

# UNIVERSITY OF WYOMING

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**Revision Date 3/25/22**

## **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 timeframes 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.**

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## 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.

# Contents

- I. [General information applicable to all employees](#)
  - A. [Department of Human Resources](#)..... 7
  - B. [New Employee Orientation](#)..... 7
  - C. [Responsibilities & Definitions](#) ..... 7
    - 1. [Supervisor](#) ..... 7
    - 2. [Appointing Authority](#) ..... 7
    - 3. [Essential employees](#)..... 7
  - D. [University Policies and Procedures](#)..... 8
    - General**
      - 1. [Equal employment opportunity/affirmative action](#) ..... 8
      - 2. [Sexual misconduct](#) ..... 8
      - 3. [Violence in the workplace](#) ..... 9
      - 4. [Complaints of harassment, hostile environment, and retaliation \(non-protected class\)](#) ..... 9
      - 5. [Retaliation](#)..... 9
      - 6. [Safety](#) ..... 10
      - 7. [Drug-free workplace](#) .....10
      - 8. [Alcohol policy](#) .....11
      - 9. [Criminal conviction policy](#)..... 12
      - 10. [Motor vehicles](#) .....15
      - 11. [Disability](#) ..... 15
        - a) [How to request an accommodation](#)..... 15
      - 12. [Religious accommodation](#) ..... 15
      - 13. [Nepotism](#) .....15
        - a) [Consensual Relationships](#) .....16
      - 14. [Participation in political activity](#) .....17
      - 15. [Conflict of interest/conflict of commitment](#).....17
      - 16. [Patents and copyrights](#).....17
      - 17. [Classified research and security clearance](#) .....17
      - 18. [Pandemic procedure](#).....18
      - 19. [Campus breast pumping program](#).....18
      - 20. [Rehire of retirees](#).....19
      - 21. [Departmental reorganizations](#) .....19
      - 22. [Employee flexible work arrangements](#) .....20
    - Pay**
      - 23. [Payroll](#).....20
      - 24. [Pay period](#).....21
      - 25. [Off-cycle pay increases](#).....21
      - 26. [Supplemental Income](#) ..... 22
    - Holidays, Leave and Closures**
      - 27. [Anniversary date](#) .....24
      - 28. [Work week and overtime](#) .....24
      - 29. [Attendance](#) .....25
      - 30. [University holidays](#).....25
      - 31. [Winter closure](#).....26
      - 32. [Emergency closures](#) .....26
      - 33. [Vacation](#).....27

34.	<a href="#">Sick leave</a>	28
35.	<a href="#">Donated sick leave</a>	30
36.	<a href="#">Family and medical leave</a>	30
37.	<a href="#">Medical leave (for employees not eligible for FMLA)</a>	33
38.	<a href="#">Maximum length of leave of absence</a>	34
39.	<a href="#">Leave of absence with pay</a>	34
40.	<a href="#">Leave of absence without pay</a>	35
41.	<a href="#">Military leave</a>	36
42.	<a href="#">Bereavement leave</a>	36
43.	<a href="#">Firefighting leave</a>	37
<b>University of Wyoming Benefits</b>		
44.	<a href="#">Benefits</a>	37
	a) <a href="#">Medical and dental insurance</a>	38
	b) <a href="#">Group term life insurance</a>	38
	c) <a href="#">Voluntary benefits</a>	38
	d) <a href="#">Retirement plans</a>	38
	e) <a href="#">Supplemental retirement plans</a>	39
	f) <a href="#">Tuition waiver assistance</a>	39
	g) <a href="#">Temporary non-benefited employees qualifying for benefits</a>	39
	h) <a href="#">Domestic partner health insurance benefits</a>	39
	i) <a href="#">Employee discount program</a>	41

II. [Rules, policies and procedures that are specific to faculty and other academic personnel](#)

A.	<a href="#">Rights and responsibilities</a>	42
B.	<a href="#">Annual review, tenure, fixed-term, promotion, post-tenure review</a>	42
C.	<a href="#">Faculty workload</a>	43
D.	<a href="#">Resignation, retirement, and dismissal</a>	43
E.	<a href="#">Emeritus faculty</a>	43
F.	<a href="#">Dispute and grievance procedures</a>	44
G.	<a href="#">Consulting</a>	44
H.	<a href="#">Intellectual property</a>	44
I.	<a href="#">Faculty leave</a>	44
J.	<a href="#">Academic administrators</a>	46
K.	<a href="#">Compensation</a>	46

III. [Rules, policies and procedures that are specific to classified staff, administrative professionals and administrators](#)

A.	<a href="#">Staff appointments</a>	47
B.	<a href="#">Staff senate</a>	47
C.	<a href="#">Classification/Compensation</a>	47
D.	<a href="#">Probation</a>	52
E.	<a href="#">Performance planning and performance appraisal</a>	52
F.	<a href="#">Promotions, transfers and reassignments</a>	55
G.	<a href="#">Resignations and separation from service</a>	55
H.	<a href="#">Employment record</a>	55
I.	<a href="#">Retrenchment</a>	56
	1. <a href="#">Procedure</a>	56

	2. <a href="#">Retrenchment benefits</a> .....	56
J.	<a href="#">Corrective and disciplinary action</a> .....	58
	1. <a href="#">Cause for corrective action</a> .....	58
	2. <a href="#">Corrective action procedure</a> .....	58
	3. <a href="#">Disciplinary action procedure</a> .....	59
	4. <a href="#">Appeal procedure</a> .....	59
K.	<a href="#">Dispute resolution options</a> .....	60
	1. <a href="#">Staff grievance procedure</a> .....	60
IV.	<a href="#">Rules, policies and procedures specific to other categories of employees</a>	
A.	<a href="#">Contract employees</a> .....	63
B.	<a href="#">Grant-funded staff</a> .....	63
C.	<a href="#">Types of non-benefited employees</a> .....	63

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

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

The Department of Human Resources (henceforth “Human Resources” or “HR”) is responsible for coordinating such services/programs as employment, compensation, classification, employee relations, leaves of absence, training/development, performance evaluations, employee records, corrective actions, insurance, retirement benefits for employees, and ensuring employees can be legally hired. Human Resources also assists employees in solving work-related problems, supplying information, promoting good employer-employee relations, and administering approved personnel policies and procedures.

## **B. NEW EMPLOYEE ORIENTATION**

All new benefited employees are required to attend new employee orientation. All new faculty or academic hires reporting in conjunction with the beginning of the Academic Year/Fall Semester are required to attend the new faculty orientation by Academic Affairs. It is the responsibility of the employee and the supervisor to ensure the new employee registers and attends a session. New employees are provided an opportunity to register for New Benefited Employee Orientation as part of UW’s electronic onboarding process via our HR system, WyoCloud HCM. The orientation is designed to familiarize employees with benefits (which must be selected by the employee within 31 days of eligibility) as well as to provide an overview of University policies and procedures among other useful information.

## **C. RESPONSIBILITIES AND DEFINITIONS**

Employees are expected to perform the essential duties and responsibilities of their positions, and all other duties as assigned, in a high-quality way. Employees are also expected to discharge their responsibilities in a conscientious and ethical manner, complying with UW Regulations, departmental procedures, and supervisor’s directives.

### **1. SUPERVISOR**

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

### **2. APPOINTING AUTHORITY**

An Appointing Authority is an individual designated by the President who has the power to make final decisions on hiring, corrective actions, and termination of employees.

### **3. ESSENTIAL EMPLOYEES**

An essential employee is someone in a designated position that is required to work during a facility closure in order to meet and maintain operational requirements. The essential employee designation is determined by the division based on the responsibilities of the job being performed by the employee, and the reasons for closing. Essential employees are designated in advance in writing at the time of hire within their offer letter or at a later date by the Appointing Authority. This designation may change depending on circumstances, such as a pandemic, natural disaster, or other emergency decided by the President of the University.

An essential employee who is required to work during a declared period of closure (not a pause) or inaccessibility, 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 facility closure (not a pause) or inaccessibility. A list of essential employees will be managed by each department.

## **D. UNIVERSITY POLICIES AND PROCEDURES**

### **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's Affirmative Action Plan is a tool used by the University to recruit and advance qualified minorities, women, persons with disabilities and covered veterans. 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, pregnancy, or any other applicable protected category or participation in any protected activity. The University's nondiscrimination policy applies to all matters relating to its education programs and activities including recruiting, hiring, training, compensation, benefits, promotions, demotions, transfers, and all other terms and conditions of employment. The University is also committed to complying with all applicable state and federal statutes, regulations, and Executive Orders related to equal opportunity and has an audit and reporting system to facilitate compliance.

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 and supervisors are required to report concerns to the Office of Equal Opportunity Report and Response regarding suspected violations that includes those brought to their attention by students, guests, and contractors. To make a report or for more information, please visit <https://www.uwyo.edu/reportit/>.

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 that may include an investigation. As a condition of employment, all employees shall cooperate in such a review or investigation. For more information, please go to: [https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-1\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-1_effective_7-1-18.pdf) and [http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-2\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-2_effective_7-1-18.pdf).

### **2. SEXUAL MISCONDUCT**

The University prohibits sexual misconduct in any form, including dating violence, domestic violence, hostile environment sexual harassment, sexual assault, sexual exploitation, sexual harassment, stalking, and any other conduct of a sexual nature that is nonconsensual. The Equal Opportunity, Harassment, and Nondiscriminatory Policy sets forth resources available to University community members, describes prohibited conduct, and establishes procedures for responding to incidents of sexual misconduct. For more information, please refer to UW Regulation 4-3 at: [https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-3\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-3_effective_7-1-18.pdf). The Equal Opportunity, Harassment, and Nondiscriminatory Policy can be found here: [https://www.uwyo.edu/regs-policies/files/docs/policies/eo-harassment-nondiscrim-sap-approved\\_8-14-20.pdf](https://www.uwyo.edu/regs-policies/files/docs/policies/eo-harassment-nondiscrim-sap-approved_8-14-20.pdf).

Employees engaging in such conduct will be subject to corrective action up to and including termination. Employees who feel they are victims of sexual misconduct should contact the Equal Opportunity Report and Response Unit or other individuals referenced in UW Regulation 4-2. For more information, please go to: [https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-2\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-2_effective_7-1-18.pdf).

### **3. VIOLENCE IN THE WORKSPACE**



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 will not tolerate violence or threats of violence on its campus, at off-campus locations administered by the University, or in its programs, whether by faculty, staff, students, contractors or visitors. Individuals who commit such acts may be subject to corrective action and/or discipline up to and including termination or separation from the University, removal from the premises, exclusion from the premises, and criminal prosecution. If you believe that you or others are being subjected to any form of violence or threats of violence, contact the UW Police Department immediately before notifying the Equal Opportunity Report and Response Unit or other relevant campus entities. For additional information on UW Regulation 4-4, please go to: [http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-4\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-4_effective_7-1-18.pdf).

#### **4. COMPLAINTS OF HARASSMENT, HOSTILE ENVIRONMENT, AND RETALIATION (NON-PROTECTED CLASS)**

The University recognizes the right of individuals to be free from harassment, hostility and retaliation. Allegations of discrimination, harassment and retaliation based on a protected class as defined by the UW Regulations (e.g., race, gender, disability, etc.) are separate from this provision and investigated under those provisions. The University recognizes that there are circumstances when individuals in a non-protected class may experience harassment or a hostile work environment. For this provision, harassment includes any verbal or physical conduct that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment. A hostile environment includes unwelcome conduct by an individual against another individual that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances include, but are not limited to, the frequency of the conduct, its severity, and whether it is threatening or humiliating. Petty slights, annoyances, disagreements, and isolated incidents (unless extremely serious) will not rise to the level of a violation.

Allegations of harassment, hostile environment, and retaliation will be treated seriously, and retaliation will be treated as separate and distinct from the original complaint. A finding of harassment, hostile environment, or retaliation by a university employee may result in discipline, up to and including termination. Any corrective action will be in accordance with applicable UW regulations, policies, and procedures.

Complaints by employees under this section should be made with Human Resources Employee Relations: <https://www.uwyo.edu/hr/employee-relations/index.html>.

#### **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 investigates allegations filed by "protected classes" that fall under UW Regulation 4-1 (Equal Education and Employment Opportunity):

[https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw\\_reg\\_4-1\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw_reg_4-1_effective_7-1-18.pdf), UW Regulation 4-2 (Discrimination and Harassment): [https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw\\_reg\\_4-2\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw_reg_4-2_effective_7-1-18.pdf), UW Regulation 4-3 (Title IX and Sexual Misconduct): [https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw\\_reg\\_4-3\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw_reg_4-3_effective_7-1-18.pdf), and UW Regulation 4-4 (Violence in the Workplace): [https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw\\_reg\\_4-4\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/ files/docs/regulations-july-2018/uw_reg_4-4_effective_7-1-18.pdf).

- Human Resources in conjunction with the Office of Academic Affairs investigates allegations filed by “non-protected classes” who are appointed under UW Regulation 2-1 (Academic Personnel): [https://www.uwyo.edu/regs-policies/ files/docs/regulations-2020/uw\\_reg\\_2-1\\_approved\\_10-14-20.pdf](https://www.uwyo.edu/regs-policies/ files/docs/regulations-2020/uw_reg_2-1_approved_10-14-20.pdf).
- Human Resources will investigate all other allegations, including but not limited to complaints regarding harassment and hostile work environment, that do not have a specific process governed in another UW Regulation or policy.

## 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 concern in their work environment or elsewhere in the University is obligated to bring the problem to the attention of the immediate supervisor, University Operations, and the Chief Risk Officer, as appropriate.

The University maintains an alcohol and drug-testing program for employees whose job duties require such testing that complies with federal and state law. When federal or state law or University Regulation makes such program applicable to an employee, that employee shall comply with the requirements of the University program.

Employees shall not use University office space or other university property in violation of applicable UW Regulations nor as a substitution for appropriate childcare. Employees shall not have minors in their office on a regular basis unless the presence of minors is directly related to University business. Personal visitors (including minors) during working hours may be present for occasional visits of short duration or due to an emergency or in other situations as authorized by the employee's supervisor and/or others with a responsibility for safety such as University Human Resources, Facilities, Risk Management, and the Safety Office.

## 7. DRUG-FREE WORKPLACE

The University is committed to the development and maintenance of a drug-free environment, and will not tolerate the unlawful possession and use of controlled substances (drugs) on its premises. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in and on University of Wyoming owned or controlled property.

- As a condition of continued employment, all employees must be drug-free in the workplace, and comply with the terms of this policy. Employees who violate this provision shall be subject to discipline up to and including termination of employment.
- The University will provide notification, education, assistance, and training as required by law.

