

UNIVERSITY OF WYOMING

# Employee Handbook

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Revision Date 3/23/17

*Effective 3/23/17, this Employee Handbook edition supersedes all previous Employee Handbook editions.*

## **DISCLAIMER**

**THIS HANDBOOK IS NOT AN EMPLOYMENT CONTRACT.**

### **RESERVATION OF RIGHTS**

**INFORMATION IN THIS HANDBOOK IS SUBJECT TO CHANGE AT THE SOLE DISCRETION OF THE UNIVERSITY OF WYOMING.**

**THE UNIVERSITY MAY UNILATERALLY CHANGE THIS HANDBOOK AT ANY TIME WITHOUT PRIOR NOTICE OR CONSIDERATION.**

**Any time frames set in this Handbook may be changed at the Employer's discretion.**

**DURING THE PROBATIONARY PERIOD, A STAFF EMPLOYEE IS AN "AT WILL" EMPLOYEE AND MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE, WITH OR WITHOUT ADVANCE NOTICE, AND WITHOUT RIGHT OF APPEAL. THERE MAY BE OTHER "AT WILL" EMPLOYEES, DEPENDING UPON THEIR POSITION WITH THE UNIVERSITY OF WYOMING WHO ALSO MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE, WITH OR WITHOUT ADVANCE NOTICE, AND WITHOUT RIGHT OF APPEAL.**

**Individuals with a disability will be provided an alternate format of this document upon request. Contact the Department of Human Resources, University of Wyoming (307) 766-2215.**

## **MISSION AND OBJECTIVES OF THE UNIVERSITY OF WYOMING**

The University of Wyoming aspires to be one of the nation's finest public land-grant research universities, dedicated to serving as a statewide resource for accessible and affordable higher education of the highest quality, rigorous scholarship, technology transfer, economic and community development, and responsible stewardship of our cultural, historical, and natural resources.

In the exercise of our primary mission to teach and educate students, we seek to provide academic and co-curricular opportunities that will:

- Expose students to the frontiers of scholarship and creative activity, and the complexities of an interdependent world;
- Ensure individual interactions among students, faculty, and staff;
- Nurture an environment that values and manifests diversity, free expression, academic freedom, personal integrity, and mutual respect; and
- Promote opportunities for personal growth, physical health, athletic competition, and leadership development for all members of the University community.

As Wyoming's only university, we are committed to outreach and service that extends our human talent and technological capacity to serve the people in our communities, our state, the nation, and the world.

The primary vehicles for identifying the specific actions and resource allocations needed to achieve this complex mission are the University's Academic Plan, Support Services Plan, and Capital Facilities Plan, each revised periodically.

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## **I. GENERAL INFORMATION APPLICABLE TO ALL EMPLOYEES**

### **A. THE DEPARTMENT OF HUMAN RESOURCES**

The Department of Human Resources is responsible for coordinating such services/programs as employment, compensation, classification, employee relations, leaves, training/development, performance evaluations, employee records, corrective actions, insurance, and retirement benefits for employees. The Department of Human Resources is also responsible for making sure employees can be legally hired. Each new employee must complete the employee portion of the I-9 document on or before their first day of work. The employee will then have 72 hours in which to supply the approved identification documentation. The Department of Human Resources also assists employees in solving work-related problems, supplying information, and promoting good employer-employee relations. A major function of the department is to administer approved personnel policies and procedures.

### **B. NEW EMPLOYEE ORIENTATION**

All new employees are encouraged to attend the new employee orientation program. The orientation is designed to familiarize employees with benefits (which must be selected within 31 days of eligibility) and other useful information, as well as to provide an overview of University policies and procedures. Individuals will be notified by the Department of Human Resources regarding the dates and times of the orientation session.

### **C. DUTIES**

Employees are expected to perform the essential duties and responsibilities of their positions, and all other duties as assigned. Employees are also expected to discharge their responsibilities in a conscientious and ethical manner, complying with UW Regulations and Presidential Directives, departmental procedures, and supervisor's directives. Employees are considered either "exempt" or "nonexempt" as defined by the Fair Labor Standards Act (FLSA). A position that is nonexempt is entitled to overtime pay or compensatory time off. The Department of Human Resources is responsible for determining which positions are exempt as determined by the job duties of that position.

#### **1. SUPERVISOR**

A supervisor may or may not be an Appointing Authority. Supervisors are authorized to give work-related directions and are responsible for evaluating assigned employees' performance.

#### **2. APPOINTING AUTHORITY**

An Appointing Authority is an individual designated by the President who has the power to appoint employees.

## **D. UNIVERSITY POLICIES**

### **1. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

The University is committed to equal opportunity for all persons in all facets of the University's operations and is an Equal Opportunity/Affirmative Action Employer. The University will provide all applicants for admissions, employment and all University employees with equal opportunity without regard to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, political belief, or any other applicable protected category or participation in any protected activity. The University ensures non-discriminatory practices in all matters relating to its education programs and activities and extends the same non-discriminatory practices to recruiting, hiring, training, compensation, benefits, promotions, demotions, transfers, and all other terms and conditions of employment.

Violations of University non-discrimination policies will be addressed promptly, with appropriate corrective action taken; violations of a severe or persistent nature are considered serious and may result in separation from the University. All employees are encouraged to report concerns to the Office of Diversity and Employment Practices regarding suspected violations which includes those brought to their attention by students, guests, and contractors. All supervisors are required to report such concerns to the Office of Diversity and Employment Practices once brought to their attention. Faculty members are regarded as supervisors, because they direct, or have the potential to direct, the actions of students. The University is required to conduct a review which may include an investigation. As a condition of employment, all employees shall cooperate in such a review or investigation.

### **2. SEXUAL HARASSMENT**

The University will not tolerate sexual harassment or retaliation for reporting sexual harassment. Employees engaging in such conduct will be subject to corrective action up to and including termination. Employees who feel they are victims of sexual harassment should contact the Equal Opportunity Report and Response Unit in the Office of Diversity and Employment Practices or other individuals referenced in UW Regulation 1-5; which describes the University policy on sexual harassment. For more information, please go to: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-5.pdf> .

### **3. SEXUAL AND NON-SEXUAL VIOLENCE**

It is the policy of the University to provide a safe working, residential, and learning environment for all members of the University community. The University prohibits violence on University property and facilities. Employees engaging in such conduct will be subject to corrective action up to and including termination. Members of the University community, guests, and visitors have the right to be free from sexual



violence. Sexual violence includes but is not limited to rape, sexual assault, sexual battery, and sexual coercion. University policy also prohibits non-sexual violence. For this reason, the University has a gender-based and sexual misconduct policy. Employees have a duty to understand the policy and their roles and responsibilities under the policy, including reporting of any alleged misconduct to appropriate University administrators with responsibility under the policy. If you believe that you or others are being subjected to any form of violence, contact the UW Police Department immediately before notifying the Office of Diversity and Employment Practices or other relevant campus entities. For additional information on UW Regulation 1-44, please go to: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-44.pdf>.

#### **4. DISABILITY**

The University adheres to all federal and state laws regarding individuals with disabilities. If an employee has a disability, the employee may contact the Department of Human Resources to initiate the process used to determine whether the employee has a qualifying disability under the law. If the employee is found to have a disability per the law, Human Resources will engage in an interactive process, including consultation with the department's Appointing Authority or designee, to identify the essential elements of the job and determine if possible reasonable accommodations can be made. The Department of Human Resources can also assist if the employee needs to file a long-term disability claim.

#### **5. RETALIATION**

The University recognizes the right of individuals to engage in a legally protected activity without fear of retaliation. Any employee, who, in good faith, exercises the right to file an appeal or complaint or cooperates in the investigation of such, is protected from adverse employment action motivated by that protected activity. Allegations of retaliation will be treated seriously, as separate and distinct from the original complaint. A finding that an employee has engaged in retaliation, in the sense defined here, may result in termination. Investigative Offices authorized to address allegations of retaliation are:

- The Equal Opportunity Report and Response Unit within the Office of Diversity and Employment Practices investigates allegations filed by "protected classes" that fall under UW regulation 1-5 (Discrimination and Harassment) and UW Regulation 1-44 (Violence in the Workplace).
- The Office of Academic Affairs investigates allegations filed by "non-protected classes" who are appointed under UW Regulation 5-1, Academic Personnel.

