

MSU Personnel Policies and Procedures Manual

Due to periodic change in federal and state law and in Murray State's Board of Regents' mandates, policies and procedures contained in this manual are subject to change. As University policies and procedures are modified and developed, revisions and additions will be made to the manual as quickly as possible. However, due to the time involved in the revision and distribution process, it is incumbent upon the reader to verify that a particular policy is the most current.

Additional policies and procedures are at [Murray State's policy mall](#).

OUTLINE OF PERSONNEL POLICIES & PROCEDURES MANUAL

I. INTERPRETATION AND RIGHTS

1. Interpretation
2. Disclaimer of contractual significance
3. Reservation of rights
4. Overview of the manual

II. EMPLOYMENT

II.A. DEFINITION OF FACULTY AND STAFF

1. Definition of faculty
2. Definition of staff

II.B. STAFF STATUS

1. Regular staff employees
2. Temporary staff employees

II.C. AFFIRMATIVE ACTION POLICY

II.D. RECRUITMENT, SELECTION, AND EMPLOYMENT

1. Registering a budgeted staff position when a vacancy occurs
2. Registering a new regular staff position
3. Recruitment of regular staff employees
4. Hiring a regular staff employee
5. Recruitment and hiring of temporary staff

II.E. PROBATIONARY PERIOD

II.F. EMPLOYMENT OF RELATIVES

II.G. PROMOTIONS AND TRANSFERS

1. Definitions
2. Requirements
3. Promotion and transfer procedures
4. Administrative procedures
5. Transfer of accrued vacation and sick leave

II.H. DEMOTIONS

II.I. RESIGNATION

II.J. TERMINATIONS AND LAYOFFS

1. Involuntary termination
2. Layoff

II.K. MANDATORY RETIREMENT

1. Non-tenured faculty and staff

II.L. EXIT INTERVIEW AND CLEARANCE PROCEDURE

1. Department responsibility
2. Responsibility of departments to be cleared
3. Faculty
4. Staff

II.M. EMPLOYEE EXEMPTION FROM THE STATE WAGE AND HOUR LAW

1. Executive
2. Administrative
3. Professional
4. Supervisory

III. PAYROLL & WORKING HOURS

III.A. WORKING HOURS

1. Workweek
2. Shifts
3. Days

III.B. PAYROLL

1. General information
2. Non-exempt staff
3. Exempt staff
4. Faculty

III.C. PAYROLL DEDUCTIONS

1. Required deductions
2. Optional deductions
3. Procedures

III.D.

OVERTIME AND EXCEPTIONAL COMPENSATION

1. Requirement to pay overtime compensation
2. Time off without pay
3. The workweek for computing overtime
4. Working hours
5. Compensation for University holidays
6. Unscheduled University closing
7. Overtime for the same employer

III.E. PAY PLAN

1. Wage scale
2. Wage increases
3. Change of job
4. Reclassification

III.F. EXTRA COMPENSATION FOR STAFF

1. Criteria for receiving extra compensation
2. Eligibility for extra compensation
3. Limitations on extra compensation
4. Grants and contracts requirements

III.G. RECORDING TIME WORKED

1. Method of recording time worked
2. Verification of time worked

III.H. ABSENTEEISM

1. Notifying supervisor of absence
2. Consequences of failure to notify supervisor or department of absence
3. No pay is authorized for the following unexcused absences
4. Centralized University records

III.I. PERFORMANCE EVALUATION

1. Purposes of the evaluation
2. Procedure
3. Appeal process

III.J. REST PERIODS

III.K. WEATHER

1. When the University remains open during inclement weather
2. When the University closes due to inclement weather

III.L. FLEXIBLE WORK ARRANGEMENTS

IV. LEAVES OF ABSENCE

IV.A. GENERAL LEAVES OF ABSENCE

IV.B. VACATION LEAVE

1. Eligibility
2. Accrual and accumulation
3. Scheduling/Utilization of vacation leave
4. Transfer of accrued vacation leave
5. Compensation for accrued vacation leave upon separation of employment

IV.C. SICK LEAVE

1. Eligibility
2. Accrual of sick leave
3. Transfer of accrued sick leave
4. Granting/Utilization of sick leave
5. Requesting sick leave
6. Evidence of disability
7. Extension of leave
8. Reinstatement of sick leave for former employees
9. Coordination with Workers' Compensation
10. Disability retirement

IV.D. HOLIDAYS

1. Establishing the University calendar
2. Holiday compensation for regular employees
3. No holiday compensation

IV.E. PERSONAL LEAVE

IV.F. EDUCATIONAL LEAVE

IV.G.MILITARY LEAVE

IV.H. ANNUAL MILITARY LEAVE WITH PAY

IV.I. VOTING

IV.J. BEREAVEMENT LEAVE

IV.K.THE EMPLOYEE AND THE JUDICIAL SYSTEM

1. A party to the litigation
2. Witness
3. Jury duty

IV.L. PUBLIC SERVICE LEAVE OF ABSENCE WITHOUT PAY

IV.M. FAMILY & MEDICAL LEAVE

IV.N. MARRIAGE

IV.O. SICK LEAVE BANK

1. Responsibility
2. Membership
3. General operating procedures
4. Contributions
5. Criteria for Sick Leave Bank usage
6. Application and withdrawal
7. Sick Leave Bank application and approval process
8. Appeals Committee
9. Discontinuation

IV.P PAID PARENTAL LEAVE

V. OTHER BENEFITS

V.A.GROUP LIFE AND MEDICAL INSURANCE PROGRAM

1. Eligibility
2. Life insurance
3. Optional life insurance coverage
4. Medical insurance
5. Tax-Saver Program
6. Coverage periods
7. Consolidated Omnibus Budget Reconciliation Act
8. Coverage during pending disability retirement
9. Right to change benefit coverage

V.B.TEACHERS' RETIREMENT SYSTEM/OPTIONAL

RETIREMENT PROGRAM

1. Eligibility
2. Information resources
3. Social Security
4. Type of system
5. Deferred income tax payments
6. Administration
7. Contributions
8. Relation of contribution, salary, and service credit - Teachers' Retirement System
9. Annual statement of account
10. Beneficiary designation
11. Benefit coverage
12. Reciprocity - Teachers' Retirement System

V.C.KENTUCKY EMPLOYEES RETIREMENT SYSTEM

1. Eligibility
2. Information resources
3. Social Security
4. Type of system
5. Administration
6. Reciprocity
7. Beneficiary designation