- An employee who is convicted of violating a drug law in the workplace must report the conviction to the appropriate department head within five days. Failure to report a conviction will be subject to disciplinary action.
- If the employee is working on a federal government grant or contract, the department head will report the conviction to the applicable Vice President or the Director of Intercollegiate Athletics, and the University will report the conviction to the federal government within ten days of notification of the conviction.

## **8. ALCOHOL POLICY**

The University prohibits unauthorized manufacture, distribution, possession, and use of alcohol by employees in the workplace. The University also prohibits the impairment of an employee in the workplace due to the use of alcohol. Employees must comply with federal and state laws and regulations regarding alcohol. The illicit use of alcohol could create a serious threat to the safety and welfare of the university community, as well as undermine the productivity of the workforce

This provision applies to all administrative and professional faculty, full and part-time classified, and all wage employees of the University of Wyoming, at all University locations.

### *j) General Compliance*

All University employees are expected to comply with federal and state laws regarding the use of alcohol, as well as state regulations and University regulations contained in this policy. Employees found in violation of these laws and regulations shall be subject to the full range of disciplinary actions, up to and including termination.

### *k) Notification of Arrests and Convictions*

Employees must notify their supervisors and Human Resources of any arrests, charges or conviction of an alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace.

Notification of an arrest or conviction must be made no later than 24 hours after such conviction. An employee's appeal of a conviction does not affect the employee's obligation to report the conviction. Reporting of convictions is applicable to all employees, regardless of whether their positions were subject to an original background investigation.

### *l) Violations of University Policy*

Each of the following constitutes a violation of this policy:

- The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol in the workplace;
- Impairment in the workplace from the use of alcohol;
- A criminal conviction for a violation of any alcohol beverage control law or law that governs driving while intoxicated, based upon conduct occurring in the workplace; and
- An employee's failure to report to his or her supervisor the employee's conviction of any offense, as required in Section c) above.

Any employee who commits a violation of this policy shall be subject to the full range of disciplinary actions, up to and including termination. The severity of disciplinary action for violations of this policy shall be determined on a case-by-case basis. Mitigating circumstances

that may be considered in determining the appropriate discipline include whether the employee participation in a rehabilitation program and/or alcohol testing.

*m) Appropriate Action when Notified of Violations*

Supervisors must report and document any incident relating to the possible abuse of alcohol to Human Resources. Any supervisor who knowingly disregards the requirements of this policy, or who is found to have deliberately misused this policy regarding subordinates, shall be subject to disciplinary action, up to and including termination. Disciplinary action may include required participation in a rehabilitation program and/or alcohol testing.

Within 30 calendar days of receiving notice of an employee's criminal conviction, OR of any other violation of this policy, management must take the following actions, in consultation with Human Resources:

- i. Appropriate disciplinary action against the employee, and/or;
- ii. Require or refer the employee to voluntarily participate satisfactorily in a rehabilitation program if an alcohol-related conviction is received. An employee's satisfactory participation in a rehabilitation program shall be determined by the following:
  - (a.) The employee's presentation of adequate documentation, and/or;
  - (b.) Consultation with EAP or with any rehabilitation program, provided that the employee gives his or her consent when the consultation is to be with the rehabilitation program that treated the employee.

*n) Certain Commercial Driver's License Holders*

The University may conduct mandatory alcohol testing of all University personnel who are required to regularly operate a University vehicle as part of their job responsibilities.

## **9. CRIMINAL ARREST AND CONVICTION POLICY**

The University of Wyoming shall conduct criminal background checks on each new hire, and may, at its sole discretion, conduct additional background checks on current employees. Current employees are required to report any criminal arrests, charges, or convictions (excluding traffic citations or misdemeanor traffic offenses punishable only by fine) to Human Resources within twenty-four (24) hours or at the earliest possible opportunity. Disclosing an arrest or conviction does not automatically impact an employee's eligibility for employment with the University. Continued employment depends on a variety of factors, such as the nature and gravity of, and circumstances surrounding the arrest or conviction, including the employee's truthfulness and completeness in disclosing the information in a timely manner. Failure to make the required report may constitute a violation and may result in disciplinary action, up to and including termination of employment.

If an employee's criminal background check reveals a pending criminal charge or criminal conviction, the University will engage in an individual analysis to determine whether a substantial relationship exists between the pending charge or criminal conviction and the functions of the position.

It is the policy of the University not to hire any person convicted of a crime where 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 Intercollegiate 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. This process is intended to support the verification of credentials, criminal history, employment history, and other information related to the employment hiring process or as needed for current employees.

**a) Candidate Background Review**

Offers of employment are contingent upon successful completion of the background review as set forth in section (b). Background reviews will be done in compliance with applicable federal and state laws, including but not limited to the Fair Credit Reporting Act, the Americans with Disabilities Act, and nondiscrimination laws.

**b) Background Review and Process**

**Benefited Positions:** Background reviews and disclosure statements will be conducted for all new hires and rehires (including retrenched employees) in benefited positions.

**Non-benefited Positions:** Human Resources will determine which non-benefited positions should be included or excluded from background reviews. For some short-term, non-benefited positions in which a business process includes close supervision, Human Resource may waive the background review requirement. However, background reviews will be required for those hired into non-benefited positions in which any of the following work is involved.

- i. Handling financial, student, or personnel data or information.
- ii. Confidential or sensitive data or information.
- iii. Handling cash, checks, and/or credit card transactions.
- iv. Providing services to anyone under the age of 18.
- v. Possessing keys/codes or other means of entry to living or workspaces.
- vi. Working with hazardous materials.

**Initiation of Review:** Background reviews may occur before an offer of employment is made, but typically will occur after a verbal offer has been accepted. With authorization from the candidate, as applicable, Human Resources will initiate the appropriate background review, based on the requirements of the position being filled. Refusal on the part of a finalist to authorize the review will make the candidate ineligible for the position.

**Content of Review:** The content of the review will be determined by Human Resources and will be based on the duties and qualifications of the job being filled, in addition to any federal and state requirements. A standard background review for new hires may include a criminal history check; sex and violent offender registry check; verification of identity; and, if required by the position, verification of academic credentials, employment history, professional certificates, tax payment check, credit check, and/or Department of Motor Vehicle report. In the case of Foreign Nationals, in addition to the above reviews, a criminal check of their prior country of residence is required if their visa and/or authorization to work in the United States are prior to implementation of the Patriot Act, October 12, 2001.

**Frequency of Review:** If UW has performed any of the above verifications or history checks on an individual within the past year, a new background review may not be required, unless there are areas of review required by the job that were not covered in the previous review.

Employees hired into a Temporary Lecturer position are required to submit to a background check every three years.

### *c) Review Results*

A candidate may be disqualified as a result of the background review and disclosure statement. If the criminal history check reveals a criminal conviction, which is reasonably related to the applicant's fitness for the job or other relevant consideration, Human Resources will notify the hiring manager to initiate the review process. Relevant considerations may include, but are not limited to, the nature and number of convictions, their dates, and the relationship the conviction has to the duties and responsibilities of the job. Human Resources, in collaboration with the Hiring Manager, shall provide this information to the applicable Appointing Authority. After reviewing the facts and circumstances, the Appointing Authority may approve or deny the hiring of the candidate. If the candidate is disqualified due to the criminal history report, Human Resources will notify the candidate and provide a copy of the report. The candidate may work with the background review vendor to correct any errors in the report. If the candidate provides information on the disclosure statement that is reasonably related to the applicant's fitness for the job regarding a violation of company policy, the department may work with Human Resources to summarize the information and provide to the Appointing Authority of that division to make the decision on proceeding with or disqualifying the candidate.

Candidates are automatically disqualified if they have been convicted of (1) a felony involving violence or (2) a sex crime against a minor or a sex crime involving violence. No person convicted of a crime of any nature shall be hired without the approval of the hiring unit's Vice President or the Director of Intercollegiate Athletics, if appropriate. The existence of other convictions does not automatically disqualify a candidate from employment. All convictions are reviewed on a case-by-case basis.

If unreported convictions are revealed in the criminal history check, the candidate will not be hired, unless the candidate shows the report is in error or the Vice President or the Director of Intercollegiate Athletics of the hiring unit (after consultation with HR) determines that the nature of the crime is not reasonably related to the candidate's fitness for the job or other relevant consideration.

If the candidate reveals a violation of a previous employer's policy that is reasonably related to the applicant's fitness for the job, the applicable Vice President or the Director of Intercollegiate Athletics will be notified to review and make the decision if the candidate will continue through the hiring process.

Human Resources will notify the candidate when the background review (criminal history, violation of policy, reference check, work history, education review, etc.) results in a decision where the candidate is no longer being considered for employment.

**Falsification of information on application materials will result in termination of employment or withdrawal of an employment offer.**

### *d) Record Retention and Disposal*

Human Resources will maintain records or other information generated by background reviews in confidential files that may be reviewed by a hiring unit if the employee applies for a different position within the University. For those hired, these materials will be maintained in a file

separate from the official personnel file. For all candidates, the records will be maintained for a period of one year and then archived appropriately.

## **10. MOTOR VEHICLES**

The University of Wyoming has a motor vehicle use policy that includes the requirement of a Motor Vehicle Report for all persons who drive on University business. A person whose position requires driving may be subject to discipline, up to and including termination, based on the results of a motor vehicle records report. For information, please see University of Wyoming Risk Management at: <http://www.uwyo.edu/risk/claims-and-insurance/vehicle-use-policy-information.html>.

## **11. DISABILITY**

The University adheres to all federal and state laws regarding individuals with disabilities, including but not limited to the Americans with Disabilities Act (“ADA”). If an employee has a disability and wishes to make a request for job-related accommodations, the employee may contact Human Resources to initiate the process. If the University determines that the employee has a qualifying disability under the ADA, Human Resources will initiate an interactive process, including consultation with the employee, the department’s Appointing Authority, supervisor and/or designee, and the employee’s health care provider, as needed, in order to identify the essential elements of the job and determine if reasonable accommodations can be made.

### *o) How to Request an Accommodation*

For the steps to request an employee accommodation, please go to: <http://www.uwyo.edu/hr/files/docs/employee-benefits/ada-request-process.pdf>.

## **12. RELIGIOUS ACCOMMODATION**

A religious accommodation in the employment setting is an adjustment in the work environment, or in the way tasks or assignments are customarily done, made to enable an employee to observe or to practice his or her sincerely held religious beliefs, while meeting the essential functions of the job and without causing undue hardship to University Operations or activities. The University of Wyoming is committed to diversity and inclusion in all facets of the University’s operations, and the University will not discriminate based on religion in employment actions including, but not limited to, application procedures, hiring, tenure, promotion, advancement, termination, training, compensation, and or within the learning environment. The University prohibits retaliation for making a request for any religious accommodation. Specific process steps for faculty, staff and student-employees can be found here: <https://www.uwyo.edu/hr/employee-benefits/religious-accommodation/>. More information can be found here: [http://www.eeoc.gov/policy/docs/qanda\\_religion.html](http://www.eeoc.gov/policy/docs/qanda_religion.html).

## **13. NEPOTISM**

Benefited university employees shall not be immediate supervisors or within the same chain of command of their relatives. The term relatives includes the following relations: parents, spouses, children, siblings (or the foregoing 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 up to three months to work with UW Administration to find alternative solutions, which may involve changes in the lines of supervision for their relatives.

Employees shall recuse themselves from formal decisions, 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 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.

#### **a) Consensual Relationships**

The University of Wyoming is committed to the principle that its employees shall carry out their duties in an ethical and objective fashion. While the University does not interfere with the private choices of its employees, consensual romantic or sexual relationships in which an employee retains a supervisory position over another employee or an evaluative role over a student may hinder this goal. The University must ensure that its operations are conducted with integrity and are free from concerns of bias, unfairness, undue influence or favoritism.

To this end, the University has enacted the below described policy to encourage transparency by employees and provide a framework by which potential conflicts can be identified and appropriately managed.

#### **Policy**

When a consensual romantic or sexual relationship exists, has existed, or arises between University employees where one employee serves in a directory, advisory or supervisory role over the other, or between an employee and student; the person in the position of greater authority, power, or influence, will bear the responsibility of accountability. This accountability includes the required duties to:

1. Report the relationship to supervisors and;
2. Work with supervisors and other applicable University personnel to appropriately manage potential conflicts.

In developing a plan to manage potential conflicts and mitigate adverse effects between employees, steps shall include the removal of any supervisory, advisory, evaluative function, or influence over the other person in the relationship. This may include establishing alternate supervisory or reporting lines, securing another supervisor for evaluation of work performance, or moving an employee to another position of the same or comparable status and duties. Conflict management plans must be in writing and developed by the applicable employee (with input from and approval by the supervisor). Further, the plan must be approved in writing by the director of the department and maintained in the applicable employee files.

The University prohibits consensual relationships between an individual with supervisory, teaching, evaluation or advisory authority and a student and/or student employee who is directly or indirectly supervised, taught, evaluated or advised by that individual, unless the relationship has been disclosed and a plan to mitigate any conflict has been approved by the applicable department head and documented in writing. Responsibilities such as assigning grades; evaluating classroom performance; serving on the student's graduate committee; or awarding scholarships must be reassigned to other qualified individuals.



Failure to report and make the appropriate efforts to mitigate potential conflicts from these relationships shall be considered a violation of this policy and may subject an employee to discipline. Supervisors and appropriate University personnel shall make every effort possible to preserve confidentiality of reporting employees. They shall be required to share names and pertinent information only with those individuals necessary to adequately address the potential conflicts. Retaliation against persons who report under this policy is prohibited.

#### **14. 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 Wyoming. However, exercise of those rights and privileges shall not involve the use of University branding, funds, time, services, email, equipment, facilities or any other University resources unless authorized by the University as part of the educational process. Any unauthorized use may be subject to disciplinary action, up to and including termination. Employees who hold elected office should consult with Human Resources and their Appointing Authority to determine leave and salary options.

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

Each employee, as well as the University as a legal entity, has a duty to act in the best interests of the University and in furtherance of the University's mission. Outside activities or outside financial interests must not interfere with these obligations. 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 their University activities.

A conflict of commitment exists when a member of the University community renders professional service that is not part of their duties to the University to the detriment of their obligations to 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. Consulting or compensated outside services performed by University employees must be approved by the University and may not interfere with their University duties.

Conflicts of interest, conflicts of commitment or unapproved outside consulting activities 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 the Standard Administrative Policy and Procedure "University Conflicts of Interest Policy."

#### **16. PATENTS AND COPYRIGHTS**

The University has UW Regulations dealing with patents and copyrights. Employees who have questions regarding patent and copyright issues should consult the UW Regulations or contact the University Technology Transfer Office. For more information, please see UW Regulation 9-1 at: [http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_9-1\\_format\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_9-1_format_effective_7-1-18.pdf).