- The Office of Human Resources will investigate all other allegations not covered by the UW Regulations cited above.

For additional information please refer to Presidential Directive 4-2016-1.

## **6. SAFETY**

Safety is the responsibility of every employee. Each employee shall conduct their activities in compliance with applicable governmental, University, and campus unit safety and health policies, procedures, and regulations. This includes abiding by safety rules, participating in safety trainings as required, and reporting hazards and potential violations. Any employee who believes there is a safety problem in his/her work environment or elsewhere in the University is obligated to bring the problem to the attention of the immediate supervisor, the Environmental Health and Safety Department, or the Department of Risk Management and Insurance as appropriate.

Employees shall not use University office space or other property as a substitution for appropriate child care and shall not have minors in their office on a regular basis unless the presence of minors is directly related to University business. Such minors may be present for occasional, infrequent, temporary, visits of short duration, in cases of emergency or under other reasonable limited circumstances. Based on the activities of any given location on campus, safety considerations, productivity concerns, etc., such visits may be prohibited by the employee's supervisor, the Director of Environmental Health and Safety, or others with a responsibility for University human resources, facilities, risk management, and environmental health and safety.

## **7. SUPPLEMENTAL INCOME**

Full-time employees during their regular terms of service shall not have their salaries supplemented from University grants, contracts, or other University sources except as permitted by UW Regulations and Presidential Directives. For more information on UW Regulation 4-2, please go to <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-4-2.pdf>.

## **8. CRIMINAL CONVICTION HIRING POLICY**

It is the policy of the University not to hire any person convicted of a crime the nature of which is reasonably related to the applicant's fitness for the job. No person convicted of a felony of any nature shall be hired without the approval of the hiring unit's Vice President or the Director of Athletics, if appropriate. Further, it is against University policy to hire any person who has been convicted of (1) a felony involving violence or (2) a sex crime against a minor or a sex crime involving violence. Please see the background Review Policy located on the HR Website for more details.

## **9. NEPOTISM**

University employees may not be immediate supervisors to their relatives. This category includes parents, spouses, children, siblings (or the previous as in-laws), domestic partners, grandparents, grandchildren, uncles/aunts, nephews/nieces, and first cousins. Employees who find themselves in a work situation that conflicts with the previous statement shall have the remainder of the fiscal year to work with UW Administration to find alternative solutions, which may involve changes in the lines of supervision for their relatives.

Employees shall not make discussions, votes, and/or decisions affecting the appointment, tenure, promotion, performance evaluation or other personnel status of a relative as defined above.

No provision of this section shall be interpreted or applied so as to prevent the hiring, admission to degree candidacy, or award of a scholarship, fellowship, or graduate assistantship to a person who is a relative of any employee of the University or of the Trustees. Nor shall this regulation bar any employee from (1) reporting concerns about sexual harassment, unfair discrimination, procedural violations, or other inappropriate workplace behavior; (2) inquiring about the possibility of University employment for a family member; or (3) seeking supervisory positions and discussing alternatives for managing family-related conflicts of interest. For more information, please see UW Regulation 4-2 at: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-4-2.pdf>.

## **10. PARTICIPATION IN POLITICAL ACTIVITY**

The political rights and privileges of all employees of the University are the same as those of any other citizen of the state. However, exercise of those rights and privileges shall not involve the use of University funds, time, services, and facilities unless University authorized as part of the educational process. Any such use may be subject to corrective action, up to and including termination. Employees who hold elected office should consult with the Department of Human Resources to determine salary options. For more information, please see UW Regulation 4-2 at: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-4-2.pdf>.

## **11. CONFLICT OF INTEREST/CONFLICT OF COMMITMENT**

A conflict of interest exists when an individual has an external interest that affects or provides an incentive to affect the individual's conduct of his/her University activities.

A conflict of commitment exists when a member of the University community renders professional service that is not part of his/her duties to the University to the detriment of his/her obligations to the University. A conflict of commitment arises when professional service or research contracted outside the University, consultations or other outside activities (e.g. outside teaching or business) of an employee interferes with the paramount obligations to students, colleagues and the primary missions and policies of the University.

Conflicts of commitment primarily involve questions of obligation and effort, but are often tied to financial remuneration or other inducements and, in such cases, may also constitute conflicts of interest.

Conflicts of interest and conflicts of commitment may constitute a breach of the employment contract and, if not properly disclosed and eliminated or managed in accordance with University policies, will result in appropriate sanctions, up to and including termination, if warranted. For more information, please see UW Regulation 4-2 at: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-4-2.pdf>.

## **12. PATENTS AND COPYRIGHTS**

The University has UW Regulations and Presidential Directives dealing with patents and copyrights. Employees who have questions regarding patent and copyright issues should consult the UW Regulations and Presidential Directives or contact the University Technology Transfer Office. For more information, please see UW Regulation 4-2 at: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-4-2.pdf>.

## **13. CLASSIFIED RESEARCH AND SECURITY CLEARANCE**

Employees involved in classified research and security clearance should refer to UW Regulations and Presidential Directives. For more information, please see UW Regulation 4-2 at <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-4-2.pdf>.

## **14. MOTOR VEHICLES**

The University of Wyoming adopted a motor vehicle use policy which went into effect on July 1, 2011. This policy includes the requirement of a Motor Vehicle Report for all persons who drive on University business. A person's continued employment in a position where driving is required may be subject to the results of the report up to and including termination. For information, please see UW Regulation 3-179 at: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-3-179.pdf>.

## **15. VACATION**

For additional information applicable to faculty, academic professionals, and University Officers, please refer to UW Regulation 5-1, Academic Personnel. Faculty and University Officers whose contract periods are less than 12 months are not entitled to vacation leave with pay.

Employees may accrue a maximum of 352 hours of vacation as follows:

Full-time exempt employees accrue 22 days per year;

Part-time exempt employees accrue pro-rated vacation days according to the percentage of the appointment;

Full-time nonexempt employees accrue 10 vacation days per year for the first two years of employment. At the beginning of the third year of employment, the employee

accrues 16 days of vacation per year. At the beginning of the seventh year of employment, the employee accrues 22 days per year;

Part-time nonexempt employees accrue pro-rated vacation days according to the percentage of the appointment.

Vacation leave may not be used in advance of accrual, or in the month in which it is accrued.

It is the employee's responsibility to monitor vacation usage to protect against the potential loss of vacation accrual. If eligible, compensatory time shall be used before taking any vacation leave unless the employee is at or near the maximum vacation accrual amount allowed. Vacation must be scheduled in advance and with the approval of the supervisor, who may or may not be the Appointing Authority. An employee may not use vacation to extend the workday beyond the normally scheduled hours.

All employees must report all leave taken accurately each pay period. Holidays occurring during vacation are not charged to vacation.

Employees may utilize vacation leave or unpaid leave to observe religious holidays that are not official University holidays. Prior approval must be obtained from the employee's supervisor and leave will be permitted unless it would cause a significant disruption to the work of the department.

Employees who separate from University service are entitled to be paid at 100% of the current salary rate for all accrued, unused vacation which may not exceed 352 hours. Employees terminated for all reasons other than corrective actions may elect a lump sum payment, terminal leave or a combination of terminal leave and lump sum payment. An employee terminated for corrective action reasons, or an employee who gives less than two (2) weeks' notice of intent to resign, must take the accrued annual leave in a lump sum unless otherwise determined by the Appointing Authority. If an employee elects terminal leave, the leave may include both accrued sick leave and accrued vacation.

Any employee who has been paid for accumulated vacation upon separation and who is rehired into a benefited position within thirty-one (31) calendar days after separation, shall fully reimburse all payments for accumulated vacation within thirty-one (31) days after being rehired with all rights. The accumulated vacation shall be restored to the employee. Any person who fails to reimburse the University as herein required shall be terminated. To remain consistent with Wyoming Statute 9-2-1022(e), the language in this paragraph shall be automatically replaced with any applicable revisions or changes to the statute.

An employee who is appointed to another University position retains any vacation leave accrued in the previous position. The vacation balance becomes the obligation of the administrative department of the current appointment. A person appointed to a benefited position after a break in service of less than 90 calendar days from a previous appointment will accrue vacation at a rate consistent with the length of service for which vacation accruals had been credited in the previous appointment unless the new position accrues at a higher rate. A person appointed to another position after a break in service of 90 calendar days or more from a previous appointment will accrue vacation at the same rate as a new employee. Academic personnel moving from a fiscal year contract to a nine-month (academic year) contract must use their accrued vacation leave prior to starting their new appointment.