V.D.SOCIAL SECURITY

1. Record requirements
2. Payroll deductions
3. Deduction exemptions

V.E. WORKERS' COMPENSATION

1. Accident reporting requirements
2. Statutory benefits under the law
3. Additional benefits provided by the University

V.F.UNEMPLOYMENT COMPENSATION

1. Eligibility
2. Between school term ineligibility

V.G.DISABILITY RETIREMENT INCOME

V.H. TAX-SHELTERED ANNUITIES

1. Intent of 403 (b) plans

2. Approved companies

V.I. KENTUCKY PUBLIC EMPLOYEES DEFERRED COMPENSATION PLANS

1. Available information
2. Enrollment in the plans
3. Changes in existing plans

V.J.UNIFORMS

V.K.EDUCATION TUITION WAIVERS

1. General qualifications
2. Qualifying courses
3. Employee responsibility

V.L.G.E.D. EXAMINATION FEE WAIVER

1. General qualifications
2. G.E.D. Examination

V.M. DOCTORAL TUITION ASSISTANCE

1. General Qualifications
2. Employee Responsibility
3. Supervisor Responsibility

VI. RIGHTS & RESPONSIBILITIES

VI.A. STAFF GRIEVANCE

1. Definition of grievance
2. Exemptions to this policy
3. Procedure

VI.B.EQUAL OPPORTUNITY GRIEVANCE PROCEDURE

1. Initial level of grievance (Step 1)
2. Appeal level of grievance (Step 2).

VI.C.EMPLOYEE DISCIPLINE

1. Procedures
2. Offenses and disciplinary action
3. Action for continuation of offenses
4. Record retention

VI.D.SAFETY COMPLIANCE

1. Management responsibility
2. Employee responsibility
3. Employee rights
4. Compliance with the law
5. Disciplinary action including termination

VI.E.PERSONAL FINANCIAL RESPONSIBILITY

1. University's responsibilities due to employee's external indebtedness
2. University's obligation to collect internal indebtedness

VI.F.DRUG-FREE WORK PLACE

VI.G.ON-CAMPUS VEHICLE PARKING VI.H. UNIVERSITY GOVERNANCE SYSTEM

1. Purpose
2. Authority
3. Reviewed
4. The Staff Congress
5. The University standing committee system
6. The University standing committees
7. Affirmative Action Committee

VI.I. SEXUAL HARASSMENT

VI.J. COMMITTEE MEETINGS

VI.K. OUTSIDE EMPLOYMENT

VI.L. INTELLECTUAL PROPERTY

VI.M. WEAPONS AND DANGEROUS MATERIALS

VI.N. REMOTELY OPERATED AIRCRAFT SYSTEMS / DRONES

VII. SERVICES & OPPORTUNITIES

VII.A.EMPLOYEE ASSISTANCE PROGRAM

VII.B. HEALTH SERVICES

VII.C.DIAGNOSTIC AND REMEDIATION SERVICES

VII.D. ATHLETIC TICKETS

VII.E. UNIVERSITY BOOKSTORE

VII.F. RECREATIONAL FACILITIES

VII.G. LIBRARY PRIVILEGES

Murray State University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award associate, baccalaureate, masters, specialist, and doctorate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Murray State University.

Interpretations and Rights

POLICY NUMBER: I

SUBJECT: INTERPRETATION AND RIGHTS

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

INTERPRETATION AND RIGHTS

Murray State University through its Board of Regents and the authority granted by the state of Kentucky has adopted the personnel policies contained in this manual to serve as comprehensive guides and ready reference for employees and supervisors to promote a well-organized and consistent personnel program.

1. Interpretation

This manual from time to time makes an effort to summarize applicable provisions of state and federal law. This effort has been made in good faith with the aim of providing assistance to the Murray State University employee. It should be obvious that in the event of a conflict as between federal and state law and the summary expression as stated herein, the federal and state law will prevail over the expression. The final responsibility for the interpretation of federal and state law is with the employee. The University has attempted, and will continue to attempt, to provide a degree of guidance, but the employee is responsible for the final determination as to his or her rights under federal or state law.

2. Disclaimer of Contractual Significance

Nothing contained in Murray State University's written personnel policies, manuals, handbooks, publications, transmittals, web site or any oral statement in connection therewith shall constitute or imply a contract of employment between the University and any employee of such University.

3. Reservation of Rights

Murray State University reserves the right to change any rule or regulation stated herein. The right to modify or change is subject to any limitations imposed by law. Systematic efforts will be made to notify staff and faculty of all policy changes.

4. Overview of the Manual

- a. The policies in this manual were developed by Human Resources, reviewed by the vice presidents, recommended by the President, and adopted by the Board of Regents.
- b. Policies contained in this manual apply to faculty and staff as noted in the heading of each policy. These policies are intended to increase understanding, eliminate the need for personal decisions on matters of University-wide policy, and help assure uniformity of interpretation and application throughout the University. All administrators have the responsibility for administering these policies in a consistent and impartial manner.
- c. This manual is made available to all departments and organizational units for the use of all supervisors and employees. Infinite details cannot be covered to meet every situation; therefore, Human Resources will advise and counsel supervisors and employees concerning interpretation of policy or matters not covered herein.
- d. Future updates will be posted to the web site with notification to departments by e-mail.

Definition of Faculty and Staff

POLICY NUMBER: II A

SUBJECT: DEFINITION OF FACULTY AND STAFF

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

DEFINITION OF FACULTY AND STAFF**1. Definition of Faculty**

See current Faculty Handbook.

2. Definition of Staff

- a. The staff are employees of Murray State University in non-teaching activities of various types in support of the educational, research, and service programs of the University.
- b. Many of the supervisory and managerial positions of the University require the employment of college degree level personnel. Other positions range from those requiring no special educational background to those requiring developed skills involving extensive experience or apprenticeships and/or special schooling.

Staff Status

POLICY NUMBER: II B

SUBJECT: STAFF STATUS

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 2010

REVISED FROM: July 1, 1993

STAFF STATUS

All employment documents whether a formal contract, letter of employment, or personnel action form should reflect the employment status as set forth in the policy, viz., regular staff employee (full-time), regular staff employee (part-time), temporary staff employee (full-time) and temporary staff employee (part-time).

The following categories are used to define employee status of all University staff employees. Definitions may be altered or may not be applicable due to contractual agreements with other entities:

1. Regular Staff Employees

- a. No regular staff employee shall have an employment contract right beyond June 30 of the fiscal year in which that employee is hired, SAVE AND EXCEPT as the term may be longer than one (1) year, but in no event longer than four (4) years. Nothing contained in this paragraph shall operate to deprive an employee from relief if the employee has suffered a deprivation of constitutional right.
- b. Full-time - Employees of this category are employed for a period of time exceeding six months to work a minimum of 37 1/2 hours per week. These employees are eligible for all fringe benefits of the University.
- c. Part-time - Employees of this category are employed for a period of time exceeding six months to work less than 37 1/2 hours per week. These employees are eligible for all benefits of the University except group insurance and possibly retirement benefits (based on number of hours per week worked). Reference: Policy No. V B and VC.
- d. Contracts or letters of employment will be processed as soon as possible after the Board of Regents adopts the budget for the subsequent fiscal year (July 1 - June 30).

