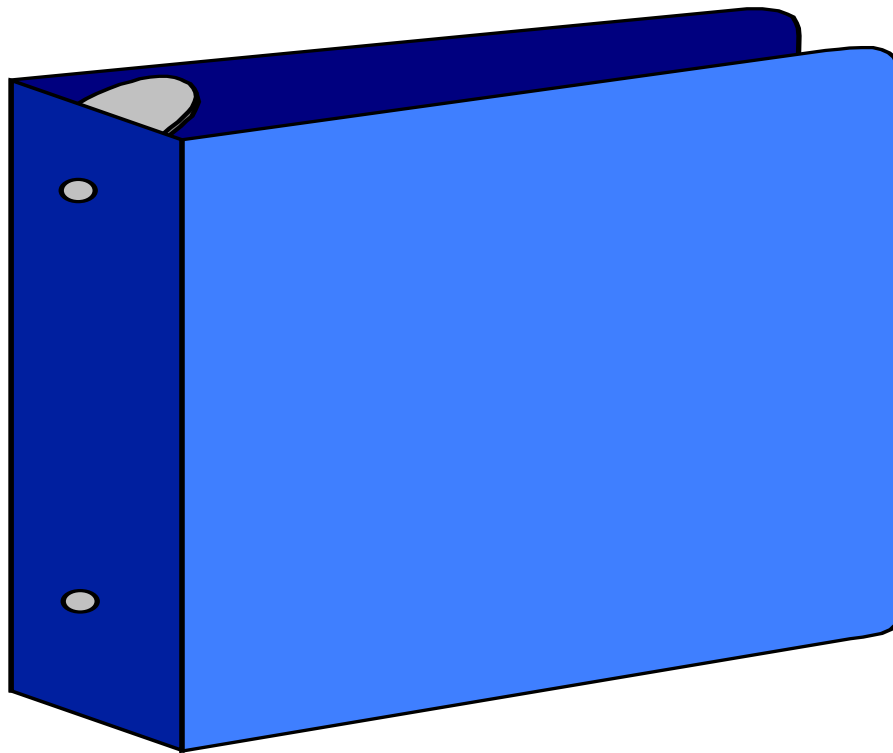


WAYNE STATE UNIVERSITY



PERSONNEL MANUAL FOR NON- REPRESENTED EMPLOYEES

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INTRODUCTION

Except where otherwise indicated, the policies described in this Manual apply to all persons employed by the University other than employees covered by a collective bargaining contract.

The positions covered include the following personnel categories:

- Executive Officers
- Senior Administrative Officers
- Non-Academic Administrators
- Academic Administrators
- Professional and Administrative Personnel
- Part-Time Faculty and Instructional Assistants
- Visiting Faculty
- Voluntary Faculty
- Graduate Assistants and Graduate Research Assistants
- Professional Research Personnel
- General Service Support Personnel
- Technicians

Position titles included in each of the above categories are listed in the Appendix (Section 6.0).

These policies represent a codification and clarification of policies within the University and establish the basic terms of your employment. We have designed this Manual to inform you of important policies which you will be expected to follow. Please take the time to read this Manual in order to familiarize yourself with its contents. We hope this Manual will better enable you to understand your responsibilities as an employee. If you have any questions about any University policy or about your benefits, please discuss them with your supervisor.

The Senior Vice President for Administration and Finance has been delegated responsibility for promulgating personnel policy for non-represented personnel within the University. These personnel policies may be changed at any time, with or without notice, but only by an official written statement, approved by the President. No other method of amending these personnel policies will be effective and no other individuals are authorized to amend or modify these policies.

All amendments shall apply to both new and continuing employees.

All policies are in compliance with Board of Governors Statutes and presidential Executive Orders. Upon request, copies of these Statutes and Executive Orders can be

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obtained from the Office of the Secretary of the Board of Governors and the senior divisional officers of your unit, respectively.

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1 EMPLOYMENT PRACTICES

1.1 Appointment Authority

Executive Officers

Executive officers of the University include the President, Executive Vice President, Vice Presidents, and the secretary's to the Board of Governors. The President of the University is appointed by the Board of Governors and serves at the pleasure of the Board of Governors. The Secretary of the Board is an elected officer of the Board and appointed by the Board. Upon the recommendation of the President, the Secretary of the Board is also appointed Assistant to the President and Secretary of the University, and in these capacities serves at the pleasure of the President.

Appointments of the Executive Vice President and Vice Presidents are recommended by the President and approved by the Board of Governors. The Executive Vice President and Vice Presidents serve at the pleasure of the President.

Senior Administrative Officers

Senior Administrative Officers include Associate Vice Presidents, Assistant Vice Presidents, those Directors who report directly to the President (Executive Directors, Directors Executive Salary Schedule), Deputy Provosts and Associate Provosts. Appointments of Directors reporting directly to the President are approved by the President and subsequently reported to the Board of Governors. Senior Administrative Officers serve at the pleasure of the President.

Non-Academic Administrators

Non-Academic Administrators include Administrative Assistant Deans, Directors (Hay Schedule A), Associate Directors, Assistant Directors, Managers, Coordinators, Supervisors and Public Safety Command Officers. Upon recommendation of the appropriate senior officer, appointment in this category are approved by the President or his/her designee.

Academic Administrators

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Academic Administrators include Assistant Provosts, Deans, Associate Deans, certain Assistant Deans, Academic Directors, Department/Division Heads, Department Chairpersons, Associate Department Chairpersons, and Ombudspersons. Appointments of Deans are recommended by the President for approval by the Board of Governors. Appointments of other academic administrators are approved by the President or his/her designee and are subsequently reported to the Board of Governors.

Professional and Administrative Personnel

Includes all non-represented employees in Professional and Administrative classifications, whether or not eligible for overtime. Upon recommendation of the appropriate senior officer, appointments in this category are approved by the President or his/her designee.

All personnel in the above categories, appointed on or after February 1, 1989, serve at the pleasure of the President, unless stated otherwise in the individual's written employment agreement.

Part-Time Faculty and Instructional Assistants

Part-time faculty are hired for short periods, generally one term, to teach or engage in other academic activities. Instructional assistants serve as assistants to faculty. They may not be the instructor of records for a class. These employees are appointed by the President or his/her designee pursuant to presidential delegation by Executive Order, usually after appropriate consultation with faculty bodies.

These assignments are limited to less than .50 FTE unless prior approval of the Provost is obtained. An individual whose only employment with the University is as part-time faculty member or an instructional assistant is not eligible for any benefit, including holiday or closure pay.

Visiting Faculty

Visiting Assistant, Associate, and Full Professors are appointed by the President or his/her designee after consultation with faculty bodies and academic administrators in the subject areas where the visiting faculty will serve. Visiting faculty duties are comparable generally to those of regular faculty of equal rank (i.e. teaching and scholarship are expected and required, while service is optional). The total period of service for visiting faculty is limited to three consecutive one-year appointments of full-time service.

Visiting faculty members normally have regular faculty appointment in another college or university or hold appointment with faculty type responsibility (i.e., research, teaching,

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service) in some established institution, such as a research institution, a corporation, or a government agency. Visiting faculty have the same benefits as other non-represented employees with equivalent seniority and whose assignments are on the same calendar.

The terms and conditions of visiting faculty are not subject to the collective bargaining contract between Wayne State University and the American Association of University Professors.

Voluntary Faculty

Voluntary faculty support the University's basic mission of teaching, scholarship, and service without salary or other compensation. Classifications of voluntary faculty include Adjunct, Clinical, Full-Time Affiliate, Full-Time Affiliate (Clinical), and Full-Time Affiliate (Research). Ranks of voluntary faculty include Instructor, Assistant Professor, Associate Professor, and Professor, used in conjunction with one of the applicable classifications. Use of the clinical classifications is limited to clinical departments. Use of the full-time affiliate classifications is limited to persons employed by institutions affiliated with the University. Voluntary faculty are appointed by the President or his/her designee after consultation with faculty bodies and academic administrators in the subject area where the voluntary faculty will serve. Educational qualifications for voluntary faculty are comparable to those required for regular faculty of equal rank. Voluntary faculty serve at the pleasure of the President and are subject to biennial review.

Voluntary faculty are not eligible for inclusion in the University retirement plan nor in life insurance, health insurance, or the disability programs. Promotions for all classifications of voluntary faculty are subject to the same policies and practices as other academic promotions and are reported to the Board of Governors in the same manner as changes for corresponding salaried appointments.

Graduate Assistants and Graduate Research Assistants

The Graduate Assistantship is designed primarily to provide a measure of economic support for the graduate student while also offering the opportunity to augment academic experience through teaching, research, or other activities associated with the student's major field. Graduate (Teaching) Assistant I or Graduate Research Assistant I is an appointment awarded to a student who holds the bachelor's degree or equivalent and has been admitted to an appropriate graduate degree program in the University. Graduate (Teaching) Assistant II or Graduate Research Assistant II is an appointment awarded to a student who holds the master's degree or equivalent and has been admitted to an appropriate graduate degree program in the University. All of these are half-time appointments.

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The University requires Graduate Assistants to register for six to twelve credits of graduate course work during each semester of an assistantship. All Graduate Assistants are permitted to register at Michigan resident tuition rates and all Assistants receive a full tuition scholarship of up to ten graduate credits per semester during the academic year. Additional credits may be taken at the student's own expense and will be assessed at the resident rate. Graduate Assistants may also participate in the regular University Medical Insurance Programs at subsidized rates.

Professional Research Personnel

Professional research personnel are recommended for appointment by the appropriate unit administrator, approved by the President or his/her designee, and reported to the Board of Governors. Research Assistants normally hold degrees below the doctorate and Research Associates normally hold the doctoral degree. Senior Research Scientists and Research Scientists have established research credentials and possess the ability to obtain and manage grants and contracts. Appointments in this category are conditioned upon the availability of research grants or contracts, and all personnel in these categories, appointed on or after February 1, 1989, serve at the pleasure of the President, unless the individual's written employment agreement states otherwise.

General Service Support Personnel

These positions provide office support/clerical activities, or involve duties of a technical nature.

Included in this group (Job Group B) are specified supervisory positions that require the scheduling and assigning of tasks and the review of the performance of staff members under their direction.

Appointments are made by the President or his/her designee, and are reported to the Board of Governors.

Technicians

Appointments to Technician positions are of a temporary nature as required by special projects, studies, or temporary personnel support needs.

Compensation is provided on the basis of an established hourly rate. An individual whose only employment with the University is as a Technician is not eligible for any benefits, including holiday or closure pay.

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Technicians performing duties normally covered by collective bargaining contracts may be limited to a number of hours of employment per fiscal year as specified in the pertinent collective bargaining contract. This limit was one thousand hours at the time this Manual was issued.

Technicians cannot be enrolled at Wayne State University for more than seven hours as an undergraduate or three hours as a graduate student. If enrollment exceeds the limit, the individual must be assigned as a Student Assistant.

Technicians serve at the pleasure of the appointing authority. Such assignments are recommended by the appropriate unit administrator and approved by the President or his/her designee.

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1.2 Appointment Categories

APPOINTMENT CATEGORIES

The University recognizes various appointment categories:

Temporary Appointment

These part-time or full-time appointments are made for a specifically defined period of time.

Persons holding such appointments serve at the pleasure of the President or his/her designee.

Continuing Appointment

A continuing appointment is an appointment not limited to a specifically defined term. Such an appointment is made when the need for the position and the funding are expected to continue.

Persons with a continuing appointment may serve at the pleasure of the President or his/her designee, if their written appointment letter or employment agreement so provides. Persons who do not serve at the pleasure of the President or his/her designee may be released pursuant to Section B 19 of this Manual or may be dismissed, only for unsatisfactory performance or misconduct, pursuant to Section B 19. Persons who do not serve at the pleasure of the President or his/her designee may be required to complete a probationary period.

Term Appointments, Conditioned on Funding Availability

The University conducts research funded by outside grants or contracts.

Appointments to positions funded by grants/contract are conditioned on such outside funding; such appointments automatically terminate with the termination of such funding. Employees in these positions are eligible for all benefits available to employees in continuing appointments.

Unless stated otherwise in the individual's written employment agreement, all employees with term appointments hired on or after February 1, 1989 will also serve at the pleasure of the President or his/her designee.

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1.3 Policy Regarding Employment Relationships

GENERAL STATEMENT OF POLICY REGARDING EMPLOYMENT RELATIONSHIPS

Personnel Whose Appointment is "At the Pleasure" of the President or His/Her Designee

This General Statement of Policy applies to all "at the pleasure" employees.

By joining or continuing employment with the University, each employee agrees to follow the official University policies which may be in force at any given time. The University reserves the same right enjoyed by each of its employees to end the employment relationship at any time and for any reason with or without cause or prior notice. The University disclaims the creation of any implied or express guarantee of employment, and no employee of the University is authorized orally to guarantee employment for any given length of time or to cause the University to assume any greater employment obligation than provided in this policy.

Personnel Whose Appointment is Not "At the Pleasure"

This General Statement of Policy applies to all employees who have completed their initial probationary period other than personnel whose employment is at the pleasure of the President or his/her designee.

By joining or continuing employment with the University, each employee agrees to follow the official University policies which may be in force at any given time. In return, the University agrees to continue the employment of employees covered by this section for as long as they perform their jobs and conduct themselves in accordance with University policies and to the satisfaction of the University. The University reserves the sole discretion to adjust or reduce its workforce in the event that there should be insufficient work or when economic, organizational, programmatic or other business considerations warrant that employees be transferred, laid off or released from employment.

In order to ensure that decisions affecting the employment status of University employees covered by this section are made consistent with University policies, the University has instituted the Appeal Procedure which is contained in section 1.19 of this Manual.

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1.4 Federal Labor Laws

FEDERAL LABOR LAWS

Each employee will be advised as to whether he or she is “exempt” or “nonexempt” from the provisions of the Fair Labor Standards Act. Nonexempt employees (including all general service support positions) eligible for overtime pay or compensatory time off pursuant to section 3.12.

