this Handbook regarding the use of paid sick leave.

6.6 SHARED SICK LEAVE POOL

To provide a safety net against salary interruption for employees who have a catastrophic health condition causing them to be unable to perform their assigned job duties, MSSU has a Shared Sick Leave Pool of donated sick leave hours. Donations of sick leave hours by employees provide income to an affected employee who would otherwise be on unpaid leave.

Employees may voluntarily donate accumulated sick leave hours to the shared sick leave (SSL) pool to aid other employees who are unable to work due to a life-threatening or emergency medical condition. The term "life threatening or emergency medical condition" is defined as a health condition involving a serious, extreme, or life-threatening illness, injury, impairment, or condition. A committee of university employees appointed by the President and the Faculty and Staff Senates are charged with applying the provisions of the policy to any employee who requests leave under the SSL policy.

The maximum amount of shared leave pool benefits accessible to a full-time/part-time recipient cannot exceed one-third of the balance of the pool, or 520/260 hours (three months leave time), whichever is less.

If a requesting employee has worked less than six months at MSSU continuously from their date of hire until the date of application, they are eligible to apply for one-fourth of the maximum amount of shared leave pool benefits (130/65 hours for full-time/part-time employees).

If a requesting employee has worked at least six months but less than one year at MSSU continuously from their date of hire until the date of application, they are eligible to apply for one-half of the maximum amount of shared leave pool benefits (260/130 hours for full-time/part-time employees).

If a requesting employee has worked at least one year at MSSU continuously from their date of hire until the date of application, they are eligible to apply for the maximum amount of shared leave pool benefits (520/260 hours for full-time/part-time employees). See the complete Shared Sick Leave Pool Policy on the Human Resources intranet web site for additional information on donating sick leave and applying for benefits under this policy.

6.7 EXCESSIVE ABSENCES AND OTHER LEAVE ISSUES

Excessive absenteeism is a burden upon the University as a whole and on other members of the employee's department. A "pattern of abuse" in regard to sick leave typically refers to employees who, over a period of time, have violated the University's attendance policy (Section 8.2 of this Handbook) on numerous occasions.

Missouri Southern State University does not have a "comp time" policy. If an employee is absent for illness or personal business, appropriate leave is required to be accounted for and reported on the appropriate forms. Employees who have repeated misuse of sick, vacation, and other leave benefit provisions are subject to disciplinary actions up to and including termination under the applicable policy for the specific employee job classification. See the "Disciplinary Guidelines" in this Handbook for further information.

Supervisors should use acceptable counseling and corrective actions to deal with sick leave misuse. Sick leave misuse should not be allowed to continue unaddressed for long periods of time, so as to appear that the behavior is acceptable. Should misuse of leave time continue, consultation with Human Resources is highly suggested. Situations should be evaluated on a case-by-case basis with a mandatory referral to the Employee Assistance Program being an option when applicable.

Supervisors can ask for doctor notes in cases of suspected sick leave misuse. Contact Human Resources for additional information. If FMLA is appropriate, the employee should be referred to Human Resources for additional information and application materials.

Supervisors and other managers may use their best judgment in re-arranging daily work schedules to accommodate an employee's absence where flextime is an option. All flextime should be within the same work week to maintain FLSA over-time reporting requirements. When allowed, flextime is to be administered equally to all employees in the granting department.

6.8 LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

In accordance with federal law, the University provides to eligible employees a leave of absence pursuant to the provisions under the Family and Medical Leave Act (FMLA). The purpose of this Policy is to set forth details and provide information to university employees regarding FMLA leave.

Under the Family and Medical Leave Act (“FMLA”), eligible employees may be entitled to 12 workweeks of unpaid leave. Leave may be taken for the serious health condition of the employee; the serious health condition of the employee's child, spouse or parent; the birth, adoption or foster care placement of a child; or for qualifying reasons arising out of a covered family member’s call to active service (“Qualifying Exigency Leave”). Eligible employees may take up to a total of 26 weeks to care for a covered service member and/or certain covered veterans with a serious injury or illness incurred in or exacerbated in the line of duty on active duty in the Armed Forces (“Military Caregiver Leave”).

FMLA leave will be administered on a calendar year basis, unless otherwise prohibited. Leave under federal law to care for a family member who becomes ill or injured in the line of active duty will be administered on a 12-month basis, beginning on a calendar year.

The University will determine when employees are eligible for FMLA leave and will designate leave that qualifies as FMLA leave. If an employee qualifies for state leave and/or federal leave, then the University will count leave under both laws to the extent permitted by applicable law.

In accordance with the FMLA regulations, married couples in which both spouses are employed by the University may be limited to a combined total of 12 or 26 workweeks of leave per year (depending upon the reason for leave) for childbirth, adoption, placement of a foster child, care of a parent with a serious health condition and/or to care for a covered service member with a serious injury or illness.

If an employee suffers a work-related injury that qualifies as a serious health condition, and if permitted by state and federal law, then the leave available under the FMLA will run during any work-related absence.

6.8.a. ELIGIBILITY FOR LEAVE

Employees who have been employed for at least 12 months and have worked at least 1,250 hours in the last 12 months may be eligible for family and/or medical leave under federal law. Employees who have previously worked for the University and had a break in service should contact a Human Resource Representative to determine if that prior service counts toward this eligibility requirement.

A. Birth or Placement of a Child

FMLA leave may be taken for the birth or placement (through adoption or foster care) of a child, in addition to incapacity due to pregnancy, prenatal care, or childbirth. The entitlement to leave for the birth or placement of a child ends 12 months after the birth or placement.

B. Serious Health Condition

Eligible employees may take medical leave for their own serious health condition or to care for a child, spouse, or parent with a serious health condition. Medical leave

may be taken all at once, or in smaller increments, on an intermittent or reduced leave schedule if medically necessary.

“Serious Health Condition” is defined as an illness, injury, impairment, or physical or mental condition that involves either of the following:

Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care; or

Continuing treatment by a health care provider involving:

Any period of incapacity that requires absence of more than three calendar days and subsequent treatment in connection with such incapacity, that also involves two or more treatments by, under the direction of, or on referral from a healthcare provider. The two treatments by a healthcare provider must occur in-person within 30 days of the first day of incapacity (unless extenuating circumstances exist), and the first in-person treatment must take place within 7 days of incapacity.

Any period of incapacity that requires absence of more than three calendar days and treatment by a healthcare provider on at least one occasion that results in a regimen of continuing treatment under the direction of a healthcare provider. The first treatment must occur in-person within 7 days of the first day of incapacity.

Prenatal care or any period of incapacity due to pregnancy.

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition, which is one that requires periodic treatment (at least two visits for treatment each year) by or under the direction of a health care provider, continues over an extended period of time, and may cause episodic (rather than a continuing pattern) of incapacity (for example, diabetes);

Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, where the patient is under the continuing supervision of a health care provider; or

f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or under orders of or referral from a health care provider, either for restorative surgery after an injury or accident, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (for example, cancer).

C. Qualifying reasons arising out of a call to covered active duty (Qualifying Exigency Leave)

Eligible employees may take leave for qualifying reasons relating to a military member’s covered active duty or call to covered active duty in the Armed Forces.

This leave is available to eligible employees whose spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. This leave may be taken in a continuous period or on an intermittent or reduced leave basis.

Eligible employees may be able to take leave for any of the following reasons:

1. Short-notice deployment.

Up to seven days of leave may be taken when a family member receives notice of seven days or less of an impending call or order to active duty.

2. Military events and related activities.

Leave may be taken to attend official ceremonies, programs, or events sponsored by the military and relating to the call to active duty. Leave also may be taken to attend support or assistance programs or informational briefings sponsored by the military, a military service organization, or the Red Cross, provided that the briefings or programs are related to the call to active duty.

3. Childcare and school activities.

Leave may be taken to arrange for alternative childcare necessitated by the call to active duty or to provide urgent or immediate care on a short-term basis to the child of a covered member of the military. Leave also may be taken to attend school or daycare meetings or conferences concerning a child of a covered member of the military.

4. Care of the military member's parent.

Leave may be taken for Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers.

5. Financial and legal arrangements.

Leave may be taken to make legal or financial arrangements relating to the call to active service, including situations in which the employee acts as the representative of a covered member of the military.

6. Counseling.

Leave is available to attend counseling which is directly related to and arising from the call to active duty.

7. Rest and recuperation.

Up to fifteen calendar days of leave is available to be with a covered military member who is on a short-term, temporary leave for purposes of rest and recuperation. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.

8. Post-deployment activities.

Leave is available for activities relating to the termination of active-duty status. These activities include reintegration briefings and events, official ceremonies or programs scheduled by the military during the first 90 days following the termination of active status.