2. Temporary Staff Employees

- a. Full-time - Temporary staff employees who would be covered by KERS but for their temporary status are employed for a period of time not to exceed nine months, unless a one calendar month break in service occurs. The employee is to work a minimum of 37 1/2 hours per week while employed. Temporary staff employees in TRS positions working at least 70% of full time must contribute to TRS or ORP. A temporary staff employee working at least 70% of full-time may work in a TRS position for 9 months with an option for renewal with no break in service.
- b. Part-time - Temporary staff employees who would be covered by KERS but for their temporary status are employed for a period of time not to exceed nine months and must work less than 37 1/2 hours per week. Temporary staff employees in TRS positions working less than 70% of full-time are not required to contribute to TRS or ORP. A temporary part-time staff employee may work in a position which would be covered by TRS but for the fact the position requires services on a continuing basis of less than 70% of normal full-time service for 9 months with an option for renewal with no break in service.
- c. Temporary employees are not eligible for fringe benefits of the University including vacation, sick leave, paid holidays, retirement (except as required by law) or the medical and life insurance program.
- d. Temporary employees will receive pay only for the actual time worked. No pay is authorized for holidays or other leaves during temporary employment.
- e. Temporary employees may be eligible for unemployment benefits. The benefit payments depend upon the length of employment with the University and the employee's work history.
- f. Temporary employees are eligible for workers' compensation.
- g. A full-time or part-time temporary staff employee working an average of 100 hours or more per month during a fiscal or calendar year in a KERS position is prohibited from working in a temporary status beyond a total of 9 months, unless a one calendar month break in service occurs. A calendar month is defined as the first day of the month through the last day of the month (e.g., March 1 to March 31). A termination and re-hire date must exist for the break in service. No break in service is required for temporary staff employees in KERS positions working less than an average of 100 hours per month during a fiscal or calendar year. (Refer to Policy Number V C.).
- h. If a temporary employee is transferred to a permanent position within the same department, the most recent period of temporary employment not to exceed six months will be considered in meeting the requirement of the probationary period. If the most recent period of temporary employment is less than six months, a total of six months may be used in meeting the probationary period if there is a total of six months of continuous service in two employment periods.

- i. Temporary employees will not receive contracts or letters of employment concerning continuation of employment after June 30 of each year. The dates listed on the initial Personnel Action Form will provide authority for continued employment into the new fiscal year.
- j. Active full-time Kentucky public K-12 teachers and administrators who work in temporary positions at Murray State may purchase TRS-equitable time in certain circumstances.

Affirmative Action Policy

POLICY NUMBER: II C

SUBJECT: AFFIRMATIVE ACTION POLICY

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: May 8, 1993

REVISED FROM: May 8, 1993

AFFIRMATIVE ACTION POLICY

Murray State University formally declares its commitment to all laws mandating affirmative action and equal opportunity regulations together with all valid state and federal regulations enacted pursuant thereto. The policy of Murray State University is to guarantee freedom from discrimination in its operation and administration of its programs, services, and employment practices; in its relationships with students, faculty, and staff; and in its interactions with the community which it serves.

Murray State University endorses the intent of all federal and state laws created to prohibit discrimination. Murray State University does not discriminate on the basis of race, color, national origin, sex, gender identity, sexual orientation, religion, age, veteran status or disability in employment or application for employment, admissions, or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities equal access to participate in all programs and activities.

The policy of Affirmative Action is an on-going commitment. The policy of affirmative action is limited in that the achievement of its objective removes the necessity of its existence. Murray State University is committed to achieving the goals that have been established and published in the Murray State University Affirmative Action Plan adopted by the MSU Board of Regents in May, 1985. It should also be known that this Affirmative Action Plan is an official policy of Murray State University.

Functions in connection with the evaluation and monitoring of the Affirmative Action Program of Murray State University have been assigned to the Affirmative Action Committee by the President of the University. To this end, the Committee should have access to all records and on-going processes necessary to effectuate its responsibility. A description of the composition and specific duties of the Affirmative Action Committee is found in Policy VI H, University Governance System.

Persons who wish to inspect the MSU Affirmative Action Plan or who seek other information concerning the Affirmative Action Program of Murray State University should contact the Executive Director of Equal Opportunity, Murray State University, Murray, KY 42071.

Recruitment, Selection, and Employment

POLICY NUMBER: II D

SUBJECT: RECRUITMENT, SELECTION, AND EMPLOYMENT

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

RECRUITMENT, SELECTION, AND EMPLOYMENT

It is the policy of Murray State University to recruit, select, and employ qualified people and remain in compliance with the University Affirmative Action Plan.

All regular staff employment is coordinated through either Human Resources or the Office of Equal Opportunity. Human Resources or the Office of Equal Opportunity will recruit and refer qualified applicants to the appropriate department for interviews with the hiring supervisor. The fact that Human Resources or the Office of Equal Opportunity has the primary responsibility does not exclude either of these offices from performing such incidental functions that are appropriate according to established policy.

Specific information concerning the recruitment, selection, and employment follows:

1. Registering a Budgeted Staff Position When a Vacancy Occurs.

A regular staff position vacancy may be filled by completing one of the following two forms and obtaining the approval required for Personnel Action Forms:

- a. Position Advertisement Request Form - This form is to be used for executive, administrative, or managerial positions (Equal Employment Opportunity, EEO category 1) or other salaried professional staff (EEO category 3 - 7).
- b. Request to Fill Position Vacancy Form Number 2 - This form is to be used for hourly clerical (EEO category 4), technical and paraprofessional (EEO category 5), skilled trades (EEO category 6), or service/maintenance (EEO category 7).

2. Registering a New Regular Staff Position.

- a. New staff positions which have been listed in the Fiscal Year Personnel Roster must be registered in compliance with the current Affirmative Action Plan, and Section One (I) of this policy.
- b. Positions which are not listed in the current operating budget must be requested in writing with complete justification for the position through the appropriate organizational channels for approval by the President. Upon approval of the new position, the position must be registered in accordance with Section One (1) of this Policy and Procedure (Number II D) and in compliance with the current Affirmative Action Plan.