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1.5 Employment Eligibility Certification

EMPLOYMENT ELIGIBILITY CERTIFICATION (IMMIGRATION REFORM AND CONTROL ACT OF 1986, PUBLIC LAW 94-603)

In accordance with Federal law, all new University employees are required to complete a Form I-9 Employment Eligibility Certification and provide verification (by designated documents) of citizenship/resident status, identity, and authorization to work.

Citizens and permanent residents are required to appear at the Employment Services Department and non-immigrants at the University International Services Office for the processing of the Employment Eligibility Certification form prior to the start of employment.

Employing administrators are required to consult with the International Services-Student Affairs Office concerning immigration/control regulations, visas, and work restrictions before considering persons on non-immigrant visas for University employment, and to obtain their approval before making an offer for employment.

Employees who begin work, in violation of this policy, prior to employment eligibility clearance will not be paid for such service until completion of the I-9 and are not eligible for a salary advance until the I-9 is completed.

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1.6 Security Clearance

SECURITY CLEARANCE

Assignments in certain University positions require that employees meet established security clearance requirements, including fingerprinting

Security clearance is required as a condition of employment for personnel assigned in the following areas:

- Facilities Planning and Management
- Mail Room
- Stock Room
- Receiving Room
- Cashier's Office
- Public Safety Department
- Parking-Transportation Services
- Media Services Equipment Center
- Investment Management Office
- Internal Audit
- McGregor Memorial Conference Center
- Science Storerooms

Staff members serving in other areas who have responsibility for handling significant sums of money, or have on-the-job access to drugs and/or alcohol (as defined by the Federal Food and Drug Act), or have access to confidential information, may also be required to meet clearance requirements.

Persons joining the University or transferring into positions requiring security clearance will be notified in advance of such requirements. Security clearance investigations must be completed prior to the date of employment or transfer.

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**1.7 Prior Service Credit (Rescinded as of 6/27/13; Refer to
APPM 3.0.20 University Service Credit)**

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1.8 Classification and Compensation

CLASSIFICATION AND COMPENSATION

The University has a position classification system which rates positions on the basis of know-how, problem solving, and accountability.

The classification system establishes the relationship between these requisites and salary ranges. The specific duties and responsibilities of any employee may be further defined by his/her supervisor within the general guidelines established for the position.

New employees and employees transferred or promoted from outside the classification system into positions covered under these provisions are placed at a salary consistent with their experience gained in previous employment but may not exceed the job rate of the salary range established for the position without approval of the President or his/her designee.

Positions included in the classification system are assigned to an appropriate salary grade. Each salary grade has a minimum, job rate, and maximum salary. Additionally, each salary grade has two intermediary steps between the minimum and job rate. Salary increases are administered consistent with the following policy guidelines:

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1.8.1 Non-Represented Hay Salary Administration Policy

NON-REPRESENTED HAY SALARY ADMINISTRATION POLICY

Positions included in the Hay Classification System are assigned to an appropriate salary grade. Each Hay salary grade has a minimum, job rate, and a maximum. The job rate is 96% of the midpoint of the range. Additionally, there are two intermediary steps between minimum and job rate.

Individuals will move to job rate, one step a year, for each year of fully satisfactory service as supported by the annual merit performance evaluation.

At or Near Job Rate

Individuals at or near job rate will not fall below job rate, therefore, merit granted will be at least equal to the range movement.

At or Above Maximum

Individuals at the maximum may receive merit increases but merit will be paid in a lump sum and NOT added to their base salary.

Individuals participating in the retirement plan, at the time lump sum payments are made, will have the normal University contribution to retirement based on that lump sum and will be required to make the appropriate employee contribution from that lump sum.

Attachments

Employees accepting a temporary administrative assignment or having return rights to a position will have an attachment position create to record the salary associated with the administrative duties.

New employees and employees transferred or promoted from outside the Hay Classification System into positions covered by these provisions are placed at a salary consistent with their experience but may not exceed job rate.

In all cases, employees below job rate will be placed at minimum or on the appropriate salary step.

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1.8.2 Promotions and Upward Reclassification

PROMOTIONS AND UPWARD RECLASSIFICATIONS

Promotional increases, changes in schedule, or upward reclassifications for persons earning between minimum and job rate will provide for up to a 10% salary increase. Subject to the minimum of the grade, the employee will be placed at a step in the new grade consistent with their experience and qualifications.

Promotions and upward reclassifications for people earning above the job Rate will allow for up to a 10% salary increase per grade level increase but not to exceed 20% in the case of multiple grade increases. However, if the increase will cause the salary to fall at or below the Job Rate for the new grade, they will be placed at a step consistent with their experience and qualifications.

Reclassifications, at the same grade level, from one schedule to another for those earning above job rate will allow for up to a 5% salary increase.

Individuals must serve a minimum of six months in a position to be eligible for reclassification.

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1.9 Probationary Period

PROBATIONARY PERIOD

General Service Support Staff

All General Service Support Staff employees are required at the time of initial University appointment to serve a six month period of probation. A three month period of provisional status is required for an employee who has been transferred or reassigned regardless of whether it is a lateral move, a promotion or a demotion. The probationary or provisional status period shall be utilized for evaluating the staff member's ability and willingness to perform the assigned duties. Provisional status may be extended for a period of up to three additional months by mutual agreement between the unit administrator and the Employment Services Department. During the probationary period a staff member may be dismissed, or in case of provisional status returned to previous unit or classification, at any time without a statement of cause and without the right of appeal.

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1.10 Training and Development

TRAINING AND DEVELOPMENT

University travel policies recognize that participation in conferences, seminars, workshops, and visits to other institutions may serve to develop increased job related competence or performance. See the appropriate section of the Administrative Policy and Procedures Manual.

Development and training of staff members is essential to the improvement and efficiency of University service functions. The Training and Development Department is responsible for the coordination of training programs intended to assist staff to gain the knowledge and skills they need to perform their work effectively, inclusive of orientation for new hires and the administration of the Non-Credit Tuition Assistance Program.

Detailed information concerning University staff development/training programs may be obtained from the Training and Development Department.

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1.11 Promotion and Transfer

PROMOTION AND TRANSFER

In accordance with Executive Order 85-2, Position Posting, all position openings available in the various University departments, as a result of the creation of new positions, staff terminations, retirements, etc., are posted to permit interested qualified personnel to apply for promotion or transfer.

Attendance patterns, performance evaluations, prior training and experience as well as other service-related information are used in evaluating the applications of staff members applying for promotion or transfer.

No employee has a right to be transferred or promoted. It is University policy to employ in all positions the best qualified candidates, whether they are present employees or new applicants for University employment.

Salary increases upon promotion will be determined in accordance with Section 1.8. Salary increases will not increase salary to exceed the maximum of the new salary grade.

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1.12 Demotion

DEMOTION

When a demotion is warranted, an employee may be placed in a lower classification with a salary adjustment as appropriate.

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1.13 Performance Evaluation

PERFORMANCE EVALUATION

A formal performance evaluation for all General Service Support staff is prepared following the end of a probationary or provisional status period.

An annual evaluation is prepared for all employees included in University's Merit Salary Review Program. Part-time Faculty, Instructional Assistants, and all classifications of Technician are not included in the University's Merit Salary Review Program.

Performance ratings give consideration to the quantity and quality of work accomplished, knowledge of work gained through experience, ability to plan work, success in cooperating and working effectively with co-workers, supervisors and subordinates, punctuality and attendance on the job, ability to make adjustments to new conditions or new and different assignments, care of University equipment, material, etc., and accuracy, thoroughness, dependability and related conditions of service.

University supervisory and administrative personnel are required to review with staff members questionable levels of performance as they occur and are directed to formally review the performance of each staff member under their direction as part of the Annual Merit Review Program.

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1.14 Additional University Assignment

ADDITIONAL UNIVERSITY ASSIGNMENT

University executive officers, senior administrative officers, and professional-administrative personnel are encouraged to engage in professional campus/community activities (e.g., teaching regular classes and seminars, participating in conferences, workshops, colloquia, etc.). Such activities are considered contributed service for which added compensation is not provided, except pursuant to specific terms of appointment or in circumstances specified below.

In order for added compensation to be paid for an added service, the need for the performance must be deemed extraordinary and far beyond regular position requirements, and the payment must be recommended by the staff member's unit administrative officer, and receive prior approval of the appropriate University executive officer.

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1.15 Consulting

CONSULTING

The University recognizes that consulting may be a valuable form of community service which contributes to the professional development of administrative officials and serves to enhance the University's reputation and standing. It is for this reason that the University has adopted a policy that permits certain University officers and professional administrative personnel, as defined in WSUCA Section 2.27.01 and Executive Order 84-7 Consulting by Executive Officers, and spend up to one day (8.0 hours) in any work week in consulting activity. Administrators covered by this policy are required to limit consulting activity to eighteen work days per calendar year. Consulting service in excess of one business day in any week are to be charged against the staff member's accrued vacation.

University officers and professional-administrative personnel covered by the Statute and/or by Executive Order, who plan to enter into a consulting activity, are required to obtain approval from their unit administrator prior to rendering consulting services. Personnel rendering such services are expected to fully carry on the duties and responsibilities of their University assignments. Consulting assignments by University staff members must be free of any conflict of interest. Annual reporting of consulting activities is required.

Employees are referred to the Statute and Executive Order cited above for detailed regulations relating to consulting.

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1.16 Outside Employment

OUTSIDE EMPLOYMENT

Full-time staff members are expected to carry out their University duties and responsibilities in an acceptable manner. It is for this reason that full-time personnel are not to commit themselves to outside employment or to conduct/pursue outside business activities that will jeopardize their performance of University service.

University resources including but not limited to facilities, equipment supplies and secretarial or other employee services are not to be utilized by any staff member for outside employment purposes, nor are personnel in such service to explicitly or implicitly suggest that they represent the University or any unit of the University without prior authorization to do so.

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1.17 Progressive Correction Action

PROGRESSIVE CORRECTION ACTION

In order to assure conformity with University policy and procedures, unit heads must, with respect to staff who do not serve at the pleasure of the President or his/her designee, consult with Employment Services as to matters of progressive corrective action. This consultation shall take place prior to the institution of progressive corrective action except in the case of acts that constitute a threat to life, person or property, or gross insubordination, or offenses of a comparable magnitude. In sure cases, unit heads may place the employee on suspension while consultation takes place with Employment Services. With respect to staff who serve at the pleasure of the President or his/her designee, consultation with Human Resources is encouraged.

Staff who do not serve At the Pleasure of the President or his/her designee

Progressive corrective action may be taken at the discretion of a division/department head when the staff member does not meet the duties and responsibilities of his/her position and/or does not follow established policies, procedures, practices, rules and regulations. Staff members will be given reasonable notice of position requirements and University policies and procedures as well as proper notice of the failure to meet required conditions.

Staff who serve At the Pleasure of the President or his/her designee

Progressive corrective action may be taken by the appropriate supervisor at the discretion of the supervisor. Application of progressive corrective action to a staff member holding an "at will" appointment does not in any way lessen the University administration's right in its sole discretion and without any other procedures to separate such a staff member from the position or the University.

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1.18 Suspension

SUSPENSION

Whenever, in the judgment of the President or his/her designee, the continued service of a University staff member threatens injury to the University community or its facilities, the individual may be relieved of all or part of his/her University duties, with or without continued earnings, without prejudice to the final disposition of the matter.

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1.19 Appeals

APPEALS

The following appeal procedures for presenting concerns and complaints regarding employment-related matters are available to University personnel whose appointments are not "subject to the pleasure of the President" or otherwise "at will" appointments and who have completed their probationary period.

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1.19.1 Non-Termination Cases

NON-TERMINATION CASES

The following appeal procedure for presenting concerns and complaints regarding employment-related matters other than termination is available to University personnel whose appointments are not "subject to the pleasure of the President" or otherwise "at will" appointments and who have completed their probationary period.

1. The staff member must first discuss the concern or complaint with his/her immediate supervisor within five working days following the date the staff member first becomes aware of, or should have become aware of, the concern or complaint.
2. Failing resolution by this informal discussion, the staff member may file a formal appeal. The appeal must be initiated no later than fifteen working days following the date the staff member first becomes aware of, or should have become aware of, the concern or complaint.
3. To initiate a formal appeal, a statement setting forth the concern or complaint must be prepared and submitted on an established Appeal Form available from the Labor Relations Department.

This procedure is not designed to address concerns relating to position classification or to resolve complaints alleging sexual harassment or discrimination due to race, color, sex, national origin, religion, age sexual orientation, marital status, or handicap, or to effect resolution of position classification matters.

Complaints alleging sexual harassment or discrimination in terms of employment are processed in accordance with proceedings defined under Executive Order 84-1, Discrimination Complaint Process, while position classification matters are resolved with Position Classification Review proceedings.

Procedure

Level I: The staff member shall, within the five working days referred to in paragraph 1, discuss the complaint with his/her immediate supervisor. Within five working days from the time the informal complaint is brought to the supervisor's attention, the supervisor shall review the matter and meet with the staff member to discuss resolution.

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Level II: If the matter is not resolved at Level I, the staff member may, within the fifteen working days referred to in paragraph 2, reduce the matter to writing on the Appeal Form and present it to the department/division head. Within ten working days of receipt of the Appeal Form the department/division head shall review the matter and meet with the staff member to discuss resolution.

The department/division head will provide a written response to the staff member within ten working days after the discussion.

Level III: If a Level II written response is not issued within the prescribed period, or if the staff member is not satisfied with the response, the staff member may, within ten working days of the day the Level II response was or should have been provided, appeal in writing to his/her division senior vice president. If the unit does not report to a senior vice president, the staff member may request the President to designate an individual to hear the appeal. The appeal must include copies of the initial Appeal Form and all subsequent documents in the matter, and may include other pertinent information the staff member wishes to submit.

The division senior vice president or the President's designee shall review the matter and may direct that additional meetings take place between the affected staff member and appropriate supervisory personnel.

Within thirty calendar days of receipt of the Level III appeal, the division senior vice president or President's designee will provide a written response to the staff member. The decision of the senior vice president or President's designee is final.