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

The University of Wyoming does not prejudge the appropriateness of participating in classified research. Rather, it reserves the right to examine each proposed project in the context of scientific merit as well as contributions the research may make to the general welfare of the state, the nation and the whole of humankind. The University has authority to accept or reject all research grants, contracts and gifts.

The University, its academic personnel and staff, shall enter into contracts for classified research only with the express approval of the Vice President for Research and Economic Development. If the University participates in classified research, the Office of Research and Economic Development will oversee the necessary steps to allow this type of research to occur.

## **18. PANDEMIC PRODEDURE**

In the event of a Pandemic, the University and its employees will operate under temporary pandemic policies and procedures as established and approved by the President and/or the University of Wyoming Board of Trustees.

## **19. CAMPUS BREAST PUMPING PROGRAM**

The University of Wyoming provides a supportive environment to enable breastfeeding and breast pumping employees and students to express their milk during work hours. This includes a university-wide lactation support program administered by Human Resources.

The University of Wyoming subscribes to the following worksite support program. This program shall be communicated to all current employees and students and included in new employee orientation training.

### ***a) University Responsibilities***

Breastfeeding and/or breast pumping employees who choose to continue providing milk for their infants after returning to work shall receive:

- i. **Milk Expression Breaks.** Breastfeeding employees are allowed to express milk during work hours as frequently as needed by the mother. Break times will be worked out with their supervisor. Break times that do not exceed 30 minutes for each break will be paid by the university. For time that may be needed beyond the 30 minutes, employees may use vacation or compensatory time or may make up the time in agreement with their supervisor.
- ii. **Milk Expression Locations.** Locations have been designated at UW and are made available for this purpose. The rooms have a comfortable chair, a table, lighting and an available electrical outlet. If employees prefers, they may also express milk in their own private offices, or other nearby space agreed upon in consultation with their supervisor.
- iii. **Supervisory Support.** Supervisors are responsible for working with their employees to facilitate this program.

### ***b) Employee Responsibilities***

- i. **Communication with Supervisors.** Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the University.
- ii. **Breast Pumping Equipment.** Employees are required to provide all necessary equipment. Employees will also be responsible for the cleanliness of the designated space after usage.
- iii. **Maintenance of Milk Expression Areas.** Breast pumping employees are responsible for keeping milk expression areas clean. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both

designated milk expression areas, as well as other areas where expressing milk may occur.

- iv. Use of Break Times to Express Milk. When more than one breast-pumping employee needs to use the designated lactation room, employees may set up a sign-in log to establish times that are most convenient or best meet their needs.

## **20. REHIRE OF RETIREES**

Benefited employees participate in one of two group retirement plans, the Wyoming Retirement System (WRS) or TIAA. Supplemental retirement plans are an option that involves these and other approved financial vendors. Employees who terminate their employment and desire to withdraw or roll over 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.

An individual drawing a monthly retirement benefit from WRS rehired into a position eligible for participation in WRS, whether full-time or part-time, shall have their benefit suspended and be re-enrolled in WRS, unless the individual has: (a) experienced a break in service of at least 30 days; and (b) elected in writing to not re-enroll in WRS. The rehired-retiree election form is available from both HR and WRS. Such individual may continue receiving their retirement benefit during their period of re-employment and UW shall pay contributions applicable to the position to WRS. If the employee's retirement benefit resulted from employment in a different WRS pension plan than that associated with the position into which the employee is rehired, then the employee's retirement benefit will not be impacted by the rehire and the employee should be enrolled in WRS as would be any new hire.

## **21. DEPARTMENTAL REORGANIZATIONS**

This section sets forth guidelines and procedures to promote decisiveness, fairness, and cost effectiveness in a manner consistent with the continued attainment of the mission of the University and to ensure adherence to established nondiscrimination principles. If a Reorganization Plan being proposed prompts the retrenchment of classified staff, or lay-off of other employee types, the reduction in workforce of personnel shall be done fairly and rationally, and in a manner consistent with the continued attainment of the mission of the University.

When requesting to create a new job description and any pay adjustments for a reorganization, the department will need to contact the Human Resources Compensation Unit to draft the new job description in the proper format, have the position benchmarked, and analyze the proposed pay for internal/external equity prior to submitting a reorganization plan. This applies to all staff and administrative positions.

Departments must use the [Department Reorganization Form](#) located on the [HR Compensation web page](#) for detailed instructions and to collect the appropriate approvals for submission. The department will need to prepare a justification, organization charts, and a costing spreadsheet, along with other materials as described on the form.

## **22. EMPLOYEE FLEXIBLE WORK ARRANGMENTS**

Flexible work arrangements, including remote work, may be approved by the University for employees. These types of arrangements, when approved through the appropriate processes and procedures, are revocable by the University and approval is dependent on multiple factors including the operational needs of the University.

Please see the Human Resources website for more information.

### 23. PAYROLL

The University of Wyoming Payroll office is dedicated to processing accurate and timely pay for all employees while adhering to University guidelines, as well as federal and state regulations. With 100,000 payments issued annually to faculty, staff, and students from an annual gross payroll exceeding \$250 million, it is necessary that strict regulation of the payroll deadlines be maintained in order to process payrolls in a timely and accurate fashion.

All benefited fiscal year, or twelve (12) month employees are paid at the end of the month for the work performed in that month. All benefited less than twelve (12) month employees (9, 10 and 11 month calendars) are paid over twelve (12) months, regardless that the employees actually work over a shorter period. The pay schedule for these calendar employees depends on the start and end dates of the appointment and employees should contact Payroll for their specific situation.

All compensation paid to University employees for services rendered to the University must be processed through the University's payroll system.

Individuals paid outside of the payroll system for services provided to the university are independent contractors and must meet specific criteria outlined by the appropriate office.

Honorariums, gift cards or awards may be provided to UW employees for work-related achievements and/or recognition. The expense for these must follow prescribed accounting and procurement procedures. The Internal Revenue Service classifies many awards to employees as taxable income subject to W-2 reporting and tax withholding.

More than one mandated deduction may be required for an employee at any given time. Based on the maximum allowable garnishment amount, deductions from employee's paychecks will be taken in this order:

- 1) Taxes (Federal withholding, Medicare and Social Security)
- 2) Child Support
- 3) Garnishments
- 4) Pre-tax deductions (Insurance, Retirement, Annuities)
- 5) After-tax deductions (Vision, Roth, Parking Fee, etc.)

It is the responsibility of all UW employees to review and monitor their pay slips for accuracy or discrepancies. This includes the amount of taxes being withheld, deductions towards benefits and all other voluntary deductions. Any discrepancies should be reported to the Payroll Office as soon as possible.

Direct deposit for all employees is strongly encouraged given that checks that are physically lost or stolen can significantly delay the delivery of pay to employees. If a paycheck is lost or stolen, the employee should contact the Payroll office immediately. Payroll will provide the Accounting office the necessary information to issue a stop payment on the lost or stolen check. After the financial institution

has notified Accounting that the payment of the check has been stopped, Payroll can issue a new check, normally within two to three business days.

The University of Wyoming is committed to making timely and accurate compensation payments to its employees. However, there are occasions in which an employee may be overpaid or underpaid. Employees, supervisors, departments, and Payroll are responsible for reporting any overpayment or underpayment immediately, regardless of who made the error.

Any underpayment should be reported to the Payroll office immediately upon discovery. Payroll will calculate the amount the employee is owed and will process payment in the next available pay period after notification of the error.

Any overpayment should be reported to the Payroll office immediately upon discovery. Payroll will calculate the net overpayment amount and will notify the appropriate department contact of the amount to be repaid. It will be the department's responsibility to communicate to the employee that they were overpaid and the amount of the overpayment.

Upon being notified of the overpayment, the employee must contact the Payroll Office to receive repayment options and instructions. If immediate repayment causes extreme hardship, the employee may request an extended payback period not to exceed ninety (90) days unless authorized by the associate Vice President of Human Resources in consultation with the Office of General Counsel and the applicable Vice President.

If the employee terminates employment before the overpayment has been fully recovered, Payroll may deduct the outstanding amount of the overpayment from the employee's final paycheck including from any accrued compensatory, sick, or vacation to the maximum amount permitted by law. If there is an unpaid balance after the final paycheck, the University reserves the right to continue the recovery process through the Accounts Receivable department, including external collections.

Violations of this policy by active employees may result in disciplinary action up to and including termination. The university reserves the right to take additional steps to recover overpayment and related collection fees, if necessary, as permitted by applicable law.

## **24. PAY PERIOD**

Salaried employees are paid on the last working day of each month. Hourly non-benefited employees are paid on a biweekly basis, and the associated time periods and payday can be found on the Payroll website. All benefited or non-benefited non-exempt employees are responsible for entering their own time each pay period. It is also the responsibility of the supervisor to review and approve submitted time before the payroll deadline.

All benefited employees are required to enter absences (all leave requests), as needed, for each pay period. Failure of an employee to submit their time by the established Payroll deadline may delay the employee receiving a paycheck until the next scheduled payday. Failure to report or approve accurate time is subject to corrective action.

## **25. OFF-CYCLE PAY INCREASES**

This section addresses questions related to salary raises for employees paid from all sources in years when the University is not administering merit or general increases for employees. The University's policy is to maintain reasonable consistency in how we treat all employees, recognizing that there are inevitable differences.

In the interest of consistent application of University salary policies, no employees shall receive merit or market pay increases during a fiscal year in which there are no generally administered raises unless one of the exceptions below applies. This includes employees of the University of Wyoming Foundation, those positions that are grant-funded and employees of other ancillary UW entities.

The following are bases for exceptions to off-cycle pay increases:

- Promotions in rank. Employees who receive promotions in rank may receive salary increases. For each such employee, there must be a documented process, consistent with University regulations, for determining that they earned a promotion. Job transfers to a higher pay grade may receive a pay adjustment proportionate to the pay grade differential.
- Career Ladder. For those job families that have an HR approved career ladder, promotions up to the next level will provide the established pay increase.
- Equity. Employees who are members of underrepresented groups and for whom there is a compelling case that (1) salaries are significantly lower than those employees who are performing equal work on jobs that require equal skill, responsibility and that are performed under similar working conditions and that and (2) the payment system is not made pursuant to a seniority system, merit system, a system which measures earning by quantity or quality of production or a differential based on any other factor other than race, gender, or age. In these cases, there must be strong evidence that the discrepancy is both significant and inimical to fair employment practices. All equity adjustments must be analyzed and approved by Human Resources.
- Retention. The University of Wyoming recognizes the vital role its staff employees play in carrying out its mission. Therefore, departments have the opportunity to increase the salary of high performing staff members with critical skills whom they anticipate may be at risk of leaving. The department must have a legitimate business reason to believe that an increase in salary will be vital to retaining the employee. In other cases, departments may propose a retention pay increase to retain an excellent employee whom the University is at risk of losing due to an outside job offer. Credible evidence of a job offer such as an offer letter shall be obtained and approved by HR before making a counter offer. In addition to securing budgetary approval from the Appointing Authority, all proposed retention offers must be discussed with HR, to determine that the above criteria are met, before making the offer to the employee. Unless approved by the divisional Vice President or the Director of Intercollegiate Athletics, employees who accept a retention offer will be required to wait 24 months prior to receiving any additional offers from their current department, including counter offers. Employees on probation are not eligible for retention offers.
- Staff Reclassifications. Classified staff who experience job reclassifications may receive salary increases appropriate to the increase in pay grade. Please see Section III - Compensation for more details.

Any pay adjustment listed above is subject to the department's budget and will require approval through the divisional Vice President or the Director of Intercollegiate Athletics.

## **26. SUPPLEMENTAL INCOME**

### ***a) From Funds Disbursed Through the University***

Full-time employees during their regular terms of service, shall not have their salaries supplemented from University grants, contracts, or other University sources, except for:

- i. Employment in noncredit programs and similar continuing education activities through distance, digital, and online formats;
- ii. Occasional employment at University-sponsored events such as ticket selling at athletic events, or similar duties;
- iii. Overtime payments when required by the employee contract or by applicable state or federal law;
- iv. Employment as part-time lecturer or professional employees, where the appointing department, with the approval of the employee's Vice President or Director of Intercollegiate Athletics determines that:
  - The employment will not interfere with the performance of the employee's regularly assigned duties;
  - The part-time duties to which the employee is assigned on a supplementary basis require instructional or professional expertise that is not available through regularly appointed academic personnel or professional employees or through part-time appointment of non-University personnel;
  - The supplementary assignment does not exceed the equivalent of one regularly scheduled three-hour credit course in any fiscal year, unless approved by the Provost or designee; and
  - The supplementary assignment is not in addition to the maximum time allowed for consulting as outlined below.
- v. Employment on grants, contracts and similar University-funded activities where the work is in addition to the individual's regularly assigned duties under limited conditions and for a limited period of time. Such employment may be approved when:
  - The essential services cannot be provided by persons employed or receiving salary support under the grant;
  - It is not possible to relieve the employee of part of usual duties;
  - The project is one for which another department has principal responsibility; and
  - The overload will not exceed twenty (20) days per academic year or twenty-four (24) days per fiscal year as determined by the employee's period of appointment and shall not be in addition to the maximum time allowed for consulting as outlined below.
- vi. When approved by the appropriate University authorities, full-time academic personnel on academic year appointments may earn supplemental pay, for duties carried out during the winter term (J-term) or the period from Spring commencement to Fall semester reporting date, provided these duties are not included in the standard academic year workload. Supplemental pay will be prorated accordingly. A maximum of an additional 3/9ths of the base faculty salary may be earned in supplemental pay. Pay earned for carrying out academic administrative duties, including administrative stipends, are excluded

from this calculation. Any exceptions to this limitation requires prior approval of the Provost & Senior Vice President of Academic Affairs, in consultation with the President, and may require prior approval by other offices and federal agencies as well.

**b) From Funds Disbursed by State Agencies**

The University recognizes its obligation to make its resources available to state agencies; however, the costs of such services are not included in the University budget and must, accordingly, be covered by funds from the agencies or from other non-University sources. The performance of professional and consulting work by a University employee for any Wyoming State agency shall, in general, be covered by the regulations that cover work for other outside agencies, i.e., the employee must obtain approval of the appropriate Appointing Authority and adhere to the maximum period for which additional compensation may be accepted. When an employee's services are required for a longer period, the University will make every effort to release the individual to the state agency for the time required with appropriate salary adjustment to be made between the agency and the University.