3. Recruitment of Regular Staff Employees

- a. To insure compliance with the University Affirmative Action Plan, position vacancies will be advertised in the University Weekly Job Openings Report Listing which is distributed throughout the recruiting area.
- b. Human Resources will prepare a Weekly Job Openings Report and post it on designated bulletin boards across campus to assure University employees the opportunity to apply for a promotion or transfer.
- c. The University will advertise in newspapers and magazines for position vacancies when deemed necessary by the Director of Human Resources or the Director of Equal Opportunity. Advertising will be in compliance with the Affirmative Action Plan, May 1985.
- d. The University may use the services provided by the local Kentucky Department of Employment Services for assistance in accepting applications, initial interviewing and referral of selected positions for either a limited or continuing basis. The determination for using this service will be based upon recruitment needs and volume of applications for positions. For positions referred to the Kentucky Department of Employment Services, an applicant must apply at that office.
- e. Exceptions to this policy may be found in the Promotions and Transfers section of this manual.

4. Hiring a Regular Staff Employee.

- a. All regular staff employment is coordinated through either Human Resources or the Office of Equal Opportunity. Human Resources or the Office of Equal Opportunity will refer qualified applicants to the appropriate department for interviews with the hiring supervisor.
- b. No commitment concerning employment or salary can be made prior to approval by Human Resources for hourly staff positions or the Office of Equal Opportunity for faculty or professional staff positions.
- c. Applicants for hourly staff positions in EEO categories four through seven must have a completed application on file in Human Resources before employment may be finalized.

5. Recruitment and Hiring of Temporary Staff.

Temporary staff may be hired without advertising and/or posting with the approval of Human Resources. If a temporary staff position is not advertised and/or posted and is later approved to be a regular position, it must be advertised and/or posted prior to filling on a permanent basis.

Probationary Period

POLICY NUMBER: II E

SUBJECT: PROBATIONARY PERIOD

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

PROBATIONARY PERIOD

1. A probationary period of six months shall be required of all regular staff employees at the time of initial employment at the University. If employment is terminated, a probationary period may be required upon return to the University.
2. The probationary period is to allow the supervisor and the new employee to determine the advisability of employment continuation. This period should be utilized to (a) assist the new employee in every possible way to adjust quickly and efficiently to the work situation, and (b) observe the quality of work performed in relation to the standards required of the job.
3. The decision as to the employee's suitability for a job is the sole responsibility of the University. Employment may be terminated at any time during the probationary period.
4. If it is determined during that period that it is inadvisable to retain the new employee, Human Resources shall be contacted to determine the possibilities of a transfer to other work which may be more suitable to the individual.
5. If an employee is transferred to another position during the probationary period, he/she shall continue in a probationary status for an additional six months from the date of transfer. The administrative head of the department may waive the additional probationary period on the basis of the employee's performance in the new position.
6. The probationary period may be extended one time upon written request and justification from the administrative head of the department. The request must be approved by the Director of Human Resources and the vice president of the department's organization or the President when it pertains to his/her staff.
7. During the probationary period an employee is eligible for benefits in the same manner as regular employees.

Employment of Relatives

POLICY NUMBER: II F

SUBJECT: EMPLOYMENT OF RELATIVES

APPLIES TO: FACULTY, STAFF, AND STUDENTS

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

EMPLOYMENT OF RELATIVES

No University employee may recommend the employment of his/her child, spouse, sibling or other close relative in his/her immediate area of supervision. This policy applies to all University employees and student employees on University Student Employment; College Work-Study; or federal, state, and institutional grants.

If any family relationship in employment is created by marriage, transfer, promotion, reorganization, etc., or was in existence prior to the effective date of the University's first policy on nepotism (June 6, 1970), the arrangement will not violate this policy; however, the supervisor may not make decisions regarding employment, promotion, pay, assignment, or working conditions of a member of his/her family. In such instances, final decisions will be referred to the next higher level of authority.

There may be times when it is in the best interests of the University to hire a relative on a temporary basis, thereby creating an intra-family, and supervisor-employee relationship. Such an appointment should not exceed eighteen (18) months. However, in such cases there must be written justification from the dean/director and appropriate vice president and approval by the President prior to the relative commencing employment. All such appointments must be individually approved by the Board of Regents.

Promotions and Transfers

POLICY NUMBER: II G

SUBJECT: PROMOTIONS AND TRANSFERS

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

PROMOTIONS AND TRANSFERS

Developing effective incentives for employee initiative and ambition is of major concern to the University. One of the most successful ways for departments to obtain skilled and experienced employees is to encourage advancement opportunities through transfers and promotions. When they meet all qualifications prescribed for the new position, Murray State University employees are encouraged to apply for job vacancies which would result in a promotion or transfer.

Transfer or promotion within a department or from one department to another may be made. Careful consideration should be given to the benefits which can be derived for both the employee and the University.

1. Definitions

- a. Promotion is defined as the movement of an employee from one position to another position of a higher pay grade or salary.
- b. Transfer is defined as the movement of an employee from one position to another position at the same pay grade level or similar salary.

2. Requirements

- a. An employee must normally have completed at least six (6) consecutive months of employment in the current position before being eligible for transfer or promotion. The Director of Human Resources shall have the authority to waive the six (6) months requirement where circumstances indicate that an exception would serve the best interests of the University. See also Probationary Period.
- b. The employee must have the qualifications specified in the position specifications for the new position.

3. Promotion and Transfer Procedures

- a. Within a Department
 - i. Promotions and transfers within a department may be effected if the employee meets all of the designated requirements for the vacant position. Approval to fill the vacancy must be obtained by the department before transfers or promotions can be initiated. The transfer or promotion may be effected without advertising the vacant position.
 - ii. Requests to transfer employees within a department should be made to the department chair or administrative director by the supervisor. The department chair or administrative director shall initiate such transfers by completing and forwarding the Notice of Personnel Action Form through the proper channels.
- b. Between Departments

Requests for transfer or promotion may be initiated by department chairs or administrative directors but must be coordinated through Human Resources when two departments are involved.
- c. When Initiated by the Employee
 - i. An employee may seek a promotion or transfer by applying through Human Resources for any posted position vacancy which meets his/her qualifications.
 - ii. The employee may contact Human Resources to discuss promotion and transfer possibilities at any time.
 - iii. Notification to Supervisor
 1. In the overall interest of a satisfactory employment relationship, it is recommended that an employee initially discuss his/her interest in transfer with the current supervisor. Such discussions allow the employee the opportunity to communicate his/her career goals and/or provide the supervisor reasonable time to assess the possible transfer in light of the needs of the department and the needs of the employee.
 2. In any event, it shall be the responsibility of the employee to arrange with the present supervisor for the time needed, if any, for interviews during work hours. Such reasonable time off the job shall not be charged to the employee's leave balances. Such time shall not be arbitrarily withheld.

4. Administrative Procedures

- a. When an employee is transferred or promoted into another department, the current department and the new department must mutually determine the effective date of the transfer.
- b. A Notice of Personnel Action Form must be submitted and approved for every employee transferred or promoted. Such form must be submitted far enough in advance (normally one week) to allow time for the final approval prior to the effective date of action.

