

# Jackson State University Jackson, Mississippi

## Staff Handbook



Prepared by  
The Department of Human Resources

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# STAFF HANDBOOK SECTION I

## Introduction



Jackson State University is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, disability status, protected veteran status, or any other characteristic protected by law.

## 1.1 WELCOME TO STAFF EMPLOYEES

It is with pleasure that I welcome you to the staff of Jackson State University (“JSU” or “University”). Your appointment is one of which you can be proud. The University’s primary commodity is quality service to the students, parents, faculty, staff, and the community; and they come first - which is our way of ensuring that we maintain their trust and continued desire to do business with us.



To our students, parents, faculty, staff, visitors, and the community with whom you will have contact as an employee, YOU are Jackson State University. The extent to which JSU is considered friendly, knowledgeable, efficient, reliable, and trustworthy will be measured by how others see these qualities in you. We hope that you will use your talents in a way that stimulates students, parents, faculty, staff, and community relations, and thereby contribute to the growth of the University. If, during the course of your employment, you find ways to improve the University’s operations or services, or to save the University unnecessary costs, I and other University officers welcome your written ideas. If you need help in the presentation of your ideas, don’t hesitate to seek the advice or assistance of your supervisor.

The Staff Handbook that follows has been prepared to guide you and other employees in better understanding our policies, procedures, and practices concerning employment matters. You should familiarize yourself with its contents at your earliest opportunity and keep it handy as a periodic reference source. As changes are made to the handbook, we will make those changes available to you, so that you will continue to have current information.

As you start employment with the University, you will find that your associates are ready to assist you, and you will receive guidance to acquaint you with your new duties and responsibilities. Again, welcome to our team of hard-working and talented staff, and please accept my wishes for success in your new position. I look forward to meeting you in the near future.

Dr. Carolyn W. Meyers,  
Jackson State University President

## **1.2 ADMINISTRATIVE ORGANIZATION**

### **1.2.1 Board of Trustees**

The Mississippi Institutions of Higher Learning (IHL System), under the governance of its Board of Trustees, will operate as a strong public university system with eight distinct, mission-driven universities, and will enhance the quality of life of Mississippians by effectively meeting their diverse educational needs.

The purpose of the Board of Trustees is to control Mississippi's eight institutions of higher learning in accordance with the State Constitution and to see that the IHL system's mission is accomplished. To do so, the Board will operate a coordinated system of higher education, establish prudent governance policies, employ capable chief executives, and require legal, fiscal, and programmatic accountability. The Board will report to the Legislature and the citizenry on the needs and accomplishments of the IHL System. The members of the Board of Trustees of the IHL System are appointed by the Governor of the state with the advice and consent of the Senate.

Jackson State University is one of the eight state institutions of higher learning operating under the management and control of the Board of Trustees of the IHL System.

### **1.2.2 The President**

The President of Jackson State University is the sole agent of the Board of Trustees on the campus. Full authority to manage the institution is conferred upon the President, in accordance with policies and procedures established by the Board with certain laws specifically applicable to the institution. In conferring full authority, the Board requires full responsibility; the President alone reports to the Board; and, in turn delegates limited and specific authority to several administrative officials, each with responsibility commensurate with the delegated authority. The President's specific responsibilities include the physical plant and real property; recruiting, contracting with and supervising all personnel; recruitment, admission, and instruction of students; and cultivating relationships with people or units outside the institution. All functions of the University as it conducts teaching, research, and services are the President's responsibilities (see Organizational Chart).

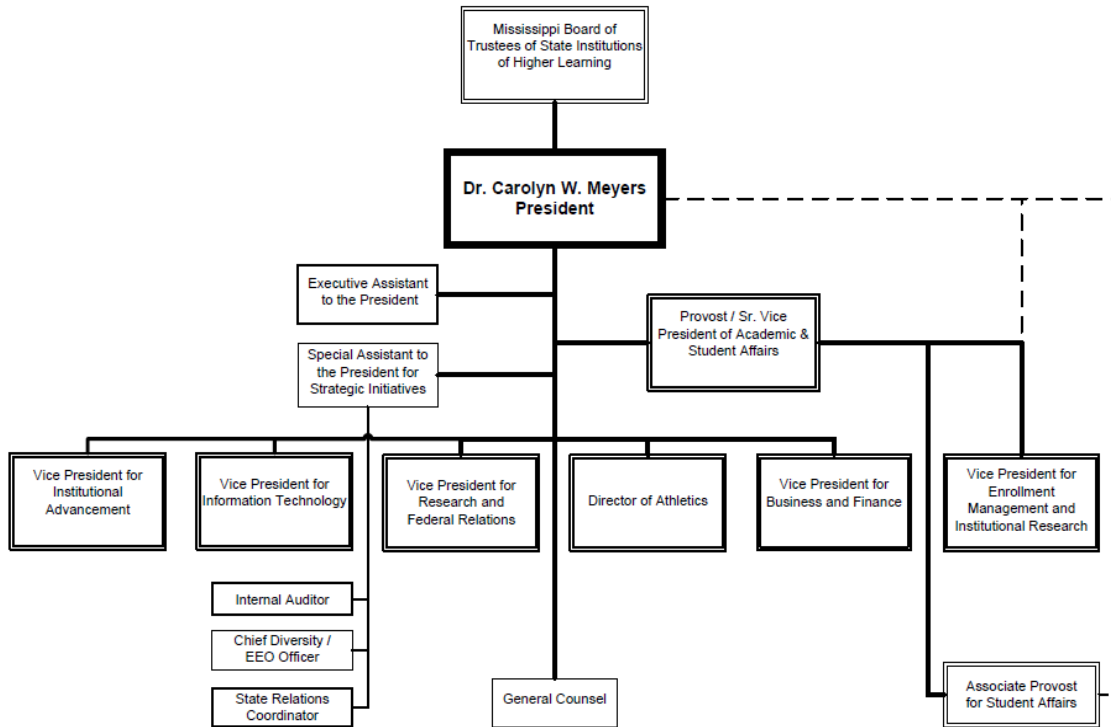
### **1.2.3 Non-Instructional Personnel**

It is the policy that the President nominates for election by the Board all non-instructional employees of the institution. Non-instructional divisions of the University are generally organized with department heads in charge. The heads, subject to the approval of their managers, are responsible for recommending the hiring of personnel and for supervising their performance. The organizational chart of the University shows how the departments relate to the President.

## 1.2.4 ORGANIZATIONAL CHART



Jackson State University  
 Organizational Chart  
 Office of the President  
 Revised August 2015



### 1.3 HISTORY OF JACKSON STATE UNIVERSITY

Jackson State University was founded as Natchez Seminary in 1877 by the American Baptist Home Mission Society. The school was established at Natchez, Mississippi "for the moral, religious and intellectual improvement of Christian leaders of the colored people of Mississippi and the neighboring states." In November 1882, the school was moved to Jackson; in March 1899, the curriculum was expanded and the name was changed to Jackson College. The state assumed support of the college in 1940, assigning to it the mission of training teachers. Subsequently, between 1953 and 1956, the curriculum was expanded to include a graduate program and bachelor's programs in the arts and sciences; the name was then changed to Jackson State College in 1956. Further expansion of the curriculum and a notable building program preceded the elevation of Jackson State College to university status on March 15, 1974. In 1979, Jackson State was officially designated the Urban University of the State of Mississippi.

For the almost 9,000 undergraduate and graduate students enrolled at Jackson State, JSU provides traditional and nontraditional students of diverse backgrounds the academic opportunities to develop knowledge and skills that will empower them to succeed in an increasingly complex and technologically advanced world. JSU has expanded online course offerings, and students are also afforded the opportunity to excel in areas beyond academic disciplines including art, culture, music, and numerous intercollegiate sports and championship competitions. Jackson State's long-term cooperative projects, corporate partnerships, its increasing presence among top universities for the amount of research dollars awarded to the University, and community initiatives strengthen the University's commitment to its students, faculty, staff, and alumni as well as to the West Jackson Community, the city, the state, the nation and several international countries.

#### **Presidents / Institutional Executive Officers**

The following individuals have provided vision and leadership to the university throughout its history:

Charles Ayer 1877-1894  
Luther Barrett 1894-1911  
Zachary Taylor Hubert 1911-1927  
B. Baldwin Dansby 1927-1940  
Jacob L. Reddix 1940-1967  
John A. Peoples 1967-1984  
James A. Hefner 1984-1991  
Herman B. Smith (interim) 1991-1992  
James E. Lyons 1992-1999  
Bettye Ward Fletcher (interim) 1999-2000  
Ronald Mason, Jr. 2000-2010  
Leslie Burl McLemore (interim) 2010-2010  
Carolyn W. Meyers 2011-

## 1.4 VISION STATEMENT, MISSION STATEMENT, AND CORE VALUES

### 1.4.1 Vision

Building on its historic mission of empowering diverse students to become leaders, Jackson State University will become recognized as a challenging, yet nurturing, state-of-the-art technologically-infused intellectual community. Students and faculty will engage in creative research, participate in interdisciplinary and multi-institutional/organizational collaborative learning teams, and serve the global community

### 1.4.2 Mission

The University produces technologically-advanced, diverse, ethical, global leaders who think critically, address societal problems, and compete effectively.

### 1.4.3 Core Values

- **Tradition.** The University believes that its role as a historically black university inspires and exemplifies positive societal change.
- **Accountability.** The University believes in the principled exercise of leadership and the sanctity of the public trust.
- **Learning.** The University believes in an experientially enhanced learning environment where teaching, research, and service are integrated and mutually reinforcing.
- **Nurturing.** The University is committed to creating a community, which affirms and welcomes persons from diverse backgrounds and experiences and supports the realization of their human potential.
- **Service.** The University responds to the needs of society to the best of its ability and expects its graduates to do likewise.
- **Responsibility.** The University believes in and accepts its duty to enhance each generation's capacity to improve the human condition.

## 1.5 PURPOSE OF THE STAFF HANDBOOK

It is the purpose of this handbook to establish and maintain a uniform system for managing personnel matters; to comply with applicable state and federal employment laws as well as Mississippi Institutions of Higher Learning Board Policies (IHL); and to provide the standards, terms, and conditions of employment with Jackson State University in a clear and comprehensive fashion. It is also designed to maximize the efficiency and orderliness of operations. Furthermore, it is intended by adoption and periodic amendment of these policies and procedures that they will serve as a guide for employees of Jackson State University in their routine work activities and relationships to the extent that the objectives of both Jackson State University and the individual employees can be achieved.

Jackson State University believes that the success of the University is largely due to the quality of its employees, the development of each employee's full potential, and the University's ability to provide rewarding work and appropriate recognition. The University also recognizes that employees differ in their skills, goals, perceptions, and values; and that it is basic human nature that conditions may arise that are either insufficiently addressed in the policies and procedures, or that result in conflicts. In such cases, the University will endeavor to make personnel decisions that are fair and equitable, while at all times assuring that the best interest of the University is served.

Jackson State University hereby asserts that it has the right to employ the best qualified persons available; that the continuation of employment is based on the need for work to be performed, availability of revenues, consistent and effective performance, proper personal conduct, continuing commitment and compatibility of employees; and that all employees are terminable at will unless otherwise specified in writing as a prescribed employment term. Employees deserve to be fully informed of their duties and responsibilities; to be provided with adequate administrative and supervisory direction; to be informed of their performance levels; to be compensated based on the value of their contributions; to be provided training; to be considered for promotional opportunities; and to be treated with dignity and respect at all times.

The policies and procedures set forth in this handbook prescribe the terms, conditions, and standards of personnel operations and practices for Jackson State University, the content of which is neither contractually binding upon the University nor restrictive in terms of amendment or interpretation by the University. Employees are expected to acquaint themselves fully with the content of this handbook (whether online or in paper format) and to establish an employment relationship based on a complete understanding of Jackson State University's personnel requirements, expectations, and methods of conducting employment matters.

It is the goal of Jackson State University to provide a meaningful and rewarding work experience for all employees. We encourage employee participation in all matters that affect their work; and employees are encouraged to offer constructive ideas and suggestions for improvement to these policies, employment practices, and changes in working conditions to enhance their total work experience.

Executive Director of Human Resources



## **1.6 STAFF HANDBOOK DISCLAIMER**

The provisions of the Staff Handbook have been developed by the Department of Human Resources with the assistance and support of other University entities. Except for its policy of employment-at-will, these policies may be amended, or cancelled at any time, at the University's sole discretion. These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the President, the Office of the General Counsel, or the Department of Human Resources.

## **1.7 STAFF SENATE**

The Jackson State University Staff Senate is an official governance group representing all staff of the University, and is responsible for eliciting and expressing opinions, suggestions, and recommendations of the staff in all matters of concern to the staff as a whole. The Staff Senate was established to create a stronger bond within the support staff; to promote cooperation among the administration, faculty, students, and support staff of the University; and to responsibly and faithfully administer the policies and objectives which best fulfill the needs, concerns, and interests of the support staff in helping the University achieve its educational goals.

The Staff Senate is organized to provide an operational framework for discussion of issues, policies, and activities relating to the staff of the University and to make recommendations concerning these matters, whenever appropriate, to the University Administration and the Director of Human Resources. The Senate shall provide for enhanced communication among the staff, faculty, and administration and shall promote excellence in service.

Staff personnel at Jackson State University are persons engaged in supporting the University in non-instructional positions. They are skilled, unskilled, professional, technical, and administrative staff who perform a myriad of tasks to support the goals and objectives of the University.

## **1.8 CODE OF ETHICS AND CONDUCT**

### **1.8.1 Statement of Purpose**

It is the policy of the University to conduct itself with the highest degree of integrity and honesty in all of its dealings. This is a responsibility of the University Community. Each staff member, student, faculty member and administrative employee must be bound by this common duty in the pursuit of his or her individual responsibility to the educational objectives of the University.

### **1.8.2 Required Conduct**

All members of the University Community shall conform their conduct to the following standards (1.8.3 through 1.8.11) and avoid any conduct that is an actual or apparent violation of these standards.

### **1.8.3 Proper Use of University Resources**

University resources shall not be used for other than their intended purpose. We shall manage those resources prudently and not for our personal use. Employees shall ensure proper approvals are obtained prior to using facilities or granting use to University facilities. Individuals seeking use of a University facility should contact the Division of Community Affairs and Events.

### **1.8.4 Relationship with Vendors**

No employee may also be a vendor or contractor with the University if a personal benefit is derived to the individual.

### **1.8.5 Gratuities**

No Trustee, member of the Faculty, or employee of the University shall receive or solicit anything of value (other than the pay established in the employment relationship) in return for influencing or exercising his/her discretion in a particular way on a University matter. Honorary gifts of *de minimus* value are excluded from this proscription.

No employee shall make a donation of public funds or resources, and no extra compensation shall be granted beyond the contracts made to employees or contractors. No person shall diminish, waive, or relinquish an obligation or claim held or owned by the state, without adequate and legal consideration exchanged.

### **1.8.6 Confidentiality and Maintenance of Accurate Accounts and Records**

The accounts and records of the University are maintained in a manner that provide for an accurate and auditable record of all financial transactions in conformity with generally accepted accounting principles, established business practices, and all relevant provisions of controlling law. No false or deceptive entries may be made. Business records must be prepared with care and honesty.

Members of the University Community who improperly convert these records and accounts for their own personal use or for the personal use of another, or who wrongfully discloses such records or accounts will be subject to appropriate disciplinary action with the possibility of additional liability or punishment pursuant to state and federal law.

### **1.8.7 Educational Benefits and Opportunities**

No member of the University Community shall deny a student fair access to educational opportunities and benefits available at the University. Invidious harassment, discrimination, or intimidation of students that deny or impede their right of access to these benefits and opportunities will not be tolerated and will be subject to disciplinary action.

### **1.8.8 Government Relations**

All members of the University Community are expected to conform their actions to the requirements of the law. Illegal or unethical conduct by University employees, whether on or off campus, may reflect unfavorably on the University or be relevant to an employee's fitness for a particular position. Any misconduct which violates this Code of Ethics and Conduct Policy may be considered by the University for evaluation and/or employment action purposes.

If JSU is requesting Government funding or the award of a Government contract or grant, JSU (including its representatives) has an affirmative obligation to make full, accurate, and honest representations concerning all relevant information submitted to or requested by the Government. All record keeping and accounts must be in accord with generally accepted accounting principles and otherwise in compliance with all pertinent Government directives and regulations.

### **1.8.9 Employment Practices and Public Relations**

No member of the University Community shall engage in any employment practice that is a violation of Federal law, Mississippi law, or the law of any other local jurisdiction where the University may have employees conducting business. Every member of the University community is expected to treat each other and members of the public with courtesy, professionalism, and civility.

#### **1.8.10 Duty to Cooperate**

Every member of the University Community has a duty to cooperate with the University in the initiation and defense of actual or contemplated litigation affecting the interests of the University and in the conduct of any investigation of the University, including a violation of this *Code of Ethics and Conduct*. Suspected violations of Mississippi State Ethics laws should be forwarded to the University's Office of General Counsel.

#### **1.8.11 Relevant Mississippi Ethics Laws**

JSU employees shall not be interested, directly or indirectly, in any contract with the University other than their employment contract. Therefore, a JSU employee may not be a contractor or vendor with JSU, other than his contract of employment, or have a material financial interest in a business which is a contractor or vendor with the University. An employee has a material financial interest in a contract if a personal and pecuniary interest, direct or indirect, accrues to the public servant or relative, either individually or in combination with each other. It is not considered a material financial interest where ownership in a company benefiting from a contract is extremely small and not influential, as set forth in *Miss. Code Ann. §§ 25-4-103 and 25-4-105*.

No person may intentionally use or disclose information gained because of his official position or employment as a public servant in any way that could result in pecuniary benefit for himself, any relative, or any other person, if the information has not been communicated to the public or is not public information.

Any contract made in violation of state ethics law may be declared void and the contractor or subcontractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or the services furnished prior to the date of receiving notice that the contract has been voided. Any person violating a state ethics law shall be punished as provided for in *Miss. Code Ann. §§ 25-4-109 and 25-4-111*.

Executive directors and heads of state agencies, including presidents and trustees of state-supported colleges, who are paid from state funds must file a statement of economic interest as required by *Miss. Code Ann. §§ 25-4-25 and 25-4-27*.

### **1.8.12 Whistleblower Policy**

#### **Purpose:**

The general purpose of this policy is to protect any Jackson State University (JSU) employee or other member of the JSU community (hereinafter "Individuals") who makes a good faith disclosure of suspected Wrongful Conduct. More specifically it:

- encourages Individuals to disclose violations of law and serious breaches of conduct covered by University policies;
- informs Individuals how allegations of Wrongful Conduct may be disclosed;
- protects Individuals from reprisal by adverse academic or employment action taken within the University as a result of having disclosed Wrongful Conduct; and provides Individuals who believe they have been subject to reprisal a process to seek relief from retaliatory acts that fall within the authority of the University.

#### **Policy:**

Individuals are expected to abide by state and federal laws and regulations as well as University policies. Furthermore, a JSU employee cannot be compelled by a supervisor or University official to violate a law or University policy. In the interest of the University and its faculty, staff, and students, Individuals who have knowledge of specific acts which they reasonably believe violate the law or University policy are strongly encouraged to disclose those acts to an appropriate University official. Deans, directors, department/unit heads and other administrators who have knowledge of specific acts which they reasonably believe violate the law or University policy must disclose those acts to an appropriate University official.

This policy supplements the existing Mississippi Code Ann. §§ 25-9-171 through 25-9-177 and Section 1553 of the federal American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 11 1-5) , and protects reporting Individuals who make a good faith report (as defined in section I., b., of this policy) from retaliatory academic or employment action including reprisal in annual reviews or tenure and promotion decisions, discharge, reassignment, demotion, suspension, harassment, or other discrimination.

#### **Procedure:**

The University shall devise procedures for handling a Good Faith Report of Wrongful Conduct and for responding to complaints of reprisal or retaliation against Individuals making such reports. Such procedures shall conform to the guidelines detailed below. These procedures should be published on applicable University websites. **Wrongful Conduct/Good Faith Report**

- a. "Wrongful Conduct" is defined in this policy to be:
  - a violation of applicable state and/or federal laws and regulations;
  - a serious violation of University policy;
  - the use of University property, resources, or authority for personal gain or other non-University-related purpose except as provided under University policy; or
  - the following if in relation to ARRA funds:

- gross mismanagement of an agency contract or grant relating to recovery funds;
  - a gross waste of recovery funds;
  - a substantial and specific danger to public health or safety related to the implementation or use of recovery funds;
  - an abuse of authority related to the implementation or use of recovery funds; or
  - a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to recovery funds.
- b. "Good Faith Report" is defined in this policy to be an allegation of Wrongful Conduct made by an individual who believes that Wrongful Conduct may have occurred. However, an allegation is not in Good Faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

## **2. Making Disclosures**

If the University has existing policies and procedures for maintaining standards of conduct and disclosing Wrongful Conduct, those policies should be followed to disclose such Wrongful Conduct.

University policies should be used to report any wrongful conduct covered by those policies. Unless the complainant believes the responsible office may be involved, other instances of Wrongful Conduct should be reported to the University or campus office responsible for the policy area (e.g., NCAA violations should be reported to the Athletics Compliance Office and sexual harassment should be reported to the Department of Human Resources). If the complainant believes the responsible office may be involved in the Wrongful Conduct, the complainant shall make the report directly to the next higher level of management and/or the Office of Internal Audit.

Reports of improper governmental action can also be made under state law, Mississippi Code Ann. §§ 25-9-171 to 25-9-177, to the Mississippi Attorney General, State Auditor, Ethics Commission, Joint Legislative Committee on Performance Evaluation and Expenditure Review or any other standing committee of the legislature, or any district attorney of the State of Mississippi.

Reports related to ARRA of 2009 funds may be made to an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct). Additional information regarding whistle blower protection related to ARRA funds may be found at <http://m.recovery.gov>.

## **3. Complaints of Reprisal**

Individuals who have been subjected to an adverse academic or employment action based on his or her Good Faith Report of alleged Wrongful Conduct may contest the action by filing a written complaint of reprisal with the Office of the General Counsel, Human Resources, or the Vice President for Academic Affairs/Provost.

Nothing in this policy is intended to interfere with legitimate employment decisions.

### **Review:**

The Office of the President is responsible for the review of this policy every four years (or whenever circumstances require immediate review).

# STAFF HANDBOOK SECTION II

## Employment Policies



Jackson State University is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, disability status, protected veteran status, or any other characteristic protected by law.

## **2.1 EMPLOYMENT**

### **2.1.1 Equal Employment Opportunity and Affirmative Action Policy**

It is the policy of Jackson State University to provide Equal Employment Opportunities in all University employment-related activities such as advertising, recruiting, interviewing, testing, grading, training, compensation, promotion, termination, employee benefits, as well as in contracting.

The University expressly prohibits discrimination in all these areas based on race, color, religion, gender, age, disability, or national origin, and provides for the full realization of equal opportunity within the University community. It is the policy of the University to select the most qualified person available for employment without discrimination based upon race, color, national or ethnic origin, age, gender, or disability.

Additionally, the Office of Federal Contract Compliance Programs enforces for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government pursuant to 41 C.F.R. 60 and other applicable laws.

The Affirmative Action Plan, combined with the University's good faith efforts, will attempt to ensure that Equal Employment Opportunity is maintained. Affirmative action shall be taken when deemed necessary to maximize equal employment opportunity in a manner presented under present law. It will be the duty and responsibility of the Equal Employment Opportunity/Affirmative Action Compliance Officer (EEO/AA) in the Department of Human Resources to carry out these policies and procedures. The EEO/AA officer may be reached at (601)979-2015. The University also has a more detailed Equal Employment Opportunity Policy, which is available upon request to the Department of Human Resources.

### **2.1.2 Employment At-Will and Contractual Relationships**

Mississippi is an employment at-will state, which means that neither employees nor employers have any guarantee of a continuing employment relationship. The contents of this handbook are not intended to amend or extend any rights to employees beyond the at-will employment relationship. This handbook is specifically not intended to be contractual in nature and shall not be deemed a contract.

When seeking employment at the University, each applicant is required to complete an Application for Employment in the Department of Human Resources prior to an interview. On the application, the applicant provides information necessary for careful consideration of the applicant's ability and previous experience.

Mississippi law requires that an employee's compensation or compensation rate be agreed upon prior to any work being performed, and an employee cannot be paid extra compensation, including bonuses, after work has been performed.

Contract employees are hired for a specific definite term and have a written contract document, which must be approved through the University's process, including in some cases approval by the Mississippi Institutions of Higher Learning. No contract is valid unless executed in full compliance with University policy, including the existence of actual authority to enter the contract consistent with state law.

Employees are prohibited from contracting with the University pursuant to Mississippi Conflict of Interest laws. This prohibition extends to companies in which an employee is a principal member. Any contract, which

violates a Mississippi Conflict of Interest law or ethics rule, may be voided, even after services are rendered. Furthermore, the Mississippi Constitution prevents any donations of public funds and any expenditure must inure to the University's public purpose and benefit.

Unless an employee has entered a written contract specifying in detail the contractual relationship, including a beginning and termination date, employees are considered "at-will". As at-will employees, persons are free to resign at any time, with or without cause, and the University may terminate the employment relationship at any time, with or without cause so long as there is no violation of applicable federal or state law. No one has the authority to make verbal statements that change the at-will nature of employment and the at-will relationship cannot be changed or modified except through a written agreement signed by that employee and the individual authorized by the Institutions of Higher Learning and University policy. Some contracts are not final until recorded on the minutes of the Board of the Institutions of Higher Learning.

### **2.1.3 Minimum Age for Employment**

Persons who have reached their eighteenth (18) birthday may be employed as regular or temporary employees on a full or part-time basis in a position for which they meet the minimum qualifications and other employment requirements of the University.

To apply for any position, submit an official University Application for Employment along with any additional documents noted in the position opening description. Positions may require specialized training, experience, and/or education.

### **2.1.4 Nepotism Policy (Employment of Relatives)**

Mississippi law and the Mississippi Institutions of Higher Learning (IHL) Bylaws contain prohibitions against nepotism, which is the hiring of a person's family member where the hiring family member will have a direct effect or supervision on the other individual's progress, performance, or welfare. To the extent provided for in Mississippi Code § 25-1-53, and state law interpreting that statute, the University prohibits the hiring of an employee's relative.

Relatives are defined as husbands, wives, parents, children, brothers, sisters, cousins, and any in-laws of any of the foregoing within the third degree and including one's grandparent, grandchild, great-grandparent, great-grandchildren, a parent's sibling, and children of a brother or sister. Half-bloods are treated the same as full bloods under the statute.

This policy does not apply to any employee who shall have been in said department prior to the time his/her kinsman within the third degree, became the head of said department. An employee affected by this policy shall have all matters dealing with progress, performance, welfare assignment, salary, or promotion decided by the next highest administrative officer.



## **2.1.5 Re-Employment**

Former employees with a good work history are eligible for rehire. Consideration will be given to the application of a former employee who may wish to return to the University, and such consideration will include a review of that work history. A rehired former employee is rehired as a new employee with no vested seniority or benefit status.

When an employee is re-employed by the University after a break in service of thirty (30) days, personal and major medical leave time will be earned as a new employee. An employee rehired within 30 days of termination is not entitled to 240 hours of terminal leave pay. If the individual has received this payment and returns to work within the 30-day period, the payment should be refunded to the university in order to continue earning leave at the prior accrual rates.

## **2.2 PRE-EMPLOYMENT**

### **2.2.1 Employment Eligibility Verification (E-Verify)**

Jackson State University is required by the Board of Trustees of State Institutions of Higher Learning and the United States Department of Justice, Immigration and Naturalization Service to provide the age, birth date, and citizenship of all personnel employed.

These requirements are met through proper completion of the Employment Eligibility Verification Form I-9 designated by the Immigration and Naturalization Service (INS). The INS I-9 must be completed within three (3) days of the date of hire. Employees are not eligible to begin employment until the employee has been E-Verified through the Immigration and Naturalization Service and has provided the required documentation.

A full listing of acceptable documentation (ID's) can be found on the I-9 form at [www.uscis.gov/files/form/i-9.pdf](http://www.uscis.gov/files/form/i-9.pdf). At least two forms of identification will be required before employment. The required documentation for new employees and foreign nationals are as follows:

#### **New Employee**

- Original social security card
- Second form of identification
  - State ID
  - Passport

#### **Foreign Nationals**

- United States Passport
- Certificate of United States Citizenship
- Certificate of Naturalization
- Unexpired foreign passport with attached Employment Authorization or, Alien Registration Card with photograph

## 2.2.2 Background Checks Policy

### 1. Purpose

It is important that the University's academic and research missions are supported by qualified employees with a safe and secure environment for all University constituents, including students, visitors, and employees. It is also important that the University take meaningful actions to protect its funds, property, and other assets. This Policy sets forth procedures governing the verification of credentials, criminal history, credit status, and other information related to hiring and employment decisions.

### 2. Background Checks and Verifications

Background checks may include criminal history records or reports, sex and/or violent offender registry checks, motor vehicle record searches, credit history and reports, employment history, education verification, licensure verifications, social security number verification, and reference checking. Although some information will be verified through the Department of Human Resources and the hiring department, other information, such as criminal history records and sex offender registries, will be obtained from third-party consumer reporting agencies.

### 3. Application

1. Mandatory for New Hires - All new hires will be required to consent to and undergo a background check, which will include a report of past criminal convictions. Other background checks will apply to new hires when such information may be related to the needs of the position being sought. New hires will have their past employment, education, and licensures verified when applicable.

Rather than all applicants being required to submit to a background check, only the final candidate or candidates shall be required to provide the University a criminal background check during the hiring process. The University will notify the final candidate of acceptable vendors who will perform the service, and the cost of the service will be paid for by the candidate. If multiple types of background checks are required due to the nature of the position, the University will notify the candidate. All offers of employment will be contingent upon the University receiving a report which is deemed satisfactory by the University.

2. Current Employees - The University may require background checks for present employees, including employees transferring to a new position, as a condition of continuing employment. The cost of any report prepared by a consumer reporting agency shall be borne by the employee.
3. Sensitive or Security Positions; Frequent Interaction with Minors - The University may require a background check for any individual whose position or interactions justify or require such a report. Such requirement extends beyond employees and applicants to volunteers and student workers associated with the University. A criminal background check and a sex and violent offender registry check are required for employees and volunteers whose duties require routine interaction with minors or if such person works in a child care facility.

4. Foreign Nationals - Foreign Nationals will be subject to the same background checks as apply to any other applicants or employees. However, a criminal history check in the individual's prior countries of residence may be required by the University if the individual's visa and/or authorization to work in the United States was issued before implementation of the Patriot Act on October 24, 2001. The University will determine on a case-by-case basis whether to require a criminal history check of foreign jurisdictions when the candidate came into the United States before the Patriot Act.

#### **4. Compliance with State law**

Section 25-1-113, Mississippi Code of 1972, as amended, prohibits the hiring for public employment of individuals who have been convicted of or plead guilty to the unlawful taking or misappropriation of public funds effective July 1, 2013. Effective July 1, 2014, the State cannot continue to employ a person who has been convicted or pled guilty to the unlawful misappropriation of public funds. Specifically, Section 25-1-113, has been amended to read as follows:

The State and any county, municipality, or any other political subdivision may not employ or continue to employ a person who has been convicted or pled guilty in any court of this state, another state, or in federal court of any felony in which public funds were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office or employment or money coming into the person's hands by virtue of the person's office or employment.

#### **5. Compliance with Federal law**

The Fair Credit Reporting Act requires that employers notify applicants or employees of their rights regarding background checks prior to a third party vendor performing the consumer report. Although the failure of an applicant or employee to agree to submit to a background check is grounds not to hire the individual, the third party background check cannot occur without the written consent of the individual. JSU has a Background Checks Disclosure and Consent Form for this purpose, which is available from the Department of Human Resources.

Discrimination laws, such as Title VII of the Civil Rights Act, prevent employment discrimination on the basis of race, color, national origin, religion, or sex. The following policy statements ensure that this policy does not violate such legislation.

1. Information regarding arrests, as distinguished from convictions, will not be considered as evidence of criminal conduct. Convictions, unlike arrests, are considered reliable evidence of criminal conduct having occurred;
2. This policy does not exclude all applicants with a criminal record from employment. Such information will be used as part of an individualized assessment, including whether the information has an impact on the particular job or business necessity. The individualized assessment will at least consider the nature of the crime, the time elapsed, and the nature of the job.
3. History of a prior bankruptcy shall not be a factor in hiring or employment decisions, although one's credit score may be considered when relevant to the duties of a particular position.

Employees who falsify information on an application may be discharged for such conduct without violating federal law.

## **E. Notification and Appeals**

1. Notification Form - Prior to a background check being performed by a third party consumer reporting agency, the applicant or employee must complete the Background Checks Disclosure and Consent Form and submit the form to the Department of Human Resources.
2. Contingent Offers - All offers of employment, oral and written, shall include the following statement: "This offer is contingent on the University's verification of information, including the completion of a criminal history check."
3. Reports Sent Directly to University - Any third party agency performing a report will send a copy directly to JSU's Department of Human Resources.
4. Confidentiality of Reports - All background check reports received by JSU in accordance with this Policy shall be maintained in a confidential file in the Department of Human Resources. The hiring authority or department head will review the report, and a copy of any criminal history, sex registry, or credit report will be provided to the individual applicant or employee.
5. Notification of Appeal - When provided a copy of a criminal history, sex registry, or credit report, the applicant or employee will be notified in writing that he or she may make a written appeal to the Department of Human Resources which details, explains, or takes exception to any information contained in the report. Such appeal must be received by the University within 10 calendar days of the individual's notification of the right to make the appeal.
6. Review of Criminal or Credit History - The Department of Human Resources, along with the hiring authority/department head, will review the information received, along with any appeal submitted by the individual. The existence of a conviction does not automatically disqualify an individual from employment. Each conviction will be evaluated (on an individualized basis considering the nature of the crime or crimes, the time elapsed, and the relationship of the crime to the duties or nature of the job) before the offer of employment is confirmed or withdrawn.
7. Post Review Notification - Following each background check review, the applicant or employee will receive a written notification of the result of the review. If the background check does not alter the intended employment or hiring decision, the individual will be informed that the University found the background check information to be satisfactory. However, if a contingent offer is being rescinded, the notification should state that the reason the offer is being withdrawn is due to the unsatisfactory background check information.

## **2.3 EMPLOYEE SELECTION AND INTERVIEW PROCESS**

### **2.3.1 Recruitment**

It is Jackson State University's policy to fill all job vacancies with the best-qualified person available. Jackson State University is committed to a program of recruitment and retention of excellent staff employees. All non-exempt staff position vacancies must be posted on the University website for a minimum period of five (5) working days and ten (10) working days for exempt staff positions.

If a holiday falls within the posting period, it will not be considered in calculating the minimum required period. A department head may extend the posting past the minimum period by simply requesting an extension from the Department of Human Resources.

If the on-campus posting has not yielded a candidate suitable for the vacancy or the requesting departments want to do a broader search, the Department of Human Resources may approve an off-campus advertisement at the hiring departments' expense.

### **2.3.2 Interviewing and Selection of Employees**

The Department of Human Resources is responsible for the preliminary screening of the applicants. The Department of Human Resources will determine whether an applicant has an appropriate skill, experience, or education to be forwarded to the hiring supervisor as an applicant for interviewing. The hiring supervisor will evaluate an applicant's knowledge, skills, and abilities for the position, document these procedures, and apply it uniformly to all applicants. Consideration will be given to qualified current JSU employee-applicants who meet the hiring criteria, but selection will be based on the best qualified candidate.

After interviewing candidates, the hiring supervisor will select and recommend the final candidate for the position. No final offer is to be made until the Department of Human Resources completes its background check (in addition to any background investigations performed by a third party as required for certain positions). See Section – 2.2.3 in regard to background checks.

Background checks conducted by the Department of Human Resources may consist of contacting previous employers (by phone and/or a reference form) to verify previous employment, and obtain any other information that the prior employer is willing to release.