9. Other activities relating to the active duty.

Leave may be available for additional purposes provided the leave is related to the active duty of a covered military member.

D. Illness or Injury of a family member in the Armed Forces (Military Caregiver Leave)

Eligible employees may take FMLA leave to care for a spouse, child, parent or next of kin who is a covered service member and/or certain covered veterans with a serious injury or illness incurred in or exacerbated in the line of duty on active duty. This leave, in combination with all other FMLA leave, may not exceed 26 weeks of leave in a single 12-month period. This leave may be taken on an intermittent basis or through a reduced leave schedule.

A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

6.8.b. CERTIFICATION

Employees requesting FMLA leave for their own serious health condition, the serious health condition of a family member, Qualifying Exigency Leave or Military Caregiver

Leave must provide certification of the need for leave. Employees must return a complete and sufficient certification to the Human Resources Department within the designated time after the University requests a certification, unless that deadline is not practicable under the circumstances. An unjustified failure to return a complete and sufficient certification within the designated time can result in the delay or denial of a request for leave.

The University may, in its discretion and at its own expense, require the employee to obtain a second medical opinion and certification. The second healthcare provider will be designated by the University. If the second opinion conflicts with the first opinion, the University may require a third medical opinion, again to be obtained at the expense of the University. This third healthcare provider will be jointly designated or approved by the University and the employee. The opinion of the third healthcare provider will be final and binding on both the University and the employee.

6.8.c. NOTICE REQUIREMENTS

An employee who wishes to request FMLA leave must notify their supervisor and/or the Human Resources Office as early as possible, as well as provide documentation required by law. Except in an emergency situation, the employee must provide notice of the need for FMLA leave at least thirty (30) days in advance of the requested leave start date. If the leave is not foreseeable, the employee must provide the University as much notice as possible under the circumstances.

Employees are expected to comply with applicable call-in procedures unless they are medically unable to do so.

Employees requesting intermittent or reduced schedule leave for planned medical treatment must make a reasonable effort to schedule leave, so it does not unduly disrupt the University's operations. To the extent permitted by law, employees taking leave on an intermittent or reduced schedule basis may be transferred to another position, temporarily, which better accommodates their need for leave.

6.8.d. PAY AND BENEFITS DURING FMLA LEAVE

To the extent permitted by applicable law, employees are required to use available accrued paid leave during and concurrent with any otherwise unpaid FMLA leave. When all paid leave has been used, the remainder of the FMLA leave is unpaid.

During an approved family or medical leave, the University will continue to make available the same insurance benefits which are available to employees who are not on leave. It is the employee's responsibility to continue to contribute their portion of the cost of any employee-paid premium during leave. If the employee is paid during the leave, then the premium will be deducted from the pay available. During any unpaid period of leave, the employee may elect to make payments during the period of leave, or the premium payment will occur first. The failure to make timely premium payments can result in the loss of benefits.

No employee will lose any accrued seniority or benefits while on leave. Employees on leave will not accrue greater employment rights than they would have if they had not taken leave.

6.8.e. RETURNING FROM FMLA LEAVE

Employees returning from family or medical leave should, where possible, give the University at least two weeks written notice of their return if the leave has been longer than one month. Regardless of the length of leave, employees must provide at least two workdays' notice.

Any employee who returns from family or medical leave at the end of their FMLA leave entitlement, will be reinstated to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, unless that employee's employment ends under other circumstances. The University cannot guarantee reinstatement rights to key employees. In addition, the University cannot guarantee reinstatement to employees whose leave extends beyond their entitlement of FMLA leave, except to the extent necessary to comply with applicable state or federal law or University policy. If an employee fails to return to work after FMLA leave has ended, the University may recover health insurance premiums it paid under its group plan during the leave period.

If an employee is on leave for more than 3 days because of the employee's own serious health condition, the University may require that the employee provide a fitness-for-duty certificate before returning to work. The fitness-for-duty requirement is limited to the particular health condition that caused the employee's need for leave and must state whether the employee is able to return to work with or without restrictions. If an employee fails to provide a fitness-for-duty certificate by the end of any medical leave, then the employee may not be eligible for reinstatement.

Please note that Faculty on approved FMLA should also reference the leave recording procedures applicable to them while out on leave. These procedures are available on the HR intranet page.

6.8.f. NURSING PARENTS

The University will designate rooms for employees, upon request, who are breastfeeding and need to express milk while at work. To the extent possible, any time spent expressing breastmilk should be coordinated with a supervisor as to minimize any disruption to the ongoing needs of the department.

6.8.g. NONDISCRIMINATION AND ANTI-RETALIATION

The University will not use any protected leave as a negative factor in any employment decision or discharge, discriminate, or otherwise retaliate against any employee because of that employee's use of FMLA leave, opposition of any practice made unlawful by the FMLA, or involvement in any proceeding under or relating to FMLA. In addition, the

University will not illegally interfere with, restrain, or deny any employee's right to exercise their FMLA rights.

Employees who believe the University has interfered with their rights or otherwise discriminated against them in violation of the FMLA should report the issue to their supervisor or the Human Resources Office immediately. Employees may also raise concerns with the U.S. Department of Labor and/or through a private cause of action. In addition, the FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

6.8.h. QUESTIONS OR INQUIRES

Employees with questions or inquiries regarding FMLA leave, this Policy, or other related questions should contact the Human Resources Department.

6.9 PARENTAL LEAVE POLICY

Maternity/Birth Leave

Missouri Southern recognizes the importance of providing parents an appropriate amount of time to recover, adjust, and care for a newborn after birth. As such, the University will provide employees up to six (6) weeks (240 hours) of paid parental leave after giving birth to a child. In addition, employees whose spouse or domestic partner gives birth to a child will receive three (3) weeks (120 hours) of paid leave for the birth and care of the child.

Adoption/Foster Leave

The University also supports adoption and the fostering of children and recognizes the importance of a parent spending time adjusting and caring for a newly adopted child or foster child. For this reason, the University provides employees with up to three (3) weeks (120 hours) of paid adoption/foster leave for a parent who has adopted or fostered a child.

Eligible employees must meet all of the following criteria to be eligible for parental leave:

- Have been employed with the University for at least 12 months (the 12 months do not need to be consecutive).
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full-time employee employed in a benefits eligible position working more than 30 hours per week.
- In addition, employees must meet one of the following criteria to be eligible for parental leave:
 - Have given birth to a child.
 - Be a spouse or domestic partner of an individual who has given birth to a child.

- Have adopted a child or been placed with a foster child (in either case, the child must be age younger than 18). If the adoption involves a child, who is incapable of self-care because of a mental or physical disability the age limit of 18 may be waived.

6.9.a. Amount, Time Frame and Duration of Paid Parental Leave

- If both parents are employees of MSSU, each parent may receive parental leave as described in this policy, which may be taken concurrently, consecutively, or at different times.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly/monthly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the 12 weeks immediately following the birth, adoption, or placement of a child with the employee. Paid parental leave may not be used or extended beyond this 12-week time frame.
- The fact that a multiple birth, adoption, or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the six-week or three-week total amount of paid parental leave granted for that event.
- An employee is only entitled to one event of paid parental leave under this policy during a calendar year, regardless of whether more than one birth, adoption, or foster care placement event occurs within a calendar year time frame. For example, a mother who receives six weeks of paid maternity leave would be ineligible for paid adoption leave in the same calendar year.
- When the adoption is in the legal process, the paid parental leave may begin from the point the child is placed with the eligible staff employee (granted custody) for the purpose of adoption.
- Parental leave may not be donated or carried over to future years.
- Upon termination of the individual's employment at the University, they will not be paid for any unused paid parental leave for which they were eligible.

6.9.b. Coordination with Other Policies

- Any time taken off work for parental leave must be in accordance with the University's established leave policies.
- Notwithstanding the provisions related to Maternity/Birth Leave and Adoption/Foster Leave discussed above, this policy may not be construed to provide leave in addition to the leave available under the Family and Medical Leave Act (FMLA). Please refer to the "Leave Under the FMLA" policy and the additional provisions below for further guidance on the FMLA.

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period.
- After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees accrued sick and/or vacation time, if available. Upon exhaustion of accrued sick and/or vacation time, any remaining leave will be unpaid leave.
- All benefits will be maintained for employees during the paid parental leave period just as if they were taking any other paid leave such as paid vacation leave or paid sick leave. If an employee exhausts their leave balances, then such benefit premiums would need to be paid to the University during this time period.
- Vacation leave and sick leave will continue to accrue during the paid parental leave period. Holiday pay will not be counted against parental leave, meaning if a university holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay.
- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection as if the employee was on FMLA-qualifying leave.