The value of unused vacation, up to 352 hours, for an employee who dies in service will be paid in a lump sum at 100% of the current salary rate.

## **16. SICK LEAVE**

For additional information applicable to faculty and academic professionals, please refer to UW Regulation 5-1, Academic Personnel.

A full-time benefited employee accrues sick leave at the rate of 12 days per year. A part-time benefited employee accrues sick leave in accordance with the percentage of appointment up to a maximum of 100%. The amount of leave accrued per month will vary slightly depending on the number of days in the month.

Sick leave may not be used in advance of accrual, or in the month in which it is accrued. All employees must report all leave taken accurately each pay period.

An employee may also use sick leave for medical, psychological, dental, or optical examinations or treatment. Sick leave is also available for the medical care of immediate family. Immediate family includes and is limited to parent, spouse/partner, child, or another member of the immediate household.

When using sick leave, an employee must notify the supervisor as soon as possible on the first day of absence and on subsequent days. Failure to do so will result in corrective action up to and including termination.

Sick leave is intended for short-term illnesses and or injury where the employee's return to work is expected in a reasonable length of time.

Sick leave will not be charged against the accrued balance whenever a University observed holiday or other non-working day occurs during sick leave.

The use of sick leave is subject to verification by the Appointing Authority. The employee must provide appropriate written medical documentation when requested.

Employees who do not provide such documentation may be placed on leave without pay for the period in question, and/or corrective action may be initiated by the Appointing Authority. Sick leave use must be reported to the department via approved leave reports. An employee does not earn sick leave while on leave without pay or during a break in service. An employee may not use sick leave to extend the workday beyond the normally scheduled hours.

If approved by the Appointing Authority or designated supervisor, an employee may use sick leave instead of vacation if the employee becomes disabled or ill while on vacation, provided satisfactory medical verification is submitted upon return to work. Such approval must be in writing and provided to the employee with a copy to the Department of Human Resources.

An employee who is appointed to another University position with no break in service retains any sick leave balance accrued in the previous position. The sick leave balance becomes the obligation of the administrative department of the current appointment. An employee appointed to or from the State of Wyoming shall not be allowed to transfer un-used accrued sick leave and shall be paid out in accordance with the State Compensation policies or applicable UW Regulation or Policy. Employees who separate from University service shall receive payment for one-half (1/2) of the current sick leave balance as of the employee's termination date, but in no circumstances will the payout exceed a total of 480 hours. Employees terminated for all reasons other than corrective actions may elect a lump sum payment, terminal leave or a combination of terminal leave and lump sum payment. An employee terminated for corrective action reasons, or an employee who gives less than two (2) weeks' notice of intent to resign, must take the accrued sick leave in a lump sum unless otherwise determined by the Appointing Authority. If an employee does not elect either option, the University will pay the accrued sick leave as a lump sum. If an employee elects terminal leave, the leave may include both accrued sick leave and accrued vacation.

If an employee is granted Board Retirement per UW Regulation 4-2, (VI) or had completed 15 years of University service with at least 10 consecutive years of uninterrupted service immediately prior to July 1, 2016, and is eligible for, the state's retiree health insurance benefit, the employee may convert up to 960 hours of sick leave to be applied toward the state contribution for group health insurance at the rate of 1.5 months coverage for each 40 hours of accrued sick leave. Retirees receiving Board Retirement status are responsible for initiating the process to receive the State contribution to health and dental insurance. The retiree is eligible to participate in the group health and dental insurance plan pursuant to the current University policies and/or insurance carrier's contracts upon completion of the sick leave conversion provision. If the Board Retiree dies after retiring, this benefit will transfer to the spouse if the employee has included the spouse in the insurance coverage.

An employee is eligible to use sick leave only during the employee's obligated period of service which terminates the last day that service is performed.

Any employee who has been paid for accumulated sick leave upon separation and who is rehired into a benefited position within thirty-one (31) calendar days after separation, shall fully reimburse all payments for accumulated sick leave within thirty-one (31) days after being rehired with all rights. The accumulated sick leave shall be restored to the employee. Any person who fails to reimburse the University as herein required shall be terminated. To remain consistent with Wyoming Statute 9-2-1022(e), the language in this paragraph shall be automatically replaced with any applicable revisions or changes to the statute.

#### **17. DONATED SICK LEAVE**

Benefited employees are eligible for donated sick leave if they are eligible for leave according to the Family and Medical Leave Act (FMLA) and have an immediate and reasonable need for such assistance as verified by a health care provider. The employee must have exhausted his/her available sick leave, compensatory time, and vacation leave prior to being eligible for donated sick leave. When the employee returns to work, unused donated sick leave is forfeited. Employees who receive payments under the University's Long Term Disability (LTD) program are not eligible for donated sick leave; i.e., employees will not receive both donated sick leave payments and LTD payments.

Employees who wish to donate sick leave must be in an active pay status and have accrued more than 80 hours of sick leave. Donating employees are required to maintain a minimum balance of 80 hours of their own sick leave after making a donation. Donations are made by notifying the Department of Human Resources Benefits office.

Donation requests and donations must be received in the Department of Human Resources Benefits office prior to the employee's return to work.

#### **18. FAMILY AND MEDICAL LEAVE**

The University of Wyoming provides up to 12 weeks of unpaid (substitution of paid leave is described in Section I, 18 e)), job-protected leave to eligible employees for the following reasons:

- Incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- Serious health condition that makes the employee unable to perform the essential functions of his/her job.



**a) *Military Leave Entitlements***

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves may use their 12 week entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12 month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness\*.

\*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.

**b) *Benefits Protection***

During FMLA leave, the University maintains the employee’s health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the University for payment of insurance premiums during leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. Paid leave continues to accrue during FMLA leave when the employee is in a paid status. Holidays, bereavement leave, or employer’s jury duty pay are not granted on unpaid leave.

**c) Eligibility Requirements**

Employees are eligible if they have worked for the University for at least 12 months and for 1,250 hours over the previous 12 months.

**d) Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents a qualified family member from participating in school or other daily activities.

**e) Use of Leave**

The maximum time allowed for FMLA leave is either 12 weeks in a 12 month period measured forward from the first day of an employee's leave, or 26 weeks as explained in Section I, 18, a - Military Leave Entitlements.

If both spouses are employees of the University, they are entitled to 12 weeks combined FMLA leave if it is to care for the employee's child after birth or placement for adoption or foster care. *(Note that there are exceptions to this combined leave rule, such as when documentation provides that leave is due to the employee's serious health condition, including periods of disability before and after birth)* If spouses are employees of the University, they are entitled to 26 weeks combined FMLA for Military Caregiver Leave.

An employee does not need to use this entitlement in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary. Intermittent or reduced schedule leave for the non-medical care of the employee's child after birth, or placement for adoption or foster care is not allowed unless approved by the employee's Appointing Authority and the Department of Human Resources is notified. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the University's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the University's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

**f) Substitutions of Paid Leave for Unpaid Leave**

The University requires employees to use accrued paid leave while taking FMLA leave. If all accrued vacation, compensatory time, sick leave and donated sick

leave are exhausted, the remaining portion of the 12 weeks can be taken as leave without pay. Paid leave used at the same time as FMLA leave must be taken in compliance with the University's normal paid leave policies. FMLA leave is without pay when paid leave benefits are exhausted.

***g) Employee Responsibilities***

Employees must provide 30 days advance notice to their supervisor and Human Resources of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the University's normal call-in procedures.

Employees must provide sufficient information for the University to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the University if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The University may require second and third medical opinions at the University's expense. Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in corrective action in accordance with the University's attendance guideline. Employees on leave must contact the Department of Human Resources at least two days before their first day of return.

***h) The University's Responsibilities***

The University will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required, as well as the employees' rights and responsibilities. If they are not eligible, the University will provide a reason for the ineligibility.

The University will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the University determines that the leave is not FMLA-protected, the University will notify the employee. The University will not use any medical information provided either for the employee or their family members in any

way that would violate Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).

***i) Unlawful Acts***

FMLA makes it unlawful for the University to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 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.

