



**St. Thomas University**

**Employee Handbook**

2021-2022



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## **Preface and Acknowledgment**

This is the St. Thomas University Human Resource Policies handbook. As noted in the *Introduction*, this document is a statement of employment policies intended to inform all faculty and staff of those directives, guidelines, and processes that govern the employment relationship. This handbook applies to all St. Thomas University employees and you are asked to hereby acknowledge your receipt and review of this handbook.

In addition to the terms and provisions of this handbook, faculty members of the University are also governed by the Faculty Handbook or the Law School Faculty Handbook. Those particular handbooks govern the academic administration of the University and are limited in their scope. The academic administration of the University includes faculty performance evaluations, teaching arrangements, the academic work of faculty members, and those other items of academic interest that properly fall within the scope of the University's academic programs, as determined by the University. Matters involving misconduct; violations of safety rules and/or standards of conduct; or activities outside of the classroom and/or academic pursuits will not be considered matters of academic administration and are governed by the St. Thomas University Human Resources Policies handbook.

St. Thomas University is a Catholic university sponsored by the Archdiocese of Miami committed to academic and professional success guided by its Catholic identity. All employees are therefore expected to respect the teachings of the Roman Catholic Church and support the University's religious mission. All employees hereby acknowledge their familiarity and support of the religious affiliation, mission and values of St. Thomas University.

Go Bobcats!

## **Introduction**

The employee handbook is maintained by University Human Resources and **is the official employee handbook for all faculty and staff** of the University. As such, the following policies are intended to provide you with general information and guidance about your employment at St. Thomas University (“STU”).

All employees (including faculty) are expected to be familiar with and abide by the university human resources policies and procedures, as well as other University policies applicable to the University community as published by the university. The University’s human resource policies and procedures are not intended to be all-encompassing or to address every possible application of the general policies and procedures described. For that reason, you should address any specific questions to management.

In addition, the University’s human resource policies, procedures and benefits do not create an employment agreement between the University and employee, nor do they create an owned or enforceable right on behalf of any employee. All STU employees shall hold their employment as “at-will,” unless they sign a specific Employment Agreement. No person has the authority to waive or vary the person’s understanding pertaining to the non-contractual nature of these policies, procedures and benefits.

The policies, procedures, and benefits set forth below supersede any previous employee handbook or human resource policies, procedures and benefits. In addition, STU reserves the right to add to, delete, or change any and all of the policies, procedures, and benefits set forth below at any time, including retroactively, without prior notice.

## Employee Status Policies

### 1.1.1 Employment Categories

#### EMPLOYMENT CATEGORIES

##### I. Purpose

The purpose of this policy is to identify and define the employee and Fair Labor Standards Act exemption status categories for St. Thomas University employee positions.

##### II. Scope/Applicability

This policy applies to all employees of the University.

##### III. Definitions/Key Terms

*Employee*: one who is paid a salary or wage directly by St. Thomas University.

*Fair Labor Standards Act (FLSA)*: a federal law governing minimum wage, overtime pay, child labor and record keeping requirements.

*Independent Contractor or Consultant*: if the worker is not an employee and meets the Internal Revenue Service (IRS) criteria, the worker is an independent contractor or consultant.

##### IV. Policy

It is the policy of St. Thomas University to classify all employees for purposes of employee benefits, as well for wage and hour requirements in compliance with the Federal Fair Labor Standards Act (FLSA).

##### Employment Categories

All St. Thomas University positions are assigned to one of the employment categories identified below:

1. **Full-Time**: An employee who works an average of at least 35 hours per week (or 130 hours of service per month) with no breaks in employment (for these purposes, 7-8 hours per day, 5 days per week). Full-time employees are classified as exempt or non-exempt.
2. **Part-Time**: Part-time employees are classified as exempt or non-exempt and work an average of less than 30 hours per week. Under the Affordable Care Act, all regular staff employees who work less than 30 hours per week and all temporary staff employees shall record and report all hours worked to determine health benefits eligibility. For part-time faculty, Employee Services will use a formula that applies a ratio of work hours to credit hours taught to determine whether a part-time faculty member is eligible for health benefits. The ratio STU University will use is 2.50 hours of credit for each credit hour taught. This crediting method takes into account time for preparation, teaching, grading, and similar activities needed to teach a course.

3. **Temporary Employees:** A temporary employee is hired for a specified project or time frame. A temporary employee in a non-exempt position is paid by the hour while a temporary employee in an exempt position is paid according to the terms of hire for that individual. Temporary employees do not receive any additional compensation or benefits from the University.
4. **Volunteers:** A volunteer is a non-employee who does not receive any compensation or benefits from the University. Volunteers are individuals who offer their services without cost to the University for civic reasons and for services which are not typically performed by permanent, part-time, or temporary University employees.

## **V. Related Policies**

*Policy No. HR – 1.8.3: Hours of Work, Time Reporting, and Overtime*

*Policy No. HR – 1.1.2: Probationary Period*

See also:

*Faculty Handbook*

*University Student Workforce Program Handbook*

**Responsible Authority:**        *Office of Human Resources*

### ***1.1.2 Probationary Period***

## **PROBATIONARY PERIOD**

### **I. Purpose**

The purpose of this policy is to provide an opportunity for both new, transferred, and promoted full- and part-time senior administrative and staff employees and their supervisor(s) to assess how well the employment relationship is working.

### **II. Scope/Applicability**

All full- and part-time University senior administrative and staff employees. Faculty are exempt from this policy.

### **III. Definitions/Key Terms**

*Job Description:* a written description that documents the responsibilities, skills, competencies, essential functions, FLSA status, and duties associated with an employee's position and defines the qualifications and requirements to perform those duties.

*Probationary Period:* the initial period of employment, during which both the administrative or staff employee and supervisor carefully consider whether the employee is willing and/or able to meet the standards and expectations of the position and if the employee should be retained by the University as a Regular Employee.

### **IV. Policy**

All employees are hired with the understanding that the first ninety (90) days of employment is considered a Probationary Period. The Probationary Period is a time for the University to evaluate the individual's suitability for employment, and for the employee to evaluate the University as well. Upon the completion of 90 days of employment, management will discuss the employee's job performance with the employee.

Employees who do not satisfactorily meet the requirements of the position for which they were hired may be terminated. At this time, the Probationary Period may also be extended at the discretion of the supervisor, after consultation with Human Resources. The employee will be notified in writing of any extension.

During the initial Probationary Period, the employee accrues, but cannot use, paid vacation unless otherwise negotiated at the time of hire.

Completion of the Probationary Period does not guarantee continued employment for any specified period of time or create any contract of employment, nor does it require that an employee be discharged only for "cause."

A new Probationary Period may commence when a regular senior administrative or staff employee transfers or is promoted to a different position, unless otherwise determined by the new supervisor in consultation with Human Resources. In addition, a former regular senior administrative or staff employee who is rehired at the University after a separation of one year or more must complete a

new Probationary Period. Should a newly transferred, promoted or re-hired regular senior administrative or staff employee not satisfactorily meet job expectations during the Probationary Period, the supervisor must confer with Human Resources regarding a course of action.

### **Procedures**

1. Senior administrative and staff employees are notified of the Probationary Period in the offer letter and then reminded of the period in orientation.
2. The employee will be provided a copy of the position's Job Description with the offer letter.
3. Upon the completion of 90 days of employment, the supervisor is responsible for:
  - a. Meeting with the employee to discuss the employee's performance and provide constructive feedback as to whether the employee is meeting the expectations for the position,
  - b. Determining if the employee needs further training, support, or resources to be successful; and
  - c. If necessary, providing the employee with a plan for improvement.
4. At the conclusion of the Probationary Period, the supervisor will determine if the new employee meets the required performance expectations for continued employment. The supervisor will then meet with the employee to discuss the evaluation and the University's decision regarding continued employment.
  - a. If the supervisor determines the employee's performance to be satisfactory, the employment relationship will continue.
  - b. If the supervisor determines the employee's performance is not satisfactory, the supervisor will consult with Human Resource and take appropriate action.
    - i. Appropriate action may include termination of employment or extension of the Probationary Period by 30, 60, or 90 days.
    - ii. During an extended Probationary Period, the supervisor will establish goals with the employee, particularly targeting areas where improvement is needed, and will meet regularly with the employee to review progress and provide constructive feedback regarding performance.

### **V. Related Policies**

*Policy No. HR – 1.1.1: Employment Categories*

**Responsible Authority:** *Office of Human Resources*

## **1.2 Employment Policies**

### ***1.2.1 Equal Employment Opportunity***

#### **EQUAL EMPLOYMENT OPPORTUNITY**

##### **I. Purpose**

The purpose of this policy is to ensure equal employment opportunity to all qualified individuals at St. Thomas University.

##### **II. Scope/Applicability**

All University employees, as well as applicants and candidates for employment.

##### **III. Definitions/Key Terms**

***Discrimination***— the unfavorable, unfair or inequitable treatment of a person or a “class” of people based on race, color, religion, or any other legally protected characteristic in accordance with federal and applicable state law (“protected characteristics”) that is so severe, persistent or pervasive that it excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, or participation in a STU program or activity.

***Harassment***— as the unlawful harassment against an individual on the basis of his or her race, color, religion, sex, or any other legally protected characteristic in accordance with federal and applicable state law when the conduct is either:

- Sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit the individual’s ability to participate in or benefit from the University’s programs or activities; or
- The conduct has the purpose or effect of unreasonably interfering with an individual’s employment or education.

##### **IV. Policy**

Incidents of discrimination or harassment based on an individual’s sex, sexual orientation, sexual identity, gender, gender expression, or gender identity will be investigated and resolved pursuant to the STU University Sexual and Gender-Based Misconduct Policy. Incidents of discrimination and harassment not based on an individual’s sex, sexual orientation, sexual identity, gender, gender expression, or gender identity will be investigated and resolved pursuant to the University’s Discrimination and Harassment Policy.

Human Resources has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees’ questions or concerns should be referred to Human Resources.

**V. Related Policies**

*Americans with Disabilities Act Policy Statement*

*Anti-Discrimination/Anti-Harassment Policy*

*Sexual Harassment (Title IX) Policy*

*Policy No. HR– 1.3.25: Reasonable Accommodations for Disabilities in the Workplace*

**Responsible Authority:** *Office of Human Resources*

## **1.2.2 Employee Recruitment and Hiring**

### **EMPLOYEE RECRUITMENT AND HIRING**

#### **I. Purpose**

The purpose of the policy is to ensure equitable recruitment and hiring practices for all St. Thomas University positions. While procedures for the hiring of faculty and staff may differ, all hiring of University employees should be consistent with the procedures and guidelines set forth herein.

#### **II. Scope/Applicability**

All University employees, as well as applicants and candidates for employment.

#### **III. Definitions/Key Terms**

*Final Candidate for Employment:* a current, former, or prospective employee recommended for hire, transfer, or promotion and to whom a contingent offer will be made.

*Job Description:* a written description that documents the responsibilities, skills, competencies, essential functions, FLSA status, and duties associated with an employee's position and defines the qualifications and requirements to perform those duties.

*Job Requisition:* a written document used to request a hire, explain why it is needed, and determine the salary or pay scale available for the position.

#### **IV. Policy**

St. Thomas University is an equal opportunity employer that promotes a diverse and inclusive organization. It is the policy of the University to fill each vacancy with the candidate who represents the best fit for the position and to promote and transfer employees from within whenever possible and practical. Employment decisions are made on the basis of the candidate's personal capabilities, qualifications, and ability to assist the University in fulfilling its mission without discrimination. With regard to the latter, the University's program of recruiting employees for mission aims to inform prospective employees of the University's mission and to help them and hiring personnel determine how they will support and contribute to the University's mission.

#### **Anniversary Date**

Once a candidate is hired, the first day the employee reports to work is considered the employee's "official" anniversary date. The employee's anniversary date is used to compute various conditions and benefits described in applicable Human Resource policies.

#### **Falsification of Employment Information**

Willful falsification of employment applications, as well as employment documents, credentials, or other information significantly related to job qualifications or responsibilities or the willful nondisclosure of information or omission of information by applicants will result in the termination of the hiring process, the withdrawal of an offer of employment, or immediate termination of employment at any time as applicable.

## **Orientation**

Upon hiring, the new employee will be contacted by Human Resources to schedule a new hire orientation session.

The hiring supervisor may arrange a program of orientation tailored to the needs of the position.

## **V. Related Policies**

*Policy No. HR – 1.2.4: Background, Reference, and Verification Screens*

*Policy No. HR – 1.2.3: Employment of Relatives*

*Policy No. HR – 1.2.1: Equal Employment Opportunity*

*Policy No. HR – 1.1.2: Probationary Period*

*Policy No. HR – 1.4.2: Staff Promotion and Transfers*

**Responsible Authority:** *Office of Human Resources*

### 1.2.3 *Employment of Relatives*

## EMPLOYMENT OF RELATIVES

### **I. Purpose**

The purpose of this policy is to promote a fair and measured approach to employment of Relatives and avoids the conflicts that can arise from nepotism.

### **II. Scope/Applicability**

All St. Thomas University employees and hiring departments.

### **III. Definitions/Key Terms**

*Relatives:* For purposes of this policy, a Relative includes any of the following relationships:

*Relationships by Blood:* parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin;

*Relationships by Marriage:* husband, wife (including common-law spouses and ex-spouses), step-parent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece; and

*Member of the Employee's Household:* any other related person or non-related person who is part of the employee's household, or someone whose relationship with the employee is similar to that of the relationships described in the paragraphs above.

### **IV. Policy**

Due to the potential for perceived or actual conflicts of interest, the following restrictions apply to the hiring of Relatives:

1. Preference shall not be given to Relatives. All hiring/promotion/transfer decisions are to be made on the basis of University needs, personal capabilities, qualifications, and the ability to assist the University in fulfilling its mission.
2. No person shall be hired, transferred or promoted to a position under the direct supervisory responsibility of a Relative, unless approved by the President due to special circumstances.
3. No employee shall participate in the appointment, compensation, performance evaluation, or other institutional decisions involving a benefit to a Relative (i.e., reappointment, retention, promotion, transfer, salary increase, leave of absence, sabbatical, etc.).
4. In order for a person to be hired to work within the same department as a Relative, approval must be obtained from the Office of Human Resources, which may consult with the appropriate senior administrator.

This policy applies to all categories of employment at St. Thomas University, including regular, temporary, part-time and student classifications.

Any exception to this policy requires the written consent from Human Resources. In addition, at the Human Resources discretion, the written approval of the President may be sought. When an exception is approved, all recommendations or decisions made by one Relative about the other Relative shall be subject to review and approval either by an unrelated supervisor or by another University employee designated to perform this function.

**V. Related Policies**

*Policy No. HR - 1.3.8: Conflict of Interests*

*Policy No. HR – 1.2.1: Equal Employment Opportunity*

***Responsible Authority:***        *Office of Human Resources*

### **1.2.4 Background, Reference, and Verification Screens**

## **BACKGROUND, REFERENCES, AND VERIFICATION SCREENS**

### **I. Purpose**

The purpose of this policy is to promote the safety and well-being of students, employees and students.

### **II. Scope/Applicability**

All St. Thomas University employees, volunteers, and student employees.

### **III. Definitions/Key Terms**

*Final Candidate(s) for Employment:* For purposes of this policy, a Final Candidate(s) for Employment means a prospective employee recommended for hire, transfer, or promotion and to whom a contingent offer will be made.

*Volunteer(s):* means any uncompensated individual who is authorized by a university department, division, or unit to perform humanitarian, charitable or public services on behalf of the university, or to gain personal or professional experience in specific endeavors. By definition, Volunteers perform services without promise, expectation or receipt of any compensation, future employment or any other tangible benefit.

*Vulnerable Population Programs:* means university–sponsored programs and activities, including but not limited to academic programs and camps, serving Children or Vulnerable Adults as those terms are defined by the Archdiocese of Miami’s Office for the Protection of Children & Vulnerable Adults (COPCVA).

### **IV. Policy**

It is the policy of St. Thomas University to perform Level 2 Criminal Background, reference, and employment and academic credential verification screens (“Background Screens”) as follows:

#### **Types of Screens**

##### **A. Criminal Background Screening**

All St. Thomas University employees, including work study students, on-site contractors, and volunteers, will be screened for criminal histories. In addition, university Volunteers and students providing services for University-sponsored Vulnerable Population Programs (e.g., summer athletic and academic camps with minor participants) will be required to satisfactorily complete a Criminal Background Screen.

Generally, a Level 2 criminal background screenings will include, but shall not be limited to:

1. Fingerprint screening through local (FDLE) and/or national (FBI/VECHS) law enforcement; and
2. A sex offender registry search.

For regular employees, the above Criminal Background Screens shall occur every five (5) years.

Only screenings conducted by the Archdiocese of Miami's approved vendor will be accepted. Instructions may be obtained from the Office of Human Resources.

***B. Reference Checks and Employment Verification Screens***

All Final Candidates for Employment will have their references checked, as well as their academic credentials and employment history verified. The hiring department or search committee is responsible for conducting the above screens. See also the Faculty Credentials Policy in the Faculty Handbook for academic credential and professional experience requirements pertaining to the appointment of faculty.

***C. DMV/Driving Record Screens***

A DMV/Driving record check will be conducted for Final Candidates for Employment who will be assigned to University positions that require a responsibility for driving university owned or lease vehicles or will be using their vehicles for university business. In addition, a DMV/Driving record check will be conducted at such time as any employee, student, or volunteer who does not regularly operate a University vehicle as part of his or her responsibilities requests to operate a University vehicle for official University business or sanctioned activities. A successful DMV/Driving Record Check will be valid for one year(s). In addition to the above, the university requires proof of insurance annually.

***Confidentiality***

The results of each of the screens identified above are confidential and are to be shared with employees of the University on a strict "need to know" basis.

***V. Related Policies***

*Policy No. HR – 1.3.21: Post-Hire Convictions and Pleas of Guilty or No Contest*

***Responsible Authority:***        *Office of Human Resources*

### **1.2.5 Employment Eligibility and Verification**

#### **EMPLOYMENT ELIGIBILITY AND VERIFICATION**

##### **I. Purpose**

The purpose of the policy is to ensure compliance with the provisions for employment eligibility verification in accordance with the Immigration Reform and Control Act (IRCA) and guidance issued by the U.S. Citizenship and Immigration Services (USCIS) of the U.S. Department of Homeland Security.

##### **II. Scope/Applicability**

All newly hired University employees and Human Resources staff.

##### **III. Definitions/Key Terms**

*E-Verify®*: an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of that employee to work in the United States.

*Form I-9*: the Federal form employers use to verify the work- authorization status of all newly hired employees in the United States.

##### **IV. Policy**

St. Thomas University is an E-Verify® Employer. E-Verify® is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of that employee to work in the United States. STU will utilize E-Verify® to verify employment eligibility for all newly hired employees.

An employee's failure to comply with E-Verify® employment eligibility and verification requirements may result in immediate termination.

##### **E-Verify® Procedures**

Federal law requires the completion of the Employment Eligibility Verification (Form I-9) to verify that persons are eligible to work in the United States. University employees are required to complete the Form I-9 and submit the form to Human Resources within three (3) business days of the employment date.

Using the I-9 Form requirements, Human Resources will certify documents establishing the employee's identity and eligibility to work by completing Section 2 of the Form I-9. The types of documentation that are acceptable are listed on the Form I-9. If an employee is authorized to work but is unable to present the required documents within three (3) business days, the employee must present a receipt for application of the document(s) within those three (3) business days and the actual document(s) within 90 days.

##### **Re-verification Procedures**

When an international employee's work authorization expires, the university must re-verify the employee's employment eligibility. The employee must present a document that shows either an

extension of the employee's initial employment authorization or new work authorization. Section 3 of the Form I-9 may be used to record re-verification. If the employee cannot provide proof of current work authorization, the university cannot continue to employ that person.

**V. Related Policies**

*Policy No.HR – 1.2.2: Employee Recruitment and Hiring*

*Policy No. HR – 1.2.6: Re-Employment*

*Policy No.HR – 1.2.8: Work Authorization and Immigration Sponsorship*

**Responsible Authority:**      *Office of Human Resources*

## **1.2.6 Reemployment**

### **REEMPLOYMENT**

#### **I. Purpose**

The purpose of this policy is to establish a uniform policy and guidelines for determining whether a former employee is eligible to be re-employed by St. Thomas University.

#### **II. Scope/Applicability**

All hiring supervisors and members of search committees considering a candidate who is a former employee of St. Thomas University.

#### **III. Definitions/Key Terms**

**Good Standing:** means that the former employee had a satisfactory employment record during employment at the university.

#### **IV. Policy**

Former employees whose separations were under satisfactory circumstances may be re-employed in the same type of work, or on another type of work for which they are qualified. All former employees must indicate previous employment at the University in the re-application. Former employees requesting to be rehired will be processed using the same procedures and standards that govern all applications for the position being sought. The employee's previous term of employment will not be considered when calculating benefits of longevity.

#### **V. Related Policies**

*Policy No. HR – 1.2.2: Employee Recruitment and Hiring*

*Policy No. HR – 1.2.5: Employment Eligibility and Verification*

*Policy No. HR – 1.2.8: Work Authorization and Immigration Sponsorship*

**Responsible Authority:**        *Office of Human Resources*

### ***1.2.7 Out-of-State Employment***

#### **OUT OF STATE EMPLOYMENT**

##### **I. Purpose**

The purpose of this policy is to establish guidelines for the hiring or assignment of St. Thomas University employees who will, due to the nature of a particular position or business needs of the University, need to reside and perform their University work outside of the State of Florida.

##### **II. Scope/Applicability**

St. Thomas University employees who will reside and perform their university work outside the State of Florida. This policy does not apply to Florida-based employees of the university whose job requires business travel for short periods of time outside of the state on a temporary basis.

##### **III. Definitions/Key Terms**

*Out of State Employee*: an employee of St. Thomas University whose primary work site is located outside the State of Florida.

*Remote Working*: entails a work-at-home arrangement or a remote-access arrangement for at least part of the workweek on a regular basis.

##### **IV. Policy**

It is the policy of St. Thomas University to permit out-of-state employment in limited circumstances as provided by this policy when it is in the best interests of the university and supported by an important university business purpose. Such arrangements will be approved by the university on an individual basis.

The decision to authorize an employee to remotely work out-of-state or in another country is within the university's discretion based on the nature of the work being performed and other business considerations. If approval is given, the arrangement, which is not an employee benefit, does not alter the employee's work relationship with the university nor does it relieve the employee from the obligation to observe all applicable university and department policies and procedures, including but not limited to compliance with the requirements set forth in *Policy No. HR – 1.2.28: Remote Work and Telecommuting*. All existing terms and conditions of employment remain the same as if the employee worked on campus.

##### **V. Related Policies**

*Policy No. HR – 1.2.28: Remote Work and Telecommuting*

***Responsible Authority:***            *Office of Human Resources*

### **1.2.8 Work Authorization and Immigration Sponsorship**

#### **WORKPLACE AUTHORIZATION AND IMMIGRATION SPONSORSHIP**

##### **I. Purpose**

The purpose of this policy is to comply with federal regulations regarding the employment of foreign nationals and the sponsorship of foreign nationals for temporary or permanent residency, as well as to define the university's policy and internal procedures regarding the approval of such sponsorships.

##### **II. Scope/Applicability**

St. Thomas University departments seeking to hire or appoint a candidate for employment who is not a United States citizen or Legal Permanent Resident and who requires immigration status to begin or maintain employment in the United States.

##### **III. Definitions/Key Terms**

*Foreign National:* any person residing in the United States who is not a U.S. citizen, or a permanent resident or "immigrant" as defined herein.

*Immigrant:* a foreign national in the United States for an indefinite period as a U.S. lawful permanent resident, with Lawful Permanent Residency (LPR) status, i.e., "Green Card" holder. An immigrant can remain in the United States indefinitely and work without restriction for any U.S. employer.

*Nonimmigrant:* a foreign national in the United States for a finite period on temporary legal status. A nonimmigrant can work only for a petitioning employer for the period of time granted by DHS.

*Visa:* a stamp placed in the Foreign National's passport that enables the foreign national to apply for entry into the United States in the status listed on the Visa.

##### **IV. Policy**

It is the University's policy that its employment of foreign personnel shall be in full compliance with the provisions of the Immigration Reform and Control Act of 1986, as amended from time to time. To that end, the University shall not employ any individual without first verifying that the individual can establish employment eligibility. Throughout all periods of employment by and with the University, it is the individual's responsibility to maintain a lawful status that provides for employment eligibility. In order to obtain or maintain such lawful status, the University may be requested or desire to sponsor an individual for nonimmigrant (temporary) or immigrant (permanent) status.

#### **University Will Sponsor for Temporary and/or Permanent Employment**

##### **A. Nonimmigrant (Temporary) Visas**

The University's sponsorship of foreign personnel for nonimmigrant (temporary) work visas is primarily reserved for faculty, researchers and other scholars, but may be considered in other circumstances as well. Given the complex nature of immigration regulations, determinations whether to sponsor a foreign employee will be made on a case-by-case basis, after consultation with the University's immigration counsel. The major factors to be taken into consideration in each case include the University's need for the particular position and the foreign employee's eligibility for a temporary work visa. In light of the foregoing, every offer of employment made by the University will be contingent upon the prospective employee's ability to establish legal eligibility to accept employment in the United States.

The University's sponsorship of foreign personnel for nonimmigrant (temporary) work visas will be undertaken as soon as a determination of eligibility has been made by the University's immigration counsel and as soon as is practicably possible.