6.9.c. Requests for Paid Parental Leave

- An employee will make every effort to notify their department of their intention to request Paid Parental Leave at least 30 days prior to the start of leave. The employee will provide the department with the anticipated timing and duration of the leave.
- In order to receive Paid Parental Leave, the employee must complete a Parental Leave Request form along with an FMLA request form and submit the forms to Human Resources for review and approval of FMLA at least 30 days prior to the start of the leave. It is understood that under some circumstances it is not feasible to provide 30 days' notice. In these cases, the employee must provide notice as soon as practicable. Additionally, classified employees approved for and taking parental leave must reflect hours on their timesheet as "Parental Leave."
- If the employee is also eligible for FMLA leave, this will also be noted on the Leave Request & FMLA request form.

- The employee must also note whether they intend to use the Paid Parental Leave continuously, intermittently, or on reduced schedule. Any request for intermittent or reduced schedule leave requires the approval of the employee's department and Human Resources.

6.10 JURY DUTY AND COURT WITNESS LEAVE

An employee will be granted leave with pay when required to be absent to serve on a jury or as a witness before a court, commission, or legislative committee. Employees who are called should show the jury notice, a subpoena, or other reasonable documentation to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. A copy of the jury notice, subpoena, or other documentation should be forwarded to Human Resources for the employee's personnel file. Employees are expected to report to work whenever the court schedule permits.

Employees on jury duty or court witness leave will receive their regular pay (maximum is 30 days in a calendar year). Any compensation received for service as a juror or as a witness must be endorsed over to the University if the employee receives their regular pay for the absence. Checks endorsed over to the University should be submitted to the Director of Human Resources. The employee can retain court compensation only if the employee chooses to take vacation leave or leave without pay (if insufficient vacation leave is available.)

Paid court leave is not available to employees appearing on their own behalf or in an action in which they are named as the plaintiff or defendant, other than during the time an employee is appearing as a witness in such an action.

6.11 BEREAVEMENT LEAVE

Employees who wish to take time off from work for bereavement leave for any individual should notify their supervisor.

Full-time staff members have up to forty (40) hours of bereavement leave available per calendar year. An employee who needs more time off may take accumulated sick leave, vacation leave or time without pay if not enough sick and/or vacation leave is available. Bereavement leave cannot be accumulated or paid out when the individual leaves the university.

Part-time staff members who earn prorated vacation and sick leave will also be eligible for prorated bereavement leave. For example, an employee in a .5 FTE position would have 20 hours of bereavement leave in a calendar year; an employee in a .75 FTE position would have 30 hours of bereavement leave in a calendar year.

Employees should utilize the normal Request for Leave forms or the bi-weekly time sheets to properly record their time off and note it is for "bereavement" leave.

6.12 MILITARY LEAVE

The University recognizes the important role of the National Guard and Reserves and supports employee participation. The following provisions apply for military leave of absence when an employee is required by a branch of the armed forces to attend an annual training session or serve under emergency mobilization orders.

Employees will be granted leave with pay, not to exceed a total of fifteen calendar days in any federal fiscal year (October through September), in accordance with applicable laws. In the event of an emergency mobilization order, an employee is eligible to be retained on leave of absence status without pay for the duration of the mobilization orders. If an employee has accumulated vacation leave, it may be used before going on a leave of absence without pay.

Employees must furnish Human Resources a copy of their official military orders to receive paid military leave or approved unpaid leave of absence status.

If reservists or members of the National Guard are called to active duty, they will have rehired and other benefits as prescribed by federal law in U.S. Code Title 38, Veteran Reemployment Rights.

6.13 VOTING LEAVE

The University encourages employees to fulfill their civic responsibilities by participating in elections. Employees are expected to vote in an election either before or after their regular work schedule. If, however, an employee has a conflict between their work schedule and the exercise of their voting rights, the employee will be granted paid time off (not to exceed 3 hours) to ensure that their work either starts 3 hours after the polls open or ends 3 hours before the polls close. The employee who needs time off to vote must make arrangements with their supervisor at least twenty-four hours (24) prior to an election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

6.14 LEAVE OF ABSENCE

In extraordinary circumstances, a full-time employee may be granted a leave of absence, which may not exceed six months in any 12-month period. A leave of absence may be granted when the requirements of the department permit and under the following conditions:

When such leave is for prolonged illness or injury extending beyond accumulated vacation or sick leave. Family and Medical Leave will count toward the six-month leave without pay (see the “Leave under the Family and Medical Leave Act” policy in this Handbook).

When an employee will attend a college, university, or other school for the purpose of training in subjects relating to a job where there will be benefits to both the employee and the University.

Because of seasonal fluctuations in the work schedules at the University.

Under special circumstances, an employee may be granted a leave of absence for a specific purpose other than those previously listed with the approval of the proper authority.

A request for a leave of absence must be submitted in writing as far in advance as possible. Requests will be reviewed on a case-by-case basis. The decision to approve or disapprove the leave will be based on the circumstances, the length of time requested, the employee's job performance, attendance and punctuality records, the reasons for the leave, the effect the employee's absence will have on the work in the department and the expectation that the employee will return to work when the leave ends.

An employee's request for a leave of absence must be approved in advance by the employee's supervisor, the Chief Human Resources Officer, and the appropriate vice president. An employee on an approved leave of absence must exhaust all applicable paid leave before going on unpaid leave status during their leave of absence.

Except in the case of FMLA leave, an employee on an *unpaid* leave of absence may not be eligible for university-paid insurance coverage. Human Resources should be contacted for details regarding how an unpaid leave of absence affects employee benefits.

When an employee is ready to return from a leave of absence, the University will attempt to reinstate the employee to their former position or to one with similar responsibilities and compensation. However, return to the employee's previously held position or a comparable position is not guaranteed.

An employee who returns to work following a leave of absence will be considered as having continuous service. However, classified employees on leave without pay for more than 40 hours in a biweekly period, or professional employees on leave without pay for more than 80 hours in a month will not accrue vacation or sick leave for that period.

Failure to return to work on a specified date from an approved leave of absence will be considered a resignation. The termination date will be the last day of the authorized leave period or the date the employee notifies their supervisor that they are not returning, whichever is sooner. Such employees may be considered for reemployment.

6.15 VICTIMS ECONOMIC SAFETY AND SECURITY ACT (VESSA)

The purpose of this policy is to inform Missouri Southern State University ("MSSU") employees of their rights under the Victims Economic Safety and Security Act ("VESSA"). Subject to certification requirements outlined below, an employee shall be entitled to two (2) weeks of unpaid leave during any twelve (12) month period for an approved reason if that employee is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence whose interests are not averse to the employee as it relates to the domestic or sexual violence.

6.15.a. DEFINITIONS

For purposes of this policy, MSSU adopts the same definitions as set out in VESSA, including the following:

“Family or household member” - a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household; and

“Reasonable safety accommodation” - an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, implementation of a safety procedure, or assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.

6.5.b. USE OF LEAVE AND ELIGIBILITY

This policy applies specifically to MSSU employees. New hires are eligible for VESSA leave as of their date of hire.

Eligible employees may take up to two (2) weeks of unpaid leave when the employee or a family member is a victim of domestic or sexual violence, as defined by VESSA.

Employees may take the leave either intermittently or on a reduced work schedule. A reduced work schedule is defined as a work schedule that reduces the usual number of hours per workweek, or hours per workday of an employee.

Eligible employees may take unpaid leave from work to address domestic or sexual violence for the following approved reasons:

- To seek medical attention or recover from physical or mental injuries caused by the violence to the employee or the employee’s family or household member;
- To obtain services from a victim services organization for the employee or the employee’s family or household member;
- To obtain psychological or other counseling for the employee or the employee’s family or household member;
- To participate in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee’s family or household member from future violence or to ensure economic security; or
- To seek legal assistance or remedies to ensure the health and safety of the employee or the employee’s family and household member, including either preparing for or participating in any legal proceeding related to the violence.

Eligible employees may also request reasonable safety accommodations for limitations resulting from circumstances relating to being a victim of domestic or sexual violence or

being a family or household member of a victim of domestic or sexual violence. MSSU will accommodate reasonable requests that do not impose an undue burden on MSSU.

MSSU will not discriminate or retaliate against employees who exercise their rights under VESSA. Upon return from leave, the employee shall be restored to the same or a similar position with MSSU and retain benefits accrued prior to his or her leave.

Employees may elect to take paid leave, if eligible, in lieu of unpaid leave under VESSA.

6.5.c. NOTICE AND CERTIFICATION

Employees must provide forty-eight hours advance notice of the employee's intention to take leave under VESSA unless providing such notice is not practicable.