***j) Enforcement***

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the University.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

**19. MEDICAL LEAVE (FOR EMPLOYEES NOT ELIGIBLE FOR FMLA)**

A medical leave of absence may be granted to benefited employees for absences arising from the employee's illness, injury or pregnancy. This leave may be approved if the employee is not eligible for FMLA leave or has exhausted all available FMLA leave. Under no circumstances will the total of all the above combined leave time exceed six months without consultation with the Department of Human Resources. For medical leave to be granted, the following conditions must be met:

- The employee notifies the immediate supervisor as soon as possible of the need for medical leave;
- All available sick leave, compensatory time, and earned vacation are used at the beginning of the leave of absence;
- The employee submits to the supervisor a written statement from the attending health care provider outlining the reason for leave and the estimated time needed. The University may require second and third medical opinions at the University's expense;
- The immediate supervisor and the Department of Human Resources approve the leave before the leave is taken.

Medical leaves, and any extension of leaves, will generally be limited to no longer than six calendar weeks. An employee ready to return to work from leave must present a health care provider's statement indicating ability to return to work.

The University may reinstate an employee ready to return from a medical leave of absence when, in the opinion of the University, it is practical to do so. The University does not guarantee reinstatement of an employee to the former job. When the employee is available to return to work, the employee is free to apply for any vacancy available and may be considered along with other applicants.

## **20. MAXIMUM LENGTH OF LEAVE OF ABSENCE**

The maximum length of leave of absence (LOA) for an employee is six months in a 12 month period. Any leave beyond the six month maximum must be reviewed with the Department of Human Resources in consultation with the Appointing Authority.

## **21. LEAVE OF ABSENCE WITH PAY**

Employees may request a leave of absence with pay through their supervisor and Appointing Authority in accordance with the Presidential Directive 4-2004-2. For more information, please go to:

<http://www.uwyo.edu/generalcounsel/files/docs/presidential%20directive%20updates%202016/pd%204-2004-2.pdf>. Other leaves may be granted to employees for purposes consistent with the needs and objectives of the University.

## **22. LEAVE OF ABSENCE WITHOUT PAY**

Leaves of absence without pay may be approved for the following purposes:

- Professional Development - After the initial probationary period has been completed, extended leaves without pay may be granted to employees for purposes of professional development;
- Personal Leave of Absence - Approval of this type of leave may only be granted based upon the needs of the University. Additionally, this type of leave may only be granted for significant circumstances that are unforeseen, unplanned for, and of a true emergency nature (personal or family emergency).
- Specific provisions for sabbatical leaves and other faculty leaves of absence are contained in UW Regulation 5-1.

Other leaves without pay may be granted to employees for purposes consistent with the needs and objectives of the University.

An Appointing Authority may approve requests for a short-term leave without pay of up to four weeks in any 12 month period when circumstances require absence from work and vacation, compensatory time or sick leave credits are not available or are inappropriate to use. If an employee requires an extended leave (greater than four weeks), the employee may apply to the immediate supervisor for such leave on a Leave Without Pay Request form, which must be completed at least 10 days before the proposed leave and submitted to the Department of Human Resources and responsible Vice President for approval. All accrued vacation must be used before leave without pay for non-medical reasons will be granted.

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All accrued sick leave, compensatory time, and vacation must be used before leave without pay for medical reasons will be granted, unless the employee is covered by Workers' Compensation and entitled to Temporary Total Disability (loss of wages) for a work related disability or injury.

A leave of absence without pay which is granted to an employee is with the assurance of reinstatement to the former or comparable position unless circumstances make it impractical. If reinstatement is assured, a person hired as temporary replacement for an employee on leave without pay is to be advised that his/her employment will only continue for the duration of the employee's leave. Where it is impractical to assure an employee of reinstatement to the same position upon return, the leave without pay must be approved with the understanding in writing that the University must fill that position and is under no obligation to hold that particular position for the employee during the extended absence. An employee who fails to return from leave without pay will be considered to have abandoned the position and is subject to termination.

All such leave requests must be approved by an immediate supervisor and an Appointing Authority. Extended leave without pay must be approved by the Director of Human Resources and by the appropriate Vice President or University Officer.

Employees who have fewer than 80 hours of paid time in any month and do not qualify for FMLA will be responsible for paying health and dental insurance COBRA rates for the following month.

Sick leave and vacation credits are not earned during leave without pay. Employees may not claim compensatory time or salary for University holidays which are observed during leave without pay. A leave without pay shall not be considered a break in service.

### **23. MILITARY LEAVE**

Employees are eligible for a leave of absence to go on active duty with the armed forces, voluntarily or involuntarily, during a state of war or declared national or state emergency. Employees should make arrangements with their immediate supervisor to take such leave. Reservists or Guard members called to active duty will be placed on leave without pay if their military salary is higher than their University salary. To the extent authorized by state law, the time spent in national or state service shall count toward University retirement. No retirement contributions or leave accruals will be lost while an employee is on active military duty. Benefited employees will be granted 15 working days per calendar year of leave with pay for active duty training if such occurs during the employee's normal work schedule.

#### **24. BEREAVEMENT LEAVE**

Benefited employees may use up to 12 days of sick leave and three days of bereavement leave upon the death of a family member, or spouse's/partner's family member. (This includes, and is limited to, parent, spouse/partner, child, sibling, grandparent, grandchild, son-in-law, daughter-in-law, sibling-in-law, or another member of the employee's immediate household.) This leave shall be used before the use of any other leave authorized for this purpose. Arrangement for this leave shall be made with the employee's immediate supervisor and must be used within 60 days of the date of death unless additional time is approved by the Appointing Authority.

#### **25. FIREFIGHTING LEAVE**

Employees of the University of Wyoming who are responsible for firefighting support in efforts to combat extensive fires shall comply with the following:

- University of Wyoming employees who are activated through the National Guard will be permitted to take the following types of leave: fifteen days of military leave (if not already utilized), emergency leave with pay (up to four weeks), vacation, compensatory time, and leave without pay.
- Civilian University employees, with prior permission of their divisional Vice President, will be permitted to take the following types of leave: emergency leave with pay (up to four weeks), vacation, compensatory time, and leave without pay. Appropriate documentation of volunteer service will be required.

Supervisors should request advice from the University General Counsel if volunteers are to be paid from federal funds. Questions regarding this policy should be directed to Human Resources Benefits Office.

#### **26. UNIVERSITY HOLIDAYS**

University holidays are determined by the President of the University. University holidays are: New Year's Holiday (2), Martin Luther King, Jr/Wyoming Equality Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Holiday (2), and Christmas Holiday (2). Full-time employees are entitled to observe these holidays at full pay. Part-time employees are entitled to observe these holidays at pay based on his/her percentage of appointment. Nonexempt employees who are directed to work on an official University holiday, will receive holiday pay and overtime compensation at the rate of time and a half for hours worked. When it is in the best interests of the University, overtime may be paid in lieu of compensatory time. Exempt employees directed to work on an official University holiday, will be permitted to observe the holiday at another time (within the same or following pay period) with Appointing Authority approval. Employees are eligible to be paid for all UW administrative holidays falling within the dates of the benefited assignment, provided the employee has been paid for the last scheduled work day either preceding or following that holiday. Holiday

compensation is based on the FTE of the assignment. If a holiday falls on a non-scheduled work day, the employee can observe the holiday at another time (within the same or following pay period).

Compensation will not be granted for holidays which are observed immediately preceding the first day of an employee's appointment or reappointment to a position or during a leave without pay. For determination of overtime compensation, official University holidays are considered work time.

Employees may utilize vacation leave, compensatory time, or unpaid leave to observe religious holidays that are not official University holidays. Prior approval must be obtained from the employee's supervisor and leave will be permitted unless it would cause a significant disruption to the work of the department.

## **27. WINTER CLOSURE**

The University closes for three days between Christmas and New Year's. Employees are not expected to work during those days; however, some essential services must continue. Employees ("essential employee" as deemed in advance in writing by the Appointing Authority) designated to work for all or parts of winter closure receive an equivalent amount of time off prior to September 30<sup>th</sup> of the following year. Employees on terminal leave during winter closure will have his/her leave extended. Employees who are not designated to work, but decide to work anyway do not receive time off at a later date. New employees will not have a start date within winter closure unless specifically required to work during that time.