- c. When the transfer or promotion is to another department, the new department must initiate the Notice of Personnel Action Form and obtain the signature of the department chair or administrative director of the old department. The Notice of Personnel Action Form should then be forwarded through the appropriate channels of the new department to Human Resources.
- 5. Transfer of Accrued Vacation and Sick Leave
The transferred or promoted employee shall retain all accumulated vacation and sick leave from his/her previous position if the transfer or promotion is to a position eligible for these benefits. The Notice of Personnel Action Form initiating the transfer or promotion must include the amount of accrued vacation and sick leave at the time of transfer or promotion. NOTE: Grants and contracts cannot assume accrued vacation and sick leave. Therefore, accrued vacation will be paid to the employee at the time of the transfer and accrued sick leave will be placed in the employee's file in Human Resources and reinstated if or when the employee transfers to a non-grant or non- contract position.

Demotions

POLICY NUMBER: II H

SUBJECT: DEMOTIONS

APPLIES TO: NON-EXEMPT STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

DEMOTIONS

Demotion is defined as the movement of an employee from one position to another position of a lower pay grade or salary. Occasions may arise when a demotion would be in the best interest of the University rather than layoff or termination of employment.

A demotion may occur during the course of the fiscal year. It may also occur at the time contracts are to be renewed.

1. Demotion may be necessary for the good of the University and/or the employee in cases where an employee cannot perform the work satisfactorily in his/her present position.
2. The administrative head of the department may recommend that an employee be demoted for disciplinary reasons or other justifiable reasons including the written request of the employee.
3. Prior to such recommendation for demotion a written explanation for the demotion shall be forwarded to Human Resources.
4. Demotions within a department or between departments will follow the procedures outlined in Promotions and Transfers and Pay Plan.
5. The employee has the right to file a grievance when he/she has been demoted or a recommendation for demotion has been made pursuant to #2 as stated in this policy. See Policies: VI.A. Staff Grievance and VI.C. Employee Discipline.
6. An employee whose demotion is effective at the beginning of a new fiscal year does not have the right to a hearing. This is considered a new position in a new fiscal year.

Resignation

POLICY NUMBER: II I

SUBJECT: RESIGNATION

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

RESIGNATION

1. An employee who intends to resign his/her position must give adequate notice to his/her supervisor or administrative head of the department. This notice should be given as far in advance as possible to allow the University to seek a qualified replacement.
2. A minimum of two-week's notice is required in order for the employee to receive accrued vacation leave pay. Any exceptions to this policy must be approved by the administrative head of the department.
3. An employee who has resigned must have an Employee Clearance Record (Personnel Form No. 8) completed and submitted to Human Resources prior to the release of his/her final paycheck. (See Exit Interview and Clearance Procedure).

Terminations and Layoffs

POLICY NUMBER: II J

SUBJECT: TERMINATIONS AND LAYOFFS

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

TERMINATIONS AND LAYOFFS

1. Involuntary Termination

If any employee's performance of duty or personal conduct is unsatisfactory, appropriate action shall be taken toward involuntary termination of that employee from the University. Employees may be subject to termination due to:

a. For Cause Due to Employee's Action:

- i. **Inefficiency:** An employee who demonstrates inability to perform his/her job satisfactorily; is excessively absent from the job without justification; or exhibits lack of interest, carelessness, or other traits resulting in failure to meet the standards established for his/her position may be separated from employment depending upon the severity of the offense. When possible, an employee who has completed the probationary period shall be given at least two-weeks advance notice by his/her supervisor prior to termination. See policies regarding Absenteeism and Employee Discipline.

- ii. **Misconduct:** An employee who conducts himself/herself in a manner which reflects unfavorably upon the University or his/her department will be subject to disciplinary proceedings which may be cause for termination depending upon the severity of the offense.

Note: Employees wishing to appeal termination for cause (other than pursuant to termination based on discrimination grievance procedures) shall file the appeal in writing with the Director of Human Resources within ten (10) working days of receipt of notice of termination. Following the filing of the appeal, the Director of Human Resources shall set a date for a hearing of the appeal. The hearing date shall not be set sooner than ten (10) working days nor later than thirty (30) calendar days from the date the appeal is filed. The Vice President for Finance and Administrative Services shall appoint a hearing officer to preside over the hearing. Forms for the filing of the appeals may be obtained from Human Resources. Employees wishing to appeal termination based on discrimination grievance procedures shall follow the appeal process set forth in said procedures in Policy VI.B.

b. Reduction of Forces:

- i. The department chair or administrative director, with the approval of his/her vice president, may lay off or reduce the hours of work of an employee because of lack of work, funds, elimination of the position, or other reasons requiring a general reorganization of the departmental staff.
- ii. The selection of employees to be laid off within the general classification of work and within the department affected will be determined by the department chair or administrative director after giving due consideration to: (a) Work performance and (b) Seniority in length of service
- iii. The employee shall be given at least two-weeks notice or be paid two-weeks pay in lieu of notice in all cases involving a reduction of forces.

2. Layoff

- a. **Temporary Layoff:** A layoff not exceeding four months will be classified a temporary layoff and will be reported as leave without pay on the Personnel Action Form.
- b. **Permanent Layoff:** A layoff anticipated to exceed four months will be considered a permanent reduction of force, and the employee will be separated with loss of all service benefits. However, if the employee is reinstated or re-employed within a period of twelve months following the date of separation, any unused sick leave accumulated prior to separation will be reinstated.

Mandatory Retirement

POLICY NUMBER: IIK

SUBJECT: MANDATORY RETIREMENT

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

MANDATORY RETIREMENT

A non-tenured faculty or staff employee may not be terminated due to age as long as he/she is physically and mentally able to perform the job in which he/she is assigned.

Exit Interview and Clearance Procedure

POLICY NUMBER: II L

SUBJECT: EXIT INTERVIEW AND CLEARANCE PROCEDURE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: January 1, 2019

REVISED FROM: July 1, 1993

EXIT INTERVIEW AND CLEARANCE PROCEDURE

1. Department Responsibility

Each department must notify Human Resources and Payroll immediately upon ascertaining that a faculty or staff employee is terminating his/her employment with the University (applies to voluntary and involuntary termination). The department must complete the top portion of the Employee Clearance Record (Personnel Form No. 8), submit the top sheets to Human Resources and Payroll, and give the last page to the terminating faculty or staff employee to obtain proper signatures. Failure to initiate proper clearance procedures may result in charges to the department's budget for equipment replacement and other costs incurred as a result of improper clearance.

2. Responsibility of Departments to be Cleared

a. Each of the following departments must be cleared by each terminating employee (applies to voluntary and involuntary termination). He/she must obtain an authorized signature. The purposes for clearing the stipulated departments are listed below.