MSSU may request certification from the employee substantiating the reason for leave. If requested, certification should be provided to MSSU within five business days unless not practicable but must be provided within a reasonable period of time.

An employee may satisfy the certification requirement with a sworn statement of the employee and:

- Documentation from an employee, agent or volunteer of a victim services organization, attorney, member of the clergy or medical or other professional who provided assistance to the employee or the employee's family or household member;
- A police or court record; or
- Other corroborating evidence.

MSSU may also request certification related to a request for a reasonable safety accommodation. Certification may be a written statement certifying the purpose of the reasonable safety accommodation signed by the employee or an individual acting on the employee's behalf.

7.0 EMPLOYEE BENEFITS

7.1 INSURANCE BENEFITS

The University recognizes that benefits are an important component to the successful employment and retention of faculty and staff. Additionally, benefits provide important economic security for staff and their families. Accordingly, it is the policy of the University to offer a comprehensive program of employee benefits.

All regular full-time employees are eligible for the benefits described in this section. "Regular full-time employees" are those employees who work at least a 30-hour workweek on a regular basis throughout the year and fill positions that have been approved and budgeted as full-time regular positions. Part-time and temporary employees may be eligible for some of the benefits

described and should contact Human Resources regarding the benefits for which they may qualify.

The descriptive statement that is provided for each benefit is a summary only. Detailed information of the various insurance coverage is available in the benefit materials that are issued during employee orientations and that are available from Human Resources. Please contact Human Resources if you have any questions about your benefits.

The University utilizes the best possible and most affordable insurance benefit programs available. Insurance coverage begins the first of the month following full-time employment. In addition, the University offers a full Internal Revenue Service (IRS) compliant Cafeteria Plan. This plan allows the employee to have eligible insurance premiums treated as pre-tax payroll deductions as well as putting before-tax money into Medical Reimbursement and/or Dependent Care Spending Accounts. Participation in these Cafeteria Plan options results in lowering employees' taxable income and increasing their net income.

7.1.a. LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE

The University provides and pays for basic group term life insurance and accidental death and dismemberment insurance in the amount equal to an employee's annual salary rounded to the next multiple of \$1,000. Employees may purchase additional term life insurance coverage (called additional or optional life insurance) on themselves. If the employee chooses additional life insurance coverage, they may also purchase dependent life insurance coverage on their spouse and/or child(ren). The employee, through payroll deduction, pays the post-tax premiums for any additional coverage(s). Further information regarding this benefit is provided in the Life and Accidental Death and Dismemberment Insurance benefit booklet.

7.1.b. LONG TERM DISABILITY INSURANCE

The University pays the full cost for Long Term Disability (LTD) Insurance for regular full-time employees. LTD insurance provides a monthly income after a 180-day waiting period to an employee who is disabled (as defined in the Long-Term Disability Insurance Benefit Booklet). Accumulated paid sick or vacation leave may be used while an employee is meeting the 180-day waiting period. The monthly disability benefit is equal to 60 percent of an employee's pre-disability earnings up to a maximum benefit of \$10,000 per month (minus any other income benefits) up to age 65 or later, depending on the age of the employee when disability begins.

7.1.c. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a system which confidentially assists employees in solving problems which may adversely affect job performance. The variety of problems for which assistance is offered includes substance abuse, financial, marital, family, legal, stress, depression and emotional health needs. A variety of other services

are provided by visiting their online website (listed below) at no cost to the employee. Those eligible to participate in the services provided by the EAP are all full and part-time benefit eligible employees and their dependents, as well as any visitors or permanent residents residing or staying in the covered employee's home. Eligible participants can access the EAP directly and make applicable arrangements to obtain services of a qualified provider in the employee's geographic area. The program is voluntary and confidential, however, in specific instances the program may be used as a requirement of continued employment. There is no charge to eligible employees or their dependents for the initial assessment and the first six (6) visits with a professional counselor on the topic of concern. The free visits are based on the topic of concern and are not limited to six visits per year. The cost for any needed additional services may be eligible for coverage under the employee's individual health coverage, depending on the type of issue. To contact the EAP, call Cigna EAP 24 hours a day, 7 days a week at 1-800-926-2273. The online website may be accessed by visiting: <https://apps.cignabehavioral.com>.

7.1.d. HEALTH AND OTHER INSURANCE

The University offers Health and other insurance programs (such as Dental, Vision, etc.) for employees and their eligible dependents. Costs are shared whenever financially possible by the University and the employee. Employee-paid premiums are payroll deducted and may be processed through the pre-tax Cafeteria Plan whenever possible. Human Resources has more detailed information on the current programs.

7.1.e. BENEFITS CONTINUATION THROUGH COBRA

Certain qualifying events can occur that will result in the loss of eligibility for health, dental and vision insurance coverage under the University's plan. Some of the common qualifying events are: resignation; termination of employment; death of the employee; a reduction in hours to part-time status; leaves of absence; an employee's divorce or legal separation; and a dependent child no longer meeting the eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the University's group rates plus a 2% administrative fee. If a qualifying event occurs, the employee must notify Human Resources as soon as possible but no later than 31 days from the date of the qualifying event to continue insurance through COBRA.

7.2 RETIREMENT BENEFITS

7.2.a. MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM (MOSERS)

All staff employees in a position authorized to normally work at least 1,040 hours per year and their position has been designated by the University as MOSERS eligible, are enrolled as members of the Missouri State Employees' Retirement System (MOSERS) defined benefit pension plan. MOSERS eligible employees fall into one of two

categories: Those first hired before January 1, 2011, and those hired January 1, 2011, and later.

For employees who were hired prior to January 1, 2011, or who were employed in a MOSERS eligible position with another employer before January 2011, MOSERS is a non-contributory, defined benefit retirement plan that is funded entirely by university contributions. An employee is vested when they have five years of creditable service in the retirement system.

For employees who are hired January 1, 2011, and later, MOSERS is a contributory, defined benefit retirement plan that is jointly funded by university and employee contributions. Employees hired after January 2011 are statutorily required to contribute four (4) percent of their salary into the MOSERS retirement system. An employee is vested when they have five years of creditable service in the retirement system. Should an employee leave state employment prior to becoming vested, the employee contributions (with interest) can be refunded by MOSERS. Benefit provisions, including eligibility and length of service requirements for normal retirement and early retirement, are described fully in the *MOSERS Member Handbook*. Benefit information is also available at the following MOSERS web site: www.mosers.org.

MOSERS requires employees to apply for retirement benefits at least 30 days before their retirement date. However, please note that it is also recommended by MOSERS that employees start the retirement application process 45-90 days prior to your retirement date. Employees are required to submit their intention to retire in writing to their supervisor and copy Human Resources. It is suggested that retiring employees submit this letter and contact Human Resources 90 days prior to their anticipated retirement date to ensure that retirement planning and processing can be completed efficiently. *Application for Retirement* forms are available in Human Resources and on-line at the MOSERS website.

7.2.b. CURP (COLLEGE AND UNIVERSITY RETIREMENT PLAN)

On 7/1/2018 CURP became a contributory 401(a) defined contribution plan for education employees at regional colleges/universities in Missouri. Faculty hired on or after 7/1/18 are required to contribute 2% and MSSU is legislatively required to contribute 6%. CURP is administered in accordance with Sections 104.1200 through 104.1215 of the Revised Statutes of Missouri. CURP is designed to provide a retirement benefit that offers “interstate portability” – i.e., gives plan participants the ability to move from one employer to the next without negatively affecting their accrued defined contribution plan benefits. The Missouri State Employees’ Retirement System (MOSERS) is responsible for implementing and overseeing administration of the plan. TIAA is the third-party administrator for CURP and manages the investment options under the plan. CURP is not available to any university employee hired before July 1, 2002, Employees hired on or after July 1, 2002, who don’t meet the definition of “education employee”; Employees of technical or vocational schools/colleges; and leased employees or independent contractors. Even if the employee doesn’t meet the eligibility requirements listed, they

may still be eligible to participate in a MOSERS defined benefit pension plan as determined by the University. To be eligible for participation in the CURP, an employee must meet the definition of an education employee* and be employed in a position normally requiring the performance of duties during not less than 1,040 hours per year. Employees must have been hired by one of these institutions for the first time on or after July 1, 2002, and never have service credit under another plan administered by MOSERS. *Education employees are defined as teaching personnel, instructors, assistant professors, associate professors, professors, and academic administrators holding faculty rank. MSSU will determine your eligibility for the CURP based on the law and MOSERS's board rules. Once your eligibility for the CURP is determined, you will automatically be enrolled in the plan. Plan contributions on your behalf will be made to the TIAA Lifecycle Fund closest to your expected year of retirement. Please note that you may change your investment allocations and beneficiary designation at any time following your first contribution being remitted to the plan.