## **28. EMERGENCY CLOSURES**

The decision to close a University facility or declare it inaccessible is at the discretion of the President of the University or the President's designee for the facility. Decisions to temporarily close facilities outside of Laramie will be made by the appropriate Vice President.

When a University facility is closed or declared inaccessible, all affected employees not required to work during the declared closure or inaccessibility, including those using vacation, compensatory time, or sick leave, will be automatically placed on leave with pay for their normally scheduled hours of work during the period of closure or inaccessibility.

An employee who is required to work during a declared period of closure or inaccessibility ("essential employee" as deemed in advance in writing by the Appointing Authority) will be paid his or her regular salary for work during the employee's normal hours of work. In addition, the employee will be granted compensatory time off equal to the number of hours worked during the declared period of closure or inaccessibility. A list of essential employees will be developed by each department.



If a University facility has not been declared closed or inaccessible, but an individual is unable to report for or remain at work on a particular day because of inclement weather or other emergency not covered elsewhere in the UW Regulations and Presidential Directives, the employee may decide whether to use accrued vacation, or compensatory time (if available). If no leave is available, the employee may use leave without pay if approved by his/her supervisor. The supervisor may also permit the employee to make up time on an hour-for-hour basis during the same week, or carry out alternative assigned duties during the period of absence from work.

## **29. BENEFITS**

The University offers a comprehensive benefits package including health insurance, tuition waivers in accordance with UW Regulation 4-175, and retirement plans for eligible employees and dependents. For more information, please go to: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-4-175.pdf>. Many benefits are established by law and can be changed by law. Benefits may be changed with or without notice and without any consideration. Advance notification of changes to benefits will be provided whenever practicable. Contact the Benefits Office in the Department of Human Resources for details or go to: <http://www.uwyo.edu/hr/employee-benefits/>.

## **30. ANNIVERSARY DATE**

An employee's anniversary date is the date his/her initial benefited appointment becomes effective. If there is a break in service of less than 90 calendar days between appointments, the initial anniversary date will be reinstated.

## **31. WORK WEEK AND OVERTIME**

Employees will normally work a 40-hour, five-day week, Monday through Friday. Variations may occur due to work requirements. For University employment purposes, the standard work week is 12:01 a.m. on Sunday through 12:00 midnight the following Saturday. Part-time work schedules for part-time employees may be authorized by Appointing Authorities. Nonexempt employees under the terms of the Fair Labor Standards Act are eligible for overtime compensation pursuant to the terms of the Act, and when authorized by an Appointing Authority. Employees who are exempt from the Fair Labor Standards Act are not eligible for overtime compensation.

It is the policy of the University to make overtime payments in the form of compensatory time off at the rate of time and a half. When it is in the best interests of the University, overtime may be paid in lieu of compensatory time with approval from the divisional vice president. Overtime or compensatory time accrual must be pre-approved and directed by the supervisor. Compensatory time should be taken within a reasonable period of time after it is earned, and can be taken during the same month that it was earned. Maximum accumulated compensatory time is 160 hours worked (240 hours paid, i.e., 160 x 1.5). However, departments have the authority to determine

the maximum which can be accumulated, not to exceed 240 hours. Overtime that may be occasionally accumulated beyond this maximum will be paid.

Compensatory time shall be used before taking any vacation leave unless the employee is at or near the maximum vacation accrual amount allowed. An employee, who earns compensatory time, shall be permitted by their supervisor to use such time within a reasonable period, as long as the time off does not unduly disrupt the operation of the department. Appointing Authorities or their delegates may, at their discretion, require the use of compensatory time balances while considering the needs of the employee and the staffing requirements of the department. Employees and supervisors should make every effort to communicate use of accumulated compensatory time in advance.

Employees who are promoted from a non-exempt position to an exempt position within the same department can use their compensatory balance within a reasonable amount of time or request it to be paid out. When employees transfer between departments the new hiring supervisor may request that the pre-existing compensatory balance be paid out as not to incur that additional funding liability.

### **32. ATTENDANCE POLICY**

Attendance at work must be reliable, predictable, regular, and prompt. Such attendance is essential to the performance of any University position. Faculty are encouraged to review the Academic Affairs document titled “Expectations for Faculty Members’ Presence on Campus” posted on the Academic Affairs website. Notwithstanding the leave benefits offered to employees, habitual tardiness, and absenteeism are considerations in the evaluation of performance and are cause for corrective action up to and including termination.

Regular attendance is particularly important to planning and organizational efficiency and employee morale. As such, employees must notify supervisors of requested leave as promptly as possible.

Employees who are unable to report to work are expected to notify the supervisor, either personally or through a representative, by the employee's designated start time. An employee, who fails to appear for work and fails to notify the supervisor for three consecutive work days, will be considered to have abandoned the job and will be subject to termination.

### **33. PAY PERIOD**

Salaried employees are paid on the last working day of each month. Hourly non-benefited employees are paid on the 15th day of each month and the last working day of each month. All full-time and part-time nonexempt employees are required to submit a signed Time and Leave Report each pay period. All exempt employees are required to submit a Leave Report each pay period. Failure of an employee to submit a report may delay the employee’s paycheck.

### **34. REHIRE OF RETIREES**

Benefited employees participate in one of two group retirement plans, the Wyoming Retirement System (WRS) or TIAA-CREF. Supplemental retirement plans are an option that involves other approved financial vendors. Employees who terminate their employment and desire to withdraw or rollover funds from these plans must first have a bona fide break in service as defined by the Internal Revenue Code (IRC). This means that at termination, there cannot be a pre-existing arrangement to return to work or any promise of future employment with the University of Wyoming.

Each of these retirement plans sponsored by the University of Wyoming is subject to qualification by the Internal Revenue Service (IRS). This qualification is predicated upon compliance with the IRC and other federal law. Lack of compliance with these federal mandates threatens the qualified tax status of the plans.

In addition, per Wyoming Statute 9-3-415(g), retirees receiving a monthly benefit from WRS must have had at least a 30-day break in service before being rehired into a contributing position (working at least 86 hours per month). Failure to comply with this law will result in immediate cancellation of the retirement benefit and reinstatement as a contributing member of WRS.

## II. RULES, POLICIES AND PROCEDURES THAT ARE SPECIFIC TO FACULTY AND ACADEMIC PROFESSIONALS

The reappointment, tenure, promotion, post-tenure review, and dismissal processes for academic personnel are guided by University Regulations 5-1, 5-803 (reappointment, tenure and promotion), 5-808 (post-tenure review), 5-801 (dismissal), and 5-408 (Academic Professionals). The Office of Academic Affairs is responsible for overseeing and implementing these regulations and processes.

UW Regulation 5-1:

<http://www.uwyo.edu/generalcounsel/files/docs/uw%20reg%20updates%202015/uw-reg-5-1.pdf>

UW Regulation 5-801: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-5-801.pdf>

UW Regulation 5-803: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-5-803.pdf>

UW Regulation 5-808: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-5-808.pdf>

UW Regulation 5-408: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-5-408.pdf>

### **III. RULES, POLICIES AND PROCEDURES THAT ARE SPECIFIC TO CLASSIFIED STAFF EMPLOYEES**

#### **A. STAFF APPOINTMENTS**

Individuals designated by the President of the University shall have the power to appoint staff (Appointing Authority). Each appointment to a staff position shall be on a continuing, temporary or limited temporary basis unless otherwise specified by University rules. Employees appointed to staff positions are designated as exempt or nonexempt according to the Fair Labor Standards Act (FLSA).

#### **B. STAFF SENATE**

The Staff Senate is an elected representative body that serves the functions set forth in UW Regulation 1-34. For more information, please go to:

<http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-34.pdf> .

In completing its stated purposes and functions, the Staff Senate serves in an advisory capacity to the President of the University. The Senate consists of 40 elected members and three ex-officio non-voting members: the Director of Human Resources, a Faculty Senate representative, and a representative of the Associated Students of the University. Staff employees are eligible for election as long as certain criteria are met to ensure proper representation. For details regarding the Staff Senate, please refer to UW Regulation 1-34 or call the Staff Senate office 307-766-5300.

#### **C. CLASSIFICATION/COMPENSATION**

Staff positions are classified to reflect the nature of the work performed as detailed in the Position Description. Employees in these positions are referred to as classified staff. All classified staff positions shall have an accompanying Position Description on file in the Department of Human Resources.