General Conditions

Alternate Procedures

The University shall not be required to process a complaint through this appeal procedure when a substantially similar complaint has been filed or adjudicated in any other forum.

Time Standards

Any decision rendered pursuant to this procedure and not timely appealed by the aggrieved staff member will become the final decision in the matter. If a University representative does not reply to a staff member's appeal action within the prescribed time, the staff member may proceed to the next level. With the written consent of both parties, designated time limits may be extended.

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1.19.2 Termination Cases

TERMINATION CASES FOR PERSONNEL WHOSE APPOINTMENT IS NOT "AT THE PLEASURE"

This Appeals Procedure provides the exclusive means by which an employee who does not serve at the pleasure of the President or his/her designee, and who is not in initial probationary status, may challenge a dismissal for unsatisfactory performance or misconduct. As the University is engaged in interstate commerce, the Arbitration provision of this policy is governed by and enforceable under the Federal Arbitration Act.

The University reserves in its sole discretion the right to reorganize or reduce its staffing or to release employees in response to economic, programmatic, organizational or other business considerations. Therefore, this Appeals Procedure shall not apply to any employee affected by a reduction in force.

Any employee covered by this section, who is dismissed for unsatisfactory performance or misconduct, may appeal that decision under this policy within five working days after receipt of a written notice of release. The Appeal must be in writing.

The written Appeal shall be delivered to the Assistant Vice President for Human Resources (hereafter referred to as the Assistant VP), or, in the absence of the Assistant VP, to the designee of the Senior Vice President for Administration and Finance and shall state in detail the reasons why the dismissed employee believes the decision was unjustified, and shall refer to any University policy that the employee believes supports the Appeal. The appealing employee shall also attach any documentation in his or her possession supporting the Appeal.

The Assistant VP shall, within five working days after receipt of the written Appeal, refer the Appeal to the appropriate department head or designee, who shall file a written Reply to the Appeal and return it to the Assistant VP within ten working days after receipt of the Appeal. The Reply shall refer to any University policy that supports the decision.

Thereafter, the Assistant VP shall confer with the department head and other relevant members of the management staff to determine whether it would be productive to schedule a meeting with the dismissed employee (and such persons within the University management as the Assistant VP and the department head deem appropriate) in an effort to resolve the Appeal. If the Appeal is not resolved at this level to the satisfaction of the dismissed employee, the Assistant VP shall refer the Appeal to a Neutral Arbitrator for resolution, provided the employee agrees to pay one-half of the cost of the Arbitrator.

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Neutral Arbitration

The University shall designate one or more persons certified by the National Academy of Arbitrators, American Arbitration Association, or similar arbitrator societies to serve as a Neutral Arbitrator on such terms as the Arbitrators and the University shall determine. In each Appeal, only one Neutral Arbitrator shall hear and decide the matter.

When an Appeal has been referred to a Neutral Arbitrator, the Assistant VP shall provide the Arbitrator with copies of the Appeal and the Reply. The employee shall be provided with a copy of the Reply and may, at his or her expense, be represented by a lawyer or other advocate during any proceeding occurring after the Appeal has been referred to an Arbitrator. The Arbitrator shall confer with the dismissed employee (or the employee's advocate, if one has been retained) and a representative of the University, and determine the scope of evidence which may be presented by the parties, as well as the witnesses who will be allowed to give testimony, and schedule a hearing date.

In scheduling and conducting the hearing and in deciding what evidence shall be allowed, the Arbitrator shall bear in mind that the intent of this Appeal Procedure is to provide an informal forum in which a challenged dismissal decision can be quickly considered and conclusively resolved. The Arbitrator shall establish such rules governing the arbitration as are appropriate but may, upon his or her own initiative, call only the Assistant VP and the appealing employee to give testimony

Standard of Review

In cases involving either a dismissal for unsatisfactory performance or a dismissal for misconduct, it is the duty of the Arbitrator to determine whether the University dismissed the appealing employee in good faith. A decision made in "good faith" means a decision reached honestly and without a fraudulent, deceitful or unlawful purpose.

Unsatisfactory Performance Cases

In arriving at his or her decision whether the University dismissed the employee in good faith in unsatisfactory performance cases, the Arbitrator may consider the nature of the performance in question, the nature of the employee's job and responsibilities, and the University policies and practices in force at the time the decision was made, but the Arbitrator may not substitute his or her judgment for that of the University regarding the propriety of the relevant policies and practices, modify these, establish other standards of performance, or reclassify the dismissal as one based upon misconduct rather than performance reasons.

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If the Arbitrator finds that the University did not determine in good faith that the employee's performance was unsatisfactory, then the Arbitrator may order the employee reinstated, with or without back pay (less any interim earnings, including unemployment compensation), on such terms as the Arbitrator shall deem equitable under the circumstance, giving due regard to the rights of employees not involved in the Appeal. The Arbitrator is not authorized to award any other relief to the prevailing employee, but the Arbitrator may make an advisory recommendation to the parties regarding alternate dispositions.

If the Arbitrator finds that the University determined in good faith that the employee's performance was unsatisfactory, the Arbitrator shall sustain the dismissal.

Dismissals Involving Misconduct

In arriving at his or her decision whether the University dismissed the employee in good faith, the Arbitrator may consider the nature of the misconduct in question, the nature of the employee's job and responsibilities, the character of the University's "business," and the University's policies and practices in force at the time the decision was made, but the Arbitrator may not substitute his or her judgment for that of the University regarding the propriety of the relevant policies and practices, modify these, establish other standards of conduct, or reclassify the dismissal as one based upon performance reasons rather than misconduct.

If the Arbitrator finds that the University did not discipline the employee in good faith, then the Arbitrator may order the employee reinstated, with or without back pay (less any interim earnings, including unemployment compensation), on such terms as the Arbitrator shall deem equitable under the circumstances, giving due regard to the rights of employees not involved in the Appeal. The Arbitrator is not authorized to award any other relief to the prevailing employee, but the Arbitrator may make an advisory recommendation to the parties regarding alternate dispositions.

If the Arbitrator finds that the University disciplined the employee in good faith, the Arbitrator shall sustain the dismissal. If the Arbitrator finds that the University disciplined the employee in good faith, he or she may not reduce the penalty.

Written Opinion

As soon as possible after the hearing is concluded, the Arbitrator shall give a short written opinion explaining the decision. The decision of the Arbitrator shall be final and binding upon the appealing employee as well as the University. The decision shall not have precedential value in any other Appeal.

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1.20 Separation

SEPARATION

Separation from the University can occur under the following conditions:

1. The employee resigns or retires from his/her employment.
2. The University terminates the employee (dismissal).
3. Release for budgetary or reorganizational reasons.

An exit interview may be requested by the employee or the employing unit at the time of separation and can be arranged by the Employment Services Department of Human Resources.

Staff members should contact the Benefits Administration Department to obtain specific information on separation benefits.

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1.20.1 Resignation

RESIGNATION

All staff members are required to inform their supervisor that they wish to resign from their employment and give reasonable notice, a minimum of two weeks.

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1.20.2 Dismissal

DISMISSAL

Staff members serving at the pleasure of the President or his/her designee may be dismissed at any time, for any reason, without any obligation to state the reason to anyone, and without recourse to appeal procedures. Personnel serving in one position at the pleasure of the President or his/her designee, while holding tenure in another position, may be dismissed from the "at will" appointment at any time, for any reason, without any obligation to state the reason to anyone, and without recourse to appeal procedures, but such persons retain their rights to the position in which they hold tenure.

Consultation with Human Resources is encouraged before any dismissal action is undertaken. Approval of next higher level of management must be obtained before any dismissal action is made final. Staff members who do not serve at the pleasure of the President or his/her designee have recourse to the appeal procedures specified in this Manual in the event of dismissal from University service.

Staff members who hold temporary appointments or who are still in the probationary period may be dismissed at any time without reason or recourse to appeal procedures. Dismissal from University service of employees who do not serve at the pleasure of the President or his/her designee may occur for unsatisfactory performance or misconduct.

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1.20.3 Release

RELEASE

The determination that the University is required to reduce the work force because of fiscal conditions, programmatic changes, or organizational changes is a determination entirely within the discretion of management.

In such cases a reduction in staff will be accomplished to the extent possible through reassignment or attrition.

Notification of reduction in force will be provided in writing following oral notice of such pending action. Such notification will normally occur no later than thirty calendar days prior to the effective date of the release.

An employee who is released as a result of a "reduction in force" has no rehire rights. However, if an employee is rehired within three year of their release, they will have all eligible benefits reinstated the first of the month following their return.

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1.21 Return of University Property

RETURN OF UNIVERSITY PROPERTY

All staff members are required to return all University property at the time of resignation, retirement, dismissal or release.

Such property includes University ID card, keys, tools/equipment, parking card, etc.

The unit head is responsible for collecting all University property at time of the employee's resignation, dismissal, release, or retirement. The unit head is also responsible for the discontinuance of access to any or all computerized systems by providing appropriate notice to C & IT.

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2 BENEFITS

This section of the Manual describes the University benefit programs in effect on the date of issuance of this Manual.

The University reserves the right to amend or terminate any benefit.

The following description of insurance benefits available is intended to be a summary only. In the event of conflicting information, the certificates and riders of each individual plan prevail.

Most benefits are available to personnel appointed on at least a half-time (50%) basis. Benefits are not available to personnel appointed less than half-time except for continued retirement plan participation.

Benefits available to retiring or retired employees are described in the "Retirement" section of this Manual.

Staff members should contact the Benefits Administration Department when specific questions about the benefit programs arise.

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2.1 Insurance

2.1.1 Group Dental Insurance Plan

GROUP DENTAL INSURANCE PLAN

Dental insurance coverage is currently provided by the University at no cost to all staff members, their enrolled spouses and dependents. Such coverage is effective on the first of the month following six months of University employment.

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2.1.2 Group Life Insurance Plan

GROUP LIFE INSURANCE PLAN

Life insurance benefits are paid to the designated beneficiary(s) regardless of the cause of death. Benefits are doubled if death is the result of an accident, tripled if accidental death occurs on a common carrier as a fare-paying passenger. Dismemberment benefits are paid for loss of sight, body members, etc., according to the Master Contract. An optional emergency, partial life insurance benefit payment of up to \$2,500 of the basic non-contributory group life insurance policy is provided to a legal beneficiary(s) within twenty-four hours of proper notification of death to the Benefits Administration Department.

Non-Contributory Group Term Life Insurance

All University personnel are provided \$25,000 non-contributory life insurance coverage immediately upon employment.

Supplemental Group Term Life Insurance

Additional amounts of group term life insurance may be purchased by the University staff member at subsidized rates. This insurance may be purchased in (1) an amount equal to the staff member's annual salary, or (2) an amount equal to twice the staff member's annual salary, rounded up to the nearest \$1,000. The per thousand dollar cost of supplemental group term life insurance is governed by the staff member's age. The maximum coverage available including non-contributory coverage is \$300,000.

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2.1.3 Long-Term Disability Insurance Plan

LONG-TERM DISABILITY INSURANCE PLAN

Full time General Service Support personnel become participants in the long-term disability insurance plan upon completion of five calendar years of service.

All other full time staff participate in the long-term disability insurance plan upon completion of three calendar years of service or after one year of University tenured service, whichever occurs first.

The waiting period is waived for new full time staff members who provide formal verification that they were, within the last three months prior to receiving a University appointment, insured through their previous employer under a group disability insurance plan which provided income benefits for a minimum period of five years for total disability due to illness or injury. An employee who is enrolled in the plan and then reduces their work schedule but is still at least 50% time will continue to be covered by the plan. For Senior Administrative Officers, Non- Academic Administrators, Academic Administrators, Professional- Administrative Personnel, Faculty and Professional Research Personnel the monthly income benefit, including any benefit from Social Security and/or Workers Compensation, is equal to 60% of the staff member's basic salary, not to exceed a monthly benefit of \$2,500. The income benefit is subject to increase 3% each year during disability.

For all others, the monthly benefit, including any benefit from Social Security and/or Workers Compensation, is equal to 60% of monthly salary, not to exceed a monthly benefit of \$2,000. The income benefit is subject to increase 3% each year during disability.

The monthly income benefit is not at any time less than \$50. The long-term disability insurance is provided at no cost to the employee.

Total disability for the purpose of the University's long-term disability insurance plan means the inability of the staff member, by reason of illness or bodily injury, to engage in any occupation for which he/she is reasonably fitted by education, training or experience.

Benefits Protection During Long-Term Disability Leave

Employees on long-term disability leave approved by the long-term disability insurance plan carrier are entitled to:

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1. Continued coverage by the group life insurance plan without further premium contributions for coverage in effect on the last day service.
2. Retirement plan contributions required of the participating employee and contributions made by the University are provided by a University insurance policy based on salary in effect on the last day of service.
3. Upon written request, medical insurance coverage may be continued with premium cost sharing as provided for active staff members.
4. Tuition reduction for dependent children less than twenty-six years of age, as defined in the Tuition Reduction Program (section 2.6).

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2.1.4 Group Medical Insurance Program

GROUP MEDICAL INSURANCE PROGRAM

The University's group medical insurance program is available to staff members, their spouses, and dependents, with coverage through Blue Cross/Blue Shield of Michigan, the Health Alliance Plan (HAP), the Select Care Med Extend (SCM), the Blue Care Network (BCN), and Omni Care.

The University subsidizes, in part, the cost for the group medical insurance plan. Such partial subsidy is based upon the cost of Blue Cross/Blue Shield of Michigan plan premium rates. The premium charge by Blue Cross/Blue Shield for out-patient mental health care in excess of 3.15% of the base premium is not considered part of the subsidy and is thus fully assumed by the staff member. In addition, 50% of any BCBS increase after June 30, 1987 will be fully assumed by the staff member. Premium cost information is available from the Benefits Administration Department.

New University staff members eligible for the group medical insurance plan should apply within 31 days of the effective date of employment. The staff member who fails to apply within the first 31 days of University service is required to wait until the first of the month following 90 days of University service if coverage is sought under the Blue Cross/Blue Shield of Michigan or the Health Alliance Plan. If coverage is not sought under the Select Care Med Extend, Blue Care Network or Omni Care within 31 days of employment, participation can only be effected during an open enrollment period following the date of employment.