Contributions will be made directly to your plan account no later than two weeks after each pay date consistent with any applicable federal law requirements as determined by TIAA.

Employees are fully and immediately vested in the benefits arising from contributions made under the CURP. Such amounts are non-forfeitable. MSSU offers employees a variety of investment choices from an array of asset classes under the CURP plan. You can see a list of the investment choices under this plan by contacting TIAA directly or accessing online at www.tiaa.org/CURP.

Expenses vary from investment to investment. To learn about expenses associated with an investment, visit the TIAA website or contact them directly. Employees have a variety of options when it's time to take income from the plan. Please contact TIAA for more details or to speak to an advisor.

Because you make contributions with pretax dollars, federal income taxes are deferred until you begin taking withdrawals later on. No taxes are due on contributions and earnings until the money is withdrawn, but because these plans are intended primarily for retirement, you can generally withdraw funds only after termination of employment (subject to plan rules). For additional information and guidance, contact your tax advisor. Please note that the CURP plan does not offer a loan feature.

After participating in CURP for at least six (6) years and still employed in a CURP covered position, you may elect to change from CURP to the MSEP 2000 or MSEP 2011 (if hired on or after 1/1/2011) defined benefit pension plan administered by MOSERS.

As plan updates are made to the CURP program, or for more detail, please visit the CURP plan website or contact MOSERS directly or Human Resources.

7.2.c. SOCIAL SECURITY

All employees are required to participate in the Federal Social Security Program. Employee contributions are made by payroll deduction with the University contributing the required amount.

7.2.d. VOLUNTARY RETIREMENT SAVINGS PROGRAMS (403(b) & 457(b))

The University provides the opportunity to participate in voluntary retirement savings options. Retirement savings options enables employees to set aside a portion of their current earnings for retirement and have that amount removed from current reportable income. At retirement, when employees receive distributions from their retirement savings options, they must include those payments as reportable income.

Employees interested in participating in a retirement savings option should contact a company or an agent affiliated with a company that is authorized to offer 403(b) or 457 retirement savings options to MSSU employees through payroll deduction. A list of companies presently authorized to offer such options is available from Human Resources and on the intranet website. The University does not endorse any particular defined contribution plan, annuity policy, company, or agent on the list. Decisions regarding the company, agent, policy provisions, and amount of wage/salary reduction rest with the employee.

To begin making pre-tax contributions to a retirement savings option, an employee must complete an authorization form (available from Human Resources) prior to the first of the month for which the pay reduction is to be made.

7.2.e. BENEFITS AVAILABLE TO RETIRED EMPLOYEES

The University extends a number of employee benefits to its retired employees in recognition of their dedicated and loyal service to Missouri Southern. Retirees are eligible to participate in applicable health insurance and life insurance continuation programs (contact Human Resources for available programs and costs).

For staff who retire with 15 or more years of MSSU service, the following benefits may be offered by the President's Council:

A MSSU id card indicating retirement status

Lifetime pass to all athletics, musical, theatrical, and cultural events at the rate current faculty and staff are admitted

A faculty / staff parking permit at the rate current faculty and staff are charged

Access to resources in Spiva Library, including campus use of online databases.

Use of campus recreational facilities at reduced employee rates

Retention of faculty / staff tuition scholarship for self and dependents

7.3 EMPLOYEE AND DEPENDENT TUITION SCHOLARSHIP

A tuition discount is available for all employees of the University who are enrolled in regular MSSU undergraduate and graduate courses taken from Missouri Southern State University and is available to the following unless defined further in the additional sections below:

- a) Full-time employees in active status (cannot be on a leave of absence), their spouse, domestic partner, and their children.
- b) Full-time employees who are on temporary military activation, their spouse, domestic partner, and children.
- c) Adjunct employees in active status for the semester requested, their spouse, domestic partner, and children.
- d) Part-time and seasonal employees, Show Me Gold Program instructors, Academy Instructors, their spouse, domestic partner, and children.
- e) Spouses, domestic partner, and children of full-time employees whose employment ceased due to death or approved Long-Term Disability.
- f) Retirees who retired after 1/1/2007 with 15 or more years of service, their spouse, domestic partner, and their children.
- g) Phased Retirees who are on an approved Phased Retirement contract, their spouse, domestic partner, and their children.

Forms for participating in this program are located in LioNet. The completed Employee and Dependent Tuition Scholarship Form needs to be turned into the Human Resources Office by 5:00 p.m. the Friday before the first week of courses. Contact Human Resources with questions and concerns about the deadline. Human Resources will approve the Tuition Scholarship form and send to the Bursar's office. If denied, Human Resources will contact the employee.

The term "children" means: (1) natural or legally adopted children, (2) stepchildren, or (3) children the employee has legal guardianship of.

The term "domestic partner" is further defined in the Domestic Partner eligibility policy available in Human Resources.

Current Spouse and Children Eligibility:

In the case of a former employee who has retired (with 15 or more years of service), died or is on approved medical disability, the current spouse or children requesting a tuition discount must have been an eligible family member at the time of the former

employee's retirement (with 15 or more years of service), death or approved medical disability.

7.3.a. WHAT IS DISCOUNTED?

For the Employee:

- For full-time employees - Tuition is discounted one hundred percent (100%) for MSSU graduate and undergraduate courses.
- For adjunct, part-time & seasonal employees – Tuition is discounted fifty percent (50%) for MSSU graduate and undergraduate courses.
- For retirees & phased retirees – Tuition is discounted one hundred (100%) for MSSU graduate and undergraduate courses.
- Special course and program charges will be the responsibility of the employee, if applicable.
- The tuition discount does not apply to non-college credit Continuing Education courses

For the Spouse, Domestic Partner or Children:

- For full-time employees - Tuition is discounted one hundred percent (100%) for MSSU undergraduate courses only. No discounts are offered to spouse, domestic partner or children for graduate courses.
- For adjunct and part-time employees – Tuition is discounted fifty percent (50%) for MSSU undergraduate courses only.
- For retirees & phased retirees – Tuition is discounted one hundred percent (100%) for MSSU undergraduate courses only. No discounts are offered to spouse, domestic partner or children for graduate courses.
- The tuition discount does not apply to non-college credit Continuing Education courses.
- Special course and program charges will be the responsibility of the employee, if applicable.

7.3.b. EMPLOYEE RESPONSIBILITIES

Schedule of Classes:

Employees may schedule up to six (6) hours of coursework each semester with the approval of their immediate supervisor. So as not to interfere with the performance of assigned duties, employees are encouraged to choose evening, on-line or day courses held during their normal lunch period. Courses taken during normal working hours will require supervisory approval. Any time missed from regularly scheduled work hours to attend a

class shall be made up during the same workweek or reported to Human Resources as vacation time.

An employee desiring to enroll in more than six (6) semester hours may request permission in writing from their supervisor and from the Vice President over their department. All approvals must be obtained in advance of the beginning of the semester.

7.3.c. RESTRICTIONS

Should an employee, spouse, domestic partner, or their children misrepresent any of the required information, the employee will be responsible for the repayment of benefits received. In addition, disciplinary action up to and including termination may result. Such termination would not remove the repayment responsibility. Furthermore, should an employee no longer have an eligible spouse, domestic partner or child as defined in the policy, the employee is required to notify HR or the Bursar in writing immediately.

7.4 WORKERS' COMPENSATION BENEFITS

All employees are covered by Workers' Compensation insurance. Workers' Compensation provides for the payment of medical expenses and wage/salary compensation to an employee who suffers a work-related injury or who incurs an occupational disease arising out of and in the course and scope of employment with the University. Workers' Compensation also provides for death benefits should the injury or disease result in the death of the employee.

Workers' Compensation for the University is administered by the Missouri Office of Administration, Risk Management Section, the Central Accident Reporting Office (CARO). As such, the University is obligated to follow CARO's established procedures. While Human Resources provides assistance to employees regarding workers' compensation benefits, it does not have the authority to make determinations as to whether medical expenses and/or compensation are payable or the amount and duration of such payments. Such decisions are made by the State of Missouri and not by the University.

If an employee has a work-related injury, it must be reported immediately to the employee's supervisor and to Human Resources. Within 24 hours of a work-related injury (or by the next business day), the employee must file a State of Missouri Initial Injury Report form and a Medical Authorization form with Human Resources, Hearn Hall Room 217. A Supervisor Statement and/or Witness Statement may also be required. All of these forms are available in Human Resources. If the injured employee is unable to come in person to complete these forms, the employee's supervisor must file them within this same time period.