The determination as to whether the University or the foreign employee will bear the attorney's fees and costs associated with the University's sponsorship of a foreign employee for a nonimmigrant (temporary) work visa will be made on a case-by-case basis.

#### **B. Immigrant (Permanent) Visas**

The University's sponsorship of foreign personnel for immigrant (temporary) visas is primarily reserved for faculty, researchers and other scholars, but may be considered in other circumstances as well. The determination whether to sponsor a foreign employee for an immigrant visa will be based upon the recommendation from the Dean of the particular college or the Vice President of the particular administrative office. These recommendations may be based in whole or part from requests/recommendations from department chairs/directors/heads.

The University's sponsorship of foreign personnel for immigrant (permanent) visas will not be considered until such time as the foreign employee has completed one-year of full-time employment with the University. For academic positions, one-year of full-time employment will be defined as one academic year (at least nine months). For non-academic positions, one-year of full-time employment will be defined as twelve (12) consecutive months. Waiver of this requirement shall be authorized only by the Vice President of the particular administrative office and only in those cases demonstrating that compliance with the requirement would cause extreme hardship.

The University will not be responsible for the payment of any attorney's fees or costs associated with the sponsorship of a foreign employee for an immigrant (permanent) visa. No exceptions will be made to this policy.

#### **V. Related Policies**

*Policy No. HR – 1.2.5: Employment Eligibility and Verification*

*Responsible Authority: Office of Human Resources*

### **1.3 Workplace Policies**

The policies in this section identify many, but not all, of the University's important workplace policies. University employees are reminded that as members of the University community they are expected to be familiar with all relevant University policies and practices that have significance for their performance.

### ***1.3.1 Absenteeism and Tardiness***

#### **ABSENTEEISM AND TARDINESS**

##### **I. Purpose**

The purpose of this policy is to provide expectations and guidelines which define acceptable attendance and punctuality expectations for all University employees.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Excessive Absences:* is defined as two (2) or more instances of unexcused absence in a calendar month. Such excessive absenteeism is subject to corrective discipline.

*Excessive Tardiness:* is defined as three (3) or more instance of lateness in a calendar month and is subject to corrective discipline.

*Unexcused Absence:* An employee's absence will be deemed unexcused when an employee fails to call in, gives a late notice, fails to give advance notice for an absence which could be anticipated, or fails to provide proper notice in compliance with this Policy or the University's vacation or sick leave policies as applicable. Permitted vacation or sick time may not always constitute an excused absence.

##### **IV. Policy**

Because STU University depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. An employee is considered late if they report for work later than the scheduled time to report. Chronic absenteeism or tardiness will not be tolerated and will result in discipline, up to and including termination.

Any employee who expects to be absent or late to work for purposes other than illness must secure supervisor's approval in advance. Moreover, an employee must notify their supervisor or designee as far in advance as possible, but not later than one hour before scheduled starting time if the employee expects to be late or absent. This Policy applies for each day of absence.

An employee who fails to contact their immediate supervisor or Employee Services may be considered as having voluntarily resigned. Failure to report absences may cause an employee to forfeit sick leave pay to which the employee might otherwise be entitled under the University's

A record of absenteeism and lateness should be kept by the employee's supervisor and becomes part of the personnel record. A supervisor's failure to keep such record does not excuse an employee's unexcused absenteeism and lateness. To the extent permitted by law, absenteeism

and lateness lessen an employee's chances for advancement and may result in disciplinary action up to and including termination of employment.

**V. Related Policies**

*Policy No. HR – 1.6.1: Bereavement Leave*

*Policy No. HR – 1.8.2: Declared Emergency Closing*

*Policy No. HR – 1.6.3: Family and Medical Leave*

*Policy No. HR – 1.6.5: Jury Duty and Witness Leave*

*Policy No. HR – 1.6.8: Personal Leave of Absence*

*Policy No. HR – 1.6.7: Military Leave*

*Policy No. HR – 1.6.9: Sick Leave*

*Policy No. HR – 1.6.11: Vacation Leave*

**Responsible Authority:**        *Office of Human Resources*

### ***1.3.2 Animals in the Workplace***

#### **ANIMALS IN THE WORKPLACE**

##### **I. Purpose**

The purpose of this policy is to establish the university's policy with regard to Pets and Service and Support Animals in the workplace.

##### **II. Scope/Applicability**

All St. Thomas University employees and on-campus vendors.

##### **III. Definitions/Key Terms**

*Service Animal:* any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a Service Animal must be directly related to the individual's disability.

*Support Animal:* an animal that a university employee with a disability requires due for emotional support which alleviates one or more identified symptoms or effects of the employee's disability.

*Pet:* an animal kept for ordinary use and companionship. A pet is not considered a Service Animal or an emotional Support Animal.

##### **IV. Policy**

The following guidelines regarding pets on campus shall be enforced:

1. With the exception of Service Animals, animals are not permitted in offices, buildings, residence halls, STU athletic events, or in any University facility.
2. In those rare circumstances where a Pet is allowed on campus grounds (e.g., Take Your Dog to Work Day), the pet must be on a leash, under control of the owner, and present no hazard to people or property. Its owner shall not regard the wearing of a muzzle by a dog as control, as no aggressive animal is permitted on STU premises. Further, pets may never be tethered on campus, without the owner's direct supervision.
3. Pets must have a valid license and tags as evidence of all current vaccinations. Owners must
4. Stray animals shall be reported to Public Safety.
5. Feeding stray animals (i.e. ducks, rabbits, raccoons, cats, dogs, etc.) is a health and safety hazard and is prohibited.

Violations of this policy or refusal to comply with a supervisor or Public Safety's request to remove the Pet or animal from the facilities or grounds of the university may result in appropriate disciplinary measures.

##### **V. Related Policies**

Not Applicable.

***Responsible Authority:***      *Office of Human Resources*

### *1.3.3 Appropriate Conduct in the Workplace*

## **APPROPRIATE CONDUCT IN THE WORKPLACE**

### **I. Purpose**

The purpose of this policy is to define personal and professional standards of conduct and delineated examples of prohibited conduct for University employees.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

Not Applicable.

### **IV. Policy**

As key members of the St. Thomas University team, individual employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that both in business and in personal life employees refrain from any behavior that might be harmful to self, co-workers, and/or St. Thomas University, or that might be viewed unfavorably by current or potential students or by the public at large.

Whether on duty or off, an employee's conduct reflects on St. Thomas University. University employees are, consequently, encouraged to observe the highest standards of professionalism at all times. Types of behavior and conduct that St. Thomas University considers inappropriate include, but are not limited to, the following:

1. Use of obscene, profane, or abusive language toward any manager, employee, or student; or behaving in a manner that would make another person reasonably feel threatened, intimidated, coerced, or fear for the individual's personal safety on STU premises.
2. Engaging in unlawful or illegal activity outside of work which damages the reputation or endangers the employees or students of STU.
3. Deliberate non-performance of work.
4. Using facilities for personal business during scheduled work hours.
5. Engaging in Social Media websites such as Facebook for personal use during scheduled work hours.
6. Leaving the work area during scheduled hours without authorization.
7. Violations of law or University policies, regulations, rules and standard operating procedures, including but not limited to the anti-harassment, anti-discrimination, and confidentiality policies.
8. Poor and/or disrespectful service to STU students or providers.

9. Failure to observe, or violation of STU's parking, safety, health, and security policies, regulations, rules or practices, including but not limited to failing to promptly report work-related accidents and illnesses to supervisory personnel.
10. Excessive absenteeism or tardiness; failing to report to work when expected, including accepted overtime without prior authorization or proper notice.
11. Being intoxicated or under the influence of controlled substance drugs while at work; use or possession (except medications prescribed by a physician which do not impair work performance) or sale of controlled substances/drugs in any quantity while on STU premises.
12. Willful involvement in, concealment of, or failure to report to management a potential or actual professional liability claim.
13. Unauthorized possession of firearms, weapons, chemicals, or explosives on STU property or while on duty or University business.
14. Threatening, intimidating, or coercing fellow employees, students, or vendors. Engaging in criminal conducts or acts of violence, or making threats of violence toward anyone on STU premises or when representing STU; horseplay or provoking a fight while on duty.
15. Insubordination or refusing to obey instructions properly issued by an employee's manager pertaining to the employee's work; refusal to help out on a special assignment.
16. Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of STU property, or the property of fellow employees, students, suppliers, or visitors in any manner.
17. Excessive, unnecessary, or unauthorized use or possession of STU property or the property of fellow employees; unauthorized possession or removal of any STU property, including documents, from the premises without prior permission from management.
18. Falsification or misrepresentation of employment or other work records; falsifying reason for a leave of absence or other data requested by STU; alteration of STU records or other STU documents. Falsification or alteration of personal timecard, records, or attendance documents; altering another employee's timecard or records, or causing someone to alter your timecard or records.
19. Gambling or possession of gambling devices on University property.
20. Sleeping on the job; loitering or loafing during working hours.
21. Failing or refusing to maintain or obtain required licensure, certification, or registration.
22. Interfering with the job performance of fellow employees or disrupting academic functions on campus.
23. Failing to report a Conflict of Interest

This list is not all-inclusive, and, notwithstanding this list, all employees not employed pursuant to a written contract of employment remain employed "at will." The absence of conduct from this list will not be a basis for avoiding disciplinary action when the conduct is inappropriate, and the University believes disciplinary action is warranted.

Employees who witness a violation of this policy are encouraged and, in some instances, required

to report the matter to the University. Reports of suspected violations of this policy should be made to the employee's supervisor, Human Resources, or the Title IX Coordinator as applicable.

Confidentiality of individuals reporting violations of this policy will be protected to the extent deemed reasonable and appropriate by the administration. Only those people with a legitimate need to know will be informed, which may include persons who are potential targets of acts that violate this policy.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to disciplinary or corrective action up to and including dismissal. Any complaints about retaliation may be reported in the same manner as violations of this policy are to be reported.

Should an employee's performance, work habits, overall attitude, conduct, or demeanor become unsatisfactory in the judgment of St. Thomas University, based on violations either of the above or of any other University policies, rules, or regulations, the employee will be subject to disciplinary action, up to and including immediate dismissal.

*\*Note: Formal complaints of sexual harassment as defined by Title IX and 34 CFR Part 106 will be investigated and resolved pursuant to the live grievance hearing process set forth in the University Sexual Harassment (Title IX) Policy.*

## **V. Related Policies**

*Policy No. HR – 1.3.5: Code of Ethics*

*Policy No. HR – 1.3.24: Progressive Counseling and Disciplinary Action*

*Policy No. HR – 1.3.29: Separation from Employment*

*Faculty Handbook*

**Responsible Authority:**        *Office of Human Resources*

### ***1.3.4 Business Cards***

#### **BUSINESS CARDS**

##### **I. Purpose**

The purpose of this policy is to establish business card approval and ordering procedures, as well as to maintain the standard University branding design.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

Business cards are purchased for St. Thomas University employees to facilitate communication and connections with both internal and external students, colleagues, organizations, governments and businesses to further the progress of the university.

In general, all full and part-time regular employees are eligible for business cards if there is a business need and approval is granted by the employee's supervisor. In addition, to ensure that correct titles are printed on the cards, approval from the Office of Human Resources is also required prior to the release of all business cards.

Business cards may not be used to misrepresent the individual's relationship with the University. Moreover, with the exception of emeriti faculty, business cards may not be used after separation from the University; all remaining cards must be returned to the supervisor or Human Resources at the exit checkout.

Business cards must:

1. Follow the University's approved format/brand;
2. Include only official University job titles. If a job title has changed, the employee's supervisor must file the appropriate paperwork with Human Resources prior to submitting a business card order;
3. Be ordered from the University's Mail and Copy Center;
4. Include only University information-no personal emails, phone numbers, etc.;
5. Be paid for using University funds.

Business Cards are to be ordered from the University's Mail and Copy Center

Departments, as well as supervisors and employees, will be subject to appropriate disciplinary actions for failing to properly follow business card purchase and use according to this policy. Incidents of non-compliance for business cards should be reported to Human Resources for appropriate action.

The University is not liable for activities pertaining to the usage of the business cards that are not in accordance with this policy.

**V. Related Policies**

Not Applicable.

***Responsible Authority:***      *Office of Human Resources*

### *1.3.5 Code of Ethics*

## **CODE OF ETHICS**

### **I. Purpose**

The purpose of this policy is to establish a standard of conduct to protect the financial well-being, reputation, and legal obligations of St. Thomas University, as well as establish a method to protect the University community from questionable circumstances that might arise.

### **II. Scope/Applicability**

Members of the St. Thomas University community – faculty, staff, students, senior administrators, members of the Board of Trustees, members of the University’s advisory boards, and volunteers.

### **III. Definitions/Key Terms**

Not Applicable.

### **IV. Policy**

St. Thomas University is committed to the highest standards of academic excellence and Catholic values. Members of the STU community – faculty, staff, students, administrators, members of the Board of Trustees, members of the University’s advisory boards, and volunteers – are responsible for maintaining the standards of the institution and of the various communities in which they live. We value integrity, honest, and fairness, and strive to integrate these values into our daily practices.

We commit ourselves to the highest standards of ethical conduct. We act with integrity; we treat others with respect and dignity; we carefully steward the University’s resources; we avoid conflicts of interest or commitment; we maintain confidentiality; and we comply with legal and professional obligations. We are individually accountable for our own actions, and we are collectively accountable for upholding these standards of behavior and complying with all applicable laws, policies, standards, and regulations. While human, and therefore fallible, we constantly strive to meet our ethical expectations. Moreover, the STU community is composed of many distinct constituents, we understand that beyond the general ethical principles outlined in this policy, we may be subject to additional rules of conduct specific to our respective roles within the community.

The Code of Ethics policy is to set forth the ethical expectations for all members within the St. Thomas community. Other University policies provide specific rules and regulation that govern the conduct of University community members and the Code of Ethics does not modify the application or enforcement of those policies in any way.

Use this [hyperlink](#) to view the entire Code of Ethics Policy.

Disregarding or failing to comply with the Code of Ethics may lead to disciplinary action up to and including termination of employment. In addition, conduct that violates the code may result in civil or criminal charges and penalties against the violator.

### **Ethics Hotline and Website – “Doing What’s Right” Program**

A high priority has always been placed on ensuring that each member of the University community has the opportunity and means to convey any matter that could compromise the effectiveness of

the University's environment. While speaking to an immediate supervisor is the most effective way to report dishonest and unethical behavior, the University realizes it is not always possible to do so.

Therefore, a toll-free phone number and a Website are available for members of the campus community to voice their concerns and to remain anonymous, if they choose to. This service is available 24 hours a day, 7 days a week, and allows members of the University community to report concerns without fear of retaliation. When calling the hotline, an interview specialist (not related to the University) will document the concern, assign a personal reference number and relay the information to the University.

### **Hotline**

The toll-free number for the hotline is 1-877-369-7432. Service is available 24 hours a day, 7 days a week. Operators are available in a variety of languages.

### **Website**

The website may be accessed through the STU Webpage, by clicking on the arrow next to "About STU" and selecting "Faculty & Staff". Then, under the Human Resources section, click on "Ethics Hotline". An assigned STU username and password will need to be entered in order to log into the system. This is to prevent outsiders (non-faculty, staff or students) from using the website.

Those who report violations in good faith and in an appropriate manner, whether or not further investigation substantiates the claim, will be free from retaliation in any form. The identity of the reporter will be protected, within legal limits, and those who retaliate against them will be disciplined. All reported violations will be investigated promptly.

## **V. Related Policies**

*Policy No. HR – 1.3.3: Appropriate Conduct in the Workplace*

*Policy No. HR – 1.3.35: Whistleblower Reporting*

**Responsible Authority:**        *Office of Human Resources*

### ***1.3.6 Committee Service***

#### **COMMITTEE SERVICE**

##### **I. Purpose**

The purpose of this policy is to create an employment environment that encourages employees to participate in the governance of the University through committee service.

##### **II. Scope/Applicability**

All regular full-time St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

Employees may be asked to serve on various committees formed to better serve the needs of the University in a given area or areas the employee may directly or indirectly have responsibilities in or be involved with. Employees are encouraged to participate and play active roles on any such committees

##### **V. Related Policies**

Not Applicable.

***Responsible Authority:***        *Office of Human Resources*

### ***1.3.7 Communication – Open Door Policy***

#### **COMMUNICATION-OPEN DOOR POLICY**

##### **I. Purpose**

The purpose of this policy is to create an employment environment that encourages open communication within an atmosphere of mutual trust.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

Successful working conditions and relationships depend upon successful communication. STU promotes an atmosphere whereby employees may speak freely with management. Employees are encouraged to openly discuss any problems so appropriate action may be taken. STU is interested in employees' success and happiness, and, therefore, welcome the opportunity to help employees whenever feasible. If a satisfactory resolution is not reached at this level then complaints may be brought forward through the University's Staff or Faculty Grievance policies, as applicable. The University also expects employees to professionally voice their opinions and contribute suggestions in an effort to improve the quality of STU services (see *Policy No. HR – 1.3.37: Workplace Suggestions*).

Additionally, memos, bulletin boards, global voicemails and emails are one of the "official" ways STU keeps everyone informed about new policies, changes in procedures and special events. Information of general interest is posted regularly on campus bulletin boards. Please form the habit of reading the bulletin boards regularly to ensure familiarity with the information posted on it. Only authorized personnel are permitted to post, remove, or alter any notice on the bulletin boards. Employees that would like to post notices on STU bulletin boards should consult with Human Resources for instructions

##### **V. Related Policies**

*Policy No. HR – 1.4.3: Staff Grievances*

*Policy No. HR – 1.3.37: Workplace Suggestions*

*Faculty Handbook (Faculty Grievances)*

***Responsible Authority:***        *Office of Human Resources*

### 1.3.8 *Conflicts of Interest*

## CONFLICTS OF INTEREST

### **I. Purpose**

The purpose of this policy is to establish guidelines for Conflicts of Interest that might arise as well as establish a method to resolve any apparent or real Conflicts of Interest.

### **II. Scope/Applicability**

All employees including staff, faculty, trustees and board members

### **III. Definitions/Key Terms**

***Conflict of Interest***—any circumstance in which the personal, professional, financial, or other interests of an employee may potentially or actually diverge from, or may be reasonably perceived as potentially or actually diverging from, his or her obligations to the University and the interests of the University. It includes indirect conflicts, such as benefits provided to a Relative of an employee.

***Relative***—two or more members of the same family. For example, a spouse, domestic partner, children, step-children, parents, step-parents, siblings, in-laws, cousins, uncles, aunts, nieces, nephews, grandchild, grandparent, or any other related person or non-related person who is part of the employee's household, or someone whose relationship with the employee is similar to that of a relationship described herein.

***Member of the Employee's Household***: any other related person or non-related person who is part of the employee's household, or someone whose relationship with the employee is similar to that of the relationships described in paragraphs 1 or 2 above.

### **IV. Policy**

Employees have a duty to disclose on an ongoing basis any current, proposed, or pending situations that may constitute a conflict of interest, as well as all material facts relating to any conflict of interest as soon as the existence of a possible conflict of interest is known to his or her supervisor. Prior to approving an actual conflict of interest, the supervisor must consult with the applicable area vice president or Human Resources. In the alternative, the reporting procedures set forth in the University's Whistleblower Policy may be utilized.

### **Confidentiality**

Conflict of Interest Policy Statement forms and management plans are considered to be confidential data and maintained in a secure and confidential file. The information contained in these documents is available only to individuals duly charged with the responsibility for review and management of financial conflicts of interest at the University and may be released only in accordance with and as required by federal law, Florida law, or a lawful court order.

### **V. Related Policies**

*Policy No HR – 1.3.5: Code of Ethics Policy*  
*Policy No. HR – 1.3.35: Whistleblower Reporting*

***Responsible Authority:***      *Office of Human Resources*

## CONFLICTS OF COMMITMENT AND OUTSIDE EMPLOYMENT

### I. Purpose

The purpose of this policy is to establish guidelines for Conflicts of Commitment that might arise when a full-time faculty member or administrator engages in external activities, as well as establish a method to resolve any apparent or real Conflicts of Commitment.

### II. Scope/Applicability

All full-time St. Thomas University faculty members and administrators.

### III. Definitions/Key Terms

*Conflict of Commitment*: engaging in an external activity that involves a dedication of time or other obligation that interferes with an employee's fulfillment of University responsibilities.

*External Activity*: outside employment, financial, business, political, professional, public service and academic activities.

*University Data*: any information collected, manipulated, stored, reported, or presented in any format, on any medium, at any location by any department, program or office of the University in support of the University's mission. There are three types of University Data:

1. *Confidential University Data*: University Data which is legally regulated and data that would provide access to Confidential or Restricted Data.
2. *Restricted University Data*: University Data which the University has decided NOT to publish or make public and data protected by contractual obligations.
3. *Public University Data*: University Data which there is no expectation for privacy or confidentiality (i.e., is available to the public) and that the loss of such data would not cause significant personal, institutional, or other harm.

### IV. Policy

Full-time faculty members and administrators at St. Thomas University make a primary commitment to the University. Therefore, they must arrange their outside obligations, employment and activities so as not to interfere with their primary obligation and overriding commitment to the University and its mission or adversely impact the business interests or reputation of the University.

Although the University encourages external activities that enhance the employees' value to the University, it expects its employees to assess the possible adverse effects of external employment or outside activities on their duties to the University. In general, outside work activities are considered a conflict of commitment and are not allowed when they:

1. Prevent the employee from fully performing work for which the individual is employed at the University, including overtime assignments.
2. Involve organizations that are doing or seek to do business with the University, including actual or potential vendors or students; or
3. Violate provisions of law or the University's policies or rules.

In case of doubt as to whether acceptance of an outside appointment or participation in an outside activity would be in conflict with one's University responsibilities or otherwise adversely impact the business interests or reputation of the University, the employee must disclose the opportunity for or current appointment or participation in writing, and will request in writing from the individual's director or dean, as appropriate, a determination as to whether a conflict exists.

If, after receiving written approval to pursue outside employment or activity, the director or dean subsequently determines that a previously approved outside employment or activity is adversely impacting the employee's professional responsibilities to the University, the director or dean may require that the outside employment or activity be terminated or limited.

On occasion, University employees may be required to work beyond their normally scheduled hours, and employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to STU must be given priority.

### **Policy Violations**

Employees may be subject to appropriate discipline if they:

1. Fail to report an Outside Activity that adversely affects the business interest or reputation of STU or interferes with the employee's ability to properly perform assigned job duties;
2. Submit an incomplete, misleading or inaccurate report of the Outside Activity;
3. Engage in an Outside Activity that adversely affects the business interest or reputation of STU or interferes with the employee's ability to properly perform assigned job duties without the written permission of their supervisor, or after such permission has been withdrawn; or
4. Otherwise violate any of the provisions in this policy.

### **Reporting a Conflict of Commitment**

Upon realization that an outside employment or activity may be a Conflict of Commitment, the full-time faculty member or administrator must disclose the opportunity or activity to the individual's director or dean in writing. The employee's written disclosure must include all material facts and supply any reasons why the outside employment opportunity or activity might be or might not be a Conflict of Commitment.

### **V. Related Policies**

*Policy No. HR – 1.3.8: Conflicts of Interest*

**Responsible Authority:**      *Office of Human Resources*

### ***1.3.9 Children and Minors in the Workplace***

#### **CHILDREN AND MINORS IN THE WORKPLACE**

##### **I. Purpose**

The purpose of this policy is to establish guidelines for employees and supervisors regarding non-STU student Minor Children (biological, adopted, a stepchild, foster child, or ward) in the workplace.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Minor Child//Children:* means any person under the age of 18 who is not a STU matriculated student or employee.

##### **IV. Policy**

The University has no facilities for childcare, thus, children will not be allowed in the work environment except for a brief visit pursuant to this policy. All employees should remember that the University is a work environment and should be treated as such.

Campus grounds and infrastructure are designed to provide an environment conducive to academic and work activities performed by students and employees. For reasons that include safety of minor children and assuring professional efficient performance of academic pursuits, operations, and services, the University will not accommodate minor children in campus workplaces, classrooms, laboratories, and physical plants without proper permission from an authorized member of the University community. This policy does not prohibit children from the campus when the purpose of their visit is to attend classes or to participate in activities or programs specifically approved and scheduled for their benefit (i.e., STU University athletic camps, sponsored family activities, etc.).

The University recognizes there may be an occasion when it becomes necessary to accommodate a minor child on campus. When those circumstances arise, the following guidelines shall be followed:

1. Children visiting campus for any reason must be under direct supervision at all times. A student, or employee bringing a child to campus is solely responsible for the child's supervision, safety, and actions and may not ask another student, or employee to accept responsibility for looking after the child.
2. The University cannot and will not accept liability for the child's presence on campus.

Children shall not be brought to campus as a replacement for childcare services. If an emergency situation arises that requires employees to obtain alternate childcare, STU University will make a

reasonable effort to provide the employee with a reasonable amount of time away without pay for arranging alternate childcare.

### **Breastfeeding**

STU recognizes and respects the need to accommodate lactating mothers who choose to express breast milk, without discrimination. Lactating mothers may have an infant brought to campus periodically for breastfeeding in an area specifically designated for this purpose by the employee's supervisor or student's instructor. Mothers may also pump breast milk in appropriate areas. The University is not equipped to address sanitation or food safety concerns and shall not take responsibility for the storage or safekeeping of pumped breast milk.

### **Emergencies**

For an emergency involving a child on campus:

1. Call Public Safety at 6500 immediately

### **Violations**

Violations of this policy or refusal to comply with a supervisor's request may result in appropriate disciplinary measures.