An official transcript will be used to verify the educational level claimed by the applicant when education is a requirement of the position.

Background check information obtained by the Department of Human Resources, shall be treated as confidential, and kept on file in the Department of Human Resources for a minimum of one year.

### **2.3.3 Employment Authorization**

Neither supervisors nor department heads have the authority to offer employment to any applicant(s). Hiring authority is vested in the President and/or the Board of the Mississippi Institutions of Higher Learning (IHL). Some employment relationships and contracts require Board approval. A valid contract or employment offer can only be created consistent with JSU and IHL policy when actual authority exists.

All offers of employment are conditional, subject to satisfactory results of background investigations, reference checks, and sufficient documentation to verify identity and authorization to work in the United States as required by the Immigration Reform and Control Act (IRCA).

### **2.3.4 Contracts and Employment (Appointment) Letters**

Certain administrative officers will receive contracts for the fiscal period of July 1 through June 30. Employee contracts, as well as all amendments, revisions, additions, and reductions to employee contracts, are subject to approval by the Board. All other staff personnel will receive appointment letters and shall be at-will employees. At-will employees shall be reviewed annually in coordination with the fiscal period of July 1 through June 30. Such employment will not have a definite term of one year nor will it be considered a contract of employment. At-will employees may be terminated or choose to leave the University with 30 days' notice (or less where cause for termination exists). Nothing in this handbook or the appointment letters shall alter the at-will employment relationship, which exists in the absence of a properly executed definite-term written contract.

### **2.3.5 New Employee Relocation Policy**

### **2.3.5 New Employee Relocation Policy**

#### **PROCEDURE**

The University may at the discretion of the department head reimburse reasonable moving expenses for a newly hired faculty or staff member and/or family from their former residence to their new employment location at Jackson State University. Departments requesting to reimburse moving expenses for new employees may pay full or partial expenses up to \$5,000 provided the funds are available in their budget. The allowable moving expenses should be referenced in the offer letter to the employee as well as reference to any expenses that are not normally reimbursed. This policy is reserved for use in the recruitment of key administrative, faculty, and research positions.

Immediate family members under this policy are defined as parents or legal guardians (includes spouse), brother, sister, child/step-child, spouse, significant other(s), employee's paternal and maternal grandparents (includes spouse), grandchildren, step-parents (includes spouse), aunt and uncle.

#### **General Policy Statements**

1. This policy applies to the relocation of all new employees outside a 50 mile radius of Jackson State University. Any exception to this policy must be approved in advance by the Vice President of Academic Affairs for employees in academic units with the final approval by the President of the University; or by the Vice President for Business and Finance for employees in non-academic units with final approval by the President of the University.

2. Jackson State University, at its discretion, may pay for certain costs directly related to relocation when a moving allowance is necessary for an individual to accept employment with the University. Moving allowances must be negotiated at the time of offering a position and included in the New Hire Offer Letter.
3. Moving allowances are subject to the terms consistent with the provisions outlined in this policy. If a moving allowance was not contained in the New Hire Offer Letter, a letter of justification must be prepared by the hiring department and signed by the President.
4. Competitive bidding is not required if the moving expenses do not exceed \$5,000. However, a minimum of three (3) written estimates must be obtained by the new employee for moving expenses. A written justification must be included, if the desired agent does not have the lowest estimate. Please contact Purchasing (601-979-0696) for additional information, including a request for an exception to the estimate requirement, if applicable.
5. The new employee should secure a contract from a moving company for his or her own move. The University will reimburse the employee up to the amount agreed to in the employment offer. The move itself is solely the responsibility of the new employee. The contract for the move, along with any problems that may result from the move, is between the employee and the moving company. The University's only involvement is the reimbursement to the employee or payment to the vendor. The new employee must handle any and all other claims.
6. Any amount exceeding \$5,000 must be approved by the President of the University.
7. No reimbursement can be authorized or agreed to after an offer of employment is accepted if the accepted offer did not specifically include such reimbursement.

### **Reimbursement**

1. To request expense reimbursement,
  - a. Attach **original itemized receipts** to the Voucher for Travel Reimbursement Form.
  - b. For additional assistance or information, please see the Travel Reimbursement Policy.
2. Relocation reimbursements will be reported annually by the University to the IRS on a Form 1099 for payments made directly to the employee.

### **Reimbursable Expenses**

3. Relocation expenses which are reimbursable either directly to the individual and/or to an outside moving company may include, but are not limited to the following:
  - a. For employees and their immediate family members traveling by air or other modes of transportation, based on the most economical transportation available for each member of the immediate family.

- b. For employees and their immediate family members traveling by automobile:
  - i. The cost of driving an automobile by the most direct route between the previous residence and the new permanent residence. Mileage is reimbursed at the current rate approved for University travel. (See Section 25-3-41, Mississippi Code Ann. Of 1972 and the Department of Purchasing and Travel at 601-979-0696)
  - ii. If an individual is required to begin University employment prior to the relocation of his/her immediate family, that employee may be allowed reimbursement for either (1) the cost of a round-trip airline ticket at the most economical airfare available, or (2) the costs of traveling by automobile as defined above in addition to relocation expenses for his/her family.
- c. Lodging and meal expenses (meals will be taxable): actual reasonable expenses for room, meal and tax using the most direct route between the previous residence and the new permanent residence. Expenses must be substantiated with detailed payment receipts.
- d. The cost of moving household goods.
- e. The cost of insurance for household goods during the move, not to exceed the full replacement value.
- f. Packing of household goods and appliances, including appliance disconnect and hookups if a vendor is needed.

### **Other Provisions**

- 4. The employee is responsible for his/her individual and family expenses after arriving at the principal site of employment.
- 3. All relocation reimbursements will be reported on the employee's W2.

## **2.4 TERMS OF EMPLOYMENT**

### **2.4.1 Probationary Period**

Each new employee will be required to serve a six (6) month probationary period before becoming a regular University employee. During that period, the immediate supervisor will be closely observing and coaching the employee on his/her work performance. Before the expiration of the probationary period, the supervisor will conduct a performance evaluation of the employee's general productivity, job knowledge, dependability, cooperation, initiative, and general character. After signing the evaluation, the supervisor will forward a copy of the evaluation to the Department of Human Resources.

If the employee's performance has not been satisfactory, at any time, the supervisor may invoke a performance improvement plan or recommend termination of the employee's services with a one-week notice.



Department Heads and Deans should ensure that the reason(s) for the termination (outlining how the employee failed to meet work standards) is documented. A probationary employee may be terminated immediately and without advance notice for Just Cause (Refer to Section XIII Separation and Termination of Employment). The supervisor's duty to document reasons for termination does not alter the fact that probationary at-will employees can be terminated without cause.

Upon the completion of the probationary period, the employee will become a regular employee of the University's staff entitled to all privileges enjoyed by University staff employees. An additional probationary period is not required of a non-probationary employee upon promotion or transfer to a new position.

#### **2.4.2 New Employee Orientation**

Jackson State University believes that a thorough orientation of new employees results in positive integration into the University's operation and will lead to a more productive and satisfying employment relationship. For this reason, new employees should report to the Department of Human Resources promptly on their report date to receive information about the University's history, opportunities for advancement, probation period, evaluations, benefit provisions, and to complete payroll documentation. The Department of Human Resources will notify the new employee about his or her required attendance at orientation sessions.

#### **2.4.3 Department Responsibility**

It is the policy of the University to aid each employee in becoming a skillful, efficient, and cooperative member of the workforce. Supervisors should provide the necessary information and oversight needed for the employee to perform the responsibilities related to the job or position. Each supervisor will observe the employee's performance and ascertain how well he/she understands and follows instructions. More specifically, supervisors should make the following information known to prospective employees:

- The specific requirements, qualifications, and duties of the position. All employees shall be given a copy of their job description upon reporting to duty.
- Any anticipated changes in structure or function which may have a direct bearing on the position to be filled. The applicant should be made to understand that reassignment is possible.

#### **2.4.4 Outside Employment**

Outside employment is permitted for staff employees, provided permission is first obtained and it is determined that such outside employment will not interfere in any way with the institutional duties of the individual requesting such permission.

Staff members desiring to engage in outside employment or practice of profession should complete an application available in the Department of Human Resources and submit to their department chair/supervisor and forward through administrative channels to their Dean or Vice President/Provost. Permission must also be obtained from the President. A copy of the completed Outside Employment form will be forwarded to and kept on file in the Department of Human Resources. Employees wishing to engage in outside employment must complete a new form each year.

Any outside employment must also not create an actual or reasonable perception of a conflict of interest. In addition, these individuals will not engage in a business or profession that would in any manner compete with a similar business or profession over which they would have direct supervision, inspection, or purchasing authority within the University, such being a conflict of interest. A violation of the outside employment policy is grounds for negative employment action.

## **2.5 EMPLOYMENT STATUS**

### **2.5.1 Full-time Employees**

Full-time employees are employed in a regular position requiring 40 or more hours per week. This full-time status entitles the employee to all State benefits programs (40 hours = maximum benefit).

### **2.5.2 Part-time Employees**

Part-time employees who work at least 20 hours but less than 40 hours per week are entitled to applicable state benefit programs on a prorated basis. This part-time status entitles the employee to holiday, sick, and annual leave pay pro-rated proportionately according to the number of hours worked. Part-time employees working more than 20 hours but less than full-time may receive up to 3 hours of tuition waiver per semester, provided that other University or program admission requirements are met. Part-time employees working less than 20 hours per week are not entitled to benefits.

### **2.5.3 Temporary Employees**

Temporary employees are defined as one whose employment agreement is for an established basic work schedule for a period not to exceed four and one-half (4½) months of a given calendar year or for services on an hourly basis with no established basic work schedule as to hours each day or days each week, for a period not to exceed four and one-half (4½) months.

Temporary employees are not eligible to participate in benefit programs and employment cannot be extended beyond the 4½ months.

### **2.5.4 Grant and Contract Employees**

Grants and Contract employees are hired for a position where funds are provided through external funding in the form of a contract or grant. Employees in this category are entitled to Jackson State University benefits according to their employment status; i.e., full-time, part-time, or temporary.

In accordance with the United States Office of Management and Budget (O.M.B.) Circular A-21.J.6.a., all full-time faculty and staff employed at Jackson State University through Contracts and Grants are afforded all fringe benefits of the University. Benefits must be consistently applied to individuals who are in the employment of the University regardless of whether they are paid from the Educational and General (E & G) budget or external grants and contracts. All policies relative to personnel and leave time for which payment is received or leave taken by the employee must be consistent throughout the University.

All Contracts and Grant employees will be afforded the following leave benefits:

Staff Employees:

- All 12-month Contract and Grant staff will accrue Personal and Major Medical Leave in accordance with the established University leave accrual rate.
- All 12-month Contract and Grant staff employees will be paid for up to 240-hours of accrued Personal leave upon termination from state service.
- All unused Personal and Major Medical Leave for Contract and Grant staff, in excess of 240 hours, at termination from state service, will be forwarded to the State Public Employees' Retirement System to be applied toward creditable state retirement service.

Terminal Leave Payments:

Terminal Leave payments to Contract and Grant staff will be paid from Grant fund sources when at all possible. These funds should be built into the fringe benefit costs at the inception of the Grant. However, if the Grant is unable to fund Terminal leave payments, then the Terminal leave will be paid from the University's designated account entitled: Terminal Leave / Grants.

Employees hired into a Contract and Grant will be allowed to transfer accrued Personal and Major Medical leave balances in accordance with University policy regarding leave transfers from state agencies and University departments.

Any questions regarding this policy should be addressed to the Department of Human Resources.

### **2.5.5 Employment of Students**

Students are selected on the basis of qualifications for the job and are paid in accordance with the established University student wage rates. Students must be currently enrolled and attending classes to be eligible for student employment. Student workers must carry a full academic load and may not work more than twenty (20) hours per week. This will include employment during summer months unless a specific exception is authorized.

A student receiving a fellowship, scholarship, or grant who is paid on a salaried monthly basis shall not be eligible to work in a wage payroll position at the same time. Research Assistants or other students who perform services for the University in connection with earning course credit toward a degree are not considered student workers under this policy.

## **2.5.6 Employment of Foreign Nationals (Aliens)**

The Immigration Reform and Control Act of 1986 (IRCA) imposes obligations on employers in regard to the hiring of aliens and the record keeping of information pertaining to all new hires. The Department of Human Resources must approve all new hires to ensure each employee has the right to work in the United States. Some Aliens are automatically entitled to work according to the terms of their visa status, while others must request permission to work.

All new employees and rehires (within a year of termination), must execute an Immigration and Naturalization Service Form I-9, certifying that they have permission to work. Foreign employees, including student workers, must have, or have applied for, a Social Security number in order to be employed by the University. Foreign workers are advised to apply for a Social Security number and card, and if it has already been applied for, to provide the University with additional information, including the worker's full name, address, date of birth, place of birth, father's full name, mother's full maiden name, gender, and the date he or she applied for a Social Security number.

## **2.5.7 Employment of Retirees**

Individuals who have retired from the University (or State of Mississippi) may be re-employed regardless of their age, without affecting their retirement benefits if employment meets the following criteria:

- a) The service retiree has satisfied the 90-day waiting period from the date of retirement (45 days if prior to July 1, 2011), and
- b) The service retiree will be employed for a period of time not to exceed one-half (1/2) of the normal working days or hours for the position during the State fiscal year, and the retiree will receive no more than one-half (1/2) of the salary in effect for the positions at the time of employment; or
- c) The service retiree will be employed for any number of days or hours during the fiscal year, but at a salary which will not exceed 25% of the average compensation used in calculating his/her benefits.

For more information, please contact the Department of Human Resources.

## **2.6 COMPENSATION GUIDELINES**

Jackson State University has an established career (job) classification program, which provides an organized compensation structure. All staff positions are assigned to a salary structure to ensure they are paid equitably and competitively. The midpoint of each salary scale within a career will reflect the competitive market data.

### **2.6.1 New Hires**

Newly hired employees will be offered competitive starting salaries at rates reflective of their experience and related job skills.

- Applicants only meeting the minimum requirements of the job should be paid at the minimum of the salary range of the career ladder/level for the position.
- Applicants with experience or education beyond the minimum requirements of the job can be paid any amount between the minimum and midpoint of the career ladder/level for the position.
- However, before offering a salary above the minimum of the salary range, the salaries of current employees in the department should be reviewed in an attempt to promote internal equity to the extent possible.
- The Department of Human Resources must approve hiring rates over the midpoint of the career ladder/level for any position.

### **2.6.2 New Position Evaluation and Job Descriptions**

All new positions must contain a job description, which must be reviewed and approved through the Department of Human Resources.

Accurate documentation outlining the responsibilities of each distinctly different job is required in order to properly administer compensation. A job description is required for all positions and should be reviewed at least annually. All employees should be given a copy of their job description.

The job description should communicate job expectations and serve as the basis for measuring employee performance; describe the job responsibilities, required skills, and required education levels for prospective incumbents in the job; and serve as a tool to comply with government regulations and laws.

To create a new or fill an open position, the hiring manager will need to complete a Job Description Form and submit to Human Resources for review along with the Job Requisition Form. Job descriptions are also required when reclassifying a position by virtue of increased job assignments.

### **2.6.3 Wage and Salary Classification System**

An individual may be reclassified to a higher position by virtue of increased job assignments, motivation, initiative, and abilities. Reclassifications may be granted to employees who become accountable for significantly more complex projects, assignments, and responsibilities within their current job titles.

#### **Employees must meet all of the following criteria:**

1. The employee is regularly performing significantly more complex projects and assignments, as well as responsibilities of the job that meet distinct organizational needs.
2. The employee has demonstrated that he or she has attained a significantly higher level of knowledge and skills that are specific to his or her job description.

3. The employee's most recent performance review reflects satisfactory performance.
4. There is confirmation that funds have been identified and authorized by the employee's manager to support the salary increase.

**Note:** The approved salary increase cannot exceed the career ladder/level maximum for the position and consideration should be given to other employees in comparable positions and in the department.

#### **2.6.4 Reclassification**

Employee positions may be reclassified by virtue of increased duties, responsibilities and qualification requirements. Reclassifications may be granted to employees who have been held accountable for significantly increased demands for higher level duties, skills, and abilities within their current job titles.

**Employees must meet all of the following criteria:**

- The employee is regularly performing significantly more complex projects and assignments, as well as responsibilities of the job that meet distinct organizational needs.
- The employee has demonstrated that he or she has attained a significantly higher level of knowledge and skills that are specific to his or her job description.
- The employee's most recent performance review reflects satisfactory performance.
- There is confirmation that funds have been identified and authorized by the employee's manager to support the salary increase.

**Note:** The approved salary increase cannot exceed the career ladder/level maximum for the position and consideration should be given to other employees in comparable positions and in the department.

A job description questionnaire must be submitted for all reclassification requests. The manager must develop a business justification when recommending that a position be reclassified. When doing this, the manager should supply Human Resources with enough documentation so that a decision can be made on the correct course of action. Human Resources reserves the right to conduct a desk audit to ensure that the title is appropriate and matches the job duties. Reclassification request must be approved by Center Directors, Department Heads, Deans, and Vice President before approval review by the Executive Director of Human Resources.

## **2.7 CHANGES IN EMPLOYMENT STATUS**

The University encourages employees to advance in status and position in keeping with their qualifications and experience as position vacancies occur. Unit administrators who must fill vacant (new or existing) positions may first consider all qualified regular employees within their own department and the University community before considering applicants externally.

Regular full-time employees must complete six (6) months in the current position before seeking a promotion or transfer. Exceptions may be granted by the current manager or the Executive Director of Human Resources or a designee when unusual staff solutions are needed.

Part-time employees may seek a promotion or transfer to any regular full-time position at any time.

Temporary employees may be considered for placement into a regular position at any time; however, they may not be converted to regular full-time or part-time employment status without the completion of recruitment efforts in compliance with University policies.

### **2.7.1 Promotion**

A promotion is a change in classification and career ladder/level. Factors to consider in determining an individual's salary as a result of a promotion include experience in the position, relevant education beyond that required by the position, mastery of job elements, size, and complexity of the unit, authority delegated to the position, and recent major contributions or successes.

Seniority may be considered when filling positions with current employees, but no seniority preference should be given if a more qualified individual is available. Employees should inform their immediate supervisor of their interest in being considered as an applicant for a position(s) of advancement in a particular area. Employees should also submit a written letter of interest to the Department of Human Resources.

When an employee is promoted to another position, he or she is not required to serve a probationary period in the new position. However, if the employee later requests to be reinstated to his or her former position, the employee has no entitlement or right to return to the former position.

### **2.7.2 Transfers**

Transfers are an important means of assuring the best possible match of University jobs to individual skills; of developing and expanding individual skills and experience; and of achieving University goals of equal employment opportunity and promotion from within.

Administrators, deans, directors, managers and supervisors are expected to create and foster an environment that supports and rewards the pursuit of career mobility and to encourage staff members who express an interest to pursue appropriate vacancies. A discussion between an employee and his or her supervisor regarding career development is encouraged prior to an employee pursuing another opportunity.

The knowledge of a staff member's pursuit of a transfer should not in any way negatively affect his or her current standing, treatment, or other conditions of the present position.

To be eligible for a transfer, an applicant must:

1. Have completed the probationary period for the position currently held that is classified as a full-time or part-time permanent position;
2. Have received at least a satisfactory overall rating on the most recent performance evaluation and be in good standing with the University; and
3. Meet each of the minimum requirements for the posted vacancy.

Exceptions to the transfer policy must have approval from the Department of Human Resources. For more information regarding the obligations and procedures involved in transfers, please contact the Department of Human Resources to obtain a copy of the University's Transfer Policy.

### **2.7.3 Demotion**

A demotion occurs when an employee's position is reassessed or transferred to a lower pay grade. A demotion also occurs when an employee voluntarily accepts a position in a lower pay grade than the previous position occupied.

### **2.7.4 Reassignment of Staff Personnel**

The University reserves the right to reassign staff employees as needed for the best interests of the University. A reassignment may substantially change an employee's duties so long as the adjustment is not due to an unlawful purpose.

## **2.8 PERFORMANCE MANAGEMENT AND EVALUATION PROCESS**

### **2.8.1 Evaluation of Non-Instructional Staff Employees**

The Performance Evaluation is a continuing process in which both the supervisor and employee participate. Supervisors of non-instructional employees will be required to appraise the job performance of each staff member annually using the following timeline:

#### **At the end of the first six (6) months of employment for:**

- a) Probationary non-instructional personnel (newly hired employees).
- b) Staff employees who have been transferred or promoted to a new position or to another organizational unit of the University.

Performance Evaluations are conducted annually (July 1 through May 30) for regular non-instructional employees. Supervisors will meet with each non-instructional employee and complete performance evaluations for part-time, temporary, and regular employees. The meeting shall give the employee the opportunity to respond to the supervisor's ratings of his/her performances as well as offer a personal analysis of his/her performance for the year or the time period for which he/she is being evaluated. The rating will be assessed by the immediate supervisor using the Comprehensive Performance Evaluation Form authorized by the University.

After the Comprehensive Performance Evaluation Form has been completed and signed by the immediate supervisor and the non-instructional employee being rated, the original copy should be forwarded to the Department of Human Resources, a copy retained for the employee's department file, and a copy provided to the employee. Copies of the completed appraisal forms should be kept on file for a minimum of three years by department heads for their use as needed in making human resources management decisions.



An employee's signature on the form does not imply that he/she is in total agreement with the supervisor's ratings. It is merely a confirmation that the appraisal interview has taken place. An employee may attach any comments to the Comprehensive Performance Evaluation Form at any reasonable time.

Employees are invited to initiate interim evaluations with the supervisor. These evaluations will enable the employee to discuss the various aspects of the job and provide the opportunity to analyze problems encountered and allow the employee to ask questions concerning his/her role in the position. Supervisors will provide ongoing coaching to employees.

Individuals with dual roles such as faculty and program administration must be evaluated separately from their faculty evaluation for their non-instructional performance. Such evaluation must occur at least annually and must be submitted to the Department of Human Resources for inclusion in the employee's personnel file.

### **2.8.2 Performance Improvement Plan (PIP)**

A Performance Improvement Plan (**PIP**) is a tool that is used by supervisors to help employees improve performance and/or modify behavior. The **PIP** is designed to identify performance and/or behavioral issues that need to be corrected and is addressed in a written plan of action to guide the improvement and/or corrective action.

PIPs play an integral role in correcting performance discrepancies. A basic component of all Performance Management efforts is early communication and early feedback (both positive and corrective) which are good ways to prevent future performance problems. The **PIP** can be an effective tool in preventing problems from getting worse or for intervening when performance and/or workplace behavior have become counterproductive.

Examples of PIPs may include the following performance discrepancies:

- Example 1: Employee fails to complete tasks in order of their priority.
- Example 2: Employee fails to maintain good interpersonal working relationships with other staff members, including supervisor.

Employees who receive an overall performance score of less than three (3) on two consecutive Annual Comprehensive Performance Evaluations will receive a PIP. However, a PIP is not a required condition precedent to other employment actions, so that the failure of a supervisor to utilize a PIP does not limit the use of other employment actions.

The Supervisor, with input from the employee, will develop the improvement plan. The Supervisor and his or her supervisor, along with a representative from the Department of Human Resources will review the improvement plan to ensure consistent and fair treatment of employees across the organization. The Supervisor will monitor and provide feedback to the employee regarding his or her performance on the (**PIP**) and may take additional disciplinary action, if warranted.

## **2.9 PERSONNEL FILES AND DOCUMENTATION**

### **2.9.1 Personnel Files and Documentation**

A personnel file will be established and maintained in the Department of Human Resources for each employee. All pertinent information such as application forms, job descriptions, performance evaluations, salary data, commendations, references, and disciplinary notices will be retained in this file. The Department of Human Resources has discretion to determine what documents should go into each employee's personnel file consistent with applicable regulation guideline. This information will be kept confidential to the fullest extent permitted by law. Newly hired employees will be required to complete an Employee Data Form, which will be used for personnel purposes. This form will become part of the personnel file. No information will be released on oral requests, except that the Department of Human Resources may release the dates of employment and the last position held.

### **2.9.2 Review of Personnel Records**

Employees who provide reasonable advance written notice may review their own personnel file at a scheduled time during normal office hours. A copy of an employee's personnel file may be obtained with the employee's written request and approval from Executive Director of Human Resources. Copying and administrative fees may apply in an amount consistent with the University's customary charges for public record requests. No copies will be provided without appropriate payment first being received.

### **2.9.3 Employment Verification, References, and Inquiries from Third Parties**

The Department of Human Resources shall receive all inquiries from prospective employers, investigative agencies, governmental agencies, or representative of the University concerning employment-related information on current or former employers and other information applicable under the law in any other area. The Department of Human Resources will only provide information to other employers when a written request and authorization which shall include the employee's signature has been obtained from the employee. Information provided to a third party shall be job-related, factual, and verifiable by the employee's records and should only include dates of hire and separation and wage or salary information.

For reference requests, letters of recommendation, or inquiries about an employee's performance, University personnel are instructed to only provide dates of hire, separation, and wage or salary information. Requests for any additional information should be referred to the Department of Human Resources for guidance.

### **2.9.4 Changes in Employee Personal Data**

It is the responsibility of the employee to update his or her personal information, as the University relies upon the accuracy of such information when interacting or communicating with its employees.

Changes, such as name, address, telephone number, marital or family status, tax exemption (state or federal), or the name of the person to be notified in case of emergency, should be reported promptly to the department head or the immediate supervisor with a copy of the same to the Department of Human Resources. Failure to notify the Department of Human Resources of these changes may cause a delay in receipt of important correspondence(s).

## **2.10 WORK SCHEDULES**

The Fair Labor Standards Act requires that a standard work-week be defined. The standard work-week for Jackson State University is the customary office hours of 8:00 a.m. to 5:00 p.m., except on official University holidays or administrative closings. Some departments may require a varied work-week. An employee is expected to maintain his/her assigned work.

Work schedules will be established for each employee by his/her supervisor, who may change such schedule based on needs and requirements of the work unit. Supervisors may also require an employee to work an unscheduled day in place of a scheduled day. If this change of scheduled days and unscheduled days occur in the same work-week, the unscheduled day will be treated as a modified work schedule and not subject to overtime compensation.

Employees may request a detailed copy of the work schedule, which sets forth their duties and the time they are to be performed. The supervisor in charge will explain an employee's work schedule and give specific instructions should temporary and permanent changes become necessary.

### **2.10.1 Standard Work Week**

Staff employees are ordinarily assigned to a five (5) day work schedule of forty (40) hours per week. The head of the department shall govern a work-day for regular employees. However, basis for payment for hours worked during any one work-week shall be in accordance with the Fair Labor Standards Act and applicable state and federal labor laws.

Bi-weekly employees and monthly employees are governed by the Minimum Wage Law.

### **2.10.2 Rest Periods**

Rest periods may be offered at mid-morning and mid-afternoon and will not exceed fifteen (15) minutes per break. Such periods are a privilege and not a requirement and may be withdrawn by the supervisor if the period is abused. Smoke breaks are not provided in addition to the rest period.

Time not used for rest periods cannot be substituted as time for late arrival to work, early dismissal from work, extended lunch period, vacation time, sick leave, or any leave. Rest period time cannot be accumulated. Scheduling of rest periods should not interfere with the department's normal operations.

### **2.10.3 Lunch Periods**

In accordance with applicable law, staff employees are entitled to and encouraged to take their lunch period. Employees are authorized one unpaid meal period for the duration of typically one (1) hour between the hours of 11:00 a.m.-2:00 p.m. Employees must be completely relieved of all duties during this period with their respective supervisor and may not alter lunch periods without prior approval of their supervisors.

Non-exempt support staff are allowed to take a paid period up to fifteen (15) minutes for each four (4) hour work period. Evening and night work schedules provide one (1) hour lunch periods to be scheduled as close

to the middle of the work period as possible. Schedules from 12:00 midnight to 8:00 a.m. do not receive a lunch period.

#### **2.10.4 Work Records**

A payroll record of time worked is necessary to comply with the Minimum Wage Law and for the Payroll Department to compute the amount of pay due to employees compensated on the hourly pay rate. Time cards and time sheets are provided for this purpose. It is the responsibility of the employee to punch his/her time card each day when he/she begins work and again when he/she stops work.

If an employee punches another employee's time card, this may be considered sufficient cause for dismissal of both employees - the employee whose time card is punched and the employee punching the card.

### **2.11 EMPLOYEE RESPONSIBILITY**

#### **2.11.1 Professional Conduct**

Professional conduct including respect for authority and for one another is basic to the general welfare and personal dignity of all persons with whom an employee comes into contact. Employee conduct that demonstrates these positive characteristics is essential to the success of Jackson State University. All members of the University are expected to conduct themselves in a professional manner. They should respect the privacy and reputation of co-workers and all other persons. Tact, courtesy, and kindness should be practiced with all employees. When in contact with the community, employees should:

- a) Practice courtesy and exercise good judgment in all professional situations;
- b) Render every possible assistance to persons seeking information or service;
- c) Receive and acknowledge all questions, suggestions, and criticisms about the University's services;
- d) Direct any questions to the proper person when an answer cannot be given immediately;
- e) Notify the appropriate supervisor of all complaints received; and
- f) Timely respond to commitments, and notify persons as soon as practicable when commitments cannot for good reason be kept.

## 2.11.2 Relationships

The University prohibits all individuals it employs, whether faculty, staff, or students, from directly or indirectly supervising other individuals at the University with whom they have a sexual relationship, whether or not such relationships are consensual. Any romantic or amorous relationships between individuals where one party possesses direct academic, administrative, supervisory, evaluative, counseling, or extracurricular authority over the other party presents ethical and administrative problems. Inherent in these types of consensual relationships exist the potential for conflicts of interest, exploitation, favoritism, harassment, and bias. Furthermore, such relationships may undermine the real or perceived integrity and trust necessary for a beneficial academic or employment environment.

Faculty or staff members shall not have sexual relationships with individuals who they currently have the responsibility for evaluating, directly supervising, or teaching. The purpose of this policy is to protect students, employees, the University, and the integrity of the system. In regard to coaches and student athletes, the University subscribes to the NCAA's guidance regarding amorous relationships with students. Therefore, the University prohibits athletic coaches from engaging in any sexual relationship with any current student athlete, whether or not such coach directly coaches the particular student athlete.

Violations of this prohibition will lead to disciplinary action, up to and possibly including termination from the University. Disciplinary action taken as a result of this policy shall be consistently applied.

The term "directly or indirectly supervising" includes, but is not limited to:

1. Making or influencing hiring, promotion, salary, tenure, or similar advancement and compensation or benefit decisions;
2. Evaluating work performance, contributing to, or conducting, performance reviews;
3. Making or participating in decisions about work assignments or schedules; and
4. Participating in the resolution of employee relations matters.

Specifically, a supervisor (faculty, staff, or student) involved in a sexual relationship with an employee under his or her supervision shall not write a job performance review, recommend a salary increase, or become involved in any disciplinary or other employee relations matter involving the individual, or participate in reappointment, assignment, tenure, promotion, compensation, or merit increase decisions. If a person is part of a committee and has or has had an amorous relationship with a person being evaluated by such committee, the person should recuse himself/herself from such role due to a conflict of interest.

The University strongly discourages faculty or staff from engaging in any consensual sexual or amorous relationships with any student, even where a supervisory relationship is not present. When a supervisory relationship exists between a student and a faculty or staff member, intimate relations are unequivocally not allowed. Non-consensual sexual relationships are unlawful and strictly prohibited by the University (Refer to the University's Sexual Harassment Policy, 6.3).

### **2.11.3 Smoke-Free Campus Policy**

Environmental tobacco smoke has been designated as a carcinogen which can cause cancer in both smokers and nonsmokers. Jackson State University perceives that it would be in the best interest of the health of students, faculty, and staff to provide a smoke-free environment. The purpose of this policy is to protect the health of student, faculty, and staff by providing a smoke-free environment as set forth below.

#### **Guidelines**

Tobacco use in any form shall not be permitted in university facilities and university vehicles owned or leased, regardless of location.

Smoking shall only occur at a reasonable distance (25 feet or more) outside any enclosed area where smoking is prohibited so as to ensure that secondhand smoke does not enter the area through entrances, windows, ventilation systems, or any other means. The policy applies to all students, faculty, staff and visitors.

#### **Enforcement**

This policy relies on the thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. Observance of this policy is the responsibility of all members of the Jackson State University community. Complaints regarding violations of the policy should be referred to the immediate supervisor, or in the cases of students, to the appropriate student affairs administrator, or in the case of visitors to the department they are visiting.

University employees who violate the Tobacco Use Policy are subject to employee discipline. Student who violates the Tobacco Use Policy may be charged through the Student Judicial Office. A fine of up to \$25.00 may be assessed for faculty, staff or students who violate the policy. Visitors should be politely reminded that tobacco use is limited to designated areas.

#### **Review**

Review of this policy will be conducted annually. Specific problems that members of the community want reviewed should be sent to the Department of Human Resources. The goal of the University to achieve an environment as close to smoke-free as practically possible will ensure a reasonably safe environment for employees, students, and visitors.

### **2.11.4 Personal Communications and Social Networking Policy**

JSU recognizes that employees possess personal communication devices, such as personal cell phones, in the workplace. The use of personal cell phones and other personal communication devices should be kept to a minimum so as not to interfere with work performance or the accomplishing of work duties. Occasional use of personal communication devices during work time is permissible only to the extent that it does not interfere with work duties. Excessive use of personal communication devices is prohibited, and such devices should not be used for personal use while performing employment obligations.

Personal use of blogs and other social networking sites should not be utilized during work time. Employees should use their best judgment when expressing views in a blog or online site to ensure that their personal

views are not construed as representing the views of the University. If information is published on a personal blog or networking site, such posting must not contain confidential, copyrighted, or trademarked information or marks of the University absent specific written consent or license. Furthermore, employees should be aware that their online presence and actions may reflect positively or negatively upon the University, and care should therefore be taken to conduct one's self in an appropriate manner.

### **2.11.5 Recording Devices on University Premises**

As a general rule, recording devices and camera-equipped devices (including mobile communication devices) and their uses are restricted in accordance with state and federal regulatory guidelines concerning unauthorized surveillance. Subject to the exceptions below, Employees shall not use the picture-taking functionality of mobile communication devices in the workplace to image confidential information or other restricted documents without authorization, or to capture images of persons without their knowledge when a reasonable expectation of privacy exists. The use of cameras will not be authorized in University-owned facilities where a reasonable expectation of privacy exists, such as restrooms. Designated research areas and classrooms may only allow recording devices with the express prior consent of the department manager, faculty member, or supervising administrator.

Recording conversations is prohibited, unless all parties have prior notice that the conversation will be monitored or recorded and such recording is authorized by management personnel. Covert/secret recording of any conversation or meeting occurring at the workplace or, conversations or meetings offsite that deal with workplace matters of official concern are prohibited.

In compliance with the privacy regulations contained in the Health Insurance Portability & Accountability Act (HIPAA), recording devices shall not be used in patient care areas.

Employees are also prohibited from arranging for others, including non-employees, to do any recording of conversations, phone calls, or other work activities without prior notice and authorization as discussed above. The University shall not be liable for the loss or damage of personal cell phones or other recording devices brought into the workplace. Failure to comply with the provisions of this policy may result in disciplinary action up to and including termination depending on the severity of the infraction.

The following exceptions are to the above provisions regarding recording devices:

1. Camera-equipped devices issued by the University to designated employees as part of their performance of certain duties;
2. When required as an accommodation for an employee who has a documented disability and who is otherwise unable to write or conveniently record information or data;
3. When authorized by the chairperson of a meeting for the purpose of facilitating the recording of meeting minutes, the taking of notes, or the recording of investigatory or other hearings;
4. When used by students to record lectures and/or classroom lessons. Such use must be authorized by the faculty member or instructor who must identify restrictions, if any, of the use of mobile communication or recording devices in his or her classroom.