If an application is completed during the first 31 days of employment, coverage under the University group medical program becomes effective on the first of the month following the date the staff member became employed provided the new staff member is not absent or disabled on such date. Should such condition exist, coverage becomes effective on the first day on which the staff member is actively at work on his/her regular schedule.

Non-represented employees who can submit proof of medical coverage under an alternate health insurance plan (i.e., coverage under a spouse's plan), may elect to drop out of the University's coverage and receive \$60 per month as a buy-out payment from the University. In the case of the death of the person with whose insurance plan the employee maintained coverage or in the event of a divorce if the employee maintained coverage under a spouse's plan, employees can be reinstated in University coverage on the first day of the month following application provided sufficient documentation is submitted to the Benefits Administration Department.

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2.2 Illness Days

ILLNESS DAYS

General Provisions

Illness days off with pay are provided to all personnel working at least half-time.

For individuals employed at least half-time, but less than full-time illness days are banked in proportion to time worked, e.g., a person with a halftime appointment accrues/earns illness days at 50% of the full-time rate.

Illness days for staff members transferring from one staff group to another will be transferred up to the maximum level allowed for the group into which the person is transferred.

Payment for illness days is made on regular payroll days at the regular rate of pay and to the extent illness days are available.

The University reserves the right to require verification of a staff member's inability to work from a physician of his/her choice before benefits are paid from the illness day bank. The University also reserves the right to require additional verification from a physician or other provider of its choice.

All General Service Support staff members employed prior to February 1, 1989, upon timely notification of resignation following completion of five or more years of continuous full-time service, are eligible to be paid up to one quarter of their accumulated illness days, not to exceed a maximum of 112.5 hours.

In the event of an employee's death, one half of the hours accumulated in the deceased staff member's illness day bank will be paid to the heirs of the former staff member in accordance with state statutes. The maximum pay out will not exceed 225 hours.

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2.2.1 Eligibility and Accrual/Award

ELIGIBILITY AND ACCRUAL/AWARD

Non-Exempt Staff

Full-time employees are eligible to accrue illness days at the rate of 6.38 hours per each bi-weekly pay period completed without loss of pay. Illness days may accrue up to a maximum of 1,500 hours.

Use of illness days is not permitted prior to completion of three months of service in an eligible classification.

Illness days will accrue during an absence with pay but not during approved leaves of absence without pay.

Exempt Staff

Full-time staff members receive 165 hours of illness pay upon appointment. On each anniversary date of the original appointment to the eligible classification, the staff member will be granted an additional 165 hours for each year of service completed up to a maximum of 990 hours.

During any twelve consecutive months, employees are eligible to receive continued earnings during absences due to illness/injury up to the maximum number of hours granted prior to the beginning of the period of absence. No additional hours are granted while illness hours are being used or during approved leaves of absence without pay.

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2.2.2 Reporting Absence Due to Illness

REPORTING ABSENCE DUE TO ILLNESS

An employee is to report absence due to illness to his/her supervisor as soon as possible within the scheduled work period of the first day of absence.

Failure to report absence due to illness on each day is considered unauthorized absence and can result in loss of pay for the day. Longer intervals between calls may be established by the supervisor if it is determined that the employee will be off for an extended period.

Absence due to illness may require verification by medical authority including one designated by the Employment Services Department, if is requested by the Administrative Head of the unit.

Notification of a requirement of medical verification will be give to the employee in written form. Such notification will state the reason(s) for requiring medical verification.

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2.2.3 Excused Absence With Pay

EXCUSED ABSENCE WITH PAY

Full-time staff members shall be granted excused absences with pay for personal illness, emergencies, and special needs. Such absences are charged to the staff member's Illness Day Bank and shall be reported on the Payroll Time/Exception Report.

The Administrative Head of the employee's unit is required to report all illness absences of more than five (5) days duration to Employment Services, regardless of arrangements made to cover the assignments of the individual who is ill.

All Special Needs absences, including "Any Purpose" days, need prior approval from the employee's unit head. Personal business absence should be reported as "Any Purpose". Other absences addressed in this section should be reported as "Special Needs". The time period for reporting all Special Needs absence is defined as a fiscal year, beginning October 1 and ending September 30.

Non-Exempt Staff

Staff members may use illness days for their own illness or injury and, in addition, are eligible to charge the following absences occurring within any fiscal year period to their accrued illness bank:

Personal Business or Special Needs

Up to a total of 37.5 hours per fiscal year period may be used following completion of nine months of University service for personal business or special needs.

Death in the Immediate Family

Up to a total of 37.5 consecutive hours per each death of a member of the immediate family.

Exempt Staff

Staff members may use illness days for their own illness or injury and, in addition, are eligible to charge the following absences occurring within any fiscal year period to their accrued illness day bank:

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Personal Business

Up to a total of 15 hours within a fiscal year period following completion of six months of service.

Special Needs

Attendance at the funeral of a person not in the immediate family (up to 7.5 hours per occurrence)

Care of member of the immediate family (up to 15 consecutive hours per occurrence)

Up to a total of 37.5 consecutive hours per each death of a member of the immediate family.

(An immediate family member is generally defined as husband, wife, father, mother, brother, sister, son, daughter, grandmother, grandfather, mother-in-law, father-in-law, daughter-in-law, and son-in-law. The University recognizes other than the traditional family relationships as equally significant.)

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2.2.4 Pregnancy and Related Illness

PREGNANCY AND RELATED ILLNESS

Employees affected by illness or disabilities resulting from pregnancy, childbirth, and related medical conditions, are treated the same as employees affected by other illnesses or disabilities.

Employees affected by illness or disabilities resulting from pregnancy are required to notify the University in accordance with the notification procedures for other illnesses or disabilities.

An employee illness or disability resulting from pregnancy, childbirth, and related medical conditions, shall be covered by the same benefits and procedures as any other illness/disability in this manual.

An employee who does not wish to work prior or subsequent to delivery, but who is not ill or disabled, may request a Personal Leave of Absence under the same terms as such leaves are available to other employees.

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2.2.5 Mandatory Illness Absence

MANDATORY ILLNESS ABSENCE

A University staff member may be placed on mandatory illness absence whenever there is reason to believe that he/she is suffering from a physical and/or mental condition that prevents proper fulfillment of assigned duties and responsibilities and that cannot be reasonably accommodated or may jeopardize his/her own safety or that of others.

The Employment Services Department, in cooperation with the affected unit administrator, will arrange for an evaluation examination at no expense to the staff member.

The health evaluator will, following examination, consult with appropriate University administrators concerning the staff member's mandatory illness absence status. Regular earnings will be continued for the staff member on mandatory illness absence to the extent of illness/vacation days available. Short-term disability income benefits and the University's long-term disability program may be applicable thereafter.

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2.3 Leaves of Absence

EXCUSED ABSENCE WITHOUT PAY - EMERGENCIES AND SPECIAL NEEDS

After exhaustion of his/her vacation bank, an employee, upon request, may be granted absence without pay, for emergencies and special needs for a period not exceeding twenty (20) consecutive work days. The employee must request the time off from his/her Administrative Head and specify the length of absence and date of return. If the period of time off is to exceed the above time limits, the employee must apply for a Personal Leave of Absence Without Pay.

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2.3.2 Personal Leave of Absence Without Pay

PERSONAL LEAVE OF ABSENCE WITHOUT PAY

Eligibility

An employee may be granted a Personal Leave of Absence without pay, upon request and with the approval of their immediate supervisor, for not less than twenty (20) consecutive working days, nor more than one (1) year provided:

- a) He/she has been a regular full-time employee for one year or more.
- b) All accrued vacation has been used.
- c) The Administrative Head of his/her unit has indicated in writing to the Employment Services Department that the employee's present position will be held vacant, or filled with temporary help, until his/her return.

To Return to Work

- a) The employee shall notify the Employment Services Department at least two (2) weeks prior to the anticipated return date so that the necessary paperwork may be processed.
- b) If any of the following conditions arise during the leave, and would affect an employee's ability to perform the duties and responsibilities of his/her position, a "Physicians Report on Illness" form must be filled out by the employee's physician and presented by the employee to Employment Services prior to their return to work.

Illness of two (2) consecutive weeks

Surgery

Hospitalization

- c) The University reserves the right to require that the employee provide additional verification as to whether such condition continues to affect his/her ability to perform the duties and responsibilities of his/her position.

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2.3.3 Family and Medical Leave Act (Revised May, 2010)

POLICY

Wayne State University (WSU) is a covered employer under Title I of The Family and Medical Leave Act (FMLA) of 1993. The FMLA is a federal law enacted to help employees balance their work and family life and to promote the stability and economic security of families. It allows eligible employees to take job-protected unpaid leave, or substitute appropriate paid leave if the employee has earned it, for up to a total of 12 workweeks during a 12-month period for a family or personal serious health condition which qualifies under FMLA, or a combined total of 26 weeks during a single 12-month period if a service member family leave is taken.

It was intended that the Act accomplish these purposes in a manner that accommodates the legitimate interests of employers.

This document describes WSU's FMLA leave policy. It does not alter, amend or diminish any leave provisions that may be provided by any Collective Bargaining Agreement (CBA) entered into by WSU. WSU will provide leave under and according to whichever statutory provision or CBA provides the greater rights to its employees.

A Third Party Administrator (TPA) will administer WSU's FMLA policy in accordance with these provisions and the applicable provisions of any CBA in effect with WSU. In all instances relating to administering this policy, the TPA acts as the designated representative of WSU.

Full details of FMLA, relevant definitions and the Department of Labor (DOL) regulations can be found at the TPA's website, www.fmlasource.com, or at <http://www.hr.wayne.edu/esc>.

Employee Eligibility:

Employees who have worked for WSU for a total of 12 months (may have been intermittent) during the seven (7) years prior to the date FMLA leave is to begin, and have at least 1,250 work hours during the 12-month period immediately before the beginning of FMLA leave, are eligible for FMLA.

Whether an employee has worked the minimum 1,250 hours of service in the previous 12 months is determined according to the principles established under the Fair Labor Standards Act (FLSA) for determining compensable hours of work.

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The 1,250 hours requirement is counted only for hours actually worked and does not count hours spent on vacation, sick and personal leave, short and long-term disability, workers' compensation, etc.

An exempt employee under FLSA (i.e., bona fide executive, administrative and professional employees), for whom only exception time records are kept, will be presumed to have worked at least 1,250 hours in the previous 12 months unless WSU can clearly demonstrate that the employee did not meet the 1,250 hour requirement.

WSU uses a rolling 12-month period for all employees to determine whether an employee has worked 1,250 hours in the previous year to be eligible for FMLA leave.

Under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), an employee returning from fulfilling his or her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether the employee worked the 1,250 hours of service. In order to determine the hours that would have been worked during the period of military service, the employee's pre-service work schedule can generally be used for calculations.

Covered Situations For FMLA Leave:

Employees are entitled to FMLA leave under the following situations:

1. For the birth and care of a newborn child of the employee, anytime within the first 12 months of the birth of the child.
2. For the placement of a child for adoption or foster care with the employee, anytime within the first 12 months of the placement of the child.
3. To care for an employee's spouse/eligible partner, son, daughter, or parent with a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the essential functions of his/her job.
5. Because of a qualifying exigency relating to a family member's active military duty or call to active duty status in support of a contingency operation.
6. For military caregiver leave related to care of a spouse, son, daughter, parent, or next of kin of either a current covered service member who has,

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or is recuperating from, a serious illness or injury incurred in military service that renders the service member medically unfit to perform the duties of his or her office, grade, rank or rating, or for a veteran who required medical treatment, recuperation or therapy.

Amount of Leave:

For FMLA leave under categories 1 through 5 above, an eligible employee can take a total of 12 workweeks of FMLA leave during any 12-month period.

For FMLA leave under category 6 above, an eligible employee can take a total of 26 workweeks of FMLA leave during a single 12-month period. The 26 workweeks of leave are decreased by FMLA leave taken by the employee for other qualifying reasons. In other words, 26 workweeks is the maximum amount of leave available to an employee to care for a covered service member and for all other FMLA reasons.

Spouses employed by WSU can take a combined total of 12 workweeks of leave for categories 1 through 3 during any 12-month period. When spouses use a portion of the combined 12 workweeks for any of categories 1 through 3 above, the spouses can each take the difference between the amount he or she has taken individually and 12 workweeks of FMLA leave for other purposes. For example, if each spouse took 6 weeks of leave to care for a healthy newborn child, each could use the additional 6 weeks due to his or her own serious health condition.

Spouses employed by WSU can take a combined total of 26 workweeks during a single 12-month period for FMLA leave under category 6, with the same limitations as stated above.

Employee Notice Requirements:

The following rules apply in giving notice to WSU of the need for FMLA leave:

1. Employees must notify their supervisor, business manager or designated person in the unit of the need for FMLA leave in accordance with their unit or department's usual and customary practice. An employee need not share specific personal information (diagnosed illness/injury). An employee calling in "sick" is not sufficient notice of the need for FMLA leave.
2. Employees must notify WSU's TPA of the need for FMLA leave. This can be done on the TPA's website: www.fmlasource.com, which can also be reached through at link at <http://www.hr.wayne.edu/esc>.

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3. Once the employee provides WSU with notice sufficient to make it aware that the employee needs an FMLA-qualifying leave, if it is necessary to have more information, WSU will be expected to inquire further of the employee. An employee has a duty to respond to WSU's questions so WSU can determine whether an absence is potentially FMLA-qualifying. Alternatively, the employee can sign a Medical Release so that WSU can obtain the necessary information directly from the applicant's health care provider.

A. Amount of Notice Required For Foreseeable Leave.

An employee must provide WSU with at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin or because of a change in circumstances, notice must be given as soon as practicable.

When planning medical treatment, the employee must consult with his/her supervisor or designated person in the unit or department and make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operations, subject to the approval of the health care provider.

The employee shall advise his/her supervisor or designated person in the unit or department as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

B. Amount of Notice Required For Unforeseeable Leave

If the need for FMLA leave is unforeseeable, notice must be given by the employee as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time required by WSU's usual and customary notice requirements applicable to such leave.