### **V. Related Policies**

*Policy No. HR – 1.3.22: Pregnancy and New Parent Accommodations in the Workplace*

*Responsible Authority: Office of Human Resources*

### *1.3.10 Dating in the Workplace*

#### **DATING IN THE WORKPLACE**

##### **I. Purpose**

The purpose of this policy is to establish a standard of conduct regarding dating and physical relationships between two employees, an employee and a student, and an employee and a vendor.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

Dating and physical relationships (1) between two employees, (2) between an employee and a student and (3) between an employee and a vendor can have an impact on the workplace. Although these relationships may be completely consensual, they may have serious consequences. Keep in mind, too, that unwanted sexual advances and requests for sexual favors that are a condition of employment are prohibited under the *Sexual Harassment (Title IX)* and *Anti-Discrimination/Anti-Harassment policies*.

##### **Supervisor and Subordinate Relationships**

Dating between supervisors and subordinates is strictly forbidden. This applies to faculty and student relationships, as well as to staff relationships in which one person is in a position of authority over the other.

Dating between co-workers in the same department is also strongly discouraged. One of the persons should seek a transfer to another department prior to engaging in such a relationship.

If a personal relationship creates conflicts of interest, causes dissension, interrupts the work-flow of the parties or other employees, or creates a negative work environment, one or both parties may be asked to leave his/her employment.

If a relationship should develop contrary to this policy, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to Human Resources. The non-supervisor employee may make the disclosure as well, but the burden of doing so shall be on the supervisor.

##### **Employee-Student Relationships**

The relationship between an instructor and student must be protected from influences or activities that can interfere with learning and objective evaluation. Accordingly, no instructor shall enter into a romantic or sexual relationship with a student over whom the instructor has academic responsibility or is likely to have academic responsibility in the future, regardless of whether the relationship is consensual. Moreover, no instructor shall exercise academic responsibility over a student with whom the instructor has or has had a romantic or sexual relationship, regardless of whether the relationship was consensual.

**V. Related Policies**

*Anti-Discrimination/Anti-Harassment Policy*  
*Sexual Harassment (Title IX) Policy*

***Responsible Authority:***      *Office of Human Resources*

### ***1.3.11 Drug-Free Workplace***

#### **DRUG-FREE WORKPLACE**

##### **I. Purpose**

The purpose of this policy is to prevent the unlawful possession, use, or distribution of illicit drugs or alcohol in the workplace in compliance with the Drug-Free Workplace Act of 1988.

##### **II. Scope/Applicability**

All St. Thomas University employees and on-campus vendors.

##### **III. Definitions/Key Terms**

*Alcohol or Alcoholic Beverage:* any liquid suitable for drinking by human beings, except prescription drugs or over-the-counter medications, which contains one-half of one percent or more of alcohol by volume.

*Controlled Substance:* a drug or other substance, or immediate precursor, included in Schedule I, II, III, IV, or V of the Controlled Substances Act (21 U.S.C. 801 et seq., as amended).

*Conviction:* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

*Criminal Drug Statute:* means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

*University Activity:* means services, programs, or activities that St. Thomas University operates or sponsors, or in which STU employees engage in through their University roles.

##### **IV. Policy**

A part of the mission of St. Thomas University is our commitment to competence and objectivity. Through its personalized and caring environment, the University strives to provide a safe learning and working environment and encourages personal health. As such, the abuse of drugs or alcohol within the educational setting is an unsafe and counterproductive practice and is considered to be directly contradictory to the University's mission.

It is, therefore, the policy of St. Thomas University to create a drug-free school and workplace environment in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and the Drug Free School & Communities Act Amendments as of 1989. The unlawful use of controlled substances is inconsistent with the behavior expected of both students and employees. In this connection, any student or employee found with the presence of alcohol or a controlled substance in his/her system, in possession of, using, selling, trading, or offering for sale controlled substances or alcohol, or in possession of drug paraphernalia will be subject to disciplinary action up to and including dismissal.

Substance abuse includes unlawful possession, use, purchase or sale of drugs or alcohol on University premises, including parking lots. It also includes reporting to work under the influence of illegal drugs or alcohol. Controlled substance includes, but is not limited to, marijuana, cocaine,

heroin, morphine, as well as other barbiturates and amphetamines. In addition, employees should notify their supervisor if the use of properly prescribed prescription drugs will affect the work performance. Abuse of prescription drugs will not be condoned.

Employees arrested on controlled substance-related violations in the workplace must inform the University's Office of Human Resources within 48 hours of their arrest.

**V. Related Policies**

Not Applicable.

*Responsible Authority:*        *Office of Human Resources*

### ***1.3.12 Employee Identification Cards***

#### **EMPLOYEE IDENTIFICATION CARDS**

##### **I. Purpose**

The purpose of this policy is to establish guidelines regarding the issuance of employee identification cards.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

Employees are required to have a University ID Card; these are issued by the Office Human Resources. Primarily, ID cards are used to open the gate arm to enter campus. They are also used to check out books at the library, to store value for cafeteria meals, for access to certain buildings, the Wellness Center, and to use the shuttle bus to the Opa-locka Tri-Rail Station.

The STU ID card is to be presented when Public Safety personnel request an employee's identification. An employee will receive one (1) ID card only. A free replacement will be issued upon presentation of documentation confirming the ID was stolen (such documentation will usually be in the form of a police report) or lost. Employees will be charged for any additional lost ID cards.

Please note: ID cards should not be punctured in any way as it may result in a card malfunction. In such cases, a replacement will be issued at the employee's cost.

##### **V. Related Policies**

Not Applicable.

***Responsible Authority:***            *Office of Human Resources*

### ***1.3.13 Employee Parking***

#### **EMPLOYEE PARKING**

##### **I. Purpose**

The purpose of this policy is to provide employees with the opportunity to park a motor vehicle while on campus.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

Free parking is available for all employees. Every employee is to obtain a St. Thomas University parking decal from the Office of Public Safety. The sticker must be placed on the exterior bottom left corner of the rear window of the vehicle (driver's side) where the decal is clearly visible. On motorcycles, motor scooters, and mopeds, the parking decal shall be displayed in plain view and readable.

New parking decals are issued on or about August 1 and are valid for a period of one year. The color of the parking decals will be different each year.

Employees will be allowed to obtain up to two (2) decals free of charge. The two decals must be for different vehicles registered to the same address. There will be a charge of \$30 for additional decals or for replacements.

All personnel are required to abide by established parking rules and regulations for the safety of all concerned. Violators may be ticketed and fined. Employees are responsible for payment of parking fines in accordance with parking regulations. St. Thomas University assumes no legal responsibility for cars or their contents while parked on campus at any time, or for damage to vehicles operated while on campus.

##### **Parking Spaces**

Adequate space is provided for faculty/staff throughout campus. Parking must be in designated spaces only. Parking is not allowed on the grass at any time. Additionally, all vehicles parked on campus must display a valid parking decal displayed on the exterior lower rear portion of the driver's side windshield. If for any reason you are driving a vehicle without this decal, you must enter campus through the guest lane so as to be issued a parking pass for the day. Vehicles without a valid parking pass are subject to citation.

Parking decals are distributed without charge through the Office of Public Safety located at the main entrance. For more information regarding parking and other traffic regulations, parking citations or any other Public Safety concerns, please contact the Office of Public Safety at (305) 628-6500.

##### **V. Related Policies**

Not Applicable.

***Responsible Authority:***      *Office of Human Resources*

### ***1.3.14 Lobbying and Political Activities***

## **LOBBYING AND POLITICAL ACTIVITIES**

### **I. Purpose**

The purpose of this policy is to establish guidelines and approval procedures for the conduct of Political Activities by St. Thomas University and in University facilities in compliance with Internal Revenue Service (IRS) regulations, as well as to comply with federal regulations regarding the reporting of lobbying activities conducted on behalf of the University.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

*Covered Federal Official:* includes covered legislative branch officials and covered executive branch officials.

A covered legislative branch official is defined as any of the following:

- members of Congress;
- an elected officer of either House of Congress;
- an employee of a member of Congress, a committee of either House of Congress, the leadership staff of either House of Congress, a joining committee of Congress, and a working group or caucus organized to provide legislative services or other assistance to members of Congress;
- all officers of the House and Senate (Clerk of the House, Secretary of the Senate, etc.), and other highly compensated employees (\$114,200 and above for 2008). Please check with us if uncertain about eligibility.
- Those designated in section 109(13) of the Ethics in Government Act as an “officer or employee of the Congress.”

A covered executive branch official is defined as any of the following:

- the President;
- the Vice President;
- any officer or employee in the Executive Office of the President;
- generally the top three levels in an agency (agency Heads, Deputies, Assistant Secretaries, Assistant Administrators) but there are exceptions;
- any officer or employee serving in a position in Level I-V of the Executive Schedule;
- all Generals and Admirals;
- any member of the uniformed armed services whose pay grade is at or above O-7;
- "Schedule C" employees (positions in which the incumbent serves at the pleasure of the agency head, such as an Undersecretary or Director); and
- political appointees regardless of title.

*Endorse:* public statements of opinion and/or contributions, monetary, in-kind, or otherwise, to political campaigns.

*Lobbying Activities:* are lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

*Political Activity/Political Activities:* activity, including oral or written statements and financial support, that is directed toward the success or failure of a political party, candidate for election in a partisan political campaign for public office, a partisan political group or ballot initiative.

#### **IV. Policy**

As a tax-exempt institution, it is essential that St. Thomas protect its 401(3)(c) status, as it exempts the University from the payment of real property and sales tax, and it qualifies contributions from alumni and friends as charitable deductions. As a tax-exempt institution, Political Activities on the University campus or a University facility must be conducted in a neutral and nonpartisan manner, and in furtherance of the St. Thomas University's legitimate exempt function (education). Accordingly, the University as an entity and members of the University community individually are not permitted to use University resources in the pursuit of political objectives and Political Activities.

In addition, Federal law places limitations on the University's lobbying activity and other engagement with political candidates, elected officials, and associated staff by employees of the University. Because of these limits and reporting requirements for lobbying, all University employees are prohibited from engaging in lobbying activities on behalf of St. Thomas unless specific and prior authorization has been granted by the Office of Compliance.

#### **Political Activities Guidelines**

To preserve St. Thomas University's not for profit (IRS Section 501(c)(3)) status, the University has adopted the following Political Activities guidelines:

1. St. Thomas University will not endorse any candidate for political office;
2. All address lists used by the University are considered confidential and may not be shared with candidates or parties.
3. Campus organizations may use campus communications to announce political forums and discussions sponsored by officially constituted campus groups.
4. No campus political activities, including services and materials, may be paid for with St. Thomas University funds.
5. Funds or contributions for political candidates or campaigns may not be solicited in the name of St. Thomas or on any St. Thomas facility, and University resources may not be used in soliciting such funds. If University students, faculty, or staff make political contributions, they must do so as individuals and not on behalf of St. Thomas.
6. University communications systems, including any postal service, phone system, or computer network, may not be used in support of one particular candidate.
7. St. Thomas University students are free to express their individual and collective political views provided they understand and make clear they are not speaking for or in the name of St. Thomas. Endorsement of a particular candidate by a registered student group is not permissible.

8. St. Thomas University's name, logo, and insignia may not appear on stationery or any other material used or intended for support of a particular candidate. This prohibition also applies to any University entities supported in whole or part by St. Thomas funds, such as registered student organizations.

### **Facility Use by Candidates for Political Office**

In service to its local community, its students and its employees, St. Thomas University may offer declared candidates for local, regional, state and national office the opportunity to utilize its facilities during a campaign to engage and educate supporters, opponents and undecided voters, including the campus community. However, such events must conform to the requirements stated below.

1. The appearance of a candidate for public office on the St. Thomas University campus must be for an educational or informational talk to the University community and must be sponsored by a registered student, faculty, or staff organization. Appearances must be coordinated with St. Thomas University, who will ensure that opportunities to appear on campus are extended to all viable candidates running for a particular public office. The moderator shall make it clear that the institution does not support or oppose the candidate appearing.
2. All events held on the St. Thomas University campus featuring candidates for public office shall be open to the general University community. An "open" event is defined as one for which no fewer than one-half the available seats or spaces are available to the general University community based on a non-biased distribution of tickets (such as first-come, first-served).
3. The University shall consider all requests for facility use by campaigns to be rental requests. Though the University may waive all regular rental fees for approved campaign appearances, a candidate/campaign will be responsible for any costs related to their proposed events (including staging, security, catering, etc.). "Approved campaign appearances" will be those that are classified as open meetings.
4. St. Thomas University buildings and grounds shall not be rented or used for political fund raising. For example, a meeting on campus with an organizer for a specific candidate that is focused on recruiting campaign workers from the student population would be a violation of these guidelines. On the other hand, a St. Thomas University graduate now working for a particular candidate speaking on campus to a group of students about what it has been like to be in the political arena, and what the candidate's particular experience has been, would be allowable.
5. Requests for facility use shall be denied if:
  - a. A suitable facility is unavailable at the time/date requested;
  - b. The appearance is determined to be disruptive, given its time, topic or projected headcount, to the University's educational mission;
  - c. The candidate appearing commonly espouses views or beliefs that would, were the candidate a student, violate the University's employee or student codes of conduct (such as "hate speech").

Candidates, their campaigns or sponsoring St. Thomas student organizations, shall file any rental or space requests with the Office of Compliance. Formal requests shall be answered within two business days of receipt.

**V. Related Policies**

Not Applicable.

*Responsible Authority:*        *Office of Compliance*

### ***1.3.15 Maintenance of Confidentiality***

#### **MAINTENANCE OF CONFIDENTIALITY**

##### **I. Purpose**

The purpose of this policy is to provide University employees, volunteers, and other third-parties granted access to Confidential Information and Confidential or Restricted University Data with a basic understanding of their responsibilities to protect and safeguard such data.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Confidential information:* non-directory information pertaining to STU students, alumni, and employee records, the University's financial records and trade secrets, and any other information maintained in a confidential manner according to University policy or practice. STU is bound by law or contract to protect some types of confidential information, and in other instances the University requires protection of confidential information beyond legal or contractual requirements as an additional safeguard. Specific examples of Confidential Information include, but is not limited to:

1. University policies, objectives, goals, and strategies
2. Student/vendor lists
3. Any student-related information
4. Other materials such as memos, documents, manuals, reports, etc.

*University Data:* any information collected, manipulated, stored, reported, or presented in any format, on any medium, at any location by any department, program or office of the University in support of the University's mission. There are three types of University Data:

1. *Confidential University Data:* University Data which is legally regulated and data that would provide access to Confidential or Restricted Data.
2. *Restricted University Data:* University Data which the University has decided NOT to publish or make public and data protected by contractual obligations.
3. *Public University Data:* University Data which there is no expectation for privacy or confidentiality (i.e., is available to the public) and that the loss of such data would not cause significant personal, institutional, or other harm.

##### **IV. Policy**

The University's students, vendors, and fellow employees entrust STU with important information relating to their personal and professional business. As such, maintenance of confidentiality is required.

Employees may access and use Confidential Information and Confidential or Restricted University Data only as expressly authorized or specifically required to perform in good faith their job, volunteer, or contractual responsibilities.

Individuals granted access to such information and data are required to safeguard it in accordance with the *Acceptable Use Policy* and other applicable University data protection policies and procedures, as well as applicable laws and regulations. In safeguarding University-related Confidential Information and non-public University Data, employees are prohibited from disclosing such information or data unless required for a legitimate business purpose or by legal process such as a subpoena or court order, even after they stop working for the University. Moreover, they may not remove from campus such information and data without permission from the University (except in the ordinary course of performing duties on behalf of STU). Similarly, employees must not disclose any Confidential Information and non-public University Data, purposefully or inadvertently (through casual conversation), to any unauthorized person inside or outside the University.

The unauthorized use or release of confidential information relating to STU or any of its students is prohibited both during and after employment with the University. Unauthorized use includes, but is not limited to, personal gain, providing advantage to others, etc.

Any violation of confidentiality seriously injures STU's reputation and effectiveness.

#### **V. Related Policies**

*Acceptable Use Policy*

*IT Incident Response Plan*

**Responsible Authority:** *Office of Information Technology*

### ***1.3.16 Media Relations***

## **MEDIA RELATIONS**

### **I. Purpose**

The purpose of this policy is to promote effective communication with the media about the University's mission and activities and compliance with University policies, laws and regulations about confidentiality of University Data.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

*Media*: the various means of mass communication as a whole, include, but not limited to: television, radio, magazines, newspapers and web/electronic outlets, social media, bloggers, together with the people involved in their production.

### **IV. Policy**

Effective communications are central to the success of any enterprise, and St. Thomas University is no exception. Whether it is through media relations, brochures, web pages, or other means, the consistent application of strategies to promote and protect the University's brand is vitally important.

If a University employee is interested in generating media coverage about a program, event, or achievement, please contact the Office of Communications. This University office has access to various media contacts, locally and nationally, to coordinate publicity or visibility for programs, events, or newsworthy issues.

The decentralized University structure creates varying communications needs, often leading to conflicting and inconsistent messages about the University. Successful marketing strategies and communications efforts cannot ensue from isolated or ad hoc tactics. For the University to properly communicate with a consistent voice, it is essential that the communication activities of STU be coordinated through one central office. This includes all media inquiries or calls received by University faculty and staff employees.

### **V. Related Policies**

*Not Applicable*

***Responsible Authority:***        *Office of Marketing & Communications*

### *1.3.17 Personnel Records*

## **PERSONNEL RECORDS**

### **I. Purpose**

The purpose of this policy is to provide guidance to University employees about their privileges and obligations with respect to their individual personnel records and guides applicable employees responsible for producing and maintaining personnel files in the appropriate management of those records.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

*Personnel Files*: means the current official file or files regardless of location, relating to an employee of the University, which contains documents and data recorded in the usual course of official University business relating specifically to the individual's employment qualifications, working assignments, promotions, compensation, job performance, personnel evaluations, disciplinary proceedings, and participation in University insurance and benefits programs.

### **IV. Policy**

It is the policy of St. Thomas University to comply with all laws that govern the management, retention, and disposal of Personnel Files. In this regard, the University maintains, within the Office of Human Resources, an official record of employment on each employee. These files contain documentation regarding all aspects of the employee's tenure with the University, such as performance appraisals, disciplinary warning notices, leave requests, and letters of commendation, as well as Official Transcripts. Personnel Files are owned by and the property of the University.

Employees interested in reviewing their file during normal business hours should contact the Office of Human Resources to schedule an appointment.

To ensure that the personnel file is up-to-date at all times, employees are expected to notify their supervisor or the Office of Human Resources of any changes in their name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, the individuals to notify in case of an emergency, and so forth.

#### **Confidentiality of Personnel Files**

To ensure confidentiality of personal information, access to an employee's Personnel Files are restricted to the employee, an authorized agent, and authorized University administrators.

#### **Employee Access to Personnel Files**

Employees may request to review their Personnel Files by contacting Human Resources and setting up a prearranged appointment. The appropriate office will provide employees with access to their Personnel Files within five (5) business days of receiving the employee's written request. Personnel Files may not be removed from the office housing the records, even temporarily, and employees will be responsible for paying the reasonable expenses incurred in copying their files.

Please note all Personnel Files are the property of STU and it reserves the right to adopt reasonable rules concerning the frequency of file inspections to prevent potential abuses.

If an employee finds information the employee believes to be untrue or inaccurate, the employee and supervisor may mutually agree to amend, revise or remove the information. If an agreement cannot be reached, the employee has a right to include explanatory information in the file.

### **Release of Information**

Information housed in the personnel and medical and benefit records files are confidential and will not be released to persons outside the University without written employee authorization or as required by law.

### **V. Related Policies**

*Record Retention and Disposal Policy*

*Responsible Authority: Office of Human Resources*

### ***1.3.18 Personal Use of University Property***

#### **PERSONAL USE OF UNIVERSITY PROPERTY**

##### **I. Purpose**

The purpose of this policy is to establish guidelines regarding the personal use of the University's property and resources.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

In some instances, employees may be allowed to borrow certain University tools or equipment for their own personal use while on the University's premises as long as it does not interfere with job responsibilities. In no instance may this be done without prior management approval.

St. Thomas University is not liable for personal injury incurred during the use of University property for personal projects. Employees accept full responsibility for any and all liabilities for injuries or losses which occur, or for the malfunction of University equipment. Employees are responsible for returning the equipment or tools in good condition and agree that they are required to pay for any damages that occur while using the equipment or tools for personal projects.

University employees may report any concerns with respect to the non-authorized use of University property to a supervisor or Human Resources. In addition, the Ethics Hotline and Website may be utilized (see *Policy No. HR – 1.3.5: Code of Ethics*).

Those who report violations in good faith and in an appropriate manner, whether or not further investigation substantiates the claim, will be free from retaliation in any form. The identity of the reporter will be protected, within legal limits, and those who retaliate against them will be disciplined. All reported violations will be investigated promptly

##### **V. Related Policies**

*Policy No. HR – 1.3.5: Code of Ethics*

*Policy No. HR – 1.3.33: University Property Issued to Employees*

***Responsible Authority:***        *Office of Human Resources.*

### *1.3.19 Post-Hire Criminal Convictions and Pleas of Guilty or No Contest*

#### **POST-HIRE CRIMINAL CONVICTIONS AND PLEAS OF GUILTY OR NO-CONTEST**

##### **I. Purpose**

The purpose of this policy is to establish a process which enables the University to review the circumstances of a current employee's post-hire arrest, conviction, plea of guilty, or plea of no contest of certain crimes to ensure that the employee does not pose an unacceptable safety risk to the University community and to protect the University's resources and reputation.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Criminal Conviction or Plea:* means all criminal convictions and pleas that are acknowledgements of criminal responsibility for a felony or drug-statute crime, including but not limited to prayers for judgment that occur on or after the effective date of this policy, registration as a convicted sex offender with any governmental authority as a result of any prior conviction for a sex offense, and/or any convictions or pleas that are acknowledgments of criminal responsibility subject to the jurisdiction of a military court.

*Criminal Drug Statute:* means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

##### **IV. Policy**

Employees, including student employees and interns, who are arrested of a crime while employed at STU, must immediately inform their supervisor, who in turn must notify Employee Services of the arrest/conviction. Following an arrest, employees must inform their immediate supervisor of the final outcome of the proceedings. Depending on the severity of the crime and/or the circumstances, the University may take corrective action up to and including ending the individual's employment. Failure to inform the employee's supervisor also may result in corrective action up to and including termination of employment..

##### **Review and Assessment of Arrests, Criminal Convictions or Pleas**

An arrest, plea or conviction will not automatically bar employment. The Archdiocese of Miami's Office for the Protection of Children & Vulnerable Adults (COPCVA) and St. Thomas University will consider the **Standards of Disqualification from Employment** (see *Policy No. HR – 1.2.4: Background, Reference, and Verification Screens*), as well as the date of the conviction, circumstances of the conviction, and, as applicable, the position being sought or currently held, and any other pertinent circumstances. A sexual offense may be grounds for immediate dismissal with no recourse.

A final determination regarding the person's employment will be made in conjunction between The Archdiocese of Miami and STU.

##### **V. Related Policies**

*Policy No. HR – 1.2.4: Background, Reference, and Verification Screens*

***Responsible Authority:***      *Office of Human Resources.*

### ***1.3.20 Pregnancy and New Parent Accommodations in the Workplace***

#### **PREGNANCY AND NEW PARENT ACCOMMODATIONS IN THE WORKPLACE**

##### **I. Purpose**

The purpose of this policy is to set forth the University's processes for responding to requests from employees and applicants for pregnancy-related reasonable accommodations, as well as reasonable accommodation requests for new mothers who are nursing. The University applies this policy to all personnel and employment practices, including, but not limited to, hiring, promotion, transfer, recruitment or recruiting advertising, layoff or termination, and compensation.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Essential Functions of the Job:* refer to those job activities that are determined by the University to be essential or core to performing the job; these functions cannot be eliminated.

*Job Description:* a written description that documents the responsibilities, skills, competencies, essential functions, FLSA status, and duties associated with an employee's position and defines the qualifications and requirements to perform those duties.

*Major Life Activities:* include the following, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

*Qualified Individual:* those who can perform their Essential Job Functions with or without a Reasonable Accommodation.

*Reasonable Accommodations:* modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a Qualified Individual to perform the Essential Functions of that position. Also, modifications or adjustments that enable an individual with a disability to enjoy equal benefits and privileges of employment as enjoyed by similarly situated individuals without disabilities.

*Undue Hardship:* in general, with respect to provision of a Reasonable Accommodation, Undue Hardship means significant difficulty or expense. Some factors to be considered when determining whether an undue hardship exists are the nature and cost of the Reasonable Accommodation, overall financial resources of the employer, type of operations, and the impact of a Reasonable Accommodation upon the University's operation and ability to conduct business.

##### **IV. Policy**

It is the policy of St. Thomas University to comply with the Pregnancy Discrimination Act (PDA) of 1978 (Pub.L. 95-555), the federal Break Time for Nursing Mothers law, the Americans With Disabilities Act ("ADA"), the Americans with Disabilities Amendments Act ("ADAAA"), the Florida Civil Human Rights Act (*FL Stat. Sec. 760.01 et seq*), and any other applicable state or local anti-discrimination laws which prohibits employment practices that discriminate on the basis

of marital status and sex. Accordingly, the University will endeavor to provide a Reasonable Accommodation to employees and applicants for pregnancy or a pregnancy-related condition unless the accommodation would impose an Undue Hardship on the University.