5. When an authorized department head or his/her designee grants prior written approval to record an activity restricted to their department. Copies of the written approval must be maintained in the department's files.
6. When used in employee break areas during an employee's scheduled break or at University-sponsored social events.
7. As authorized by the President or Executive Director of Human Resources for security or other legal purpose.

## **2.11.6 Attendance and Punctuality Policy and Procedures**

### **POLICY**

Timely and regular attendance is an expectation of performance for all Jackson State University employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the university, employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation, he/she must obtain approval from their supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate leave accruals, as well as late arrivals to or early departures from work. Departments have discretion to evaluate extraordinary circumstances of a tardy, absence or failure to clock-in or clock-out and determine whether or not to count the incident as an occurrence.

### **PROCEDURES**

#### **I. Absent**

An employee is deemed absent when he/she is unavailable for work as assigned/scheduled and such time off was not scheduled/approved in advance as required by department notification procedures.

#### **II. Tardy**

An employee is deemed to be tardy when he/she:

- Fails to report for work at the assigned/scheduled work time.
- Leaves work prior to the end of assigned/scheduled work time without prior supervisory approval.
- Takes an extended meal or break period without approval.
- Arrives to work past his/her scheduled start time.

#### **III. Nonexempt Employees**

Nonexempt employees are required to clock in at the start of the workday, clock in/out on their designated time clock for the meal break and clock out at the end of the work day.



#### **IV. Time Clocks and Failure to Clock in/out**

Nonexempt employees are required to follow established guidelines for recording their actual hours worked. A missed clock in/out is a violation of this policy and includes:

- Failure to clock in/out on their designated time clock at the beginning and/or end of their assigned shift;
- Failure to clock in/out on their designated time clock for the meal break;
- Failure to accurately and timely report time worked.
- Clocking in/out early (or late) of assigned shift without prior approval.
- Nonexempt employees should not clock in more than 15 minutes before their scheduled starting time unless authorized in advance by a supervisor.
- Nonexempt employees clocking in seven or more minutes after their scheduled starting time will be recorded as tardy, unless a supervisor has approved the late arrival.
- Nonexempt employees clocking out seven or more minutes before their scheduled ending time shall be recorded as leaving early, unless authorized to do so by a supervisor.
- Nonexempt employees should not clock out later than five minutes after the end of their work schedule, unless authorized.
- Nonexempt employees leaving work for any authorized personal reason during the day must clock out when leaving campus, and clock in when they return.

***Note: Clocking in to the Kronos system indicates that an employee is ready to begin his or her workday. It is not permissible for an employee to clock in for the day and then leave the building to conduct personal business such as eating, smoking or parking one's vehicle. An employee will be documented as tardy when such instances occur.***

#### **V. Departmental Notification Procedure**

Employees are expected to follow departmental notification procedures if they will be late for work, will not be at work, or are requesting planned time away from work. Employees must request in advance to their supervisor or designee and in accordance with departmental procedure if they wish to arrive early or leave early from an assigned shift.

At the time of notification by employee, said individual employee must notify their supervisor when an absence is due to a documented and approved leave of absence (e.g. Military Leave, FMLA) in order to ensure appropriate tracking of leave utilization and absenteeism.

An employee who fails to call-in and report to work as scheduled for three consecutively scheduled work days will be viewed as having abandoned their position and employment will be terminated. The supervisor should consult with Human Resources if this situation occurs.

## VI. Discipline Process

Supervisors should monitor their employees' attendance on a regular basis and address unsatisfactory attendance in a timely and consistent manner. If the supervisors notice a pattern of unscheduled usage of accrued time off, they should discuss this concern with the employee.

Timely and regular attendance is a performance expectation of all JSU employees. Consequently, those employees who have exhibited unsatisfactory attendance which resulted in disciplinary action, whether formal written or final disciplinary action, during the course of the year may have the behavior documented in their annual evaluation.

## VII. Missed Clock Punches

In the event that an employee fails to clock in or out at any time during the workday, he or she must complete and sign a Missed Punch Form, and submit it to his or her supervisor for processing.

Occurrences for missed punches for non-probationary period employees will follow the following disciplinary schedule.

Occurrences (In any 12-month period)	Discipline	Duration of Corrective Disciplinary Action	Occurrences During Corrective Disciplinary Action
1-7	No Formal Discipline		
8	Written Warning	90 Days	Any two occurrences within 90 days will result in a 1 day suspension without pay
10	One Day Suspension without pay	90 Days	Any two occurrences within 90 days will result in termination
12	Termination		

An employee's time record may not be edited for missed punches at any time without a Missed Punch Form which has been signed by both the employee and the supervisor.

## Probationary Period

An employee, within his/her probationary period, who has two occurrences shall receive a Written Warning; if the employee has greater than two occurrences within the probationary period, employment may be terminated; should the probationary period be extended, this rule still applies.

## VIII. Rounding Rule

Kronos clock punches will be rounded according to a seven-minute grace period with a fifteen-minute round.

**Example:** An employee is scheduled to start work at 8:00 a.m. If the employee clocks in at 8:05 a.m., the employee will be paid starting at 8:00 a.m. If the employee clocks in at 8:08 a.m., the employee is marked as tardy and is eligible to be docked 15 minutes by his or her supervisor for tardiness. If the employee clocks in after 8:15 he or she will be docked according to the rounding rules listed below.

**Note:** *Clocking in early or out late on a regular basis, without prior authorization from a supervisor, is a violation of University policy. Repeat occurrences may lead to progressive disciplinary action. Additionally, clocking in early or out late without prior authorization from a supervisor will not result in pay beyond scheduled hours. Employees are allowed one (1) instance of clocking in or out beyond the designated parameters per month.*

Use the following as a guide to determine the round when clocking in:

7:53 a.m. to 8:07 a.m. = 8:00 a.m.  
8:08 a.m. to 8:15 a.m. = 8:15 a.m.  
8:16 a.m. to 8:30 a.m. = 8:30 a.m.  
8:31 a.m. to 8:45 a.m. = 8:45 a.m.  
8:46 a.m. to 9:00 a.m. = 9:00 a.m.

Use the following as a guide to determine the round when clocking out:

2:53 p.m. to 3:15 p.m. = 3:00 p.m.  
3:16 p.m. to 3:30 p.m. = 3:30 p.m.  
3:31 p.m. to 3:45 p.m. = 3:45 p.m.  
3:46 p.m. to 4:00 p.m. = 4:00 p.m.  
4:01 p.m. to 4:15 p.m. = 4:15 p.m.  
4:16 p.m. to 4:30 p.m. = 4:30 p.m.  
4:31 p.m. to 4:45 p.m. = 4:45 p.m.  
4:45 p.m. to 5:00 p.m. = 5:00 p.m.

**Note:** *Although the Kronos system rounds clock in and clock out times to the nearest quarter hour, actual clock in and clock out times will be monitored for tardiness or early departure.*

## IX. Clock Problems

If an employee is unable to punch in or out due to a time clock malfunction, ***it is the employee's responsibility to immediately inform his or her supervisor.***

The supervisor will manually clock the employee in or out. To substantiate the manual punch, the supervisor will submit a Missed Punch Form signed by the employee and the supervisor to be approved by the unit or department head.

The manual punch will then be added to the employee's in or out punch for the time required. If the supervisor cannot be contacted, it is permissible to inform the unit or department head directly.

## **X. Falsification and Tampering**

The following are considered serious offenses. Due to the severity of these infractions, all employees involved will be subject to immediate disciplinary action, including but not limited to a formal writeup, suspension, or termination.

The Supervisor and the Human Resources Department will review the specific details of such an infraction and develop an appropriate response.

- Working prior to clocking in or working after clocking out without proper approvals.
- Attempting to clock in or out for another employee and/or requesting that someone else clock in or out for you (a.k.a. "buddy punching").
- Interfering with the timekeeping hardware or software.
- Attempting to damage or subvert timekeeping systems.
- Interfering with another employee's use of the time clock.
- Altering time keeping data without authorization.

### **2.11.7 University Issued Cell Phones**

Wireless communication devices (cell phones) or services may not be purchased with University funds unless approved by the President. Vice Presidents, Deans, and Directors are responsible for assuring that a request for a wireless communication device is necessary to accomplish the mission of the University, and that no other communication device will suffice.

1. A wireless communication device means a cellular telephone or a personal digital assistant device having wireless communication capability (i.e., a Blackberry).
2. An employee can only have two (2) devices.
3. An employee who has the use of a cell phone, the cost of which is paid with University funds, cannot be reimbursed for personal use.
4. An employee cannot be reimbursed for use of a personal cell phone (such as making telephone calls on a personal phone while on a trip).
5. Detailed billing is a requirement for all University-issued cell phones and/or cell phone service.
6. The University may only use vendors on the list maintained by the Mississippi Department of Information Technology Services (ITS).

For more information regarding the University's Policy on Wireless Communication Devices, please contact the Department of Human Resources.

### **2.11.8 Personal Appearance and Uniform Dress Standards**

Personal neatness and appropriate work attire are necessary to present a well-groomed appearance. While employees should use their own judgment in determining appropriate attire, they should take into consideration the University's image, work, and the employee's potential contact with the public.

Even though Jackson State University does not dictate appropriate dress for employees, we do expect everyone to take pride in representing the University as well as himself/herself. The University requires and provides uniforms for the following groups of staff personnel:

1. Facilities Management personnel
2. Public Safety personnel

All personnel required to be in uniform shall wear the entire uniform. Substitution of other types of clothing for parts of the uniform is permitted only when clearly authorized by the immediate supervisor. The uniform shall be clean and neat at all times. No employee shall wear the uniform except in the performance of duty, as well as travel to and from work. Personal hygiene is required of all employees.

Replacement of uniforms will be made by the University upon recommendation by the Director in charge of the department. The uniforms are laundered and maintained by the employee. The employee is required to sign for each uniform issued. Uniforms issued by the department are the property of Jackson State University; therefore, failure to return the uniforms upon termination of employment may, when permitted by law, result in charges against the employee's final payroll check.

### **2.11.9 Identification Cards**

The University issues identification cards to faculty, staff, students, and other appropriate affiliated individuals to verify identity and to manage access to various university services and facilities. Individuals officially recognized as being affiliated with the University are expected to maintain possession and control of their identification card at all times when on the university premises. Wearing the Identification Card is mandatory, and failure to comply will result in disciplinary action.

Lost identification cards should be immediately reported to the ID Center. Replacement costs are the responsibility of the individual. Identification cards must be replaced if they are broken or mutilated. The remaining pieces of the card must be returned to the ID Center. Identification cards that break or become unreadable solely due to normal wear will be replaced at no cost. Replacement costs for mutilated cards (holes punched, other abnormal use) are the responsibility of the individual. An employee that changes position at the University or has a legal name change will be issued a replacement card at no cost. Employees are required to return the identification card to their immediate supervisor upon termination of employment at JSU.

### **2.11.10 Personal Use of University Services**

- **Personal Mail**

The University conducts a large amount of business by mail. In order to limit volumes, employees are required to limit personal mail being sent to them at work. Because serious misunderstandings may arise from the use of the University's letterhead and postage, and because State resources cannot be used without charge for

an employee's personal benefit, Jackson State University stationery and postage may not be used for personal correspondence or in connection with outside activities.

- **Personal Telephone Calls and Messages**

Telephones are intended for business purposes; therefore, personal calls should be kept to a minimum both in frequency and in length of conversation. Emergency telephone messages will be transmitted to employees at the earliest possible time. Should an employee be expecting such a message, the employee should instruct the caller to talk directly to the office or the department in which the employee works. Outgoing personal calls should not be made during work time, except for emergencies.

- **Building and Property**

University property must not be used for private purposes without written approval of the President of the University or his/her designee. Persons interested in the use of University property for any purpose should complete, and have properly signed, the standard form for the use of University facilities. This form may be secured from the Division of Community Affairs and Events.

### **2.11.11 Procedure for Requesting Use of University Facilities**

All campus groups wishing to host events on campus must attend and complete Events Management Training at the beginning of each academic year and sign an Events Agreement for that academic year in order to be listed as an approved campus renter. The requesting person or organization should complete an online application for each event, completing each question as accurately and clearly as possible. Events must be approved thirty days (30) prior to the requested date of set-up but it is strongly encouraged that all events for the school year be submitted at the beginning of the academic year.

Upon approval for the use of campus facilities, a confirmation will be emailed to the address listed in the application along with an invoice if applicable. All payments must be received two (2) weeks prior to the event in full and verified by the Events Department. Please see the Department of Events website for links to event application and pertinent event related documents and polices ([www.jsu.edu/jsuevents/](http://www.jsu.edu/jsuevents/)).

### **2.11.12 Repair and Care of University Equipment and Buildings**

The University appreciates each employee taking pride in working and in using the machines, tools, and other equipment while at work. The University has a large investment in physical plant and equipment; each employee should endeavor to keep this equipment in good working condition. Needed repairs to equipment and buildings should be reported immediately to the Department of Facilities and Construction Management via the iService Desk. Failure to report adequately may result in a delay of service. The University will regard gross carelessness or willful destruction of property as cause for dismissal.

### **2.11.13 Solicitation on Campus**

Individuals or groups not affiliated with the University may not advertise, solicit, or sell on campus without prior written permission from the Division of Community Affairs and Events.

In general, the University may not favor any commercial enterprise for purchasing or contracting for the purchase of commodities. The University's Purchasing Department will be used in all such transactions in

accordance with state purchasing regulations. The acceptance by the University or its employees of gifts, discounts, or other emoluments from commercial agencies in exchange for special privileges regarding commercial transactions with the University, its students, or its employees is to be considered a conflict of interest and is strictly forbidden.

#### **2.11.14 Solicitation on Behalf of the University**

Any planned solicitation effort must be coordinated with the Vice President for Institutional Advancement prior to soliciting individuals or entities on behalf of the University or any of its departments.

Individuals or entities may not be solicited on behalf of the University or any of its departments without the express prior approval of the Vice President for Institutional Advancement. All donations to the University must also be coordinated through this office.

#### **2.11.15 Visitors in the Workplace**

All employees should demonstrate good customer service skills, hospitality, and helpfulness to those visitors who are on campus for appropriate reasons related to services being provided to or from the University.

##### **Personal Visitors**

Personal visitors detract from the work production of the employee being visited as well as co-workers. In order to better provide an environment for all employees that is professional and free from distractions, all guests including but not limited to relatives and friends of employees and employees from other University units who do not have official business with a particular department may be restricted from prolonged visits to the workplace.

##### **Children**

On occasion, young children have been brought to the University campus and have remained for extended periods of time either in a work area under parental supervision or elsewhere on campus. While sympathetic with the difficulties parents may encounter in arranging supervisory care for their children, the university cannot accommodate children in campus workplaces, unauthorized classrooms, or in unsupervised circumstances on campus.

Therefore, the University will not allow:

1. Children under the age of 14 to be on campus without being accompanied by an adult or without being properly enrolled in a supervised University activity; or
2. Students to bring children into a classroom setting while classes are in progress; or,
3. Children to be present in a parent's or caretaker's campus workplace or in a classroom for an extended period of time.

The University encourages supervisors to accommodate employees as much as possible in scheduling sick and annual leave to provide or arrange for childcare.

### **2.11.16 Political Activities**

Participation by employees of Jackson State University in various community and public affairs is expected; however, it is expected that time given to such activities will not interfere with the regular duties of the employee. Political activities by an employee will not be prohibited at such time as the employee would not be ordinarily required to render services to the institution or if the employee elects to request a leave of absence without pay.

The scheduling of personal leave for political activity is within the discretion of the President or a person with the President's delegated authority for that purpose. The only qualification on that discretion is that leave must not be unreasonably or arbitrarily withheld. The University can impose any reasonable restriction on the employee's use of leave so that the work and efficiency of the University will not be impaired. However, the University may not grant personal leave in excess of what has been earned and accumulated by the employee. On the other hand, the University may not require an employee to take extended personal leave while he or she is a candidate for public office.

Any employee running for public office cannot campaign during the hours when occupied or on duty as a public employee; may not use his office, position, or employment to benefit his campaign; and may not use any public funds, property, or facilities to assist in the conduct of his campaign.

#### **Guidelines governing the use of University facilities and resources for political purposes:**

- a) In any correspondence, statement, or other material relating to personal political activity, the University title of a staff employee shall be used only for identification. If such identification might reasonably be interpreted as implying either the support or opposition of the University with regard to such personal political purpose or activity, the identification shall be accompanied by an explicit statement that the individuals are speaking for themselves and not as a representative of the University or any of its offices or units.
- b) Neither the name, insignia, seal, or address of the University nor any of its offices or units, nor a University telephone number or University email address shall be used for personal political purpose or activity.
- c) University offices shall not be used as a headquarters or an office in connection with the organization of personal political activity.
- d) University equipment, supplies, and services (i.e., computers and other technology resources, typewriters, copiers and other equipment) shall not be used for personal political purpose or any personal political activity.
- e) University sites or facilities shall not be used on a regular or continuing basis for organizing and maintaining personal political activities. Generally applicable and content neutral facility use requirements can be referenced through the University's use of facilities policy.
- f) The display or distribution of political materials -- including political posters, notices, handbills, and banners -- shall conform to campus regulations.



- g) When undertaking personal political activity in conjunction with other faculty, staff, or students, an individual shall establish clearly the voluntary nature of such activity and maintain the clear separation of personal political activity from an educational program, University operations, or University resources (including the solicitation of other staff). Any employee who engages in political activity proscribed by Miss. Code Ann. § 23-15-871 (including coercing an employee to vote or not vote) while at work is subject to disciplinary action.

## **2.12 EMPLOYEE RELATIONS**

### **2.12.1 Staff Employee Complaints and Grievance Procedures**

#### **GRIEVANCE POLICY STATEMENT**

It is the policy of Jackson State University to have an effective procedure for reviewing and resolving staff employee complaints and grievances. The University assures prompt and impartial consideration to any complaints which full-time, part-time (benefit eligible), and grant employees may have within the course of their work.

#### **PURPOSE**

It is the intent of Jackson State University to establish a procedure for the fair, orderly, and speedy resolution of disputes. In order to provide fairness and equity in the work environment, the University has established an internal review procedure that is accessible to full-time and part-time (benefit eligible) employees who have completed their probationary period of employment. This shall serve as the University procedure for the resolution of complaints and grievances against staff; however, sexual harassment and gender discrimination claims shall follow the University policy specific to that issue.

#### **GRIEVANCE PROCEDURES**

A complaint is defined as a claim of an individual employee alleging a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to human resource policies, including working hours, working conditions, leaves, promotions, and other conditions of employment. All employees who have completed their probationary period of employment (and are benefit eligible) are covered by this policy. A complaint can only be brought by the adversely effected person or persons.

A grievance is a complaint that justifies an appeal to step four (4), as discussed in this policy. When there is a question of applicability, the Executive Director of Human Resources will determine whether or not an issue may be appealed through these grievance procedures. If a matter is found non-grievable, the Executive Director of Human Resources will work with the employee's department to try to resolve the issue.

Employees do not have the right to a grievance hearing for the following matters: issues related to salary, performance evaluations or ratings, work assignments, leave denials, employee layoffs, schedule and operation hours, organizational structures, filling of vacancies, transfers or where no constitutional right to due process exist. While these are not grievable matters, they may be appealed through the grievance process if the employee alleges he or she was discriminated against in violation of state or federal law.

When employees have complaints concerning difficulty on their job as stated above, the complaint procedures outlined below should be initiated within five (5) working days following the incident which caused them to

believe that a complaint should be filed; or if the complaint is connected with termination, within ten (10) working days following termination from the University.

### **FILING A STAFF COMPLAINT**

The University has a four-step staff complaint procedure, which is as follows:

- STEP 1: Supervisor, Department Chair, Dean, and/or Director**  
Discuss the complaint or concern with their immediate supervisor, department chair, or Dean/Director to resolve the matter.
- STEP 2: Vice President**  
If step "1" is not considered acceptable or does not meet the satisfaction of the employee, discuss the complaint or concern with the appropriate area Vice President.
- STEP 3: Executive Director of Human Resources**  
If the issue is not resolved to a mutually satisfactory settlement in Step 2, the complainant may submit a written grievance statement within five (5) working days of the event giving rise to the alleged complaint or concern to the Department of Human Resources. The Executive Director or his or her designee may in consultation with appropriate University administrative staff perform an investigation and make a final decision. In the alternative, the Executive Director may refer the grievance to the Staff Grievance Committee for resolution.
- STEP 4: Staff Grievance Committee**  
A Grievance Committee Hearing may take place only after a staff employee has exhausted all other administrative remedies as prescribed by the institution. Within ten (10) days after having been informed of the Staff Grievance Committee's recommendation, either party to the hearing may appeal the matter to the President by making the written request for such appeal to the Executive Director of the Department of Human Resources. The matter will then be forwarded, with the Committee's recommendation, to the President.

### **RULES GOVERNING THE APPEAL PROCESS**

An appeal may be passed on to Step Four (4) above at any time if a request is made for a hearing and the Department of Human Resources determines that the issue is grievable, there is supporting evidence, and the matter has a substantial impact.

The Staff Grievance Committee will be comprised of three (3) full-time, non-academic employees appointed by the Executive Director of Human Resources. Upon completion of the hearing, the Committee will have five (5) working days in which to make a decision and forward the Committee's written recommendation to the Executive Director of Human Resources. The Committee's decision is not binding on the University.

Within five (5) working days of receiving the Committee's recommendation, the Executive Director of Human Resources will provide a copy of the Committee's recommendation to the parties, including the complainant and the appropriate administrator (and/or Respondent). Any Complainant or Respondent which participated in the hearing may request a review by the President in writing within 10 days of receipt of the Committee's decision. Such appeal will be decided by the President of the University. The President may concur with or

choose not to accept the decision of the Staff Grievance Committee and/or the Executive Director of Human Resources. The decision of the President is final.

If a grievance is resolved by agreement at any stage of this policy, a grievance resolution form shall be completed by the Executive Director of Human Resources and the complainant. The signatures on the form will represent the party's agreement with the terms.

### **AVAILABILITY OF THE COMPLAINT PROCEDURE**

The complaint procedure is available to all full-time, part-time (benefit eligible), and grant employees who have completed their probationary period. If such an employee holds a faculty appointment, he or she may use this procedure only for complaints relating to the non-faculty appointment, or if the complaint is against a staff member. Employees may use this procedure without penalty or fear of reprisal in that retaliation for good faith participation in this process is strictly prohibited. Particular attention must be given to the time period shown for each step.

### **CHARGE TO THE STAFF GRIEVANCE COMMITTEE**

The Staff Grievance Committee's function is to conduct an administrative hearing which results in a recommendation to the President in the event either party appeals the matter to that level. A sufficient number of professional and support staff employees are appointed from a range of staff levels to ensure three (3) impartial members shall be available for the hearing. Any Committee member who has an actual or apparent conflict of interest with a party shall be replaced by an impartial substitute.

If a Staff Grievance Committee is convened to hear a grievance, it is charged with the following:

1. All information to be presented by the complainant and respondent during the Staff Grievance Hearing should be submitted to the Department of Human Resources at least five (5) days prior to the hearing. This should also include a list of any witnesses and advisors if applicable.
2. If the complainant chooses to bring an advisor to the hearing **it will be at no expense** to the University. The advisor may be an attorney-at-law, a faculty member, another staff member, a relative, or a citizen-at-large. If the parties involved wish to have legal counsel present at the hearing(s), they must inform the Department of Human Resources at least five (5) days prior to the hearing. The complainant representative may advise the employee, but cannot address the committee panel, question witnesses, or otherwise present the employee's case.
3. Because of the sensitive nature of the information involved, the hearing is closed to the public. The following persons may be present: the complainant, the respondent(s), an advisor for each party and the committee, a Human Resources representative, selected witnesses, and, at the University's discretion, a person for recording purposes.
4. The Chairperson of the Staff Grievance Committee is given discretion in orchestrating the hearing to ensure order and fairness. The Chairperson or designee shall describe the intended sequence and format of the hearing to the respective parties at the beginning of a hearing.
5. The majority vote carries.

6. Retaliation against the person who seeks relief, the complainant, or any advisor is forbidden.
7. The hearing may be recorded using appropriate media by the committee advisor, Human Resources representative, or other individual as determined by the Executive Director of Human Resources.
8. The Executive Director of Human Resources or designee (Human Resources Staff Member) shall serve as an advisor to the Staff Grievance Committee unless a conflict of interest exists. An alternate advisor for the committee may be appointed by the Executive Director of Human Resources.
9. Each party is responsible for securing the attendance of their respective witnesses. The list of witnesses should be submitted to the Department of Human Resources at least five (5) days prior to the hearing.
10. Witnesses should appear in person to present evidence; however, signed written statements may be obtained and used as evidence.
11. Witnesses appearing at the hearing shall present testimony and be questioned regarding their direct knowledge of relevant facts. Each witness is instructed not to discuss the hearing or the identity of the person(s) making the complaint or the accused with anyone. **All aspects of the proceedings must be kept confidential**, to the extent permitted by Mississippi law.
12. Fairness and consistency are exercised in recommending corrective action.
13. Hearings are to take place on normal work-days during working hours (Monday through Friday).
14. Any recordings or written records of the hearing, together with the findings and recommendation of the Committee, and a record of corrective action taken are placed in the confidential files in the Office of the Executive Director of Human Resources.

Exhaustion of Administrative Remedies - Failure to exhaust an available administrative remedy may adversely affect an individual's ability to later pursue a remedy elsewhere. Therefore, aggrieved persons are encouraged to timely make use of this process.

Election and Waiver - A complainant cannot submit an issue in a grievance where that specific issue has previously been addressed in a prior grievance, court of law, or other government body whose authority the University is subjected. If an issue in a grievance is a material part of a case or charge filed by the complainant before a court, tribunal, or appropriate federal agency, the complainant will be deemed to have elected an alternate forum and will not have a right to simultaneously pursue a University grievance hearing. However, in this situation the complaint procedure would apply through Step three (3).

## STAFF GRIEVANCE RESOLUTION FORM

Name \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

Department \_\_\_\_\_

Action Plans:

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

Signature: Director/Vice President \_\_\_\_\_ Date \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

## STAFF GRIEVANCE COMMITTEE RECOMMENDATION

Complainant \_\_\_\_\_

Date of Hearing \_\_\_\_\_

Title \_\_\_\_\_

Department \_\_\_\_\_

Recommendation(s):

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Chairperson, Staff Grievance Committee

## 2.12.2 Corrective and Disciplinary Action

The University shall impose discipline and corrective action for any staff employee who fails to adequately and faithfully perform his/her duties, who violates and/or fails to conform to University regulations and the accepted codes of conduct will be subject to disciplinary action which may lead to suspension or dismissal.

While termination should be avoided when possible, the recommended progressive discipline structure does not limit the University's ability to terminate an individual when circumstances, in the University's discretion, call for immediate or different employment action. The purpose of using progressive discipline is to afford supervisors and employees an opportunity to address and improve job performance.

Each job performance problem or instance of misconduct must be tailored to the specific facts and employee, but efforts should be made to apply discipline consistently. Supervisors will address disciplinary matters promptly and consistently, with proper documentation and take all the known facts into consideration.

The following steps can be used as progressive discipline, although the severity of the misconduct should determine which of the following action or actions is necessary.

1. **Verbal Notice.** In order to resolve minor problems before they become serious issues, a verbal notice should normally be given by supervisors to employees. Verbal notices are recommended to be given in private by the supervisor. Written documentation setting forth the deficiency, details of the deficiency, the names of witnesses or other persons involved, if any, and the name of the supervisor who gave the notice, should be maintained in the department file.
2. **Formal Written Warning.** When an oral warning has been unsuccessful, when the problem is recurring, or for more serious misconduct, a formal written warning should be given to the employee. A copy of the written warning will be forwarded to the Executive Director of Human Resources for inclusion in the employee's personnel file. The written document should state the deficiency, the details of the deficiency, and any other pertinent information, including what is expected of the employee in the future.
3. **Suspensions Without Pay.** For misconduct that is more serious or for a recurring offense, the employee may be suspended without pay for up to 5 days. The suspension must be approved by the department head and reviewed by the Executive Director of Human Resources prior to its occurrence. The employee is to be informed of the intended suspension and explained the reasons therefore, and shall be given an opportunity to discuss the matter with the supervisor or other administrator prior to the suspension being approved.
4. **Suspensions Pending Investigations.** Where a serious offense has been alleged or is suspected, a suspension with pay may, within the University's discretion, occur during the investigation of the matter. The Department of Human Resources will be informed of all such suspensions and the circumstances surrounding such actions. When an employee is suspended or placed on leave pending the results of an investigation, the investigation must move forward as quickly as is practically possible under the circumstances.
5. **Demotion.** Serious misconduct and the continuance and/or reoccurrence of prior offenses despite lesser disciplinary action may result in an employee being demoted. The University may demote a regular staff personnel on notice of 30 days, except when there is also just cause for immediate termination (See Policy

2.13.2 - Just Cause for Termination). Where the misconduct or serious deficiencies rise to the level of Just Cause, the employee may be demoted immediately. Demotion of an employee may only occur through authorized University supervisory personnel after discussion with the Executive Director of Human Resources or designee. When a demotion occurs, the employee is to be informed in writing of the demotion by the Executive Director of Human Resources.

6. **Termination / Dismissal.** Serious misconduct or prior offenses that have continued or recurred despite lesser disciplinary action may result in an employee's employment being terminated. The University may terminate the employment of regular staff personnel on notice of 30 days, except when there is cause for immediate termination (See Policy 2.13.2 - Just Cause for Termination). Where the misconduct or serious deficiencies rise to the level of Just Cause, the employee may be terminated immediately. Dismissal of an employee may only occur through authorized University supervisory personnel after discussion with the Executive Director of Human Resources or designee. Employees against whom dismissal action is taken are to be informed in writing of the dismissal by the Executive Director of Human Resources.

No prior notice needs to be given to an employee who is discharged for cause, unless the termination is to a contract employee prior to the expiration of a definite contract term. In this situation, a meaningful opportunity to be heard or hearing must be provided.

All employees, at the time of their termination of employment must return all uniforms, keys and other equipment to the University before their final paycheck is disbursed. Failure to return the property of the University will result in charges against the employee's final payroll check when permitted by law.

## **2.13 SEPARATION AND TERMINATION OF EMPLOYMENT**

### **2.13.1 Termination of Employment**

Termination of the employee is a last resort after all other progressive disciplinary measures have failed or if the misconduct is of such a serious nature that immediate discharge is warranted. Recommendation for dismissal should be reasonably related to the seriousness of the employee's performance/conduct in view of length of service and prior record. A copy of the recommendation is to be sent to the Executive Director of Human Resources. Human Resources will review the case to verify that there is a sufficient reason for termination of employment and that the employee has been or will be afforded due process when required by law. After consultation with the Executive Director of Human Resources, recommendations for dismissal of employees are initiated by the supervisor and/or department head and approved by the reporting Vice President and Executive Director of Human Resources before any action can be taken. After the termination is approved, the employee should be advised by their supervisor and/or department head of the reason(s) dismissal was recommended, the effective date of the action, that the appropriate handbook may provide a right of appeal and the procedure for filing an appeal. Employees should not be informed that they are in the process of being terminated until such action is approved, unless the termination is immediate due to Just Cause. This provision shall not amend or waive Mississippi's at-will employment rule.

The University recognizes that dismissal for any reason is a serious matter. The reporting Vice President, Human Resources, and, when applicable, the President make all decisions regarding dismissal. In cases of



termination of any employee because of lack of funds or reorganization, the employee is to be notified at least 30 days in advance, if circumstances and advance knowledge permit.

Non-probationary regular full-time classified employees who are terminated for Just Cause, will be notified of the reasons for the termination. For employees terminated prior to the expiration of a definite term written contract, the immediate supervisor must present an intent to terminate in person, if at all possible; and if not, by certified or registered mail at the employee's last known residence. An exception to the in-person notification guideline may apply where there is a substantial risk to safety or other compelling reason. The immediate supervisor shall inform the employee of the right to a request a hearing or grievance when one may be provided under an applicable University policy.

Upon the termination or resignation of an employee, it is very important that the immediate supervisor conduct an Exit Interview and process a Personnel Action Form so that the Department of Human Resources can remove the individual from the personnel database immediately to avoid making overpayments to employees.

The Executive Director of Human Resources and the Vice President for Academic Affairs/Provost upon designation by the President, and the President, are authorized to accept resignations of employees and to determine the effective date of termination of employment.

All employees, at the time of their termination of employment must return all uniforms, keys and other equipment to the University before their final paycheck is disbursed. Failure to return the property of the University will result in charges against the employee's final payroll check when permitted by law.

### **2.13.2 Just Cause for Termination of Employment**

The University may terminate the employment of regular staff personnel on notice of 30 days, except when there is cause for immediate termination. Termination of employees during the probationary period carries no provision for pay in lieu of notice.

The following statement is intended to be general guidelines to good judgment and fair treatment. Just cause for termination is not limited to those violations that follow as there may be other offenses committed that may warrant action depending on a number of factors. The University reserves the right to make changes to the listing contained in sub-paragraphs A and B at any time.

Just Cause shall mean a good cause or legally sufficient reason for the proposed employment action. It may be a cause based upon acts or omissions detrimental to the University, which is reasonably sufficient to justify that a termination is in the best interest of the University. A Just Cause for termination may exist where the University's good faith determination is that the weight of available evidence makes it more likely that misconduct occurred. Just Cause may also exist without any misconduct, but where a sufficient reason for termination exists, such as a person becoming unable to perform their work despite no one being at fault or an employment position being removed due to legitimate financial, program, or other concerns. However, for reductions in force, policy 2.13.4, Reduction in Workforce will apply.

**A. Examples of Violations which may be cause for immediate termination:**

1. Falsification of personnel records, including time cards, or an Application for Employment, including making misrepresentations as to one's credentials;
2. Inexcusable neglect of duty, insubordination, or disobedience;
3. Unauthorized possession or drinking of an alcoholic beverage on University property, or the unauthorized use or possession of narcotics, barbiturates, hallucinogens, amphetamines, marijuana, or other illegal drug on University property;
4. Unexcused absence of three (3) days without notification or reasonable cause;
5. Theft, unauthorized use, removal or destruction of University property;
6. Unauthorized possession of fire arms, knives, explosives, or other dangerous weapon;
7. Stealing from fellow employees, students, university officials, the University, or others on University property or with University equipment or systems;
8. Serious conduct which reflects negatively on the University and which occurs on University premises;
9. Except for instances where speech is protected by constitutional law, threatening, intimidating, or harassing actions, which unduly and negatively interfere with the rights of others or the effectiveness of the educational or employment environment;
10. Conviction by a court or appropriate tribunal of a criminal offense whether on or off University property;
11. Any act of fighting or violence on University property, unless such action is reasonable in the University's determination for purposes of self defense; and
12. Violation of the outside employment policy.

**B. Examples of offenses, which if repeated, may result in dismissal:**

1. Wasting time or loitering;
2. Leaving the University premises or work area without permission during working hours;
3. Misuse of sick leave privileges and benefits;
4. Tardiness or failure to report to work on time;
5. Failure to record time accurately;
6. Negligence in the performance of duty and/or productivity not up to standards;
7. Negligence or abuse in the use of University property and equipment;
8. Failure to report an incident and/or injury of a student, another employee, one's self, or a visitor on University property;
9. Sleeping during work hours;
10. Falsifying a time report or any other document for the benefit of another employee or one's self;
11. Violation of or disregard for safety of fire or common safety practices;
12. Reporting for work under the influence of alcohol and/or reporting to work under the influence of narcotics, barbiturates, hallucinogenic, amphetamines, or marijuana;
13. Discourteous treatment of visitors;
14. Gambling on University property;
15. Absenteeism; or
16. Neglect of duty.
17. Any action, which negatively affects the University and is not a legally protected activity.

Where termination is brought about by the violation of the criminal law, the University may institute prosecution of employees. Discharge due to unfavorable conduct does not provide for pay in lieu of notice. Termination of employees during the probationary period carries no provision for pay in lieu of notice.