Under Workers' Compensation, the State of Missouri will not pay for medical treatment received if an authorized medical provider is not used. Therefore, if an employee has a non-emergency injury, they must have their supervisor or Human Resources refer them to the University's authorized medical care provider prior to seeking treatment. If Human Resources or the employee's supervisor is unavailable, then the employee must contact 1-800-624-2354 for a referral to an authorized medical care provider prior to seeking treatment. The University's current authorized medical care provider in Joplin is Freeman OCCUMED. If an employee has a

work-related injury and outside medical care is not needed, or it is unclear whether it is needed, Human Resources will refer the employee to the University Health Center.

In the case of a medical emergency (e.g., potentially life and/or limb threatening), the injured employee's supervisor or another designated employee should take the injured employee to Freeman OCCUMED or to the Emergency Room at Freeman Hospital or Mercy Hospital. If the employee cannot be safely transported in a non-emergency vehicle, the supervisor or designated employee should call 911 and/or Campus Police and request an ambulance to take the employee to Freeman or Mercy Hospital. Again, Human Resources must be notified immediately, and the required forms must be completed within 24 hours of the injury or by the next business day.

If an employee is unable to return to work following a work-related injury or illness, then the employee may be eligible for wage/salary compensation until released by a doctor to return to work. Workers' Compensation law requires a three-day waiting period following an accident or injury before payments are made to an employee, unless the employee is hospitalized or is unable to return to work for more than 14 days, in which case, payment for the three-day waiting period is allowed. An employee may elect to use accumulated vacation or sick leave instead of taking leave without pay during the three-day waiting period if it is unpaid under Workers' Compensation law. If the employee is off work for more than three calendar days, and meets the eligibility requirements for FMLA, they will be placed on FMLA (if eligible) and Workers' Compensation concurrently.

After the three-day waiting period, an employee may either: (1) take the compensation paid through Workers' Compensation *only* (generally, two-thirds of an employee's average weekly pay on a tax-free basis, up to a maximum set by state law) and go on leave-without-pay status, or (2) use accumulated vacation or sick leave to supplement the Workers' Compensation pay. An employee may receive compensation paid through Workers' Compensation and compensation from earned vacation leave. However, state law prohibits an employee from receiving more than their normal wage/salary as a result of receiving both Workers' Compensation pay and sick leave benefits. The employee must notify Human Resources of the type of leave they will use during the period of time the employee is unable to work.

An employee who is unable to return to work following a work-related injury or illness is required to provide a doctor's "off work" statement to their supervisor and Human Resources stating the necessity to be off work and the length of time the employee must remain off work. When returning to work, the employee will be required to provide their supervisor and Human Resources with a written release from the doctor. Any bills for medical and hospital expenses received by the employee should be forwarded to Human Resources for processing and distribution to CARO.

7.4.a. EARLY RETURN TO WORK PROGRAM

It is the University's goal, whenever feasible, to return all employees to regular or temporarily modified duty within three days or as soon as possible following an injury or illness. Modified work is usually a temporary modification of the employee's regular work based on the attending physician's written restrictions. Modified work might also

include work tasks that the employee is assigned to perform outside those of their regular position in either the regularly assigned department or in another area or department.

The employee is responsible for notifying the supervisor of any work restrictions prescribed by the attending physician. The supervisor is responsible to work with Human Resources in looking for all possible options to accommodate the physician's restrictions and to monitor the employee's compliance with those restrictions.

During the period of modified work, the employee remains in their regular position and classification and receives the regular wage. If a full-time employee is ordered by the physician to work less than their regular number of hours in the modified program, the employee may be due temporary partial disability compensation from CARO in addition to the wages earned from the University. This would be computed at 66 2/3% of the difference between the regular daily wage and the earned wages on the reduced work schedule.

7.4.b. REQUIREMENTS FOR EARLY RETURN TO WORK PROGRAM

To qualify for the temporary modified work program, all four requirements must be met:

1. The Workers' Compensation claim must be accepted
2. The employee must have a written release for modified work from their attending physician
3. Suitable modified work must be available at the University; and
4. The employee must agree to return to work and sign an "Early Return to Work Temporary Modified – Duty Assignment" form.

Duration of Early Return to Work Program

If the employee refuses to return to work under the modified duty program or if the modified work does not work out for reasons not related to the medical condition (attendance, cooperation, etc.), the employee's compensation payments from CARO will be discontinued.

If the employee participates in the modified duty program, the length of the program will be until one of the following five situations occur:

1. Ninety (90) consecutive calendar days have elapsed from the beginning date.
2. Work is no longer available.
3. The employee is released for regular work.
4. The attending physician indicates the employee has a permanent restriction that prevents return to the regular job; or
5. The claim for Workers' Compensation benefits is denied.

Note: in the case of #4, the employee would then be eligible to apply for other available positions in the University that they are qualified for. A second option is that the employee could apply for retraining and vocational rehabilitation through the appropriate

state agency. And, in those extremely rare cases in which the employee could not benefit from retraining or vocational rehabilitation, the employee would begin the required waiting period for application for Long Term Disability benefits.

7.5 MISSOURI SOUTHERN STATE UNIVERSITY STAFF SENATE

The mission of the Staff Senate is to support the University Mission in providing quality education to our students and to promote the University's value to the community by recognizing the important contributions of the classified and professional / administrative staff. The Staff Senate, acting as a legislative body, will serve as a consultative association of elected representatives to make studies, reports and recommendations to the President's Council on behalf of the staff.

More information about the Staff Senate is located on the University website (www.mssu.edu.)

7.6 PATIENT PROTECTION AND AFFORDABLE CARE ACT (ACA)

The Patient Protection and Affordable Care Act (ACA) is a multi-faceted federal law that governs aspects of health insurance for U.S. citizens. Individual parts of the multi-phased rollout for the Employer Mandate of the Act went into effect beginning on January 1, 2015. Beginning January 1, 2016, the Act went into full effect. The act requires large employers to provide affordable group health insurance to employees (any person provided a W2) who work 30 hours or more per week. The following went into effect in response to the Employer Mandate, with full implementation beginning January 1, 2016. It is the University's intention to comply with ACA by providing required access to group health insurance while not extending undue financial burden upon the University or requiring unnecessary actions by employees.

The Employer Mandate requires large employers (50 or more employees) to provide affordable group health insurance to employees who work 30 hours or more per week. This coverage must meet certain minimal coverage standards. The University health insurance plan currently meets the required minimum value standard. An employee is defined as any person who is provided a W2 and does not include independent contractors receiving a 1099 or university volunteers. Eligibility for benefits at MSSU, including health insurance, is currently based upon classification (faculty/staff, adjunct faculty/staff, etc.) and FTE (Full Time Equivalent). MSSU defines this as continuous, regular employment of 0.75 FTE or above. When an employee meets these criteria, they are provided access to applicable group benefits plans. For faculty and staff as well as student employees, 1.0 FTE is equivalent to a minimum of 40 hours per week. Lesser FTE amounts should be pro-rated based upon this equivalency. For example, if a student is anticipated to work 20 hours per week (as allowed under MSSU policy), their FTE would be listed at 0.50 FTE. Number of weekly hours worked divided by 40 equals FTE. Full-time employees' health care coverage will not be impacted by the ACA. Part-time employees should contact the Office of Human Resources to determine any impact the ACA might have on healthcare coverage.

Part-time employees should contact the Office of Human Resources to determine any impact the ACA might have on healthcare coverage. For adjunct faculty, clarification has been provided by

the Department of Labor and Internal Revenue Service to indicate how hours of work should be counted.

MSSU will comply with the ACA Employer Mandate by providing eligible employees access to university group health insurance. These employees will **not** be provided retirement contributions, life insurance or access to other voluntary programs unless the position classification changes and provides eligibility for such programs.

CURP, a state sponsored retirement plan, would be offered to qualifying employees in cases where the employee is routinely and consistently working at or above .75 FTE and meets the minimum hour's requirements.

Under ACA, employers may consider employees who were rehired as new employees if the employee meets the following criteria:

Employees who have a break in service of 26 consecutive weeks or at least four weeks long (but less than 26 weeks AND was longer than the previous period of employment)

8.0 EMPLOYEE CONDUCT

8.1 PERSONAL APPEARANCE/DRESS CODE

The University is a public institution and the personal appearance of employees, as well as the appearance of their work areas, affects the image Missouri Southern presents to students and visitors.

Employees are expected to maintain an appropriate appearance that is professional, neat and clean, as determined by the requirements of the area in which they work. Dress and appearance should not be offensive to students, other staff or members of the public. Supervisors may specify additional reasonable requirements appropriate for the operation of the department. If you have questions as to what constitutes proper attire, please consult with your supervisor.