### **Accommodation Requests**

The interactive process for requesting Reasonable Accommodation in the workplace may be initiated by either the employee/applicant or the supervisor/hiring manager by contacting Human Resources. If an employee/applicant comes forward to a supervisor/hiring manager and requests a Reasonable Accommodation, the supervisor/hiring manager may either address the request or refer the employee to Human Resources.

A Reasonable Accommodation may include, but is not limited to:

1. Rest breaks;
2. Time off;
3. The provision of equipment or seating;
4. Temporary transfer;
5. Job restructuring;
6. Light duty;
7. Private non-bathroom space for expressing breast milk (see Section A below);
8. Assistance with manual labor; or
9. Modified work schedule.

Human Resources will process requests for reasonable accommodations and provide reasonable accommodations that do not impose an Undue Hardship in a prompt, fair, and efficient manner, utilizing the same interactive process set forth in *Policy No. HR – 1.3.25: Reasonable Accommodations for Disabilities in the Workplace*.

Human Resources may require that an employee requesting the accommodation provide documentation from an appropriate health care or rehabilitation professional about the need for a requested accommodation or the need to extend an accommodation. The University, however, will not require such documentation if the employee has requested limits on lifting over 20 pounds; or private, non-bathroom space for expressing breast milk.

#### *Lactation/Breastfeeding*

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided a private space and reasonable break times as needed to express breast milk for her baby.

### **Supervisor Responsibilities**

Supervisors with concerns or questions regarding this policy should consult with Human Resources before talking to the employee about those concerns.

Accommodation requests may not be denied by the supervisor or department before such requests, and possible alternatives, are thoroughly evaluated in consultation with Human Resources.

## **V. Related Policies**

*Anti-Discrimination/Anti-Harassment Policy*

*Policy No. HR – 1.2.1: Equal Employment Opportunity*

*Policy No. HR- 1.5.9: Family and Medical Leave*

*Policy No. HR – 1.5.12: Maternal/Paternal Leave*

*Policy No. HR – 1.3.25: Reasonable Accommodations for Disabilities in the Workplace*

***Responsible Authority:***      *Office of Human Resources*

### *1.3.21 Professional Image and Demeanor*

## **PROFESSIONAL IMAGE AND DEMEANOR**

### **I. Purpose**

The purpose of this policy is to establish professional image and demeanor guidelines for University employees that are reasonable, fair, consistent, and are based upon the requirements of each individual position.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

Not Applicable.

### **IV. Policy**

Discretion in style of dress, grooming, personal cleanliness, and behavior all contribute to the morale of University employees and affect the business image STU presents. Employees are expected at all times to present a professional, business-like image to students and the public while representing the University. Favorable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the University. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Therefore, while working in an office environment, employees are required to dress in appropriate neat, clean, business attire. Employees not working in an office environment are expected to use good judgment in choosing appropriate attire for the job being performed. Uniforms may be required for certain positions.

Employees who appear for work inappropriately dressed or groomed will be directed to go home and return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Supervisors are expected to communicate the University and department's workplace attire and appearance.

#### **General Guidelines**

##### *Clothing*

A neat and professional appearance should be portrayed at all times. Clothing must not be ripped, torn, soiled or revealing. Sweatpants, leggings, cut-offs, shorts, jeans, graphic and loose t-shirts are not appropriate.

##### *Shoes*

Flip flops, Crocs® or Croc® - like sandals/clogs, work boots, sneakers, etc. are not appropriate for the workplace and may not be worn. If there is a medical need for an employee to wear sandals, a memo should be sent to the Office of Human Resources.

### *Spirit Day*

Fridays are designated as “Spirit Days” at STU and everyone is encouraged to wear school colors and STU shirts with logos. Jeans are allowed. Ripped jeans are not permitted.

### *Summer Dress*

In order to create a more comfortable environment during the summer months, a business casual dress code will be in effect.

For departments that typically adhere to business professional dress during the academic year, this policy begins the day after Commencement and extends until Convocation in August. When meeting with visitors from outside the University, or when the University is hosting special groups or guests, employees are expected to dress appropriately for the occasion.

Enforcement of this policy is the responsibility of University management and supervisory personnel.

All employees who report to work inappropriately will be asked to leave work to change clothes and will be required to use personal time or vacation time to do so.

### **Uniforms**

For employees working in jobs where University uniforms are required, St. Thomas will provide them at no charge. However, the cleanliness and professional appearance of uniforms are the responsibility of each individual employee. Upon termination of employment, all uniforms must be returned or the cost will be deducted from the employee’s final paycheck.

### **V. Related Policies**

Not Applicable.

***Responsible Authority:***            *Office of Human Resources*

### ***1.3.22 Progressive Counseling and Disciplinary Action***

#### **PROGRESSIVE COUNSELING AND DISCIPLINARY ACTION**

##### **I. Purpose**

The purpose of this policy is to provide an effective and equitable process for the issuance of progressive counseling, up to including termination of employment, to employees that is the result of misconduct, unsatisfactory performance, poor attendance, and/or behavioral issues.

##### **II. Scope/Applicability**

All St. Thomas University employees.

**Note:** Unsatisfactory performance by members of the full-time faculty will be addressed in accordance with *Faculty Handbook* policy.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve work performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the University's policies and procedures and/or other disciplinary problems.

Where STU believes that an infraction of written or unwritten standards or practices, including failure to maintain high standards of performance, may have occurred, STU may take any of the following actions, at any time and in any order:

- Oral warnings;
- Written warnings;
- Probationary periods;
- Suspension with or without pay;
- Termination.

STU reserves the right to discipline or terminate an employee, without warning, for any reason or no reason, even if the action constitutes a first offense.

##### **II. Written Warnings**

Generally, the supervisor should discuss a significant problem and present a written warning to the employee in the presence of an Employee Services representative. This should identify the problem and outline a course of corrective action within a specific time frame. The employee should understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or recurs. The employee should acknowledge receipt of the warning and include any additional comments before signing it. A record of the discussion and the

employee's comments may be placed in the employee's personnel file in Employee Services, at the discretion of Employee Services.

Employees who have had formal written warnings are not eligible for salary increases, bonus awards, promotions or transfers during the warning period.

*Note: Reports of Sexual Discrimination and Sexual Harassment, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Exploitation, and Stalking will be investigated and resolved pursuant to the Sexual Harassment (Title IX) Policy or the Anti-Discrimination/Anti-Harassment Policy as applicable.*

## **V. Related Policies**

*Anti-Discrimination/Anti-Harassment Policy*

*Policy No. HR – 1.3.5: Code of Ethics*

*Policy No. HR – 1.319: Personnel Records*

*Sexual Harassment (Title IX) Policy*

*Policy No. HR – 1.4.3: Staff Grievances*

*Policy No. HR – 1.4.1: Staff Performance Reviews*

*Policy No. HR – 1.3.29: Separation from Employment*

**Responsible Authority:**        *Office of Human Resources*

### ***1.3.23 Reasonable Accommodations for Disabilities in the Workplace***

#### **REASONABLE ACCOMMODATIONS FOR DISABILITIES IN THE WORKPLACE**

##### **I. Purpose**

The purpose of this policy is to support and promote St. Thomas University's commitment to the dignity of each person by making employment decisions in a non-discriminatory manner throughout the University. The University applies this policy to all personnel and employment practices, including, but not limited to, hiring, promotion, transfer, recruitment or recruiting advertising, layoff or termination, and compensation, as well as the employee's assigned work duties an employee is performing.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Disability*: a physical or mental impairment that substantially limits one or more of the Major Life Activities of an individual; and a record of such an impairment. A sensory, mental, or physical impairment that (i) Is medically cognizable or diagnosable; or (ii) Exists as a record or history. A physical or mental chronic or episodic condition, including, without limitation, HIV/AIDS, hepatitis, epilepsy, seizure disorder, diabetes, clinical depression, bipolar disorder, multiple sclerosis, and heart disease, that limit one or more major life activities of an individual. Whether the individual's physical or mental condition limits a major lift activity shall be determined without respect to any mitigating measures, such as medication, unless the mitigating measure itself limits a Major Life Activity.

*Essential Functions of the Job*: refer to those job activities that are determined by the University to be essential or core to performing the job; these functions cannot be eliminated.

*Job Description*: a written description that documents the responsibilities, skills, competencies, essential functions, FLSA status, and duties associated with an employee's position and defines the qualifications and requirements to perform those duties.

*Major Life Activities*: include the following, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

*Qualified Individual*: those who can perform their Essential Job Functions with or without a Reasonable Accommodation.

*Reasonable Accommodations*: modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a Qualified Individual to perform the Essential Functions of that position. Also, modifications or adjustments that enable an individual with a disability to enjoy equal benefits and privileges of employment as enjoyed by similarly situated individuals without disabilities.

*Undue Hardship*: in general, with respect to provision of a Reasonable Accommodation, Undue Hardship means significant difficulty or expense. Some factors to be considered when determining whether an undue hardship exists are the nature and cost of the Reasonable Accommodation, overall financial resources of the employer, type of operations, and the impact of a Reasonable Accommodation upon the University's operation and ability to conduct business.

#### **IV. Policy**

It is the University's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of that individual's disability or perceived disability so long as the employee can perform the essential functions of the job.

Consistent with this policy of nondiscrimination, the University will provide reasonable accommodations to a qualified individual with a disability who has made the University aware of his/her disability, provided that the accommodation does not constitute an undue hardship or an action requiring significant difficulty or expense to the University.

Employees and applicants with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Director of Employee Services. STU encourages individuals with disabilities to come forward and request a reasonable accommodation. If no disclosure is made, and the disability is not readily apparent, STU will not be able to make a reasonable accommodation.

#### **Notification of Need for Accommodation**

STU will make a good faith effort to provide a reasonable accommodation to qualified applicants and employees with disabilities to ensure their equal access to employment with the University unless it would result in an undue hardship to STU. On receipt of an accommodation request, a member of Employee Services and the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and potential reasonable accommodation(s) that STU might make to help overcome those limitations.

Employee Services will contact the employee to discuss the request and will inform the employee of its decision on the accommodation request or on how to make the accommodation. An employee or job applicant who believes that he or she has been discriminated against based on a disability should follow the Discrimination and harassment policy. All such inquiries or complaints will be treated as confidential to the extent permissible by law and be addressed pursuant to the University's Discrimination and harassment policy.

All records regarding accommodation requests will be maintained by Employee Services for a minimum of three years after termination of employment or receipt of a permanent medical disability.

#### **Related Policies**

*Anti-Discrimination/Anti-Harassment Policy*

*Policy No. HR – 1.2.1: Equal Employment Opportunity*

*Policy No. HR – 1.3.22: Pregnancy Accommodations in the Workplace*

*Policy No. HR – 1.3.27: Religious Accommodations in the Workplace*

*Service Animals Policy*

***Responsible Authority:***      *Office of Human Resources*

### ***1.3.24 Reference Requests***

## **REFERENCE REQUEST**

### **I. Purpose**

The purpose of this policy is to provide guidance to University employees regarding how requests from outside the University for a reference or information about an employee (or former employee) should be addressed.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

Not Applicable.

### **IV. Policy**

Under no circumstances may an employee of the University release any information about any current or former STU employee over the telephone. All inquiries regarding current or former employee of the University must be referred to the Office of Human Resources.

Reference letters written on behalf of the University regarding any current or past employee may not be provided without authorization from the Office of Human Resources.

In response to an outside request for information regarding a current or former University employee, the Office of Human Resources will furnish or verify only an employee's name, dates of employment, job title, department, and, in limited cases, rate of pay. No other data or information regarding a current or former STU employee, or the employee's employment with St. Thomas, will be furnished unless the employee authorizes the University to furnish this information in writing releasing St. Thomas University from liability in connection with furnishing the information, or the University is required by law to furnish any information.

The following procedures and guidelines regarding written recommendations are based on advice offered by educational legal experts and should be followed when writing an authorized recommendation for current or former employees.

1. Obtain a written request or authorization for the recommendation from the employee and Human Resources;
2. State in the recommendation, *“This information is confidential, should be treated as such, and is provided at the request of [name of employee], who has asked me to serve as a reference”*;
3. Include only information known to be accurate;
4. Be able to document all the information released;
5. If a “to whom it may concern” communication is requested, document that this is the type of reference requested and that the employee takes responsibility for disseminating the communication to the proper persons;

6. Do not include information that might indicate the individual's race, color, religion, sex (including gender, sexual orientation, and gender identity), age, national or ethnic origin, disability of a qualified individual, veteran status, military service, genetic information, HIV or AIDS status, sickle cell trait status, pregnancy (including childbirth and related medical conditions), marital or familial status, or any other protected characteristic as established by law.

**V. Related Policies**

Not Applicable.

*Responsible Authority:*        *Office of Human Resources*

### ***1.3.25 Religious Accommodations in the Workplace***

## **RELIGIOUS ACCOMMODATIONS IN THE WORKPLACE**

### **I. Purpose**

The purpose of this policy is to set forth the University's processes for responding to requests from employees for religious accommodations. The University applies this policy to all personnel and employment practices, including, but not limited to, hiring, promotion, transfer, recruitment or recruiting advertising, layoff or termination, and compensation.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Policy**

It is the policy of St. Thomas University to make Reasonable Religious Accommodations for the religious needs of its employees provided that such accommodations do not pose an Undue Hardship on the University.

In keeping with STU's commitment to building and maintaining a welcoming and inclusive work environment, the University will consider Reasonable Religious Accommodation requests by employees based on the totality of the circumstances.

#### **Requesting a Religious Accommodation**

Employees requesting a Reasonable Religious Accommodation should make the request directly to their supervisor with as much notice as possible. Employees may be required to use accrued time (vacation) as part of the Reasonable Religious Accommodation. If the supervisor determines that the request may pose an Undue Hardship for the department and/or interfere with the employee's essential job functions, or if the supervisor otherwise has questions or concerns about the accommodation request, the supervisor should contact Human Resources.

Human Resources has discretion over the final determination of whether a Reasonable Religious Accommodation will be provided or if the request for the accommodation poses an Undue Hardship on the University.

#### **Complaint Procedures**

The University, via *the Anti-Discrimination and Anti-Harassment Policy*, has adopted internal complaint procedures providing for prompt, equitable, and impartial resolution of reports alleging unlawful discrimination based on an employee or applicant for employee's religion.

Upon the receipt of such a report, the University will follow the resolution procedures set forth in *Anti-Discrimination and Anti-Harassment Policy*.

### **IV. Related Policies**

*Anti-Discrimination and Anti-Harassment Policy*  
*Policy No. HR -1.2.1: Equal Employment Opportunity*  
*Policy No. HR – 1.5.17: Vacation Leave*

***Responsible Authority:***      *Office of Human Resources*

### ***1.3.26 Remote Work and Telecommuting***

## **REMOTE WORK AND TELECOMMUTING**

### **I. Purpose**

St. Thomas University recognizes that there can be value in allowing employees the opportunity to work remotely. The purpose of this policy is to outline under what conditions a remote work arrangement may be approved for employees whose positions have consisted of primarily on-campus work.

This policy is not intended to regulate one-off remote work exceptions. Employees may have an occasional remote work need to deal with the demands of life (e.g., unexpected child care issue, temporary inability to drive). In such cases, it is within the supervisor's purview to grant temporary remote work permission as long as the employee will be primarily engaged in their work. Such time should be scheduled in advance as much as circumstances permit.

### **II. Scope/Applicability**

All regular St. Thomas University employees.

### **III. Definitions/Key Terms**

*Job Description:* a written description that documents the responsibilities, skills, competencies, essential functions, FLSA status, and duties associated with an employee's position and defines the qualifications and requirements to perform those duties.

*Remote Work or Telecommuting* entails a work-at-home arrangement or a remote-access arrangement for at least part of the workweek on a regular basis.

### **IV. Policy**

It is the policy of St. Thomas University to permit Remote Working arrangements as provided by this policy when it is in the best interests of the University and when it will enhance the productivity of the employee. Each request to work remotely will be decided on an individual basis pursuant to the eligibility criteria and guidelines set forth in the University's corresponding Standard Operation Procedures for this policy. In certain limited circumstances, some form of Remote Working may be a requirement of a position. To maintain security, the University reserves the right to place limits and requirements on how personal devices connect to University resources.

The decision to authorize these options is within the University's discretion based on the nature of the work being performed and other business considerations. All existing terms and conditions of employment, including but not limited to the Job Description, salary, benefits, vacation, sick time and overtime (if applicable) remain the same as if the employee worked only at the employee's regularly assigned place of employment.

### **V. Related Policies**

*Acceptable Use Policy*

*Policy No. HR – 1.3.5: Code of Ethics*

*Policy No. HR – 1.3.9: Conflict of Commitment and Outside Work*

*Policy No. HR – 1.3.8: Conflicts of Interest*

*Policy No. HR -1.3.17 : Maintenance of Confidentiality*

*Policy No. HR- 1.8.3: Hours of Work, Time Reporting and Overtime*

***Responsible Authority:***      *Office of Human Resources*

### *1.3.27 Separation from Employment*

#### SEPARATION FROM EMPLOYMENT

##### **I. Purpose**

The purpose of this policy is to establish a process for addressing an employee's separation of employment from the University.

##### **II. Scope/Applicability**

All St. Thomas University employees

##### **III. Definitions/Key Terms**

*Voluntary Separation:* a separation is voluntary if the termination of employment is initiated by the employee (i.e. via resignation or retirement).

##### **IV. Policy**

Termination of employment may be voluntary (resignation or retirement) or involuntary (termination for cause or reduction in force).

##### **Voluntary Separation**

*Resignation:* Employees desiring to terminate their employment relationship with St. Thomas University are urged to notify the University at least two (2) weeks in advance of their intended separation. Such notice should preferably be given in writing to the employee's supervisor and department head.

*Retirement:* Employees who plan to retire are urged to provide the University with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner.

##### **Involuntary Separations**

*Performance and Discipline Related Terminations:* The University retains the right to terminate an employee due to misconduct, unsatisfactory performance, attendance, and/or behavioral issues in accordance with *Policy No. HR – 1.3.24: Progressive Counseling and Disciplinary Action*.

*Reduction in Force:* If and when the University declares the need for a reduction in force, an employee may be subject to discharge according to the Reduction in Force Plan approved by the President.

##### **Return of University Property**

Upon separation from employment with STU, all University equipment must be returned before or at the time the final paycheck is issued. If applicable, any costs as a result of unreturned, lost, or damaged property will be deducted from the employee's final paycheck.

##### **V. Related Policies**

*Policy No. HR – 1.3.3: Appropriate Conduct in the Workplace*

*Policy No. HR – 1.3.5: Code of Ethics*

*Policy No. HR – 1.3.24: Progressive Counseling and Disciplinary Action*

*Policy No. HR – 1.3.33: University Property Issued to Employees*

***Responsible Authority:***      *Office of Human Resources*

### ***1.3.28 Smoke and Tobacco-Free Campus***

#### **SMOKE AND TOBACCO-FREE CAMPUS**

##### **I. Purpose**

The purpose of this policy is to assist in the creation of a healthy and comfortable environment for all students, employees, visitors, and any other members of the University community.

##### **II. Scope/Applicability**

All St. Thomas University campus community members.

##### **III. Definitions/Key Terms**

*Smoking*: means inhaling, exhaling, burning, or vaporizing of any substance, including but not limited to lit or unlit tobacco or simulated tobacco products, marijuana or marijuana simulated products, cloves, and concentrates (e.g., cigarettes, electronic cigarettes, personal vaporizers, vape pens, cigars, electronic cigars, hookahs, pipe tobacco, and any other tobacco/marijuana/clove products or simulated tobacco/marijuana/clove products).

*Tobacco Use*: means the personal use of any tobacco or simulated tobacco product, whether intended to be lit or not, which includes, but is not limited to smoking, as defined above, the use of any other device intended to simulate smoking, as well as the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any other form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, cigars, and pipe tobacco

##### **IV. Policy**

St. Thomas University is committed to providing a healthy working and learning environment for the entire campus community. The University recognizes that smoking is a major cause of preventable disease. Research findings confirm, and the U.S. Surgeon General affirms, that tobacco use and exposures to secondhand smoke by non-users constitute a significant health hazard.

The University prohibits the smoking of tobacco products, including electronic cigarettes (vaping) the carrying of lighted tobacco products, or chewing tobacco. The use, possession, or cultivation of marijuana, including but not limited for medicinal purposes, is not allowed on University property; nor, is it allowed at any University sponsored event or activity.

##### **V. Related Policies**

Not Applicable.

***Responsible Authority:***        *Office of Human Resources.*

### ***1.3.29 Social Media***

## **SOCIAL MEDIA**

### **I. Purpose**

The purpose of this policy is to establish clear guidance for creating and approving content pertaining to St. Thomas University (including the University's departments, divisions, offices, centers, programs, etc.) on any publicly available Social Media site. In addition, this policy provides general guidelines regarding the personal use of Social Media by members of the University community.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

*Intellectual Property*: means certain creations of the human mind that are granted legal aspects of a property right. These property rights include patents, copyrights, trademarks, trade secrets, and any other such rights that may be created by law in the future.

*Members of the University Community*: includes any person who is a student, faculty member, staff member, organization, club, group, team, alumni, volunteer, trustee, or any other person employed by STU.

*Official University Communications*: communications done in the name of St. Thomas University on an Official University Social Media site.

*Official University Social Media Site*: a Social Media site or account that is created or used by a member of the University community in the name of St. Thomas University or a University department, program, team, or officially recognized University club, group, or organization (collectively "University") or to promote and/or market the University, including accounts featuring or displaying the University's name and trademarks (collectively "University Work Product").

*Social Media*: includes any online platform available and emerging that allow Internet users to create and publish content, or any facility for web- and mobile-based publication and commentary, including but not limited to blogs, wikis, RSS feeds, content-sharing services, interactive geo-location platforms, forums, discussion boards and groups, vodcasting and podcasting sites, online multiplayer gaming platforms, direct messages, and networking sites including but not limited to Facebook, Twitter, YouTube, Instagram, LinkedIn, Snapchat, Pinterest, Google+, Periscope, Flickr, Wikipedia, Reddit, and Wordpress. Any available and emerging Web application, platform, site, or account maintained by the University that facilitates an environment for employees, students, and alumni to share information and opinions in an interactive way is also included in this definition.

### **IV. Policy**

It is relevant for members of the University posting in the capacity as a University employee (i.e. when posting any social media content which reference their employment at the University), those

posting officially on behalf of the University, or employees with personal profiles balancing their affiliation with the University, understand STU's commitment to certain fundamental Judeo-Christian principles which holds to be demonstrable through faith and reason.

**No posting of any confidential information about the University, its staff or students, or content that violates copyright or privacy laws, is threatening or obscene, libel, or is otherwise injurious or illegal is permitted. Any content of this nature posted by a user will be removed immediately. St. Thomas University will take legal action to enforce this at its discretion.**

### **Ownership of Social Media Work Product**

All Official University Social Media Sites, accounts, developments, and intellectual property created or used by a member of the University community for the University as a result of the performance of assigned University duties or with the significant use of University facilities, resources and/or personnel or to promote and/or market the University, including accounts featuring or displaying the University's name and trademarks (collectively "University Work Product"), belong solely to the University. The University owns and has the right to control all University Work Product whether the member of the University community opens the account or uses, manages, or access it. The University does not require or request members of the University community to provide personal social media account information or passwords in accordance with applicable laws.

### **Multi-Media Usage on Official University Social Media Sites**

All multimedia usage on an Official University Social Media Site must adhere to copyright, trademark, intellectual property, and privacy laws and regulations, as well as applicable University policies addressing these matters.

### **Personal Use of Social Media**

The University respects the rights of its employees to use Social Media as a medium of self-expression. However, the University requires that the following guidelines be observed:

1. Employees are personally responsible for what they post on Social Media sites.
2. For non-business participation on Social Media sites, employees must use a personal e-mail address. Use of personal e-mail accounts serves to prevent confusion and works to eliminate any misperception that you are speaking on behalf of the University.
3. In using a Social Media site, employees must refrain from presenting personal opinions in ways that imply endorsement by the University. If posted material may reasonably be construed as implying the support, endorsement, or opposition of the University with regard to any personal postings or statements addressing opinions or views on any issue, the material should be accompanied by an explicit statement that the employee is speaking for oneself and not as a representative of the University.
4. Employees must not use Social Media to maliciously defame co-workers or University students, its competitors, or vendors.
5. Employees are expected to comply with any applicable state and federal trademark, trade secret, copyright and other intellectual property laws when using Social Media.

6. An employee's personal use of social media or electronic postings should be consistent with University policy and employees may not use Social Media to harass, bully, or intimidate other employees or members of the University community.
7. Employees must not use Social Media to maliciously defame the University or any employee or member of the University community or make grossly reckless or maliciously false statements about the University.
8. Only employees authorized by the Athletic Department may recruit potential student-athletes. All governing athletic regulations must be followed when using official and/or personal social media accounts in the recruitment of student athletes.
9. Personal use (e.g., when an employee uses Social Media sites as part of the employee's personal life) of Social Media sites during business hours to access Social Media must be limited to incidental use. Incidental use should not interfere with the employee's performance of assigned job responsibilities or someone else's job performance or compromise the functionality of the campus network.

In response to concerns or complaints or information provided to the University, University administrators may look up profiles on Social Media sites and may use the information in informal or formal disciplinary proceedings if there is reasonable cause to believe the above guidelines have been violated.

#### **Non-Compliance**

Suspected violations of this policy should be reported to The Office of Human Resources.

The University prohibits retaliation against a member of the University community for making a good faith report of a potential legal or University policy violation.