**27. ANNIVERSARY DATE**

A benefited employee's anniversary date is the date the initial benefited appointment becomes effective. If there is a break in service of less than 90 calendar days between the last day worked of the prior job and the hire (start) date of the new appointment, the initial anniversary date will be reinstated. The anniversary date is primarily used for retirement and benefits eligibility.

**28. 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.

Non-exempt 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 or the Director of Intercollegiate Athletics. 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 that 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 90 days or request it to be paid out. If not, it will be paid out automatically after 90 days. When an employee transfers to a new department, the pre-existing compensatory balance will be paid out by the department from which it was earned. This is to prevent the new department from incurring the additional funding liability.

## **29. ATTENDANCE**

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, before the employee's designated start time. An employee who fails to appear for work and fails to notify the supervisor for three consecutive workdays will be considered to have abandoned the job and will be subject to termination. This excludes employees who are approved for extended leaves pursuant to the other provisions of this Employee Handbook or through an approved accommodation pursuant to the Americans with Disabilities Act (ADA).

## **30. UNIVERSITY HOLIDAYS**

University holidays are determined by the President of the University and are subject to change. Typical University holidays include: 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). Holiday compensation is based on the percentage of the employee’s benefited assignment (full-time equivalency or FTE). Full-time employees are entitled to observe the holidays at 8 hours per day. Part-time employees are entitled to observe the holidays based on the employee’s benefited FTE. If a holiday falls on an employee’s non-scheduled workday, the employee may choose to receive an equivalent amount of compensatory hours, based on the employee’s benefited FTE, for their use at a subsequent date.

Employees are eligible to be paid for all UW determined holidays falling within the dates of the benefited assignment, provided the employee has been paid for the full scheduled workday both preceding and following that holiday. Employees will not be paid for holidays that immediately precede the first day of an employee's appointment, reappointment to a position, or during leave without pay.

Non-exempt employees who are directed to work on an official University holiday will receive holiday pay (based on their benefited assignment FTE) 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. For determination of overtime compensation, only the official University holidays are considered work time. Compensatory hours that an employee chose in lieu of a holiday are not

considered time worked for overtime compensation. Since hours worked on a holiday are automatically compensated separately they are not included in the calculation of hours for meeting the employees required weekly FTE.

Exempt employees directed to work on an official University holiday, will be permitted to observe the holiday at another time with supervisor approval.

Employees may utilize vacation leave, compensatory time, or unpaid leave to observe religious holidays that are not official University holidays. This request must be entered into WyoCloud HCM. 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.

### **31. WINTER CLOSURE**

Subject to the President's approval, the University typically 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. Essential employees designated to work for all or parts of winter closure will receive an equivalent amount of time off added into their compensatory time bank. Employees should use this time prior to September 30<sup>th</sup> of the following year. Employees who are not designated to work, but decide to work anyway, do not receive time off at a later date. New employees, unless designated Essential, shall not have a start date within winter closure.

### **32. 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 or the Director of Intercollegiate Athletics.

When a University facility is closed or declared inaccessible, all affected employees not required to work during the declared closure (excluding a pandemic pause) or inaccessibility, including those using vacation, compensatory time, or sick leave, will be automatically placed on emergency closure leave for their normally scheduled hours of work during the period of closure or inaccessibility. 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, the employee may decide to use accrued vacation, compensatory time (if available), or remote work if previously arranged with their supervisor. The supervisor may also permit the employee to make up time on an hour-for-hour basis during the same week, or be assigned to another work location.

### **33. VACATION**

For additional information applicable to faculty and other academic personnel, please refer to [Section II of this Handbook](#). The amount of leave accrued per month will vary slightly depending on the number of paid working days in the month. An employee does not accrue vacation leave while on terminal leave, leave without pay, or during a break in service.

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

- Full-time benefited exempt employees accrue on a monthly basis up to 22 days per year;
- Part-time benefited exempt employees accrue pro-rated vacation days according to the percentage of the appointment;

- Full-time benefited non-exempt 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 will accrue 16 days of vacation per year. At the beginning of the seventh year of employment, the employee accrues 22 days per year;
- Part-time benefited non-exempt employees accrue pro-rated vacation days according to the percentage of the appointment and years of service;
- Non-benefited workers do not accrue vacation leave.

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. An employee may not use vacation to extend the workday or work week beyond the normally scheduled hours.

All employees must accurately report all vacation leave into the HCM system each pay period. Supervisors are required to review and approve time each pay period. Holidays occurring during an employee's scheduled vacation are not deducted from the employee's vacation leave bank.

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.

For employees who transfer and intend to take leave between assignments, the leave will be charged to the previous department. The transfer effective date is considered to be the first day the employee reports to work in their new assignment.

Employees who separate from University service are entitled to be paid at 100% of the current base salary rate for all accrued, unused vacation leave. In no circumstances will the payout exceed a total of 352 hours.

Employees terminated for all reasons other than corrective action (e.g., misconduct, disciplinary actions) may elect a lump sum payment, terminal leave or a combination of terminal leave and lump sum payment. If an employee elects terminal leave, the leave may include accrued sick leave, accrued vacation leave, and compensatory time. If an employee fails to elect either option, or the [Termination Leave Option Form](#) is not received in HR by the employee's last working day, the University will pay the accrued vacation leave as a lump sum.

An employee terminated for cause, or an employee who gives less than two (2) weeks' notice of intent to resign, must take the accrued vacation leave in a lump sum.

Any employee who has been paid for accumulated vacation 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 vacation leave within thirty-one (31) calendar days after being rehired with all rights. The accumulated vacation leave shall be restored to the employee. Any person who fails to reimburse the University as required herein 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.

A fiscal year employee who is appointed to another fiscal year University position retains any vacation leave balance accrued in the previous position. The vacation leave balance becomes the obligation of

the new department. A fiscal year employee transitioning to an academic year appointment must use any accumulated vacation hours prior to the start of the new appointment. Any remaining hours will be forfeited.

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.

The value of unused vacation leave, up to 352 hours, for an employee who passes away while currently employed, will be paid in a lump sum at 100% of the current base salary rate.

### **34. SICK LEAVE**

An employee can 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 members include and is limited to parent, spouse/domestic partner, child, or another person who lives in the same immediate household. For additional information applicable to faculty and other academic personnel, please refer to Section II of this Handbook. The amount of sick leave accrued per month will vary slightly depending on the number of paid working days in the month. An employee does not accrue sick leave while on terminal leave, leave without pay, or a break in service.

Full-time benefited employees accrue sick leave on a monthly basis up to 12 days per year. Part-time benefited employees accrue sick leave in accordance with the percentage of appointment up to a maximum of 100% for their FTE. Non-benefited workers do not accrue sick leave.

Sick leave may not be used in advance of accrual, or in the month in which it is accrued. An employee may not use sick leave to extend the workday or work week beyond the normally scheduled hours. All employees must accurately report all sick leave into the HCM system each pay period. Supervisors are required to review and approve time each pay period. Holidays occurring while an employee is on sick leave are not deducted from the employee's sick leave bank.

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. Substantiated abuse of sick leave is cause for corrective action.

The use of sick leave is subject to review and 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.

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 that satisfactory medical verification has been submitted upon return to work to Human Resources.

For employees who transfer and use sick leave between assignments, the sick leave will be charged to the previous department. The transfer effective date is considered to be the first day the employee reports to work in their new assignment.

Employees who separate from University service are entitled to be paid at 100% of the current base salary rate for one-half (1/2) of all accrued, unused sick leave as of the employee's last day worked. Under no circumstances will the payout exceed a total of 480 hours.

Employees terminated for all reasons other than corrective action (e.g., employee misconduct, disciplinary action) may elect a lump sum payment, or terminal leave or a combination of terminal leave and lump sum payment. If an employee elects terminal leave, the leave may include accrued sick leave, accrued vacation leave, and compensatory time. If an employee fails to elect either option, or the [Termination Leave Option Form](#) is not received in HR by the employee's last working day, the University will pay the accrued sick leave as a lump sum.

An employee terminated for corrective action, or an employee who gives less than two (2) weeks' notice of intent to resign, must take their accrued sick leave as a lump sum.

The value of sick leave hours elected to be converted to a board benefit is taxable income to the employee. All appropriate taxes will be withheld from the employee's final paycheck and included as income on the W-2.

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) calendar 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 required herein 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 with no break in service retains any sick leave balance accrued in the previous position. The sick leave balance becomes the obligation of the new department. An employee appointed to the State of Wyoming shall not be allowed to transfer unused accrued sick leave and shall be paid out in accordance with the State Compensation policies or applicable UW Regulation or Policy.

The value of unused sick leave, up to 480 hours, for an employee who dies in service will be paid in a lump sum at 100% of the current base salary rate.

### **35. DONATED SICK LEAVE**

Benefited employees may receive 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 and determined by Human Resources. Donations are made by notifying the HR Benefits unit. The receiving employee must have exhausted their 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 voluntary Short Term and Long Term Disability (STD, LTD) Insurance are not eligible for donated sick leave (i.e., employees will not receive both donated sick leave payments and STD 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.

Requests for donated sick leave must be made by the employee prior to the anticipated exhaustion of all other available leave. Donations from employees must be received in the HR Benefits unit by the full-time payroll deadline (see [Payroll](#)) for the leave to be available for the recipients use in the current month. Donations received after the full-time payroll deadline will be applied to the following month, if needed.

### **36. FAMILY AND MEDICAL LEAVE**

The University of Wyoming provides up to 12 weeks of unpaid (substitution of paid leave is described in Section I, 20 e) job-protected leave to eligible employees for the following reasons pursuant to the Family and Medical Leave Act “FMLA” (29 C.F.R. § 825.112):

- For birth of a son or daughter, and to care for the newborn child;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform the essential functions of the employee’s job;
- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status; or
- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

#### ***a) Military Leave under FMLA***

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 servicemember during a single 12-month period. A covered servicemember 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 servicemembers and veterans are distinct from the FMLA definition of “serious health condition.” (29 C.F.R. § 825.127)

#### ***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 the 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 defined by the FMLA regulations) 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. Additional sick and vacation time will accrue during FMLA leave when the employee is in a paid status. Sick and vacation leaves do not accrue during FMLA leave when the employee is in an unpaid 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 for Military Leave.

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 extension to FMLA that authorizes family members of qualified veterans and active duty military personnel to take leave from their jobs to care for the military member or veteran who is injured or ill).

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 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 leave 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 and/or intermittent 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 policies. Employees on leave must contact Human Resources at least two days before their first day of return.

#### ***h) University Responsibilities***

In addition to its general obligations to post notices of FMLA provisions, 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 for either 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:

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



- ii. Discharge or in any other manner 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 that provides greater family or medical leave rights.

**37. 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. 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 Human Resources 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 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. Under no circumstances will the total of all the above combined leave time exceed six months without consultation with Human Resources. An employee that is released to return to work by his or her health care provider must present a health care provider's statement indicating the ability to return to work.

**38. MAXIMUM LENGTH OF LEAVE OF ABSENCE**

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

**39. LEAVE OF ABSENCE WITH PAY**

Employees may request a short-term leave of absence with pay through their supervisor and Appointing Authority for work-related or other non-emergency leave with pay. The following procedures are how an employee may apply for either the Non-Emergency Leave with Pay or Emergency Leave with Pay.

No forms are required for the following:

- Jury or legal duty. Employees are entitled to a leave of absence with pay when required to perform jury duty, when subpoenaed as a witness or when summoned to give expert testimony.

- Voting. Any employee entitled to vote in any primary, general or special election shall be eligible for time off with pay for a period up to one hour, during the regular working hours on the day of such election, to cast a legal vote. Such absence shall be taken at a time mutually convenient to the employee and the supervisor.

**a) Non-Emergency Leave with Pay**

Work-related or other non-emergency leave. Supervisors and Appointing Authorities may grant leave with pay to an employee to participate in meetings, institutes, professional examinations, and other activities directly related to his or her work, or other requests for non-emergency leave with pay

Procedure:

- 1) The employee must submit a written request stating the nature of the non-emergency leave to the immediate supervisor.
- 2) If the supervisor approves, the supervisor will submit the request to the Appointing Authority.
- 3) The Appointing Authority may grant the request without additional approvals. The Appointing Authority will forward the documentation of the leave to Human Resources to be housed in the employee's benefit file.

**b. Emergency Leave with Pay**

The [Leave with Pay Request Form](#) is located on the HR forms website.

Emergency leave with pay (up to two weeks) may be granted when the following conditions are met:

- No other leave is available to use, including Family and Medical Leave, sick leave, and vacation, and the situation can reasonably be considered an emergency. Each request will be reviewed separately.
- If the individual has been employed for a minimum of one (1) year.
- The leave would be in the best interest of the employee and the University.

Procedure:

- 1) The employee must submit the [Leave with Pay Request form](#) stating the nature of the leave to the immediate supervisor.
- 2) If the supervisor approves, the supervisor will submit the request to the Appointing Authority.
- 3) If the Appointing Authority approves, the Appointing Authority will forward the recommendation to Human Resources for approval.
- 4) Human Resources shall inform the Appointing Authority of approval or rejection of the leave request. Requests for Emergency Leave with Pay will be retained in the employee's official benefit file.

**40. LEAVE OF ABSENCE WITHOUT PAY**

Short term 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).
- Sabbatical and Other Faculty Leaves. Specific provisions for approval of sabbatical leaves and other faculty leaves of absence are contained in UW Regulation 2-16:  
[https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw\\_reg\\_2-16\\_approved\\_8-12-20.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw_reg_2-16_approved_8-12-20.pdf).

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. Extended leave without pay must be reviewed on a case-by-case basis and approved by Human Resources and the appropriate Vice President, Director of Intercollegiate Athletics or Appointing Authority.

All accrued sick leave, compensatory time, and vacation must be used before leave without pay 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 without the assurance of reinstatement to the former or comparable position unless circumstances make it practical. An employee who fails to return from leave without pay may be considered by the University to have abandoned the position and 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 Human Resources and by the appropriate Vice President, Director of Intercollegiate Athletics or Appointing Authority.

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 accruals are not earned during leave without pay. Employees who are on leave without pay and not on leave due to FMLA or Workers' Compensation may also not be eligible for employer contributions to health insurance and retirement contributions. Employees may not claim compensatory time or salary for University holidays that are observed during leave without pay. Employees on any leave without pay the day before, or the day after, a holiday or winter break shall not be entitled to paid holiday or winter break leave. An employee on leave without pay shall not receive service credit towards retirement under the Wyoming Retirement System. Years of service will not include any leave without pay.

#### **41. 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.

##### ***a) Active Duty for War or National or State Emergency***

Employees who have been employed for less than twelve (12) months who leave the University for active duty with the armed forces, voluntarily or involuntarily, during a state of war or

declared national or state emergency will be given a leave of absence without pay. Application for such leave must be made to the employee's immediate supervisor and transmitted through regular channels to the Vice President or the Director of Intercollegiate Athletics for approval. 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.