There are areas of the campus identified below, along with other such areas of campus where employees may be required to wear jeans and a university branded work shirt provided by the university every day because of the nature of their work, including areas such as Grounds, Custodial, and Building Maintenance, for example. Employees in these areas are also expected to comply with the dress code expectations regarding being neat, clean and not offensive or distracting to others. Examples of inappropriate garments could include, but is not limited to, torn, or frayed garments, including those with holes, sleeveless t-shirts, or shirts that have holes, tears or is obviously well worn.

MSSU believes in giving each employee the freedom to express themselves by being able to choose the style, color, and fashion of the attire they wear, within the stated guidelines of this policy. In deciding what attire is professional or business-like, employees should keep in mind the personal image they create, as well as the public image of MSSU. We are proud to share a common goal of having a positive, productive, and safe work environment. Our appearance should reflect our pride.

Unless otherwise notified, Fridays of each week are Spirit Days. On this day, it is acceptable to wear denim jeans or skirts along with MSSU logo apparel or colors. Other days that denim jeans are appropriate may be designated by the University. If the activities in an area make the wearing of denim jeans or skirts and MSSU apparel inappropriate, then it is within the authority of the supervisor of that area to require normal apparel to be worn on that day.

A personal interest should also be taken to ensure that work areas are kept neat and orderly.

8.2 ATTENDANCE AND PUNCTUALITY

Dependable and prompt attendance is an essential function of every position at the University. The efficiency of the entire work group is impaired if every individual is not present when expected.

Planned absences, such as vacation and other excused absences with or without pay, must be requested and approved in advance by an employee's supervisor. In the case of *unplanned* absences due to illness or other unexpected circumstances, an employee should notify their supervisor as soon as possible and, in any event, prior to the regularly scheduled starting time. If this is not possible, a family member should alert the supervisor as soon as possible to explain the situation and indicate the expected date and time of return. To minimize interruption of service, departments may establish additional notification procedures.

An employee should also notify their supervisor as soon as possible of any anticipated tardiness. If unforeseen circumstances cause tardiness, an employee should call their supervisor as soon as possible. Classified employees who arrive late will not be paid for the time lost as a result of their tardiness. Arrangements can be made with the employee's supervisor to make up the lost time provided it is done within the same workweek.

All absences from work including vacation, sick leave, or other excused or unexcused absences must be reported on a weekly timesheet (for classified employees) or an absence report (for professional employees) which are signed by the employee and approved by the supervisor. Supervisors are responsible for assuring that these reports are submitted in a timely fashion and that absences are properly recorded.

Employees who are frequently tardy or absent, who fail to give proper notice of absences, or who do not properly report absences could be subject to disciplinary procedures up to and including termination. Employees who fail to call or report to work for two consecutive workdays will be determined to have resigned and abandoned their position.

Sick leave misuse occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Misuse may also occur when an employee establishes a pattern of sick leave usage over a period of time, such as the day before or after a holiday, on Mondays and Fridays, after paydays, any one specific day, half-day, or a continued pattern of maintaining zero or near zero leave balances.

Other attendance violations include but are not limited to:

- Failing to get permission for leaving early or coming in late;
- Failing to give advance notice of an absence when possible;
- Failing to report an absence properly;
- Failing to submit medical certification upon request; and
- Failing to properly record absences on time sheets or other applicable leave forms.

8.3 DISCIPLINARY GUIDELINES

Purpose

Organizations have work rules designed to promote the proper and efficient operation of the organization. Supervisors are responsible for training, assisting, motivating, directing, and correcting behavior of staff. Organizations also require employees to meet prescribed standards for the quality and quantity of performance. The purpose of this policy is to set forth procedure by which supervisors communicate as early as possible with an employee a problem or concern interfering with performance and the appropriate steps to provide a positive, fair, and constructive means of correcting employee behavior/patterns.

Responsibility

Each employee is expected to become knowledgeable with performance criteria for their particular position and with all rules, procedures, and standards of conduct established by Missouri Southern State University and the employee's department. The employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures, and standards of conduct may be subject to corrective or disciplinary action.

Employees who do not perform work to standard or who violate any rule or policy of the University may be disciplined in accordance with this policy. Disciplinary action may include discharge from employment for the first offense, depending on the seriousness of the violation. The following list includes but does not limit the major items which are deemed sufficient cause for disciplinary action:

- Insubordination: failure or refusal to perform the direction of the employee's supervisor;
- Inefficiency, failure to meet established work standards or incompetence in the performance of duty;
- Careless workmanship or negligence in the performance of duty;
- Sleeping, loitering or loafing during working hours;
- Conducting personal business on the job;

- Continual tardiness or chronic absenteeism; failure to notify supervisor of absence in a timely manner;
- Use of University supplies, materials or equipment for personal purposes;
- Use of state resources for political purposes;
- Unauthorized use or misuse of university electronic media or any University computer systems, equipment, and/or software (see complete policy on University website);
- Careless, negligent or improper use of university property, including University vehicles;
- Improper use of leave privileges;
- Misusing lunch or break periods;
- Falsifying University records, such as employment applications, expense reports, and timesheets, in any way;
- Being dishonest, including but not limited to deception, fraud, lying or cheating;
- Conviction of a criminal act or illegal activity reasonably related to conduct relevant to the workplace or which reflects adversely on the University in its opinion;
- Unlawful manufacture, distribution, dispensing, possession or use of controlled substances or non-prescribed drugs on university property or as a part of university activities, or appearing for work after having consumed any such substances;
- Theft; falsification of financial records or misappropriation of funds;
- Fighting with, or attempting bodily injury to another on university premises or in connection with a University activity;
- Unauthorized possession, use or distribution of alcohol on university property, or appearing for work after having consumed alcoholic beverages. The possession, use or distribution of alcohol in conjunction with university activities not on University property shall be in compliance with applicable federal laws, state laws, and local ordinances;
- Refusal to consent to drug or alcohol testing if working in a position that authorizes such testing;
- Using tobacco or other related products as defined in the Smoking & Tobacco use policy;

- Using vulgar, abusive, or threatening language or conduct towards others; verbal or physical harassment;
- Unauthorized possession of firearms or a concealed weapon on university premises or while on university business;
- Disorderly conduct on university premises;
- Disregarding safety and/or security regulations;
- “Horseplay” which endangers self or others;
- Excessive or unauthorized use of telephones;
- Unauthorized disclosure of confidential information;
- Violation of the University’s Anti-Harassment policy;
- Failure to comply with university computer use policies;
- Violation of established departmental dress codes;
- Violation of policies or rules of the department or Missouri Southern State University.
- Misconduct off duty, which reflects discredit on or causes embarrassment to the University or to the State.

8.4 PROGRESSIVE DISCIPLINARY ACTION

It is the duty and responsibility of every employee to be aware of and abide by existing rules and policies. Employees who do not perform satisfactory work or who violate any University rules or policies will be disciplined fairly, consistently, and in proportion to the seriousness of the circumstances. Employees of the University are at-will employees. However, consistent with the University’s values of excellence and integrity, supervisors should follow prescribed guidelines for corrective action. Depending upon its judgment of the action needed to address the employee’s conduct in violation of appropriate standards, the University may impose any of the following disciplinary actions:

8.4.a. VERBAL WARNING

A verbal warning is used when a supervisor wants to bring an issue of concern to the attention of the employee, stress the seriousness of the situation, and present suggestions or instructions to resolve or correct the problem. A written record of the discussion noting the date, event, and recommended action should be made.

8.4.b. WRITTEN WARNING

A written warning is used for behavior or violations which a supervisor considers serious or where a verbal warning has not helped change unacceptable behavior. Communication would typically include the supervisor's expectations and specific details on how the employee needs to improve. A written warning documents the occurrence and the severity of the inappropriate behavior, and usually warns the employee that further violations will result in suspension without pay or termination. A written summary is placed in the employee's file.

8.4.c. SUSPENSION WITHOUT PAY

A suspension without pay may be used to impress upon the employee that a behavior or performance level must be changed, or termination will be inevitable. Suspension results in the loss of pay for a specified period of time (usually three days).

8.4.d. DISCIPLINARY SUSPENSION

A disciplinary suspension may be used in cases when the infraction is of such seriousness that it may warrant dismissal pending review of the facts. Disciplinary suspension should be followed immediately by a thorough investigation of the situation to determine the appropriate action to be taken.

8.4.e. DISMISSAL

Serious offenses and repeated disciplinary problems will require dismissal. While employment may be terminated at any time without cause, examples of conduct that can result in dismissal for a single incident are dishonesty, insubordination, theft, violence or threat of violence, conviction of a felony, use of illegal drugs or unauthorized use of alcohol on university premises, or other serious conduct as outlined in the University's disciplinary guidelines.