#### **V. Related Policies**

*Acceptable Use Policy*

### *1.3.30 Solicitation and Distribution of Literature*

#### **SOLICITATION AND DISTRIBUTION OF LITERATURE**

##### **I. Purpose**

The purpose of this policy is to establish the University's intent to have a work environment that is free from solicitation efforts that do not relate to St. Thomas University business or interest.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Solicitation*: includes, canvassing, soliciting or seeking to obtain membership in or support for any organization, requesting contributions, and posting or distributing handbills, pamphlets, petitions, and the like of any kind on University property or using University resources (including without limitation bulletin boards, computers, mail, e-mail and telecommunication systems, photocopiers and telephone lists and databases).

*Working Time*: the time assigned for the performance of the employee's job and does not apply to break periods and meal times.

##### **IV. Policy**

Solicitation for any cause during an employee's own working time or the working time of the person being solicited and in Working Areas is not permitted as these activities are distracting and interfere with the performance of required duties. Employees are not permitted to solicit for memberships or subscriptions for any public or private enterprises, gifts of any nature, etc. In addition, the circulation or distribution of any petitions or notices or other printed materials is prohibited.

Persons not employed by STU are prohibited from soliciting or distributing literature on STU property without appropriate written approval from the Vice President for Administration.

Violations of this policy may result in the University taking appropriate disciplinary action against the violator, up to and including discharge from employment.

Employees who witness an individual engaging in behavior in violation of this policy are obligated to report the matter to their supervisor. Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to disciplinary or corrective action up to and including termination or dismissal. Any complaints about retaliation may be reported in the same manner as violations of this policy are to be reported.

##### **V. Related Policies**

Not Applicable.

*Responsible Authority:*            *Office of Human Resources*

### ***1.3.31 University Property Issued to Employees***

#### **UNIVERSITY PROPERTY ISSUED TO EMPLOYEES**

##### **I. Purpose**

The purpose of this policy is to establish guidelines regarding the use, care and management of University property issued to employees to fulfill their job responsibilities.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Misuse of University Property:* includes, but is not limited to, misappropriations of University property; use of University property to create illegal items or items for illegal use (for example: drug paraphernalia, lock picks, fireworks, firearms, explosive devices, eavesdropping devices, code-breaking devices, etc.); use of University property to violate University policy or a federal, state or local law; theft, conversion, intentional damage, or destruction of University property, etc.

##### **IV. Policy**

All STU owned property, as well as specific property issued to an employee, including, but not limited to, keys, computers, research materials, and safety equipment, should be treated with the utmost care. Every provision should be made by the employee to prevent University-owned property from being damaged, stolen, or lost. Moreover, University employee are responsible for ensuring that STU property is used in accord with applicable University policy and procedures, as well as applicable laws and regulations.

STU will incur all expenses associated with general maintenance, repair, and manufacturer defects. In the case of lost or stolen property, STU may assess the employee for the cost of the item or a portion of the cost of the item if it is determined that the property was not properly maintained under normal circumstances. In addition, if management concludes that an employee is responsible for misuse of a University property in violation of this policy, appropriate disciplinary action may be initiated.

Upon separation from employment with STU, all University owned equipment must be returned before or at the time the final paycheck is issued. If applicable, any costs as a result of unreturned, lost, or damaged property will be deducted from the employee's final paycheck.

University employees may report any concerns with respect to the misuse of University property to a supervisor or Human Resources. In addition, the Ethics Hotline and Website may be utilized (see *Policy No. HR – 1.3.5: Code of Ethics*).

Those who report violations in good faith and in an appropriate manner, whether or not further investigation substantiates the claim, will be free from retaliation in any form. All reported violations will be investigated promptly.

##### **V. Related Policies**

*Policy No. HR – 1.3.5: Code of Ethics*

*Policy No. HR – 1.3.20: Personal Use of University Property*

***Responsible Authority:***      *Office of Human Resources*

### ***1.3.32 Whistleblower Reporting***

## **WHISTLEBLOWER REPORTING**

### **I. Purpose**

The purpose of this policy is to provide a mechanism for and encourages employees to report Wrongful Conduct or raise any ethics-related questions or concerns, free from any fear of reprisals.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

*Baseless Claim:* an allegation made with reckless disregard for its truth or falsity.

*Good Faith Report:* an allegation of Wrongful Conduct made by an individual who believes that Wrongful Conduct may have occurred. However, an allegation is not in Good Faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

*Protected Disclosure:* communication about actual or suspected unethical behavior or Wrongful Conduct engaged in by a member of the University community based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or University policy.

*Retaliation:* adverse action against an individual because she or he has made a Protected Disclosure or has participated in an investigation, proceeding, or hearing involving a Protected Disclosure

*Wrongful Conduct:* violations of applicable state and federal laws or regulations, fraud, accounting irregularities, auditing abuse, falsification or records, improper destruction of University records, conflicts of interest, impeding a University or law enforcement investigation, violation of a government contract or grant requirement, research misconduct, serious violation of University policy, or the use of University property, resources, or authority for personal gain or other non-STU related purpose except as provided under University policy

### **IV. Policy**

St. Thomas University is committed to conducting University operations in an ethical, safe and lawful manner and expects all faculty, staff, administration and students to abide by the laws of the State of Florida, Federal laws and regulations and STU policies. Accordingly, it is the policy of St. Thomas to encourage its employees, acting in good faith, to raise any ethics-related questions and report suspected or actual Wrongful Conduct to the University.

This policy is intended to protect employees who makes a good faith disclosure of suspected Wrongful Conduct. Good faith reporting of Wrongful Conduct or compliance issues may be reported anonymously and without fear of reprisal through the reporting procedures set forth below (see Procedures). Information reported will remain confidential and will be impartially evaluated without fear of retaliation. STU community members who take Retaliatory actions against reporting individuals will be subject to discipline by the University. Such disciplinary action may include termination, suspension, expulsion, cancellation of the applicable vendor contract, removal from campus, and/or any other action the University deems necessary.

Employees are obligated to cooperate fully in the investigation of any allegation of Wrongful Conduct.

Note: STU's prohibition against Retaliation is not intended to prohibit supervisors and the administration from exercising legitimate supervisory responsibilities in the usual scope of their duties. Moreover, the right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

### **Reporting Procedures**

Good faith reporting of Wrongful Conduct or compliance issues may be reported anonymously and without fear of reprisal through "The Network." This external service may be accessed by the internet or by calling a toll-free (see below). Both of these avenues are available 24 hours a day, seven (7) days a week. Information reported will remain confidential and will be impartially evaluated without fear of retaliation.

#### *Hotline*

The toll-free number for the hotline is 1-877-369-7432. Service is available 24 hours a day, seven (7) days a week. Operators are available in a variety of languages. When calling the hotline, an interview specialist (not related to the University) will document the concern, assign a personal reference number and relay the information to the University.

All reported violations will be investigated promptly.

### **Baseless Claims**

Any reporting individual who knowingly reports false information with reckless disregard will be subject to disciplinary action.

## **V. Related Policies**

*Policy No. HR – 1.3.5: Code of Ethics*

**Responsible Authority:**      *Office of Human Resources*

### ***1.3.33 Workplace Safety***

## **WORKPLACE SAFETY**

### **I. Purpose**

The purpose of this policy is to establish a process for the reporting of workplace injuries and safety and health issues.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

*Work Related Injury or Illness:* an injury or illness that occurs on the job to an eligible employee for which benefits are awarded and payable by Workers' Compensation.

*Worker's Compensation:* a program of compensation insurance that pays benefits to an employee who experiences a job-related injury.

### **IV. Policy**

It is the policy of St. Thomas University to provide a safe and healthy workplace and fully adhere to the requirements of federal and state law for recording and reporting work-related injuries and illnesses. All STU employees have the right and obligation to report work-related injuries and illnesses. The University will not discharge, or otherwise discriminate or retaliate against any employee for raising a safety or health concern, or for reporting work-related injuries or illnesses.

#### **Accident Prevention**

STU is guided by an established accident prevention policy. This policy is based upon a sincere desire to eliminate personal injuries, occupational illness, and damage to equipment and property, as well as to protect the general public, wherever the public may come in contact with, or is affected by, the University's work. All STU employees are charged with the responsibility of preventing the occurrence of incidents or conditions that could lead to occupational injuries or illness. While the ultimate success of a safety and health program depends upon the full cooperation of each individual employee, it is the University's commitment to provide all employees a safe environment in which to work. It is likewise management's responsibility to see that safety and health rules and procedures are adequately in place and enforced.

### **V. Related Policies**

Not Applicable.

***Responsible Authority:***            *Office of Human Resources*

## **1.4 Staff and Senior Administrator Workplace Policies**

### **STAFF AND SENIOR ADMINISTRATOR PERFORMANCE REVIEWS**

#### **I. Purpose**

The purpose of this policy is to establish a consistent approach and operating philosophy for providing feedback and assessment of staff and senior administrator performance through annual evaluation.

#### **II. Scope/Applicability**

All St. Thomas University staff and senior administrator employees. Temporary employees and employees who have been on a leave for more than one (1) year as of the start of the annual performance process, as well as faculty are excluded from this policy.

#### **III. Definitions/Key Terms**

*Job Description:* a written description that documents the responsibilities, skills, competencies, essential functions, FLSA status, and duties associated with an employee's position and defines the qualifications and requirements to perform those duties.

*Probationary Period:* the initial period of employment, during which both the administrative or staff employee and supervisor carefully consider whether the employee is willing and/or able to meet the standards and expectations of the position and if the employee should be retained by the University as a Regular Employee.

#### **IV. Policy**

To ensure that employees perform their job to the best of their abilities, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary. Management is continuously evaluating employee job performance. Day-to-day interaction should give each employee a sense of how the employee's performance is perceived. However, supervisors will conduct a formal, written performance review upon completion of an employee's 90<sup>th</sup> day of employment, and at least once annually thereafter. A review may also be conducted in the event of a change in duties and responsibilities or to clarify performance deficiencies.

During formal performance reviews, management will consider the following criteria, among others:

- Attendance, initiative, and effort
- Knowledge of work
- The quality and quantity of work
- Adherence to University and departmental policies, procedures, and protocols

The primary reason for performance reviews is to identify strengths and weaknesses in order to reinforce good habits and develop ways to improve in weaker areas. The review also serves to

clarify and document performance standards in conjunction with the goals and description of the employee's position. As well as being a tool basic to good personnel management, performance evaluations also assist in achieving desired work performance, receiving ideas and inputs, identifying training needs, and documenting shortcomings for positive discipline procedures that may be necessary. Frequent guidance and feedback are necessary to maintain optimum performance and job satisfaction.

This is a good time to discuss personal interests and future goals. Management is interested in helping each employee progress and grow in order to achieve personal as well as work-related goals. As a result of these meetings, further training or additional opportunities may be recommended or provided.

## **V. Related Policies**

*Policy No. HR – 1.1.2: Probationary Period*

***Responsible Authority:***      *Office of Human Resources*

### ***1.4.1 Staff Promotions and Transfers***

#### **STAFF PROMOTIONS AND TRANSFERS**

##### **I. Purpose**

The purpose of this policy is to provide procedures and policy guidelines regarding the promotion and transfer of University staff employees.

##### **II. Scope/Applicability**

The purpose of this policy is to provide procedures and policy guidelines regarding the promotion and transfer of University staff employees.

##### **III. Definitions/Key Terms**

*Promotion:* a move to a position of higher classification requiring increased responsibilities and will normally be accompanied by an increase in compensation.

*Transfer:* the appointment, on a regular basis, of an employee to a different position within the same or similar range of job classification to which the employee's current position is assigned. An increase in salary will not normally accompany a transfer. In all cases, any compensation adjustment must have prior approval by the Office of Human Resources.

##### **IV. Policy**

The employment policies instituted at the University are designed to assist departments in obtaining the most qualified and suitable candidates for position vacancies and to ensure compliance with federal, state, and local laws, policies, and procedures concerning employment. Additionally, the University hopes to assist employees in their efforts to grow and develop professionally. Therefore, it is the policy of St. Thomas University to promote and transfer qualified, regular employees whenever possible and practical.

A promotion or transfer may be initiated by the University or the employee. To be eligible for promotion or transfer, the employee must have completed at least six (6) months of regular employment in the employee's current position. Any exceptions to the six (6) month waiting period must be approved by the appropriate Senior Staff member/s. The candidate must also first satisfy the education and experience requirements established for the desired position. A candidate that has the required experience should first meet with a representative of the Office of Human Resources to discuss the employee's interest and intent.

##### **V. Related Policies**

*Policy No. HR – 1.2.4: Background, Reference, and Verification Screens*

*Policy No. HR – 1.2.2: Employee Recruitment and Hiring*

*Policy No. HR – 1.2.3: Employment of Relatives*

*Policy No. HR – 1.1.2: Probationary Period*

***Responsible Authority:***        *Office of Human Resources*

### **1.4.2 Staff and Senior Administrator Grievances**

#### **STAFF GRIEVANCES**

##### **I. Purpose**

The purpose of this policy is to establish formal procedures and guidelines to address staff and senior administrator workplace problems.

##### **II. Scope/Applicability**

All St. Thomas University staff and senior administrators. This policy does not apply to University faculty members. Faculty members that are not satisfied with the outcome of a work-related decision should follow the University's grievance procedures for faculty members.

##### **III. Definitions/Key Terms**

*Grievance(s)*: any complaint arising from employment with the University relating to material work-related decisions (i.e., those relating to compensation, disciplinary action, and hours of work) or the interpretation or the application of a University, School or department policy or procedure. A Grievance does not apply to the following:

1. Issues falling within the jurisdiction of other University policies and procedures (i.e., unlawful discrimination and harassment complaints, etc.);
2. Determination or content of a University policy or procedure appropriately approved by the University governance system;
3. Normal actions taken or recommendations made by individuals acting in an official capacity in the grievance resolution process; and
4. Failure to satisfy the individual making the grievance after the grievance process has been completed.

##### **IV. Policy**

St. Thomas University believes in the fair and equitable treatment to its employees. Toward that goal, the University has implemented a procedure for promptly, fairly, and judiciously reviewing staff employee Grievances regarding material work-related decisions or the application of a University, School or department policy or procedure. Material work-related decisions are those relating to compensation, disciplinary action, and hours of work.

A Grievance does not apply to the following:

1. Issues falling within the jurisdiction of other University policies and procedures (i.e., unlawful discrimination and harassment complaints, etc.);
2. Determination or content of a University policy or procedure appropriately approved by the University governance system;
3. Normal actions taken or recommendations made by individuals acting in an official capacity in the grievance resolution process; and

4. Failure to satisfy the individual making the grievance after the grievance process has been completed.

Employees who have not completed the initial three months' probationary period are entitled to all rights of grievance and appeal except the right of appeal of involuntary separation, reassignment (excluding reassignment as a result of unlawful discrimination or harassment) or demotion (excluding demotion as a result of unlawful discrimination or harassment).

Retaliation against an employee for participating in the Grievance process in good faith will not be tolerated and will subject the individual engaging in the retaliation to disciplinary action up to and including termination. Any complaints about retaliation may be reported to the Director of Human Resources.

#### **V. Related Policies**

*Policy No. HR – 1.3.7: Communication – Open Door Policy*

*Responsible Authority: Office of Human Resources*

## **1.5 Employee Public Safety and Security Policies**

### **1.5.1 Child Abuse and Neglect Reporting**

#### **CHILD ABUSE AND NEGLECT REPORTING**

##### **I. Purpose**

The purpose of this policy is to provide guidance to University employees and volunteers regarding the reporting of suspected cases of Child Abuse and Neglect and to affirm the commitment of the University to the protection of the safety and welfare of children who visit campus or participate in University-sanctioned events.

##### **II. Scope/Applicability**

All University employees and volunteers

##### **III. Definitions/Key Terms**

*Child*: any person under the age of eighteen. This includes reporting suspected abuse committed by adults who are not the child's legal guardian and by juvenile sexual offenders.

*Child Abuse*: means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

*Child Neglect*: neglect occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired

##### **IV. Policy**

St. Thomas University employees, volunteers, and other third-parties acting on behalf of STU have an affirmative obligation to report immediately to Public Safety suspected cases of Child Abuse or Neglect in accordance with the reporting procedures set forth in this policy. In addition, pursuant to *HB 1355 – The Protection of Vulnerable Persons Act*, mandatory reporting to the Florida Department of Children and Family Services' Abuse Hotline is required for:

1. Knowledge or reasonable suspicion of child abuse, abandonment, neglect by parent, legal custodian, caregiver or other person responsible;
2. Knowledge or reasonable suspicion of child abuse by adult other than a parent, legal custodian, caregiver or other person responsible;
3. Knowledge or reasonable suspicion that child is victim of childhood sexual abuse.

**Suspected Child Abuse MUST be reported to the Department of Children and Family Services:**

1. Tel: 1-800-962-2873
2. TDD: 1-800-453-5145
3. FAX: 1-800-914-0004

Reports may be made (24 hours a day, 365 days a year) by phone using a toll-free telephone number, by fax, or by web-based report. For more information and tips on successful reporting please go to: [www.myflfamilies.com/service-programs/abuse-hotline/howtoreport](http://www.myflfamilies.com/service-programs/abuse-hotline/howtoreport). Anyone reporting in good faith is immune from any civil or criminal liability.

In addition to reporting the abuse to authorities, the University's Director for Human Resources must be notified immediately. Any person who in good faith makes or participates in making a report under this policy is free from any retaliation at the University that might otherwise result from compliance with the policy.

**The penalties to colleges and universities whose administrators knowingly fail to report known or suspected child abuse are severe and include a \$1 Million fine to the University. Additionally, failure to report is a felony of the third degree.**

In addition to the above referenced criminal sanctions, failure to report a known incident of Child Abuse, Child Sexual Abuse, Neglect, or Abandonment may be subject to disciplinary action up to and including termination of employment pursuant to the University's applicable disciplinary policies.

#### **V. Related Policies**

*Policy No. HR – 1.3.10: Children in the Workplace*

**Responsible Authority:** *Office of Human Resources*

### ***1.5.2 Mandatory Crime Reporters***

#### **MANDATORY CRIME REPORTERS**

##### **I. Purpose**

The purpose of this policy is to comply with the Jeanne Clery Act and Title IX and to identify those University employees required to report concerning behaviors, harassment, discrimination, and crimes to appropriate administrators on campus.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Campus Security Authority (CSA)*: a St. Thomas University employee that has significant responsibility for student and campus activities, and as such is trained by the University to report “Clery Act” crimes occurring on campus or at a University sanctioned event to Public Safety for inclusion in the Annual Security and Fire Report.

##### **IV. Policy**

Prompt and accurate reporting of criminal offenses assists the University in providing timely response and timely warning notices on-campus and aids in compiling accurate crime statistics. There are a number of ways for members of the University community and visitors to report crimes, serious incidents, and other emergencies to appropriate STU officials. While the University encourages all community members to promptly report all crimes and other emergencies directly to Campus Safety, it recognizes that some may prefer to report to other individuals or University offices. A list of each person or office to which members of the University may report criminal activities and other emergencies is set forth below. The names of victims will be kept confidential to the extent possible by the University.

##### **V. Clery Crime Reporting**

All persons are strongly encouraged to accurately and promptly report all crimes or emergencies to the Campus Safety at +1 305-625-6500, or by speaking directly with a Campus Safety Officer on campus or by reporting the incident to the Compliance Officer, Title IX Coordinator or Human Resources Director.

Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the residence halls should be immediately reported to Campus Safety. When Campus Safety receives a report of an urgent situation, it will dispatch officers to the scene to lend assistance, investigate, prepare a report and conduct follow-up as needed. When appropriate, Campus Safety will notify the Miami Gardens Police or Fire/Rescue Department depending on the circumstance of the incident.

Reporting an incident to Campus Safety will ensure a prompt and effective investigation and appropriate follow-up actions, including the issuance of a Timely Warning designed to help prevent crime or an Emergency Notification to inform the campus of life threatening emergencies.

**VI. Related Policies**

*Sexual Harassment (Title IX) Policy.*

***Responsible Authority:***      *Office of Compliance & Public Safety.*

### ***1.5.3 Sexual Predator and Sexual Offender Registry***

#### **SEXUAL PREDATOR AND SEXUAL OFFENDER REGISTRY**

##### **I. Purpose**

The purpose of this policy is to comply with Florida Statute Section 775.21(10)(c), as well as the Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, which require each institution of higher education to disclose information concerning registered sex offenders.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Convicted Sex Offender*: a person convicted of a crime involving a sexual offense that is required to register with government authorities

##### **IV. Policy**

By Florida law, as well as Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, the University is required to inform students and employees to regularly visit the public registry to review it for individuals who may have prior criminal records and sex offenses.

It is illegal to misuse public records information regarding a sexual predator or a sexual offender as defined by Florida Statutes and to secure a payment from such a predator or offender; to knowingly distribute or publish false information relating to such a predator or offender and to misrepresent such information as being public records information; or to materially alter public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication.

##### **Sex Offender Registration**

All registered sex offenders are required to self-report their status with Human Resources upon employment or enrollment. If designated as a registered sex offender after employment or enrollment, the self-reporting must occur within 24 hours of the designation. Failure to self-report may result in disciplinary action up to and including termination of employment or suspension.

##### **V. Related Policies**

*Policy No. HR- : Child Abuse and Neglect Reporting*

*Policy No. HR - : Background, Reference, and Verification Screens*

***Responsible Authority:***        *Office of Human Resources*

### *1.5.4 Workplace Searches*

#### **WORKPLACE SEARCHES**

##### **I. Purpose**

The purpose of this policy is to provide guidelines for workplace searches conducted by the University.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

STU reserves the right to request employees to submit to a search of any package, purse, briefcase, backpack, toolbox, lunch box, pocket, or other container brought onto University premises. In addition, STU reserves the right to request employees to submit to a search of a desk, file cabinet, locker, or other container provided by the University or used in connection with the business of the University; and/or to allow to a search of any vehicle brought onto University premises.

A search may be conducted without notice, but will take place in the employee's presence and with the employee's consent. Searches under this policy will be handled with the utmost discretion and consideration for the affected employee.

An employee who refuses to consent to such a search is subject to disciplinary action, up to and including termination.

This policy and these procedures do not limit in any way Public Safety or local law enforcement's right to conduct law enforcement activities including, but not limited to, questioning or searching any person or inspecting any University premises.

##### **V. Related Policies**

*Policy No. HR – 1.3.12: Drug- Free Workplace.*

**Responsible Authority:**      *Office of Human Resources & Public Safety*

### ***1.5.5 Workplace Violence and Threats***

#### **WORKPLACE VIOLENCE AND THREATS**

##### **I. Purpose**

The purpose of this policy is to promote a safe campus environment by prohibiting violent and threatening actions in the workplace and at University sponsored activities.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Workplace Violence*: includes, but is not limited to intimidation, bullying, stalking, threats, sexual assault, physical attack, property damage, or domestic and family violence. This includes acts of violence committed by or against University employees. Such incidents may also involve students, clients, visitors or vendors.

##### **IV. Policy**

St. Thomas University is committed to providing a workplace that is free from violence, threats or abusive language. Accordingly, Workplace Violence, threats and abusive language is strictly prohibited, whether it occur on University property or at a University sponsored activity. Moreover, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium and threats, harassment, and/or violence made against a fellow employee are similarly prohibited.

A strict zero-tolerance policy will be enforced. Deviation from this policy resulting in unacceptable personal conduct may be cause for disciplinary action, up to and including dismissal. Any person who makes threats, exhibits threatening behavior or engages in violent acts in violation of this policy may be removed from campus pending the outcome of an investigation.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to disciplinary or corrective action up to and including termination or dismissal. Any complaints about retaliation may be reported in the same manner as violations of this policy are to be reported.

Note: If the harassing conduct is sexual in nature or if it is based on a category protected by law, reporting parties are required to follow the procedures set forth in the University's *Sexual Harassment (Title IX) Policy* or the *Anti-Discrimination and Anti-Harassment Policy* as applicable.

##### **Reporting Procedures**

Employees and students are expected to report any threat or act of violence that they have witnessed, received, or have been informed of, to the Office of Public Safety and/or the Office of Human Resources. A complainant needn't, beyond providing the facts, have to classify which of the offenses covered has occurred.

St. Thomas University strongly encourages anyone who is a victim of or witness to a crime to promptly report the incident to Public Safety. Employees should immediately report crimes in progress, accidents and other emergencies by dialing 9-1-1, or by contacting Public Safety at (305) 628-6500 (extension 6500 from a campus phone).

**V. Related Policies**

*Policy No. HR – 1.3.1: Appropriate Conduct in the Workplace*

*Anti-Discrimination and Anti-Harassment Policy*

*Sexual Harassment (Title IX) Policy*

**Responsible Authority:** *Office of Human Resources & Public Safety*

### *1.5.6 Weapons in the Workplace*

#### **WEAPONS IN THE WORKPLACE**

##### **I. Purpose**

The purpose of this policy is to establish restrictions regarding the possession or use of weapons and other dangerous instruments on campus or at a University-sponsored activity.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*See Policy Statement*

##### **IV. Policy**

Per Section §790.115, Florida Statutes, no persons may carry, possess or use any dangerous weapon on University property, in University buildings or facilities or at University sanctioned events, except for designated Public Safety Staff. Furthermore, it is illegal to store weapons in private vehicles while on University property. No persons may display or portray as real any object that resembles a dangerous weapon.