### **2.13.3 Resignation**

Staff personnel intending to resign shall provide a written letter of resignation to the department head, the Department of Human Resources, and the chief administrator of the area with a minimal 14 calendar days' notice to protect accrued benefits and leave in good standing. Administrators and management personnel shall provide a written letter of resignation to the President with a copy to the chief administrator and the Department of Human Resources thirty (30) days prior to the effective date of resignation.

Before the staff member who has resigned is given final clearance from their area of employment, they will be encouraged to complete the Exit Interview Form, which can be obtained from the Department of Human Resources. A resignation is final once accepted by the University, even if this policy is not followed in every respect.

### **2.13.4 Reduction in Workforce Policy**

Only the President may authorize any decision regarding a reduction in workforce, layoffs, or other major organizational actions or changes in departments or services offered. The President shall determine those areas of the University whose budgets must be reduced based upon consideration of the budgetary needs and priorities of the University, both academic and non-academic.

#### **PURPOSE**

The purpose of this policy is to clearly prescribe the guidelines and procedures for a reduction in regular full-time University employees including administrative, professional, and other staff.

#### **GENERAL POLICY**

Jackson State University values the contributions of all its employees and endeavors to provide a regular and stable employment. However, situations including but not limited to financial exigency, a lack of work, reorganization of the University's operation and changes in program or technologies, may require a reduction in work force to maintain financial security, quality, and efficiency of University operation. These situations can dictate substantially decreased workloads, discontinued functions, a change in business operations, economic conditions, or other circumstances out of the employee's control, and it is the policy of the University to provide an equitable and supportive process to those employees directly impacted. The determination of when such actions should be taken rests with the administration of the University, and when applicable, the Board of Trustees of the Mississippi Institutions of Higher Learning.

## **POLICY**

In the event of a Reduction in Force, Jackson State University will consider the following factors:

- a) The role and importance of the position as it relates to the goals and objectives of the University and department;
- b) Performance and productivity of employees measured against the ultimate objective of providing the best programs within funding limitations;
- c) The need for faculty and student support; and
- d) Seniority of service within the University.

The University retains the right to make the final decisions based on reasonable business and economic needs. The determination of "reasonable business need" rests with the administration of the University.

Affected employees will be given consideration for any available positions at the University based on their skills, experience, educational background, and past performance. The primary responsibility for locating a new position either within or outside the University shall reside with the affected employee; however, the Department of Human Resources will be available to advise and assist the employee regarding job search techniques, resources, and procedures.

## **APPLICABILITY**

This policy applies to all non-contractual exempt and non-exempt benefit-eligible staff employees.

## **RESPONSIBILITIES**

Responsibilities for administering the Reduction in Workforce Policy is divided between the provost or appropriate vice president, department heads, and the Department of Human Resources.

1. The provost or appropriate vice president is responsible for administering this policy.
2. Deans and department heads will make determination of need, positions affected, and eligibility levels of employees. These administrators must contact the Department of Human Resources prior to notification.
3. The Department of Human Resources will:
  - a. Review occupational unit seniority lists with department heads, as well as consider the other Reduction in Force factors;
  - b. Audit/monitor the process to ensure the Reduction in Force Policy is being followed fairly and consistently throughout the University; and
  - c. Work with employees terminated due to a reduction in force so that such affected employees may be given a preference if they apply for employment when a position for which they are qualified becomes available.

## **PROCEDURE**

1. The University administrator whose department is affected will provide the President, Administrative Cabinet, and the Department of Human Resources with a business justification, including the list of positions that are being recommended for a reduction in force.

2. This business justification will be reviewed by the President, Administrative Cabinet, and the Department of Human Resources to verify the existence of a reasonable business justification, including but not limited to economic need, for the reduction in force.
3. After review and evaluation, a final list of those employees who will be affected by the reduction in force will be prepared by the Department of Human Resources and presented to the President for final approval.
4. The Department of Human Resources will prepare documentation for each affected employee outlining their employment and benefit status. This information will be reviewed with the employee during a formal notification meeting, which will be conducted by a representative of the Department of Human Resources and the appropriate University administrator.
5. All exceptions to this policy must be approved by the Executive Director of Human Resources.

## **NOTICE PERIOD**

- In the event of a Reduction in Force, the University will provide the affected employee with a 30 day notice. The notice shall be in writing and when such termination is due to a Reduction in Force, the termination notice will state that reason.
- The affected employee will be paid for 30 days of accrued personal leave in accordance with state law.
- Benefits in effect as of the notification date will continue during the paid period and will end in accordance with current policies for all employees separating from benefit eligible service.

## **BENEFITS**

### **Health and Dental Insurance Benefits**

All employees affected by a Reduction in Force who have attained the required age and years of service as outlined in the retirement eligibility section of the benefits handbook may elect to retire and enroll in the PERS Retiree Medical Insurance Plan.

All employees affected by a Reduction in Force who do not meet the eligibility requirements to elect retirement with retiree health care benefits have the opportunity to continue health coverage for up to 18 months under the COBRA legislation.

### **Vacation Pay**

All employees will be paid for all accrued and unused vacation hours for the current year, up to the maximum accrual, at their regular rate of pay. This payment shall be made on the employee's final payroll check.

### **Other Benefits**

Please refer to the policies on Benefits (policy 3.1 - 3.3) ending dates due to separation from benefit-eligible service within the appropriate employee benefits handbook for an explanation of all other benefits.

### **2.13.5 Seniority**

Jackson State University values the service of our employees by recognizing seniority. All staff employees begin to accumulate seniority from the first day of employment in a full-time regular appointment, and it shall be determined by the aggregate of all time served as a staff employee at the University. An employee's seniority will not be lost because of absence due to authorized leaves of absence. Seniority begins to apply after a staff employee has successfully served his or her six-month probationary period. The amount of seniority that an employee has attained will be considered as a factor in the event of a layoff under the Reduction In Force Policy, which is set forth under policy 2.13.4, as well as in the rehiring of employees after a layoff, provided that such employees who are applying for rehire had at least a rating of "good" on his or her most recent employment evaluation with Jackson State University.

To determine eligibility for rehire, the former employee must file an employment application with the Department of Human Resources. Seniority shall cease upon:

- A. Voluntary resignation
- B. Justifiable discharge (other than layoff)
- C. Refusal of an offer of re-employment within a period of six (6) months from the effective date of discharge.

### **2.13.6 Employment References**

The Department of Human Resources will respond to all inquiries for employment references.

### **2.13.7 Exit Interview Procedures**

Jackson State University is committed to the development and retention of employees. To support this commitment, the Department of Human Resources has developed an Exit Interview process and survey.

An exit interview is a set of questions that are designed to elicit information from an employee who has decided to leave the organization. The exit interview can play an important part in understanding why employees choose to leave the organization.

All departing staff members, teaching and non-teaching will be encouraged to complete the Exit Interview Form. The information received from each exit interview provides insight into the University's work environment and the factors that may lead to an employee's decision to leave the University. Trends can be identified that may lead to changes in employment practices and the work environment.

The exit interview can be conducted face-to-face or by downloading the exit interview form located on the Department of Human Resources website <http://www.jsums.edu/hr/pdf/forms/ExitInterviewForm.pdf>. Return the completed exit interview form to the Department of Human Resources via fax (601)979-5856 or email to [hrrservices@jsums.edu](mailto:hrrservices@jsums.edu).

# STAFF HANDBOOK SECTION III

## Employment Benefits



Jackson State University is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, disability status, protected veteran status, or any other characteristic protected by law.

## **3.1 EMPLOYMENT BENEFITS**

Optional benefits can only be added during the initial enrollment period for new hires or during the open enrollment period.

### **3.1.1 Benefits Overview**

Full-time employees are eligible for all University benefits. Part-time employees working less than twenty (20) hours per week and/or four and one-half months (4½) are not eligible for any University benefits. However, they do qualify for unemployment and worker's compensation.

### **3.1.2 Social Security**

Employees (U.S. Citizens) and Jackson State University are required to contribute toward Social Security (FICA & Medicare) benefits from the first day of employment. Employees need not apply for this benefit or payroll deduction -- the University deducts it automatically. Both the employee's and Jackson State University's contribution rates are established by law and represent a percentage of earnings up to a maximum amount.

Social Security provides four basic benefit provisions consisting of retirement income, disability, death, and health care. Eligibility varies among benefits, and entitlements are subject to individual circumstances. For more information, please contact the nearest Social Security Office.

### **3.1.3 Workers' Compensation**

Jackson State University pays the entire amount of the workers' compensation insurance premium that provides benefits to employees who experience injury or illness in connection with their employment. Eligibility automatically begins on the first day of employment. The University maintains standard worker's compensation insurance coverage in accordance with Mississippi state laws, which, in general, prescribe the amounts of indemnity payable for the degrees of disability, temporary or permanent, and for death if the injury or disability occurs on the job. These laws also provide for medical expenses, including doctor's visitation, treatment, surgery, drugs, hospitalization, and weekly compensation for the period of disability.

Any injury or illness which is work related should be reported as soon as possible to your supervisor and to the University's Risk Manager so that appropriate medical treatment can be arranged and a report of the injury can be sent to the Workers' Compensation Commission. Timely reporting also ensures that any wage loss benefits that are due will be paid without undue delay.

For injuries or illnesses, the benefits provided may include payment of all reasonable and necessary medical expenses, as well as partial compensation for wages lost because of the injury or illness. The wage loss benefits are generally payable in addition to any accrued leave, which the employee may be able to use.

Workers' Compensation Benefits are payable at the rate of two-thirds (2/3) of your average weekly wage, not to exceed a weekly maximum set by law.



State law prevents an employee from receiving in excess of his or her pre-injury wages by virtue of any combination of workers compensation and personal or sick leave benefits. For example, if the indemnity benefit under workers compensation pays two-thirds of an employee's average weekly wage to the employee, then the maximum leave benefit—if a leave balance is available—cannot exceed the value of one-third of the employee's average weekly wage. The average weekly wage is calculated based upon the 52 weeks preceding the date of injury, and the purpose of the law is to prevent any employee from receiving more than 100 percent of his wages by virtue of multiple benefits following an injury.

**Note:** The first day of absence will be deducted from the employees' personal leave and the remaining from sick leave. If the employee does not have any major medical leave time available, but has personal leave available, the employee may use their personal leave. *Leave accrued while on Workers' Compensation leave may not be used until after the employee has returned to work.*

For assistance in the event of injury, or for questions concerning Workers' Compensation, you may contact the Department of Human Resources.

### **How Will Other Benefits be affected by Workers' Compensation?**

Employees will continue to contribute to PERS and ORP retirement plans. The employee and employer will contribute the same percentage of the gross salary to the retirement plans as is applicable to all employees.

The state health and state life insurance will continue to be paid by the state.

In the event the employee does not have major medical leave and personal leave time available, it will be the employee's responsibility to pay for their optional benefits. If the employee does not pay premiums, their benefits will cancel.

### **3.1.4 Unemployment Insurance**

Unemployment compensation is intended to provide a reduced level of compensation to those who become unemployed or laid-off from work and meet the specified conditions of eligibility. The University contributes to the Mississippi State Unemployment Insurance Plan. Employees may be eligible for unemployment benefits upon termination of service with the University, depending on state law and circumstances connected with termination. The Mississippi Employment Security Commission makes the final determination for eligibility.

### **3.1.5 State of Mississippi Health and Life Insurance Program**

All state employees may participate in the State of Mississippi Health and Life insurance program. The state shares in the cost of the health and term life insurance premiums for the employee from their beginning date of employment. The period of enrollment for health insurance is within the first thirty (30) days of employment. If a dependent is not enrolled during this period, then dependents can only be added during open enrollment or due to a Qualifying Event.

Benefits of the health insurance plan are outlined in the State and School Employees Life and Plan document provided by the subscriber or at [www.dfa.state.ms.us](http://www.dfa.state.ms.us). Insurance cards are mailed directly to the employee's home address. Replacement cards for lost cards may be obtained by notifying the insurance provider.

Hospitals or physicians who are members of the Providers Network may mail claims to the third party administrator for direct payment to either the provider of medical care or the patient. Claim Forms may be obtained from the Department of Human Resources.

The cost of health insurance premiums for dependent children and spouses is paid entirely by the employee. Rates for these plans and benefits under the respective plans are outlined in the State and School Employees Life and Plan document available in the Department of Human Resources.

### **3.1.6 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The federal law known as Consolidated Omnibus Budget Reconciliation Act (COBRA) became effective for the State of Mississippi Group Health Plan January 1, 1987. All employees and employee family members who are covered under the group health plan are entitled to "continuation coverage" required by federal law.

Continuation coverage under our group health plan will be made available to covered persons for up to 18 months in the event of employment termination, divorce, separation, death, and certain other instances. For more information regarding COBRA, please contact the Department of Human Resources.

### **3.1.7 Request to Change Coverage**

Employees have sixty (60) days to make changes due to a qualifying event. A "Qualifying Event" is defined as marriage, divorce, death of a spouse or dependent child, birth or adoption of a child, and termination or employment of a spouse.

### **3.1.8 Prescription Drugs**

Plan participants are covered under the co-payment Prescription Drug Plan. More detail on the prescription drug plan is outlined in the State and School Employees Life and Plan document available in the Department of Human Resources.

### **3.1.9 Open Enrollment for Health Insurance**

The State Comprehensive Group Health Plan allows an open enrollment to occur one time during the calendar year. An open enrollment period is announced each year prior to the plan anniversary date (January 1).

Elections become effective January 1 of each year. Cancellation of participation may be done during the open enrollment period only. Generally, October is designated as the time in which changes can be made to health plans. Employees are cautioned that "open enrollment" occurs once a year and this is the only time that changes can be made to insurance programs, unless a Qualifying Event occurs.

A Qualifying Event is defined as marriage, divorce, death of a spouse or dependent child, birth or adoption of a child, and termination of employment of spouse.

### 3.1.10 Group Life Insurance

Employees are offered a life insurance policy in an amount equal to double the insured's salary at a minimum of \$30,000 and a maximum of \$100,000 (double in case death is a result of an accident). The University pays 50% of the premium and the employee pays the additional 50%. The cost to the employee is \$0.12 per \$1,000.

Employees interested in obtaining coverage will be enrolled on their first day of employment and a State and School Employees Life and Plan document will be provided outlining policy coverage and provisions.

### 3.1.11 Public Employees Retirement System (PERS) State Retirement

Membership is required for all state employees who work more than twenty (20) hours per week or are employed more than eighty (80) hours a month. The State of Mississippi mandates participation in the retirement system as a condition of employment. The employee contributes 7.25 percent and the employer contributes 12.0 percent of the employee's salary up to \$230,000.

Members who joined the Retirement System before July 1, 2007, are vested with four years of membership service and can retire at age 60 with 25 years of creditable service. New members who join on or after July 1, 2007, are vested with eight years of membership service and can retire at age 60 or any age with 25 years of creditable service. Members who join on or after July 1, 2011 are vested with 8 years of membership and can retire at age 60 or at any age with 30 years of creditable service.

#### Retirement Credit

Upon termination or retirement, an employee will be given retirement service credit for unused personal and major medical leave based on the following schedule:

State Retirement Credits	
Days of Accrued Leave	Retirement Credit
15 – 77 days	1 quarter
78 – 140 days	½ year
141 – 203 days	¾ year
204 – 266 days	1 year
267 – 329 days	1 ¼ year
330 – 392 days	1 ½ year
393 – 455 days	1 ¾ year
456 – 518 days	2 years
519 – 581 days	2 ¼ years
582 – 644 days	2 ½ years
645 – 707 days	2 ¾ years
708 – 770 days	3 years

Please contact the Department of Human Resources for additional years to the above conversion table.

Employees can retire on disability through the retirement system – if an employee is disabled before age 60 and has four years of service if member was hired prior to July 1, 2007 or eight years of membership service if hired on or after July 1, 2007 or if an employee has a work-related injury, he/she may retire without regard to time on the job.

If an employee terminates before he/she becomes vested with PERS, the employee has three options:

1. Withdraw his/her contributions with a 20 percent penalty on early withdrawal
2. Transfer the contribution to a qualified retirement account, or
3. Leave the contribution with PERS in anticipation of returning to covered employment.

If the employee moves to another state agency, the funds *must* remain in PERS. Forms for Refund of Accumulated Contributions may be obtained from the Department of Human Resources.

\*Percentage contributions are subject to change.

### **3.1.12 Optional Retirement Program (ORP)**

This alternative plan was established in recognition of the fact that many university level faculty members transfer from state to state a number of times prior to retirement and that such mobility in employment severely limits the ability to build a meaningful retirement benefit under a defined benefit plan such as PERS. This alternative plan is structured to be portable and transferable as teaching and administrative faculty staff move from one state to another.

If you choose to enroll in the Optional Retirement Plan, your account will be credited with employee contributions equal to 7.25 percent of earned compensation up to the employee compensation limit set pursuant to Section 401(a)(17) of the Internal Revenue Code for the calendar year in which the fiscal year begins. The total employer contribution on your behalf is 12.0 percent\*, of which 9.405 percent will be credited to your account and 2.595 percent will go to PERS to offset the unfunded accrued liability and the cost of administering ORP.

If you elect to participate in ORP, your retirement benefits will be determined solely based on the value of your investment account at the time of retirement. In ORP, there are different annuity providers, offering a host of funds from which to build your portfolio. Since ORP is a defined contribution plan, you will be responsible for deciding how to invest your funds.

Portability is an important feature of this plan. Under ORP, your account is 100 percent vested on day one. If you relocate to another state with a similar plan, you may be eligible to transfer your account balance to your new employer's plan. If you terminate employment, you can apply for and receive your ORP account balance, subject to applicable penalties for early withdrawal.

In order to participate in the Optional Retirement Plan, an employee must first be eligible to participate in PERS and be employed in a qualifying position. Employees who participate in the ORP cannot elect to switch to the PERS at a later time.

\*Subject to change.

## **3.2 OPTIONAL BENEFITS**

### **3.2.1 Dental Insurance**

Optional dental insurance plans are available for those who desire the coverage. Employees who elect the coverage must pay the full premium by payroll deduction, and may insure a spouse and dependent children from birth to 23 years of age, if a full-time student.

### **3.2.2 Vision**

Optional vision insurance plans are available for those who desire the coverage. Employees who elect the coverage must pay the full premium by payroll deduction, and may insure a spouse and dependent children from birth to 23 years of age, if a full-time student.

### **3.2.3 State Deferred Compensation Program**

The Mississippi Deferred Compensation Plan and Trust is a supplemental retirement savings plan regulated under Section 457 of the Internal Revenue Code and is administered by Mississippi PERS. Deferred Compensation is a governmental tax-deferred savings plan. The minimum amount that may be deferred with the Mississippi Deferred Compensation Plan and Trust is \$25 per month and invest it in one or more of five annuity program options.

No state or federal income tax is withheld from the portion of salary that is deducted from monthly or bi-weekly payroll checks. Employees interested in this program should contact the Department of Human Resources or the Public Employees Retirement System for details. Any employee of the State of Mississippi is eligible to participate.

### **3.2.4 Tax Sheltered Annuities 403(b)/Retirement Plan**

The Internal Revenue Service Code 1954, as amended in Section 403(b) allows an employee to take advantage of certain tax advantages by excluding a portion of his/her gross salary to purchase an annuity for retirement purposes. The plan defers taxes on the income and the growth of the income until the monies are withdrawn from the program. Once the funds are withdrawn, the funds are treated as ordinary income and taxed at the current rate of the employee at that time. Contribution amounts have maximum limits based on age.

For information on enrollment, contact the Department of Human Resources

### **3.2.5 Long Term Care Insurance, Disability Insurance, Supplemental Health, and Optional Life Insurance**

Employees may purchase cancer care, intensive care, and dread disease insurance policies for themselves and/or their dependents at group rates. The employee pays the total cost of the premium he/she elects. Rates are available from the Department of Human Resources.

### **3.2.6 Cafeteria Plan (Section 125 Plan)/Flexible Benefits**

The University has a flexible benefits/cafeteria plan, which was established under provisions of Section 125 of the Internal Revenue Code. The Cafeteria Plan allows staff members to pay certain insurance premiums, un-reimbursed medical expenses, and dependent care expenses before tax rather than after tax dollars. Employees may choose to participate in the plan at the time of employment or at the annual enrollment, which is held prior to July each year.

Staff members who choose to participate in the Flexible Benefits/Cafeteria Plan must agree to remain in the plan for the plan year (July 1 through June 30). The only exception to this rule involves having a major change in family status such as employment, marriage, divorce, death, or ineligible dependents.

## **3.3 ADDITIONAL BENEFITS**

### **3.3.1 Employee Tuition Remission**

Non-probationary employees are encouraged to take advantage of the vast number of academic courses offered by the University. These courses offer a variety of opportunities for personal and professional career development.

Full-time staffs of Jackson State University who qualify for admission may, with the approval of the immediate supervisor, have tuition and general fees remitted for two courses (including accompanying laboratory) per semester or per summer session.

Supervisors are authorized to allow employees to take course work during their lunch hour, whenever possible (provided the course does not exceed the one hour allotted for lunch, which should be taken between the hours of 11:00 a.m. - 2:00 p.m.)

### **Undergraduate Tuition Remission - Eligible Dependents**

**Dependent Tuition Waivers** - The Dependent Tuition Waiver employee benefit for the state institutions applies to all dependent children (as defined in Internal Revenue Code §152(c)(3)) of full-time faculty and staff of the universities. In order to receive an undergraduate tuition waiver for fifty percent (50%) of the total tuition, the dependent must gain admission to the university and make a formal written request to the Department of Human Resources. In cases wherein both parents or legal guardians are eligible employees, a tuition waiver of one hundred percent (100%) shall be provided to the dependent children. Dependent children of continuing employees hired prior to July 1, 1977, are eligible for full waiver of undergraduate tuition at the appropriate institutions pursuant to the grandfather clause included in the April 28, 1977, minutes of the IHL Board.

1. Continued Eligibility - A single, dependent child may receive an undergraduate tuition benefit (consistent with the continued employment of the parent or guardian) which may be continued until the degree requirements for one baccalaureate degree are met or until age twenty-five (25), whichever comes first.

2. Dependent tuition which is waived shall be based on the face value of the tuition, and shall be accounted for and reported in the appropriate functional category.

Employees not carrying dependent children on their health insurance may verify that a child is a dependent by showing a copy of their most recent tax return.

### **Grade Point Average Requirements**

The tuition remission is renewable on a semester-by-semester basis, provided that a 2.5 grade point average is maintained. (For part-time students, the requirement is a 2.5 grade point average on each accumulation of 12 semester hours).

In the event the student fails to maintain the required 2.5 grade point average, he/she will be ineligible for the tuition remission until he/she can demonstrate a 2.5 overall grade-point average. For information on Employee Tuition Remission, please contact the Department of Human Resources.

### **3.3.2 University Health Center**

The University is committed to safeguarding the health of employees. As a benefit to the employees of Jackson State University, employees are welcome to use the Student Health Center for health services by enrolling in the Health Center Plan. The Health Center is staffed by physicians, a registered nurse, and licensed practical nurses.

This plan is offered to employees in addition to their regular insurance coverage provided by the University. Services will include any medical services rendered by the staff physicians or nurses during clinic hours. All employees who request services must be on the Health Center's Plan prior to services being rendered.

For additional information regarding fees and hours, please contact the Student Health Center.

### **3.3.3 Childcare and After School Care Services**

Kids Kollege is housed on the campus of Jackson State University. Kids Kollege's year-round programs include two after-school programs, Extended Day Program, Supplemental Education Provider for the State of Mississippi, Children of Alumni, CDF Freedom School and the Classic Summer Program.

Employees and all community stakeholders are welcome to apply to any of our existing programs. Applications and additional information may be obtained by contacting Kids Kollege.

### **3.3.4 Walter Payton Recreation and Wellness Center**

The Walter Payton Recreation and Wellness Center is a 90,000 square foot industry leading facility that promotes an increased awareness on the importance of physical activity, holistic wellness, as well as mental acuity. The center includes activity areas for recreation, fitness, and conferences.

Everyone with membership has full access for utilizing three aerobics studios, a 10,000-square-foot strength and conditioning center, three racquetball courts, a squash court, a three-court gymnasium for basketball

and volleyball, as well as a lounge and juice bar, Pro Shop, locker rooms, massage therapy suite and supporting spaces.

Interested employees should contact the Walter Payton Center for employee discount rates and hours of operation.

### **3.3.5 Credit Union**

The University has established relationships with local credit unions which offer a variety of financial services such as a share savings account, share draft account, debit cards, direct deposit, notary service, club accounts, loans and money orders. Additional information may be obtained by contacting the Department of Human Resources.

### **3.3.6 Auxiliary Enterprises**

The Division of Auxiliary Enterprises is dedicated to providing innovative and essential services and goods to support the University community in its academic mission. A professional staff provides quality services including dining, bookstore, salon, barbershop, and often conveniences in a timely, cost-effective, and efficient manner. Through maximum utilization of resources, Auxiliary Enterprises provides a comprehensive system of services, programs, and activities designed to satisfy customer expectations and needs.

### **3.3.7 Post Office**

Jackson State University operates a post office that provides full postal service, an outgoing mail center, incoming mail distribution to box holders, and campus distribution. Faculty, staff and students are eligible to rent personal mail boxes. Departments and approved campus organizations may also rent boxes for their official mail and campus distribution. A nominal fee (non-refundable) is charged for box rent. Computerized box assignment, mail redirect, and forwarding give box holders rapid, reliable mail delivery. Account billing for outgoing official mail is also computerized. To avail yourself of any of these services or to obtain more information, come by the JSU Post Office (located in the Jacob L. Reddix Building) between the hours of 8:00 A.M. and 3:00 P.M. Monday through Friday except on holidays.



## **3.4 STAFF TRAINING AND PROFESSIONAL DEVELOPMENT**

### **3.4.1 Educational Incentives for Staff Employees**

Jackson State University encourages the continuing education and professional development of staff personnel. This policy is designed to reward employees for such efforts. The University endeavors to invest in the training of its employees through a one-time stipend of \$1,000, subject to availability of funds, to staff employees who earned a doctoral degree or other terminal degree from an accredited institution. Such payment is for the purpose of reimbursing the employee for a portion of the employment development or training cost of which the University will benefit.

The policy will also include recipients of master's and bachelor's degrees, consistent with the following:

- a) One-time training or development stipend of \$1,000 to employees who earn a doctoral or terminal degree;
  - b) One-time training or development stipend of \$500 to employees who earn a master's degree; and
  - c) One-time training or development stipend of \$250 to employees who earn a bachelor's degree. (All payments are subject to the availability of funds)
- Employees may receive the benefit of the stipend for only one bachelor's degree and only one master's degree. As has been done in the past, an employee may receive this award for only one terminal degree.
  - The one-time training or development stipend will be paid at the beginning of the fiscal year immediately following notification of award of the degree.

#### **Process**

- Employee will provide supervisor with official transcript indicating institution and date of degree conferral.
- Supervisor will prepare and submit the appropriate University form along with a supporting letter of request to the Vice President of the respective functional area.
- Area Vice President will submit the request for the stipend to the Vice President for Academic Affairs for verification that the degree was received from an accredited institution of higher learning.

### **3.4.2 Staff Training and Professional Development Center**

The Title III-B Program allows the institution to carry out its mission by providing opportunities for staff development in order to meet the goals and objectives of Jackson State University. The Title III-B Program allows staff employees to engage in stimulating professional and personal development as well as quality leadership training to enhance overall effectiveness.

With grant funding, the Staff Training and Professional Development Center is dedicated to fostering learning by offering an array of workshops and seminars to raise staff awareness about workplace policies and issues and enables staff employees to develop and improve job-related skills and knowledge. The Staff Training and

Development Administrator works with departments to identify and meet training needs by offering customized on-site training and consultation.

For more information, please contact the Department of Human Resources.

### 3.5 UNIVERSITY LEAVE POLICIES AND PROCEDURES

It shall be the responsibility of the department chair or director to maintain and certify personal and major medical leave records and to administer the leave in accordance with policy. It is the responsibility of the department chair or director to inform those working under their supervision of the leave policy. If a chair or director is not sure of the policy, he or she should direct any related inquiries to the Department of Human Resources.

#### 3.5.1 Personal Leave with Pay

Personal leave may be used for vacation and personal business and shall be used for illness of the employee requiring absences of one day or less. Personal leave shall also be used for the first eight hours of an employee's illness requiring absence of more than a day. The rules of personal leave apply to all 12-month employees and staff personnel.

Personal leave will be credited to the employee's leave record after completion of each month's service and is then available for use in the following month. Employees who begin work on or before the 15th of the month will receive credit for a full month. Employees beginning work after the 15th of the month will earn credit beginning on the first of the next month. An employee's personal leave balance is reflected on his or her monthly pay record.

Employees are allowed credit for personal leave computed based on continuous service at the following monthly and annual rates:

<b>Continuous Service</b>	<b>Accrual Rate (Monthly)</b>	<b>Accrual Rate (Annually)</b>
1 month to 3 years	12 hours	18 days
37 months to 8 years	14 hours	21 days
97 months to 15 years	16 hours	24 days
Over 15 years	18 hours	27 days

- a) There is no limit to the accumulation of earned personal leave.
- b) Upon termination of employment, each employee shall be paid for unused personal leave not to exceed 30 days.
- c) Unused personal leave in excess of 30 days shall be counted as creditable service for purposes of the retirement system.
- d) Should an employee die having accumulated personal leave credit, the wages and salary for the total unused personal leave time (not to exceed 30 days per Miss. Code Ann. § 25-3-93) shall be paid to the estate of the employee.

- e) Temporary and/or part-time employees who work less than a full work-week shall be allowed credit for personal leave computed on a pro rata basis.
- f) Employees, who terminate their services at the University and immediately become employed at another state agency, may transfer accumulated personal leave to the employing agency.

**3.5.2 Vacation for Administrative Officers and Twelve-Month Staff**

Vacation and Personal Leave requires preapproval by an employee’s supervisor, and requests for vacation or personal leave shall be made as far in advance as reasonably possible. Vacations shall be scheduled by department heads with attention to the needs of the University, but also with consideration of an employee's continuous service credit and amount of personal leave accrued and unused. Within the requirement to maintain work schedules, each department of the University will attempt to accommodate the employee's personal schedule preferences. The source of vacation days is the balance of personal leave.

Employees are allowed credit for vacation days based on continuous months of service during the calendar year of (January 1 - December 31).

<b>Continuous months of Service</b>	<b>Allowable use of Vacation Days</b>
6 to 12 months	Employee may use six (6) days
12 months to 60 months	Employee may use fifteen (15) days
Employees with 61 months or more	Employee may use up to eighteen (18) days

In no case may vacation days exceed an employee's personal leave balance. Neither should an employee’s scheduled vacation time extend over into the next year.

When an approved vacation has been consummated, the vacation leave time used is to be reported on the Report of Absence of University Employees Form through the appropriate channel to the Department of Human Resources. This same form also records the supervisor’s pre-approval for planned personal or medical leave.

Persons requesting to continue their services during the normal time for the vacation may not receive extra pay for such services. In such cases, the department chair or director will arrange for a suitable vacation to begin at some other time.

**3.5.3 Family Medical Leave Act (FMLA)**

The Family Medical Leave Act (FMLA) of 1993 requires covered employers to provide up to twelve (12) weeks (during any twelve (12) month period) of protected unpaid leave to “eligible” employees with certain family and medical reasons. FMLA leave may be paid where accrued major medical leave is applicable pursuant to Mississippi Code Ann. § 25-3-95.

FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. For the duration of FMLA leave, the University will maintain the employee’s health coverage under any “group health plan.”

The employee is required to provide reasonable advance leave notice and medical certification. A copy of the FMLA medical certification form is available through the Department of Human Resources.

### **Coverage Eligibility**

To be eligible for family medical leave, an employee must have been employed by Jackson State University at least twelve (12) months and must have worked at least 1,250 hours over the previous twelve (12) months before leave begins.

### **General FMLA Leave Requirements**

#### **Length and Purpose of Leave**

Jackson State University shall provide eligible employees up to twelve (12) weeks of leave per rolling (rather than fiscal or calendar year) 12-month period for the birth of a child, the placement of a child for adoption or foster care, or the serious health condition of the employee or an immediate family member.

- Child (called son or daughter under the Family and Major Medical Leave Act of 1993) means a child either under 18 years of age, or 18 years of age or older but incapable of self-care.
- Serious health condition means an illness, injury, impairment, or a physical or mental condition that involves inpatient care or continuing treatment by a health care provider (doctor of medicine, osteopathy, dental medicine, podiatry, or chiropractic).
- Immediate family member means the employee's child, spouse, or parent. Parent means the person who acted as the employee's parent when the employee was a child. The term does not include a parent-in-law.
- To care for a spouse, child, parent or next of kin with a serious injury or illness incurred or exacerbated within five (5) years of active duty in the Armed Forces up to 26 weeks of leave in a single 12-month period.

#### **Compensation During Family Medical Leave**

Although leave may be unpaid, Jackson State University will continue to provide coverage under its group health plan during the twelve (12) weeks leave period, under the same terms offered to employees not on leave.

The University is not required to provide paid medical or sick leave in any case where such leave would not normally be provided. However, paid medical leave may be provided as authorized under Mississippi Code Ann. § 25-3-95, provided that for each absence due to illness of thirty-two (32) consecutive working hours (combined personal leave and major medical leave) major medical leave shall be authorized only when certified by the attending physician.

#### **Spouses Employed by the University**

If both spouses work at the University, they are entitled to an aggregate of twelve (12) weeks of leave per 12-month period for the birth of a child, placement for adoption or foster care of a child, or to care for a sick parent. However, if the leave is because of the illness of a child or the other spouse, each spouse is entitled to twelve (12) weeks.

## Job and Benefits Protection

Employees who return from FMLA leave within the approved twelve (12) weeks of leave, shall return to the same or an equivalent position. However, some exceptions to this rule do exist.

If an employee is out for Family Medical Leave for two weeks or more, a Personnel Action Form (PAF) along with a certified Family Medical Leave Act form should be submitted to the Department of Human Resources from the department. Upon the employee's return from FMLA, a new PAF and Health Care Provider release statement must be submitted to Human Resources.

### 3.5.4 Major Medical Leave with Pay

Major medical leave may be used for illness or injury of an employee or members of the employee's immediate family, only after the employee has used one (1) day of personal leave for each absence due to illness, or leave without pay if the employee has no accrued personal leave.

Employees are allowed credit for major medical leave computed based on continuous service at the following monthly and annual rates:

<b>Continuous Service</b>	<b>Accrual Rate (Monthly)</b>	<b>Accrual Rate (Annually)</b>
1 month to 3 years	8 hours	12 days
37 months to 8 years	7 hours	10.5 days
97 months to 15 years	6 hours	9 days
Over 15 years	5 hours	7.5 days

**Note:** If a summer four (4) day/10 hour work period is in effect, then 10 hours must be used (for a full day absence).

- a) Major medical leave may be used, without prior use of personal leave, to cover regularly scheduled visits to a doctor's office or a hospital for the continuous treatment of a chronic disease, as certified in advance by a physician (doctor of medicine, osteopathy, dental medicine, podiatry, or chiropractic).
- b) For each absence due to illness of thirty-two (32) consecutive working hours (combined personal leave and major medical leave), major medical leave shall be authorized only when certified by the attending physician.
- c) There is no limit to the accumulation of earned major medical leave.
- d) Unused major medical leave shall be counted as creditable service for purposes of retirement.
- e) An employee may use up to three (3) days of earned major medical leave for each occurrence in any calendar year because of a death in the immediate family requiring the employee's absence from work. No qualifying time or use of personal leave will be required prior to use of major medical leave for this purpose. The immediate family is defined as spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son/daughter-in-law, mother/father-in-law or brother/sister-in-law.
- f) Temporary and/or part-time employees who work less than a full work week shall be allowed credit for major medical leave computed on a pro rata basis.