<http://www.uwyo.edu/generalcounsel/files/docs/pd-4-2013-1.pdf>. Rates of pay are based upon the position's classification and pay grade in the University's Classification/Compensation system as well as other factors such as education and experience.

If an employee does not agree with a reclassification decision he/she may appeal through the classification appeal process. The appeal procedure is outlined in the above mentioned Presidential Directive.

## **D. PROBATION**

Commencing with initial employment, all staff shall be required to serve a probationary period of one year. Employees, who are promoted, transferred, or reassigned, may be required to serve an additional probationary period of up to six months. Employees who are re-employed after a break in service will be required to serve a new one year probationary period. Employees who are required to serve additional probationary periods shall be notified. Staff employees serving probationary periods are considered at-will employees during the term of probation and may be terminated without cause and shall have no right to appeal. The probationary period may be either extended or reduced for a period of up to six months when the responsible Vice President determines that such extension or reduction would be in the best interest of the University. Probationary employees must have prior approval from both their current and prospective Vice President, Athletic Director, or General Counsel before they will be allowed to change positions.

## **E. PERFORMANCE PLANNING AND PERFORMANCE APPRAISAL**

During the months of January and February of each year, supervisors are expected to hold an annual face-to-face performance planning and performance appraisal meeting with each classified employee. Performance planning will establish qualitative and/or quantitative goals and objectives and standards for the coming year. Performance appraisals are based on the employee's job performance, assignments and success in achieving objectives, and standards established by the performance planning process for the previous year. Appraisals will be submitted to the Department of Human Resources by March 31st of each year. The employee's Position Description will be reviewed and updated each year in conjunction with this process. Employees have the right to place written comments or objections concerning the appraisal in the Employee Comment section of the appraisal. Employees shall also have an opportunity to discuss the appraisal with the immediate supervisor or Appointing Authority. Performance appraisals are not subject to appeal. For more information, please refer to Presidential Directive 4-2010-2 at: <http://www.uwyo.edu/generalcounsel/files/docs/pd4-2010-2.pdf>.

## **F. PROMOTIONS, TRANSFERS AND REASSIGNMENTS**

Promotion and transfer decisions are based upon the individual's qualifications as they relate to the position's requirements, and/or the needs of the department.

Benefited University employees will be given priority consideration for any job opening that the department chooses to advertise as a UW Promotional/Transfer opportunity. Probationary employees must have prior approval from both their current and prospective Vice President, Athletic Director, or General Counsel before they will be allowed to change positions.

Reassignment resulting in a salary reduction may occur due to a redistribution of work or a reduction in force. If reassignment results in the change of FLSA status, the higher accrual rate of vacation leave will apply.

An employee may also be reassigned to a position in the same or lower pay grade due to job performance or corrective action following approved staff corrective action procedures. A

*Effective 3/23/17, this Employee Handbook edition supersedes all previous Employee Handbook editions.*

reassignment resulting in a salary reduction may be grieved under the procedure described in Section III, L 3 – Staff Grievance Procedure of this Handbook.

## **G. RESIGNATIONS**

Employees should give as much notice as possible of their intent to vacate a position by notifying their supervisors and/or Appointing Authority of their projected date of resignation. Positions that are nonexempt should give at least 10 working days' notice, while exempt positions should give at least 20 working days' notice. With Appointing Authority approval, the employee can be placed on leave with pay; the last day worked would be the last day of leave with pay. The employee should also arrange for an exit interview with the Department of Human Resources.

When an employee separates from University service, the employee is entitled to be paid 100% of the current salary rate for all accrued unused vacation credits. Such payment will be either a lump sum, terminal leave, or a combination of terminal leave and lump sum payment. However, an employee who is terminated for corrective action reasons must take a lump sum payment, unless otherwise determined by the Appointing Authority. In the case of death of a current employee, payment for University service will be made up to, and including, the complete work day on the date of death. Unused sick leave will not be paid, see Section I, D16 – Sick Leave.

## **H. RECOMMENDATION FOR REHIRE**

Employees who leave the University of Wyoming may be recommended for rehire into a different position at a later date. The Department of Human Resources shall be consulted by the Appointing Authority prior to re-hiring any former employee.

## **I. EMPLOYMENT RECORD**

Each staff employee shall have an employment record in the form of a personnel file in the Department of Human Resources. All benefited classified and grant funded staff employees may review their own personnel files except as restricted by law; and may insert written responses, comments, or objections as specified in this Handbook.

## **J. RETRENCHMENT**

This establishes a procedure for reorganization that results in the involuntary loss of existing staff positions. This policy is not available to at-will, probationary, and at-will grant funded staff, see definitions in Section V – Other Employees.

Nothing in this policy shall be construed to preclude or negate the provisions of UW Regulations 6-41 and 6-43. For more information, please go to:

<http://www.uwyo.edu/generalcounsel/current-uw-regulations-and-presidential-directives/6academic-policy.html>.

## **1. PROCEDURE**

In anticipation of a reduction in workforce, appointing authorities or their designees must consult with Human Resources. A Human Resources (HR) professional will provide assistance and will ensure that reductions in the workforce actions are conducted in an equitable and consistent manner.

The appointing authorities, or their designees must provide to HR:

A written Retrenchment Plan, outlining the reasons for the reduction in work force.

Copies of the department's organizational chart prior to retrenchment and the proposed organizational chart after retrenchment.

The Retrenchment Plan must also include the name and position classification of the employee(s) to be retrenched, and a statement of how the duties of the retrenched position will be fulfilled.

HR may require new Position Description Questionnaires for the positions which will assume the duties of the retrenched position.

The Retrenchment Plan will be reviewed by the Employment Practices Office to ensure retrenchment decisions are not based on protected class status.

A status employee subject to retrenchment shall be given as much advanced notice as possible, but no less than 30 days. The notice shall include the reason for the layoff, the effective date of the layoff, and instructions on who to contact for information on staff benefits continuation, counseling, and placement in another position. A copy of this Retrenchment Policy should be included with the notice.

## **2. RETRENCHMENT BENEFITS**

Reemployment rights will remain in effect for 12 months after the effective date of the retrenchment or until the employee has refused one offer of University employment, whichever comes first.

Offers requiring relocation outside the employee's current geographical area shall not count towards the reemployment offer. If a retrenched employee's position is reestablished within 12 months after employee's retrenchment date, the employee shall be offered reinstatement at his/her previous salary, regardless of present employment status.

When interested, the retrenched employee will take the responsibility to apply for job openings for which they are qualified. The retrenched employee will then notify HR of any applications that they have made and HR will apprise the hiring department. It is the responsibility of the retrenched employee to keep Human Resources Employment



Partners informed of his/her interest in employment, current address, email address and telephone number.

Unless the appointing authority chooses to promote internally he/she is encouraged to interview retrenched employees who apply and who meet the minimum qualifications. Any appointing authority who chooses to interview and hire another applicant instead of a qualified retrenched employee must justify his/her decision in writing to the responsible vice president or special assistant. The VP or special assistant must inform HR of this decision.

Order of hire will be:

Internal promotion opportunity (direct appointment) within appointing authority jurisdiction.

Twelve month retrenched employee who meets the required qualifications.

UW wide transfers, promotions, or candidates external to the University.

Consistent with the University affirmative action plan, any retrenched employee who is a member of a protected class and is in consideration for a job opening will be identified to the appointing authority for affirmative action purposes.

Unless reinstated to his/her former position, any rehired retrenched employee shall be required to serve an initial probationary period.

Any retrenched employee who is rehired within 12 months shall have his/her former anniversary date reinstated. An employee exempt under the Fair Labor Standards Act who is retrenched and is later rehired into a nonexempt position will have his/her leave accrual rate grandfathered.

A person rehired after 12 months of separation due to retrenchment shall be treated as a new employee.

Any retrenched status employee is immediately eligible for any "outplacement services" which may be established by the University through its Human Resources Department. Any outplacement services offered may be available to retrenched employees upon notification of retrenchment. Outplacement services may include the following, for example:

- a. Access to a computer for job search assistance.
- b. Limited use of University facilities and equipment to produce resumes and seek employment; includes personal computer and copier services.

c. The tuition waiver benefit for retrenched full and part-time staff is described in UW Regulation 4-175. For more information, please go to: <http://www.uwyo.edu/generalcounsel/new-regulatory-structure/general-employment.html>. This benefit will be available for up to 12 months for the retrenched employee only and only at the University.