#### ***b) Active Duty Training***

Benefited employees will be granted 120 hours per calendar year of leave with pay for active duty training if such occurs during the employee's normal work schedule, in addition to any other leave or vacation with pay to which the employee is entitled.

### **42. BEREAVEMENT LEAVE**

Benefited employees may use three days of bereavement leave and up to 12 days of sick or vacation 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.

Arrangement for this leave shall be made with the employee's immediate supervisor, officially requested in WyoCloud HCM, and would customarily be used within 60 days of the date of death but may be extended upon approval by the employee's immediate supervisor.

### **43. 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 in the following order: 120 hours of military leave (if not already utilized), emergency leave with pay (up to two weeks), compensatory time, vacation, and leave without pay.

Civilian University employees, with prior permission of their divisional Vice President or the Director of Intercollegiate Athletics, will be permitted to take the following types of leave: emergency leave with pay (up to two weeks per calendar year), compensatory time, vacation, and leave without pay. Appropriate documentation of volunteer service will be required. The request for firefighting leave must be entered into WyoCloud HCM.

Questions regarding this policy should be directed to Human Resources Benefits Office.

### **44. BENEFITS**

The University of Wyoming recognizes the value of benefits to employees and their families. The University and the State of Wyoming support employees by offering a comprehensive and competitive benefits program. For more information regarding our current benefit programs, please refer to the Summary Benefits Comparisons, which are found on the [Human Resources Benefits website](#).

The University employs several types of employees. Some qualify for benefits and others do not. Contact your supervisor if you are not sure whether you qualify. Benefit offerings and benefits rates are managed by the State of Wyoming's Employers Group Insurance (EGI) department. The offerings and

rates may be changed with or without notice and without any consideration. Advance notification of changes to benefits and/or rates will be provided to employees whenever possible. Other benefits such as Workers' Compensation are established by law and can be changed by law. There are additional restrictions and waiting periods for vision, life insurance, long-term disability (LTD), and optional dental coverage. Medical Plan changes made during the annual open enrollment period will be effective January 1st of the following year.

New employees in benefited positions are eligible for insurance, but must take action to enroll in the plans. Employees are required to enroll within 31 days of their eligibility date (the first day of the month following your hire date) for health and dental insurance. The employee is insured the first day of the month after date of hire provided enrollment forms are returned within 31 days.

Benefited employees may only change their elections during the annual open enrollment period or in the case of a qualifying event. Qualifying events (i.e., marriage, birth of a child, or adding dependents) need to be completed by the established EGI benefits deadline to be effective the following month. If this deadline is missed, the change will need to be resubmitted at the next open enrollment period. Employees participating in the flexible spending plans may only make changes allowed by IRS regulations.

***a) Medical and Dental Insurance***

The University of Wyoming through EGI offers a comprehensive benefits package for eligible employees and dependents. There is a variety of medical and dental plan options for employees. For details on these plans, please refer to the [Human Resources Benefits web page](#).

***b) Group Term Life Insurance***

The University of Wyoming through EGI offers optional term life insurance through the State of Wyoming's plan. Currently, this plan has a maximum benefit of \$50,000 for Life, and \$20,000 for Accidental Death and Dismemberment. Additional Term life and Dependent life are also available.

***c) Voluntary Benefits***

There are additional voluntary benefit options for Vision coverage, Short-Term Disability, Long-Term Disability, Life Insurance and Long-Term Care Insurance for which the employee pays a monthly premium.

***d) Retirement Plans***

The University of Wyoming recognizes the importance of saving for retirement and offers all benefited employees a choice to opt for the Wyoming Retirement System (WRS) defined benefit plan or TIAA defined contribution plan as their retirement option.

Participation in either WRS or TIAA is required for all benefited employees. An employee participating in WRS has a 4-year vesting period, while an employee participating in TIAA is vested immediately. The election of a retirement plan is irrevocable during the remainder of an employee's working career as a public employee, (Wyoming Statutes, 21-19-102(d)) but after a sufficient break in service employees may be eligible to choose from these two plans for the next period of employment as approved by the University. New employees in benefited positions must take action to enroll in either WRS or TIAA by submitting the enrollment form to HR no later than the end of the month following the month of the employee's hire date. If this

deadline is missed, the employee will be enrolled in WRS and this election is irrevocable during the remainder of the employee's working career as a public employee.

If an employee is granted Board Retirement per UW Regulation 5-2, (VI 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. Employees eligible for board retirement status that are terminated for cause prior to retirement start date may be denied Board Retirement benefits at the discretion of the employees Appointing Authority. 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: [https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_5-2\\_format\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_5-2_format_effective_7-1-18.pdf).

#### *e) Supplemental Retirement Plans*

Benefited employees are also eligible to enroll in an additional 403(b) and/or 457(b) plans. Enrollment is available at any time and will take effect the month after the enrollment form is received. Consistent with W.S. § 9-3-502, the University of Wyoming currently contributes \$20 per month if the employee contributes a minimum of \$20 per month. Participation in this program is at the sole option of the University and this benefit will cease if the University or the State of Wyoming no longer participates in these programs through the State of Wyoming.

#### *f) Tuition Waiver Assistance*

The University of Wyoming encourages benefited employees to make use of the opportunity to enroll in academic courses. Tuition and mandatory fees for one course up to six (6) credit hours will be waived each semester, including the summer session. Spouses of benefited employees may also be eligible for a tuition waiver benefit. A [Tuition Waiver Form](#) is required for each separate semester and summer session. The benefit is available to employees that have a benefited start date on or prior to the beginning of the semester or class period; a full policy can be found in University Regulation 7-11: [https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw\\_reg\\_7-11\\_approved\\_12-9-20.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw_reg_7-11_approved_12-9-20.pdf).

#### *g) Temporary, Non-benefited Employees Qualifying for Benefits*

General Information. Employees' Group Insurance and the Wyoming Retirement System require that temporary, non-benefited employees working 80 hours/month or more or 86 hours/month or more, respectively, for six (6) consecutive months shall be afforded insurance and retirement benefits.

- Procedure. If a temporary, non-benefited employee works 80 hours/month or more for six (6) consecutive months, the position must either be eliminated or a fully benefited position must be established and an open search conducted in accordance with University policy and procedure.
- It is the responsibility of the department to monitor time worked for their temporary non-benefited employees. Once the temporary, non-benefited employee reaches the

limit, the supervisor, in consultation with Human Resources, will initiate the process to either terminate the position or create a benefited position, and obtain the appropriate approvals.

- Student employees. Full-time students are exempt from this policy, but may qualify for insurance benefits under the Affordable Care Act if they work more than 30 hours per week consecutively (excluding breaks) for over 1 year.
- Questions relating to the administration of this directive should be referred to Human Resources.

#### ***h) Domestic Partner Health Insurance Benefits***

University of Wyoming employees may be eligible to receive a financial reimbursement to assist in paying for individual health insurance obtained elsewhere by a same or opposite-sex domestic partner. For the employee to be eligible, both the employee and the domestic partner must:

- i. Be legally competent to enter into a contract and at least 18 years of age;
- ii. Not be in a marriage that would qualify the spouse for coverage in the State of Wyoming group health insurance plan;
- iii. Not be related by blood in any way that would prohibit marriage in the state in which they legally reside;
- iv. Be responsible for each other's common welfare and are each other's sole domestic partner;
- v. Not be eligible for insurance through their own employer; and
- vi. Comply with at least one of the following conditions:
  1. Share a common residence and understand that partners may share a common residence even if any of the following conditions apply:
    - a. Only one partner has legal ownership of the residence, if ownership is applicable, or only one partner is lessee, in the case of a lease;
    - b. One or both partners have additional residences not shared with the other partner;
    - c. One partner leaves the common residence with the intent to return.
  2. Joint ownership of real property is held with rights of survivorship, or
  3. Joint responsibility is borne for a mortgage.
- vii. In addition, the following criteria must be met:
  1. The employee participates, and will continue to participate, in the State of Wyoming health insurance plan; and
  2. The domestic partner and legal dependents of the domestic partner will not be eligible for employer provided insurance during the period in which this benefit is received.

- viii. A new employee must apply for the domestic partner benefit within 31 days of eligibility by submitting to Human Resources:
  1. The Affidavit of Domestic Partnership; and
  2. Proof of the domestic partner premium amount paid to an insurance company for individual coverage by the domestic partner.

Existing employees may apply for the benefit during an annual open enrollment period that follows the State Group Insurance open enrollment period, or when proof is provided that the domestic partner loses eligibility for other coverage.

The employee receiving the domestic partner benefit must annually provide proof during an open enrollment period that follow the State Group Insurance open enrollment period, to Human Resources of the current premium being paid by the domestic partner.

A new Affidavit of Domestic Partnership must be completed each time there is a change in the status of the domestic partnership. The new Affidavit must be submitted to Human Resources within 60 days of the change in status.

If the partnership ends or the partner becomes eligible for coverage under an employer provided health insurance plan, the employee must notify Human Resources to discontinue coverage as soon as possible. The employee will be responsible for reimbursing the University for all unqualified payments. Coverage in benefit programs will terminate on the last day of the month in which either occurs.

The monthly amount of the domestic partner benefit is the difference between the current employer contribution for Employee Only to Employee plus Spouse coverage, or Employee plus Children to Family coverage, or the actual cost of the health insurance, whichever is less. If the domestic partner has also obtained individual coverage for dependents who are not dependents of the employee, the monthly amount is the difference between the current employer contribution for Employee Only to Family coverage, or the actual cost of the health coverage, whichever is less.

The employee and domestic partner are responsible for locating and securing individual coverage for the partner and qualifying dependents of the partner. The benefit does not guarantee coverage by a private insurance carrier. Employer provided coverage to the domestic partner, such as COBRA, retiree insurance, or student insurance, does not qualify for the domestic partner benefit.

The University reserves the right to require proof that the domestic partnership meets the eligibility criteria and to modify its policy on domestic partner benefits at any time.

#### ***i) Employee Discount Program***

The University offers an Employee Discount Program to provide the opportunity for companies or service providers to offer discounts on their products or services to university employees. Employees can use these discounted services by contacting the [providers located on this website](#).

For the full policy for the Employee Discount Program, and link to the provider application, please go to: [http://www.uwyo.edu/generalcounsel/files/docs/university-policies-updates-2017/employee\\_discount\\_program\\_policy\\_2-1-17.pdf](http://www.uwyo.edu/generalcounsel/files/docs/university-policies-updates-2017/employee_discount_program_policy_2-1-17.pdf).





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

In addition to the general provisions of this Employee Handbook, additional provisions pertain to employees who are faculty or academic personnel, including post-doctoral associates. The designations and ranks applicable to members of the faculty and other academic personnel, and general provisions regarding academic personnel are set forth in UW Regulation 2-1. (See [http://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw\\_reg\\_2-1\\_effective\\_7-1-19.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw_reg_2-1_effective_7-1-19.pdf).)

### A. RIGHTS AND RESPONSIBILITIES

#### 1. ACADEMIC FREEDOM

The University adheres to the principles of academic freedom as defined in UW Regulation 2-15. The University recognizes that education flourishes only when Academic Personnel have both freedom and responsibilities in the conduct of their official duties. (See [http://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw\\_reg\\_2-15\\_approved\\_5-14-20.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw_reg_2-15_approved_5-14-20.pdf).)

#### 2. FREEDOM OF EXPRESSION

The University is committed to free and open exchange of ideas and to fostering civil discourse and creating a welcoming and inclusive environment for people of all backgrounds. (See [http://www.uwyo.edu/acadaffairs/files/docs/tp\\_statement\\_on\\_free\\_speech.pdf](http://www.uwyo.edu/acadaffairs/files/docs/tp_statement_on_free_speech.pdf).)

#### 3. SHARED GOVERNANCE

The University is committed to the philosophies and key principles of shared governance as defined by University Regulations, Policies and Procedures. [A White Paper on Shared Governance](#) can be found on the Academic Affairs' website: <https://www.uwyo.edu/acadaffairs/>. (See [https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw\\_reg\\_1-4\\_approved\\_6-16-21.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw_reg_1-4_approved_6-16-21.pdf).)

### B. ANNUAL REVIEW, TENURE, FIXED-TERM, PROMOTION, POST-TENURE REVIEW

#### 1. ANNUAL PERFORMANCE REVIEW

In accordance with University policies and UW Regulations 2-9, review procedures shall be implemented annually to evaluate each faculty member's performance and responsibilities with respect to the workload outlined in the Job Description and to determine if adjustments should be made for the following year. (See [https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw\\_reg\\_2-9\\_approved\\_11-14-19.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw_reg_2-9_approved_11-14-19.pdf). Guidance documents can be found on the Academic Affairs' website: <http://www.uwyo.edu/acadaffairs/academics/faculty-resources/tenure-promotion/>.)

#### 2. REAPPOINTMENT, TENURE, PROMOTION AND FIXED TERM PROCEDURES

The procedures regarding University-level standards and procedures for reappointment, tenure, fixed-term and promotion for academic personnel are set forth in UW Regulation 2-7. (See [https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw\\_reg\\_2-7\\_effective\\_7-1-19.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw_reg_2-7_effective_7-1-19.pdf).) Guidance documents can be found on the Academic Affairs' website <http://www.uwyo.edu/acadaffairs/academics/faculty-resources/tenure-promotion/>.)

#### 3. POST TENURE REVIEW POLICY AND PROCEDURES

Post-tenure review is the system by which faculty members holding tenured contracts receive regular performance evaluations. The system includes peer-review and remedial steps for cases in which a

faculty member's performance falls below expectations in the judgment of a supervisor. The procedures for post-tenure review for academic personnel are set forth in UW regulation 2-10. (See [https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw\\_reg\\_2-10\\_approved\\_3-25-21.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw_reg_2-10_approved_3-25-21.pdf).)

## **C. FACULTY WORKLOAD**

Faculty conduct a number of activities that support the mission of the University, including teaching, research, creative activities, administration, service, advising, outreach/engagement, and extension. As set forth in UW Regulation 2-9, the University maintains a flexible workload policy that allows academic units to capitalize on each faculty member's strengths to meet the mission of the university, college and academic unit. (See [https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw\\_reg\\_2-9\\_approved\\_11-14-19.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw_reg_2-9_approved_11-14-19.pdf).)

## **D. RESIGNATION, RETIREMENT AND DISMISSAL**

### **1. RESIGNATION**

Faculty members shall complete their term of appointment stated in their employment letter (e.g., academic year, fiscal year). Faculty members may only request release from their appointment under exceptional circumstances. In this event, the faculty member will present the reasons for the request and indicate the proposed effective date of resignation. If the Appointing Authority agrees to the release, they shall process the forms effecting the termination.