### **Other University Paid Major Medical Leave Policies:**

- A. A medical leave shall be granted upon written request and the presentation of a doctor's statement from the employee's physician. The department chair or director, the dean, the chief administrator of the area, the Department of Human Resources, must approve all requests for medical leave as soon as possible after the employee becomes aware of the necessity of the leave.
- B. No employee shall be granted more than a total of twelve (12) weeks of leave for maternity purposes, including major medical leave and personal leave time with or without pay unless certified by a physician to be a medical necessity.
- C. Two (2) weeks prior to returning to duty from a medical leave, the employee must furnish his/her department chair or director and the Department of Human Resources with a signed statement from his/her physician certifying that he/she is medically able to return to work.
- D. An employee granted a maternity leave who does not return to duty within one week after twelve (12) weeks including major medical leave, leave without pay, and personal leave shall automatically have his/her services terminated.
- E. Employees who terminate their services at the University and immediately become employed at another state agency may transfer accumulated personal and major medical leave to the employing agency.
- F. When an employee is injured in the course of employment, the employee may use major medical leave time, earned personal leave time or leave without pay to cover the period of absence from duty. However, such benefits, in addition to workers compensation benefits, cannot exceed the employees wage at the time of injury.
- G. An employee will not be paid for unused major medical leave beyond termination of employment or resignation from the University.
- H. In case of illness, after all accumulated major medical leave days have been used, an employee may then use accrued personal leave time to continue receiving his/her salary. When all major medical leave and personal leave time have been used, a request for a leave of absence without pay or a termination of employment must be initiated.
- I. If illness occurs which prevents an employee from reporting to work, the employee will notify his/her supervisor or an alternate designated by the supervisor. This must be done as far in advance as possible, but in no case later than one (1) hour after the time the employee ordinarily reports to work.
- J. Any major medical leave in excess of three (3) days duration must be substantiated by a physician's certificate. If a pattern of personal or medical leave becomes unusual, the employee will be notified in writing of this fact by his/her supervisor. After such notification, the employee may be required to present a doctor's certificate for each of the next three (3) medical leave absences.
- K. An employee on major medical leave shall accrue personal and major medical leave time, but not while on leave without pay.

- L. An employee may be disciplined or released for abuse of personal or major medical leave privileges regardless of the amount of unused leave time accrued.
- M. When a regular University holiday occurs during a period of personal or major medical leave, only working days will be counted.
- N. In counting days absent from work for personal or major medical leave purposes, only working days will be counted.
- O. The Department of Human Resources maintains the official personal and major medical leave accruals and usage record on employees. Use of leave time must be recorded on an Absence Report Form which can be downloaded from the Department of Human Resources website. The form must be signed by both the employee and supervisor and must be submitted to the Department of Human Resources through the appropriate channels within one week after the employee returns to work. When absence is planned or foreseeable, the supervisor must approve the leave in advance by signing the approval line on the Absence Report Form.

**Faculty Medical Leave**

It is the responsibility of the department or office head to maintain and certify major medical leave records and administer the leave in accordance with policy. It is the responsibility of division and department heads to inform those working under them of the leave policy. An employee who has terminated his/her services and later is re-employed by the institution will begin a new period of employment for leave purposes. Faculty members employed by the eight (8) public universities on a nine-month contract shall not be eligible for personal leave. (BT Minutes, 9/90; 1/98)

All employees (faculty, administrators, and staff) of the University shall be covered by the University's Major Medical Leave Policies. The University's Major Medical Leave Policies should be viewed individually and collectively by employees as fringe benefits to assure their salaries for the duration of accumulated sick leave days in case of personal illness and disabilities.

The University's Major Medical Leave policies for nine-month faculty are as follows:

- 1. Faculty members on a nine-month contract shall accrue credit for **major medical leave** computed on the basis of continuous service at the following monthly and annual rates:

<b>Continuous Service</b>	<b>Accrual Rate (monthly)</b>	<b>Accrual Rate (Annual)</b>
1 month to 3 years	13 1/3 hours	15 days
37 months to 8 years	14 1/5 hours	16 days
97 months to 15 years	15 2/5 hours	17 days
Over 15 years	16 hours	18 days

- 2. Major medical leave may be used for illness or injury of an employee, or to cover regularly scheduled visits to a doctor's office or hospital for the continuing treatment of a chronic disease, as certified in advance by a medical doctor.

3. For each absence due to illness of thirty-two (32) consecutive working hours, major medical leave shall be authorized only when certified by a medical doctor. It will otherwise constitute as a payroll deduction.
4. There is no limit to the accumulation of earned major medical leave.
5. Upon retirement from active employment, each faculty member on a nine-month contract shall receive credit and be paid for not more than thirty (30) days of unused major medical leave for service as a state employee. Unused major medical leave in excess of thirty days shall be counted as creditable service for the purpose of retirement (PERS).
6. An employee may use up to three (3) days of earned major medical leave in any calendar year because of death of a loved one requiring the employee's absence from work. No qualifying time or use of personal leave will be required prior to use of major medical leave for this purpose.
7. Temporary employees and part-time employees who work less than a full workweek shall be allowed credit for major medical leave computed on a pro-rata basis.
8. No payment will be made for accrued major medical leave unless the employee presents medical evidence that his or her physical condition is such that he or she can no longer work in a capacity with the institution. In such case, the employee may be paid for not more than one hundred twenty (120) days of earned major medical leave.

(Miss, Code Ann, Section 25-3-95 (Supp. 1989) (BT Minutes, 9/90; 1/98)

### **3.5.5 Limitations on Leave**

#### **Exemption for Highly Compensated Employees**

Under the FMLA, the University may refuse to reinstate a salaried employee who is among the highest paid 10 percent of all employees within 75 miles.

#### **Medical Certification for Serious Health Conditions**

Jackson State University will require certification from the employee's or family member's health care provider for leave based on a serious health condition which must include the date on which the condition began, (if known), the probable duration, medical facts regarding the condition, a statement that the employee is needed for the care of the ill person, and in the case of intermittent leave, the dates and duration of the treatment to be given.

A second medical opinion may be required at the University's election and expense. The University may also require subsequent recertification "on a reasonable basis."



## **Employee's Duty to Give Prior Notice**

Whenever possible, employees must give a 30-day notice to his/her immediate supervisor before taking leave; otherwise, the employee must notify the supervisor as early as is practicable. If an employee takes leave based on the serious health condition of himself/herself or to care for a family member, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the University's operations.

## **Intermittent or Reduced Leave**

An employee may take leave intermittently or on a reduced leave schedule -- that is, leave that reduces the employee's usual hours per work-week or work-day -- for the birth or placement for adoption or foster care of a child only with the supervisor's consent. Otherwise, intermittent leave is permissible when medically necessary. The University may require the employee to transfer temporarily to an equivalent position that accommodates recurring periods of leave. The medical certification for intermittent leave or leave on a reduced leave schedule must include the expected dates for and the planned duration of, the medical treatments, as well as a statement of the necessity for the intermittent leave or leave on a reduced leave schedule.

If an employee is otherwise exempt under regulations issued pursuant to the Fair Labor Standards Act, and the salary-basis rule for exempt employees is met, the University may provide unpaid leave on a reduced leave schedule without affecting the employee's exempt status.

Jackson State University will not interfere with an employee's rights under the Fair Labor Standards Act (FLSA) or discriminate against any employee for opposing unlawful practices under the Act or for participating in any proceedings related to enforcement of the Act.

## **Leave of Absence**

Employees will not be allowed to return to work from a medical leave of absence without a doctor's release and written approval from the Department of Human Resources.

### **3.5.6 Donated Leave**

Any employee of Jackson State University may donate a portion of his or her earned personal leave or major medical leave to another employee of the University who is suffering from a catastrophic injury or illness, as defined in Section 25-3-91 of the Mississippi Code of 1972, or to another employee who has a member of his or her immediate family who is suffering from a catastrophic injury or illness, in accordance with the following:

The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of earned personal leave and major medical leave that is to be donated, and shall notify the donor employee's immediate supervisor or the department head of his or her designation by completing and submitting the Donor/Recipient Leave Request Form. The donor and recipient shall sign the appropriate form and secure signature approval from both the donor and recipient supervisors.

Immediate family members under this policy are defined as parents or legal guardians (includes spouse), brother, sister, child/step-child, spouse, significant other(s), employee's paternal and maternal grandparents (includes spouse), grandchildren, step-parents (includes spouse), aunt and uncle.

For more information, please contact the Department of Human Resources.

### 3.5.7 Holidays & Qualifying for Paid Holidays

Administrative and staff personnel will receive the basic holidays recognized by the University. The President of the University may designate additional holidays. All regular full-time or part-time employees on the active payroll will be eligible for holiday pay and will be paid at the employee's current rate of pay. Part-time employees will be paid holiday pay on a pro-rata basis according to the number of regularly scheduled work hours in a normal workday.

The recognized holidays for which all University employees will be compensated are:

(1)	Martin Luther King's Birthday
(2)	Good Friday
(3)	Memorial Day
(4)	Fourth of July
(5)	Labor Day
(6)	Thanksgiving holidays (Thursday and Friday)
(7)	Christmas Eve through New Year's Day (December 24 through January 1 inclusive).

The recognized holidays for which Post Office employees will be compensated are:

(1)	New Year's Day
(2)	Washington's Birthday
(3)	Memorial Day
(4)	Fourth of July
(5)	Labor Day
(6)	Columbus Day
(7)	Veteran's Day
(8)	Thanksgiving Day
(9)	Christmas Day

**Note:** Temporary employees are not eligible for holiday pay.

All administrative and staff personnel of the University are expected to render such service as necessary for the effective operation of their respective departments and the University during holidays.

Alternatively, the employee may schedule a different day off at a time mutually agreeable to the employee and supervisor during the work-week in which a holiday falls, whereby the employee would receive compensation for actual hours worked on the holiday unless such hours exceed 40 hours worked for the work-week. Compensatory time off will be given first consideration. When applicable, FLSA requirements pertaining to hours worked and holiday pay will be adhered to.

It is the responsibility of the supervisor or director to keep accurate records of number of compensatory hours earned each week. The willful falsification of records may subject the supervisor and/or the employee to criminal action.

In the event a holiday falls on a Sunday, the following Monday will be observed as a holiday. Likewise, when one of the University's recognized holiday falls on a Saturday, the preceding Friday will be observed as a holiday.

Any official or declared closing of the University which falls within a period of an employee's approved personal and/or major medical leave shall be considered holiday leave and shall not be deducted from the employee's accrued personal leave.

### **Qualifying for Paid Holidays**

To qualify for paid holidays, an employee is required to work both the working day before and after the holiday occurs. The work-day before and after the holiday would be defined as the regularly scheduled work-day for each employee's job.

Personal and major medical leave **MAY NOT** be used in lieu of days taken before or after a paid holiday unless the employee is on an approved leave of absence, a medical leave, or vacation.

### **3.5.8 Administrative Leave**

#### **Jury Duty**

Jury Duty is recognized as a civic responsibility. A regular full-time or part-time employee serving as a juror may be granted Administrative Leave with pay.

Special leave with pay **shall not** be granted for court attendance when the employee is the defendant or is engaged in personal litigation. Personal leave shall be used for this purpose.

#### **Elections**

The University supports civic responsibilities. Employees are encouraged to exercise their right to vote and where possible, vote before or after working hours. However, if a situation arises where an employee can only vote at a time when he/she is scheduled to be at work, the immediate supervisor may make an exception.

#### **Military Leave & Re-employment Rights**

Jackson State University employees who have regular employment status with the University and who are called to active duty on a short notice, because of national emergencies may be granted military leave of absence without pay beginning on the date of the call to military services.

Jackson State University employees who are members of the reserve components of the United States Armed Forces may be allowed fifteen (15) working days for military leave within a calendar year.

### **3.5.9 Bereavement Policy**

#### **Overview**

During times of death in the immediate family, Jackson State University understands that employees may need additional time off for various reasons pertaining to their loss.

#### **Policy Provisions**

- Up to three (3) days of earned medical leave with full pay may be granted.
- If the period exceeds three days in any one occurrence, the excess will be charged to accrued personal leave or deducted from the employee's salary.
- One day of accrued personal leave with full pay will be granted for relatives or persons outside of the immediate family.
- Any additional time off is permissible but requires approval based on workloads and staffing requirements.

#### **Immediate Family Members**

Immediate family members under this policy are defined as:

- Parents or legal guardians (includes spouse)
- Brother
- Sister
- Child/Step-child
- Spouse
- Significant other (s)
- Employee's paternal and maternal grandparents (includes spouse)
- Grandchildren
- Step-parents (includes spouse)
- Aunt
- Uncle

#### **Employee Responsibility**

- Employees who need bereavement time should notify their supervisors as soon as possible.
- Employees may be required to provide evidence of the immediate family member's death, such as a copy of the death certificate or a copy of the newspaper obituary.
- Employees who require additional time beyond that provided in this policy should discuss the situation with their supervisors. Options include using vacation time or an unpaid personal leave.

## **Management Responsibility**

- Managers should notify Human Resources when one of their employees requests bereavement days.
- Deaths of immediate family members can be extremely difficult. Supervisors should be sensitive to the need for additional time off in some cases.
- Bereavement leave requests for employees not covered in this procedure may be granted at the discretion of the department head.
- Department heads are responsible for ensuring that bereavement leave is documented on the appropriate corporate form for attendance reporting or time card/sheet.

## **Entitlement**

1. Upon notification of death, the Office of the President will in most cases, notify the University family of the employee's and/or immediate family member's death. No notification will be issued when the affected employee requests that no notification be issued.
2. In the event of an employee's death, communication will be sent from the President.
3. The Department of Human Resources will send a card of condolence from the University.
4. Other expressions of bereavement are encouraged but may only be funded through private expenditures or donations.

### **3.5.10 Leave Abuse**

Employees who falsify leave records or misrepresent absences due to leave are subject to disciplinary action including termination.

# STAFF HANDBOOK SECTION IV

## Business Policies and Services



Jackson State University is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, disability status, protected veteran status, or any other characteristic protected by law.

## **4.1 OVERVIEW OF PAYROLL PROCESSES**

The Department of Human Resources and Payroll are responsible for the overall integrity and administration of individual paycheck information. The Payroll Department, a unit of the Business and Finance Division, is primarily responsible for processing payroll, reporting, and record keeping as well as collecting and remitting taxes and other deductions.

The University abides by the following federal policies:

### **4.1.1 Fair Labor Standards Act Policy**

The Fair Labor Standards Act (FLSA) is a federal law that addresses issues such as minimum wage, overtime pay, equal pay, child labor standards, and the standard work-week for employment. Recordkeeping requirements are established within the law. The University complies with the provisions of the FLSA, which defines exempt and nonexempt employees.

### **4.1.2 Equal Pay Act**

The Equal Pay Act prohibits an employer from paying different rates of pay to employees of the opposite sex for performing jobs that are substantially similar, unless such discrepancy is in fact based on any factor other than sex. Discrimination on the basis of gender is prohibited for work requiring equal skills, effort, and responsibility when it is performed under similar working conditions. The Act applies whether the employee is classified as an exempt or a nonexempt employee under the FLSA.

## **4.2 CONFIDENTIALITY OF PAYROLL INFORMATION**

Payroll records are confidential in nature. Access to payroll information is restricted to those staff members whose duties and responsibilities require such access. Other staff having a need for payroll information must submit written justified requests subject to the approval of the appropriate Business and Finance authority. Requests for employment verification should be referred to the Department of Human Resources.

## **4.3 COMPENSATION AUTHORIZATION**

Payment to employees and changes to existing salaries and wages are made only upon written authorization from the University President or designee.

New employees as well as changes in the status of current employees require that a Personnel Action Form (PAF) be submitted to the Department of Human Resources. It is the responsibility of the supervisor in the initiating department to prepare and submit the form for routing through the approval process. The completed PAF should be in the Department of Human Resources not later than the 15th day of the month in order to enable a paycheck to be issued at the end of the current month.

## **4.4 PAYROLL SCHEDULE**

### **4.4.1 Staff and Faculty Payroll**

Pay dates are scheduled to be the last work-day of each month. (This payment compensates the employee for services performed during the current calendar month.)

### **4.4.2 Bi-Weekly Non-Exempt Payroll**

Pay dates are scheduled to be every other Friday for the two (2) week pay period ending the prior Sunday. In the event that a regularly scheduled pay date falls on a holiday, the pay date is the last work-day before the regularly scheduled pay date.

### **4.4.3 Student Payroll**

Pay dates are scheduled to be the 15<sup>th</sup> day of each month for work performed in the prior month. In the event that a regularly scheduled pay date falls on a weekend or holiday, the pay date is the last work-day before the regularly scheduled pay date.

## **4.5 METHOD OF PAYMENT**

Salaries and hourly wages are paid by direct deposit in the manner and method specified below and in accordance with the policies contained herein.

### **4.5.1 Direct Deposit**

Payroll is remitted via direct deposit. Each employee must complete a Payroll and Employee Reimbursement Direct Deposit Form, which can be obtained in the Department of Human Resources or downloaded from the Human Resources website. The completed forms should be submitted to the Department of Human Resources immediately.

## **4.6 PAYROLL STATEMENTS AND W-2 FORMS**

### **4.6.1 Payroll Statements**

Employees can access their payroll statements via JSU PAWS.



#### **4.6.2 W-2 Forms**

W-2 Forms (Wage and Tax Statement) are furnished to active employees electronically via JSU's Personal Access to Web System (PAWS). The information is made available by January 31, for the preceding year. W-2's for terminated employees will be mailed to their most recent address on file in the Payroll Department by January 31 for the preceding year. The information on the form is used to prepare federal, state, and local tax returns where applicable.

Employees who have separated from the University and need another copy of their W-2 must contact the Payroll Department.

Any employee, active or terminated, requesting a change of address, must provide written notification of the change of address to the Department of Human Resources.

### **4.7 TYPES OF PAYMENTS**

Staff may be eligible for pay including, but not limited to regular, overtime, extra service, holiday, and terminal pay. Staff may also be eligible, subject to certain provisions, for personal and medical leave payments.

**Note:** Salary advances are not allowed.

#### **4.7.1 Regular Pay**

Payments received by staff according to the employment contracts and/or the Personnel Action Form.

#### **4.7.2 Shift Differential Pay**

Regular full-time and part-time non-exempt staff who are regularly required to work a shift that includes four (4) or more hours between the hours of 6:00 p.m. and 6:00 a.m. are eligible for inconvenience pay or Shift Differential Pay. Shift Differential Pay is only paid to those employees who work the 2<sup>nd</sup> or 3<sup>rd</sup> shifts in specific departments. Shift Differential Pay will never become a part of the employee's "base" rate of pay. Therefore, if an employee is reassigned to a shift that is not eligible for Shift Differential Pay, the employee's salary will revert to the "base" rate of pay or the shift differential rate may be recalculated based on assigned shift.

#### **4.7.3 On Call Pay**

On call pay applies to certain job classifications when services of an emergency nature require employees to be available and/or return to work outside of scheduled hours.

#### **4.7.4 Overtime/Compensatory Time Policy and Procedures**

##### **POLICY**

This policy is to establish guidelines to comply with Federal and State laws regarding overtime and compensatory time off. University employees, including temporary, intermittent and student employees, who hold non-exempt positions must be granted overtime pay at a rate of not less than one and one-half (1.5) times their regular hourly rate of pay or compensatory time off at a rate of not less than one and one-half (1.5) hours for each hour of overtime worked in excess of forty (40) hours in a workweek. The concept of hours worked is a crucial determining factor in complying with the Fair Labor Standards Act (FLSA). Employees may not agree, even voluntarily, or otherwise waive their rights to the FLSA's protection.

Jackson State University will allocate and schedule work appropriately so that non-exempt employees are not required to work over forty (40) hours in a workweek except when mandated by operating necessities. Supervisors of non-exempt employees are responsible for establishing work schedules and for ensuring adherence to federal and state law and university policy. The policy applies to any and all hours where a non-exempt employee is required or is permitted to work in excess of forty (40) hours in the standard workweek.

Employees exempt from the FLSA are not paid overtime. Exempt employees within the University are expected to work the hours required to do their job in an effective and efficient manner.

##### **PROCEDURE:**

###### **I. Overtime**

Overtime is defined as time worked by a non-exempt employee that exceeds forty (40) hours in a workweek. Under the provisions of the FLSA, nonexempt employees must be paid overtime for hours worked over forty (40) in a workweek. It is the responsibility of the department in which the overtime work is performed to pay the overtime rate.

Overtime pay is based on time actually worked and is calculated at the rate of one and one-half times the employee's regular hourly rate for each hour worked beyond forty (40) hours during each workweek from 12:01 a.m. on Sunday to 12:00 midnight on the following Saturday.

In determining total overtime hours worked in conjunction with hours of leave time with pay (personal and major medical leave), compensatory time off and hours taken on approved University paid holidays during the workweek are not counted as time worked in computing overtime pay. For example, employees who work ten (10) hours each day for three(3) days, and take one eight-hour(8) holiday, and take personal leave of eight (8) hours one day during a workweek, would actually work thirty (30) hours and not forty-six (46) hours. Employees, therefore, have not worked six (6) hours overtime. Employees do, however, receive their regular hourly rate of pay for all forty-six (46) hours in that workweek. Also, employees who are paid a shift differential will have that shift differential included in the calculation of their regular rate of pay.

## **II. Workweek**

A workweek is defined as seven (7) consecutive days. The standard workweek at Jackson State University begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on the following Saturday.

## **III. Non-exempt Positions**

Human Resources is responsible for collecting data and determining which positions are non-exempt and subject to overtime pay and which positions are executive, administrative, managerial, or professional and, therefore, are exempt from overtime pay.

The department/unit head is responsible for communicating to employees at the time of employment the following:

- 1) Whether their positions are non-exempt and eligible for overtime pay when hours worked exceed forty (40) per week.
- 2) The overtime policy and procedures
- 3) How overtime hours are handled in the unit and the projected extent of overtime work and the time of year it will most likely occur.
- 4) The degree to which work schedules may be modified.

## **IV. Flexible Work Schedule**

Flexible work schedules allow employees to vary their arrival and/or departure times and must be a matter of agreement between the supervisor and the employee. For example, employees schedule may be 10:00a.m. To 7:00p.m. Monday through Friday. If, however, at any time the hours worked exceed forty (40) during a workweek, the department/unit head must ensure that employees are paid overtime pay or given compensatory time off in lieu of overtime pay.

## **V. Record of Hours Worked**

For all employees who occupy non-exempt positions on a full-or part-time basis, including temporary, intermittent and student employees, a record must be maintained in the department or unit of total hours worked by use of the official University approved time and attendance system. It is essential that the time report accurately reflect time worked on an hour for hour basis. Requiring employees to work extra time in excess of their normally scheduled work hours and not recording the extra time on the time report exactly as the time is worked is unlawful under the overtime provisions of the Fair Labor Standards Act. *Each department/unit head is responsible for approving all overtime work before it is performed and for adhering to the procedures relative to overtime pay or compensatory time off in lieu of overtime pay.* Allowing employees to work overtime is treated the same as approving the overtime to be worked under the FLSA.

The Time and Attendance Report must be signed by the employee and approved by the supervisor and/or department/unit head. The department/unit head is also responsible for maintaining the employee's Time and Attendance Report within the unit, for keeping them current and on file in the department/unit for at least three (3) years, and for making them available at all times for audit by the University's Office of Internal Audit, State or Federal Auditor(s), or Human Resources.

## **VI. Compensatory Time Off**

The Fair Labor Standards Act provides an element of flexibility for state and local government employers regarding compensation for statutory overtime hours. The law authorizes a public agency to provide compensatory time (comp time) off in lieu of monetary compensation, at a rate of not less than one and one-half (1.5) hours of compensatory time for each hour of overtime worked in excess of forty (40) in a workweek. Whether to grant overtime pay or compensatory time off is at the discretion of the department/unit head with consideration given to budgetary resources.

The department/unit head is responsible for the administration of compensatory time off in lieu of overtime. An agreement or understanding between employees and the department/unit head must be arrived at prior to the employees' actually performing the work, as to the method to be used in compensating overtime. Compensatory time should be used in the same pay period that it is earned. Compensatory time off is calculated at the rate of one and one-half (1 ½) times the hours worked in excess of forty (40) hours during a workweek.

The use of accrued compensatory time must be granted to employees upon request unless the granting of such time would unduly disrupt the effective functioning of the unit. Mere inconvenience is an insufficient basis for denial of a request to use accrued compensatory time.

At the time of transfer to another unit, the transferring employee must be allowed to take all compensatory time or be paid for all accrued compensatory time by the unit in which it was earned. Such payment must be made at the regular hourly rate of pay received by the employee at the time of transfer.

It is permissible for the department/unit head to schedule time off for each hour accrued to reduce the employees accrued compensatory time balance.

Upon separation from the University, employees must be paid for all accrued compensatory time at a final regular rate of compensation.

## **VII. Record of Compensatory Time Earned/Taken**

The department/unit head is responsible for maintaining records of compensatory time earned and taken by or paid to employees within the unit and keep them current and on file in the department or unit for at least three (3) years, and available at all times for audit by the University's Office of Internal Audit, State or Federal Auditor(s), or Human Resources.

## **VIII. Authorization for Payment of Overtime or Granting Compensatory Time**

A department head who has an approved or modified budget that includes a dollar amount for overtime has delegated authority by the President and Vice President of Business and Finance to authorize payment of overtime for his/her non-exempt staff. For those department heads that do not have an approved or modified budget that includes a dollar amount for overtime must get the Vice President of Business and Finance approval prior to granting additional work above the standard workweek/hours to ensure that overtime funds are available.

It is department heads responsibility to ensure that funds are available prior to the work being performed or that compensatory time can be granted for work above the standard workweek.

## **IX. Prior Approval Required**

A non-exempt employee must have prior written approval of his/her supervisor before overtime may be worked.

## **X. Exempt Employees**

There is no legal requirement, nor is the university obligated, to pay overtime or grant compensatory time to exempt employees.

### **4.7.5 Compensatory Leave**

Mississippi law defines compensatory leave as paid time spent off the job earned by an employee in lieu of cash payment for work performed by the state employee for the state entity. When it is the opinion of the University that it is essential for a state employee to work during an official state holiday, the employee shall receive credit for **compensatory leave**.

Fair Labor Standards Act (FLSA) allows flexibility for public employees regarding overtime compensation. The Act authorizes a public agency to provide compensatory time off in lieu of monetary overtime compensation, at a rate not less than one and one-half (1½) hours of compensatory time for each hour of overtime worked. The maximum amount of compensatory leave that an employee may accrue is two hundred forty (240) hours. Upon termination, staff employees must be paid for unused compensatory leave.

### **Use of Compensatory Time**

A non-exempt employee who has accrued compensatory time and requests use of the time must be permitted to use the time off within a reasonable period. The only legitimate reason for denying compensatory time leave is to prevent an undue disruption of operations. This is usually not interpreted as an employee shortage. The employer cannot force employees to schedule and use compensatory time that has been accrued, but the employer can choose to substitute a cash payment for the time.

It is the responsibility of the supervisor or director to keep accurate records of number of compensatory hours earned each week. The willful falsification of records may subject the supervisor and/or the employee to criminal action.

Accumulated unused compensatory leave is not counted as creditable service for the purposes of the retirement system.

#### **4.7.6 Extra Services Pay**

Employees who perform work at the University in excess of their normal load/regular job responsibilities may be eligible for extra compensation provided the excess work and the request for extra compensation conforms with general University regulations and comply with established principles for awarding extra compensation.

Employees who have approved grants/contract projects that perform work at the University in excess of their normal load/regular job responsibilities may be eligible for extra compensation provided the excess work and the request for extra compensation conforms with general University regulations and comply with established principles for awarding extra compensation. Extra compensation must be approved in advance by the appropriate supervisor and Vice President.

The Mississippi Constitution, Section 96, prevents extra compensation to state employees after service is rendered or contract is made. Therefore, any agreement for extra services and commensurate extra compensation must be agreed to prior to the work being performed, and payment cannot be provided for past service as would be the case with a bonus.

#### **4.7.7 Holiday Pay**

To qualify for holiday pay, employees are required to work both the working day before and after the holiday occurs. The work-day before and after the holiday would be defined as the regularly scheduled work-day for each employee's job. Personal and major medical leave **MAY NOT** be used in lieu of days taken before or after a paid holiday unless the employee is on an approved leave of absence, a medical leave, or vacation. The University allows paid time off for holidays as indicated on the University Holiday Schedule published each year. These paid holidays have been (included or configured) as part of an employee's benefits. Paid time off or compensatory time shall be provided for hours worked on a University holiday (as established on the University Holiday Schedule). When applicable, FLSA requirements pertaining to hours worked and holiday pay will be adhered to.

#### **4.7.8 Advanced Earned Income Credit Pay**

Employees with a qualifying child may be eligible to receive an Advanced Earned Income Credit (EIC) as prescribed by Internal Revenue Service regulations. To determine eligibility and request the EIC payment, employees must complete the W-5 form annually in January, which is available in the Department of Human Resources.

#### **4.7.9 Docked Pay / Reduction in Pay**

Docked pay is a reduction in compensation for a specified dollar amount, number of hours, or number of days. It may be the result of time off without sufficient leave, unapproved leave, punitive reprimand, or other personnel matters. These payroll adjustments are processed by the Payroll Office upon receipt from the Department of Human Resources. The employee will be provided a meaningful opportunity to discuss the circumstances of any reduction in pay prior to a paycheck being reduced.

#### **4.7.10 Retroactive Pay and Late Pay**

Retroactive pay is compensation applicable to a prior pay period. This pay is based on the information listed on an employee's employment contract or PAF form. Such retroactive or late pay is for the amount, which was agreed to prior to the performance of the work and is, therefore, not extra compensation to an employee, which is in excess of the originally agreed amount for that pay period.

#### **4.7.11 Terminal Pay**

Separation from service may be voluntary (resignation at the employees discretion) or involuntary (at the University's discretion). An employee separating on a voluntary basis shall provide a one (1) month advance notice prior to the last day of expected attendance.

An employee who is terminated will be entitled to pay for the unused portion of his/her earned personal leave not to exceed thirty (30) days. No payment will be made for accrued major medical leave unless the employee presents medical evidence that his/her physical condition is such that he/she can no longer work in a capacity with the University. In such case, the employee may be paid for no more than 120 days of earned major medical leave.

Grant employees shall receive up to the same thirty (30) personal leave days following termination of their employment. The last paycheck will be printed and must be picked up from the Department of Financial Services.

#### **4.7.12 Personal Leave Pay**

Employees shall be paid for accrued personal/vacation leave according to guidelines established by the Mississippi Code of 1972, Section 25-3-93. Any leave accrued, upon the expiration of a grant will be forwarded to the Public Employees Retirement System of Mississippi.

#### **4.7.13 Medical Leave Pay**

Employees shall be paid for accrued major medical leave according to guidelines established by the Mississippi Code of 1972, Section 25-3-95. Unused major medical leave in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in Mississippi Code Ann. §§ 25-11-103 and 25-13-5.

#### **4.7.14 Death of an Employee**

In the event of death of an employee in active service, the University will pay to the beneficiary or estate the salary for the days worked in the month in which he/she dies. In addition, the beneficiary or estate will be paid for the employee's accumulated personal leave days (not to exceed 30 days per Miss. Code Ann. § 25-3-93). In the absence of a designated beneficiary, monies will be paid to the beneficiary of such employee as recorded with the Public Employees Retirement System (PERS) of Mississippi.

Should an employee die having accumulated major medical leave, such leave is counted as creditable service. There is no statutory authority to pay an employee's beneficiary for unused major medical leave in the event of an employee's death.

## 4.8 RECORD KEEPING POLICY OF HOURS WORKED

The FLSA has very specific recordkeeping requirements. The FLSA requires that employers keep certain records for all covered employees including those who are exempt from minimum wage and overtime provisions. The records must be quickly accessible, accurate, and detailed enough to permit recalculation for each pay period. It is the responsibility of the employee's supervisor to maintain these records in accordance with federal law as described below.

## 4.9 PAYROLL DEDUCTIONS

Deductions from pay are made when the Payroll Department and/or Department of Human Resources receives the appropriate authorization, or is required by law to do so. The employee will authorize non-mandatory deductions, such as health coverage, voluntary life insurance, vision insurance, and tax-deferred annuities. Information regarding available voluntary deductions may be obtained by contacting Human Resources. Involuntary deductions, such as child support, tax levies, and garnishments are ordered by a court or a governmental agency and will be deducted from each pay without exception.

Deductions and reductions are made from payroll payments for the following purposes:

### 4.9.1 Mandatory Deductions

- **Federal Income Tax Withholding** – In compliance with federal law, the University is required to withhold federal income tax from payments made to employees for services rendered and/or taxable benefits. The amount of withholding depends on the current applicable percentage as determined by Federal Internal Revenue Services. In order to ensure correct withholding, it is the responsibility of the employee to claim the proper number of exemptions per the Form W-4. Questions concerning federal income withholding tax should be directed to the Department of Human Resources.
- **State Income Tax Withholding** – In compliance with Mississippi law, the University is required to withhold Mississippi state income tax from payments made to employees for services rendered and/or taxable benefits. The amount of withholding depends on the current applicable percentage as determined by the Mississippi State Tax Commission. In order to ensure correct withholding, it is the responsibility of the employee to claim the proper number of exemptions per the state withholding form. Questions concerning state income withholding should be directed to the Department of Human Resources.
- **Social Security & Medicare Tax Withholding** – In compliance with federal law, the University must withhold social security and Medicare taxes from employees' wages, at the current applicable percentages for applicable employees.
- **Foreign National Tax Withholding** – All foreign national employees must complete their Form W-4 in the Department of Human Resources. For tax purposes, Non-resident Aliens have special withholding rules. Instructions are available from the IRS website ([www.irs.gov](http://www.irs.gov)).



- **Public Employees' Retirement System (PERS) / Optional Retirement Plan (ORP)** – Employees participating in PERS or ORP must make a personal contribution at the current applicable percentage by payroll deduction. Questions concerning PERS or ORP should be directed to the Department of Human Resources.

#### 4.9.2 Non-Mandatory Deductions

Non-mandatory deductions are elections made by the employee by written request and authorization. These deductions commence and terminate upon the employee's authorization. Employees must complete the Payroll Deduction form to authorize a voluntary deduction. Any authorization to withhold from the earnings of an employee will terminate and such withholding will cease for any of the following events:

- Termination of employment
- Written notice by the employee of cancellation of such former authorization
- Expiration of the time during which such withholding was authorized when the total amount authorized has been withheld

#### Group Health, Life, Medical, and Dental Insurance

Employees incurring an expense applicable to participation in an insurance program shall have premiums payroll deducted at the applicable rates. In the event that an employee's compensation is insufficient to cover the cost of a deduction, the employee bears responsibility for payment.

#### 4.9.3 Involuntary Deductions

Legal orders requiring deductions from wages, whether pursuant to a support order, bankruptcy, tax levy, or from general creditor debts are termed as involuntary deductions. An employee does not have the authorization to revoke these deductions.

- **Federal Tax Levies** – are wage garnishments issued by the Federal government for the collection of employee's earnings for unpaid Federal taxes. The University will continue to withhold the deductions based on the IRS withholding tables until the release order is received from the IRS.
- **Garnishments** – are deductions ordered by courts or authorized government agencies for financial debt owed to a company, agency, or an individual. The amount of garnishment deducted each pay period is established by the court. The deduction will begin upon receipt of the garnishment order and continue until paid or otherwise discharged. If the employee files bankruptcy or is in the process of filing bankruptcy, the Payroll office must receive copy of a notice of Automatic Stay from the bankruptcy court to terminate the garnishment deduction.
- **Child Support** – is a payment made by a non-custodial parent, for the support of a child, to a custodial parent in accordance with a court or state agency order. The support amount is stated in the order and it takes priority over a garnishment or any other legal order, except a pre-existing Federal tax levy. Child support orders will not terminate until a release is received from the court or agency issuing the order, or at termination of employment.

- **Payroll Deductions for Travel Advances** – Travel advances are requested utilizing the Travel Itinerary/Travel Advance Form. If any outstanding travel advances are not settled within ten (10) working days after the end of the month in which the travel is completed, a paper paycheck will be printed for the employee and held until the travel reimbursement is submitted. Only two (2) travel advances shall be outstanding at one time.