**Constructing, storing, possessing or detonating fireworks, combustibles, firearms, firearm parts, weapons, weapon parts, ammunition, gas canisters, and other explosives are prohibited in the University or at a University-sponsored activity. Examples of weapons, which are strictly prohibited, include, but are not limited to bows and arrows, BB guns, guns, rifles, martial art weapons, knives, paintball guns, pellet guns, replica guns, chemical weapons, swords, slingshots and other dangerous devices or instruments.**

Any violation of this policy will result in immediate and permanent confiscation of the weapon, fireworks or other dangerous instrument and may result in immediate referral to the appropriate conduct process, or the appropriate law enforcement agency (which may result in criminal court action). In addition, any person who possesses a Weapon in violation of this policy may be removed from campus pending the outcome of an investigation.

Employees who witness an individual possessing a Weapon in violation of this policy are obligated to report the matter to Public Safety. Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to disciplinary or corrective action up to and including termination or dismissal. Any complaints about retaliation may be reported in the same manner as violations of this policy are to be reported.

##### **V. Related Policies**

*Policy No. HR – 1.5.5: Workplace Violence and Threats*

**Responsible Authority:** *Office of Human Resources.*

## **1.6 Leaves**

### ***1.6.1 Bereavement Leave***

#### **BEREAVEMENT LEAVE**

##### **I. Purpose**

The purpose of this policy is set forth expectations and guidelines for time off without loss of pay in the event of the death of a Family Member.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Immediate Family*: for purposes of this policy, Immediate Family is defined as husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson, step-daughter, as well as any other person whose relationship with the employee is similar to that of the relationships described herein

##### **IV. Policy**

It is the policy of St. Thomas University to compensate regular full and part-time staff employees (hereinafter “employees”) for time lost from their regular work schedule in accordance with the following guidelines when a death occurs in their Immediate Family:

Employees will be granted up to three (3) workdays leave with pay immediately following the death of a member of their Immediate Family or Household. One (1) additional funeral leave day will be granted for funeral services for a member of the Immediate Family that are conducted beyond a 300-mile radius of the University. Employees will be granted funeral leave of one (1) workday with pay for the funeral of the following relatives: grandfather, grand-mother, grandchild, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece.

Requests for bereavement leave should be made to your immediate supervisor.

If a holiday or part of an employee’s vacation occurs on any of the days of absence, the employee may not receive holiday or vacation pay in addition to paid funeral leave. In addition, paid bereavement leave is not available to employees who are on certain other approved University or statutory leaves of absence (i.e., family/medical leave, short or long-term disability, or workers’ compensation time loss).

Time paid for funeral/bereavement leave will not be counted as hours worked for the purposes of computing overtime.

STU reserves the right to request supporting documentation for any bereavement leave. An excused absence for a family death must take place within 30 days of the passing.

##### **V. Related Policies**

*Policy No. HR -1.6.4: Holidays*

*Policy No. HR – 1.6.11: Vacation Leave*

***Responsible Authority:***      *Office of Human Resources*

## 1.6.2 Domestic Violence Leave

### DOMESTIC VIOLENCE LEAVE

#### I. Purpose

The purpose of this policy is to comply with Florida Statute 741.313 and support University employees who are victims of Domestic Violence or have a family or household member who is a victim of Domestic Violence.

#### II. Scope/Applicability

All St. Thomas University employees who have been employed by the University more than three (3) months.

#### III. Definitions/Key Terms

*Domestic Violence:* Per Florida Statute 741.313, means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

*Family or Household Member:* Per Florida Statute 741.313, means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

*Sexual Violence:* Per Florida Statute 741.313, means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.

#### IV. Policy

All full-time and part-time employees who have been employed more than three (3) months are entitled to thirty (30) working days of unpaid leave in any twelve-month period if the employee or the employee's family or household member is the victim of Domestic Violence or Sexual Violence as defined by law. Eligible employees will be required to first exhaust all accrued, unused vacation days and sick time at the beginning of the leave period. In the event the employee does not have sufficient leave or does not accrue leave to cover the Domestic Violence leave period, the leave will be unpaid. For more information about this type of leave and eligibility, please contact the Human Resources Office.

#### Eligibility and Qualifying Reasons for Leave

An employee is eligible for unpaid leave if the employee, or a Family or Household Member of the employee, is a victim of Domestic Violence. An employee who is the alleged perpetrator of the abusive behavior is not eligible for leave.

Leave under this policy must be used for one of the following:

1. Seeking medical care and/or mental health counseling;
2. Seeking assistance from a victim services organization, such as a rape crisis center or domestic violence shelter;
3. Securing or seeking housing to protect the employee from additional acts of Domestic or Sexual Violence;
4. Meeting with an attorney or preparing for a court appearance; and
5. Seeking a court order to protect the employee against future acts of Domestic or Sexual Violence.

### **Requesting Domestic Violence Leave**

Except in cases of imminent danger to the health or safety of an employee, a request for leave under this policy must be made in writing to the employee's supervisor, as well as to the Director of Human Resources as soon as possible, and if circumstances allow, at least one (1) week prior to the leave.

Such notification may be communicated by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member. Communication to the University may be made by telephone, in person, or in writing.

### **Confidentiality**

All information related to the employee's leave shall be kept confidential and may not be disclosed, to the extent possible.

### **No Retaliation**

Under no circumstances will the University take any disciplinary action against an employee related to the use of the Domestic Violence leave.

### **Leave Administration**

All available accrued sick time or vacation (as applicable) should be utilized during the period of leave. When applicable paid accrued time is used at the employee's discretion and has expired, the balance of the leave will be unpaid.

### **Supporting Documentation**

Upon request, an employee requesting leave pursuant to this policy will be required to provide Human Resources documentation showing that the employee or employee's Family or Household Member has been a victim of Domestic Violence and that the leave taken is consistent with the eligibility requirements of this policy.

### **Employee Status after Domestic Violence Leave**

At the conclusion of an approved leave, the employee must contact the employee's supervisor and Human Resources.

## **V. Related Policies**

*Sexual Harassment (Title IX) Policy*

*Policy No. HR – 1.6.9: Sick Leave*

*Policy No. HR – 1.6.11: Vacation Leave*

***Responsible Authority:***      *Office of Human Resources*

### **1.6.3 Family and Medical Leave**

#### **FAMILY AND MEDICAL LEAVE**

##### **I. Purpose**

The purpose of this policy is to inform employees of their rights and obligations under the Family and Medical Leave Act and circumstances under which they may become eligible for such leave and the process to apply for such leave.

##### **II. Scope/Applicability**

All regular St. Thomas University employees meeting the Family and Medical Leave Act eligibility requirements.

##### **III. Definitions/Key Terms**

*Covered Service Member*: means:

1. A 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 is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

*Genetic Information*: as defined by GINA, includes an individual's family medical history, the results of an individual's or family members genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving reproductive services.

*Serious Health Condition*: a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

*Qualifying Exigency*: qualifying exigencies are situations arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country. Qualifying exigencies include the following: Short-notice deployment; Military events and related activities; Childcare and school activities of the service member's child; Financial and legal arrangements for the service member; Counseling; Rest and recuperation of the service member; Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; or Additional activities that the employer and employee shall agree qualify as an exigency and agree to both the timing and duration of such leave.

Where a term is defined in the FMLA and/or university regulations, that definition will be incorporated into this Policy.

#### **IV. Policy**

The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) weeks of unpaid leave for certain family and medical reasons during a twelve (12) month period and up to twenty-six (26) weeks of unpaid leave to care for certain family members who become seriously injured or ill during active duty. During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or to an equivalent position.

##### **A. Eligibility**

To be eligible for FMLA leave, an employee must have been employed by STU:

1. For at least twelve (12) months (which need not be consecutive);
2. For at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave; and
3. At a worksite with:
  - a. Fifty (50) or more employees; or
  - b. Where fifty (50) or more employees are located within seventy-five (75) miles of the worksite.

#### **II. Events Which May Entitle an Employee to FMLA Leave**

FMLA leave may be taken for any one, or for a combination of, the following reasons:

1. The birth of the employee's child or to care for the newborn child within one year of birth;
2. The placement of a child with the employee for adoption or foster care or to care for the newly placed child within one year of birth;
3. To care for the employee's spouse, child or parent (but not in-law) with a serious health condition;
4. The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job;
5. To care for the employee's spouse, child, parent or other relative who is next-of-kin, who is also a covered service member of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness; and/or
6. Qualifying exigent circumstances because the employee's spouse, son, daughter or parent is on active duty in the Armed Forces, the National Guard or Reserves in support of a "contingency operation" or has been notified of an impending call to duty.

Nothing in this FMLA policy limits any employee leave rights under the University's Military Leave Policy, in accordance with applicable federal or state law. See the Military Service Leave Policy or Employee Services for further details.

### **C. Amount of Leave**

An eligible employee may take up to twelve (12) workweeks of unpaid leave during a twelve (12) month period for the FMLA qualifying reasons described in numbers 1-4, and 6, above. An eligible employee is entitled to take up to twenty-six (26) workweeks of unpaid leave for the service member FMLA leave described in number 5. Unlike other FMLA leaves, the twenty-six (26) week service member leave is only available in a single twelve (12) month period. During that single twelve (12) month period, the employee may not take more than a maximum combined total of twenty-six (26) workweeks of FMLA leave for all purposes, *i.e.*, for any or all of the reasons described in numbers 1-6.

### **D. Employee Status and Benefits During Leave**

During FMLA leave an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of FMLA leave that is unpaid, the employee's portion of health insurance premiums may be paid at the same time as if made by payroll deduction. Similarly, employees contributing to their family's health care coverage are required to make the appropriate contributions during the approved family or medical leave of absence.

If the employee's payment of health insurance premiums is more than thirty (30) days late, STU may discontinue health insurance coverage upon notice to the employee.

### **F. Employee Status after Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the employee's health care provider. This requirement will be included in the employer's response to the FMLA request.

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. An employee is not, however, entitled to more favorable treatment as a result of taking a Family and Medical Leave than the employee would have received if no leave had been taken. Accordingly, an employee who takes a Family and Medical Leave would be subject to layoff, a reduction in salary or benefits, or any other adverse action to which the employee would have been subject if he or she had not taken a Family and Medical Leave.

The University may choose to exempt certain Key Employees from this requirement and not return them to the same or similar position. If a Key Employee is notified of the University's intent to deny restoration of employment, the Key Employee will continue to be entitled to maintenance of health benefits until such time as the Key Employee gives notice that the employer no longer wishes to return to work, FMLA leave entitlement is exhausted, or restoration is actually denied at the end of the leave period. Premium costs paid on behalf of Key Employees in such circumstances are not recoverable.

### **G. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own Serious Health Condition or the Serious Health Condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

#### **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The University may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the University and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a Serious Health Condition or because of the Serious Health Condition of a family member, the employee should try to reach agreement with the University before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### **I. Certification for the Employee's Serious Health Condition**

When leave is taken to care for a family member, STU requires the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

The employee must provide the University with certification from a health care provider of his or her serious health condition, or for the family member for whom the leave is required. The employee must provide such certification 15 days in advance of taking leave or the leave may be delayed or denied. A certification form will be provided by Human Resources.

The University may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. In compliance with HIPAA Medical Privacy Rules, the University will obtain the employee's permission for clarification of individually identifiable health information.

The University has the right to ask for a second opinion if it has reason to doubt the certification. The University will pay for the employee to get a certification from a second doctor, which the University will select. The University may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the University will require the opinion of a third doctor. The University and the employee will mutually select the third doctor, and the University will pay for the opinion. This third opinion will

be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **J. Recertification**

The University may request recertification for the Serious Health Condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the University may request recertification for the Serious Health Condition of the employee or the employee's family member every six months in connection with an FMLA absence. The University may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's Serious Health Condition.

#### **K. Intent to Return to Work from FMLA Leave**

The University may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The University may also directly contact the employee from time to time to obtain status information.

An employee on FMLA leave who fails to communicate with the employee's supervisor with regard to their return-to-work status may forfeit the right to receive sick time pay.

#### **L. Factual Misrepresentations**

Factual misrepresentations made by employees in order to obtain a leave under this policy may result in disciplinary action, up to and including termination. Additionally, disciplinary action may also be taken against employees who are engaged in employment activities unrelated to the University while on an approved leave under this policy.

### **Procedure for Requesting FMLA Leave**

#### **A. Requests for FMLA Leave**

FMLA administration is handled via a third party FMLA program administrator. An employee should request FMLA leave by completing the Leave Request form and submitting it to Employee Services.

When leave is foreseeable, the employee must provide the University with at least thirty (30) days advance notice. If thirty (30) days' advance notice is not practicable or the timing of the leave is not foreseeable, the employee must provide STU with notice of the need for leave as soon as is practicable (i.e., within 1 or 2 business days of learning of the need for the leave).

When leave is foreseeable for an exigency due to a family member's active duty or notice of an impending call to duty, the employee must provide as much notice as is reasonable and practicable.

Note: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, the University requests that employees do not provide any genetic information when replying to this request for medical information.

#### **V. Related Policies**

*Policy No. HR – 1.6.9: Sick Leave*

*Policy No. HR – 1.6.11: Vacation Leave*

***Responsible Authority:***      *Office of Human Resources*

## **1.6.4 Holidays**

### **HOLIDAYS**

#### **I. Purpose**

The purpose of this policy is to clarify which days the University is closed for holidays.

#### **II. Scope/Applicability**

All regular full-time and part-time St. Thomas University faculty and staff.

#### **III. Definitions/Key Terms**

*Non-Exempt Employees:* employees who are covered by minimum wage, overtime, and time reporting provisions of the Fair Labor Standards Act as amended.

#### **IV. Policy**

St. Thomas University provides paid time off to faculty and staff that would normally be scheduled to work on the following holidays:

Martin Luther King's Birthday, Presidents' Day, Holy Thursday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, STU Founder's Day (celebrated the day before Thanksgiving), the day after Thanksgiving, the day before Christmas, Christmas Day, the day after Christmas, the day before New Years' Day, and New Years' Day.

Note: Depending on the needs of the University, some departments may be required to work during the Holidays.

Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday. Employees are notified prior to the beginning of each calendar year of the actual dates on which each of these holidays is observed. St. Thomas University reserves the right to modify the holiday schedule at its discretion.

In order to be eligible to receive holiday pay, employees are required to work their regularly scheduled hours the workday preceding and the workday following the holiday. Holiday pay will be calculated at an employee's regular rate of pay. Full-time Non-Exempt employees scheduled to work on a designated holiday will be paid at their regular rate of pay for any hours actually worked that day, plus eight (8) hours of holiday pay. Holiday pay is not considered hours physically worked, and therefore, does not count towards hours worked for overtime purposes.

Employees may take time off to observe other religious holidays not listed above. If available, a full day of vacation time may be used for this purpose, otherwise the time off will be granted without pay. Employees must notify their supervisor at least ten (10) business days in advance.

#### **V. Related Policies**

*Policy No. HR – 1.6.11: Vacation Leave*

**Responsible Authority:** *Office of Human Resources*

### ***1.6.5 Jury Duty and Witness Leave***

#### **JURY DUTY AND WITNESS LEAVE**

##### **I. Purpose**

The purpose of policy is to outline the means by which the University will authorize leave with pay for employees engaged in witness or jury duty.

##### **II. Scope/Applicability**

All regular full-time and part-time St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

As a citizen, it is every employee's duty and privilege to participate in certain governmental affairs. If the employee is a full-time regular employee summoned for jury duty, St. Thomas University shall continue to pay the employee's regular salary amount, minus any remuneration received by the court for jury services, in accordance with Dade County Ordinances and/or State Statutes. In such a case, the employee is expected to report for work all or part of any day the employee is not engaged in jury duty.

All faculty and staff are allowed unpaid time off if summoned to appear in court or for deposition as a witness, or on their own behalf unless they elect to use vacation time (if applicable) or other applicable paid leave time. The University, however, will allow paid leave if an employee is subpoenaed to appear in court or deposition as a representative of STU.

St. Thomas University will make no attempt to have an employee's service on a jury postponed except where business conditions necessitate such action.

##### **V. Related Policies**

*Policy No. HR – 1.6.11: Vacation Leave*

***Responsible Authority:***      *Office of Human Resources*

### ***1.6.6 Maternal/Paternal Leave***

#### **MATERNAL/ PATERNAL LEAVE**

##### **I. Purpose**

The purpose of this policy is to define the University's policy and guidelines for administering maternity leave to eligible employees of the University.

##### **II. Scope/Applicability**

All full-time and part-time St. Thomas University staff who has been employed for at least one (1) year. Faculty members are excluded from this policy.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

The University will grant a paid leave of up to three (3) weeks to eligible full-time and part-time employees for the care of a child after birth or adoption. The (3) weeks are to be taken on a consecutive basis. If a husband and wife both work for the University and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may only take a combined total of three (3) weeks of paid leave.

The three (3) weeks begin on the day the child is born or adopted. Any time taken prior to the birth of the child will be considered vacation or if medically necessary (with a note, following the advice of a doctor), the time may be deducted from sick.

Maternity/Paternity pay is an independent benefit and will not be deducted from an employee's sick or vacation time.

##### **Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the university for 12 months

##### **Requesting Leave**

Employees desiring to take a Maternal/Paternal Leave should contact the employee's supervisor and Human Resources in writing as follows:

1. At least two (2) weeks before Maternal/Paternal Leave is to begin if the need for the leave is foreseeable based on an expected birth or placement for adoption or foster care.
  - a. If two (2) weeks' notice is not practicable, notice must be given as soon as practicable.
  - b. Employees are ordinarily expected to consult with their supervisors before scheduling a planned Maternal/Paternal Leave to work out a schedule which best suits the needs of both the employee and the University.

2. If an employee fails to provide the University's third-party FMLA program administrator with reasons for requesting a Family and Medical Leave, the request for Leave may be denied.

Human Resources will be the main point of contact with the employee for the process.

### **Employee Status and Benefits during Leave**

While an employee is on Maternity/Paternity leave, the University will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the University will require the employee to reimburse the University the amount it paid for the employee's health insurance premium during the leave period.

Under current University policy, the employee pays a portion of the health care premium. While on paid leave, the University will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee may be asked to make this payment, either in person or by mail for the duration of the leave in order to continue the employee's health care coverage. The payment must be received by the Office of Human Resources by the 1<sup>st</sup> day of the month. If the payment is more than 30 days late the employee's health care coverage may be dropped for the duration of the leave. The University will provide 90 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the University will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the University may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the University may discontinue coverage during the leave. If the University maintains coverage, the University may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Employees on Leave under this policy will accrue employment benefits such as sick leave, vacation days, or seniority only when paid leave is being substituted for unpaid leave, and only if the employee would otherwise be entitled to accrue such benefits. If the employee does not return to work at the conclusion of leave, STU may recover premiums paid to maintain health coverage while the employee was on Leave.

Employees enrolled in the retirement plan will continue to be covered while on leave, subject to the provisions of the plan.

Use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Employee Status after Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the employee's health care provider. This requirement will be included in the employer's response to the Maternity/Paternity Leave request.

### **Intent to Return to Work**

The University may require an employee on Maternity/Paternity Leave to report periodically on the employee's status and intent to return to work. The University may also directly contact the employee from time to time to obtain status information.

An employee on Maternity/Paternity Leave who fails to communicate with the employee's supervisor with regard to their return-to-work status may forfeit the right to receive sick time pay.

### **Factual Misrepresentations**

Factual misrepresentations made by employees in order to obtain a leave under this policy may result in disciplinary action, up to and including termination. Additionally, disciplinary action may also be taken against employees who are engaged in employment activities unrelated to the University while on an approved leave under this policy

### **V. Related Policies**

*Policy No. HR – 1.6.3: Family and Medical Leave*

*Policy No. HR – 1.3.22: Pregnancy and New Parent Reasonable Accommodations in the Workplace*

***Responsible Authority:***            *Office of Human Resources*

### ***1.6.7 Military Leave***

## **MILITARY LEAVE**

### **I. Purpose**

The purpose of this policy is to set establish the University compliance with the Uniformed Services Employment and Re-Employment Rights Act for employees who require time off work due to military service.

### **II. Scope/Applicability**

All regular St. Thomas University employees.

### **III. Definitions/Key Terms**

*Military Service*: service in the uniformed services covers all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. It includes, but is not limited to: Active Duty, Active Duty for Training, Initial Act of Duty for Training, Inactive Duty Training, full time National Guard duty, and absence from work to determine fitness for any of the above types of duty.

*Uniformed Services*: means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency. For purposes of USERRA coverage only, service as an intermittent disaster response appointee of the NDMS (National Disaster Medical System) when federally activated or attending authorized training in support of their Federal mission is deemed “service in the uniformed services,” although such appointee is not a member of the “Uniformed Services” as defined by USERRA

### **IV. Policy**

In accordance with the Uniformed Services Employment and Re-Employment Rights Act (USERRA), it is the policy of St. Thomas University to grant a military leave of absence to regular full-time and part-time employees who are absent from work because of service in the U.S. Uniformed Services. Moreover, the University will not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of membership, application for membership, performance of service, application for service, or obligation for service in the Uniformed Services.

#### **A . Continuation of Health Insurance and Benefits**

During a military leave of less than 30 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue health coverage for up to twenty months of uniformed service, but may be required to pay all or part of the premium for the continuation coverage.

If the employee cancels health coverage while on leave, upon reemployment, the employee must notify Employee Services within 31 days of returning to work of the employee’s intent to re-enroll.

The University will continue to provide Life Insurance coverage during the military leave until such time as any legal obligation to restore the employee to employment expires. The employee and dependents may continue enrollment in the University's other insurance programs by paying the monthly premium(s).

Eligibility for participation in Long-Term Disability coverage terminates at the beginning of the **unpaid** leave.

An employee's service in the military must be counted in determining vested interest and accrued benefits in the University's Retirement Plan only to the extent required to do so under the law. (USERRA Regulations, 20 CFR & 1002.259, 260, 261, 262)

## **B. Requests for Leave**

*Leave for Active or Reserve Duty:* Upon receipt of orders for active or reserve duty, an employee should notify their supervisor, as soon as possible (unless s/he is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

*Leave for Training and Other Related Obligations:* Employees will also be granted time off for military training (normally fourteen (14) days plus travel time) and other related obligations, such as an examination to determine fitness to perform service. Employees should advise their supervisor and/or department head of their training schedule and/or other related obligations as far in advance as possible.

## **C. Return from Military Leave**

*Notice Required:* An employee who served for less than thirty-one (31) days or who reported for a fitness to serve examination, must provide notice of intent to return to work at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service. An employee who served for more than thirty (30) days, but less than 181 days, must submit an application for reemployment no later than fourteen (14) days after completing their period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible. An employee who served for more than one-hundred eighty (180) days must submit an application for reemployment no later than ninety (90) days after the completion of the uniformed service. An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to Employee Services (if the service was less than thirty-one (31) days or if employee reported for a fitness to serve examination), or submit an application for reemployment (if the service was greater than thirty (30) days), at the end of the necessary recovery period (but which may not exceed two (2) years, unless for a fitness to serve examination).

*Required Documentation:* An employee whose military service was for more than thirty (30) days must provide documentation upon return (upon the request of the employer) (unless such documentation does not yet exist or is not readily available) showing the following:

1. The application for re-employment is timely (*i.e.* submitted within the required time period);
2. The period of service has not exceeded five (5) years; and
3. The employee received an honorable or general discharge.

## **D. Position Upon Reemployment**

An employee whose period of Uniformed Service was less than 91 days must be reemployed, promptly, in a position that the employee would have attained with reasonable certainty if continuously employed (the “escalator position”). If not qualified for that position (after reasonable attempts to qualify the employee) the employee must be reemployed in the position the employee left, and if the employee is not qualified for the pre-service position (after reasonable attempts to qualify the employee), the employee will be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position, provided the employee qualified for the position.

For an employee whose period of Uniformed Service was 91 days or more, the requirement is the same, however, a position of like seniority, status and pay may be offered in lieu of the escalator position or the pre-service position.

#### **E. Disabled Veteran**

An employee who has a disability incurred in, or aggravated during military service, and who (after reasonable efforts by the department to accommodate the disability) is not qualified due to the disability to be employed in the escalator position the employee would have attained but for the Uniformed Service must promptly be reemployed in any other position that is equivalent in seniority, status and pay to the escalator position. If the employee is not qualified for an equivalent position due to the disability, the employee will promptly be reemployed in the nearest approximation to such a position in terms of seniority, status and pay, consistent with the circumstances of the person’s case.

#### **F. Dismissal**

Employees returning from military leave will not be dismissed, except for cause, within these time limits:

- Within the first year of reemployment, if the period of service was more than 180 days, or
- Within the first 6 months of reemployment, if the period of service was between 30 and 180 days.

#### **FMLA Leave**

The FMLA allows 12 weeks of qualifying exigency leave. The FMLA also allows up to 26 weeks of unpaid leave during any single 12-month period for an employee to care for a covered family member who is a military service member recovering from injury or illness. (Refer to *Policy No. HR – 1.6.3: Family and Medical Leave.*)

Please contact Human Resources for further details.

#### **V. Related Policies**

*Policy No. HR – 1.6.3: Family and Medical Leave*

*Policy No. HR – 1.6.11: Vacation Leave*

**Responsible Authority:**        *Office of Human Resources*

### **1.6.8 Personal Leave of Absence**

#### **PERSONAL LEAVE OF ABSENCE**

##### **I. Purpose**

The purpose of this policy is to recognize that University employees may need to take continuous time away from work that is not covered under the University's other leave of absence policies.

##### **II. Scope/Applicability**

All regular St. Thomas University employees (at the discretion of the Administration).

##### **III. Definitions/Key Terms**

*Key Employee:* an employee who is among the highest paid ten (10) percent of the employees employed within seventy-five (75) miles of the employee's worksite

##### **IV. Policy**

Should a situation arise that temporarily prevents an employee from working, they may be eligible for a personal Leave of Absence without Pay. However, employees must be employed full-time for at least one (1) year prior to the requested leave.