Upon separation, a retrenched staff employee may take accrued annual leave as terminal leave or receive a lump sum payment, or choose a combination of the two.

A retrenched employee shall receive payment for one-half (1/2) of the current sick leave balance as of the employee's termination date, but in no circumstances will the payout exceed a total of 480 hours. A retrenched employee may take accrued sick leave as terminal leave or receive a lump sum payment, or choose a combination of the two.

If a retrenched employee is rehired within 12 months of separation, the employee may choose to reimburse all payments for accumulated sick leave and/or vacation at the rate it was paid out, and the accumulated sick leave and/or vacation will be restored to the employee. For persons who were actively employed as classified staff by the University on or before, August 15, 2016, the University will pay the state's share of the health insurance benefits under the group plan for UW employees, separated from service because of a reduction in force, for a period of six months following separation or until the retrenched employee acquires employment which offers health insurance, whichever occurs first, if the employee was covered under the plan immediately prior to retrenchment. Classified Staff that were hired after August 15, 2016 will not receive this health care benefit but will upon separation be eligible for health insurance coverage (COBRA) in accordance with the regulations of the state's group health insurance program at the employee's expense.

## **K. CORRECTIVE ACTION**

All University employees are expected to follow all established rules and policies of their department, the University, and the Trustees of the University. As a condition of employment, all employees shall cooperate with the Department of Human Resources in an investigation. This corrective action policy does not apply to probationary, at-will, and contract employees.

The University corrective action process may include, but is not limited to, an oral warning, a written reprimand, in the form of a performance improvement plan or behavior improvement plan, demotion, suspension or termination of employment.

The University reserves the right to allow an Appointing Authority, in consultation with the Department of Human Resources, to select the appropriate level of corrective action for an infraction. Corrective action may begin at any stage including termination depending on the nature of the infraction.

Violations of University rules prohibiting discrimination and sexual harassment shall be addressed by the Office of Diversity and Employment Practices in accordance with procedures established in UW Regulation 1-5. For more information, please go to:

<http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-5.pdf>.

## **1. CAUSE FOR CORRECTIVE ACTION**

All employees are expected to carry out their duties honestly, in good faith, and with diligent care. Cause for corrective action shall include, but is not limited to, poor work performance; dishonesty; working while under the influence of alcohol or other controlled substances used illegally (please see UW Regulation 2-39 for more information <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-2-39.pdf>); absenteeism; damage or unauthorized use of State or University property; refusal to work; harassment; carelessness; assault; insubordination; discourteous treatment of other employees, students, or the public; neglect of duty; violations of state or federal law, University rules, UW Regulations and Presidential Directives or department expectations; and other actions of misconduct. The Department of Human Resources should be consulted prior to imposition of any corrective action other than an oral warning.

## **2. CORRECTIVE ACTION PROCEDURE**

### ***a) Oral Warning***

(1) An oral warning may be given by a supervisor or an Appointing Authority when problems occur.

(2) Documentation of the oral warning is kept by the supervisor.

### ***b) Written Reprimand***

(1) A written reprimand may be given by a supervisor or an Appointing Authority and should include reasons for the action being taken.

(2) The supervisor, after consultation with the Appointing Authority and the Department of Human Resources, will provide the written reprimand to the employee. The employee may meet with the supervisor to discuss the reprimand within three working days of the date of the reprimand.

(3) If the corrective action is not reversed by the supervisor after meeting with the employee, the employee may provide a written response to the written reprimand. The employee's response must be provided to the Department of Human Resources and the supervisor within seven days of the date of the corrective action letter.

(4) Copies of the corrective action letter and the employee's written reply will be placed in the employee's personnel file.

(5) No other appeal is available to the employee.

**c) Corrective Action Plans**

**(1) Performance Improvement Plan**

A supervisor may prepare a written Performance Improvement Plan which addresses substandard work performance.

The Performance Improvement Plan must be approved by the Department of Human Resources and by the appropriate Appointing Authority.

The Performance Improvement Plan should state the specific work performance issues being addressed, the period of time for which the plan is in place, and the required outcome(s) of the plan.

Inability to meet the required outcome(s) of the plan may lead to additional corrective action measures, up to and including termination of employment.

**(2) Behavior Improvement Plan**

A supervisor may impose a Behavior Improvement Plan which addresses needed changes in workplace behavior(s). The plan is effective immediately and will be in force during the entire employment period.

The Behavior Improvement Plan must be approved by the Department of Human Resources and by the appropriate Appointing Authority.

A Behavior Improvement Plan should state the specific issues being addressed and the required outcome of the plan.

Continued or additional problems may lead to additional corrective action measures, up to and including termination of employment.

**d) *Notice of Intent to Take Corrective Action***

(1) An employment action involving loss of pay, such as demotion, suspension without pay or termination may be imposed by the Appointing Authority. The Appointing Authority, after consultation with the Department of Human Resources, shall inform the employee in writing of the notice of intent to take such an employment action and the reasons for the action.

(2) The affected employee shall have the right to respond in writing or meet with the Appointing Authority within three working days of the date of the notice of intent to take disciplinary action. The Appointing Authority may extend the deadline for the meeting beyond three working days.

**e) *Notice of Termination/Suspension/Demotion***

A final written corrective action decision shall be given to the employee within seven working days from the date of the notice of intent to take corrective action unless the Appointing Authority requires additional time to finalize the corrective action decision.

***f)*** ***Appeal Procedure***

(1) An employee has the right to appeal any decision of any employment action involving loss of pay, suspension without pay, or termination.

(2) The employee must file a notice of appeal with the Department of Human Resources within seven working days from the date of the final, written corrective action decision. The notice of appeal must include a brief statement of the events giving rise to the corrective action and the relief sought.

(3) Within seven working days of the receipt of the appeal, the Department of Human Resources shall submit the appeal to a Hearing Officer retained by the University, with notice to the parties.

**3. HEARING PROCESS**

***a)*** The Hearing Officer shall schedule the hearing within 10 days of his/her appointment and shall establish a file and docket the case. Once the matter is scheduled, the Hearing Officer may issue a continuance in order to accommodate scheduling or other matters.

***b)*** The employee has the right to legal counsel at the employee's expense.

***c)*** Discovery, if any, shall be limited. The parties will exchange relevant documents and a list of witnesses. The Hearing Officer shall establish the time limits for discovery. The employee may request in writing a copy of his/her complete personnel file or other materials directly related to the corrective action, excluding any materials protected by attorney client privileges or other privileges.

***d)*** No depositions may be taken unless a witness is unavailable for testimony in person or by telephone, and the Hearing Officer determines that a deposition is necessary.

***e)*** Interrogatories are not permitted.

***f)*** The parties shall exchange exhibits and a list of witnesses at least five working days prior to the hearing.

***g)*** No written pre-hearing motions are permitted; however, the parties may jointly communicate with the Hearing Officer by telephone.

- h)* The Hearing Officer may permit opening and closing statements by the parties.
- i)* Hearsay is permissible with relevancy and credibility as determined by the Hearing Officer.
- j)* The University shall have the burden of proof by “substantial evidence” that is, evidence that a reasonable mind might accept as adequate to support a conclusion.
- k)* The Hearing Officer shall issue a written decision within 15 days of the adjournment of the hearing and shall file the decision with the Department of Human Resources with copies to the parties.
- l)* The decision of the Hearing Officer shall be limited to a finding of whether the evidence was sufficient to support the corrective action.
- m)* The decision of the Hearing Officer shall be final and binding upon the parties. There shall be no further right of appeal.

## **L. DISPUTE RESOLUTION OPTIONS**

The Dispute Resolution process involves employment matters which are NOT corrective action matters. Employees are encouraged to work through day-to-day problems in the workplace as they occur. When assistance is needed, employees are encouraged to contact the Department of Human Resources for information regarding available processes or policies to assist the employee.

### **1. UW REGULATION 1-5**

Workplace discrimination or harassment, based upon protected class status, is resolved through the Office of Diversity and Employment Practices in accordance with UW Regulation 1-5 and may result in corrective action subject to the corrective action procedures in this Handbook. For more information, please go to: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-5.pdf>.