Employer Notice Of Eligibility And Rights And Responsibilities:

When an employee requests FMLA leave, or when WSU acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, WSU will provide to the employee a Notice of Eligibility and Rights and Responsibilities. Absent extenuating circumstances, this Notice will be given within five (5) business days of an employee notifying WSU of the need for FMLA leave. This Notice will indicate the following:

- a. Whether the employee is eligible for FMLA leave;
- b. If not eligible, the reason or reasons why the employee is not eligible;
- c. The employee's rights and responsibilities for taking FMLA leave;
- d. The required deadline for providing certification to WSU's TPA.

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Employee Certification Requirements:

At the time an employee gives WSU's TPA notice of the need for leave, or within five (5) business days of receiving said notice, WSU's TPA will request that the employee furnish a complete and sufficient certification of the need for leave.

An employee who desires FMLA status must provide the requested certification to WSU's TPA within fifteen (15) days after the request was made, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or unless the employer provides more than fifteen (15) calendar days to return the certification.

Appropriate certification forms are available at: (www.fmlasource.com).

A. Notification Of Incomplete Or Insufficient Certification.

WSU shall notify the employee whenever WSU finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is incomplete if WSU receives a certification, but one or more of the applicable entries have not been completed. A certification is insufficient if WSU receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

WSU will provide the employee with seven (7) calendar days to cure any deficiency. If the deficiencies specified by WSU are not cured in the resubmitted certification, WSU may deny the taking of FMLA leave.

B. Second Opinion.

If WSU has reason to doubt the validity of a medical certification, it may require the employee to obtain a second opinion at WSU's expense. Pending receipt of the second medical opinion, the employee is temporarily entitled to the benefits of the Act, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under WSU's established leave policies or under any relevant CBA.

C. Third Opinion.

If the opinions of the employee's and the employer's designated health care providers differ, WSU may require the employee to obtain certification from a third health care provider, again at WSU's expense. This third opinion shall be final and binding.

D. Annual Medical Certification.

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Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, WSU may require the employee to provide a new medical certification in each following leave year. Such new medical certifications are subject to the rules for authentication and clarification set forth above, including second and third opinions.

E. Request For Additional Certification Where WSU Has Reason To Question The Appropriateness Of Leave Or Its Duration.

WSU may request additional certification at some later date if it later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to WSU's TPA within fifteen (15) calendar days after the employer's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts, or unless the employer provides more than fifteen (15) calendar days to return the requested certification.

Consequences For Failure To Comply With Notice And/or Certification

Requirements:

Where an employee does not notify the supervisor, business manager or designated person in the unit, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

WSU may also delay the taking of FMLA leave to an employee who fails to provide a complete and sufficient certification on a timely basis.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the employer to support the employee's FMLA request. This provision will apply in any case where an employer requests a certification permitted by these regulations, whether it is the initial certification, a recertification, a second or third opinion, or a fitness for duty certificate, including any clarification necessary to determine if such certification are authentic and sufficient.

For foreseeable leave, where the employee is required to provide at least 30 days notice of foreseeable leave and does not do so, WSU may delay the taking of FMLA. The employee shall explain the reasons why such notice was not practicable upon a request from WSU for such information.

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For unforeseeable leave, an employee has an obligation to respond to WSU's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable WSU inquiries regarding the leave request may result in denial of FMLA protection if WSU is unable to determine whether the leave is FMLA-qualifying.

Employer Responsibility For Providing Designation Notice:

WSU is responsible, in all circumstances, for determining whether an employee leave from work is an FMLA-qualifying event, and if so, for designating the leave as FMLA and for giving notice of the designation to the employee.

When a requested FMLA leave is approved, WSU's TPA will notify the employee that the requested leave is designated as FMLA-protected and will inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement.

If additional information is needed to determine if the employee's FMLA leave request can be approved, WSU's TPA will notify the employee what additional information is requested and the deadline for providing that information.

When a requested FMLA leave is denied, WSU's TPA will notify the employee that the requested leave is denied and the reason for the denial.

Return to Work

WSU may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. WSU's policy regarding such reports will not be discriminatory and will take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

An employee who takes a leave under this policy will be returned to the same or an equivalent position with the same benefits and terms of employment.

An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

Employees returning from a medical FMLA leave may be required, when appropriate, to present medical certification of fitness for duty. Failure to provide a fitness for duty certification may result in a denial of job reinstatement until the certification is provided.

General Information:

A. Equal Application.

The right to take FMLA leave applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child.

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B. Absolute Right For Qualifying Reasons.

Eligible employees have an absolute right to FMLA leave, which means leave may not be denied for FMLA-qualifying circumstances.

C. Paid/Unpaid Leave.

FMLA leave may be paid, unpaid or a combination of paid and unpaid depending upon the circumstances and as specified in this policy or a particular CBA. FMLA leave is concurrent with existing maternity leave, workers' compensation absence due to an on-the-job injury or illness (provided it also qualifies as a serious health condition), and other paid/unpaid leaves of absence taken for FMLA reasons. Unless a CBA provides differently, the following rules apply:

1. Employees who take leave because of their own serious health condition or to give birth to a child, must use paid leave before being eligible for unpaid leave in the following order:
 - a. Accrued Illness Banks
 - b. Vacation Banks
 - c. Personal Business Time (where applicable)
2. Employees who take a service member family leave or a leave for the birth, adoption or foster care of a child or to care for a seriously ill spouse, child, or parent, must use all accrued vacation and personal business time respectively before being eligible for unpaid leave.
3. Sick leave used for short-term illnesses or absences (i.e., less than 3 days) that are not qualifying FMLA events will not be counted as FMLA leave.

D. Maintenance of Health Benefits.

An employee may continue medical and dental benefits under the same conditions and at the same cost as if the employee had continued to work. Payroll deduction of benefit premiums will continue while the employee is on paid FMLA leave. Benefit premiums due during unpaid FMLA leave will be billed to the employee.

If an employee chooses not to return to work for reasons other than a continued serious health condition, WSU will require the employee to reimburse the university the amount the university paid for the employee's health insurance during the leave.

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C. Holidays.

Holidays will be counted as FMLA leave if the employee is on FMLA leave the entire week in which the holiday falls. If the employee takes FMLA leave for less than a full workweek in which a holiday falls, the holiday does not count as FMLA leave.

Enforcement And Protection:

FMLA makes it unlawful for any employer to: (1) Interfere with, restrain, or deny the exercise of any right provided under FMLA; or (2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for violations.

Interaction With Collective Bargaining Agreements And With State And Federal Anti-Discrimination Laws

Nothing in this policy modifies, affects or diminishes any rights provided to employees under an existing CBA. WSU will provide leave under and according to whichever statutory provision or CBA provides the greater rights to its employees.

Nothing in this policy modifies, affects or diminishes any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

These FMLA leave provisions are wholly distinct from WSU's reasonable accommodation obligations under the ADA or regulations issued under that Act.

ADA's "disability" and FMLA's "serious health condition" are different concepts, and must be analyzed separately. If an employee is a qualified individual with a disability within the meaning of the ADA, WSU will make reasonable accommodations, etc., barring undue hardship, in accordance with the ADA. At the same time, WSU will afford the employee his or her FMLA rights.

PROCEDURE

Responsibility

Action

Employee

1. Notify supervisor, business manager or designated person in unit and notify WSU's TPA with sufficient information to indicate need for FMLA-qualifying leave:

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--at least thirty (30) day notice when illness is foreseeable;

--as soon as practicable when illness is not foreseeable;

2. Submit to WSU's TPA a complete and sufficient medical certification within fifteen (15) business days of request for same.
3. When appropriate, provide a "fitness-for-duty" certification to WSU's TPA before returning to work from leave.

Supervisor, Business
Manager or Designated
Person in Unit

1. Contact TPA if employee is absent from work more than three (3) consecutive work days due to illness. Work days are defined as days an employee is normally scheduled to work.
2. Notify TPA when unit receives notice from employee sufficient to indicate need for FMLA-qualifying leave.
3. Verify employee timesheets are accurately coded in accordance with the information provided in the "Designation Notice" and approve employee time sheets.

Risk Manager

1. Contact TPA and business manager, supervisor or designated person in unit if an employee has been approved for Workers' Compensation.

Third Party Administrator

1. Administer FMLA in accordance with Family and Medical Leave Act of 1993, WSU's FMLA leave policy, and/or any applicable CBA.
2. Immediately notify the supervisor, business manager or designated person in employee's unit that employee has applied for FMLA.
3. Review employee certification information.
4. Provide employee with "Notice of Eligibility and Rights and Responsibility FMLA" form within five (5) business days after employee requests FMLA leave, absent extenuating circumstances.
5. Within five (5) business days of receipt of notice, request employee to provide complete

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and sufficient certification within fifteen (15) business days.

6. Provide employee and business manager with written “Designation Notice” for FMLA leave within five (5) business days of receiving complete and sufficient certification, absent extenuating circumstances.
7. Manage leave in accordance with the parameters outlined in the “Designation Notice”.

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2.3.3.1 Family and Medical Leave Act – Definitions (Revised May, 2010)

The following definitions were established by the Department of Labor and apply to all FMLA leaves:

Active Duty or Call to Active Duty Status	For purposes of exigency leaves, it means duty under a federal call or order to active (or notification of an impending call or order to active duty) in support of a contingency operation.
Adoption	Legally and permanently assuming the responsibility of raising a child as one's own.
As soon as practicable	As soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, the determinations of when an employee could practicably provide notice must take into account the individual facts and circumstances.
Consecutive Leave	A consecutive FMLA leave is taken in one continuous block of time from the start of the leave until the end of the leave.
Covered Military Member	The employee's spouse, son, daughter, or parent on active duty or call to active duty status in the Armed Forces in support of a contingency operation.
Covered Service Member	A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury, or who is assigned to a military medical facility as an outpatient, or is otherwise on the

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	temporary disability retired list, for a serious injury or illness incurred in the line of duty by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
Family Member	“Family member” includes the employee’s spouse, son, daughter, or parent (but not a parent “in-law”). A “ <i>spouse</i> ” means a husband or wife as defined or recognized under state law. A “ <i>son</i> ” or “ <i>daughter</i> ” is a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence. A <i>parent</i> is a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined above.
Foster care	Twenty four (24) hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.
Health Care Provider	A “health care provider” is: <ul style="list-style-type: none"> • A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in

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	<p>which the doctor practices;</p> <ul style="list-style-type: none"> • Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; • Nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; • Physician’s assistants who are licensed and are performing within the scope of their practice as defined by State law • Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts; and • Any health care provider from whom the University’s health care plans will accept certification of the existence of a serious health condition.
<p>Hours Worked</p>	<p>FLSA defines “hours worked” as ordinarily all the time during which an employee is required to be on the employer’s premises, on duty, or at an assigned workplace.</p>
<p>Incapable of Self-Care</p>	<p>The individual requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a</p>

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	<p>residence, using telephones and directories, using a post office, etc.</p>
Intermittent Leave Or Reduced Leave Schedule	<p>Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. Leave must be taken in at least one hour increments.</p> <p>A reduced schedule leave is FMLA leave for a single qualifying reason that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.</p> <p>Intermittent leave or reduced scheduled leave may be taken because of one's own serious health condition, to care for a parent, son, or daughter with a serious health condition, or to care for a covered service member with a serious injury or illness. There must be a medical need for leave, and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule.</p> <p>Intermittent leave or reduced schedule leave after the birth of a healthy child or placement of a healthy child for adoption or foster care may be taken only with the employer's approval.</p> <p>Employees needing intermittent leave or reduced schedule leave for <u>foreseeable</u> medical treatment must work with their supervisor or designated person in the unit or department to schedule the leave so as not to unduly disrupt the employer's operation, subject to the approval of the employee's health care provider. In such cases, the employer may transfer the employee temporarily to an alternative job with equivalent pay and benefit that accommodates recurring periods of leave better than the employee's</p>

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	regular job.
Military Caregiver Leave	Leave may be taken for a covered service member with a “serious injury or illness” that is incurred in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating, or for a veteran that meets the “serious injury or illness” definition. Leave can be taken for a covered service member (a) who is on the temporary disability retired list, (b) who is undergoing medical treatment, recuperation, or therapy for the serious illness or injury; or (c) who is assigned to a military medical treatment facility as an out-patient or is otherwise receiving out-patient care at a unit established for members of the armed forces. This FMLA leave does not apply to care for former members of the armed forces who are on the permanent disability list.
“Needed to Care For”	<p>Means that because of a qualifying reason, the family member or covered service member is unable to care for her/his own basic medical, hygienic, or nutritional needs or safety, or is unable to transport him/herself to the doctor. The term includes both physical and psychological care. The term also includes providing psychological comfort and reassurance which would be beneficial to a family member or covered service member with a serious health condition who is receiving inpatient or home care.</p> <p>The term also includes situations where the employee may be needed to cover for others who normally care for the family member or covered service member, or to make arrangements for changes in care, such as transfer to a nursing home. The employee need not be the only individual or family member available to care for the family member or covered service member.</p>

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<p>Next of Kin Of A Covered Service Member</p>	<p>Generally, the nearest blood relative, other than the service member's spouse, parent, son, or daughter in the following order of priority: blood relatives who have been granted legal custody of the service member; brothers and sisters; grandparents; aunts and uncles; and first cousins.</p>
<p>Outpatient Status</p>	<p>With respect to a covered service member, the status of a member of the Armed Forces assigned to either:</p> <ul style="list-style-type: none"> a. A military medical treatment facility as an outpatient; or b. A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as out-patients.
<p>Physical or Mental Disability</p>	<p>Means a physical or mental impairment that substantially limits one or more of the major life activities of an individual (as defined under the ADA).</p>
<p>Persons "In Loco Parentis"</p>	<p>Include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.</p>
<p>Qualifying Exigency</p>	<p>The amendments to the FMLA introduce a new type of leave which has nothing to do with a person's serious health condition or the birth or adoption of a child, but instead is for "qualifying exigencies" arising out of the military service of a covered family member. This leave is limited to 12 weeks in the normal FMLA 12 month period. Certification is required for leave taken</p>