To resign, a faculty member must submit a written letter of resignation specifying proposed date of resignation to their immediate supervisor. Unless otherwise approved by the University, effective date for resignation at the end of an academic year appointment is the day final grades for spring semester are due. For a fiscal year resignation, the effective date is June 30.

Please see section III – G Resignations, of the employee handbook for other responsibilities associated with resignation.

### **2. RETIREMENT**

Faculty members are encouraged to notify their direct supervisor in writing of their decision to retire and to consult with HR Benefits Office about retirement procedures. Eligibility for Board Retirement is outlined in UW Regulation 5-2. See [http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_5-2\\_format\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_5-2_format_effective_7-1-18.pdf).)

### **3. PROCEDURES FOR DISMISSAL OF ACADEMIC PERSONNEL**

The dismissal procedures for Academic Personnel, including when it is alleged that a dismissal action is motivated by inappropriate interference with "academic freedom," are set forth in UW Regulation 2-6.

Additional policies and procedures associated with dismissal of university faculty include financial exigency (UW Regulation 2-11): [https://www.uwyo.edu/regs-policies/files/docs/regulations-2018/uw\\_reg\\_2-11\\_approved\\_7-12-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2018/uw_reg_2-11_approved_7-12-18.pdf); budget reductions (UW Regulation 2-12): [https://www.uwyo.edu/regs-policies/files/docs/regulations-2018/uw\\_reg\\_2-12\\_approved\\_7-12-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2018/uw_reg_2-12_approved_7-12-18.pdf); and program reorganization, consolidation, reduction or discontinuance (UW Regulation 2-13): [https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw\\_reg\\_2-13\\_approved\\_6-16-21.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw_reg_2-13_approved_6-16-21.pdf).

## **E. EMERITUS FACULTY**

The Provost & Senior Vice President of Academic Affairs, upon recommendation from the unit, shall nominate

emeritus designation upon Academic Personnel who retire after long and meritorious service to the University. At the time of retirement, the individual must be a tenured Professor or tenured Associate Professor. The Provost & Senior Vice President of Academic Affairs may, upon recommendation from the unit, nominate emeritus designation upon non-tenure track faculty and at-will administrators who have served in academic units and have demonstrated meritorious service to the academic mission of the University. Emeritus status shall be granted by the Board of Trustees upon recommendation by the President of the University and consistent with UW Regulation 2-1. (See: [https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw\\_reg\\_2-1\\_approved\\_10-14-20.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw_reg_2-1_approved_10-14-20.pdf).)

## **F. DISPUTE AND GRIEVANCE PROCEDURES**

### **1. PROCEDURES FOR RESOLVING ACADEMIC PERSONNEL DISPUTES**

Procedures related to a claim which occurs when any academic personnel considers that any condition of employment, including actions or inactions by others, is unjust, inequitable, contrary to University regulations or policies, or hindrance to effective faculty performance are outlined in UW Regulation 2-2. Disputes addressed in this regulation do not include the merits of decisions related to annual performance reviews; appointment, evaluation, and removal of academic administrators; claims related to settlement amounts, attorney fees or any other types of fees, costs, or assessments; compensation; discrimination and harassment; dismissal; post-tenure review; reappointment, evaluation, promotion and granting of tenure; sexual misconduct, or violence in the workplace.

(See: <http://www.uwyo.edu/regs-policies/section-2-academic-affairs/>.)

### **2. APPEAL PROCEDURES**

Procedures for hearing the appeal of any tenured faculty member or fixed-term academic personnel whose appointment is terminated pursuant to UW Regulation 2-11 (Financial Exigency) or UW Regulation 2-13 (Academic Program Reorganization, Consolidation, Reduction and Discontinuance) are outlined in UW Regulation 2-14. (See <http://www.uwyo.edu/regs-policies/section-2-academic-affairs/>.)

## **G. CONSULTING**

Consulting or compensated services performed by University academic personnel must be approved by the University and may not interfere with their University duties. The process for requesting approval for these types of activities is set forth in the University's Standard Administrative Policy and Procedure titled "University Conflicts of Interest Policy."

## **H. INTELLECTUAL PROPERTY**

Patent, Research, Publication, Copyright, Software, Video (video of course instruction), & Trademark/Trade name information can be found in UW Regulation 9-1: [http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_9-1\\_format\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_9-1_format_effective_7-1-18.pdf).

## **I. FACULTY LEAVE**

### **1. SICK LEAVE**

For information about sick leave, see [Section I](#) General Information Applicable to all Employees.

### **2. VACATION LEAVE**

#### **a) Eligibility**

- i. Each full-time faculty appointed to a fiscal year contract is entitled to twenty-two (22) working days of vacation leave with pay annually.
- ii. Each part-time faculty appointed to a fiscal year contract for the equivalent of twenty (20) to thirty (30) hours per week is entitled to accrue vacation leave with pay at their full-time equivalent accrual rate.
- iii. Each part-time faculty appointed on a fiscal year contract for the equivalent of thirty (30) to forty (40) hours per week is entitled to accrue vacation leave with pay at their full-time equivalent accrual rate.
- iv. Faculty whose contract periods are less than twelve (12) months, irrespective of the fact that their salaries may be paid in twelve (12) monthly installments, are not entitled to vacation leave with pay. This includes nine-month (academic year) faculty and University officers who receive time off periods during summer and university recognized holidays.

***b) Use of Vacation Leave Credits***

- i. Accrued vacation leave credits may not be utilized until six (6) months of University service have been completed, except as approved by the President for the health and safety of the University. After six (6) months of University service have been completed, vacation leave credits may be utilized when requested in advance and with the approval of the Appointing Authority.
- ii. Vacation leave credits may be used within the year in which they are earned. In addition, vacation leave credits earned and unused in the immediately preceding anniversary year which are not utilized in the current anniversary year shall be lost and no compensation shall be paid to faculty who fail to use their vacation leave entitlement.

***c) Payment of Unused Vacation Leave Credits***

- i. Faculty separating from University service through resignation, termination, permanent disability, or retirement are entitled to be paid for unused vacation leave credits or terminal leave provided six (6) months of service has been completed at the time of separation. This provision shall only apply to faculty on fiscal year appointments.

***d) Other***

- i. A faculty member on sabbatical leave and professional development leave, at full pay who is eligible to accrue vacation leave, will accrue vacation leave credits at a rate of 1.834 working days per month, and a faculty member or University officer on a sabbatical leave at half pay is eligible to accrue vacation leave credits at a rate of .917 working days per month.
- ii. Holidays which occur during vacation leave periods will not be charged to vacation leave credits

**3. LEAVE WITH PAY, LEAVE WITHOUT PAY, FMLA**

See [Section I-D University Policies and Procedures](#), for information about these additional leaves.

**4. SABBATICAL AND PROFESSIONAL DEVELOPMENT LEAVE**

The purpose of sabbatical and professional development leave is to enhance the professional

effectiveness of the faculty and to enrich the academic climate of the University. Tenured faculty members may apply for sabbatical leave and academic personnel on extended term or fixed-term appointments may apply for professional development leave consistent with UW Regulation 2-16. (See [https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw\\_reg\\_2-16\\_approved\\_8-12-20.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2020/uw_reg_2-16_approved_8-12-20.pdf).)

## J. ACADEMIC ADMINISTRATORS

Consistent with UW Regulation 2-8, the President is responsible for recommending the appointment or removal of the Provost & Senior Vice President of Academic Affairs, Deans, and the Executive Director of the School of Energy Resources; and ensuring regular evaluations of their performance. College and unit level administrators serve several roles as supervisors of the university, leaders of their academic units, and representatives of the views and interests of their academic colleagues. Therefore, the appointment, evaluation or removal of Executive Directors/Directors, Deans, Associate and Assistant Deans, and Unit/Division Heads normally shall involve significant faculty participation. (See [https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw\\_reg\\_2-8\\_approved\\_2-17-21.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2021/uw_reg_2-8_approved_2-17-21.pdf).)

## K. COMPENSATION

All academic year employees are to be paid over a period of twelve (12) months, September through September.

1. The base salary for most Academic Personnel is for work performed during the academic year, including periods when classes may not be in session but the University is officially open. The academic year is defined as the period beginning with the faculty reporting day of the Fall semester and ending when Spring semester grades are due. Academic personnel on academic year appointments who perform administrative duties and other duties beyond the usual academic assignments may receive a temporary increase to base salary for the duration of work performed. Salaries for academic personnel and University officers on academic year appointments who begin employment outside of the academic year cycle (e.g., January) shall be pro-rated and distributed equally across the remainder of the months until the start of the next academic year.

For faculty members on academic year appointments, the payment received during the summer months reflects the balance of the academic year contract. When approved by the appropriate University authorities, full-time academic personnel on academic year appointments may earn supplemental pay plus the annualized amount of an administrative stipend for duties carried out during the winter term (J-term) or the period from Spring commencement to Fall semester reporting date, provided these duties are not included in the standard academic year workload. Supplemental pay will be prorated accordingly. A maximum of 3/9ths of the base faculty salary may be earned in supplemental pay. Pay earned for carrying out academic administrative duties, including administrative stipends, are excluded from this calculation. Any exceptions to this limitation requires prior approval of the Provost & Senior Vice President of Academic Affairs, in consultation with the President, and may require prior approval by other offices and federal agencies as well. Additional information about supplementary compensation can be found in [UW Regulation 2-3](#).

### **III. RULES, POLICIES AND PROCEDURES THAT ARE SPECIFIC TO CLASSIFIED STAFF, ADMINISTRATIVE PROFESSIONALS, AND ADMINISTRATORS**

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

Individuals designated by the President of the University shall have the power to appoint staff (Appointing Authority). Each appointment 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 non-exempt according to the Fair Labor Standards Act (FLSA).

##### **1. CLASSIFIED STAFF**

Classified staff are benefited employees that include non-exempt and exempt professionals. Employees are considered either “exempt” or “non-exempt” as defined by the Fair Labor Standards Act (FLSA). A position that is non-exempt is entitled to overtime pay or compensatory time off. Human Resources is responsible for determining which positions are exempt as determined by the job duties and/or salary of that position.

##### **2. ADMINISTRATORS AND ADMINISTRATIVE PROFESSIONALS**

Administrators and administrative professionals are executives and high-level exempt employees who are employed at-will without a specific guaranteed term of employment and whose employment may be terminated at any time with or without cause. The terms and conditions of their employment will be controlled exclusively by the terms of their letter of appointment. These employees do not have any retrenchment, grievance, or appeal procedure rights but may be subject to progressive discipline at the sole discretion of the University. They are subject to the provisions of this Employee Handbook and entitled to University benefits such as retirement, sick leave and vacation as agreed to in writing by the Appointing Authority. The provisions in this section of the Employee Handbook pertaining to retrenchment, probation and on-call pay do not apply to administrators and administrative professionals.

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

The Staff Senate is an elected representative body that serves the functions set forth in UW Regulation 1-3.

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 AVP 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 1-3 or call the Staff Senate office 307-766-5300. For more information, please go to: [https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw\\_reg\\_1-3\\_effective\\_7-1-19.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-2019/uw_reg_1-3_effective_7-1-19.pdf).

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

Staff and administrative positions are classified to reflect the nature of the work performed as detailed in the job description. All classified staff, administrators and administrative professionals shall have an accompanying job description on file in Human Resources.

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.

Provided below is the compensation plan for classified staff, administrators and administrative professionals.

## 1. DEFINITIONS

- Pay Grade refers to the assigned level within the pay grade matrix.
- Salary Range refers to the range of pay associated for all jobs in that pay grade. It shows the minimum pay amount to the maximum allowed.
- Job Description refers to a job designation based on common duties and responsibilities that are described by the same official title and pay grade.
- PDQ refers to the Position Description Questionnaire form that provides information in the position audit process. It contains information on the position's primary duties, essential functions, competencies, knowledge, skills, abilities, working conditions, and the minimum qualification requirements.
- Essential Functions refer to the duties and responsibilities of the position which, if removed, would fundamentally change the job. Essential functions are the primary reason for which the job exists.
- Competencies are a measurable pattern of abilities, behaviors, and other characteristics that a person needs to have to perform work roles or occupational functions successfully. Using competencies provides consistency, fairness, and the ability to develop employees more effectively. Competencies focus on the “how” (as opposed to the what) of performing job functions. They concentrate on the aptitudes the person needs to be successful.
- Maintenance Review refers to the review and modification of current classifications and correct placement within the pay grade matrix.
- Audit refers to a meeting held between a representative from Human Resources, the employee, immediate supervisor and other departmental personnel having direct knowledge and understanding of the position to clarify essential functions and assist in the classification process. Audits for new and vacant positions will be conducted with the immediate supervisor and others who have direct knowledge and understanding of the position. Audits are requested by the department when significant changes in duties occur, subject to Appointing Authority approval.
- Reclassification refers to a position’s change to a different job title and/or pay grade due to the addition, deletion or modification of assignments as reflected in the PDQ.

## 2. CHANGE IN PAY GRADE (AUDIT AND MAINTENANCE REVIEW)

When an audit or maintenance review results in a change in pay grade, the employee’s salary will be increased to the minimum of the new pay grade should the new pay grade be higher. The Appointing Authority may request an adjustment to the employee’s salary in accordance with the provisions of an upgrade. The employee’s salary shall remain unchanged if the study results in a retention, downgrade, or title change only.

## 3. POSITION INITIATION AND MODIFICATION REQUESTS

To request a new position number, initiate an audit, or request a terminal leave number the department’s designated Decentralized Human Resources Representative will initiate the request in HCM for review and approval.

## 4. POSITION AUDIT PROCESS



When a significant change in the essential functions assigned to an existing benefited staff or administrative professional position is deemed necessary by a supervisor, an audit request should be submitted. Approval must be granted by the appropriate administrators, including notification to the department head and the Appointing Authority, prior to initiation of a request by the supervisor for the audit review. The supervisor should review the PDQ with the employee for accuracy. If the supervisor does not support an audit request, the individual employee may contact HR for assistance. Human Resources may also initiate a position audit when it is deemed necessary. There are four (4) steps:

**Step 1 - Request for Review.** The supervisor shall initiate the position change in HCM and submit it as an audit request. The department will need to attach a copy of the completed PDQ. The request will route for approvals up through the Appointing Authority.

**Step 2 - Human Resources Review.** Upon receipt of the approved audit request, a Human Resources Compensation/Classification Consultant will contact the department and arrange to review the position. The Human Resources Consultant will discuss the position with the employee, immediate supervisor and/or other individuals having knowledge of the position.