#### **4.9.4 Changes to Deductions**

Employees desiring to change deductions or premium payments should contact the Department of Human Resources. All tax changes and insurance benefit changes require completion of new forms and the employee's signature. The benefits or deductions that are part of the Cafeteria Plan (IRS Code Section 125) can only be made during open enrollment each year, in the month of October except for changes in status as defined by the IRS Code Section 125.

Employees who participate in University specific elections, such as gym membership, childcare, parking, donations to the University, or similar events should contact the departments directly.

#### **4.9.5 Personnel Action Form (PAF/EPAF) Process**

New employees as well as changes in the status of current employees require that a PAF or EPAF be submitted to the Department of Human Resources. It is the responsibility of the supervisor in the initiating department to prepare and submit the Notice of Personnel Action form for routing through the approval process. The completed PAF or EPAF should be in the Department of Human Resources not later than the 15<sup>th</sup> day of the month in order to enable a paycheck to be issued at the end of the current month and by the last day of the month in order to enable a paycheck to be issued by the 15<sup>th</sup> of the month on the bi-monthly payroll cycle.

### **4.10 ERRORS IN PAY**

If an employee feels that there is an error in his/her earnings, he/she should contact the Department of Human Resources immediately. All deductions are shown on the payroll check stub. Any necessary refund due to an inadvertent payroll deduction will be issued in the next payroll check run.

#### **4.10.1 Employee Overpayments**

An employee overpayment occurs when the employee receives compensation which (1) should not have been issued or (2) is greater than that to which the employee is entitled. This includes but is not limited to overpayment of wages, annual and/or sick leave paid in error, as well as, erroneous refunds of deductions. Unearned payments to employees are prohibited by Sections 66 and 96, Mississippi Constitution of 1890, which prohibits donations of public funds and extra compensation to employees.

#### **4.10.2 Notification of Employee Overpayment**

The Payroll Office, upon discovering an overpayment, will immediately inform the employee, and request a meeting with the employee to address the overcompensation. If the Payroll Office is unsuccessful in arranging a meeting and after sending written notification to the employee's address of record, the employee's subsequent compensation shall be adjusted accordingly. If an employee discovers that he or she has been overcompensated, the employee is required to immediately notify the Payroll Department and arrange a meeting to address the overcompensation. The employee will be given an opportunity to fully discuss the circumstances of any suspected overpayment.

#### **4.10.3 Repayment Options**

An overcompensated employee must meet with the Payroll Department to arrange repayment. Consideration may be made for the amount of overcompensation, certain statutory deductions (FICA, retirement, others), the date of occurrence, and other circumstances in establishing repayment terms. The final decision must ultimately safeguard the interest of the University. An employee may be asked to complete a payroll deduction form, and an employee's willful attempt to avoid repayment of an overpayment may result in negative employment action.

If an employee who has been overpaid is separating from the University, the amount of the overpayment will be withheld from the employee's final paycheck. If the final paycheck is insufficient to cover an amount due the university, the employee must make other payment arrangements. The employee will be extended an opportunity to discuss and present evidence regarding any deduction prior to an amount being withheld.

While the Fair Labor Standards Act permits the deduction of overpayments without the employee's consent, the term overpayment does not include other losses, such as damage to University property caused by the employee. The FLSA permits deductions from nonexempt employees to the extent that such deductions do not result in the employee's pay being less than the minimum wage or overtime requirements. Deductions, other than for overpayments, may not be made to exempt employees except for the specifically identified exceptions listed in 29 CFR 541.602.

### **4.11 OFFICIAL TRAVEL GENERAL POLICY**

It is the policy of Jackson State University that all reasonable and necessary expenses for official travel incurred by its employees are reimbursed according to the laws of the State of Mississippi. A state employee must obtain prior authorization for travel in order to be eligible for a reimbursement.

All official travel should be prudently planned so that the best interests of the University are served at the most reasonable cost. Anyone traveling on University business is expected to exercise the same economy that a practical person would exercise when traveling on personal business. Excessive costs or unjustifiable costs are not acceptable and will not be reimbursed.

The official duty station for Jackson State University employees shall be the main campus. Actual mileage to and from the official duty station while on official business will be reimbursed at the rate approved by the state. After normal working hours, the employee's residence will be the official duty station.

Section 25-3-41, Mississippi Code of 1972, established guidelines for travel reimbursement of officers and employees of the State of Mississippi, or any department, agency, institution, board, or commission thereof.

#### **4.11.1 Penalty for Fraudulent Claims**

In accordance with Mississippi Code of 1972, Section 25-3-45, anyone who knowingly and willfully violates any provisions of the law, is guilty of a misdemeanor. The penalty for conviction is loss of job or position held, a fine of not more than \$250, and civil liability for the full amount of the expenses illegally received, allowed, or approved. The person receiving the reimbursement is also liable whether the violation was willful or not.

#### **4.11.2 Personal Expenses**

Jackson State University WILL NOT pay expenses resulting from unofficial stopovers, side trips, personal telephone charges, or any other items of a personal nature. Furthermore, no university vehicle may be used for personal non-business purposes.

This Policy shall be interpreted in a manner consistent with any Department of Finance and Administration regulations or IHL Bylaws of which the University is subject to. Should Mississippi Code §§ 25-1-79, 25-1-83, 25-3-41, or 25-3-45 be amended, or regulations authorized by such sections be amended, this Policy shall be read to incorporate any mandatory changes.

### **4.12 TRAVEL AUTHORIZATION AND ITINERARY**

Section 25-1-83 of the Mississippi Code requires written approval from the department head for employee attendance at any convention, association, or meeting in order for expenses to be reimbursed. The Travel Authorization Itinerary is designed to incorporate the necessary approvals.

**Note:** Supervisors must seek the necessary travel authorization for secretarial or clerical personnel to accompany the supervisor.

#### **4.12.1 In-State/Out-of-State Travel**

In-state and out-of-state travel must be approved two (2) weeks prior to travel date. The respective department chair or the director, the school dean and the appropriate vice president must approve travel itineraries.

Out-of-state travel must include a reasonable estimate for the actual total cost including travel, lodging, and subsistence. Travel budgets will be encumbered based on the approved itinerary.

A Travel Authorization Itinerary form MUST be completed for the following categories of travel:

1. All in-state travel to conferences/workshops that requires an overnight stay.
2. All out-of-state travel that requires an overnight stay.
3. Travel beyond the continental United States.

#### **4.12.2 Travel within the city limits of Jackson**

Employees required to make routine trips within the city limits may receive reimbursements at the rate approved by the state. Only one travel voucher per month is required. A written log of these trips indicating the purpose and destination must accompany the Travel Reimbursement Voucher. The following individuals, departments, or offices are authorized to receive reimbursement for travel within the city limits if a University vehicle is not available:

- A. Faculty who conduct student teacher visitation
- B. Purchasing Department
- C. Office of Publications
- D. College of Lifelong Learning
- E. Office of Research and Development, and
- F. As specifically identified by the President

Mileage is not reimbursed between any regular place of work and home, and mileage is not reimbursed for any personal, non-employment-related, travel.

#### **4.12.3 International Travel**

The University President must approve **all** travel outside of the continental limits of the United States (Canada, Hawaii, and Mexico are outside these limits) prior to departure. For any state or federal funds to be expended for travel outside the Continental United States, the President must determine that the travel would be extremely beneficial to JSU, and a written concurrence from the Governor and Department of Finance and Administration must be obtained prior to submitting the request to the Commissioner for consideration.

#### **Approval Process**

After the Travel Itinerary Form has been completed, it should be routed for signatures in the following order:

1. Department Head, Director, or VP of the area
2. Grants and Contracts Department (only if externally sponsored grants or contracts will be charged for travel costs)
3. Travel Coordinator should route the itinerary to Business and Finance for approval.

**Note:** No employee can approve his/her own travel costs.

The Travel Coordinator will monitor the department budget for availability of funds. If funds are not available, the Travel Coordinator will return the itinerary to the department. If funds are available, the Travel Coordinator will sign the itinerary. A copy of the approved Travel Authorization will be made and returned to the appropriate department.

#### **4.12.4 Travel Advances**

Travel advances are authorized by Section 25-1-79 of the Mississippi Code upon approval by the President in alignment with the policy for Minimum Signatures. The travel advance is requested utilizing the Travel

Itinerary/Travel Advance Form. An advance will not be issued earlier than twenty (20) days before the Travel start date. As soon as the employee returns from the travel, a Travel Reimbursement Form must be completed and the advance settled within ten (10) working days after the end of the month in which the travel is completed.

#### **4.12.5 Cancellation of Travel Itinerary**

If it becomes necessary to cancel a Travel Authorization, a memo should be submitted to the Travel Coordinator as soon as possible. The memo should explain the reason for the cancellation.

#### **4.12.6 Changes to Travel Itinerary and Authorization**

To change a previously approved Travel Authorization, a memo should be sent to the Travel Coordinator. Identify the changes that need to be made. If the projected cost of the trip increases, the appropriate Department Head approval must be secured. An addendum must be included identifying the charges.

#### **4.12.7 Travel Reimbursements**

A Travel Reimbursement Voucher should be submitted to the department chair or director for his/her approval and forwarded to the Travel Coordinator for reimbursement within ten (10) working days after returning from trip.

Travel Reimbursement Vouchers that exceed the approved itinerary amount will be returned to the appropriate department chair or director for justification and budget confirmation. If the request is for out-of-state travel reimbursement, the original approval process is required (department chair or director, school dean or dean, and the appropriate vice president).

The Travel Reimbursement should be completed immediately upon return from the trip by completing the Travel Reimbursement Voucher and submitting to the Travel Coordinator. The filing of this form should be made no later than ten (10) working days after the travel period. Travel Reimbursement Vouchers should be typed or completed in ink. Required elements to be filled out on this form include:

- Name
- Assigned university identification number (J#)
- Official duty dates of the travel
- Fund, Organization, and Program Codes to be charged
- Allowable Amounts claimed

When an employee does not provide adequate documentation (receipts, travel reimbursement, etc.) in the time frame indicated in the policy for travel advances, the amount advanced will be considered an overpayment and treated as an advance of wages which will be deducted from the employee's paycheck. This Policy is modified to follow the DFA procedures applicable to agencies that utilize the Statewide Automated Accounting System (SAAS).

## 4.13 REIMBURSABLE TRAVEL EXPENSES

### 4.13.1 Meals

Employees shall be reimbursed the actual cost of meals incident to official travel, not to exceed the daily maximums. Traveling personnel should contact the Office of Financial Services for current meal rates. Reimbursement rates for meals will be according to per diem for areas traveled. For rates visit [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

Meals for trips inside of Hinds County and counties bordering Hinds County will not be reimbursed unless an overnight stay is required. If the actual meal costs exceed the maximum daily expenditure limit, the Travel Coordinator will only approve meals up to the maximum daily limit. If JSU elects to reimburse a meal where no overnight stay is required, the reimbursement is considered a "taxable meal" necessitating adjustments for IRS purposes.

The maximum daily limit is dependent on the city as recorded in the Federal Register. See also [www.dfa.state.ms.us/Purchasing/Travel/ConvertedRates.pdf](http://www.dfa.state.ms.us/Purchasing/Travel/ConvertedRates.pdf). Meal receipts will not be required. Meals for trips inside of Hinds County and counties bordering Hinds County will not be reimbursed unless an overnight stay is required.

Tips or gratuities for services are chargeable as a separate item, but tips for meals should be included in the actual meal expense unless the daily limitation for meals would be exceeded. Total meal tips shall not exceed 20 percent of the maximum daily meal reimbursement claimed.

**Alcoholic beverages** are **NOT** reimbursable.

### 4.13.2 Lodging

All lodging expenses must be necessary and reasonable. Government rates must always be used if it is the lowest rate available. "State rates," which may differ from government rates, should be requested so as to ensure the lowest rate is obtained. Rates must be confirmed at the time of the reservation and again at check-in.

Lodging expenses must be documented with a paid itemized original receipt. Express checkout receipts that do not provide an itemization of lodging charges are not acceptable documentation for reimbursement.

If the employee traveler stays with a relative or friend, an explanation to that effect should be noted on the Travel Reimbursement Voucher to address the absence of lodging costs.

If a University employee on official travel status is accompanied by someone who is not an employee of the University (spouse, children, friend, etc.), the Employee Traveler is only entitled to reimbursement at the single room rate.

### **4.13.3 Reservation of University Vehicles**

To serve the transportation needs of our employees, Jackson State University has a small fleet of vehicles available for conducting official business. To reserve a vehicle, contact the Facilities & Construction Management Department as far in advance as possible. Advance reservations are limited to a period of six months.

Request for rental of vehicles are to be made via Vehicle Request Form to the Facilities & Construction Management Department between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The request will be honored on a first come, first served basis.

All vehicles are completely serviced and fueled before being dispatched. Requesters will be required to return vehicles with a full tank of gas.

Typically, a University vehicle should be picked up on the day the official travel begins and returned the day the travel ends. University vehicles are not to be taken to an individual's home under any circumstances. This may constitute private use of public vehicle, which is strictly prohibited.

While it is understood that unforeseen circumstances will arise, typically special arrangements regarding the pick-up and return of a University vehicle should be communicated in advance.

### **4.13.4 Cancellation & Penalty for Non-Cancellation**

In the event that a department reserves a vehicle and later decides that it will not be used, it is imperative that the Transportation Office be notified by 1:00 p.m. on the day prior to the dispatch date. Trips canceled one week or less prior to the departure date are subject to cancellation charge based on the vehicle type. Please contact the Facilities and Construction Management Department for more information.

### **4.13.5 Expense Incurred During Trip**

All receipts for expenses (with the exception of fuel) incurred on a trip must be turned in with the vehicle upon completion of a trip, (i.e., vehicle breakdown). The Transportation Office will prepare the necessary forms for reimbursement to the operator.

### **4.13.6 Cost and Maintenance of University Vehicles**

Jackson State University vehicles are rented on a daily rate. The rate includes maintenance. The Facilities and Construction Management Department will monitor and schedule the vehicles for routine maintenance needs such as rotation of tires, changing of oil, etc. The Facilities and Construction Management Department is also responsible for acquiring titles and proper registrations, annual state inspections, and proper marking in accordance with MS Code 25-1-87.

Charges for University vehicles will be processed monthly via an internal transfer originated by the Facilities and Construction Management Department.

For more information on local and out of town University Rental Rates, contact the Facilities and Construction Management Department.



#### **4.13.7 Driver Expense**

For trips requiring a driver, submit a Travel Itinerary two weeks in advance. Departments requesting a driver's service for trips outside of Jackson, Mississippi will be required to provide three meals per day and Hotel accommodations.

#### **4.13.8 Duration of Rental**

The maximum time a vehicle may be reserved is two weeks. If it becomes necessary to rent a vehicle for a longer period, prior approval must be received from the Facilities and Construction Management Department.

#### **4.13.9 Eligible Drivers**

Drivers must be employees (full-time or part-time) of the University with a valid driver's license. Departments must use discretion in assigning drivers. All drivers will be required to complete the JSU Personal Vehicle Use Agreement. Department heads will be responsible for notifying the Facilities and Construction Management Department of new drivers.

#### **4.13.10 Eligible Passengers**

Only University faculty, staff and students are permitted to travel in University vehicles **(Strictly Enforced)**.

#### **4.13.11 Vehicles Returned During and After Hours**

Upon completion of trip, the University vehicle must be returned to the compound at Facilities and Construction Management Department. All vehicles utilized after 5:00 p.m. on weekdays, weekends, and holidays shall be turned in to Campus Police. The user will record the ending mileage.

In the event a vehicle will be used before 8:00 a.m. on weekdays or during holidays, it is to be checked out before 5:00 p.m. on the day prior to use or on the last working day before a holiday period. The vehicle, although it is checked out, may be left at Campus Police.

#### **4.13.12 Vehicle Breakdown and Accidents**

Should a rented vehicle break down, please notify Campus Police at 601.979.2580.

All accidents should be reported promptly to the proper authority.

#### **For example:**

- Accidents on Campus.....Campus Police - 601.979.2580
- Accidents in City.....City Police
- Accidents in County.....Sheriff
- Accidents on Highway.....Highway Patrol
- Major Accident (Vehicle cannot be driven) Campus Police - 601.979.2580

**Note:** The vehicle operator should request copies of police reports, witness statements, or other pertinent documents and forward to the Facilities and Construction Management Department.

Vehicles should not be moved until the proper authority has investigated. In case of a minor accident, the trip may be continued after proper investigation. Upon return to the campus, immediately notify Campus Police about the accident.

In case of personal injury, notify at once (1) Campus Police at 601.979.2580 and (2) Facilities and Construction Management Department at 601.979.2522.

**Note:** Never make any statement regarding the accident to anyone other than the investigating authority. The vehicle operator is responsible for reporting ALL accidents.

#### **4.13.13 Insurance**

The Risk Management Office administers the University's vehicle liability coverage. Accurate and current proof of coverage cards placed in vehicles by the Facilities and Construction Management Department are to be kept in every vehicle at all times.

The Mississippi Tort Claims Act provides protection and is the exclusive remedy only while the automobile is used within the scope and course of one's duties for the University. Within Mississippi, the limit is \$500,000 per occurrence. When out of state, other state laws regarding limits may apply.

If an employee is injured, Workers' Compensation will apply as the exclusive remedy to the employee injured in a vehicle collision while engaged in the course and scope of one's duties for the University.

#### **4.13.14 Mistreatment of University Vehicles**

A vehicle returned to the Facilities and Construction Management Department showing obvious signs of mistreatment will be repaired and the department responsible for the damage will be billed for the necessary repairs.

A cleaning fee based on the vehicle type, will be charged to a department returning a vehicle that must be cleaned. To the extent permitted by law, the department may use its own discretion in charging the individual directly responsible for the damage. Please contact the Facilities and Construction Management Department for more information.

#### **General Policy and Requirements**

1. Employees are **required** to check for availability of a University vehicle before renting a vehicle from an outside vendor or electing to use their own personal vehicle.
2. Only Jackson State University employees with a valid Mississippi driver's license or a valid driver's license from a contiguous state (MS Code § 25-9-153) may drive a University vehicle. This license must have the appropriate classification and any required endorsements needed for operating the vehicle(s) assigned to the operator.
3. Employees are responsible for reporting changes in their driver's license status to the Facilities and Construction Management Department.

4. All drivers are responsible for operating University vehicles within the bounds of the applicable state and federal laws.
5. ALL passengers must wear seat belts. The driver is responsible for ensuring that all occupants have fastened their seatbelts (where supplied) prior to the operation of any vehicle. The number of seatbelts in a vehicle establishes the maximum number of passengers a vehicle can hold.
6. Supplemental restraint systems (airbags) should not be disabled. Loose material inside passenger compartments should be kept to a minimum.
7. Operators must not drive while under the influence of alcohol, illegal drugs, or any other substance that impairs their ability to drive. The operation of a University vehicle while mentally or physically impaired is prohibited.
8. Smoking as well as using other tobacco products is prohibited in Jackson State University vehicles.
9. Transportation of alcohol in state vehicles is prohibited.
10. The driver is responsible for payment of all moving/parking violation fines and fees.
11. Hitchhikers and/or children are never permitted to ride in or operate Jackson State University vehicles.
12. The operator is responsible for reporting any damages or problems with the vehicle to the Facilities and Construction Management Department.
13. In an event of an accident involving a University vehicle, regardless of the seriousness of the accident, contact the local police or highway patrol.
14. Operating privileges shall be revoked if: 1) a University driver does not adhere to the policy; 2) the driver's license is revoked, suspended, withdrawn or denied; 3) the driver refuses to undergo drug or alcohol testing in accordance with University policies or as required by the applicable state or jurisdiction laws; and/or the driver is operating the vehicle outside the limitations of a restricted license.

State mileage rates are available at the following internet link or through the Department of Finance and Administration. <http://www.dfa.state.ms.us/Purchasing/Travel/MileageRate.pdf>

#### **4.13.15 Private Automobile Travel**

Employees are required to check for availability of a University vehicle before renting a vehicle from an outside vendor or electing to use their own personal vehicle. Vehicle availability will be confirmed by the Facilities and Construction Management Department. Jackson State University maintains a fleet of vehicles for official University travel.

If prior approval is granted for an employee to use a personal or University vehicle, reimbursement for the University employee will be at the same rate that federal employees are reimbursed for using private vehicles for official federal business travel. Refer to [www.gsa.gov](http://www.gsa.gov) for mileage reimbursement rates when using a private vehicle. Employees are encouraged to include a copy of the mileage map and distance for reporting purposes.

When travel is by private automobile, the total travel expenses reimbursed, including meals and lodging, shall not exceed the cost of the lowest unrestricted air fare, unless a written justification approved by the employee traveler's budgetary authority or the Department of Finance and Administration determines that it is in the best interest of the University that the traveler drive, or that, on comparison of "total driving" and "total flying" expenses, it is less expensive to drive than to fly.

If the employee chooses to drive and expenses exceed the cost of the lowest unrestricted airfare, reimbursement will be limited to the cost of flying. Documentation of the “driving” versus “flying” comparison must be attached to the Travel Reimbursement Voucher.

Mileage is not reimbursed between any regular place of work and home (or vice versa), and mileage is not reimbursed for any personal, non-employment-related travel. Reimbursement for the use of a personal vehicle for official state business, if authorized, will be at the same rate that federal employees are reimbursed for using private vehicles for official federal business travel, subject to the maximum reimbursement rate for state employees. See <http://www.dfa.state.ms.us/Purchasing/Travel/Mileage Rate.pdf>.

When more than one employee travels in one private vehicle, only one travel expense at the authorized reimbursement rate shall be allowed. The person claiming reimbursement shall report the names of other state employee passengers.

#### **4.13.16 Rental of Automobiles**

The Facilities and Construction Management Department must coordinate the use of a rental car for any business travel. The rental of automobiles for travel within the state is prohibited except when the use of a personal vehicle will exceed the cost of a rental car and a University-owned vehicle is not available. Approval to rent an automobile must be secured in advance to making the trip.

The rental of automobiles is permitted for out-of-state travel only after the primary destination has been reached, and only if official duties require mobility beyond that which may be accomplished through the use of taxis, city buses, and intra-city-railways. The rental of an automobile should be anticipated and approval obtained before the rental is made. Only the actual cost of the rental car can be claimed for reimbursement when such rental is less expensive than the mileage reimbursement rates per mile. An original rental receipt is required for reimbursement.

#### **The following conditions justify use of rental cars:**

- When destination is reached by commercial carrier, and the employee traveler has several places to visit within the area.
- When transportation between commercial carrier terminal and the place of Lodging/meeting is needed and a taxi, limousine, or shuttle is not available.
- When employee traveler’s schedule cannot be met by a commercial carrier.
- Jackson State University will NOT reimburse for rental cars, taxis, limousines/shuttles obtained for personal use, such as sightseeing or optional travel to/from restaurants, while on official University travel.

**Note:** Please contact the Facilities and Construction Management Department for more information.

#### 4.13.17 Airline Fares

The State of Mississippi has a contractual agreement with various airlines for contract airfares between Jackson and frequently used destination cities. These fares are generally not lower than the lowest penalty fare, but are lower than any published unrestricted fare where Saturday night stay is not involved. Airfares may be secured through different methods:

**State Contract Agency** – Jackson State University contracts with approved travel agencies. The traveler should request both the contract fare and the lowest penalty fare from an approved travel agency. If a traveler's personal credit card is charged, proof of purchase must be provided with the Travel Reimbursement Voucher. An itinerary must also accompany the request for reimbursement.

**Internet** – Internet fares must be lower than the state contract fare. A cost comparison must be submitted with the Travel Reimbursement Voucher to the Travel Coordinator. The cost comparison should clearly indicate that the Internet fare was less expensive than the state contract fare. If the Internet fare exceeds the state contract fare, the reimbursement will be limited to the state contract fare. A **screen print** of the Internet purchase must accompany the Travel Reimbursement Voucher.

When an involuntary airline reservation change results in additional reimbursable expense delayed flight requiring overnight lodging/meals, an explanation must be attached to the Travel Reimbursement Voucher. If the change is for personal reasons, Jackson State University will NOT reimburse any fees imposed by the airline or travel agency.

Passenger airline receipts and the itinerary must be attached to the Travel Reimbursement Voucher.

#### 4.13.18 Miscellaneous Charges

The employee should contact the travel agency or visit the airline's website for baggage allowance information.

Telephone calls, postage, and other expenses included in the "other authorized expenses" column of the Travel Reimbursement Voucher **must** be for valid, business purposes. Personal telephone calls (such as telephone calls made to home) are NOT reimbursable.

Reimbursement for taxis or limousine fares (airport shuttle services) in excess of \$10.00 requires a receipt, which must be attached to the Travel Reimbursement Voucher.

Reimbursement for hotel/airport parking charges in excess of \$10.00 requires a receipt, which must be attached to the Travel Reimbursement Voucher. Registration Fees for conferences or seminars are reimbursable, but require a receipt attached to the Travel Reimbursement Voucher.

#### 4.13.19 Other Expenses

Additional expenses, which will be reimbursed if accompanied by a receipt, include:

- A. Long distance telephone/internet charges provided the calls relate to official business.
- B. Postage used for mailing provided the mailings relate to official business.

- C. Minor supplies to support the activity engaged in where official business of the University is concerned.
- D. Equipment repair (University-owned) when time constraints prevent the equipment from being repaired through normal procedures.
- E. Employees who for a valid business purpose purchase meals for other officials should charge the cost to a food for person line item.

All University travel is subject to the above policies and procedures, regardless of the source of funds (state, federal, grant, etc.). No voucher for reimbursement will be approved for payment unless the above procedures are followed.

#### **4.14 MULTI-EMPLOYEE ATTENDANCE AT CONVENTION MEETINGS**

If more than one employee is attending the same convention or meeting, especially within the state, group travel arrangements are encouraged. Where two (2) or more employees travel in one (1) privately owned automobile, only one (1) travel expense allowance at the authorized rate per mile will be allowed for any one (1) trip.

#### **4.15 OFFICIAL POLICY STATEMENT**

The Department of Purchasing and Travel is the central authority for the procurement of commodities, equipment, and services to be used by any Jackson State University department or agency. The procurement process for Jackson State University is conducted in compliance with Section 31-7-13, Mississippi Code of 1972 (annotated), the State of Mississippi's Office of Purchasing, and Travel Purchasing Manual and with established university policy and procedures.

The Department of Purchasing and Travel has the sole authority to order supplies, materials, and equipment, and to obligate the University for contractual services. Jackson State University's Director of Purchasing and Travel and designated Purchasing Agents only have the authority to place an order directly with a vendor, to enter into a contract or lease, or to obligate the University in any way unless: The University President specifically authorizes an individual to do so in writing, or the Vice President for Business and Finance or the Director of Purchasing and Travel delegates purchasing authority to specific individuals for a specific term or purpose. Please see the University's contract delegation policy for information pertaining to contracting authority.

#### **4.16 COST AWARENESS**

All employees are expected to be cost conscious. Employees are to avoid waste in business activities including supplies, time, photocopies, telephone usage, and electricity.

Employees are encouraged to turn off the lights and other equipment when leaving at the end of the day. The University does not assign this responsibility to any particular employee. Each individual is expected to do his/her part.

## **4.17 INFORMATION TECHNOLOGY (IT) PURCHASING POLICY**

### **Purchasing a Computer**

The Department of Computing and Communications (DCC) has developed this (POLICY 4.17) standard guide to assist faculty, staff, and administration in selecting computer hardware and software that's supported by Information Technology. Below is a list of desktop and notebook computers with minimum specifications that DCC recommends. This equipment was carefully researched and selected to reduce the cost of administrative computing at Jackson State University. The intent is to create a stable, standardized, manageable, and cost effective computing platform to run administrative computer applications. The Department of Computing and Communications will accomplish this by restructuring and simplifying the buying process, and selecting computer hardware and software for optimal performance and price.

For each computer, DCC has a custom set of standard software applications that we support. While it may be the case that other software appeals to you for purchase, choosing an alternative must be weighed against the fact that DCC cannot guarantee as high a level of support as would be provided with the recommended standard software.

Additionally, it is important when purchasing equipment to consider the benefits of the University at large. The majority of the cost of owning a computer comes from the maintenance and support of the device. To the extent that we are able to standardize on hardware and software configurations, enormous financial and operational benefits accrue to Jackson State University. Therefore, choosing to forego these recommended specifications is discouraged unless there is approval from the Computing and Communications Department.

## **4.18 REQUISITION AND PURCHASE ORDER PROCEDURES**

Only the issuance of an official Jackson State University purchase order, or a contract signed by the University's Director of Purchasing and Travel or designated Purchasing Agent or the University's Vice President for Business and Finance will permit the use of University funds in connection with requisitions or purchase orders. Orders given by phone, the opening of credit accounts (by an individual other than an authorized Purchasing Agent) in the name of the Jackson State University, and walk-in orders are considered unauthorized purchases.

Purchasing procedures fall within state guidelines under provisions of state law. In addition, internal guidelines are published to provide good internal and budgetary control. Procedures must be applied to all expenditures regardless to sources of funds (i.e., Grants and Auxiliaries).

Current purchasing laws require a minimum of two (2) quotes to accompany purchases of \$5,000.01 up to \$50,000.00. All purchases \$50,000.01 and over, require competitive bidding. The Department of Purchasing and Travel should be consulted for assistance on any purchasing matters.

#### 4.19 UNAUTHORIZED PURCHASES

An **unauthorized purchase** is any order given by telephone, on-line, opening bank (credit or debit) cards, or walk-in orders in the University's name by personnel who are not authorized to do so. The Vice President for Business and Finance will determine any exceptions for Business and Finance within the limits as delegated from the President.

If a purchase and/or services are deemed unauthorized because the person agreeing to such transaction lacked actual authority to bind the University, then the University will not make payment. Whether the University has or has not made payments, the **requestor** and **division vice president** may be liable for the payment of these goods and/or services.

#### 4.20 CANCELING PURCHASE ORDERS

Please contact the Department of Purchasing and Travel's purchasing agents by memorandum with your request to cancel a Purchase Order. This information should be e-mailed or faxed. The memo should include the following:

- Purchase Order Number
- Reason for cancellation

#### 4.21 RECEIPT OF GOODS

All purchases should be received at Central Receiving, which is located at 1325 Hattiesburg Street. Authorized departmental personnel must sign the invoice or receiving document.

**Direct Delivery or Pick-ups:** If goods are picked up **or** delivered directly to your department, notify Central Receiving as soon as possible and complete a Direct Delivery Form. For more details, contact Department of Purchasing and Travel and the Central Receiving Office at 601-979-4062.

**Equipment & Furniture Purchases:** All equipment and furniture which cost \$1,000 or more should be tagged and included in the University's movable property inventory by the Inventory Department, which is located on Hattiesburg Street. If the purchases are delivered directly to the department, notify the Inventory Department located at the warehouse facility.

#### 4.22 PAYMENT OF GOODS

Vendors will receive payment when the following documents are received and forwarded to Accounts Payable: purchase order, receiving documents, and invoices. Payment of goods is net 30 days, but shall not exceed 45 days from the University's receipt of invoice unless the invoice is disputed. Late payments are subject to interest under Mississippi law.



#### **4.23 INDEPENDENT CONSULTANT POLICY**

The University's Consultant Policy applies to the engagement and payments for services rendered by individuals or firms who are not employees of the University. It is the responsibility of the originating party (Unit Head, Principal Investigator and Dean) to ensure that the desired professional services are not readily available internally through other University departments and/or personnel, and that funding is available within the department budget to cover the cost of the negotiated fee.

It is the responsibility of the (Unit Head, Principal Investigator, or Dean) to initiate an Independent Consultant/Contractor Approval Form and Agreement prior to the utilization of any services. All requests for consultant services must be pre-approved by the respective Vice President prior to service being rendered. The initiating department will submit the Consultant Agreement Form, Consultant Disclosure Statement, and Questionnaire for Hiring Independent Contractors, Request for Consultant Services Form, and the W-9 Form to their supervisor for review and signature.

The respective Vice President will submit the forms to the Department of Human Resources for review. Human Resources will review to ensure the consultant meets all requirements as defined by the IRS, and conflicts of interest guidelines.

If the individual is deemed an independent consultant, the appropriate paperwork with funds from Education and General Budgets will be forwarded to the Department of Purchasing and Travel. Paperwork with funds from grants and contracts will go to the Grants and Contracts Department for processing.

Independent consultants who fail to meet the guidelines will have their paper work returned to the initiating department. It will be the responsibility of the department to contact the consultant and explain the University's decision.

#### **Procedures**

A written contractual agreement is required for all consulting engagements. There is no statutory requirement for obtaining bids to acquire such services; however purchasing practices would indicate that the buying entity obtained the lowest possible price for the services required. (25-9-120 Miss. Code of 1972 Annotated) This can be achieved by obtaining two quotes.

The Vice President of the originating party must approve all requests for Independent Consultant and Professional services.

#### **4.24 NOTICE TO VENDORS AND OTHERS**

For a contractual commitment to be binding on behalf of the University, it must be approved through the proscribed manner for contracting and be agreed to by one with actual contracting authority for the University under the Institutions of Higher Learning and University Bylaws and Policies. Persons or entities entering a contractual or purchasing relationship are on notice that their contract may be found void for the reasons stated in this section as well as for a violation of public ethics or conflict of interest laws.

# STAFF HANDBOOK SECTION V

## Administrative Policies and Operating Regulations



Jackson State University is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, disability status, protected veteran status, or any other characteristic protected by law.

## **5.1 UNIVERSITY COMMUNICATIONS AND PUBLICATION PROCEDURES**

### **5.1.1 University Publicity**

Copies of all publicity representing the University must be submitted to the Director of University Communications and/or assigned Department of Public Relations staff for approval before it is released to the news media.

No administrator, faculty, or staff member has the authority to make official statements to the news media regarding the institution without the approval of the President of the University.

All inquiries should be directed to the following:

- Email JSU's Department of Public Relations directly at [publicrelations@jsums.edu](mailto:publicrelations@jsums.edu).
- Submit news and announcements by completing an online form at: <http://www.jsums.edu/pressroom2/newsevents.cfm>.
- Submit personal achievements by completing an online form at: [http://www.jsums.edu/pressroom2/ind\\_achieve.cfm](http://www.jsums.edu/pressroom2/ind_achieve.cfm).
- For more information, call 601-979-2272.

### **5.1.2 University Registered Trademarks**

The Jackson State University name, seal, logo, mascot, and associated graphics are registered trademarks with the United States Patent and Trademark Office. All uses of the names and trademarks are approved and monitored through the JSU Licensing Program. All request(s) to utilize or reproduce Jackson State University registered trademarks internally or externally must be approved through the Department of Contractual Services. Failure to comply may result in disciplinary actions or terminations.

### **5.1.3 Printing & Publications**

All departments are responsible for contacting vendors to acquire pricing quotes for printing services.

All requisitions for printing by off-campus companies must be submitted to the Financial Services Department with the proper signatures and bids attached. The Department of Purchasing and Travel will then process the requisitions according to the State Purchasing System and issue a purchase order number when the process is complete.

Off-campus printing referred to includes, but is not limited to the following: die-cutting, oversized printing and four-color process printing.

### **5.1.4 Bulletin Boards - e-boards**

Jackson State University's electronic message centers, or e-boards, serve as a communication tool targeted to the campus and surrounding community. All messages appearing on the e-Boards will clearly support and advance the University's mission of teaching, research, and service. The e-boards may only be used by

entities directly related to, governed, or sponsored by Jackson State University. Event announcements should be open to the public view, although JSU's electronic message centers will remain non-public forums.

**Guidelines:**

- Events and activities are announced for a maximum of 14 consecutive days. The sign administrator may extend the days if the nature of the event warrants. The sign administrator also has the discretion to pre-empt any scheduled message for emergency announcements of any kind.
- Announcements to be included in the e-board should be submitted by campus staff at least two weeks in advance to a member of the Public Relations staff.
- Messages must direct viewers to contact departments with University phone numbers.
- Messages must have the approval of the Department of Public Relations of Jackson State University prior to running on e-boards.