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	<p>due to a qualifying exigency.</p> <p>“Qualified exigencies” are now defined to include the following:</p> <ol style="list-style-type: none">1. Short-notice deployment. Issues that arise from the fact that a covered military member is called to active duty with notice of seven days or less prior to deployment. This leave can be taken during the seven-day period only.2. Military events and related activities. Leave to attend official military events related to active duty, or to attend family support or assistance programs and informational briefings related to the call to active duty.3. Childcare and school activities. Leave to arrange for alternative child care for a child (as defined by the FMLA) of a covered service member, to provide childcare on an emergency basis (but not a routine, regular, or every day basis), to enroll a child of a covered service member in school, or to attend school meetings for the child of a covered service member which the leave is necessitated by the active duty or call to active duty of the covered service member.4. Financial and legal arrangements. Leave to make financial or legal arrangements to address the covered service member’s absence for military duty, or to act and the covered service member’s representative for purposes of obtaining military service benefits.
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	<p>Leave can only be taken to obtain military service benefits while the service member is away on active duty or within 90 days of termination of that active duty.</p> <ol style="list-style-type: none">5. Counseling. Leave to attend counseling by someone other than a health care provider for the employee, the covered service member, or a child of the covered service member, provided that the need for counseling arises from the military service.6. Rest and recuperation. Leave to spend time with a covered service member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. This leave is limited to five days for each military rest and recuperation visit.7. Post-deployment activities. Leave to attend post-deployment functions, such as arrival ceremonies or reintegration briefings, that occur within ninety (90) days following the termination of active duty status, or to address issues that arise from the death of the covered service member, such as making funeral arrangements.8. “Additional activities”. These are not defined by either the FMLA or the regulations. The regulations state that such leave is allowed “to address other events which arise out of the covered military member’s active duty or call to active duty status <i>provided that the employer and the employee agree that such leave</i>
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	<p><i>shall qualify as an exigency, and agree to both the timing and duration of such leave”. In other words, granting leave for “qualified exigencies” for purposes other than those stated under “Qualified Exigencies” is at the discretion of the employer, though employers should keep in mind that courts and the DOL will give eligible employees the benefit of the doubt in coverage and enforcement disputes.</i></p> <p>For “qualifying exigencies” leave, employers may not seek second or third opinions, demand recertification, or seek authentication or clarification as they can with traditional medical certification. For military caregiver leave, employers may seek authentication and/or clarification of the certification form, but may not seek second or third opinions or recertifications.</p> <p>Where the employee’s “qualifying exigency” involves meeting with a third party, such as for counseling, the employer may contact the third party without the employee’s permission to verify the appointment and the nature of the meeting. The employer may also contact the Department of Defense, again without the employee’s permission, to verify the employee’s family member’s active duty or call to active duty status.</p>
<p>Reduced Schedule</p>	<p>A reduced leave schedule is an intermittent FMLA leave that reduces an employee's usual number of working hours per workweek, or hours per workday. The reduced hours are considered intermittent FMLA leave and are counted against the 12 weeks annual leave available under FMLA for a family or personal serious health condition or against the combined</p>

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	total of 26 weeks for a service member family leave taken during a 12 month period.
Rolling 12-Month Period	Calculate available leave by determining the amount of leave used by an employee for the 12 months prior to each day for which leave is requested and subtracting that number from the total number of days equal to 12 work weeks. This is referred to as the “rolling” method of calculation.
Serious Health Condition	<p>An illness, injury, impairment or physical or mental condition that involves:</p> <ol style="list-style-type: none"> 1. <u>Inpatient care</u> (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or 2. <u>Continuing treatment by a health care provider</u>. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: <ol style="list-style-type: none"> a. <u>Incapacity and treatment</u>. A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

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	<ul style="list-style-type: none"><li data-bbox="943 342 1373 894">i. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist under orders of, or on referral by, a health care provider); or<li data-bbox="943 940 1373 1493">ii. Treatment, by a health care provider, on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. A regimen of continuing treatment includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen); <p data-bbox="850 1539 1373 1869">b. <u>Pregnancy or prenatal care.</u> Any period of incapacity due to pregnancy, or for prenatal care. Both the mother and father are entitled to FMLA leave for the birth of their child. The mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition</p>
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	<p>following the birth of the child. The husband is entitled to FMLA leave if needed to care for his pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for the spouse following the birth of a child if the spouse has a serious health condition. Both a mother and father are entitled to FMLA leave if needed to care for a child with a serious health condition. FMLA leave to care for a pregnant woman is not available to a boyfriend or fiancé who is the father of the unborn child.</p> <p>c. <u>Chronic conditions</u>. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:</p> <ul style="list-style-type: none">i. Requires periodic visits (at least twice a year) for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; andii. Continues over an extended period of time (including recurring episodes of a single underlying condition); andiii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.); or <p>d. <u>Permanent or long-term conditions</u>. A</p>
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	<p>period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease; or</p> <p>e. <u>Conditions requiring multiple treatments.</u> Any period of absence to receive multiple treatments (including any period recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).</p> <p>For purposes of Section 2 above, treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven (7) days of the first day of incapacity.</p> <p>Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care</p>
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	<p>provider.</p> <p>3. Absences attributable to incapacity under paragraphs (b) (pregnancy or prenatal care) or (c) (chronic conditions) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.</p>
<p>Serious Injury or Illness – Covered Service Member</p>	<p>In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. Covered service member does not include individuals retired or discharged from service, unless they are placed on the temporary disability retired list.</p>
<p>Son or daughter on Active Duty or Call to Active Duty Status</p>	<p>An employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.</p>
<p>Son or Daughter of a Covered Service Member</p>	<p>A covered member's biological, adopted, or foster child, a stepchild, legal ward, or a child for</p>

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	whom the covered service member stood in loco parentis and who is of any age.
Treatment For Purposes Of A Serious Health Condition	<p>Includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is <u>not</u>, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.</p> <p>Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop.</p>
Unable To Perform The Essential Functions Of One's Position	<p>Means the health care provider finds the employee is unable to work at all or is unable to perform any one or more of the essential functions of her/his position within the meaning of the Americans with Disabilities Act (ADA). WSU has the option to provide a statement of the essential functions of the employee's job for the health care provider to review.</p>

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2.3.4 Illness Leave of Absence Without Pay (Revised as of 1/18/13)

ILLNESS LEAVE OF ABSENCE WITHOUT PAY

Eligibility

An employee with a continuing appointment (see Section 1.2) may, upon approval from his/her department head, take an Illness Leave of Absence Without Pay, at the completion of a Family/Medical Leave for personal serious illness, for the period of his/her continued illness for up to one (1) year provided:

- a) The employee has been a regular full-time employee on active pay status for one (1) year or more.
- b) The Illness Leave of Absence Without Pay starts immediately after the completion of the Family/Medical Leave taken by the employee.
- c) All accumulated illness, personal and vacation days have been used.
- d) He/She submits a Physician's Statement to the Director of Employment Services certifying his/her condition and estimated length of time off.

To Return to Work

- a) The employee shall Notify the Employment Services Department at least two (2) weeks prior to the anticipated return date so that arrangements may be made for a return to work physical examination, if deemed necessary by the University.
- b) Have a "Physician's Report of Illness" form filled out by his/her physician and present it to the Employment Services Department prior to the anticipated return to work date.
- c) The University reserves the right to require that the employee provide additional verification as to the continued existence of the condition necessitating the request for leave of absence, and as to whether such condition would affect the employee's ability to perform the duties and responsibilities of his/her position.

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2.3.4.1 Short Term Disability

Short Term Disability

Non-Exempt Staff

Upon completion of a minimum of five years of full-time University service, a staff member shall qualify for continued partial earnings during a short-term disability period upon exhaustion of all accrued illness and vacation days, instead of being placed on illness leave without pay.

The short-term disability income payment is equal to 50% of the staff member's base salary in effect on the date of disability, up to a maximum of \$400 per month through the 89th calendar day of disability and \$750 per month from the 90th calendar day through the 180th calendar day of disability.

Short-term disability benefits end following the 180th calendar day of disability after which the employee may be eligible for long-term disability.

The University reserves the right to require that the employee provide additional verification as to the existence of the condition necessitating the request for short-term disability.

Exempt Staff

Upon completion of six or more years of service a staff member is entitled to receive full pay through the sixth month of continuous absence due to illness or accident, if all illness and vacation days were exhausted during the sixth month. For example, a staff member who is absent beginning January 14 and exhausts all illness and vacation on July 7 will receive full pay through the month of July. The total benefit, when combined with illness days utilized, cannot exceed seven months' pay in any twelve month period. If a staff member is approved for Long-Term Disability, those benefits begin the first of the month following six months of disability.

For all staff members, regular payroll deductions (e.g. University insurance program coverages, University Retirement Plan contribution taxes, etc.) will be withheld from the salary received during the short-term disability period. Illness and vacation days are not accrued during the period in which the short-term disability income benefit is provided

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The University reserves the right to require that the employee provide additional verification as to the existence of the condition necessitating the request for short-term disability.

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2.3.5 Military Leave of Absence

MILITARY LEAVE OF ABSENCE

Short-Term

If the period of absence is 17 calendar days or less, the Employee shall have the option of charging such absence to the vacation bank, if available, or requesting the University to pay the difference between the military pay and the employee's regular salary during the period served.

Before leaving his/her assignment, the employee must notify the supervisor of the dates of military duty, and submit a request to be absent from employment for that period. Should the employee elect to request University pay for the difference between the military pay and the regular University salary, the employee must present his/her military orders to the Payroll Office before leaving for duty. Upon return from duty, the employee shall present the military pay voucher to the Payroll Office.

Extended Service

Upon application, a military leave of absence (without pay) will be granted to employees who are employed in other than temporary positions. This applies to employees who are inducted through Selective Service or voluntary enlistment, or if the employee is called through membership in the National Guard or reserve component into the Armed Forces of the United States. A position "other than temporary" is one that at the time of hire was expected to be continuous for an indefinite term and was not limited to a specific, brief, and non-recurrent period.

Reinstatement and rights after reinstatement are governed by applicable federal laws.

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2.3.6 Additional Provisions for Leaves of Absence Without Pay

ADDITIONAL PROVISIONS FOR LEAVES OF ABSENCE WITHOUT PAY

Maintenance of Insurance Benefits

An employee on a Family/Medical Leave may continue medical and dental benefits under the same conditions and at the same cost 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, WSU will require the employee to reimburse the University the amount it paid for the employee's health insurance during the leave.

Employees on an Illness Leave of Absence Without Pay (other than Family/Medical Leave) may continue to carry their group medical and/or dental insurance coverage provided they pay the full premium prior to the first day of the month to be covered. All payments must be received by the University prior to the first day of the month. Employees who fail to pay the full insurance premium by the first day of the month will have their insurance coverage terminated.

Employees on a leave of absence may continue to carry their group life insurance coverage provided they pay the full premium (without University subsidy) prior to the first day of the month to be covered. Employees who fail to pay their full employee portion of the group insurance portion by the first day of the month will have their insurance coverage terminated.

Once group medical, dental, or life insurance coverage has been terminated it cannot be reinstated until the employee has returned to work.

University Service

Official leave time for personal or illness reasons is deducted from University service when computing eligibility for Disability Income Programs and Retirement.

Return Rights

Return Rights must be formally established by the affected department prior to the granting of approval of a Personal Leave of Absence. Within the year, the employee shall have the right to return to his/her position, or a similar one, provided he/she is able to meet the necessary standards of health and competence and provided either that the employee may perform the duties of the position without accommodation or that he/she

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may be reasonably accommodated by the University without undue hardship. In the event he/she is unable to meet the necessary standards of health and competence, or his/her condition may not be reasonably accommodated by the University without undue hardship, he/she shall be considered for other jobs for which he/she may be qualified with reasonable accommodation. The determination that an employee may or may not be reasonably accommodated shall be made in consultation with the Human Resources Division.

Outside Employment

In no event will a Leave of Absence be granted for the purpose of employment elsewhere.

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2.4 Retirement Plans

RETIREMENT PLANS

The University Retirement Program provides staff members the option of purchasing individually owned annuities issued by the Teachers Insurance and Annuity Association (TIAA)-College Retirement Equities Fund (CREF) or participating in the mutual fund plan of Fidelity Investments, or to divide participation between TIAA-CREF and Fidelity Investments.

Participation in the University retirement program is available on a voluntary basis to all University staff members immediately upon employment with the University.

The University will make a contribution to a staff member's retirement account in an amount equal to 10% of his/her annual base salary upon attainment of age twenty-six and completion of two years of University employment provided the employee contributes an amount equal to 5% of his/her salary. When the staff member has demonstrated qualified service time with an eligible previous employer, that time will count toward the two-year waiting period.

The staff member participating in the University Retirement Program may elect to have his/her contribution deducted from his/her gross salary before taxes, within the limits established by the IRS. Pre-tax contributions delay income tax on that portion of the staff member's salary until it is received as retirement income. Part-time employees who enrolled in the retirement program while serving as a full-time employee may continue participation.

Details concerning the retirement plan are available through the Benefits Administration Department.

Supplemental Retirement Plans

A staff member may voluntarily contribute additional funds to his/her TIAA/CREF or Fidelity Investments retirement account or to TIAA/CREF's Supplemental Retirement Annuity plan (SRA) within the limits established by the IRS.

Because of changes in the tax laws, employees should contact the Benefits Administration Department for information regarding voluntary retirement account contributions.

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2.5 Tuition Assistance

Revised 4-23-99

The University's Tuition Assistance Program for full time employees provides for free tuition for two courses or six credit hours, whichever is greater, per term for two terms, and one course or four credit hours, whichever is greater, for one term, during a twelve month period beginning with the Fall Term. Dissertation and thesis course credit are limited to six hours for each of two terms and four hours for one term during the year. Fractional-time employees may take one course or four credit hours per term for three terms during the academic year. Employees must be on the payroll as of the last day of Final Registration to be eligible for tuition assistance for that term.