**Step 3 - Human Resources Decision.** The Human Resources Consultant will take into consideration all written and verbal information in rendering a classification recommendation. If the recommendation indicates the position should be reclassified to a different job title and pay grade, Human Resources will reclassify the position. Any upgraded position shall be approved by the AVP of Human Resources, divisional Vice President or the Director of Intercollegiate Athletics, and the Appointing Authority.

There are four potential outcomes from a position audit. They are:

- **Upgrade.** When the audit reveals a significant number of additional essential functions of a higher classification are being performed by the incumbent, an upgrade will be recommended. It is important to note that the classification system is focused on the level of essential functions of the position and not the volume.

For audits resulting in an upgrade, a salary adjustment is not required for employees whose salary is at or above the minimum amount for the new pay grade. However, an Appointing Authority may request an appropriate salary adjustment by working with Human Resources. For salary adjustments resulting from an upgrade, the salary will not be set above the maximum or below the minimum of the new pay grade.

If the upgrade reclassification is not approved, HR will meet with the supervisor and/or Appointing Authority and recommend realignment of job duties to ensure that the employee is not performing significant duties of a level other than that for which the employee is being compensated.

- **Downgrade.** When the audit reveals a significant number of essential functions of a lower classification are being performed by the incumbent, a downgrade will be recommended. When an audit results in a downgrade, the incumbent's salary will be maintained at the current level, unless the pay is above the new maximum of the salary range, in this case the pay would be lowered to the maximum of the new pay range (except for disciplinary purposes).
- **Retention.** When the audit reveals there have been no significant changes in essential functions, the job title will not change and no salary adjustments will be authorized.
- **Title Change.** When the audit reveals a significant change in the essential functions of a position, a new classification will be recommended. If the pay grade of the new job is the same as the current job, the change is referred to as a "title change only" and no salary adjustments will be authorized.

**Step 4 - Effective Date of Reclassification Decision.** If a position is reclassified, the effective date shall be the first day of the month following approval by HR. Human Resources will make reasonable efforts to complete audits within four (4) weeks of receipt of the authorized audit request.

**Staff position classification decisions may be appealed in writing by the employee or the Appointing Authority.** An appeal must be made in writing with the employee's reasons for disagreeing with the initial decision by Human Resources and be received by the AVP of Human Resources within ten (10) business days after receipt of the audit decision by the employee and/or Appointing Authority. The AVP of Human Resources will review the matter and notify the parties of the decision. The decision is final and there is no further right to review.

## 5. ANNUAL AUDIT RECOMMENDATIONS

In order to maintain the integrity of the classification system, it is imperative to monitor for both significant and incremental change on a routine basis. Each staff position shall be reviewed by the supervisor and employee each year during the Performance Management process, and an audited requested when there is a significant change in duties since the last audit of the position. Supervisors may be notified by Human Resources when a position may need to be audited.

## 6. TEMPORARY ASSIGNMENTS AND PAY ADJUSTMENTS

A supervisor may temporarily assign an employee the duties of a different position of a higher pay grade that has been vacated because of an incumbent's extended leave or termination. Such assignments may be made for a period not to exceed one year. An employee temporarily assigned for less than thirty (30) calendar days duration shall receive no change in pay. If the temporary assignment exceeds thirty (30) calendar days, and if the pay grade for the classification of the temporary assignment is higher than the grade of the employee's regular position, the employee's salary may be temporarily supplemented in relation to the pay grade differential between the jobs. Contact the HR Compensation Unit for assistance in calculating this amount. In no case will the temporary pay be below the minimum or above the maximum of the pay grade for the classification that the employee is temporarily assuming duties. An employee temporarily assigned the additional duties of a job in the same pay grade for longer than thirty (30) days may receive a temporary pay increase not to exceed 10% of the employee's base pay. The department will need to remove the temporary adjustment when the employee is no longer performing the higher level or alternative duties.

## 7. VOLUNTARY DEMOTION

When an employee requests to be reassigned or applies for and accepts a new position at a lower pay grade, the salary requested by the Appointing Authority after consultation with Human Resources will be set based on a combination of the department's budget and experience compared to the minimum qualifications of the new position and the pay grade range assigned for that position. The employee may not receive an increase in pay for taking a job in a lower pay grade. The offer must be at or below their current pay. In no case will the salary be set above the maximum of the range or be less than the minimum unless approved by the divisional Vice President or the Director of Intercollegiate Athletics.

## 8. INVOLUNTARY REASSIGNMENT

When an employee is involuntarily reassigned to a lower-level classification due to a reorganization or for disciplinary purposes, the Appointing Authority has the discretion to decrease the employee's salary after consultation with Human Resources.

## **9. PROMOTION IN A CAREER LADDER**

When an employee is promoted up to the next level in an established career ladder, the employee will automatically move to the minimum of the new pay range. The supervisor has the option to request an appropriate salary increase to maintain the employee's position in range. In no case will the salary be set above the maximum of the range or be less than the minimum.

## **10. LATERAL TRANSFER**

A lateral transfer is a job change to a position that is in the same pay grade. If an employee makes a job transfer to the same job classification in a different department (e.g., Office Associate in Geology to an Office Associate in Animal Science), the salary will be maintained at the current level. A pay increase is not permitted unless approved by the divisional Vice President or the Director of Intercollegiate Athletics.

If the lateral transfer is to a different job classification but the same pay grade (e.g., Office Associate to Area Supervisor) then the department may provide a pay adjustment of up to a 5% increase.

## **11. NEW HIRES AND JOB TRANSFERS**

Starting salaries for new employees or current employees seeking a transfer to a job of a higher pay grade will be based on that individual's career experience, qualifications, certifications, registrations and/or licenses for the position for which they are hired, and will be subject to the available resources of the University. Those candidates meeting the minimum qualifications and any required certifications, registrations, and/or licenses will typically start towards the minimum of the assigned pay grade. Supervisors are allowed to make an initial salary offer up to the midpoint of the pay range. If the candidate has more than the minimal experience required, the department may after consultation with the Human Resources Compensation Unit, offer a salary higher in the pay range. Factors such as internal equity and external market rate shall factor into all pay decisions.

## **12. ON-CALL PAY**

Non-exempt employees who are required to be On-Call by their Appointing Authority, during times other than their normal work schedule, shall be compensated at the rate of \$26.00 per each 24-hour period or at a rate set by the AVP of Human Resources after consultation with the Appointing Authority. On-Call is defined as time personnel must be available and be able to report to work within 30 minutes of receiving a call, where liberty is only slightly restricted, and not under the influence of drugs or alcohol. If the employee must remain on the University premises or nearby so they cannot use the time freely, time is compensable on an hour-for-hour basis and shall not be considered On-Call.

Callback pay is a guarantee of pay when the On-Call employee has to perform work during the On-Call period. All Callback time will be paid at the regular rate and shall be subject to the overtime provisions pursuant to the Fair Labor Standards Act. When the employee is called back to the workplace, the employee shall be paid a minimum of two hours. The two-hour minimum is only for the first callback to work; any additional callback to work in the same 24-hour period will not be eligible for an additional two-hour minimum but paid at the employee's regular rate. Employees responding remotely will not receive the two-hour minimum and will be paid for their actual time worked. Employees required to be On-Call during an official University holiday are entitled to the paid holiday and On-Call pay, and shall be paid at a rate of time and one-half for actual hours worked on the holiday. Non-exempt staff employees required to be On-Call on holidays will be entitled to observe the holiday on the next regularly scheduled workday or on a day within the same or following pay period mutually agreed to by the employee's immediate supervisor and the employee.

### **13. SALARY AUTHORIZATION REQUESTS**

Salary Authorizations are used for internal equity corrections, or to make a counter-offer (retention pay adjustment). For an internal equity correction, please contact the Human Resources Compensation Unit for review and analysis. Counter-offers are only applicable when an employee has an offer of another job outside of the University. Internal counter-offers are not allowed unless approved by the divisional Vice President or the Director of Intercollegiate Athletics. A copy of the written offer must be presented. In consultation with the Human Resources Compensation Unit, the supervisor must submit a Salary Change Request through the HCM system. Staff, Administrators and Administrative Professionals are required to wait 24 months prior to receiving any additional offers from their current department, including counter offers unless approved by both divisional Vice Presidents and/or the Director of Intercollegiate Athletics.

- Funding. All salaries or salary adjustments shall be subject to the resources of the University. Departments and colleges are responsible for identifying funding sources to support all salary requests
- Questions relating to the administration of this should be referred to the AVP for Human Resources

### **D. PROBATION**

Commencing with initial employment, all classified staff that are not grant-funded, shall be required to serve a probationary period of one year. At the discretion of the divisional Vice President or the Director of Intercollegiate Athletics, in consultation with Human Resources, employees who are promoted, transferred, or reassigned will 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. Classified 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 at is the University's sole discretion and may be either extended or reduced for a period of up to six months when the responsible Vice President or the Director of Intercollegiate Athletics determines that such extension or reduction would be in the best interest of the University. Employees who are required to serve additional probationary periods shall be notified. Probationary employees must have prior approval from both their current and prospective Vice President, or the Director of Intercollegiate Athletics before they will be allowed to change positions.

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

#### **1. GENERAL INFORMATION**

A Review Period is an annual cycle of employee performance observed by their supervisor that opens in January and closes in December of the same year. A performance evaluation is completed after the close of the Review Period.

Performance planning establishes concrete annual goals and competency expectations for the employee for the upcoming Review Period. These goals should align with departmental goals and the mission of the University. New goals are entered in WyoCloud HCM for the Review Period for evaluation at the close of that Review Period.

Performance evaluations evaluate the employee's completion of annual goals and expectations of competencies established by the performance planning process from the previous Review Period. Supervisors should identify and document performance deficiencies and assist with correction.

The employee evaluation is designed so that employees:

- Are aware of expectations;
- Receive feedback about their performance;
- Discuss opportunities for training, career development, and promotional opportunities;
- Receive recognition in a fair manner; and
- Have input into establishing their annual goals.

The employee evaluation score will be utilized as part of the basis for personnel decisions, including career development, salary increases, and corrective action, if appropriate.

Points are awarded based upon the employee's performance on each competency and goal. A score of 1 to 5 points is awarded to each competency and goal based on the following chart:

5 - Exceptional: Performance far exceeds the job responsibilities and requirements.

4 - Exceeds Expectations: Performance exceeds the job responsibilities and requirements.

3 - Meets Expectations: Job responsibilities and requirements were successfully achieved, demonstrating complete position competency.

2 - Almost Meets Expectations: Typically meets majority of the key requirements of the job, but occasionally falls below established limits. Fails to progress toward one or more targeted results.

1 - Unsatisfactory: Fails to meet general requirements of the job and progress towards targeted results. Competency level is inadequate to satisfy requirements of this position.

## **2. SUPERVISORS**

Supervisors shall be evaluated by their administrative superiors, in part, on their attentiveness to completion of evaluations for employees under their supervision. In January of each year, a Review Period is established for the calendar year in the HCM system. Supervisors' observations during the performance evaluation meeting should be limited to this Review Period (between January and December of the previous year).

Supervisors are expected to hold an annual face-to-face performance evaluation meeting with each classified employee, between the months of January and March of each Review Period. The meeting must encompass evaluations of the previous Review Period and performance planning for the upcoming Review Period.

Supervisors are expected to meet with each employee at least quarterly to review the employee's progress on their annual goals and discuss the employee's competencies.

Evaluations must be completed in HCM by March 31st of each year. The employee's job description should be reviewed and updated each year for the upcoming Review Period.

New supervisors are expected to attend a training session on conducting effective evaluations within one year of their appointment as a supervisor. This requirement may be satisfied by completing

supervisor training through Human Resources, or by attending a designated training session. Online training is available as a supplement to face-to-face training.

Training is critical to a quality performance evaluation program. Individuals responsible for reviewing employee performance will complete training on how to utilize HCM for the employee evaluation. New supervisors are expected to attend a training session on conducting effective evaluations within 30 days of their appointment as a supervisor. This requirement may be satisfied by completing evaluation training through HCM's Oracle Learn Center.

### **3. EMPLOYEES**

Each employee is responsible for providing an evaluation of their own performance for the Review Period, providing input to their supervisor for their annual goals and competencies, meeting expectations and achieving goals, and identifying and requesting participation in career development and training opportunities.

Employees have the ability 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.

### **4. PROBATIONARY EMPLOYEES AND SUPERVISORY CHANGES**

Upon hire, new (probationary) employees and their supervisors should discuss the essential duties and expectations of the new position and establish a timeline for training the probationary employee. The annual goals for a probationary employee should be established shortly after they are hired. Probationary employees who were hired on or before July 1st of the Review Period should receive a performance evaluation. Probationary employees who were hired after July 1st of the Review Period will not receive a performance evaluation for that year.

Regardless of when a probationary employee is hired, the supervisor will still meet with this employee quarterly to review the employee's progress on their annual goals and discuss the employee's competencies. After successful completion of the probationary period, the employee will join the normal annual cycle of evaluation.

Employees who have a mid-year change of supervision due to a transfer, promotion or change in supervisors should be evaluated by the new supervisor if the change is effective prior to October 1st. The previous supervisor should conduct the evaluation if the transfer or promotion is effective between October 1st and December 31st. In either case, it is appropriate for the current supervisor to contact the prior supervisor for feedback.

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

Promotion and transfer decisions are based upon the individual's qualifications as they relate to the new position's requirements, and/or the needs of the department. Promotions and transfers will be primarily driven through the recruitment process, although avenues exist for units to pursue a direct hire, should an employee be uniquely qualified. Benefited University employees that meet noted minimum qualifications will be given priority consideration for any benefited job opening that the department chooses to advertise internally as a UW promotional opportunity. For more information on career ladder promotions refer to the [Section I \(D\)\(42\), "Off](#)

[Cycle Pay Increases](#)” section in this Handbook. For information regarding promotions for faculty and other academic professionals, please see Section II of this Handbook.

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 reassignment resulting in a salary reduction may be grieved under the procedure described in [Section III, L 1 – Staff Grievance Procedure](#) of this Handbook.

## **G. RESIGNATIONS AND SEPARATION FROM SERVICE**

Employees should give as much notice as possible of their intent to vacate a position by notifying their supervisors in writing of their projected date of resignation. Positions that are non-exempt 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 administrative leave with pay for the duration of the notice period (the period of time between the receipt of the resignation letter and the termination date); the last day worked would be the last day of administrative leave with pay. The employee should also arrange for an exit interview with Human Resources. Once a resignation has been received and the employee requests to rescind the resignation, it is within the University’s sole discretion whether or not to grant this request and the rescission may not be possible if the University has formally accepted the resignation.