- i. Faculty/Staff Department - verify that all property of the University assigned to the employee that belongs to the department has been returned. Advise the terminating employee that he/she discontinue the use of the Purchasing Credit Card (PCard), University identification card, etc., after termination of employment. Such items which are the responsibility of the department should be retrieved by the department. University Library - verify that all books or other library materials and fines have been returned and/or paid.
- ii. Bursar's Office - verify that all debts, parking fines, and equipment purchases have been paid.
- iii. Parking Services - verify if are parking fines owed and removes employee parking privileges.
- iv. Grants Development - verify that any pending grants are completed and obligations to granting authority fulfilled.
- v. Human Resources
- vi. Discuss and counsel with employees concerning fringe benefit options upon termination. Complete necessary form for fringe benefit termination and/or continuation.
- vii. Collect University credit cards and i.d. cards, if applicable.
- viii. Collect completed Employee Clearance Record and notify Payroll of clearance completion.
- ix. University Store

b. Improper approval by a clearing department may result in loss of University property. Errors made by the clearing department must be corrected by that department. Any financial loss to the University may be charged to the clearing department's budget.

3. Faculty

- a. Each faculty member who is terminating his/her employment for any reason with the University must schedule an exit interview with his/her department chair as part of the faculty member's clearance procedure (applies to voluntary and involuntary termination). This exit interview must be scheduled far enough in advance of the last day of work to allow for completion of any required action by any party.
- b. Each faculty member must obtain the proper signatures on the Employee Clearance Record and schedule a meeting with Human Resources to review appropriate benefit termination and benefit continuation.
- c. The completed Employee Clearance Record must be submitted to Human Resources prior to employee's last day last day of work.

4. Staff

- a. Each staff employee who is terminating his/her employment for any reason will be scheduled for an interview with Human Resources. This interview is to be a part of the employee clearance procedure and must be completed prior to the employee's receipt of his/her final salary payment. An Employee Clearance Record (Personnel Form No. 8) must be completed with proper signatures as part of the clearance procedure.
- b. The exit interview is to serve the following purposes:
 - i. Complete necessary forms related to leaving the employment of the University.
 - ii. Explain termination of fringe benefits such as group insurance and retirement.

- iii. Discuss reasons why the employee is leaving the University.
 - iv. Discover the employee's attitude toward his/her job, his/her supervision, and the University including suggestions and recommendations for improvement.
 - v. Determine if the reasons given for termination are the same as those stated by his/her supervisor.
 - vi. Foster good relations with the employee.
- c. Each staff employee must obtain the proper signatures on the Employee Clearance Record and schedule a meeting with Human Resources to review appropriate benefit termination and benefit continuation.
- d. The completed Employee Clearance Record must be submitted to Human Resources prior to employee's last day of work.

Employee Exemption from the State Wage and Hour Law

POLICY NUMBER: II M

SUBJECT: EMPLOYEE EXEMPTION FROM THE STATE WAGE AND HOUR LAW

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

EMPLOYEE EXEMPTION FROM THE STATE WAGE AND HOUR LAW

Several policies of Murray State University refer to exempt and/or non-exempt employees from the Fair Labor Standards Act. Employees are exempt from this law if they are employed in positions which meet the qualifications of executive, administrative, supervisory, or professional employees as defined below.

1. Executive

Any employee

- a. whose primary duty consists of the management of the institution or of a customarily recognized department or subdivision thereof;
- b. who customarily and regularly directs the work of two or more other employees therein;
- c. who has the authority to hire and fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status will be given considerable weight;
- d. who customarily and regularly exercises discretionary powers;
- e. who earns not less than \$155 per week and does not devote more than 20 percent of his/her hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of section 1; or
- f. who earns not less than \$250 per week and whose primary duty consists of the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of two or more other employees therein, shall be deemed to meet all the requirements of this section.

2. Administrative Any employee

- a. whose primary duties consist of either
 - i. the performance of office or non-manual work directly related to management policies or general business operations; or
 - ii. who performs functions in the administration of an educational institution, or of a department or subdivision thereof, in work directly related to academic instruction or training carried on therein;
- b. who customarily and regularly exercises discretion and independent judgment;
- c. who
 - i. regularly and directly assists an employee employed in a bona fide executive or administrative capacity; or
 - ii. performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge; or
 - iii. executes under only general supervision special assignments and tasks;
- d. who
 - i. earns not less than \$155 per week and does not devote more than 20 percent of his/her hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of section 2; or
 - ii. earns not less than \$250 per week and whose primary duty consists of the performance of work described in paragraph 2 (a) which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all the requirements of this section.

3. Professional

Any employee

- a. whose primary duty consists of the performance of
 - i. work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or
 - ii. work that is original and creative in character in a recognized field or artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee; or
 - iii. teaching, tutoring, instructing, or lecturing in this activity as a teacher certified or recognized in an

educational institution by which he/she is employed.

- b. whose work required the consistent exercise of discretion and judgment in its performance;
- c. whose work is predominantly intellectual and varied in character and is of such character (as opposed to routine, manual, mechanical, or physical work) that the output produced cannot be standardized in relation to a given period of time;
- d. who earns not less than \$170 per week and does not devote more than 20 percent of his/her hours per week in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of section 3; or
- e. who earns not less than \$250 per week and whose primary duty consists of either work described in paragraphs (a) through (c) of section 3, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

4. Supervisory

Any employee

- a. who customarily and regularly directs the work of two (2) or more other employees where he/she is employed
- b. who does not devote more than twenty percent (20%) of his/her hours of work in the workweek to activities of the same nature as the employees under his/her supervision; and
- c. who is compensated for his/her services on a salary basis at a rate of not less than \$155 per week; provided, that an employee who is compensated on a salary basis at a rate of not less than \$250 per week and whose primary duty consists of customarily and regularly directing the work of two (2) or more other employees, shall be deemed to meet all of the requirements of this section.

Working Hours

POLICY NUMBER: III A

SUBJECT: WORKING HOURS

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

WORKING HOURS

1. Workweek
 - a. The normal workweek for full-time employees is 37 1/2 or 40 hours measured from Friday midnight until midnight of the following Friday. (Saturday through Friday.
 - b. Employees of several departments of the University regularly work 40 hours per week. Schedules for these hours are established by each department.
2. Shifts
 - a. The normal office hours of the University are 7 1/2 working hours per day, 8:00 a.m. to 4:30 p.m.
 - b. Employees may be required to work shifts different from normal, such as afternoon, evenings, and/or weekends. The supervisor shall base assignment of an employee to a shift upon the needs of the department, work performance, and seniority.
3. Days
 - a. The normal workweek is five (5) days, Monday through Friday, with one hour for lunch each day.
 - b. Several departments require a seven day per week operation. Employees working in these departments will be required to work schedules to meet the needs of these departments. The supervisor shall base the assignment of an employee to a schedule upon the needs of the department, work performance, and seniority.