Any request for a leave of absence without pay must be submitted in writing as far in advance as possible and it will be reviewed on a case-by-case basis by the employee's supervisor and Human Resources. The decision to approve or deny is based on the circumstances, the length of time requested, the employee's job performance, attendance and punctuality record, the reasons for the leave, the effect the employee's absence may have on the work in the department, and the expectation that the employee will return to work when the leave expires.

Leaves of absence without pay will be considered only after all accrued vacation and personal time has been exhausted. Moreover, a request for unpaid leave that qualifies under the Family and Medical Leave Policy will be governed by the terms of that policy. The duration of a leave of absence is granted at the sole discretion of the University. Vacation, sick leave, and holiday benefits do not continue to accrue during an unpaid leave of absence.

##### **Continuing Benefit Coverage**

While on a personal unpaid leave of absence, an employee's medical coverage and other benefits will end on the 1st day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits while on leave by paying the full monthly premiums (employee plus employer portion).

Unemployment insurance benefits cannot be collected while on a leave of absence without pay.

##### **Returning/Not Returning from Leave**

Failure to return at the expiration of the leave will be considered a voluntary resignation. In such cases, the first day of the personal leave will be considered the actual separation date from the University.

If the circumstances under which the personal leave was granted change, either from the perspective of the employee or of the University, the leave may be cancelled at the discretion of the University and the employee may be required to return to work

**V. Related Policies**

*Policy No. HR- 1.6.3: Family and Medical Leave*

*Policy No. HR – 1.6.9: Sick Leave*

*Policy No. HR – 1.6.11: Vacation Leave*

**Responsible Authority:** *Office of Human Resources*

## **1.6.9 Sick Leave**

### **SICK LEAVE**

#### **I. Purpose**

The purpose of this policy is to define the University's policy for accruing and administering sick leave to staff and senior administrator employees of the University.

#### **II. Scope/Applicability**

All regular St. Thomas University staff and senior administrator employees. Faculty members are excluded from this policy.

#### **III. Definitions/Key Terms**

*Exempt Employees:* employees who are exempt from minimum wage and overtime provisions of the Fair Labor Standards Act as amended.

*Immediate Family Member:* includes the employee's spouse, parent(s), minor child(ren), and any other individual whose relationship with the employee is similar to that of a relationship described herein.

*Non-Exempt Employees:* employees who are covered by minimum wage, overtime, and time-card provisions of the Fair Labor Standards Act as amended. These employees receive overtime pay for any hours worked over 40 per week.

*Probationary Period:* the initial period of employment, during which both the administrative or staff employee and supervisor carefully consider whether the employee is willing and/or able to meet the standards and expectations of the position and if the employee should be retained by the University as a Regular Employee.

*Regular Employee:* University employees who are hired with the expectation of continued employment and, in the case of Non-Exempt employees, have successfully completed the Probationary Period.

*Senior Administrative Staff:* employees who are members of the President's Cabinet and Academic Deans.

#### **IV. Policy**

St. Thomas University recognizes that inability to work because of personal illness or injury may cause economic hardship. For this reason, the University provides eligible University staff and senior administrators with paid time off for personal illness or injury as follows:

##### **Sick Leave Eligibility**

*Full-Time Staff and Senior Administrators will be granted twelve (12) days of paid sick time per year.*

*Part-Time Staff and Senior Administrators are not eligible for paid sick time.*

An employee's right to receive sick time pay is at the University's discretion.

##### **Usage and Conditions of Sick Leave Benefits**

Sick leave benefits are limited for the following events:

1. When an employee is ill or injured, requires home care or medical care, and is unable to come to work;
2. When an employee is not able to schedule a medical appointment for the employee outside of regular working hours;
3. When the absence is the result of an illness or within the employee's immediate family (i.e., the employee's spouse, parent(s), minor child(ren), or any other individual whose relationship with the employee is similar to that of a spouse, parent(s), minor child(ren)) or in situations that place primary responsibility for care of an employee's immediate family member on the employee;
4. To address the effects of domestic violence on the employee or the employee's dependent child; and/or
5. When an employee travels to and from an appointment, a pharmacy, or other location related to the purpose for which the sick time was taken.

Sick leave benefits may not be used as vacation days, as an excuse to be late for work, or for any other reason other than those listed above. The misuse of sick leave benefits may result in disciplinary action, up to and including dismissal.

In addition, the following conditions apply:

1. Sick time for Non-Exempt employees may be taken in one (1) hour increments.
2. Sick time may not be used if an employee is not scheduled to be at work during the period of use.
3. Family and Medical Leave runs concurrently with all sick leaves, whether paid or unpaid. As such, all staff employees are required to report sick time to the payroll department in order to comply with the Federal Family and Medical Leave Act (FMLA).
4. If an employee is absent from work due to illness but has no available sick time, then the employee's accrued vacation time will be applied to the absence. If an employee is absent from work and has no available sick time and no accrued vacation time, then the absence will be without pay, subject to applicable law.
5. The University may require proof of employee illness and/or written verification of appointments at its sole discretion.
  - a. Documentation must be provided within seven (7) days after taking the sick time, unless the employee has good cause for needing more time.
  - b. Such notice may be provided by hand delivery or email.
  - c. Failure to provide such documentation may result in the University recouping the sum paid for sick time from future pay.
6. Long-term illnesses for full-time employees may be covered under the University's long-term disability benefit plan (subject to the terms and conditions of the policy in effect at the time of the illness).

- d. Payment of sick time for catastrophic illnesses will be handled on a case-by-case basis.
- e. If an employee is receiving worker's compensation payments, disability payments, or any other University leave payments, the employee may use sick leave to make up the difference.

### **Accumulation of Sick Leave Days**

At the end of each fiscal year, unused sick leave days will be accumulated in a bank from year to year to ensure that such days are available in the event of a serious health condition, up to a maximum of ninety (90) days. Once that limit is reached, sick leave will stop accumulating in the sick leave bank.

### **Reporting Sick leave**

Should an employee be unable to work because of illness or a medical appointment, the employee must notify the employee's supervisor or department head at least one (1) hour prior to the start of the employee's normal work schedule. Only in emergencies may another responsible adult call in for the employee.

Failure to properly notify the University results in an unexcused absence. Furthermore, an employee who fails to contact the employee's supervisor or Human Resources may be considered to have voluntarily abandoned their position with the University.

Employees, if they are physically able to, must notify their supervisor every day they expect to be out on sick leave.

See *Policy No. HR – 1.3.1: Absenteeism and Tardiness* for additional information.

### **Separation from the University**

Unused sick leave will be forfeited on the staff employee's effective date of separation from the University. No payments are made for accrued unused sick days at any time, in the event of termination. Additionally, the sick time pool cannot be transferred to other employees.

In the event that the separating employee has a negative sick leave balance on the books, the negative sick time will be paid back from the employee's vacation balance to the extent that vacation time is available. Otherwise, the negative balance will be deducted from the separating employee's last paycheck.

### **Transfer/Change of Status/Reemployment**

Staff employees who are transferred from a full-benefits-eligible status to temporary, part-time, or other status retain their accrued balance of paid sick time. This balance shall be available for use upon return to regular employment status, provided there has been no break in University service. Following a break in service of up to six (6) months, an employee maintains the right to use any unused sick time accrued before the break in service. See *Policy No. HR -1.2.6: Reemployment* for additional information.

### **Protection from Discrimination, Harassment or Retaliation**

No employee will face discrimination, harassment, or retaliation as a result of the employee's use of paid sick leave consistent with this policy.

### **Benefits**

During a sick leave, all benefits remain in effect, except if a holiday falls during the leave. Employees will not receive holiday pay if a holiday occurs when an employee is on sick leave, unless otherwise approved by supervisor in consultation with Human Resources. There will be no accrual of benefits such as vacation or service time while on sick leave.

### **Voluntary Termination**

The University considers a voluntary termination by the employee when the following incidents occur:

1. If an employee is absent for more than three (3) consecutive days without notifying the employee's supervisor and does not provide timely and sufficient written verification to the University (upon its request).
2. If an employee seeks or accepts any work with another employer during the sick leave.
3. If an employee operates a business during the sick leave.

### **Other**

Any interpretations required as a result of the University's sick time policy will be decided by the Head of Human Resources.

### **V. Related Policies**

*Policy No. HR – 1.3.1: Absenteeism and Tardiness*

*Policy No. HR – 1.6.3: Family and Medical Leave*

*Policy No. HR – 1.1.2: Probationary Period*

*Policy No. HR – 1.2.6: Reemployment*

**Responsible Authority:**      *Office of Human Resources*

### ***1.6.10 Time Off to Vote***

#### **TIME OFF TO VOTE**

##### **I. Purpose**

The purpose of this policy is to establish guidelines regarding the granting of leave for voting during working hours.

##### **II. Scope/Applicability**

All regular, full-time St. Thomas University staff employees. Faculty members are excluded from this policy.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

For purposes of voting in presidential elections, or any other State or Federal elections, staff will be entitled to arrive to work one (1) hour later than employee's scheduled starting time, or to leave work one (1) hour earlier than employee's scheduled quitting time; provided employee's personal schedule cannot accommodate time to vote prior to or after the employee's scheduled work hours.

Employees are expected to notify their supervisor at least one (1) day in advance if they intend to arrive late or leave early to vote

This policy does not apply to those employees that are not citizens of the United States, or for whatever reason(s) are not eligible to vote in such elections

##### **V. Related Policies**

Not Applicable.

***Responsible Authority:***            *Office of Human Resources*

### ***1.6.11 Vacation Leave***

## **VACATION LEAVE**

### **I. Purpose**

The purpose of this Policy is to define the University's policy for administering vacation leave to Regular staff and senior administrator employees of the University.

### **II. Scope/Applicability**

All Regular Full-time University staff and senior administrator employees.

### **III. Definitions/Key Terms**

*Probationary Period:* the initial period of employment, during which both the administrative or staff employee and supervisor carefully consider whether the employee is willing and/or able to meet the standards and expectations of the position and if the employee should be retained by the University as a Regular employee.

*Regular Employee(s):* University employees who are hired with the expectation of continued employment, and have successfully completed the Probationary Period.

### **IV. Policy**

Because St. Thomas University recognizes the importance of vacation time in providing the opportunity for rest, recreation and personal activities, annual paid vacations are granted to eligible regular staff. The amount of vacation to which an employee is entitled depends on the employee's classification and length of service.

To ensure the employee receives the personal benefits of taking a break from the routine that vacation days are meant to provide, the employee will not be allowed to work the vacation period and collect extra pay in lieu of vacation.

It is important for the employee to manage his or her vacation time throughout the year. Vacation time must be taken in the year it is earned, and must not be carried over into the next year.\*

Any vacation taken but unearned at the time of separation will be deducted from the employee's last paycheck.

### **Leave Amount**

The University grants paid vacation leave to regular staff employees from the start date of full-time employment. Vacation is frontloaded as follows and is pro-rated depending on start date within the fiscal year. Vacation time is front-loaded for maximum flexibility, but is considered earned time and is earned for every full month completed. Individuals not completing a full fiscal year will be prorated for each full month worked.

A. *Senior Administrative Staff (President's Cabinet & Academic Deans)*

20 days per fiscal yr. ending June 30<sup>th</sup>

B. *Full-Time Employees (exempt & non-exempt)*

1st-9th yr.                      15 days per fiscal yr. ending 6/30

10th yr. plus

20 days per fiscal yr. ending 6/30

### *C. Leave of Absence*

If a staff employee is on a leave of absence, vacation days accrue while the staff employee is on a paid portion of a leave of absence, subject to the accumulation limit rates set forth below. A regular staff employee will not accrue vacation time while on an unpaid leave.

#### **Increments**

Vacation for Exempt employees may be taken in one (1)-day increments.

Vacation for Non-Exempt employees may be taken in half day increments based on their scheduled work day.

#### **Pay in Lieu of Vacation**

Active employees are required to take their earned vacation. No payments will be made in lieu of taking vacation.

#### **Vacation Scheduling**

The University will attempt to allow an employee to take vacation at the time requested. All vacation dates must be coordinated and approved by the employee's supervisor, who should be notified at least two (2) weeks before the employee wants the vacation to begin. There are certain times of the year when, due to business needs, vacation will not be approved (i.e. the month before the Fall Term starts.) At all times of the year, the University needs to ensure a sufficient number of employees must be available to keep the University operating smoothly. Therefore, in the case of a conflict of dates, the supervisor will make the final determination regarding vacation scheduling.

\*The intent of this policy is for vacation to be taken in the year earned. However, there are circumstances where an employee may be asked to delay taking vacation due to business constraints. In these limited circumstances, carry over is allowed as follows:

1. Employees may carry over a total of 5 days (based on your scheduled work week) of unused vacation to the next fiscal year, only with management approval.
2. Unused vacation days in excess of the carry over limits above will be forfeited unless the employee's supervisor has specifically requested that the employee postpone the vacation. If this is the situation, the employee's supervisor will work with the employee to come up with the best possible solution.

### **V. Related Policies**

Not Applicable.

**Responsible Authority:** *Office of Human Resources*

## **1.7 Health and Welfare Benefits**

The University retains the right to modify employee benefits at any time without advance notification. This description of benefits is intended to be a convenient overview of the benefits offered by STU. The information below is merely a summary of the very specific benefit plans that may be available through STU and which are subject to change at the sole discretion of the University, as are all other policies, procedures, benefits or other programs. If any of the information contained below conflicts with a particular Benefit Plan or Summary Plan Description, the Benefit Plan or Summary Plan Description will be controlling. The following policies do not amend, supersede, or expand any of the particular benefits contained in the benefit plan documents.

### ***1.7.1 Employee Benefit Classifications***

#### **EMPLOYEE BENEFIT CLASSIFICATIONS**

##### **I. Purpose**

The purpose of this policy is to identify and define the employee benefit eligibility classifications for St. Thomas University employee positions.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Exempt Employees:* employees who are exempt from minimum wage and overtime provisions of the Fair Labor Standards Act as amended.

*Non-Exempt Employees:* employees who are covered by minimum wage, overtime, and time-card provisions of the Fair Labor Standards Act as amended. These employees receive overtime pay for any hours worked over 40 hours per week.

##### **IV. Policy**

The University classifies employees for benefits as follows:

**Regular Full-Time Employee:** An employee who consistently works 35 hours or more per week. For benefit purposes, an employee who consistently works 30 hours or more per week is considered regular full-time. Full-time employees may be Exempt or Non-Exempt and are eligible for medical/dental/vision insurance and other fringe benefits.

**Regular Part-Time Benefit Eligible Employee:** An employee who consistently works less than 30 hours per week is considered part-time. Generally, part-time benefit eligible employees are Non-Exempt and are eligible for limited benefits offered by the University. Employees who are hired to work on a part-time basis may not exceed their assigned weekly hours without prior written approval from their manager.

**Temporary Employee:** A temporary employee is one who is employed (on a full-time or part-time basis) for a definitive period of time, such as for a specific project or assignment. Temporary employees are not eligible for insurance or other fringe benefits. Typically, a temporary position will not exceed six (6) months in duration, unless specified and approved by management. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and employees retain that status unless and until notified of a change in writing by Human Resources.

##### **V. Related Policies**

*Policy No. HR -1.1.1: Employment Categories*

**Responsible Authority:** *Office of Human Resources*

## ***1.7.2 Group Insurance and Related Benefits***

### **GROUP INSURANCE AND RELATED BENEFITS**

#### **I. Purpose**

The purpose of this policy is to define those health and wellness benefits St. Thomas University makes available to eligible University employees.

#### **II. Scope/Applicability**

All Full and Part-time benefit eligible St. Thomas University employees.

#### **III. Definitions/Key Terms**

Not Applicable.

#### **IV. Policy**

It is the policy of St. Thomas University to provide a comprehensive health and wellness benefit program to eligible employees. The information regarding these benefits are available in Human Resources. Please see the specific plan documents, such as the insurance booklets, contracts and plan documents, for further details on eligibility, waiting periods, deductibles, exclusions, reductions, co-payments, costs, etc.

Not all employees are eligible for these benefits. Rather, full-time employees are eligible for these benefits, provided they complete and submit the paperwork necessary to apply for and receive these benefits, as and when required. Part-time employees who complete and submit the paperwork necessary to apply for and receive the benefit as and when required are eligible for select benefits.

Claims and payments are determined and approved by the carriers according to the terms and conditions of each policy and plan document. In the event that there is a conflict between the descriptions available online and the policy/plan documents, the policy/plan documents govern.

Each employee must elect or decline benefits during the Open Enrollment period, or within 30 days of employment at St. Thomas University. Once the employee has chosen benefits, the employee may not change that election for the rest of the plan year unless a special "life event" occurs. STU's plan year is from January 1 through December 31. Enrollment is not automatic.

#### **Change in Family Status Reporting Procedures**

Employees that have a change in family or employment status such as marriage, divorce, or legal separation; birth, adoption or change in custody of an eligible dependent; change in personal (or spouse's) employment status; or loss of insurance (for reasons other than increase in premiums), have 30 days from the date of the change, i.e., marriage, birth, etc. to add an eligible dependent.

A premium increase from another provider is NOT considered a change in family status. Proof of change documentation must accompany the request or it will not be considered.

#### **V. Related Policies**

*Policy No. HR – 1.6.3: Family and Medical Leave*

*Policy No. HR – 1.7.6: Workers' Compensation*

***Responsible Authority:***      *Office of Human Resources*

### ***1.7.3 Tuition Benefit***

#### **TUITION BENEFIT**

##### **I. Purpose**

The purpose of this policy is to define the University's tuition benefit program.

##### **II. Scope/Applicability**

All regular, full-time St. Thomas University employees, as well as part time seasonal coaches.

##### **III. Definitions/Key Terms**

*Dependent Child:* Any child born to an employee, legally adopted by an employee, or for whom legal guardianship can be documented.

##### **IV. Policy**

St. Thomas University may provide tuition benefits<sup>1</sup> to eligible employees of the University and their spouses and children as follows:

###### **Eligibility**

The tuition benefit program is available immediately after the start of employment with St. Thomas University for full-time faculty and staff, as well as part-time permanent and seasonal coaches.

###### **A. Regular Full-time Faculty, Senior Administrators and Staff**

All regular full-time faculty and staff, their spouse and eligible Dependent Children, as well as all permanent part-time coaches (undergraduate only, not to include dependent spouses or children) are eligible for a waiver of tuition and reduced fees for an unlimited number of undergraduate and graduate credits taken at St. Thomas University per year. See Section VI for information regarding tuition benefits applicable to doctoral courses.

###### **B. Dependent Children**

The tuition benefit for a Dependent Child is valid through December 31 of the calendar year in which the employee's Dependent Child turns 26 years old. For purposes of this policy, a Dependent Child is defined as an eligible employee's natural born child, adopted child, step-child, or child for whom the employee has legal guardianship.

Proof of relationship may be required in the form of parents' marriage certificate, child's birth certificate, and any other documentation necessary to prove the relationship.

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<sup>1</sup> Note: Educational benefits are only available when the University does not incur substantial additional costs that prohibit the continuance of the program. As such, this policy is subject to change and the University explicitly reserves the right to modify its policies, procedures, and program eligibility. Payment of this benefit by the University in any given semester does not imply that it will be paid in future semesters as the program may be modified at any time.

## Summary of Benefit and Conditions

1. In order for an employee's Dependent Child to be eligible for the tuition benefit, the employee may be required to attend a Tuition Benefit Workshop six (6) months prior to when the student is expected to enroll at STU. This workshop will be held twice each year (April and November). The Workshop will be conducted by the Offices of Financial Aid and Human Resources.
2. Before the tuition benefit may be approved, all eligible employees and their spouse or child dependents (hereinafter collectively "dependents or Dependent Children") must submit a completed and valid FAFSA to determine eligibility for the Florida Resident Access Grant (FRAG).
3. Dependent Children that are high school students anticipating attending St. Thomas University through the Tuition Benefit Program must complete the *Initial Student Florida Financial Aid Application* for the Florida Bright Futures Scholarship.
  - a. This application must be submitted in the student's last year of high school prior to graduation.
  - b. Failure to apply or meet the renewal criteria will result in a charge back to the employee/dependent's student account.
4. The tuition benefit may not be applied to any course that the student takes more than once.
  - a. This refers to courses dropped after the add/drop deadline, for courses which the student received a grade of "F" and to courses repeated for the purpose of improving the original grade.
5. The tuition benefit will only cover a maximum timeframe of 125% of credit hours attempted toward the degree.
  - a. Credits earned over this limit will be the responsibility of the employee/employee dependents.
6. Employees/employee dependents that lose FRAG eligibility due to failure to meet renewal criteria (see Section III - Satisfactory Progress below) will be charged back the FRAG amount to cover that tuition cost.
7. A Dependent Child may receive the tuition benefit through December 31 of the calendar year in which the dependent turns 26
8. There is no limit on the number of credits that an employee or Dependent Child may take in a calendar year.
  - a. Employees must obtain the approval of their supervisor to ensure that courses taken do not interfere with the duties of their position.
  - b. Employees may not take classes which take place during their normally scheduled work hours.
9. The benefit does not include courses taken at St. Thomas University's School of Law.
10. The tuition benefit is not refundable to the employee or dependent.

## **Satisfactory Progress**

To meet the satisfactory academic progress standard, enrolled students (i.e., employees/dependents) must fulfill the following conditions:

1. Have a minimum cumulative GPA of 2.0 at the undergraduate level or a minimum cumulative GPA of 3.0 for graduate courses, and
2. Complete 24 credits per year if FRAG eligible, or complete 75% of courses taken as an undergraduate student; graduate students must complete 75% of the course load taken per year.

Satisfactory progress is measured at the end of the spring semester, and thus affects eligibility for the subsequent semester.

## **Fees**

### *A. Undergraduate Students*

All undergraduate students are charged a mandatory book fee.

Employees and employee dependents as applicable who are undergraduate students are responsible for 100% payment of the book fee.

Employees/employee dependents who are undergraduate students and who qualify for Pell Grants and/or Bright Futures Scholarships will be requested to use these proceeds to cover the cost of the book fee.

Other fees and related expenses (e.g., lab fees, service fees, graduation fees, etc.) remain payable by the employees or employee dependent as applicable; however, any financial aid award from agencies outside STU will be applied first to fees due (see Section V – Pell and Bright Futures Scholarships below). Fees unpaid by the semester's end will be automatically deducted from the employee's paycheck.

### *B. Graduate Students*

Graduate students are responsible for all fees and related expenses (e.g., book fees, lab fees, service fees, graduation fees, etc.), including obtaining their own books. Accordingly, a book fee will not be charged.

## **Pell and Bright Futures Scholarships**

All excess Pell or Bright Futures funds will be applied to the student's account to offset the tuition benefit and fees.

## **Doctoral Programs**

A 40% discount will be given to full-time eligible employees of STU for courses taken towards doctoral programs at STU. The university President, in their sole discretion, reserves the right to offer more than a 40% discount to advance the university's mission and goals.

The discount for the doctoral programs does not apply to employee dependents.

Note: employees who opt for the 40% discount towards the Ph.D. degree in Practical Theology will not be eligible for any other scholarships.

## **Tax Consequences**

In administering the University's Tuition Benefit Program, the University is guided by the following IRS publication and sections:

1. IRS Publication 970 Tax Benefits for Education – 2006 – Chapter 1 – Scholarships, Fellowships, Grants, and Tuition Reductions
2. IRS Code, Section 117, pertaining to undergraduate courses
3. IRS Code, Section 127, pertaining to graduate courses

*A. Education Below the Graduate Level*

Receiving a tuition reduction for education below the graduate level (including primary, secondary, proprietary, or high school) is a qualified tuition reduction, and, therefore **tax free**, if the individual's relationship to the educational institution providing the benefit is described below:

1. The individual receiving the tuition reduction is an employee of the eligible educational institution.
2. The individual receiving the tuition reduction was an employee of the eligible educational institution, but retired or left on disability.
3. The individual receiving the tuition reduction is a widow or widower of an individual who died while an employee of the eligible educational institution or who retired or left on disability.
4. The individual receiving the tuition reduction is the Dependent Child or spouse of an individual described in (1) through (3) above.

*B. Graduate Education*

Receiving a tuition reduction for graduate education is qualified, and therefore **tax free**, if **both** of the following requirements are met.

1. It is provided by an eligible educational institution, and
2. The individual receiving the tuition reduction is a graduate student who performs teaching or research activities for the educational institution.

**For all others receiving a tuition reduction for graduate education, IRS Code, Section 127 applies:**

1. Tax-free tuition assistance for active employees enrolled in graduate-level courses will be granted in an amount up to \$5,250 per year. Graduate-level tuition benefits provided in excess of \$5,250 are considered taxable income and subject to federal, social security and medicare tax withholding.
2. The full amount of tuition benefits for graduate-level courses provided by the University to dependents (spouse or children) of eligible employees is considered taxable income.

*C. Conclusion*

Tuition waivers for Undergraduate education are not taxable to the employee or to the employee's dependent(s).

Tuition waivers for Graduate Education for employees or employee dependents who are classified as: Graduate Teaching Assistants and Graduate Research Assistants are considered tax-free.

Tuition waivers for Graduate Education of active employees are considered tax-free up to \$5,250 and taxable thereafter.

Tuition waivers for Graduate Education of employee dependents are fully taxable.

The employee and/or student is responsible for any taxes due as a result of receiving the tuition benefit.

### **Employee Leave of Absence or Termination**

If an employee is on a leave of absence, the Director for Human Resources will review the specific situation to determine the employee and/or dependent's eligibility for the tuition benefit.