When an employee separates from University service, the employee is entitled to be paid 100% of the current base salary rate for all accrued unused vacation credits and 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. Such payment will be either a lump sum or a combination of terminal leave and lump sum payment. Employee will fill out the [Termination Leave Option Form](#). All compensatory time will be paid out regardless of balance. HR captures the actual last day the person worked. The recorded Termination Date may be adjusted forward if the employee uses terminal leave. To use terminal leave the employee must fill out the Termination Leave Option Form.

In the case of death of a current employee, payment for University service will be made up to, and including, the complete workday on the date of death.

## **H. EMPLOYMENT RECORD**

Each benefited employee shall have an official employment record in the form of a personnel file. All current benefited classified staff employees may review their own personnel file in the presence of an HR employee, following HR’s process, except as restricted by law. The employment record is only accessible by the employee, the current supervisory chain of command, Human Resources and the Office of General Counsel. Former employees may request a copy of their personnel file (applications, performance ratings and scholastic achievement data only) through the University’s public records process. See W.S. 16-4-203(d)(iii).

## **I. RETRENCHMENT**

This establishes a procedure for reorganization that results in the involuntary loss of existing classified staff positions. This section regarding retrenchment is not applicable to University employees who are at-will, probationary, and at-will grant-funded staff.

Nothing in this policy shall be construed to preclude or negate the provisions of UW Regulations 2-11, 2-12 and 2-13. For more information, please go to: <https://www.uwyo.edu/regs-policies/section-2-academic-affairs/index.html>.

## 1. PROCEDURE

In anticipation of a reduction in workforce, the Appointing Authority must consult with Human Resources. Human Resources will provide assistance and will ensure that reductions in the workforce actions are conducted in an equitable and consistent manner. Please follow instructions found on the Human Resources website.

A classified staff employee subject to retrenchment shall be given as much advanced notice as possible, but no less than 30 calendar 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 assistance for placement in another position.

## 2. RETRENCHMENT BENEFITS

Reemployment rights will remain in effect for 12 months after the termination date of the retrenchment. Reemployment rights will cease when the employee has refused or accepted one offer of University employment.

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 their 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 all applications that they have made, and HR will apprise the hiring department of the retrenched employee's rights. It is the responsibility of the retrenched employee to keep Human Resources Employment Partners informed of their interest in employment, current address, email address and telephone number.

Retrenched employees who meet minimum qualification will be granted an interview. Any Appointing Authority who chooses to hire another applicant instead of a qualified retrenched employee must justify their decision in writing to the responsible Vice President, Director of Intercollegiate Athletics, or designee. The VP or designee must inform HR of this decision.

Unless reinstated to their 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 their former anniversary date reinstated.

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 Human Resources. Any outplacement services offered may be available to retrenched employees upon notification of retrenchment. Outplacement services may include the following, for example:

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



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

If a retrenched employee is rehired within 31 days of separation, all accruals paid out must be paid back to the University within 31 days of the rehire date. If a retrenched employee is rehired within 12 months of separation, the employee may choose to reimburse all accruals paid out and the accumulated leave will be restored to the employee.

For persons enrolled in health insurance and who were actively employed as classified staff by the University on or before August 15, 2016, the University will pay the full amount of the health insurance benefit under the group plan for UW employees for a period of six months following separation or until the retrenched employee acquires employment which offers health insurance, whichever occurs first. 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.

## **J. CORRECTIVE AND DISCIPLINARY 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 Human Resources in an investigation.

The University corrective action process may include, but is not limited to, a warning or reprimand. The University disciplinary action process may include, but is not limited to, a demotion, a suspension without pay, or termination.

The University reserves the right to allow an Appointing Authority, in consultation with Human Resources, to select the appropriate level of corrective action. Corrective or disciplinary actions may begin at any stage including termination depending on the nature of the issue. Violations of University rules prohibiting discrimination and sexual harassment shall be investigated by the Office of Equal Opportunity Report and Response in accordance with procedures established in UW Regulation 4-2 and dependent upon the findings of the investigation may warrant corrective action by the Appointing Authority in consultation with Human Resources. For more information, please go to: [http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-2\\_effective\\_7-1-18.pdf](http://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-2_effective_7-1-18.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; theft; fraud; absenteeism; damage or unauthorized use of State or University property; refusal to work; harassment; carelessness; assault; insubordination; failure to observe safety rules; discourteous treatment of other employees, students, or the public; neglect of duty; violations of state or federal law, University rules, UW Regulations and Policies or department expectation.

Human Resources must be consulted prior to implementing any warning, reprimand or disciplinary action.

## 2. CORRECTIVE ACTION PROCEDURE

### a) *Verbal Feedback*

Verbal feedback is a verbal setting of expectations. The supervisor verbally acknowledges problematic behavior(s) or substandard work performance and explains what is expected from the employee. Supervisors must document verbal feedback. Human Resources is not contacted for verbal feedback.

### b) *Written Warning*

A warning may be given by a supervisor or an Appointing Authority when behavior problems or substandard work performance occur. Documentation of the warning is kept by the supervisor and shared with Human Resources. Warnings are not maintained in the employee's employment record. A warning should include:

- i. What expectation(s) the employee is failing to meet or what, behavioral issue(s) the employee is having.
- ii. What changes in performance and behavior are expected moving forward.
- iii. That further issues of this nature will require further corrective or disciplinary action.

### c. *Written Reprimand*

- i. A reprimand may be given by a supervisor with approval from the appropriate Appointing Authority.
- ii. The supervisor will consult with both Human Resources and the Appointing Authority before issuing the reprimand.
- iii. After the consultation, the supervisor will work with Human Resources to draft a reprimand. The reprimand should include reasons for the action being taken.
- iv. The supervisor will provide the reprimand to the employee.
- v. The employee may meet with the appropriate Appointing Authority to discuss the reprimand within five working days of the date of the reprimand.
- vi. If the corrective action is not reversed by the Appointing Authority after meeting with the employee, the employee may provide a written response to the reprimand. The employee's response must be provided to Human Resources within 10 working days of the date of the reprimand.
- vii. Copies of the reprimand and the employee's written reply will be placed in the employee's personnel file.
- vii. No other appeal is available to the employee.

## 3. DISCIPLINARY ACTION PROCEDURE

### a) *Notice of Intent to Take Disciplinary Action*

A disciplinary 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 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.

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

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

**4. APPEAL PROCEDURE**

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

***a. Process to Initiate the Appeal and Hearing:***

- i. The employee must file a written notice of appeal with Human Resources within seven working days from the date of the final, written disciplinary action decision. The notice of appeal must include a brief statement of the events giving rise to the disciplinary action and the relief sought.
- ii. Within seven working days of the receipt of the appeal, Human Resources shall submit the appeal to a Hearing Officer retained by the University, with notice to the parties.
- iii. Within 10 working days after their appointment, the Hearing Officer shall consult with the parties in order to determine a mutually agreeable hearing date and shall establish a file and docket the case. Once the matter is scheduled, the Hearing Officer may at their discretion issue a continuance in order to accommodate scheduling or other matters.

***b) Hearing:***

- i. The employee has the right to legal counsel at the employee's expense.
- ii. 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 their complete employment record or other materials directly related to the disciplinary action, excluding any materials protected by attorney client privileges or other privileges.
- iii. 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.
- iv. Interrogatories are not permitted.
- v. The parties shall exchange exhibits and a list of witnesses at least five working days prior to the hearing.
- vi. No written pre-hearing motions are permitted; however, the parties may jointly communicate with the Hearing Officer.
- vii. The Hearing Officer may permit opening and closing statements by the parties.
- viii. Hearsay is permissible with relevancy and credibility as determined by the Hearing Officer.

- ix. The University shall have the burden of proof by “substantial evidence,” which is evidence that a reasonable mind might accept as adequate to support a conclusion.
- x. The Hearing Officer shall issue a written decision within 15 calendar days of the adjournment of the hearing and shall file the decision with Human Resources with copies to the parties.
- xi. The decision of the Hearing Officer shall be limited to a finding of whether the evidence was sufficient to support the disciplinary action.
- xii. The decision of the Hearing Officer shall be final and binding upon the parties. There shall be no further right of appeal.

## **K. DISPUTE RESOLUTION OPTIONS**

The Dispute Resolution process involves employment matters that are NOT corrective action matters or matters involving allegations of discrimination, harassment, or incidents or threats of workplace violence. 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 Human Resources for information regarding available processes or policies to assist the employee.

### **1. STAFF GRIEVANCE PROCEDURE**

The staff grievance process is administered through Human Resources. The timelines for the grievance process may be extended for good cause at the discretion of Human Resources. If an employee fails to appeal from one level to the next level of this procedure within the time limits set forth, without Human Resources discretion, the problem should be considered settled on the basis of the last decision, and the issue is not subject to further consideration.

#### **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 or 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: performance evaluation ratings; job classification; salary grade; pay assignment; corrective actions; content of policies and regulations of the Trustees of the University, the University, or any department thereof; salary decisions; retrenchment; civil rights complaints properly addressed under UW Regulation 4-2: [https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-2\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-2_effective_7-1-18.pdf); threats or acts of workplace violence properly addressed under UW Regulation 4-4: [https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw\\_reg\\_4-4\\_effective\\_7-1-18.pdf](https://www.uwyo.edu/regs-policies/files/docs/regulations-july-2018/uw_reg_4-4_effective_7-1-18.pdf); or reassignment with or without loss of pay.

If the employee complaint is regarding illegal harassment or discrimination, the employee should submit the written complaint directly to Equal Opportunity Report and Response.

**d. Formal Grievance Process:**

**i. Discussion with Supervisor**

Employee concerns should first be discussed with the employee's immediate supervisor. If the complaint involves the employee's supervisor, the employee should schedule a meeting with that supervisor to discuss the problem that gave rise to the grievance within five working days of the date the incident occurred.

The immediate supervisor should respond in writing to the complaint within five working days of the meeting held with the complainant employee.

If a resolution is reached, the grievance is considered resolved and is not subject to reconsideration at a later date, unless the agreed-upon resolution is not implemented. If the grievance is not resolved at the informal meeting, the employee may submit written grievance to the appropriate Dean or Director. If the employee does not submit written grievance the grievance is considered resolved.

**ii. Written Grievance**

If the discussion with the immediate supervisor does not resolve the problem to the mutual satisfaction of the employee and the supervisor, or if the supervisor does not respond to the complaint, the employee may submit a written grievance to their next level supervisor. The written grievance shall contain the following required elements:

- The nature of the grievance
- Detailed information including evidence of the issue, witnesses, related policies, etc.
- Previous actions taken to relieve the issue
- A copy of the immediate supervisor's written response or a summary of their verbal response and the date when the employee met with the immediate supervisor. If the supervisor provided no response, the grievance should state this.
- The remedy or outcome desired.

Upon receipt of the formal grievance, the next level supervisor will consult with the employee's immediate supervisor, Human Resources and any other relevant parties to evaluate the grievance. Human Resources may gather further information from involved parties. The next level supervisor must schedule a meeting with the complainant and Human Resources within 10 working days of receipt of grievance to discuss the grievance with complainant. The next level supervisor must issue a decision both in writing and orally to the complainant within 7 working days after the meeting. A copy of the decision must be provided to Human Resources.

**iii. Appeal**

If an agreement between the employee and the next level supervisor is not attained, the employee may submit a written appeal to the Vice President or the Director of Intercollegiate Athletics of the division for review. A copy of appeal should also be provided to Human Resources. The request for review should include:

- An explanation of the grievance and details of all previous efforts to resolve the issue
- A copy of the written grievance submitted to the next level supervisor
- A copy of the next level supervisor's written response to the employee's grievance
- Detailed information regarding the employee's dissatisfaction with the next level supervisor's response.

The divisional Vice President or the Director of Intercollegiate Athletics will consult with the employee's immediate supervisor, AVP of Human Resources and any other relevant parties to evaluate the grievance. All documentation gathered by Human Resources shall be delivered to the Vice President or the Director of Intercollegiate Athletics reviewing the appeal. The Vice President or the Director of Intercollegiate Athletics may conduct additional fact-finding or rely solely on the information provided by Human Resources. The reviewing Vice President or the Director of Intercollegiate Athletics must provide a written decision to the employee within 10 working days of receipt of appeal. A copy of the decision must be provided to Human Resources.

The outcome of the review by Vice President or the Director of Intercollegiate Athletics is final unless new evidence or other circumstances warrant additional review of the complaint.

*e. Prohibition Against Retaliation*

No employee may be disciplined or otherwise prejudiced in employment for exercising their rights under the grievance process. No employee shall be retaliated against for utilizing the grievance process or for serving as a witness or representative in a grievance process. Any such retaliation is expressly prohibited and may constitute grounds for disciplinary action up to and including termination of employment.

## **IV. RULES, POLICIES AND PROCEDURES SPECIFIC TO OTHER CATEGORIES OF EMPLOYEES**

### **A. CONTRACT EMPLOYEES**

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.

### **B. 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.

### **C. TYPES OF NON-BENEFITED EMPLOYEES**

#### **1. NON-BENEFITED EMPLOYEES (HOURLY OR SALARIED)**

Hourly or salaried non-benefited employees as defined here are excluded from provisions applicable to staff employees and are not eligible for the privileges and benefits of staff employment, although they are eligible for such benefits as workers' compensation and unemployment. Hourly or salaried non-benefited employees are those individuals who typically work less than 20 hours per week, and may be assigned a work schedule in advance or may work on an as-needed basis. Hourly or salaried non-benefited employees also include those whose expected length of service is less than six months or whose work schedule is intermittent or irregular. Hourly non-benefited employees shall not work more than 80-86 hours per month (depending on working days in a month) for more than six continuous months. Ongoing employment shall be based upon the availability of work, continued funding and/or satisfactory job performance. All non-benefited employees are considered at-will.

#### **2. STUDENT EMPLOYEES**

Student employees as defined here are excluded from the benefits provisions applicable to staff employees and are not eligible for the privileges and benefits of staff employment, although they are eligible for such benefits as workers' compensation and unemployment. A student employee shall be any person enrolled, as an undergraduate or professional student, full or part-time for at least 6 credit hours per semester during the academic year or as a graduate student for at least 4.5 credits per semester during the academic year or 3 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 & Senior Vice President for Academic Affairs. Student employees shall not exceed working 30 hours per week during a pay-period during periods where school is in session. International student employees shall not exceed working over 20 hours per week during a pay-period during periods where school is in session. Student employees may be assigned a work schedule in advance or may work on an as-needed basis and also include those whose expected length of service is less than six months or whose work schedule is intermittent or irregular. Ongoing employment shall be based upon the availability of work, continued funding and/or satisfactory job performance. All non-benefited employees are considered at-will.

*a) Responsibility*

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