In order to ensure that a staff member participating in the Tuition Assistance Program is not assessed late fees, application should be filed with the Benefits Administration Department no later than three weeks prior to the start of classes. In addition, in some cases, specific approval for Tuition Assistance from the Senior Vice President for Administration and Finance is required. The Benefits Administration Department will coordinate the approval process. Individuals should not seek such approval on their own.

Forms must be submitted by the end of the term for which assistance is requested. Employees who do not remain employees of the University for the full term or who do not successfully complete the course forfeit assistance for that term.

Staff members may elect to take non-credit courses offered by the University under the Tuition Assistance Program provided such course work is approved as "job-related" by the Training and Development Department. These courses are counted toward the Tuition Assistance course limits as outlined above. Each non-credit course counts as a single course regardless of its actual length.

In cases where no specific cost per credit hour exists (e.g., the School of Medicine), tuition reimbursement will be computed on the basis of the maximum tuition allowed for graduate courses.

Course work under the University's Tuition Assistance Program is to be taken outside of the participating staff member's regular working hours unless all of the following conditions are met: (1) a class is only offered during regular working hours, (2) the appropriate unit administrator is able to arrange adequate coverage to ensure proper and timely completion of position duties, and (3) time off is charged to vacation leave or additional hours are worked to make up for the absence.

Staff members holding academic rank are not eligible for admittance to a degree granting program without prior permission from the Provost.

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Employees will be assessed any applicable taxes for tuition assistance benefits for graduate/professional classes for themselves or their dependents.

Detailed information concerning the Tuition Assistance Program for credit course work is available from the Benefits Administration Department. Information concerning Tuition Assistance for non-credit classes is available from the Training and Development Department

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2.6 Tuition Reduction

TUITION REDUCTION

Dependent children less than twenty-six years of age and spouses of active full time employees are permitted to enroll in Wayne State University graduate and undergraduate courses (except for Law School and School of Medicine) at a cost of 50% of applicable graduate or undergraduate tuition rate per credit hour. Spouses and/or dependent children are encouraged to apply for appropriate scholarships and/or fellowships, the funding of which will reduce the amount of University assistance. Spouses and dependent children are responsible for the registration and other applicable fees. Information concerning Tuition Reduction is available from the Benefits Administration Office.

The following example illustrates how the Tuition Reduction program and scholarships work together:

Twelve freshman/sophomore credit hours	\$921.00	(\$76.75 x 12)*
Scholarship Award	500.00	
Balance	\$421.00	
Tuition Reduction Factor	.50	
	\$210.50	
Registration Fee	+ 50.00	
Amount dependent owes	\$260.50	

*This hourly rate will change over time and is used here only for illustration.

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2.7 Vacation

2.7 Vacation

Revised 11-3-99

VACATION

Vacation time does not accrue during any pay period in which a staff member is absent without earnings for ten days.

Salaried staff members with appointment of half-time or more are entitled to vacation in proportion to the fraction of time worked, e.g., a person with a 4/5 time appointment accrues/earns vacation time at 80% of the full time rate.

Persons with nine-month assignments are not entitled to vacation time.

Paid holidays occurring within an authorized vacation period are not counted as part of the vacation leave.

Vacation time must be approved by the unit administrator in accordance with the operational needs of the unit.

When a pay day occurs during a staff member's vacation period of ten days or more, an advance check may be requested in writing from the Payroll Office. Such a request will be honored if submitted at least ten working days prior to scheduled issuance of advance check and there is a sufficient vacation bank as of the last pay period prior to the date of request to cover the amount of advance payment requested.

Accrued vacation time for a staff member transferring from one staff group to another will be credited up to the maximum allowed for the group into which the person is being transferred.

All accumulated vacation time is to be used prior to the beginning of any unpaid leave of absence. Staff members transferring from a twelve to a nine month assignment or to salaried service of less than half-time, are required to use accrued vacation time prior to the effective date of transfer and/or reduced service schedule. Vacation time that is not used prior to the beginning of an unpaid leave, a transfer to a nine month position, and/or transition to a less than half-time position is voided and thus the vacation bank is reduced to zero on the effective date of such action.

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General Service Support Personnel

Full-time general service support (secretarial, clerical and technical) personnel accrue vacation time during a bi-weekly pay period in accordance with the following schedule.

Length of Service	Bi-Weekly Accrual	Annual Accrual
Initial Hiring	3.47 hours	90 hours (12 days)
After four years of service	4.33 hours	112.5 hours (15 days)
After ten years of service	5.77 hours	150 hours (20 days)
After fifteen years of service	6.64 hours	172.5 hours (23 days)

Effective October 1, 2000 vacation time is accrued from the first full pay period following the date of employment and may be used following four months of active University service. Vacation may be accrued up to a maximum of 172.5 hours (23 days).

All accrued vacation time will be paid out at time of separation from the University.

All Other Personnel

Full-time professional and administrative staff members accrue 6.35 hours of vacation per pay period for an annual accrual of 165 hours (22 days). A full day of vacation is equivalent to 7.5 hours.

Vacation time is accrued from the first full pay period following the date of employment and may be used following four months of active University service. Vacation may be accumulated up to a maximum of 172.5 hours (23 days).

All employees with at least six months of eligible service, will be entitled to a pay off of their full accumulated vacation bank at time of separation with two weeks notice prior to resignation or retirement. For professional research personnel, all vacation days must be used prior to separation, otherwise they will be forfeited. The Dean may authorize exceptions to this policy. Non-represented faculty and academic staff with term appointments must use all vacation prior to the expiration of the term of appointment or it will be forfeited.

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3 OTHER POLICIES

3.1 Non-Discrimination/Affirmative Action

(Revised 1/12/12)

DESCRIPTION

Wayne State University's is committed to a policy of non-discrimination and equal opportunity in all of its operations, employment opportunities, educational programs, and related activities (reference University Statute 2.28.01).

TERM(S)/DEFINITION(S)

Complaint	A statement alleging sexual harassment or illegal discrimination due to a basis protected by university policy.
Complainant	The individual who makes the discrimination complaint.
Executive Officer	The Vice President or Senior Officer of the division involved in the matter.
Respondent	The person or unit who is accused of violation of the university policies prohibiting discrimination / harassment.

POLICY

This policy embraces all persons regardless of race, color, sex (including gender identity), national origin, religion, age, sexual orientation, familial status, marital status, height, weight, disability, or veteran status and expressly forbids sexual harassment and discrimination in hiring, terms of employment, tenure, promotion, placement and discharge of employees, admission, training and treatment of students, extracurricular activities, the use of University services, facilities, and the awarding of contracts. This policy also forbids retaliation and/or any form of harassment against an individual as a result of filing a complaint of discrimination or harassment, or participating in an investigation of a complaint of discrimination or harassment. It shall not preclude the University from implementing those affirmative action measures which are designed to achieve full equity for minorities and women.

The University, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding non-discrimination and affirmative action. In furtherance of this policy, the University is also committed to institutional diversity to achieve full equity in all areas of University life and service and in those private clubs and accommodations that are used by University personnel. No off-campus activities sponsored by or on behalf of Wayne State University shall be held in private club

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facilities or accommodations which operate from an established policy barring membership or participation on the basis of race, color, sex (including gender identity), national origin, religion, age, sexual orientation, familial status, marital status, height, weight, disability, or veteran status. Affirmative action procedures, measures, and programs may be used to the extent permitted by law to establish, monitor and implement affirmative action plans for all budgetary units and the University as a whole.

The affirmative action plans and programs of the University may include the participation of minority- and female-owned businesses, institutions and firms in the awarding of contracts for consulting, management, construction projects, maintenance, and vendor services.

Implementation of the University's non-discrimination/ affirmative action policy shall include, but is not limited to, the following:

- a) Review by the President or his/her designee of all proposed academic and non-academic appointments for compliance with this statute;
- b) Review by the President or his/her designee of all proposed contractual commitments by the University with external construction contractors, vendors, consulting, and professional service firms and organizations, for compliance with this statute;
- c) Maintenance of University Affirmative Action plans consistent with existing law and this statute;
- d) The posting of job openings as provided by University Policy 99-5;
- e) Procedures for the investigation and timely resolution of complaints alleging sexual harassment or discrimination due to race, color, sex (including gender identity), national origin, religion, age, sexual orientation, familial status, marital status, height, weight, disability, or veteran status;
- f) Development of recruitment programs, designed to attract minority and female job applicants and students;
- g) Annual reports to the Board of Governors describing the status of minorities and women, areas of non-compliance or weak performance, and the University's progress in achieving established goals.

Overall responsibility for implementation of the non- discrimination/affirmative action policy, as declared herein, and University compliance with all applicable federal, state and local laws and regulations rests with the President. Day-to-day administrative

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responsibility shall be carried by other executive officers as assigned by the President. Such officers shall provide periodic reports.

3.2 Christmas/New Year Closure

CHRISTMAS/NEW YEAR CLOSURE

Staff members are given time off with pay between Christmas Day and New Year's Day, except in operational units where it is determined that services must be continued during this closure period. Staff members who are required to work during the Christmas/New Year closure are given compensatory time off at a later date, except Public Safety sergeants and lieutenants working in a uniformed capacity, who will receive overtime pay (time and a half). Except in the case of retirement, employees must be paid for the day prior to closure and the day after closure in order to receive pay for closure. Staff members retiring during closure or January 1 will be paid for all days prior to retirement and need not return to receive closure pay.

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3.3 Confidential Information

CONFIDENTIAL INFORMATION

General

Staff members may, in the course of their service with the University come into contact with information which is of a confidential nature or be associated with the records of others about whom information may be sought. Staff members with access to confidential information are expected to keep the confidence placed in them, are prohibited from causing any breach of confidentiality, and are expected to act with discretion and good judgment when releasing information entrusted to their care to persons entitled to receive the information.

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3.3.1 Student records

STUDENT RECORDS

Student Records

The University recognizes the importance of ensuring the confidentiality of student records and, in accordance with the law, has adopted a policy governing the release of information from educational records to persons within and outside of the University community. Conditions of access to students records are available upon request from the Office of the Vice President for Student Affairs.

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3.3.2 Employment Reference

Employment References

Information concerning University staff members or applicants for University positions is confidential, except for responses to legitimate requests for references. Careful consideration must be given to ensure confidentiality. Except for references, all requests for information regarding non-U.S. citizen staff members should be referred to the International Student Services Office, and all requests for information regarding other staff members should be referred to the Employment Services Department. The Personnel Processing and Records Department in Human Resources routinely responds to requests for employee references with basic information regarding the employee or past employee's employment status. When a supervisor wishes to provide additional reference information regarding a present or past employee, such information must be provided subject to the following guidelines:

1. To assure that references are provided for legitimate business purpose, such references should be given only in response to a written request.
2. The reference itself may be either in writing or oral (e.g. telephone reference) if preceded by written request.
3. To assure that information provided is consistent with existing personnel records, the supervisor is encouraged to consult with Human Resources.

Procedure for responding to requests for information under the Freedom Information Act is set forth in Executive Order 88-2.

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3.4 Conflict of Interest

CONFLICT OF INTEREST

The University administration has an obligation, in accordance with Board Statutes, to ensure that staff members avoid conflicts of interest and to assure that the activities and interests of its employees do not conflict with their obligations to the institution or its well being.

A conflict of interest arises when a staff member places himself/herself in a position where he/she could use his/her position to create benefits for his/her private interests or to give improper advantage to others. When a staff member has a significant interest in, or a consulting arrangement with, a private business concern, it is important that he/she avoid conflicts of interest. Staff members are encouraged to direct inquiries relative to conflict of interest concerns to their unit director and/or division executive officers.

Specific provisions applicable to conflict of interest conditions are set forth in WSUCA Sections 2.41.03, 2.41.01 (subsections 2.41.01.290 through 2.41.01.350), and 2.27.01.

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3.5 Holidays (**Revised as of 6/28/13**)

HOLIDAYS

Staff members are eligible for nine Holidays per calendar year: New Year's Day, Dr. Martin Luther King Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday following Thanksgiving Day, Christmas Day, and a Floating Holiday. A Floating Holiday is scheduled at the option of the employee with the approval of the appropriate unit administrator. To qualify for holiday pay, an employee must be eligible to receive earnings (including pay for illness leave, vacation pay, compensatory time off, and related provisions) on the regularly scheduled work day immediately preceding and immediately following the holiday. Employees retiring January 1 need not work following the holidays to receive pay for Christmas Day and the Christmas/New Year closure period.

When a designated University holiday falls on Sunday, the following Monday is observed as a holiday; when the holiday falls on Saturday, the preceding Friday is observed as a holiday.

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**3.6 Identification Card (University) (Rescinded as of 6/27/13;
Refer to APPM 3.0.14 Staff Identification)**

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3.7 Indemnification

INDEMNIFICATION

All employees are, in accordance with Board of Governors Statute WSUCA Section 2.84.02, indemnified and held harmless from all costs, expenses and liabilities which arise out of their University employment and which are within the scope of their authority, except for willful misconduct and liability related to professional negligence or malpractice. Indemnification is available only if the University has provided counsel or given written consent to outside counsel.

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3.8 Jury and Court Duty

JURY AND COURT DUTY

The University staff member summoned for jury duty, or subpoenaed to appear in court, or in an administrative law proceeding is eligible to receive regular continued earnings during the period served, provided he/she submits to the University the fees paid by the courts.

The staff member may charge any of his/her jury duty or court service time as vacation and retain court fees.

To arrange for regular continued University earnings, the staff member should bring his/her summons or subpoena to the Employment Services Department, sign the provided affidavit, and deliver the court checks and time reports to the Employment Services Department when court service is concluded.

If a staff member is excused from court appearance for any work day(s) during the period of court duty, he/she is to report to his/her regular University assignment.

Provisions of this University policy are not applicable to the staff member who is a principal in the proceeding (i.e., plaintiff, defend, appellant, claimant, etc.), nor are they applicable if the University is a party to the proceedings.