Payroll

POLICY NUMBER: III B

SUBJECT: PAYROLL

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: January 1, 2011

REVISED FROM: July 1, 1993

PAYROLL

Employees of the University are paid on a biweekly or monthly payroll depending on their status as non-exempt or exempt employees under the provisions of the State Wage and Hour Law.

1. General Information

- a. Payroll schedules are distributed to each department by the Payroll Office prior to the beginning of each fiscal year delineating the dates for submitting payroll information and date of payment.

2. Non-exempt Staff

Non-exempt employees are paid biweekly with pay delayed two weeks to allow for processing the payroll after time reports are submitted to the Payroll Office.

- a. Deadlines for reporting time are stated in the payroll calendar for biweekly employees..
- b. Pay is distributed every other Friday.
- c. Biweekly payrolls are distributed 26 times a year.

3. Exempt Staff

Exempt staff employees are paid monthly according to the payroll calendar for monthly employees.

4. Faculty

- a. Faculty members on 12-month contracts will be paid monthly according to a payroll schedule on the payroll calendar for monthly employees.
- b. Faculty on academic year contracts are paid ten equal payments beginning in August of each year through May of the following year.
- c. Faculty on academic year contracts may be paid twelve equal payments beginning in August of each fiscal year if the faculty member submits a request to the Payroll Office at the time the contract is returned to the President's Office.

Payroll Deductions

POLICY NUMBER: III C

SUBJECT: PAYROLL DEDUCTIONS

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

PAYROLL DEDUCTIONS

1. Required Deductions

The University is required by law to make the following deductions from the individual employee's paychecks:

- a. Federal income tax
- b. State income tax
- c. City tax
- d. FICA tax
- e. Retirement System employee contributions

2. Optional Deductions

The individual employee has the option to request the following deduction(s) be taken from his/her paycheck:

- a. Supplemental life insurance to the life insurance company approved by the Board of Regents to carry Murray State University's life insurance program.
- b. Tax sheltered annuity or deferred compensation plans that are approved by the University.
- c. Flexible spending accounts
- d. Disability insurance
- e. Deposits to the MSU Federal Credit Union and/or the banking/savings institutions in the continental U.S.
- f. Contributions to United Way, the MSU Annual Fund or other miscellaneous agencies accommodated by Payroll.
- g. Other optional deductions may be made by approval by the Board of Regents.

3. Procedures

- a. Payroll deductions for state and federal income taxes are computed from information submitted by the employee on W-4 and K-4 forms. If the individual fails to complete a W-4 and a K-4 form, his/her withholding must be computed on the basis of a single person with no withholding exemptions.
- b. Employees desiring to change the amount withheld for state and federal income taxes may submit a revised W-4 and/or a K-4 form to Human Resources or the Payroll Office no later than the first of the month in which the revised withholdings are to be made.
- c. Employees desiring to participate in the optional programs must complete the necessary forms in Human Resources authorizing the action before any money can be withheld from the employee's paycheck.

Overtime and Exceptional Compensation

POLICY NUMBER: III D

SUBJECT: OVERTIME AND EXCEPTIONAL COMPENSATION

APPLIES TO: NON-EXEMPT STAFF

EFFECTIVE DATE: July 1, 2017

REVISED FROM: February 17, 1990

OVERTIME AND EXCEPTIONAL COMPENSATION

As a general policy, it is expected that the University's various workloads should be accomplished within the basic schedule of the workweek. Due to peak workloads, unforeseen circumstances, or emergency situations which prevent the work from being accomplished during the regularly scheduled working hours, it is recognized that overtime work may be necessary.

The administrative head of the department has the authority to approve overtime work of his/her employees. Overtime work shall only be permitted with the approval of the administrative head of the department. At times employees will be required to work overtime.

Extra work for another department which may or may not result in overtime compensation for an employee must be approved by each employing department.

1. Requirement to Pay Overtime Compensation

- a. Overtime compensation must be paid for all hours worked above forty (40) for the same employer. For the purpose of this policy, the University is the employer and not its individual departments or University sponsored grants and contracts.
- b. If a non-exempt employee is required or allowed to work more than forty (40) hours during a workweek, the employee must be paid at least one and one-half times his/her regular hourly rate for those hours in excess of forty (40). Any hours between thirty-seven and one half (37 1/2) and forty (40) will be paid at the employee's regular rate of pay. When an employee holds more than one position, a weighted average rate of pay may be used for overtime calculation.

2. Time Off Without Pay

- a. Under the provisions of the State Wage and Hour Law an employee may not be granted time off during a future workweek in lieu of compensation for hours worked in excess of forty (40) per week. Any time off without pay must be granted during the same workweek.
- b. Time off without pay during the same workweek should be scheduled by the employee's supervisor whenever possible to prevent overtime compensation. An employee may be granted or requested by his/her supervisor to take time off without pay during the workweek as scheduling of work permits to prevent overtime compensation.

3. The Workweek for Computing Overtime

- a. The normal workweek of the University is from 12:00 a.m. Saturday until 11:59 p.m. the following Friday.
- b. For the purpose of computing overtime, each workweek stands alone. Hours worked during two or more workweeks cannot be averaged when computing overtime.

4. Working Hours

- a. "Hours worked" includes all time an employee is required or permitted to be on duty, on the employer's premises, or at a prescribed work place, except for meals or other periods when the employee is free from duty. Periods during which an employee is completely relieved from duty and which are long enough for him/her to use the time effectively for his/her own purposes are not hours worked. Work breaks or rest periods of a short duration, such as five (5) to about twenty (20) minutes, are considered to be hours worked; however, meal periods of thirty (30) minutes or more are considered to be non-work time when the employee is completely relieved from duty.
- b. Travel time may be hours worked under certain conditions. Travel that is related to an employee's regular work may be considered to be working time. Human Resources should be contacted for guidance. Ordinary travel from home to work or vice versa is not working time.
- c. If an employee is called back to work from his/her home after normal work hours, he/she will be compensated for a minimum of two hours work time.

An employee who is required to remain on call on the employer's premises or so close thereto that the employee cannot use the time effectively for his/her own purposes is working while "on-call." An "on-call" employee who is not required to remain on the employer's premises but is merely required to leave word where he/she may be reached, either by telephone or electronic communication device (i.e., waiting to be engaged), is not considered to be working while "on-call." When the employee in such a situation who is not working is notified to report for work, only the hours worked and travel time to and from the work place are counted as hours worked. If, however, the "on-call" conditions are so restrictive that the employee is not free to use the intervening periods effectively for his/her own purposes (i.e., engaged to wait) such waiting time "on-call" will also be counted as hours worked. Departments that have a need to implement an "on-call" policy must contact Human Resources prior to implementation in order to ensure that the policy is in compliance with the "on-call" provisions of the Fair Labor Standards Act.