8.5 OTHER DISCIPLINARY ACTIONS

Depending on the severity of the offense, other forms of disciplinary action may include:

8.5.a. TRANSFER

An employee who has not satisfactorily performed the duties of their job according to established standards may be transferred to another position for which they are qualified. (For non-disciplinary transfers, please see the "Promotion & Transfer" policy in this Handbook.)

8.5.b. COMPENSATION REDUCTION

An employee who violates University rules or policies may be subject to disciplinary action in the form of a reduction in compensation.

8.5.c. WITHHOLDING WAGE INCREASES

If an employee has unsatisfactory behavior or job performance, the supervisor may withhold an across-the-board wage increase (including a grade/step increase for a classified employee on the grade & step system) resulting in a wage freeze. As a follow up to this action, the supervisor may inform the employee that a special performance evaluation will be conducted at a later date to review their behavior and/or performance. The evaluation will assist the supervisor in reaching a determination as to whether substantial improvement has been made or further disciplinary action is warranted.

8.5.d. PROBATION

At any time during employment, an employee may be placed on probation up to a maximum of 60 days for unsatisfactory conduct or service, upon the recommendation of the employee's supervisor. An employee who has been placed on probation will not be eligible for any wage increases until the probationary period has been satisfactorily completed.

8.5.e. DEMOTION

An employee who is involved in several minor violations of university regulations, such as loitering, tardiness, smoking where/when prohibited, etc., may be demoted to a lower salaried position or wage classification.

8.6 GENERAL PROVISIONS FOR DISCIPLINARY ACTIONS

All disciplinary actions administered by the University, with the exception of verbal warnings, should be in writing. A copy of the report of disciplinary action should be given to the employee involved and the original shall also be included as a permanent part of the employee's personnel file.

Fairness and consistency require that all supervisors follow certain general principles of administering discipline. The Human Resources Director is available to discuss the appropriate course of action in each particular case. Disciplinary action involving transfer, compensation reduction, withholding salary increases, probation, demotion, suspension, or dismissal are accomplished upon the recommendation of the employee's supervisor and the appropriate vice president. Prior to a dismissal, the President will be notified, if at all possible.

9.0 GENERAL EMPLOYMENT COMPLAINT POLICY

This General Employment Complaint Policy provides all University employees with an opportunity to present a complaint about a work-related situation through the following complaint procedure. A complaint is defined as a concern expressed by an employee that they

are not being treated fairly and/or that there has been a violation, misinterpretation, or incorrect or unfair application of a university policy or procedure. This policy is not applicable to:

- Faculty-related complaints that are addressed by the University's Faculty Handbook Grievance Procedure
- Complaints based on a protected category (i.e., race, sex, age, religion, disability, etc.), which are covered by the University's Non-Discrimination and Non-Harassment Policy.
- Complaints based on sexual harassment, pursuant to the University's Sexual Harassment Policy.
- Complaints falling under the University's Sexual Violence/Assault Policy; and/
- Complaints of illegality covered by the University's Whistleblower Protection Policy.

Employees who believe they have a legitimate complaint may undertake the procedure outlined below to resolve the matter,

STEP 1: Discussion with Immediate Supervisor/Director

Discussing the complaint with the employee's immediate supervisor/director is encouraged as a first step in the complaint resolution process, with the objective of resolving the matter informally. Many disputes, complaints, or misunderstandings can be resolved at this level. Employees should bring their complaints to the attention of their supervisor/director in a timely manner to resolve them as quickly as possible. If the complaint is about or involves a Vice President, the President or other senior administrator, proceed directly to Step 3 below.

STEP 2: Written Complaint to Immediate Supervisor/Director

If the complaint is not resolved to the satisfaction of the employee, after discussing it with the employee's immediate supervisor/director, then the employee may formalize the complaint by submitting it in writing to their immediate supervisor/director. The written complaint must contain a complete statement of the complaint and the facts upon which it is based, either be signed and dated by the employee or sent via email and identify this policy as the basis for submitting the complaint. The immediate supervisor/director will address the complaint to the extent they consider appropriate. After their consideration of the complaint, the immediate supervisor/director will take the action they consider appropriate, if any, and communicate such action or inaction to the employee.

STEP 3: Written Complaint to Chief Human Resources Officer

If the complaint is not resolved to the satisfaction of the employee, after discussing it with the employee's immediate supervisor/director and filing a written complaint with the employee's immediate supervisor/director, then the employee may formalize the complaint by submitting it in writing to the Chief Human Resources Officer or their designee. The written complaint must

contain: a complete statement of the complaint and the facts upon which it is based; any additional evidence; the policy which is alleged to have been violated; the remedy or correction(s) requested; either be signed and dated by the employee or sent via email; and identify this policy as the basis for submitting the complaint. The Chief Human Resources Officer or their designee shall address the complaint to the extent they consider appropriate and may communicate with other administrators. After his or her consideration of the complaint, the Chief Human Resources Officer or their designee shall take action he or she considers appropriate, if any, and communicate such action or inaction to the employee. In the event the Chief Human Resources Officer or their designee believes that discipline or any sort of adverse employment action may be warranted, they will communicate with that affected employee's leadership prior to the University issuing any discipline or implementing any adverse employment action.

This policy is not designed to guarantee any particular result or outcome. Rather, it is an effort by the University to provide a forum for communication such that an employee's complaints are heard by the University. The decision issued at this step is final and binding on the parties, without right to appeal.

INDEX

ABOUT THE UNIVERSITY.....	5
ALCOHOL AND DRUG-FREE WORKPLACE POLICY	14
ATTENDANCE AND PUNCTUALITY.....	103
BENEFITS AVAILABLE TO RETIRED EMPLOYEES.....	95
BENEFITS CONTINUATION THROUGH COBRA	92
CALL-IN PAY FOR CLASSIFIED EMPLOYEES	60
COMPENSATION AND CLASSIFICATION.....	55
COMPENSATION REDUCTION	107
COMPLAINT RESOLUTION PROCEDURE	12
CONFLICTS OF INTEREST AND OUTSIDE EMPLOYMENT	17
DEMOTION.....	108
DISCIPLINARY GUIDELINES	104
DISCIPLINARY SUSPENSION	107
DISMISSAL	107
EARLY RETURN TO WORK PROGRAM.....	99
EMPLOYEE BENEFITS.....	90
EMPLOYEE CONDUCT	102
EMPLOYMENT OF RELATIVES.....	22
EMPLOYMENT POLICIES AND PROCEDURES	44
EXEMPT AND NONEXEMPT STATUS.....	57
FUNERAL LEAVE	87
GENERAL PROVISIONS FOR DISCIPLINARY ACTIONS.....	108
HEALTH AND OTHER INSURANCE.....	92
JURY DUTY AND COURT WITNESS LEAVE.....	87
LAYOFF.....	53
LEAVE BENEFITS.....	71
LEAVE OF ABSENCE	77
LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE	91
LONG TERM DISABILITY INSURANCE.....	91
MATERNITY LEAVE.....	84
MILITARY LEAVE.....	88
MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM (MOSERS)	3
OTHER DISCIPLINARY ACTIONS.....	107
OVERTIME PAY FOR CLASSIFIED EMPLOYEES	59
PERFORMANCE EVALUATIONS.....	70
PERSONAL APPEARANCE	102
PROBATION	108
PROGRESSIVE DISCIPLINARY ACTION.....	106
RECRUITMENT AND HIRING	44
REST PERIODS FOR CLASSIFIED EMPLOYEES	61
RETIREMENT BENEFITS	92
SEPARATION FROM EMPLOYMENT	54
SICK LEAVE FOR CLASSIFIED STAFF EMPLOYEES	74
SICK LEAVE FOR PROFESSIONAL STAFF EMPLOYEES	75
SMOKING AND TOBACCO USE POLICY	15
SOCIAL SECURITY	95
STATEMENT OF INSTITUTIONAL PURPOSE	16
SUSPENSION WITHOUT PAY	107
TRANSFER.....	45
UNIVERSITY HISTORY	5
UNIVERSITY POLICIES	7
UNIVERSITY PROPERTY	43
VACATION LEAVE FOR CLASSIFIED STAFF EMPLOYEES.....	71
VERBAL WARNING.....	106
VOLUNTARY TAX-SHELTERED ANNUITY (403B) PROGRAM	95
VOTING LEAVE	88
WITHHOLDING WAGE INCREASES.....	108
WORK AND SHIFT ASSIGNMENTS.....	53

WORKERS' COMPENSATION BENEFITS	98
WRITTEN WARNING	107