For separating employees, the tuition benefit may apply through the end of the current registered semester/term only for their dependents- not for the employee. No further remission will be provided to dependents after their current semester ends.

An unused tuition benefit by the employee or dependent is not a right of the employee and is not transferable or compensable in any way.

### **Additional Benefit Conditions and Stipulations**

1. Faculty and staff and their dependents eligible to receive the tuition benefit must consult with the Director of Financial Aid regarding the forms needed to satisfy financial aid eligibility. The forms identified must be submitted, in compliance with financial aid application deadlines, before receiving the Tuition Benefit. Tuition benefits will be awarded only after any and all reasonable off-sets (i.e., financial aid, company reimbursement programs, other third-party subsidizing, etc.) are pursued and verified.
2. Faculty and staff and their spouse/dependents must complete the registration process within established deadlines, and according to established policies, for the courses at St. Thomas University in order to receive the Tuition Benefit.
3. All applicable fees and charges incurred by the student for registration, books, student services, parking tickets, etc., are the financial responsibility of the employee and are to be paid in accordance with University policy.
4. Faculty and staff and their spouse/dependents are not eligible to receive other St. Thomas University institutional financial aid while receiving the Employee Tuition Benefit. (i.e., Institutional Work Study)
5. All persons entitled to the tuition benefit must either apply for, and be granted, admission to St. Thomas University by the respective graduate or undergraduate admissions committee, or submit the Special (Non-Degree) Student Application to the Registrar's Office if appropriate.
6. All students receiving the tuition benefit must maintain satisfactory academic progress as defined in the Financial Aid section of the St. Thomas University Undergraduate Catalog.
7. Faculty and staff, or their eligible spouse/dependents, who apply for the Tuition Benefit, register for courses, and subsequently separate employment before the semester begins, or within the 100% Refund period, will not be entitled to receive the Tuition Benefit. The student's account will be charged for tuition, and the student will be liable for payment, in accordance with Business Office Policy.

**V. Related Policies**

*Policy No. HR – 1.7.4: Tuition Exchange Programs*

**Responsible Authority:** *Office of Human Resources*

### ***1.7.4 Tuition Exchange Programs***

#### **TUITION EXCHANGE PROGRAMS**

##### **I. Purpose**

The purpose of this policy is to define the University's tuition exchange programs.

##### **II. Scope/Applicability**

All regular, full-time St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Dependent Child:* Any child born to an employee, legally adopted by an employee, or for whom legal guardianship can be documented.

See also definitions reference in the Policy Statement

##### **IV. Policy**

St. Thomas University is a member of the Tuition Exchange and Council of Independent Colleges Tuition Exchange programs. Eligibility requirements and benefits associated with the respective programs are summarized below:

###### **The Tuition Exchange, Inc.**

St. Thomas University is a member of The Tuition Exchange, Inc. (TE), which provides a national scholarship exchange program for dependent children of full-time faculty and staff from among its membership of over 520 U.S. colleges and universities.

Dependent children of eligible employees may elect to participate in the benefit immediately after the employee's hire.

Colleges and universities participating in this program have agreed to remit tuition for participants from other member institutions. Some partner institutions also remit room and board. Partner institutions will remit a scholarship of up to a level determined by the Board of Directors of TE. The primary obligation of a member institution is to maintain a balanced exchange pattern, a reasonable match between student "exports" and student "imports". A member institution may import as many students as it wishes; however, it may not export more than it imports.

###### **A. Eligibility**

Dependent Children of full-time St. Thomas University employees.

###### **B. Definitions and Conditions**

1. **Eligible Employee:** Any currently employed full-time faculty or staff. Only one (1) dependent child may receive Tuition Exchange at any given time.
2. **Dependent Child:** Any child born to an employee, legally adopted by an employee, or for whom legal guardianship can be documented. To be eligible for this benefit, a dependent child must enroll in a program of undergraduate study prior to his/her 23<sup>rd</sup> birthday.

3. Applicant: The dependent child of an eligible employee who has applied for full-time, undergraduate study to a college or university that participates in the TE Program. Scholarships are not granted for graduate study, non-degree study or second undergraduate degrees.
4. Maximum scholarship: TE scholarships will not exceed a maximum of four years (8 semester tuition remission units) per eligible employee. The eight (8) units may be divided among dependent children of an eligible employee, but a TE scholarship will be awarded only to one child from an eligible employee at a time. Each child must undertake the eligibility and application process.
5. Tuition Exchange Liaison Officer: Director of Human Resources, (305) 628-6514.

### **Council of Independent Colleges Tuition Exchange Program (CIC TEP)**

St. Thomas University is also a member of the CIC Tuition Exchange Program which has a current membership of nearly 380 participating institutions. For a listing of participating institutions and complete information on the Program, log into: [www.cic.edu](http://www.cic.edu)

For more information on tuition exchange programs and to view a list of participating institutions, please contact Human Resources.

### **V. Related Policies**

*Policy No. HR – 1.7.3: Tuition Benefit*

**Responsible Authority:** *Offices of Human Resources, Admissions, & Financial Aid*

### ***1.7.5 Catholic High School Discounts***

#### **CATHOLIC HIGH SCHOOL DISCOUNTS**

##### **I. Purpose**

The purpose of this policy is to outline tuition discounts available to children of St. Thomas University at local area Catholic High Schools.

##### **II. Scope/Applicability**

All full-time St. Thomas University employees.

##### **III. Definitions/Key Terms**

Not Applicable.

##### **IV. Policy**

An agreement exists between St. Thomas University and Monsignor Edward Pace High School whereby children of full-time STU employees are eligible to receive a tuition discount for attendance at Pace High School. To receive the discount at Monsignor Edward Pace High School, an eligibility letter, typed on institutional letterhead, must be obtained from the Office of Human Resources to be presented to Pace High School.

Other Catholic High Schools may offer tuition discounts to children of Archdiocesan employees. Employees are encouraged to directly contact the High School they are interested in to find out if a discount is available.

##### **V. Related Policies**

Not Applicable.

***Responsible Authority:***        *Office of Human Resources*

### **1.7.6 Workers' Compensation**

#### **WORKERS' COMPENSATION**

##### **I. Purpose**

The purpose of this policy is to establish guidelines regarding the benefits and return to work procedures applicable to employees injured on the job.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Modified/Light-Duty Assignment:* a work capacity assigned to an injured worker by a treating physician stating that the employee is not capable of performing their regular job duties, but is capable of working in a modified or restricted capacity within their normal job classification.

*Regular Duty:* a work capacity given to an injured worker by a treating physician stating that the injured worker is capable of returning to work without restrictions or modifications to their normal job classification.

##### **IV. Policy**

###### **Workers' Compensation Benefit**

The University is covered under statutory state Workers Compensation laws. Should you sustain a work-related injury, you must notify your supervisor and Employee Services immediately and complete and sign an Incident Report at the University's Health Center. No matter how minor an on the job injury may appear, it is important that it be reported.

###### **IF AN ON THE JOB INJURY IS NOT REPORTED WITHIN 30 DAYS, RECOVERY OF WORKERS COMPENSATION BENEFITS MAY BE BARRED.**

The amount of compensation payable in each case depends upon, among other things, an employee's weekly earnings and is determined by the carrier.

In the case of an emergency, you should go to the nearest hospital emergency room for treatment.

In accordance with *Policy No. HR – 1.3.36: Workplace Safety*, all employees are to immediately report to management all accidents, injuries, illnesses, hazardous/unsafe conditions, needed repairs, or any related incidences which may occur during the course of performing work for STU to their immediate supervisor and Human Resources.

###### **A. Continuation of Salary and Benefits**

Paid leave and retirement credits will continue to accrue while an employee is absent from work as a result of a workers compensation claim until the employee returns to work or is terminated. The employee is not eligible for holiday pay during the leave.

## **B. Coordination with Family and Medical Leave Policy**

An employee who is absent from work and is receiving worker's compensation benefits shall also be placed on medical leave under the Family and Medical Leave policy. Leave that qualifies as workers' compensation benefits that also qualifies as medical leave under the Family and Medical Leave Policy is counted against the employee's Family and Medical Leave entitlement. Approval of medical leave does not guarantee that worker's compensation benefits will be paid.

## **C. Termination of Employment**

An employee covered by workers' compensation may be terminated if the employee has been absent from the job for a period of one year.

Reasonable accommodation to enable the employee to return to work within a year will be considered when relevant. Change in employment status or termination of an employee receiving workers' compensation must be reviewed with the Employee Services. Any termination decision will be in accordance with applicable federal, state, or local law.

## **V. Related Policies**

*Policy No. HR – 1.6.3: Family and Medical Leave*

*Policy No. HR – 1.3.36: Workplace Safety*

**Responsible Authority:**      *Office of Human Resources*

## **University Contracts Policy**

### **I. Purpose:**

Entering a contract exposes St. Thomas University resources and University employees themselves to certain statutory and legal risks because all contracts create legally binding obligations. It is imperative that employees intending to enter a contract with an outside party adhere to established procedures to protect St. Thomas University and themselves against this risk exposure. It is important to remember that the dollar value of the goods or services does not have a direct relationship to the amount of potential risk the contract poses.

### **II. Scope:**

The following policy is intended to provide employees with a framework for understanding the specific process required before a contract may be executed on behalf of St. Thomas University.

### **III. Policy :**

A contract is a legally enforceable agreement, lease, or license between two or more parties. The making of a **contract** requires the mutual assent of two or more persons, one of them ordinarily making an offer and another accepting. In the course and scope of regular work for the University, employees may experience the need to negotiate contracts that legally bind the Institution. Contracts may include, without limitation, letter of agreements, memoranda of understandings, letters of intent, purchase orders, and renewals or modifications of existing contracts. Execution of such contracts should be handled in accordance with this policy.

### **V. Procedures:**

1. The first review of all contracts should be conducted by the department or individual entering into the contract agreement. Often contracts are department or technology specific and only the person responsible for the negotiations with the other party will know if the terms and details of the contract are as agreed upon.
2. All contracts must be sent to the Office of Compliance for review.
3. The Office of Compliance must sign off on all contracts prior to being sent for signing by the approved University official.
4. Please allow 3-5 days turnaround time for contract review from the Office of Compliance.
5. The signing University official will sign all contracts received from the Office of Compliance within one week of receipt of the contract.
6. Fully executed agreements and contracts must be returned to the Office of Compliance for proper retention and documentation.

### **Signature Authority:**

Signature authority is limited to the President and the Vice President for Administration & Chief Financial Officer (CFO). The signature of one of these administrators is required on any contract binding the University.

The *President* and *Vice President for Administration & CFO* have the authority to sign all contracts, regardless of the contract amount, the contract term, or the type of contract. The *Provost, Dean of Law School, or Dean of Undergraduate* must sign off on academic contracts prior to beginning the rest of the contracting process.

Before a signature may be obtained, the contract must be stamped "**REVIEWED by Office of Compliance.**"

**Disciplinary Action:**

Failure to adhere to the procedures outlined in this policy may lead to discipline up to but not limited to termination.

**V.Related Policies**

**Responsible Authority:** *Office of the President and Office of Administrative Affairs*

## **1.8 Payroll and Compensation Policies**

### ***1.8.1 Payment of Wages***

#### **PAYMENT OF WAGES**

##### **I. Purpose**

The purpose of this policy is to set forth University policy and procedures regarding payment for services rendered by University employees.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Exempt Employee:* employees who are exempt from minimum wage and overtime provisions of the Fair Labor Standards Act as amended.

*Garnishments:* court ordered deductions from earnings for monies owed to a university, government or individual, for example, monies owed in child support, unpaid student loans, bankruptcy collection, unpaid taxes and/or other debt.

*Non-Exempt Employee:* employees who are covered by minimum wage, overtime, and time-card provisions of the Fair Labor Standards Act as amended. These employees receive overtime pay for any hours worked over 40 per week.

##### **IV. Policy**

It is the policy of St. Thomas University to pay employees by direct deposit in accordance with its established pay cycle and in a manner so that the amount, method, and timing comply with applicable laws and regulations.

##### **Pay Cycle**

STU's pay periods for salaried exempt employees are semi-monthly with 24 paydays each year. The workweek begins at 12:01 A.M. Sunday and runs continuously until 12:00 midnight on Saturday. Paydays are usually scheduled on the 15th and the last day of each month except when other contractual arrangements have been made. If a scheduled payday falls on a Saturday, Sunday, or University-observed holiday, employees will usually be paid on the day preceding the weekend or holiday. Published pay date schedules are available in the Office of Human Resources.

STU's pay periods for hourly non-exempt employees are bi-weekly with 26 paydays each year. The workweek begins at 12:01 A.M. Sunday and runs continuously until 12:00 midnight on Saturday. Paydays are usually scheduled every other week on Friday except when other contractual arrangements have been made. If a scheduled payday falls on a Saturday, Sunday, or University-observed holiday, employees will usually be paid on the day preceding the weekend or holiday. Published pay date schedules are available in the Office of Human Resources.

## **Payroll Deductions**

STU is required to make certain payroll deductions on an employee's behalf. Withholdings vary according to pay rate, number of exemptions, and other factors. These deductions are made until the maximum year-to-date amount is reached. Any change in name, address, telephone number, marital status, or number of exemptions must be reported to management immediately to ensure proper credit for tax purposes. The W-2 form issued to STU employees each year indicates precisely how much of an employee's earnings were deducted for these purposes. Required withholdings may include, but are not limited to:

1. Federal Income Tax
2. Social Security
3. Medicare
4. Wage Withholdings/Garnishment

In addition, deductions from pay are permissible when an Exempt employee: is absent from work for one (1) or more full days for personal reasons other than sickness or disability; for absences of one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, STU is not required to pay the full salary if penalties have been imposed in good faith for infractions of safety rules of major significance, or for weeks in which an Exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

### **Wage Withholding (Court Ordered)**

It is the policy of STU to comply with all valid claims against the wages of employees such as garnishments, levies, support orders and/or wage Garnishments, in accordance with applicable law.

Payroll will continue to withhold monies from an employee's salary for the entire period specified in the garnishment, federal, family court, or other assignment, or until the employee or appropriate legal authority presents STU with a written release or notice that the employee's financial obligations have been satisfied.

If a dated release is received, and the monies have been deducted but not yet paid to the court, the employee may be able to receive a reimbursement dependent upon the language of the order and/or release.

In all other instances, STU does not refund any incorrectly deducted funds due to the errors in the requisite garnishment orders. Instead, employees must request refunds and address the errors with the issuer of a garnishment order authorizing the deduction.

### **Final Pay**

Upon termination of employment for any reason, voluntarily or involuntarily, STU will pay the employee's final wages by the following regular payday.

**Upon separation from employment, employees will not be compensated for unused vacation time.**

If the employee requests or agrees, the final paycheck may be mailed to an address designated by the employee. The check will be delivered by certified mail (or similar mailing method) to document the date of payment.

**V. Related Policies**

*Policy No. HR- 1.8.2: Declared University Closings*

*Policy No. HR- 1.6.3: Family and Medical Leave*

*Policy No. HR- 1.8.3: Hours of Work, Time Reporting and Overtime*

*Policy No. HR – 1.6.5: Jury Duty and Witness Leave*

*Policy No. HR – 1.6.7: Military Leave*

*Policy No. HR – 1.6.6: Maternity/Paternity Leave*

*Policy No. HR – 1.6.9: Sick Leave*

*Policy No. HR- 1.3.29: Separation from Employment*

*Policy No. HR- 1.6.11: Vacation Leave*

**Responsible Authority:**        *Office of Human Resources*

## 1.8.2 Declared University Closings

### DECLARED UNIVERSITY CLOSING

#### I. Purpose

The purpose of this policy is to establish policies, procedures, and guidelines regarding reporting to work issues when the University campus is closed.

#### II. Scope/Applicability

All St. Thomas University employees.

#### III. Definitions/Key Terms

*Essential Employees:* includes Public Safety, Facilities Services, and Dining Services staff and vendors and as announced by the University on the date of the closure.

*Exempt Employees:* employees who are exempt from minimum wage and overtime provisions of the Fair Labor Standards Act as amended.

*Non-Exempt Employees:* employees who are covered by minimum wage, overtime, and time-card provisions of the Fair Labor Standards Act as amended. These employees receive overtime pay for any hours worked over 40 per week.

#### IV. Policy

On occasion, by direction of the President certain University holidays or closings may be declared to honor a specific person or event, for inclement weather, for days of mourning, or for acts of God.

The following pay policy is applicable to unique, one-time closings that are generally of not more than one (1) day's duration:

1. Full-time regular and part-time regular employees who are scheduled to work, or who are in an active pay status but do not work due to the closing(s) of the University for the aforesaid reasons, will be paid according to the hours they were scheduled to work that day.
  - a. An employee will be considered to have worked, or have been scheduled to work, on the declared day if the majority of the employee's regularly scheduled shift falls on the declared day.
  - b. Employees who are not scheduled to work or those who are on a scheduled day off will not receive compensation.
2. If the campus remains open and the employee is unable to get to work, it will be the employee's responsibility to notify the employee's immediate supervisor. If feasible, the supervisor may allow the employee to work remotely for that day. A staff member may charge the absence to a vacation day provided the time is available in the employee's vacation bank.

3. If the campus closes because of threatening weather before the normally scheduled close of business, full-time and regular part time Non-Exempt employees will be paid for the entire day if they were scheduled to work the whole day. Non-exempt FT and PT employees who leave earlier than the announced closing time, will not be paid beyond their time of departure.
4. If a non-essential employee decides to leave because of poor weather, even if the campus is not officially closing, the employee must have the approval of the employee's supervisor. In this instance, Non-Exempt employees will not be paid for the remainder of the day; however, they may use vacation time if available.
5. Non-Exempt "Essential Employees," who are required to work to maintain essential or necessary services on the declared day, will receive their regular rate of pay for their normally scheduled hours.
  - a. Unless otherwise directed by an immediate supervisor, Essential Employees are required to report to work during an official University campus closing.
  - b. At the time of hire, Essential Employees will be so notified by the employee's supervisor.

This policy excludes closings or reductions in work force related to energy or resource shortages, any University vacation periods that may be declared, or other conditions beyond University control. Such closings or reductions in work force shall be considered temporary or permanent, as appropriate.

### **Essential Personnel Designation**

Essential Personnel are required to remain available for assignment during a declared emergency as a condition of their employment. Employees are advised annually if they are essential in the case of a declared emergency. Essential Personnel are required to carry their STU issued identification card in order for scene security to be maintained.

The University reserves the right to designate additional functions as essential according to circumstances and the needs of the University.

### **V. Related Policies**

*Policy No. HR -1.1.1 : Employment Categories*

*Policy No. HR – 1.8.3: Hours of Work, Time Reporting and Overtime*

*Policy No. HR – 1.8.2: Payment of Wages*

*Policy No. HR 1.3.28: Remote Work and Telecommuting*

**Responsible Authority:**        *Office of Human Resources*

### ***1.8.3 Hours of Work, Time Reporting and Overtime***

#### **HOURS OF WORK, TIME REPORTING AND OVERTIME**

##### **I. Purpose**

The purpose of this policy is to define the normal hours of operation of the University and provide guidance regarding work hours and meal breaks, time reporting, and overtime payments (Non-Exempt Employees) in compliance with the Fair Labor and Standards Act.

##### **II. Scope/Applicability**

All St. Thomas University employees.

##### **III. Definitions/Key Terms**

*Exempt Employees:* employees who are exempt from minimum wage and overtime provisions of the Fair Labor Standards Act as amended.

*Non-Exempt Employees:* employees who are covered by minimum wage, overtime, and time-card provisions of the Fair Labor Standards Act as amended. These employees receive overtime pay for any hours worked over 40 per week.

See also the definitions published in the Policy Statement.

##### **IV. Policy**

The attendance of all employees is recorded daily and submitted to Employee Services at least on a biweekly basis. Attendance records are University records and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to clock or sign in or out for other employees. Violations of this Policy may result in appropriate corrective action, up to and including immediate termination of employment. Exempt employees are not required to sign in or out; however, vacation, sick and personal days must be recorded on the record.

##### **Procedure/Guidelines**

All non-exempt employees must record the time they begin and end work, each day. Your supervisor will advise you how you are to record your time. Your time record should reflect the actual time you start work, end for lunch, begin after lunch, and stop work at the end of the day. We expect you to record on your time record all time that you work for the University. Each employee is responsible only for their own recordkeeping.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records.

If an employee forgets to clock or sign in or out, he or she must notify his or her supervisor immediately so the time may be accurately recorded for payroll.

##### **Overtime**

Depending on University work needs, employees will be required to work overtime when requested to do so. Prior approval of a supervisor, however, is required before any non-exempt

employee works overtime. Employees working overtime without approval will be subject to disciplinary action up to and including termination.

Non-exempt employees are eligible for additional pay for work performed 40 weekly hours. After the employee has worked 40 hours, all additional time is paid at a rate of 1½ times the employee's hourly rate. Time paid for but not worked (time off for a holiday, sick leave, vacation leave, or any leave of absence, etc.) is not considered in calculating overtime.

Overtime for non-exempt employees is calculated on a weekly basis. An employee's supervisor **must approve all overtime; employees with overtime entries that do not have prior approval will be subject to corrective action up to and including termination of employment.**

Any changes or corrections to your time record must be approved by your supervisor. Under no circumstances may any employee tamper with or change another employee's time record.

Tampering with, altering or falsifying time records, or recording time on another's time record shall subject the individual to corrective action up to and including termination of employment.

## **V. Related Policies**

*Policy No. HR – 1.3.1: Absenteeism and Tardiness*

*Policy No. HR – 1.1.1: Employment Categories*

*Policy No. HR – 1.8.1: Payment of Wages*

*Policy No. HR – 1.3.22: Pregnancy and New Parent Accommodations in the Workplace*

*Policy No. HR – 1.3.28: Remote Work and Telecommuting*

**Responsible Authority:**        *Office of Human Resources*

### ***1.8.4 Secondary Assignments***

## **SECONDARY ASSIGNMENTS**

### **I. Purpose**

The purpose of this policy is to establish guidelines regarding the acceptance of a Secondary Assignment within the University by a current STU employee. This policy does not govern an employee's acceptance of a position outside of the University.

### **II. Scope/Applicability**

All St. Thomas University employees.

### **III. Definitions/Key Terms**

*Exempt Employees:* employees who are exempt from minimum wage and overtime provisions of the Fair Labor Standards Act as amended.

*Fair Labor Standards Act (FLSA):* a federal law governing minimum wage, overtime pay, child labor and record keeping requirements.

*Non-Exempt Employees:* employees who are covered by minimum wage, overtime, and time-card provisions of the Fair Labor Standards Act as amended. These employees receive overtime pay for any hours worked over 40 per week.

*Secondary Assignment:* are additional assignment within the University where the duties are clearly outside of the regular responsibilities of the staff employee's primary job with the University.

### **IV. Policy**

It is the policy of St. Thomas University to permit staff members to accept a Secondary Assignment within the University under certain approved circumstances. Secondary Assignments are generally temporary and are not benefit-eligible, except where required by law.

#### **Guidelines Applicable to All Secondary Assignments**

A Secondary Assignment within STU must be approved in writing from the employee's current supervisor and department head. In determining Secondary Assignment eligibility and approval, the supervisor and department head will consider the approval guidelines set forth below:

1. The responsibilities associated with Secondary Assignment must be clearly outside of the staff member's primary job responsibilities.
2. The intended Secondary Assignment may not diminish the staff member's effectiveness in the employee's primary job with the University.
3. The University's best interest must be served by approving the Secondary Assignment.
4. The staff member is qualified to perform the responsibilities of the Secondary Assignment.

If approval of the Secondary Assignment is granted, pay for the assignment will be based on the current University pay structure for the work to be performed. In addition, the following FLSA guidelines will be followed:

1. A Non-Exempt employee will be compensated on an hourly basis for any Secondary Assignment and is entitled to overtime pay where applicable.
2. A Non-Exempt employee's total hours among all assignments will be accumulated to determine weekly overtime.

### **Guidelines Applicable to Adjunct Teaching Assignments**

Full-time non-faculty St. Thomas employees with the appropriate academic or alternative professional experience credentials may apply to teach as an adjunct faculty member with the permission of their supervisor and approval of the applicable academic dean and department chair. They are expected to follow the same policies and procedures as other adjunct faculty members. A full-time St. Thomas employee may not teach more than one (1) course in any 16-week reporting period (fall, spring, or summer).

Staff who teach as adjunct faculty will be compensated according to the regular compensation schedule for adjuncts. Adjunct compensation is not provided for staff whose normal job responsibilities include teaching as part of their primary assignment and on which their contract and base salary are based.

### **Procedures Applicable to All Secondary Assignments**

1. Supervisors are responsible for monitoring and ensuring compliance with this policy.
2. It is the responsibility of both the primary and secondary supervisors to coordinate with one another regarding applicable leave administration and compensation, including eligibility for overtime pay for Non-exempt staff/senior administrators, where due.
3. Continuation of the Secondary Assignment will be reviewed at the time of the staff member's annual evaluation. If either the employee's current supervisor and divisional vice president/dean as applicable determines that the employee's Secondary Assignment within STU interferes with the performance or ability of the employee to meet the employee's primary job requirements, the Secondary Assignment will be terminated.

## **V. Related Policies**

*Policy No. HR -1.1.1 : Employment Categories*

*Policy No. HR – 1.8.3: Hours of Work, Time Reporting and Overtime*

*Policy No. HR – 1.81: Payment of Wages*

**Responsible Authority:**        *Office of Human Resources*