**5.1.5 Bulletin Boards**

Bulletin boards are conveniently located throughout the campus of Jackson State University for faculty, staff, and student use. All University-recognized faculty, staff, and student organizations are granted the privilege of using campus bulletin boards.

The Department of Public Relations or the Division of Student Life must approve and stamp announcements for placement on boards. These announcements must be sponsored by official Jackson State University groups, clubs, or organizations, and the University reserves the right to limit announcements with generally applicable, view point neutral restrictions.

**5.1.6 Email Blasts**

The Department of Public Relations uses the email blast as a means of internal communication to students, faculty, and staff. The purpose of the email blast is to inform the campus community through fliers, stories, photos, briefs, etc. of immediate events that will occur or have occurred on campus. The *JSU Today* email blast may only be used by entities directly related to, governed or sponsored by Jackson State University.

**Guidelines:**

- Announcements are not to occur more than five (5) times. The sign administrator may extend the days if the nature of the event warrants.
- The use of graphic or visuals is encouraged as much as possible. For this reason, announcements should be followed by a link to a Web site, a graphic announcement or flier with more details, or a PDF hosted by a Web site.
- Announcements to be included in the e-blast should be submitted by campus staff at least two weeks in advance to a member of the Public Relations staff.
- Announcements should be submitted via email attachment in Microsoft Word, PDF or JPG format.
- Messages must be approved by the Department of Public Relations to be added to the email blast.

## 5.2 INVENTORY MANAGEMENT AND RECEIPTS

### 5.2.1 Inventory Management

All employees of the University who have equipment and/or supplies assigned to them must keep an accurate inventory. All department heads are personally responsible for inventoried equipment. To assist department heads in this process, employees shall complete a hand receipt for all inventoried items. See hand receipt policy on the web. A detailed audit of all inventoried property shall be completed on a monthly basis. All lost or stolen property shall be reported to Campus Police and a lost and stolen affidavit shall be filed with Inventory Management. Any persons leaving the employment of the University are required to conduct an exit audit for all property assigned to the employee and confirmed by Inventory Management that all items are accounted for before they receive their last paycheck.

### 5.2.2 Hand Receipts

To assist in the efficient management of inventoried property, it is imperative that all faculty and staff complete hand receipts for any property located within their immediate work areas. It is also necessary for hand receipts to be completed for any property that may be used outside of the campus area. In order to maintain the accuracy of these receipts, it is recommended that they be updated on a monthly basis.

#### Hand Receipt Procedures:

- Each faculty and staff member is to complete a hand receipt for any and all items located within their immediate work areas and items used outside the workplace that are property of Jackson State University.
- All hand receipts shall be signed by the personnel to whom the property is assigned.
- If property is lost or stolen, disposed of or transferred to another department, it is necessary for the hand receipt to be revised to reflect the change that has occurred. This revised receipt should also be signed by the personnel for whom the property was assigned.
- All property that is lost or stolen from a designated area shall be reported to the Custodial Delegate within 24 hours of the incident. It is the responsibility of the personnel for whom the property is assigned to report any infractions.
- All property located within common areas of the workplace is the responsibility of the Custodial Delegate.

If there are any questions regarding these procedures, please feel free to contact a member of the Inventory and Property Management staff at 601-979-4222.

### 5.2.3 Acceptance of Personal Checks

The University accepts personal checks for the payment of actual fees owed the University. The University does not cash personal checks. A fee will be assessed if a check is returned by the bank unpaid due to insufficient funds.

### 5.2.4 Collections of Fees and Miscellaneous University Funds

Staff employees are not permitted to collect regular or miscellaneous fees from students. All fees should be collected by the Office of Financial Services and properly receipted. In the case of student class dues and assessments, the faculty sponsor of all such projects should receipt each student for fees collected and will be held responsible for all such fees.

## 5.3 DEPARTMENT OF PUBLIC SAFETY PROCEDURES

The Department of Public Safety was organized under legislature authority granted by Senate Bill No. 1710, approved 1962. The Department of Public Safety has been vested with the power to prevent and punish all violations on University grounds or roads. The Department of Public Safety is vested with the powers and subject to the duties of a constable for the purpose of preventing and punishing all violations of law on University grounds and for preserving order and decorum thereon.

The Department of Public Safety is staffed by certified Police Officers that are on duty 24 hours a day, seven days a week.

### 5.3.1 Security of Academic Classrooms and Buildings

The University has amassed a considerable collection of equipment and materials in its departments for teaching, research, and general operations. To the extent authorized, these materials and equipment are for the total educational process and are to be utilized by the faculty, staff and students for educational goals. As a security precaution:

- A. All classrooms, storage rooms, and other repositories containing University academic equipment and teaching materials must be kept locked when not in use;
- B. When a classroom, storage room, or materials repository is used, the facility must be in the charge of a responsible supervisor; and
- C. A public safety officer shall patrol the areas and secure the buildings.

### 5.3.2 Automobile Registration

All motor vehicles operated on campus by staff personnel **MUST** be registered with the Department of Public Safety. Upon payment of fees, staff employees are issued a decal, which must be placed on the employee's vehicle according to the instructions.

The decal permits the driver to park in certain designated areas, marked "Faculty and Staff". Upon the first day of employment, decals must be secured and placed on vehicles. Fees for parking decals may be payroll deducted in one, two, three, or four installments.

If for any reason you cease to own or operate that vehicle on the campus, you should remove the decal and take it to the Department of Public Safety to exchange it for a new one. In case of a wreck in which the vehicle is a total loss, some proof (a copy of the accident report) must be presented before a new decal can be issued.

If needed, and an employee fails to present physical evidence of once having purchased a parking decal, another purchase will be necessary.

Drivers not conforming to regulations will receive a traffic citation. The violator shall be subject to a penalty of \$50.00\* which shall be paid within seven (7) days from the date the citation is issued. The University reserves the right to restrict or withdraw campus-driving privileges to violators.

The University also reserves the right to have vehicles in violations of regulations towed at the owner's expense for infractions such as failing to park in designated areas, non-registered vehicles, or failing to display a University decal. To ensure that you are in compliance, request a *Traffic Rules and Regulations* brochure from the Department of Public Safety.

\*Rates subject to change.

### **5.3.3 Parking**

Jackson State University assumes no responsibility for care of any vehicle or its contents at any time it is operated or parked on the campus or streets of the University.

The University reserves the right to regulate the use of all vehicles on the campus and to forbid the use of a vehicle by a student, faculty/staff member, employee, or visitor whose conduct in any manner indicates he/she is not complying with the University regulations.

The University does not guarantee a parking space, except reserve parking. Registration of a vehicle and display of a decal does not guarantee a parking space. Handicapped parking spaces may only be occupied by vehicles with appropriate handicap stickers.

### **5.3.4 Arson—Mississippi Code**

Pursuant to Mississippi Code Ann. § 97-17-1, any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, or any state-supported school building in this state whether the property of himself or of another, shall be guilty of arson in the first degree, and upon conviction thereof, be sentenced to the penitentiary for not less than five (5) nor more than twenty (20) years and shall pay restitution for any damage caused.

Any person convicted under this section shall be subject to treble damages for any damage caused by such person.

Pursuant to Miss. Code Ann. § 97-17-3, any person observing or witnessing the destruction by fire or any state supported school building, whether occupied or vacant, which fire was the result of his or her act of an accidental nature, and who willfully fails to sound the general alarm or report such fire to the local fire department or local authorities, shall be guilty of felony and, upon conviction thereof, shall be sentenced to the penitentiary for not less than two (2) or more than ten (10) years.

Any person, who by reason of his age comes under the jurisdiction of the juvenile authorities and who is found guilty under Miss. Code Ann. § 97-17-3, shall not be eligible for probation unless and until six (6) months of confinement has been served in a state reform school.

### **5.3.5 Lost, Destroyed, or Stolen Property**

University property that is lost, destroyed, or stolen should be reported to the Department of Public Safety and the Inventory and Property Management Department in writing within 24 hours of discovery. The department is required to complete a Lost, Destroyed, or Stolen Property Affidavit. The department should forward the affidavit to Campus Police for their comments and completion, with a copy to the Inventory and Property Management Department. All stolen or lost property will be reported to the National Crime Information Center (NCIC). An official police report is also required to remove property from the official inventory of Jackson State University.

In the event that an examination, conducted pursuant to Miss. Code Ann., Section 29-9-13 finds items that are included on a department's inventory, which are missing and otherwise not accounted for, the State Auditor and/or the Inventory and Property Management Department has the authority to proceed under the provision of Miss. Code Ann. Section 7-7-211 to attempt to recover the value of the missing items. The demand shall be made against the department head, and/or appropriate officer or employee, if identified.

Reporting lost, destroyed, or stolen property does not exempt the employee from financial responsibility. Repayment may be required, less any applicable depreciation.

## **5.4 UNIVERSITY SAFETY PRACTICES**

The University takes reasonable actions to protect each employee on the job, but safety must also be observed by each employee. Employees are requested to cooperate with administrative personnel by observing safety rules, by working carefully, and by promoting safety among fellow workers.

It is the responsibility of employees of the University to see that they are not contributing to the creation of an unsafe condition and to remove or report to the supervisor any condition that they feel might be unreasonably dangerous. Employees who are involved in preventable accidents or other safety violations will be subject to disciplinary actions.



#### **5.4.1 Emergencies**

Campus emergency operations will be conducted within the framework of the University guidelines. Any exception to these procedures will be conducted by, or with the approval of the University administrator directing and/or coordinating the emergency operations. Emergencies are any situations that cause or threaten to cause loss of life or physical property, or other significant risk that threaten the general safety and welfare of individuals working in and around Jackson State University (e.g. severe weather, fires, explosions, accidents, or vehicular mishaps).

In case of a campus emergency, call Campus Police at 601-979-2580.

#### **5.4.2 University Declared Leave (Disaster, Emergency, or Extreme Weather Conditions)**

In the regular operation of every institution, it is inevitable that there will be occasions when routine operations are interrupted, and in extreme instances suspended altogether. These occasions may be due to weather, fires, strikes, or organized student demonstrations. In all such situations, it is important for staff, faculty, and students of the University to see that all functions and service go on insofar as possible.

In case of a disturbance, all employees and students of the University should generally report to their classes and posts of duty. The University's basic expectation of the employee is that the employee will carry out official assigned responsibility. This also includes student employees. All employees and students should keep information updated in the University's Emergency Notification System and monitor all media systems for updates.

#### **5.4.3 Fire Prevention**

Every University employee should be fire conscious at all times. An employee should investigate any suspicion of a fire, pull the fire alarm to alert all occupants of the immediate area and/or building at once, and contact Campus Police immediately. For more information, please refer to the University's Fire Protection Manual or [www.jsums.edu/fcm](http://www.jsums.edu/fcm).

Employees are to keep places clean and tidy, using the containers provided for scrap and refuse. Highly flammable materials should be placed in metal containers only. Entrances, aisles, stairways, fire extinguishers, valves and electrical control boxes or rooms should be kept clear of any obstructions.

#### **5.4.4 Report of Injury**

Any injury while on the job, no matter how minor, should be reported promptly to the employee's immediate supervisor or the department head. Aside from the desirability of reporting an injury so that it may be properly treated, it is important that the Department of Human Resources be furnished immediately with a Report of Injury Form with complete information regarding the employee's injury. Employees are required to report all injuries to the Department of Human Resources as soon as is reasonably practicable. Although it is the employee's responsibility to complete a Report of Injury Form, the Department of Human Resources will coordinate with the employee so that required forms are completed as soon as possible.

## 5.5 INFORMATION AND DATA SECURITY AND EMAIL SYSTEMS

### 5.5.1 Administrative Information Systems and Data Security

Jackson State University recognizes administrative information as any data related to the daily operations as a business function of Jackson State University as an institution of higher learning. Such administrative information includes but is not limited to, financial data, personnel data, student data, alumni data, communication, and physical resources data. Whether or not the data is administrative in nature does not depend on which department in which it is located, but whether it is a daily operation of business functions of Jackson State University. However, administrative information does not include library holdings, research, or instructional notes unless the data contain information that is a daily operation of business functions of Jackson State University. Administrative information is a University resource, which requires proper management in order to achieve effective planning and decision-making and to conduct business in a timely, effective manner. Jackson State University retains ownership of all administrative information created or modified by its employees as part of their job functions.

### 5.5.2 Email Systems

#### A. Privacy and Confidentiality

Jackson State University provides Email System resources to support the work of its mission. Jackson State University will make reasonable efforts to maintain the integrity and effective operation of its email systems. Because of the nature and technology of electronic communication, the University cannot ensure the privacy of an individual's use of the University's Email System resources or the confidentiality of particular messages that may be created, transmitted, received, or stored.

The University will not monitor email as a routine matter. However, the University may monitor email to the extent permitted by law and as it deems necessary for purposes of maintaining the integrity and effective operation of the University's Email System.

#### B. Permissible Uses of Email Systems

Authorized users are only University faculty, staff, students, and other persons who have received accounts through Information Management. Account names will have the format of [firstname.mi.lastname@jsu.edu](mailto:firstname.mi.lastname@jsu.edu) or [firstname.lastname@jsu.edu](mailto:firstname.lastname@jsu.edu) if no middle initial.

The use of any University resources for email must be related to University business and/or academic pursuits. Incidental and occasional personal use of email may occur when such use does not generate a direct cost for the University. The use of University Email Systems resources is subject to the provisions of this policy.

## C. Prohibited Uses of email

### Prohibited Purposes

- a) Personal use that creates a direct cost for the University is prohibited.
- b) The University's email system resources shall not be used for personal monetary gain or for commercial purposes that are not directly related to the University.
- c) Sending copies of documents in violation of copyright laws.
- d) Inclusion of the work of others in email communications in violation of copyright laws.
- e) Capture and "opening" of email except as required in order for authorized employees to diagnose and correct delivery problems.
- f) Use of email to harass or intimidate others or to interfere with the ability of others to conduct University business.
- g) Use of email or email systems for any purpose restricted or prohibited by laws or regulations.
- h) "Spoofing," i.e. constructing an email communication so it appears to be from someone else.
- i) Attempting unauthorized access to email, attempting to breach any security measures on any email system, or attempting to intercept an email transmissions without proper authorization.

### 5.5.3 Digital and Electronic Copyright Infringement Policy (DECIP)

Copying, downloading, storing, displaying, or distributing copyrighted material using University systems or networks without the express permission of the copyright owner, except as otherwise allowed under the copyright law, is prohibited. Under the Federal Digital Millennium Copyright Act of 1998, repeat infringements of copyright by a user can result in termination of the user's access to University systems and networks, and further prosecution as is warranted by state and Federal Laws and the Federal Digital Millennium Copyright Act of 1998.

The Higher Education Opportunity Act (34 C.F.R. Section 668) by the United States Congress and signed into law on August 14, 2008, requires educational institutions to be proactive in the prevention of illegal downloading and copyright infringement. The following is Jackson State University's policy regarding illegal peer-to-peer file sharing.

It is the policy of Jackson State University (JSU) that any illegal peer-to-peer file sharing ( for example: Bear Share, Limewire, WinMX, etc.) over the University's network is prohibited. All users who access the Jackson State University network acknowledge that they are aware of and agree to this and all University policies.

### DEFINITIONS

College/Unit Policy Officer: A person with responsibility for issues having broad-based policy implications for students, faculty, and staff in the college/unit; an Associate Dean or similar position.

Copyright law: The Copyright Law of the United States of America contained in Title 17 of the United States Code (U.S.C) is available at <http://lcweb.loc.gov/copyright/title17/> and protects "original works of authorship fixed in a tangible medium of expression" for a limited period (17 U.S.C. §102). Copyright protection includes, for instance, the legally secured right to publish and sell the substance and form of a literary, artistic, or musical work. The federal copyright statute governs the reproduction of works of authorship. In general, works

governed by copyright law include such traditional works of authorship as books, photographs, music, drama, video and sculpture, and also software, multimedia, and databases. Copyrighted works are protected regardless of the medium in which they are created or reproduced; thus, copyright extends to digital works and works transformed into a digital format.

Copyright Infringement: Copying, storing, displaying, or distributing copyrighted material using University systems or networks without the express permission of the copyright owner, except as otherwise allowed under the copyright law, is prohibited. Under the Federal Digital Millennium Copyright Act of 1998, repeat infringements of copyright by a user can result in termination of the user's access to University systems and networks, and further prosecution as is warranted by state and Federal Laws and the Federal Digital Millennium Copyright Act of 1998.

Electronic Communications: The use of computers and network systems in the communicating or posting of information or material by way of electronic mail, bulletin boards, or other such electronic tools.

Illegal Downloads: To transfer files or data from one computer to another without the permission of the copyright owner

Network Systems: Includes voice, video and data networks, switches, routers, wireless devices, and storage devices.

Peer to Peer File Sharing: Allows internet users to transfer digital files directly from computer to computer

System or Network Administrator: A university employee responsible for managing the operation or operating system environments of computers or network systems, respectively.

University Computers and Network Systems (University Systems): Computers, networks, servers, and other similar devices that are administered by the university and for which the university is responsible. Throughout this policy, the shortened term "university systems" is used to mean all university computers and network systems.

## **PROCEDURES and RESPONSIBILITIES**

The distribution of copyrighted materials over the Internet for which the distributor does not have permission is a violation of the Digital Millennium Copyright Act of 1998 ("DMCA"). Most of the music, games or videos downloaded through file-sharing programs lack permission of the copyright owner.

Jackson State University receives notices of copyright infringement under the DMCA. These notices come from software or entertainment industries that focus their Internet scans for specific games, songs or videos. To alleviate its potential liability, Jackson State University must respond to these notices expeditiously and will take the following steps:

1. Upon receipt of notification, the Department of Computing and Communications (DCC) must identify the source of the complaint.
2. The DCC must confirm a cease and desist action and/or request to the copyright agent.
3. The DCC must disable the IP address from which the complaint originated.

4. The Department of Computing and Communications and the respective department head will meet with the party to explain the complaint and advise on how to remove the copyrighted material from the involved machine(s).
5. Once the information has been removed, The Department of Computing and Communications will be authorized to re-enable the IP address.
6. If the individual ignores the request, access will not be restored until proof can be furnished that the copyrighted material no longer exists on the individual's computer or associated devices.
7. On the second violation, the party risks having its access to the University Email System and resources permanently disabled.
8. Appeals: Individuals may appeal findings or rulings to the appropriate designated personnel (See Section A and B of this policy on Repeat Infringes and Due Process and Appeals).

### **Legal Alternatives for Downloading**

The following legal alternatives for downloading materials from the Internet are available. Jackson State University does not endorse any specific commercial product and endorses the sites below only that they provide legal alternatives for downloading music, movies, and books.

- <http://www.educause.edu/legalcontent>
- The RIAA provides a list of many [legal music alternatives](#). Some of those options include iTunes, Amazon, Rhapsody, etc.
- The MPAA provides a list of many [legal movie and television alternatives](#).
- Legal Alternatives for Downloading Books include [www.amazon.com](http://www.amazon.com) and [www.ebooks.com](http://www.ebooks.com)
- Legal Alternatives for Downloading Software include [C-Net's Download.com](#) and [Tucows Freeware & Shareware](#)

### **Federal and State Penalties**

- Federal Law provides severe civil and criminal penalties for the unauthorized reproduction, distribution, rental or digital transmission of copyrighted sound recordings (Title 17, United States Code, Sections 501 and 506). Code available at <http://lcweb.loc.gov/copyright/title17/>. Criminal penalties for first-time offenders can be as high as five years in prison and \$250,000 in fines.
- Civil penalties can run into many thousands of dollars in damages and legal fees. The minimum penalty is \$750 per item (song, video, etc).
- The "No Electronic Theft Law" (NET Act) is similar on copyright violations that involve digital recordings. Congress enacted the No Electronic Theft (NET) Act in 1997 to facilitate prosecution of copyright violation on the Internet. The NET Act makes it a federal crime to reproduce, distribute, or share copies of electronic copyrighted works such as songs, movies, games, or software programs, even if the person copying or distributing the material acts without commercial purpose and/or receives no private financial gain. Prior to this law being passed, people who intentionally distributed copied software over the Internet did not face criminal penalties if they did not profit from their actions. Electronic copyright infringement carries a maximum penalty of three years in prison and a \$250,000 fine.

**Mississippi Code:**

The Mississippi Code [http://www.sos.state.ms.us/ed\\_pubs/MSCode/](http://www.sos.state.ms.us/ed_pubs/MSCode/)

**Violations:**

Violations of these policies may result in the immediate suspension of computer account and network access pending investigation of circumstances and may lead to their eventual revocation. Serious violations of the policy will be referred directly to the appropriate University or outside authorities. Unauthorized use of University computing facilities can be a criminal offense. The penalties may be as severe as suspension or dismissal from the University and/or criminal prosecution.

Violators of this policy will be dealt with according to the details outlined in the University's Digital and Electronic Copyright Infringement Policy and the Information and Data Security and Email Systems Policy. Those who cannot accept these standards of behavior will be denied use of JSU's computers or network systems. Violators may also be subject to penalties under University regulations and under state and federal laws.

**A. Repeat Infringes**

Jackson State University will terminate all network access for anyone who repeatedly infringes on the rights of copyright holders. Access may also be terminated where the University reasonably believes significant infringement has occurred.

- **For Students:** Upon a second notification of infringement, students' network access will be suspended and the matter will be referred to the Associate Dean of Student Development and Judicial Services. At the discretion of Jackson State University's Judicial Services, civil and criminal charges may be brought against the student. (Please see Appendix A: Academic Policies-Academic Dishonesty: Unauthorized/Illegal Web Use, pg. 20 of the Jackson State University Student Handbook 2008-2009, and as amended).
- **For Faculty/Staff:** Upon a second notification, the appropriate senior officer of the college or department will determine the action to be taken.
- **For Guest/Other Prospective Users:** Please see the policy 5.5.3, Digital and Electronic Copyright Infringement.

**B. Due Process and Appeals**

A person who has allegedly violated this policy shall not suffer any permanent adverse action until being given the opportunity to present information to the appropriate decision maker or committee. This opportunity to be heard shall be considered an appeal of any temporary action. The alleged violator shall have fourteen (14) days from his/her notification of the specific accusation or activity in order to exercise this due process provision. Requests for the due process procedure shall be in writing (with a copy) and forwarded to the Department of Computing & Communications according to the following:

- for students, the Associate Dean of Student Development and Judicial Services;
- for staff, the Executive Director of Human Resources;
- for faculty, the Provost;
- for contractors/vendors, the Vice President for Business and Finance.

The preceding decision maker may delegate these responsibilities to another person or committee, so long as a meaningful opportunity to be heard is provided the accused.

### C. Who to Contact

If you have a concern about the use of copyrighted material on the University network or domain, please contact the agent designated to respond to reports alleging copyright infringement.

### Designated Agent

The designated agent for the University to receive notification of claimed infringement under Title II of the DMCA is the Department of Computing & Communications, Voice: 601.979.2005 ~ Fax: 601.979.0425 ~ Email:occc@jsums.edu

### D. DECIP Electronic Acknowledgment Form

These guidelines are intended to explain the policies and procedures that Jackson State University (JSU) follows in responding to notifications of alleged copyright infringements on the University network. This policy applies to all users of University facilities and services, including employees (faculty and staff), students, guests, contractors, and other prospective users. **All users of University technology must electronically acknowledge that they are aware of and agree to this policy by completing the "Electronic Acknowledgement Form" and forwarding the original completed form to the following:**

Department of Computing and Communications  
Jackson State University  
Post Office Box 17039  
Jackson, MS 39217-0139  
Voice: 601.979.2005 ~ Fax: 601.979.0425

#### Overview of Digital and Electronic Copyright Infringement Policy

Copying, downloading, storing, displaying, or distributing copyrighted material using University systems or networks without the express permission of the copyright owner, except as otherwise allowed under the copyright law, is prohibited. Under the Federal Digital Millennium Copyright Act of 1998, repeat infringements of copyright by a user can result in termination of the user's access to University systems and networks, and further prosecution as is warranted by state and Federal Laws and the Federal Digital Millennium Copyright Act of 1998.

The Higher Education Opportunity Act (34 C.F.R. Section 668) by the United States Congress and signed into law by on August 14, 2008, requires the educational institutions be proactive in the prevention of illegal downloading and copyright infringement. The following is Jackson State University's policy regarding illegal peer-to-peer file sharing.

It is the policy of Jackson State University that any illegal peer-to-peer file sharing over the University's network is prohibited. All users who access the Jackson State University network acknowledge that they are aware of and agree to this and all University policies.

By signing this, you have indicated you have read and understand all the terms and conditions set forth above.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Today's Date: \_\_\_\_\_

J-number: \_\_\_\_\_

## **5.6 PUBLIC RECORDS**

The University Department of Purchasing and Travel adopts the public records policy published in the Bylaws of the Mississippi Institutions of Higher Learning. Public records requests must be in writing and specify the documents requested and such requests should be forwarded to the General Counsel which will facilitate a timely response. University personnel receiving such requests should immediately forward them to the General Counsel Office. Requests will be responded to within 14 days, unless objected to and so long as actual costs for complying with the requests are paid by the requester prior to receipt of the documents. Questions regarding public records requests should be directed to the General Counsel.

## **5.7 POLICY ON POLICIES AND POLICY-MAKING AUTHORITY**

### **5.7.1 Purpose of Policy**

The purpose of this policy is to notify University administration, faculty, staff, students, and the community in general on how Jackson State University adopts, approves, revises, and periodically reviews the various University policies. It defines the delegation of policy making authority without intending to erode the ability of supervisors to establish employee duties or direct daily tasks, so long as such directive does not conflict with an approved policy.

### **5.7.2 Policy Making Authority**

The President has the authority and responsibility to approve and, when appropriate, recommend institutional policies to the Board of Trustees for the Mississippi Institutions of Higher Learning ("IHL") for approval. See IHL Bylaw 301.0703 and 301.0801. So long as a policy is not contrary to an IHL Bylaw and its approval complies with this Policy, the President or administrators with written policy-making authority from the President may establish University policy.

### **5.7.3 Organizational Responsibility**

#### **5.7.3.1 President**

The President is responsible for approving institutional policy and for delegating policy-making authority, when appropriate, to other administrators by written correspondences, a copy of which shall be maintained in the President's files and a copy forwarded to the General Counsel. The President may revoke a delegation of policy-making authority, or disapprove any institutional policy at any time. Delegations of policy-making authority should explicitly limit the authority granted to areas affected or by subject matter. The President shall also notify the Vice Presidents and Provost of any new or amended policies relevant to their responsibilities as soon as possible. Policies implemented through delegated authority may not be contrary to any policy approved by the President directly. A University-wide policy that affects multiple areas of the University under the supervision of different Cabinet members must be approved by the President to ensure policies are consistent.



### **5.7.3.2 Executive Cabinet**

The Cabinet members are responsible for the implementation and enforcement of policy for areas and individuals immediately under their jurisdiction. The Vice Presidents and Provost are also responsible for reviewing and editing the administrative elements of proposed policies which affect their areas. Vice Presidents and the Provost may, by written document with a copy to the President and General Counsel, sub-delegate policy-making authority to Associate Vice Presidents when responsibility for such policy was within the Vice President's or Provost's delegated authority.

### **5.7.3.3 Deans and Directors**

The Deans and Directors are responsible for educating chairs and supervisors in each department under them about policy changes, and for ensuring that policies are followed. Additionally, Deans and Directors shall draft, propose, and make recommendations regarding policy which affects their department.

### **5.7.3.4 General Counsel**

Proposed policies or amendments shall be reviewed for legal compliance by the General Counsel, or designee(s) authorized by the General Counsel. The General Counsel shall be responsible for advising the Cabinet members in connection with recommending edits or changes to policy language. The General Counsel or authorized designee will sign all policies which meet legal approval.

### **5.7.3.5 Non-Administrative Employees**

Any employee with suggestions on how to improve current policy, or who believes a new policy would benefit the University, is encouraged to discuss their ideas with their supervisor.

## **5.7.4 Procedure for Policy Approval, Review, Archiving, and Format**

Ideas for new policies or revisions to existing policies may be recommended by any JSU employee, student, alumnus, or organization (i.e. senates, committees, departments, councils, boards, clubs).

### **5.7.4.1 Approval Process for New or Revised Policies**

- A.** Cabinet members are ultimately accountable for the drafting, updating, and implementing of policy affecting their areas. A Cabinet member, or his/her designee, reviews the final drafts of proposed policies under their purview as well as the reasons for the policy. The Cabinet member should inform other Cabinet members of proposed new policies or policy changes prior to approval where the policy could potentially affect other areas.
- B.** The Cabinet member is encouraged to seek input from appropriate personnel, including subject matter experts, frequent users of the policy, representatives of groups affected by the policy, and other senior leadership. The Cabinet member may implement methods for soliciting comments or suggestions from affected individuals.
- C.** The General Counsel, or authorized designee, must approve the legal terms of the policy, and such approval shall be indicated by attorney signature on the drafted policy.

- D. The appropriate administrator with policy-making authority signs and dates the policy.
- E. The policy-making administrator forwards a copy of the signed policy to the Policy Archivist, who will upload the policy into a searchable online database.

#### **5.7.4.2 Publicizing a Policy**

Once a policy is approved, the Cabinet members communicate it to those individuals who will implement the policy and ensures that those affected by the policy are notified within a reasonable time.

The policy is placed among the approved policies of the University in an online database, which shall be accessible through a quick link from the JSU homepage at [mmv.jsu.edu](http://mmv.jsu.edu), as well as through other locations. Maintaining current policies online will be a shared responsibility of each Vice President/Provost and the Policy Archivist, although the areas of Information Technology and Information Systems and Integration will provide technical assistance. The Vice Presidents and Provost shall also keep a hardcopy of all current policies which govern his or her organizational areas.

#### **5.7.4.3 Systematic Review of Policies**

All policies are required to be reviewed at least once every three years by the administrator responsible for the policy (or their designee) and revised as necessary. Changes or revisions to policies will be treated as new policies in that they require documented administrative and legal approval. All revised or edited policies shall state within its provisions that the policy supersedes any earlier policy on the specific issue or function, as the case may be. If a related policy is not to be superseded, the new policy should exempt that policy specifically or clearly state the circumstances in which each policy should apply.

#### **5.7.4.4 Archiving Policies**

When policies are revised or rescinded, the responsible administrator or designee shall maintain a file containing the retired policy versions in accordance with the University, IHL, and state records retention policies. Generally, retired policies should be kept for three (3) years after becoming non-effective, unless a policy, statute, or administrative directive states otherwise.

Each Vice President/Provost shall assign an individual or limited number of individuals under their area(s) the responsibility for being the policy custodian for policies affecting his or her areas. A copy of each signed policy (or book of policies if approved together) must be forwarded to the Division of General Counsel to an individual designated as the University's Policy Archivist. This policy management and uploading function may be assigned to a different unit or units at the direction of the President, in which case another individual or other individuals must assume this role. In addition to a copy of the signed policy, a copy of the policy in Microsoft Word format and a memorandum with the following information must be provided to the University Policy Archivist:

- (i) Policy name;
- (ii) Effective date;
- (iii) Responsible office;

- (iv) Administrative division;
- (v) People affected;
- (vi) Purpose of the policy or Policy Statement;
- (vii) External approval (if not required, put NIA; if required put date of approval);
- (viii) Revision history (date of revisions, if known and applicable);
- (ix) Related external policies/statutes/resources (if known); and
- (x) Related University policies (if known).

#### **5.7.4.5 Standard Policy Format**

Policies shall contain the header block, sections, and signature block as defined below:

- A. Header Block. The header block of the Policy contains the University policy logo and the name of the policy.
- B. Sections. These sections will contain the substantive and/or procedural requirements that the policy is setting forth. Each policy should contain a brief policy statement or purpose provision. The preferred, but not required, numbering system is the style used in this Policy (e.g., 1, 1.1, 1.2, 2,2.1...).
- C. Signature Block. The signature block is signed and dated by the individual with policy-making authority. A signature indicating that the legal terms have been approved must be included in this section.
- D. Footer. The University Policy Archivist will input information into the footer of a policy or as an appendix to a policy book, which contains the effective date of the policy and an assigned policy number.

#### **5.7.5 Delegation of Policy Revocation Authority**

If there appears to be a significant issue with a policy, the policy may need to be revoked or modified. The authority to revoke, disapprove, or edit a policy exists within the recipient of the delegation of policy-making authority as described elsewhere in this Policy. However, when rescinding or supplanting a policy, the area Vice President or Provost must be informed, and he or she will notify Cabinet of any significant modifications. Those with policy-making authority must discuss all substantial policy changes with the President prior to granting approval, even where policy-making approval was already properly delegated by the President. The President retains authority to disapprove or modify any University policy at any time.

To revoke a policy, a memorandum from the administrator with policy authority over the specific policy should be forwarded to the University Policy Archivist. The memorandum should state the effective date of revocation so that the policy may be timely removed from the online database.

#### **5.7.6 Conflicts Between Policies**

In the event of a conflict between any policies, the President has the authority to resolve the conflict, and such resolution shall, within a reasonable time, result in a revision to one or both of the policies in conflict.

# STAFF HANDBOOK SECTION VI

## General Policies



Jackson State University is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, disability status, protected veteran status, or any other characteristic protected by law.

## 6.1 CONFIDENTIALITY POLICY

Jackson State University takes seriously the confidential nature of non-public information regarding its employees, students, patients, donors, and other members of the Jackson State University community. Jackson State University authorizes access to employee, student, patient, or donor written or electronic information to the extent that is necessary to carry out job responsibilities.

The University maintains an Access and Confidentiality Policy to provide clear limitations and guidelines as to who may access employee, student, patient, or donor information and the consequences for the unauthorized use of such information. Every individual with access to confidential information will be required to sign a confidentiality and nondisclosure agreement.

Please contact the Department of Human Resources or the Division of Business and Finance for a complete copy of this policy.

## 6.2 CONFLICT OF INTEREST POLICY

Ethics laws, including those relating to conflicts of interest, are governed by state statute, the state Ethics Commission, and internally by the University. See Mississippi Code § 25-4105 and Section 109 of the Mississippi Constitution. Whether a policy or procedure explicitly proscribes against conflicts of interests or not, it is implied in all University policies that conflicts of interest must be avoided.

For purposes of fairness and in order to comply with University and Mississippi requirements, all personnel must proactively avoid conflicts of interest as well as the appearance of a conflict of interest. Should a real or apparent conflict of interest arise, the employee must recuse himself or herself, or otherwise act to remedy the conflict, or the University may take such action to remove the actual or appearance of impropriety.

It is the University's policy that all state ethical laws be strictly followed. As interpreted by Mississippi law, it is a breach of ethical standards and prohibited for an employee to use his position at the University to obtain any sort of financial gain for himself or a family member other than the employee's compensation. Immediate family members under this policy are defined as parents or legal guardians (includes spouse), brother, sister, child/step-child, spouse, significant other(s), employee's paternal and maternal grandparents (includes spouse), grandchildren, step-parents (includes spouse), aunt and uncle.

A conflict of interest may include but is not limited to an employee's participation directly or indirectly in procurement when:

- a) The employee or any immediate member of the employee's family has a financial interest pertaining to the procurement;
- b) A business organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement;

- c) Any other person, business, or organization is involved in the procurement with which an employee or any member of an employee's immediate family is negotiating or has an arrangement concerning prospective employment.

An individual with an existing employment relationship with the University shall not be permitted to enter a separate contract for payment with the University. This prohibition does not include renewals of existing employment contracts, but does prevent contracts for additional services for additional payments as well as contracts with business entities or companies in which a University employee is a substantial member. Under some circumstances, an employee's relative may benefit from a contract with the University if the employee does not have direct or indirect control over the contract.

Contracts, which violate the state conflicts of interest laws, may be declared void, and may also subject an individual to punitive fines as well as other disciplinary action. Violating state ethics laws may also result in criminal prosecution, and payments due under such contracts may be forfeited. All University contracts should contain a provision, which references in essence that the contract may be void and unenforceable if a conflict of interest exists.