### **2. UW REGULATION 1-44**

Incidents or threats of workplace violence are resolved through the Office of Diversity and Employment Practices in accordance with UW Regulation 1-44. In addition, incidents of workplace violence should be reported to the police. Incidents or threats of workplace violence may result in corrective action subject to the corrective action procedures in this Handbook. For more information, please go to: <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-44.pdf>.

### **3. STAFF GRIEVANCE PROCEDURE**

The staff grievance process is administered through the Department of Human Resources. The time lines for the grievance process may be extended upon request of

*Effective 3/23/17, this Employee Handbook edition supersedes all previous Employee Handbook editions.*

the employee for good cause shown or upon the unilateral discretion of the Department of Human Resources.

**a) Eligible Employees**

Any non-probationary, classified staff employee of the University appointed and serving in a position pursuant to the Regulations of the Trustees of the University of Wyoming is eligible to use the Grievance Procedure. The grievance procedure does not apply to probationary, at-will, and contract employees.

**b) Grievance Definition**

A grievance is an alleged violation of University policies or rules that has a significant or material effect on the employee's employment.

**c) Non-Grievable Issues**

Employees do not have the right to grieve (a) performance evaluation ratings; (b) job classification; (c) salary grade; (d) pay assignment; (e) corrective actions; (f) content of policies and regulations of the Trustees of the University, the University, or any department thereof; (g) salary decisions; (h) retrenchment; (i) civil rights complaints properly addressed under UW Regulation 1- 5; <http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-5.pdf> ; (j) threats or acts of workplace violence properly addressed under UW Regulation 1-44; or (k) reassignment with or without loss of pay. Some of the above issues have other avenues of recourse.

**d) Formal Grievance Process**

**(1) Time Lines**

The grievance procedure sets forth time lines for initiation of action at each step. If a grievance is not forwarded by the complainant within the time allowed in any step, the grievance will be considered discontinued and no further review will take place. Any written grievance not answered by the respondent within the time allowed may be sent on to the next step by the complainant.

**(2) Written Complaint**

- The employee shall file a written grievance with the Department of Human Resources on the form provided.
- The written grievance shall contain a brief statement of the University rule or policy that was violated, the date the violation occurred, a brief statement of the facts, the significant or material effect on employment and the relief sought, and any other information that may be requested by the Department of Human Resources.



- A written grievance must be filed within seven working days of the alleged violation.
- The Department of Human Resources may reject a complaint that does not contain the required elements.
- The Department of Human Resources will provide a copy of the written grievance to the responsible Appointing Authority, who will respond in writing to the allegations raised within ten working days of receipt of a copy of the written grievance.
  - The Appointing Authority shall submit the written response to the Department of Human Resources and provide a copy to the employee.
  - The Department of Human Resources may conduct additional fact finding as necessary.
  - All employees shall cooperate with any request by the Department of Human Resources. As a condition of employment, all employees shall cooperate in an investigation.
- After receipt of the response, the Department of Human Resources may call a face-to-face meeting of the employee and other individuals involved.
  - All employees, including supervisory personnel, shall participate in any meeting called by the Department of Human Resources.
  - Time spent in attendance at a meeting called by the Department of Human Resources shall be considered as hours worked.
- If the matter is not resolved in a face-to-face meeting, the Department of Human Resources shall make a written recommendation on resolution.
  - The Department of Human Resources will deliver the recommendation to the employee and to the Appointing Authority.
  - The Department of Human Resources' written recommendation shall be completed within a reasonable time after the face-to-face meeting, or if none was called, after receipt of the Appointing Authority's written response.
- The recommendation by the Department of Human Resources Office is not binding upon the Appointing Authority.
  - If the Appointing Authority, with concurrence from the responsible Vice President, does not implement all or

any part of the recommendation, the Appointing Authority shall provide written explanation to the Department of Human Resources and the employee within 10 working days after receipt of the Department of Human Resources' recommendations.

(3) **Appeal**

- If the employee disagrees with the Department of Human Resources' proposed resolution of the grievance, the employee may appeal the decision to the responsible Vice President of the division in which the employee is employed.
- If the Appointing Authority has submitted a written explanation for failure to implement part or all of the proposed resolution, the employee may appeal the decision to a Vice President appointed by the President of the University.
- All information gathered by the Department of Human Resources, including the original complaint, response, and recommendations, shall be delivered to the Vice President hearing the appeal. The Vice President may conduct additional fact-finding or rely solely on the information provided by the Department of Human Resources.
- The Vice President shall issue a ruling which shall be final and binding upon both parties. The Vice President may delegate the responsibilities of the appeal to a designee.
- For purposes of this paragraph, the Athletic Director shall be considered a Vice President.

(4) **Representation**

Neither the employee nor the Appointing Authority is permitted to have legal representation present during this process.

(5) **Recommendations and Resolutions**

All recommendations and resolutions shall conform to University rules and regulations and with applicable law.

## **M. PAY TRANSPARENCY POLICY**

The University of Wyoming will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a

formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the employer's legal duty to furnish information.

## **IV. RULES, POLICIES AND PROCEDURES GOVERNING STUDENT EMPLOYEES**

Student employees as defined here are excluded from provisions applicable to staff employees and are not eligible for the benefits of staff employment. A student employee shall be any person enrolled, as an undergraduate or professional student, for at least 12 credit hours per semester during the academic year or as a graduate student for at least nine credits per semester during the academic year or six credit hours during the summer session or any person with a graduate assistantship which has been awarded in accordance with procedures established by the Provost and Vice President for Academic Affairs.

### **A. GENERAL INFORMATION**

The Department of Human Resources and the Office of Student Financial Aid administer student employment to provide centralized on-campus employment services for student applicants and departments seeking part-time employees.

### **B. GOALS**

The primary goals are to recognize the contribution of student employees to the University's mission, to provide for equitable compensation commensurate with individual responsibilities and job duties, and to provide employment opportunities. This is an important and necessary program, since a large number of University students seek employment. The objectives include:

- To list part-time (non-benefited) positions with the Department of Human Resources;
- To assist University students who have a need for employment while attending school;
- To make students and the academic community aware of Student Employment opportunities;
- To match employment with career goals/skills as often as possible;
- To provide a central location and contact for administration of student employment on campus; and
- To ensure that the appropriate and required guidelines are being fulfilled, including equal pay for equal work.

### **C. RESPONSIBILITY**

General responsibility for implementation and administration of Student Employment rests with the Department of Human Resources. Responsibility for implementation and administration of the Federal College Work-Study Program of Student Employment rests with the Director of Student Financial Aid. Questions relating to student employment (other than work-study) should be directed to the Department of Human Resources. Questions relating to the Work-Study Program should be directed to the Work-Study Coordinator in the Office of Student Financial Aid.

## **V. OTHER EMPLOYEES**

### **A. GRANT FUNDED STAFF**

Grant-funded staff whose salary is funded at least 50% from grant or contract money are at-will employees and do not have retrenchment, grievance, or corrective action procedure rights. However, a classified staff employee who occupies or accepts a position that is or becomes funded in whole or in part from grant or contract money will retain classified staff status, and the accompanying procedural rights unless the employee voluntarily accepts designation as grant-funded staff. Grant-funded staff may have other University benefits such as retirement, sick leave, and vacation leave as required by law or agreed to in writing by the Appointing Authority. Job descriptions and salaries of grant-funded staff shall be consistent with the University's classification/compensation system for staff employees. Grant-funded staff will remain in that designation even if the grant/contract funding for the position is reduced to less than 50%, unless it is a permanent change to non-grant funding, in which case the employee will be considered a classified staff employee with all rights and benefits. The employee may be required to serve a probationary period.

### **B. CONTRACT EMPLOYEE**

Contract employees are employees whose employment terms and conditions are controlled exclusively by the terms of a contract. They do not have retrenchment, grievance, or corrective action procedure rights. The contract may include other University benefits such as retirement, sick leave, and vacation leave as required by law or agreed to in writing by the Appointing Authority.

### **C. ADMINISTRATOR/ADMINISTRATIVE PROFESSIONALS**

Administrative professionals are at-will employees who do not have retrenchment, grievance, or corrective action procedure rights. They may have other University benefits such as retirement, sick leave, and vacation leave as required by law or agreed to in writing by the Appointing Authority.