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3.9 Nepotism (Employment of Relatives)

NEPOTISM (EMPLOYMENT OF RELATIVES)

Blood or marital relationships with other University staff members are not regarded as a deterrent to appointment, reassignment or continuance in present position. Close relatives may not be employed where one is in a position of influence over another.

Close relatives include husband or wife, parent or child, son-in-law daughter-in-law, brothers or sisters. A position of influence exists in instances where selection for employment, judgments concerning performance, compensation, status, fitness for promotion or discipline/discharge, require the action of one person with respect to the other.

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3.10 Office Hours

OFFICE HOURS

University offices are generally open from 8:30 A.M. to 5:00 P.M., Monday through Friday, or such alternative hours as may be set for individual units. Alternative or extended office hours may be established for offices whose services to students, staff, or the community make alternative or extended office hours desirable. While offices remain open during the lunch period, they are not open on Saturdays, Sundays, or holidays, except by special arrangement. Most University offices are closed Christmas Day through New Year's Day.

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3.11 Release of Personnel During Business Hours

RELEASE OF PERSONNEL DURING BUSINESS HOURS

University personnel may be released during regular business hours in case of adverse working conditions in accordance with Executive Order 84-9 Releasing Employees During Business Hours.

Whenever possible, University personnel will be advised in advance of planned actions which could cause adverse working conditions so that prior arrangements might be made for personnel to move to another area to complete their work, or for temporary transfer of staff members to another work area with their assignments. (Specific provisions applicable with this policy are defined in Executive Order 84-9, Releasing Employees During Business Hours.)

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3.12 Salary Payment

3.12.1 Hours of Work - Overtime Pay

SALARY PAYMENT

The University pays all salaries and wages on a biweekly schedule on alternate Wednesdays.

HOURS OF WORK - OVERTIME PAY

Unless agreed otherwise at time of employment, the scheduled work week period for University personnel is 37.5 hours, normally consisting of five days, each of seven and one-half hours.

Employees holding non-exempt positions as defined by the Fair Labor Standards Act, with the exception of Technicians and Instructional Assistants, are entitled to overtime pay or compensatory time off for all authorized time worked in excess of seven and one-half hours in any one day, and 37.5 hours in any one work week. Technicians and Instructional Assistants are entitled to overtime pay, but not compensatory time for all authorized hours worked in the work week that exceed 40.0 hours.

All paid absences are counted toward work day/work week time requirements for the computation of overtime.

Overtime pay earned in a work week is normally compensated in the payroll check immediately following the pay period during which such time was earned. Earned overtime must be approved by the unit administrator. No employee may accumulate more than 37.5 hours of compensatory time, and accumulation of compensatory time must be claimed within 90 calendar days of the period in which it was earned.

All overtime must be approved by the department head prior to the time such hours are worked. Overtime work is to be limited to emergency needs only.

Unit administrators are responsible for controlling hours worked by personnel under their direction and for ensuring such service is accurately reported and formally confirmed by the reporting staff member and appropriate supervisor.

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3.13 Traffic and Parking Regulations

TRAFFIC AND PARKING REGULATIONS

University personnel may arrange for use of campus parking facilities through the Parking and Transportation Services Office. Use of campus parking structures and surface lots requires the purchase of a parking permit. Parking fees may be withheld from the payroll check. The staff member using campus parking facilities will be issued a plastic key card and provided with a parking tag which must be displayed.

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**3.14 Travel (University Related) Rescinded as of 6/27/13;
Refer to APPM 7.0 Travel Expense Policies and Procedures**

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3.15 Workers Compensation

WORKERS COMPENSATION

University personnel are covered by the Michigan Workers Compensation Law. Procedures for the reporting of work related injuries and illnesses are designed to safeguard the interests of staff members and the University under provisions of the Law. Failure to follow established University policies and procedures or provisions of the Workers Compensation Law could affect a staff member's right to compensation for lost time and/or for incurred expenses.

In case of an accident a staff member must:

1. Notify his/her unit administrator immediately.
2. Report immediately to Employee Health Services if treatment is required.
3. Arrange with his/her unit administrator for the completion of the Report of Injury (form 10-727) no matter how slight the injury, and refer same to the Office of Risk Management within twenty-four hours of the time the injury was sustained or illness developed.

The Employee Health Services provides emergency treatment to University staff members experiencing an injury or illness relating to the work place.

When it is apparent that a person is injured or ill and any delay in reaching a hospital may cause irreparable damage or endanger life, the unit administrator or an equally responsible person should immediately call the Department of Public Safety so that transportation to Detroit Receiving Hospital can be effected. The Department of Public Safety should immediately inform Detroit Receiving Hospital and the Office of Risk Management of the incident and the action being taken.

Referral of staff members experiencing work related injuries/illness for off campus care is normally arranged by a member of the medical staff at Employee Health Services.

In order to protect his/her interests if medical expenses result or compensation payments are to be provided, an injured/ill staff member should seek treatment within the University system through the Employee Health Services.

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Employee Health Services is a department of Detroit Receiving Hospital/University Health Center (DRH/UHC) which provides employment related health services to WSU and Medical Center employees on a contractual basis.

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3.16 University Name, Stationery, Seal or Mark (Use of)

UNIVERSITY NAME, STATIONERY, SEAL OR MARK (USE OF)

Staff members may use the name of the University and/or institutional stationery for correspondence whenever they are representing the University in an official capacity. The name of the University is not to be used for the commercial, personal, organizational or political gain of any person or organization not authorized by the University. The University's name, seal, or mark is not to be used in any announcement, advertisement, publication, or report if such use in any way implies University endorsement of any product, service, or activity, except for those provided or sponsored by the University. Whenever the propriety of using the University's name, seal, or mark is in doubt, administrative approval is to be obtained from the Vice President for Research.

Executive Order 84-4, Implementation of State Lobby Registration Act defines the University policy governing the representation of the institution to public officials of state government.

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4 RETIREMENT

RETIREMENT

University staff members are eligible for regular retirement benefits at any time beginning at age 55 provided they have completed either ten years of service or five years of participation in the University Retirement Program.

A staff member contemplating retirement is encouraged to contact the Benefits Administration Department several months in advance so that the necessary steps required to initiate retirement benefits can be completed prior to actual retirement.

A staff member qualifying for retirement is eligible for a payment equal to one-half of his/her accumulated illness bank up to a maximum of 225 hours, non-contributory life insurance (currently \$2,500) coverage, and continued participation in the Group Medical Program without University subsidy. (Vacation payments are described in section 2.7 Vacation.)

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4.1 Early Retirement

EARLY RETIREMENT

Early Retirement is available solely at the discretion of the University administration and will ordinarily be granted only for the benefits of both the staff member and the University.

Upon the recommendation of the appropriate senior officer, the President may approve an offer of Early Retirement to a staff member. Persons on Long-Term Disability are not eligible for an Early Retirement offer.

Persons on Early Retirement are eligible for the same benefits as those available to regular retirees.

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5 DEATH BENEFITS

DEATH BENEFITS

Income

When death is the cause of termination of University service, income through the date of death is provided if the deceased staff member was on active service or was receiving earnings from his/her illness leave benefit. One half of the days accumulated or remaining in the deceased staff member's illness leave bank, not to exceed 225 hours of earnings, will be paid to the beneficiary(s) of a staff member who had completed five years of service. Such income allowance will be provided in addition to the pay out of accrued vacation time and the life insurance benefit.

Group Medical Insurance

The spouse of a deceased staff member and any dependent children (as defined under the insurance program) are eligible to continue coverage in the University's group medical insurance program by assuming the full cost of the premium at group rates.

Coverage for dependent children may be continued without University subsidy as long as they remain dependents as defined under the applicable insurance plan.

Life Insurance & Retirement Plan

The Group Term Life Insurance and Retirement plan benefits are paid to the beneficiary(s) designated for each plan.

In summary, spouse and/or dependent children are eligible for the following benefits:

1. Payment of any earned unpaid salary through the date of death.
2. Payment of earned unused vacation leave time.
3. Payment of one-half of the earned unused illness leave time to a maximum payment of 225 hours provided the staff member had completed five years of service.
4. Continuation of group medical insurance: The spouse may continue the coverage. Dependent children may continue as long as they remain dependents as defined under the applicable insurance plan Continuation of group medical insurance for both the

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spouse and dependents requires their payment of the full cost of the premium at group rates.

5. Continuation of Tuition Reduction Program for dependent children less than twenty-six years of age, as defined in the Tuition Reduction Program (section 2.6) including continuation for dependent children of those individuals who were receiving Long-Term Disability benefits at the time of their death.

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6 Appendix - Hay and Non represented Classifications

APPENDIX - HAY AND NONREPRESENTED CLASSIFICATIONS

Executive Officers (Exempt)

President

Provost

Executive Vice President

Senior Administrative Officers (Exempt)

Vice President

Associate Vice President

Assistant Vice President

Directors Reporting to the President

General Counsel

Executive Director

Deputy Provost

Associate Provost

Secretary to the Board of Governors

Non-Academic Administrators (Exempt)

Coordinator I

Coordinator II

Coordinator III

Coordinator IV

Administrative Assistant Dean I

Administrative Assistant Dean II

Administrative Assistant Dean III

Administrative Assistant Dean IV

Administrative Assistant Dean V

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Assistant Library Director I
Assistant Library Director II
Assistant Library Director III

Director, SBDC
Associate Director, SBDC
Assistant Director, SBDC
Curriculum Specialist, SBDC

Director I
Director II
Director III
Director IV

Associate Director I
Associate Director II
Associate Director III

Assistant Director I
Assistant Director II
Assistant Director III

EDP/Research Director I
EDP/Research Director II
EDP/Research Director III
EDP/Research Director IV

Library Director

EDP/Research Associate Director I
EDP/Research Associate Director II
EDP/Research Associate Director III

EDP/Research Assistant Director I
EDP/Research Assistant Director II
EDP/Research Assistant Director III

Program/Project Director I
Program/Project Director II
Program/Project Director III
Program/Project Director IV

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Program/Project Director V

Manager I
Manager II
Manager III
Manager IV
Manager V

EDP Audit Manager

EDP Manager I
EDP Manager II
EDP Manager III
EDP Manager IV
EDP Manager V

Public Safety-Captain
Public Safety-Lieutenant
Public Safety-Sergeant

Supervisor I
Supervisor II
Supervisor III
Supervisor IV

Academic Administrators (Exempt)

Assistant Provost

Dean

Assistant Dean

Academic Director

Ombudsperson

Department Chair

Department/Division Head

Deputy Dean

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Associate Dean

Associate Department Chair

Professional and Administrative Personnel (Exempt)

Accountant III

Administrative Assistant I

*Administrative Assistant III

Applications Specialist I

Applications Specialist II

Applications Specialist III

Applications Specialist IV

Architect Engineer I

Architect Engineer II

Architect Engineer III

Assistant General Counsel I

Assistant General Counsel II

Assistant General Counsel III

Associate General Counsel

Assistant General Manager, WDET

Assistant to Executive Officer/Dean/Director I

Assistant to Executive Officer/Dean/Director II

Assistant to Executive Officer/Dean/Director III

Assistant to Executive Officer/Dean/Director IV

Auditor I

Auditor II

Benefits Coordinator

*Budget Analyst I

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Budget Analyst II
Budget Analyst III

Business Manager I
Business Manager II
Business Manager III
Business Manager IV

Clinical Social Worker I
Clinical Social Worker II

Computer Operators Shift Leader

Confidential Assistant II

Construction Estimator

Contract Administrator I
Contract Administrator II

Equal Opportunity Specialist

Program/Project Coordinator I
Program/Project Coordinator II
Program/Project Coordinator III
Program/Project Coordinator IV

Executive Assistant to President

General Manager, WDET

Governmental Affairs Officer

*Information Officer II
Information Officer IV

Information Systems Specialist I
Information Systems Specialist II

Landscape Architect

Office Technology Coordinator

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Personnel Officer I
Personnel Officer II
Personnel Officer III

Project Scheduler

Risk Management Officer I
Risk Management Officer II

Secretary to President

Space Coordinator

Space Planner

Systems Security Specialist I
Systems Security Specialist II
Systems Security Specialist III

Training Specialist
General Service Support Personnel (Non-Exempt)

Accounting Assistant

Accounting Clerk

Benefits Clerk

Benefits Representative

Computer Operations Shift Leader

Construction Estimator

Executive Secretary

Medical Fee Billing Assistant

Office Services Clerk I
Office Services Clerk II
Office Services Clerk, Sr.

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Office Supervisor I
Office Supervisor II

Peripheral Operator

Personnel Assistant I
Personnel Assistant II

Personnel Records Clerk I
Personnel Records Clerk II
Personnel Records Clerk III

Program Liaison I
Program Liaison III

Program Specialist

Secretary I
Secretary II
Secretary III
Secretary IV

Steward

Technical Specialist I

Technical Specialist II

Word Processing Trainer

Visiting, Part-Time Faculty and Instructional Assistant

Instructional Assistant

Part-Time Faculty

Visiting Assistant Professor
Visiting Associate Professor

Visiting Instructor
Visiting Lecturer

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Visiting Professor
Professional Research Personnel

Research Assistant
Research Associate
Research Scientist
Senior Research Scientist
Technicians (Exempt If Performing Professional Duties: Otherwise Non-Exempt)

Development Intern I
Development Intern II

On-Air Host

Additional Service Technician
Clerical Technician
Labor Technician
NR Clerical Technician
NR Professional Technician
Professional Technician
Research Technician
Service Technician
Voluntary Faculty

Adjunct, Clinical, Full-Time Affiliate,
Full-Time Affiliate (Clinical) or
Full-Time Affiliate (Research) with rank of:
Instructor
Assistant Professor
Associate Professor
Professor
Graduate Assistant

Graduate Teaching Assistant I
Graduate Teaching Assistant II

Graduate Research Assistant I
Graduate Research Assistant II
Eligible for overtime

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* P&A classification titles which are currently held by personnel assigned to designated areas which are excluded from having classification represented by the bargaining unit or P&A classification titles which are currently assigned to non-rep positions, and as a result of Hay implementation and union negotiations it has been agreed that at the time such positions becomes vacant, it will no longer be non-represented but will be represented by the bargaining unit.