For further information, please consult the Mississippi Code of 1972, Annotated, Sections 25-4-101 *et seq.*, Section 1200 of the Policies and Bylaws of the Board of Trustees for Institutions of Higher Learning, or Mississippi Ethics Commission opinions.

## 6.3 POLICY AGAINST SEXUAL HARASSMENT AND GENDER DISCRIMINATION

### COVERAGE

This Policy is applicable to University employees, students, or other individuals participating in University programs, activities, and contracts.

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### 6.3.1 Policy Statement

THIS POLICY IS APPLICABLE TO SEXUAL HARASSMENT IN EMPLOYMENT AND TO BOTH SEXUAL HARASSMENT AND OTHER GENDER-BASED DISCRIMINATION IN EDUCATIONAL PROGRAMS AND ACTIVITIES.

It is the policy of Jackson State University not to discriminate against any person on the basis of race, color, national origin, sex, age, or discrimination, or disability gender in violation of any applicable law, such as Title VII of the Civil Rights Act of 1964 (42 U.S.C. Section 2000e), and Title IX of the Education Amendments of 1972, as well as, implementing regulations 34 C.F.R. Part 106. It will be the duty and responsibility of the Equal EEO/AA Compliance Officer in the Department of Human Resources to implement this Policy, ensure that all employees are adequately trained, or otherwise made aware of their responsibilities under this Policy.

It is the Policy of the University not to discriminate on the basis of gender in the educational programs and activities that it operates. This prohibition of gender-based discrimination extends to all University and educational programs, activities (including athletics), and the admission into such programs and activities.

Harassment of employees or students based upon sex violates equal employment and academic opportunity. Sexual harassment is illegal and will not be tolerated by the University or any members of its community. Any employee or student who violates this Policy will be subject to disciplinary action and possible separation or expulsion from the University.

Members of the University Community who believe that this Policy has been violated are strongly encouraged to report allegations of sexual harassment as promptly as possible to the Equal Employment/ Affirmative Action Compliance Officer (EEO/AA) in the Department of Human Resources.

While it is the responsibility of the University to disseminate this Policy, it is the responsibility of each member of the University Community to read the Policy and become familiar with its provisions. Moreover, failure to follow the procedures set forth in this Policy may inhibit or prevent the University from properly investigation and taking remedial action of an alleged sexual harassment or gender discrimination incident. Therefore, if an alleged victim fails to follow such procedure he/she may be left without a remedy under this Policy.

Every written complaint of sexual harassment submitted to the University (EEO/AA Compliance Officer) in accordance with this Policy will be reviewed and investigated as promptly as possible. The submission of false or frivolous claims will result in the immediate consideration of disciplinary consideration for any party and possible termination for employees. In the case of a student who violates this Policy, he/she may face disciplinary action, as well as, suspension or expulsion. Additionally, in any legal action precipitated by a violation of this policy where the University and a member of the University Community are named as "co-defendants," the University may refuse to defend any co-defendant who is responsible for that violation.

The University's Department of Human Resources is primarily responsible for implementing this policy for University employees who are of non-academic rank and for ensuring that all employees are adequately trained or otherwise made aware of their responsibilities under this Policy.

The Provost/Vice President for Academic Affairs is primarily responsible for implementing this Policy for University students and employees who are of academic rank named as offenders in pursuant to this Policy,



and also for ensuring that all such persons are adequately trained or otherwise made aware of their responsibilities under this Policy.

### **6.3.2 Definitions and Examples**

#### **A. To Whom This Policy Applies**

This Policy applies to all members of the University Community. The actions proscribed by this Policy are also applicable to all individuals who are on University premises or on any other property where the University conducts its business. If such an individual commits an act in violation of this Policy, the University will take appropriate remedial measures under the circumstances to sanction the offender, to mitigate against the potential for recurrence, and to discipline any member of the University Community who may have participated in such conduct or may have failed to stop such conduct when he or she had the authority to do so.

#### **B. Sexual Harassment**

With respect to University employees as well as academic programs and activities, the term "sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational standing;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or as the basis for participation in a University program or activity, or status in an academic course; or
3. Such conduct is so pervasive or severe that it has the purpose or effect of unreasonably interfering with an individual's work performance or educational opportunity so as to create an intimidating, hostile, or offensive environment.

In determining whether alleged conduct constitutes sexual harassment, the University will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. A determination of the appropriateness of a particular action will be made from the facts on a case-by-case basis.

#### **C. Employment**

For purposes of this Policy, "employment" shall mean hired for compensation. In that every University employee is specifically prohibited from engaging in acts which constitute sexual harassment or gender discrimination, any such misconduct is outside the scope of employment duties. This Policy extends beyond "employment" into educational programs and activities, as well as to independent contractors or vendors to the extent the University has any authority or influence over such non-University persons or entities.

#### **D. Educational Programs and Activities**

“Educational programs and activities” include all of the University’s programs and activities that relate directly to the process of education, teaching, mentoring, coaching, recruiting, or other programs and activities directly related to the education of students, development of athletes, performance of research, or extension of library resources.

#### **E. Gender Discrimination**

It is the policy of the University to prohibit discrimination based on gender. Except as permitted by law, no person shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity operated by the University. Specifically, in providing any aid, benefit, or service to a student, the University shall not, on the basis of gender:

1. treat one person differently from another in determining the provision of such aid, benefit, or service;
2. deny any person any such aid, benefit, or service;
3. subject any person to separate or different rules of behavior, sanctions, or other treatment;
4. otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity provided by the University.

#### **F. Consensual Relationships (In Specified Contexts)**

Any romantic or sexual relationship between individuals where one party possesses direct academic, administrative, supervisory, evaluative, counseling, or extracurricular authority over the other party presents ethical and administrative problems. Inherent in these types of consensual relationships exist the potential for conflicts of interest, exploitation, favoritism, harassment, and bias. Furthermore, such relationships may undermine the real or perceived integrity and trust necessary for a beneficial academic or employment environment. Faculty or staff members shall not have romantic or sexual relationships with individuals who they currently have the responsibility for the evaluating, directly supervising, or teaching. The purpose of this policy is to protect students, employees, the University, and the integrity of the system.

Violations of this prohibition will lead to disciplinary action, up to and possibly including termination from the University.

### **6.3.3 Rights of the Parties**

#### **A. Rights of the Complaining Party**

Any member of the University Community who believes that he or she has been subjected to sexual harassment or gender discrimination in violation of this Policy is urged to promptly (as soon as possible but not later than 30 days) pursue the matter and to file a complaint in accordance with the procedures described in this Policy. Any employee who reprimands, retaliates against, or discriminates against a person in any way for initiating an inquiry or complaint in good faith shall be subject to disciplinary action up to and including separation from the University. Retaliation against a complainant for making a good faith complaint is strictly prohibited.

**B. Declination to Defend or Indemnify**

The University will not defend or indemnify any member of the University Community in any legal proceeding or other similar action alleging sexual harassment if the University General Counsel determines that such member violated this Policy and may have acted either (1) in bad faith, or (2) in a manner adverse to the best interest of the University. If defense is provided and a court later determines that misconduct in fact occurred, the University or the State of Mississippi may seek reimbursement for the cost of any defense provided.

**C. Rights of the Alleged Subject/Respondent**

A person against whom a complaint is lodged shall be presumed innocent of that charge unless and until there is a final administrative finding of culpability or a stipulated admission to the charge by that person.

**6.3.4 Procedures for Resolving Sexual Harassment and Gender Discrimination Complaints**

**A. Persons to Contact**

All complaints of sexual harassment or gender discrimination must be submitted to the University's Executive Director of Human Resources. For resolution in accordance with these procedures, within five (5) business days of receipt of complaints of sexual harassment, the Executive Director of Human Resources shall submit to: (1) the Vice President of Academic Affairs all complaints whereby the alleged offender(s) holds academic rank; (2) the Vice President for Business and Finance all complaints allegedly committed by an agent(s) or employee(s) of vendors, independent contractors, or others who do business with the University, or by any other non-employee; and (3) the Vice President for Student Life should review all complaints allegedly committed by a student of the University. For resolution in accordance with these procedures, the Executive Director of Human Resources shall retain a copy of all written complaints of sexual harassment, even where the original complaint has been forwarded to a different divisional authority.

Student complaints of sexual harassment or gender-based discrimination by students in educational programs or activities should be brought to the attention of the Vice President for Student Life.

Designees may be appointed for varying terms by the Executive Director of Human Resources, Vice President for Academic Affairs, the Vice President for Student Life, or the Vice President of Business and Finance after consultation with the appropriate Vice President responsible for the supervision of the unit that employs the Designee.

Employees are encouraged to consult with the Executive Director of Human Resources if they have any questions regarding this Policy, including but not limited to, the appropriateness of filing a complaint. The Executive Director of Human Resources, as appropriate, may attempt to resolve the issues prior to the filing of a complaint by the employee.

If a Vice President, the Senior Advisor to the President or General Counsel is the subject of a complaint, the complaint shall be filed with the President. With respect to such complaints, the President or his/her authorized Designee shall determine the most appropriate manner to investigate and resolve the complaint consistent with the remaining provisions of this Policy.

## **B. Required Information**

A complaint must be in writing and include the name(s), date(s), time(s), description of specific incident(s), and any other information on which the complaint is based. The complainant must sign the complaint and if determined necessary by the University in order to resolve the complaint be willing to be identified to witnesses and to the person against whom the complaint is directed. Anonymous complaints, like untimely complaints, will still be investigated within the University's discretion, but not necessarily pursuant to this policy.

## **C. Time of Filing**

A complaint must be filed within 30 calendar days following the date of the alleged misconduct. If, however, an individual reasonably believes that he or she may be the subject of an adverse personnel action in violation of this Policy, a timely complaint must be filed within 30 calendar days after the employee received actual knowledge that the adverse action would be taken, or within 30 days after the effective date of such adverse action, whichever is earlier. For the purposes of this paragraph, the term "adverse action" shall include the failure to hire, firing, the failure to promote, demotion, and all forms of disciplinary action.

## **D. Interim Remedial Action**

Promptly upon notification of a complaint, the Executive Director of Human Resources or the assigned Designee will discuss with the complainant the nature of the complaint and will determine whether interim remedial measures should be taken to alleviate problems or conflicts pending an investigation and resolution. Such measures may involve either the complainant or the accused (the "subject") and may include a transfer, reassignment of duties or reporting requirements, mandatory administrative leave with pay, or other appropriate measures. Such measures shall not be considered disciplinary action against any person and may only be taken with the concurrence of the Senior Advisor to the President and Executive Director of Human Resources after consultation with the General Counsel. Additionally, transfers made pursuant to these policies and procedures are not subject to the University's Transfer Policy.

Promptly upon the filing of a complaint by a student, the Dean of the College shall notify the Vice President for Student Life, and shall discuss the complaint with the complainant. Promptly thereafter, the Dean and Vice President for Student Life shall consult with the Vice President of Academic Affairs. If the alleged offender is a University employee, the Vice President of Academic Affairs shall promptly confer with the Senior Advisor to the President, Executive Director of Human Resources, and General Counsel to determine whether interim remedial measures should be taken to alleviate problems or conflicts pending an investigation and resolution. Such measures may involve either the complainant or the subject and may include class reassignments, a transfer from teaching to administrative, research, or other non-teaching duties, administrative leave (with pay), or excusable absences from class and/or class assignments. Such measures, however, shall not be considered disciplinary action against any person and may only be taken with the concurrence of the Vice President of Academic Affairs, after consultation with the General Counsel.

## **E. Investigation**

The Executive Director of Human Resources will conduct and manage the investigations of all sexual harassment and gender discrimination complaints regarding non-academic employee-related issues. The Vice President of Academic Affairs will conduct investigations of all sexual harassment or discrimination complaints involving employees of academic rank. The Vice President for Student Life will conduct investigations into complaints where misconduct was alleged to have been attributable to a student. Alleged misconduct of persons who are neither employees nor students will be investigated by the Vice President for Business and Finance.

At the election of the Executive Director of Human Resources, the Vice President of Academic Affairs, the Vice President for Student Life, or the Vice President of Business and Finance, as appropriate, the investigation may be delegated to an appropriate Designee. No Designee, however, shall be permitted to investigate any matter or consult with any potential complainant without first receiving training of a type and duration specified by the Executive Director of Human Resources. Such training shall be completed within 30 days after the selection of the Designee, if such Designee did not have prior training.

With the concurrence of the General Counsel, an investigation may be delegated to an outside law firm or consultant. If a consultant or law firm is used to conduct an investigation, it will be selected by the Executive Director of Human Resources or Vice President of Academic Affairs, as appropriate, and its Report of Investigation may be disclosed only to the extent authorized by the Executive Director of Human Resources or Vice President of Academic Affairs, as appropriate, as well as the Sr. Advisor to the President and General Counsel.

#### **F. Methods of Investigation**

The conduct of investigations must include an interview of the complainant and alleged offender and may include one or more of the following fact-finding methods:

1. Review of all relevant documents, including but not limited to, employment applications, performance reviews, and records of any past disciplinary action;
2. Interviews of co-workers, supervisors, and any other person who may have knowledge or information relevant to the allegations in the complaint; and
3. Letters of inquiry by the investigator to those persons described in (2) above.

#### **G. Notice to Subject**

Within ten (10) business days of receipt of the written complaint, the subject of the investigation must be informed in writing by the appropriate authority of the charges contained in the complaint and shall have the right to, within a reasonable period of time (as determined by the authority stated below in this paragraph), submit a written response to those charges. The written response shall be submitted as follows: (1) for those with non-academic rank to the Executive Director of Human Resources; (2) for those with academic rank to the Vice President of Academic Affairs; (3) for students to the Vice President for Student Life; and (4) for those who are agent(s) or employee(s) of vendors, independent contractors, or others who do business with the University the written response shall be submitted to the Vice President for Business and Finance. If the investigation has been delegated to a Designee, responses should be submitted to the Designee.

#### **H. Confidentiality**

Because of the sensitivity of the information involved, any documents pertaining to sexual harassment cases and any resulting disciplinary action will be transferred to and maintained in confidential files under the supervision of the Equal Employment Opportunity/Affirmative Action Officer.

To the fullest extent practicable and consistent with the University's need to investigate and take corrective action, complaints of sexual harassment will be processed confidentially. However, the name of the complainant may be revealed, as well as all alleged material circumstances, if the University determines that such action is necessary to resolve the complaint.

### **I. Resolution**

Upon the conclusion of an investigation involving employees, a Report of Investigation shall be prepared and forwarded by the person responsible for the Investigation to the appropriate Vice President or other appropriate authority ("decisional authority") with supervisory responsibility over the organizational unit where the subject is employed or where the subject participates in a University activity, unless the person who prepared the Report is the same as the person with decisional authority. The Report shall contain a brief description of the complaint, a statement of the methodology used to investigate the complaint, findings of material fact, and an opinion of the investigator as to whether the allegations of the complaint are sustained by the facts. For allegations against staff employees, the decisional authority, after consultation with the Executive Director of Human Resources, Chief of Staff, and the General Counsel, shall meet with the complainant and the subject of the investigation (either separately or together) to implement remedial measures as may be appropriate under the circumstances. If the remedial measures recommended by the University are satisfactory to both parties, the matter is considered resolved. If not, either party may elect to submit the matter to the Sexual Harassment and Gender Discrimination Grievance Committee ("Committee") (See 6.3.5 Section A&B on the next page for more detail). The request for a grievance hearing may be made by any aggrieved party, but such request must be made within 30 calendar days of notice to the parties of the University's proposed remedial measures or notice that remedial measures were not proposed.

### **J. Notification**

In the event that allegations of sexual harassment or gender discrimination are proven to have probably occurred (a more-likely-than-not standard of proof), the decisional authority responsible for reviewing the Report of Investigation shall: (a) notify the subject of investigation of the findings and of the remedial action taken or to be taken; and (b) notify the complaining party that the allegations have been sustained and that appropriate remedial action has been or will be taken. The complainant shall be informed of the nature of such action only in the event that the remedial action may affect the terms and conditions of the complainant's employment.

In the event that the allegations are not believed to be sexual harassment or gender discrimination, the decisional authority will so notify the complainant and the subject.

### **K. Possible Sanctions**

Possible sanctions for a person found guilty of behavior in violation of this policy include but are not limited to the following:

1. oral or written warning and reprimand placed in personnel file;
2. required attendance at a training or counseling program;
3. loss of salary or benefit, such as sabbatical, travel funding transfer, change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim), fine, demotion, suspension, probation, termination, or expulsion.
4. If students or student groups are guilty of sexual harassment, any of the sanctions set forth in the University Judicial Code may also be invoked.
5. For vendors, independent contractors, and other non-employee/non-student persons or entities, the University may take any action which is not contrary to Mississippi law.

#### **L. Alternative Procedures**

If a Vice President (or person of similar rank, including the Executive Director of Human Resources) is the subject of a complaint, the President (or her authorized Designee) shall be the official to whom the Report of Investigation shall be furnished and who shall take such remedial action as may be appropriate. If the President, in his individual capacity, should be the subject of a complaint, the Executive Director of Human Resources shall notify the Commissioner and the Chairman of the Legal Committee of the Board of Trustees of the Mississippi Institutions of Higher Learning. Thereafter, such complaint shall be investigated as directed by such Legal Committee.

### **6.3.5 Grievance Hearing Procedures**

#### **A. Request For and Scheduling of Hearing**

After the procedures set out in the preceding sections have been completed, and if those steps have not led to a mutually satisfactory settlement of the problem, either the complainant or the subject may make a written request for a hearing to the person identified above in policy 6.3.4, subpart "A," ("Persons to Contact"). The person requesting a hearing must agree to disclose any relevant documents to the Committee. The hearing will be conducted within 60 working days from the date that the written request for hearing was actually received by the appropriate person or agent thereof, and a Committee will be established to conduct an administrative hearing. The notice of hearing will be mailed or hand delivered to both the complainant and the subject no later than five working days before the hearing (although more notice is recommended) and shall include the date, time, and location of the hearing.

#### **B. Selection of the Committee.**

If the subject of the grievance is a student, the Vice President for Student Life may select a Committee, if any, and determine the need for a hearing or other procedure in a manner consistent with the Student Handbook. The following paragraph applies where the subject is a faculty or staff member rather than a student.

The Committee will be composed of either three or five individuals selected randomly from a pool of persons, which shall be called the Sexual Harassment and Gender Discrimination Committee Pool ("Pool"). The pool will include both faculty and staff in equal proportion. The faculty individuals will be those individuals currently selected by the procedures set forth under the Faculty Grievance Procedure, or, if no group is formed at the time of the request for a hearing under this Policy, the procedures for selecting faculty for the Faculty Grievance Procedure will be used to identify those faculty members to be included in the Pool. An equal number of staff employees will be selected and placed into the Pool along with the faculty members. From the Pool, three or five persons will be selected randomly to form the Committee, which shall include at least one faculty member and one staff member. If a selected individual has a conflict and is unable to participate, another member will be drawn from the Pool. Selected individuals should notify the appropriate individual (the person identified in policy 6.3.4, subpart "A") as soon as they are aware of their availability or unavailability. The persons selected for the Pool must notify their supervisor or Dean of their participation, and receive a commitment from such individual that they will be available to participate. Supervisory personnel should not discourage participation unless a hardship would result or an apparent conflict of interest exists. If a member of the pool is drawn who has already served on a Committee in a grievance during the preceding six months, that person may ask for an alternate name to be drawn as a replacement.

### **C. The Hearing.**

The Committee must ensure the following:

1. The complainant and the alleged offender understand that they may bring an advisor of their choice to the hearing. The University has no obligation to incur any expense in connection with an advisor's participation. This advisor may be an attorney, a faculty member, another staff member, a relative, or a citizen-at-large. If the parties wish to have legal counsel present at the hearings, they must also inform the chairperson of the Committee at least three days prior to the hearing. The advisor may address the Committee only with the consent of the chairperson.
2. The complainant and respondent must submit all documentary evidence to the Committee Chair at least three business days prior to the hearing. Documentary evidence provided will be available for review upon scheduled appointment by Committee members as well as the complainant and alleged offender prior to the hearing, but such documents will not be allowed to leave University premises.
3. The complainant and the respondent are responsible for ensuring that any witnesses that they wish to provide information are available and present at the hearing to do so. The Committee has within its discretion to call witnesses or request documents at any time, but does not have authority to compel attendance (or a subpoena power).
4. The hearing is closed because of the sensitive nature of the information involved. A representative of the division identified in policy 6.3.4, subpart A of this Policy, a representative of the General Counsel, and an individual responsible for recording the hearing may be present. The necessity of a recording, and the type of recording, will be made by the decisional authority with consultation of the General Counsel on a case-by-case basis. The EEO/Affirmative Action Officer may also be present, and will orientate the participants or answer questions in regard to the hearing process. This individual may also advise the committee but will not participate in the committee's executive session or decision.
5. A majority vote carries, and negative votes will have the opportunity (but not requirement) to prepare a minority report for the records.
6. Retaliation against the person seeking relief, the complainant, or any advisor is prohibited and subject to disciplinary action.
7. Both parties will have equivalent opportunities to present their information.
8. Only one witness appears before the Committee at a time. The complainant and subject may be present during the witnesses' testimony.
9. Every witness is instructed not to discuss the hearing.
10. Only evidence germane to the allegations may be presented at the hearing. The chairperson of the Committee makes decisions of admissibility of documents and testimony subject matter. The Chairperson is selected by the Committee during the hearing orientation session or meeting which occurs prior to the start of the hearing.
11. Fairness and consistency are exercised in recommending corrective action.



12. Hearings are to take place on regular work days during working hours.
13. The Committee shall state its findings and recommendations in writing to the appropriate person as identified in policy 6.3.4, Subpart A, within 10 calendar days of the close of the hearing.
14. The Executive Director of Human Resources or Vice President of Academic Affairs may implement additional grievance hearing procedures in furtherance of this Policy for the purpose of improving fairness or efficiency.
15. The General Counsel's Office shall interpret and make recommendations regarding such procedures, which shall not be inconsistent with this Policy.

**D. Record Retention.**

Due to the sensitivity of the information involved, any documents pertaining to the employee's and/or student's allegations will be transferred to and maintained in confidential files under the supervision of the Executive Director of Human Resources (for nonacademic employees), the Vice President of Academic Affairs (for academic rank employees), the Vice President for Student Life (for students), or the Vice President for Business and Finance (for non-employees). These confidential files are disclosed only to necessary University officials who have been so designated by at least one top-level administrator, such as an area vice president, the Executive Director of Human Resources, the General Counsel, or the President. A record showing the use of the files will be maintained, and sexual harassment incidents involving students are incorporated into a confidential file in the office of the Vice President for Student Life. The file may be destroyed after two years from the student's departure from the University. Where litigation has been instigated, files will be kept throughout that process.

**6.3.6 Appeals Process**

Appeals must be submitted to the President within 10 days of receipt of the written decision of the Committee. The Appeal must be in writing and must clearly state the basis upon which the appeal is requested. The appeal decision should be made within 15 days of submission to the Office of the President.

**6.3.7 Conflict of Interest**

If the performance of any duty or responsibility hereunder by University employees presents any actual or apparent conflict of interest or violation of the University's Code of Ethics and Conduct, as determined by the General Counsel, the General Counsel may recommend to the President reassignment of duties and/or responsibilities of such employees on a case-by-case basis to avoid such conflict or violation. Any person who believes they cannot be impartial, or viewed as impartial, due to a conflict of interest has an obligation to inform others of such conflict and to remove or recuse him or herself from the investigative or administrative hearing process. Questions regarding the existence of a conflict of interest should be directed to the General Counsel's Office.

**6.3.8 Effect on Former Policies and Procedures**

This Policy Against Sexual Harassment and Gender-based Discrimination supersedes and replaces, in their entirety, all previous University policies and procedures dealing with Sexual Harassment and Gender

Discrimination. The JSU Equal Employment Opportunity Policy shall remain effective, although complaints of sexual harassment and gender discrimination are to be governed by this policy.

### **6.3.9 Election and Waiver**

Once an individual has elected to pursue a complaint in one of the University's grievance procedures, the Grievant waives any right to rehearing those specific issues in any future University grievance process. Similarly, a Grievant cannot re-submit an issue in a Grievance where that specific issue has previously been addressed in a court of law or other government body whose authority the University is subjected. If the complaint includes issues already resolved or adjudicated, those issues will not be revisited in another grievance or hearing. Individuals are strongly encouraged to exhaust this process prior to seeking relief externally.

### **6.3.10 Retaliation**

The University seeks to create an environment where students and employees are free to explore the possible violation of their civil rights without fear of reprisal. Retaliation is illegal and will not be tolerated by the University. Similarly, persons who use this process to bring bad faith allegations against an employee may be subject to disciplinary action.

## **6.4 ALCOHOL AND DRUG-FREE WORKPLACE AND WORKFORCE POLICY**

### **6.4.1 Introduction**

This policy statement is intended to express the commitment of IHL and Jackson State University to maintaining a drug-free workplace and workforce in conformity with state and federal laws as set forth in the Uniform Controlled Substances Law of the State of Mississippi, the Drug-Free Workplace Act of 1988, and any other mandated legislation.

The University's group health insurance may cover part of the cost of certain drug related treatment programs. Employees are advised to contact the Department of Human Resources for more information concerning benefits. Treatment costs not covered by the University group health plan or other agencies must be paid for by the individual.

### **6.4.2 Policy Statement**

Jackson State University acknowledges and supports the laws of the State of Mississippi as set forth in Section 41-29-101-185 of the Mississippi Code of 1972, as supplemented, which statute prohibits the sale, distribution, manufacture, possession or use of a controlled substance in this state. As a result of this law and of the policy of the University, to be a drug-free workplace and workforce, staff members (as well as faculty) are specifically prohibited from using, selling, distributing or in any other way involving themselves with controlled substances, except as permitted in the relevant legislation. The term "controlled substances" shall mean those drugs and substances set forth in Schedule I through V of Section 2102 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15. For purposes of this policy,

the term “personnel” shall specifically include all personnel employed by the University, whether full or part-time, faculty, staff, or administrative. The term “workplace” is any location where a staff member is functioning within his or her job capacity.

The University will make available to all staff members a copy of this policy and will notify staff members that, as a condition of employment, the employee must abide by the requirements of this policy.

- A. Staff members are reminded that confidential assistance with substance abuse problems is available through several centers for alcohol and drug education in the greater Jackson area.
- B. Supervisors must confidentially refer for counseling any person under their supervision who appears to be having difficulty with substance abuse.
- C. Any staff member who has been convicted of a criminal drug statute violation occurring in the workplace must notify his/her immediate supervisor no later than five (5) days after the conviction.
- D. Upon notification of such a conviction, the University will initiate appropriate personnel action (See “JSU Sanctions” next page) within thirty (30) days of such notification.
- E. Upon notification of such conviction, the University is required by law to notify the applicable funding agency(ies) within ten (10) days if the staff member is working in a position that is funded by federal monies.

#### **6.4.3 Alcohol and Drug Awareness Program**

The University has established an Alcohol and Drug-Free Awareness Program which is administered through the Department of Human Resources by the Interdisciplinary Alcohol and Drug Studies Center.

#### **6.4.4 Sanctions**

Depending upon the facts relating to any drug conviction or use, the employee may be suspended pending further investigation, required to participate in a drug abuse assistance or rehabilitation program, issued a written warning, terminated, or allowed to continue in a work status. Any action will be initiated within thirty (30) days after the facts become known to the University.

If a staff member employed on a federal contract or grant fails to notify his/her immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction, he/she will be suspended pending investigation with termination possible.

If an employee is suspected of violating any criminal drug statute in the workplace, the Department of Public Safety will be called to begin investigation of the case.

#### **6.4.5 Drug and Alcohol Abuse Policy Statement**

Jackson State University recognizes that alcoholism is a chronic, progressive illness, which if untreated is potentially fatal. The University offers assistance to help resolve such employee problems in an effective and confidential manner. It is the official position of the University that:

- A. Employees having substance abuse problems which may affect work performance are encouraged to seek assistance voluntarily on a confidential basis by contacting their unit head;
- B. Employees are assured that their job, future, and reputation will not be jeopardized by utilizing any of the treatment options;
- C. The employee has the right to accept or refuse help as he/she chooses; however, individual work performance must meet acceptable standards or be subject to existing personnel policies for below standard performance; and
- D. Implementation of this policy will not interfere with, or negate, any other University practices, policies, or procedures.

#### **6.4.6 Drug and Alcohol Testing Policy Statement**

It is the purpose of the Jackson State University Alcohol and Drug Testing Policy to promote a drug-free workplace in order that Jackson State University (hereinafter "University"), a Mississippi Institution of Higher Learning, will maximize the level of employee productivity and reach the desired level of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from substance abuse by employees.

Existence of Legislation. Alcohol and Drug testing is governed by statute under Miss. Code Ann. § 71-7-1, et seq.

Groups Included. This policy applies to all Jackson State University employees, applicants, and institutional divisions made up of these persons. The complete policy is available through the Department of Human Resources or the General Counsel's Office during normal business hours.

Reasonable Suspicion Testing. Reasonable suspicion testing applies to every employee when the University has objective reason(s) to suspect that individual may be using drugs or alcohol.

Neutral Selection Testing. Neutral selection testing applies to individuals with specific duties or within specific groups such as law enforcement, or any individual or group that monitors access to sensitive information or affects public health or safety. While neutral selection testing does not single out individuals, it can be applied either randomly or to every employee in an institutional unit.

Follow Up Testing. If an employee has previously entered a drug or alcohol abuse program while in the course of his employment with the University or if a confirmed positive test resulted for an employee within the prior twelve (12) months, a follow up alcohol and/or drug test may be required.

Prohibited Substances. The University may test for drugs or metabolites including the following: marijuana, cocaine, opiates, amphetamines, phencyclidine, alcohol, and other controlled substances. Testing for controlled substances not specifically named above can only be done if an appropriate federal agency has established an approved protocol and positive thresholds for each substance.

Posted Notice. This “Alcohol and Drug Testing Policy Statement,” must be posted in an appropriate and conspicuous location on the University’s premises and copies of the policy will be made available for inspection during regular business hours. This statement consists of approximately two pages.

Notice to Employees. All employees, as distinct from applicants, must have been provided a written copy of the policy, or this “Alcohol and Drug Testing Policy Statement,” prior to 30 days before submission to a test under this policy. Receiving the above-stated notice as an applicant will also satisfy this requirement as long as the notice was received over 30 days before the testing.

Notice For Applicants. Upon application and prior to collection, an applicant shall be notified by the University in writing that such applicant may be tested for drugs or their metabolites.

Release of Information Form. A release of information form which conforms with the confidentiality provisions under the policy must be signed by the employee or applicant. The form allows the disclosure of information to the employer. Refusal to sign the form may result in discharge or discipline by the University.

Confidentiality. All information received by the University through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in accordance with state law regulations. Any information obtained by University pursuant to this policy shall be the property of University, and shall be kept confidential to the extent required by law. If an employee refuses to sign a written consent form for release of drug testing information to University, University shall not be barred from discharging or disciplining the employee.

Opportunity to Self-Report. Prior to testing, the employee will have the opportunity to confidentially report prescription or non-prescription medications. Please ask for the “Medication Disclosure Form” from the University or similar form from the alcohol and drug test administrator.

Consequences of Refusal. A person who is required under the University Alcohol and Drug Testing Policy to submit to a particular type of drug or alcohol test may be subject to discipline and/or discharge for refusing to submit to the drug or alcohol test. Refusal under these circumstances will constitute insubordination and intentional non-compliance with University policy. Refusal to submit for applicants may be used as grounds for not hiring that individual.

Positive and Confirmed Positive Test Results. The University may temporarily suspend or transfer an employee to another position after obtaining the results of a positive initial test. The University may discharge an employee after obtaining the results of a positive confirmed test.

Right to Contest Accuracy. An employee who receives a positive confirmed alcohol or drug test may contest the accuracy of or explain that result. The initial and confirmation tests will be at the University’s expense, but any additional costs for testing will be borne by the employee or applicant.

Discharge or Discipline. The discharge or disciplining of an employee on the basis of a positive, confirmed drug and alcohol test shall be considered both “for cause” as well as “willful misconduct.”

Rehabilitation Information. If the University determines that discipline or discharge is not necessary or appropriate following a positive confirmed test result, information on opportunities for assessment and rehabilitation will be made available to the employee.

## **6.5 WORKPLACE VIOLENCE POLICY**

The University has established procedures that University faculty and staff must follow to report incidents of violence in the workplace, or to report concerns about situations that could become violent. These procedures have been created to ensure that incidents receive an appropriate and timely response.

Violence, including physical as well as verbal attacks (excluding speech protected by the First Amendment) is prohibited in the workplace. If you are aware of situations that may lead to workplace violence, immediately notify campus police at 979-2580 or 353-4025.

Because of the serious nature of workplace violence and the incidents that could lead to violence, we reserve the right to discipline employees. Such disciplinary actions might include verbal warning, written warning, suspension and termination of employment. The severity of the penalty will be based on the severity of the infraction.

## **6.6 JSU POLICIES FOR INDIVIDUALS WITH DISABILITIES**

JSU is committed to providing equal access and reasonable accommodations to qualified persons with disabilities on an individual and flexible basis. Requesting an accommodation or identifying oneself as having a disability is voluntary, although an individual seeking an accommodation has a responsibility to seek available assistance and to make their needs known through the Center for Support Services for Students and Employees with Disabilities (“Support Services”).

Support Services is the JSU office charged with receiving and storing disability-related information which is submitted in connection with making a request for accommodations. Individuals seeking accommodations have the right to have their disability-related information kept confidential from individuals outside the University or from disclosure to persons without a need-to-know, unless where required or permitted by law. Disability-related records submitted by employees to Support Services will be retained for a minimum of three years after the expiration of the employee’s employment.

It is JSU’s policy not to discriminate against qualified individuals with disabilities in its hiring or employment practices. Toward this purpose, the University will engage in a process whereby reasonable accommodations can be secured when required by applicable law including Section 504 of the Rehabilitation Act of 1973 as well as provisions of the Americans with Disabilities Act, if applicable.

Individuals seeking an accommodation must self-identify with the Support Services, and follow the University’s published procedures for obtaining reasonable accommodations, auxiliary aids, or other related services. These procedures require self-identification with Support Services, completing a Request for Services Form, engaging in an interview with the ADA Coordinator, and providing supporting documentation from a licensed healthcare provider which demonstrates how a diagnosed disability results in an impairment which significantly limits a major life activity. The cost of obtaining documentation is the individual’s responsibility. The accommodation process is an interactive and individualized process where communication between the ADA

Coordinator and the individual is necessary. For disabilities which are not clearly permanent, a request for accommodations should be submitted at least annually.

For individuals who qualify, the University will first consider the accommodation requested by the person. If the request is reasonable, the ADA Coordinator will communicate with University individuals in an effort to achieve the accommodation. The University may select among equally effective accommodations, or it may refuse to provide an accommodation that imposes a fundamental alteration of a University program or activity, or which imposes an undue financial or administrative burden on the University.

Supervisors have a responsibility to work with the ADA Coordinator to effectuate reasonable accommodations when necessary. When an employee discloses a disability and requests assistance, that person should be referred to Support Services. If an accommodation recommended by the ADA Coordinator would cause a fundamental alteration of the essential elements of a program or activity, then supervisors or department heads should bring this to the attention of the ADA Coordinator immediately. In this event, an alternative accommodation should be provided to ensure reasonable accommodations are provided.

Employees shall refrain from any retaliation against an individual who requests an accommodation or advocates for accessibility. If a staff employee believes he or she is being discriminated or retaliated against due to their disability, they should contact the Department of Human Resources. If the matter is not resolved informally, the employee may submit a complaint as set forth under the JSU staff complaint or grievance procedures. Students should report any discriminatory or retaliatory conduct to the Division of Student Life. JSU endeavors to provide and achieve equal opportunity in employment as well as educational programs or activities.