5. Compensation for University Holidays

- a. Employees who are required or permitted to work on University approved holidays will be compensated as provided in Holiday Policy IV D 2(b).

6. Unscheduled University Closing

An employee required to work after the University has been closed due to an unscheduled event (such as inclement weather) will be compensated at a rate equal to their regular wage plus their regular wage (double time) up to 40 hours per week. Time worked in excess of 40 hours will be compensated at a rate of regular pay plus one and one half regular pay.

7. Overtime for the Same Employer

- a. An employee who holds two (2) or more positions concurrently, but in different departments, must receive overtime compensation for all combined hours worked which exceeds forty (40) for all work performed during the workweek. The department charged the overtime compensation may vary.
- b. When an employee is presently working in one part-time position and is hired in a second part-time position in another department, the second hiring department must notify the employee's department where he/she is presently employed due to the effect of hours worked and the possibility of overtime costs.
- c. If the employee holds two (2) or more positions at different rates of pay, any overtime compensation will be computed using the weighted average of such rates, or at the higher rate of pay.

Pay Plan

POLICY NUMBER: III E

SUBJECT: PAY PLAN

APPLIES TO: NON-EXEMPT STAFF

EFFECTIVE DATE: January 1, 2011

REVISED FROM: July 1, 1993

PAY PLAN

The University's hourly wage scale and wage policy are designed to treat all personnel fairly and equitably in level of pay and wage adjustments.

The following policies also relate to wages paid a non-exempt employee:

Overtime and Exceptional Compensation - Policy Number III D

Recording Time Worked - Policy Number III G

1. Wage Scale

- a. Each grade of the classification system is structured in such a way as to provide a minimum rate and a maximum rate of pay.
- b. The minimum rate for each job shall be such that qualified applicants can be employed at that rate. New employees will normally enter the position at this level. Note: Any exception to this policy must meet the following criteria:
 - i. Applicant must exceed the qualifications.
 - ii. Written justification from the head of the department to his/her vice president and a copy to the Director of Human Resources.
 - iii. The vice president must recommend the request.
 - iv. The Director of Human Resources must approve the request.
- c. The maximum rate for each grade is the highest rate that shall be paid to an employee in that grade.

2. Wage Increases

- a. Annual increases in wages when approved by the Board of Regents are usually effective July 1.
- b. Increases when authorized by the Board of Regents may be granted to all non-student employees who were employed prior to April 1 in accordance with established pay increase guidelines.
- c. Wages of employees hired on April 1 or after shall be increased effective July 1 at least to the entry wage rate established for his/her grade for the new fiscal year.
- d. Every non-exempt employee must make at least the minimum pay rate in his/her grade.

3. Change of Job

- a. Promotion - An employee shall receive either the entry-level wage for the new position or a five percent (5%) per grade increase in pay, whichever is greater; but not greater than the maximum rate of pay for the new grade. Employees promoted after the budget is approved by the Board of Regents may at the request of the new supervisor have any merit funds previously granted applied to their new wage effective July 1.
- b. Lateral - An employee shall retain the same level of pay when moving from one job to another job within the same grade.
- c. Demotion - The wage will be the greater of the following three options:
 - i. Entry rate of pay for the grade,
 - ii. prior wage reduced five percent (5%) per grade, or
 - iii. when a demotion follows a promotion and the demotion takes the employee to either the same grade or a higher grade prior to the promotion, the wage the employee made prior to the promotion.

The limiting factor is the employee cannot receive a greater wage than the maximum set for the grade.

This policy applies to voluntary or involuntary (disciplinary) demotions. Involuntary is qualified by Policy Number III E. 4.b.

- d. Summer Wages (Employees Working Elsewhere on Campus) - Raises for employees who temporarily transferred to another position on campus during the summer months will be effective upon their return to their regular positions.

4. Reclassification

- a. Upgrade of Job - The pay rate of the present employee shall be adjusted by five percent (5%) per grade or the entry rate for the new grade, whichever is higher.
- b. Downgrade of Job - An employee whose position is reclassified to a lower classification grade will remain in the current pay grade for two years. At the end of two years, the employee's rate of pay will be reduced according to Demotion Procedures.

Extra Compensation Staff

POLICY NUMBER: III F

SUBJECT: EXTRA COMPENSATION FOR STAFF

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

EXTRA COMPENSATION FOR STAFF

The policy of the University is to arrange for an employee to be released from normal duties to perform specialized work both within and outside the University. Overload pay will be the exception.

On rare occasions when overload payment to exempt staff is appropriate and has been formally approved, it will be kept to a minimum and in no case will a combination of outside consulting and overload assignments exceed twenty (20) percent of a staff member's time.

Fiscal year faculty and exempt staff are considered to be assigned for 52 weeks per year. Therefore, fiscal year employees will have limited opportunity for overload assignments by the University.

Non-exempt staff are normally those University employees who are employed on an hourly basis. According to their assigned work positions, they may be expected to work either 37.5 or 40 hours per week. Only in exceptional cases will non-exempt staff be allowed to work on special projects and receive overload/overtime compensation.

These policies include faculty and other exempt staff who teach continuing education classes; such as, but not limited to, off-campus classes, correspondence courses, KET courses, evening and weekend classes, non-credit courses, workshops, conferences, and special programs for extra compensation.

In no circumstances will payment be made before written approval is obtained and the work or service has been provided. Each vice president is responsible for ensuring extra pay to employees does not exceed the maximum established in this policy.

1. Criteria for Receiving Extra Compensation

a. Extra compensation may be paid to staff only when all of the following requirements are met:

- i. If to be paid from sponsored funds, overload payment will only be paid if the project includes recovery of full indirect costs. (Reference: Department of Accounting's Grants and Contracts Policy 1GEN:01:01)
- ii. No qualified person is available to perform the work as part of a full or normal workload.
- iii. The work is done in addition to a full workload and cannot be done as a part of a full or normal workload.
- iv. The additional work will not interfere with the performance of regularly assigned teaching, research, service, administrative, or other duties.
- v. If to be paid from sponsored funds, sponsor approval is required; approval may be shown in the grant agreement or subsequent approval may be obtained after the award has been received but before the service is provided. (Reference: Grants and Contracts Policy 1GEN:01:01)
- vi. The individual and the immediate supervisor for the overload position will be required to certify that the work has been done. The individual's supervisor for the regular position will be required to certify that the regular assigned duties were not affected.
- vii. Total overload compensation will not exceed twenty (20) percent of the base salary during the employee's base contract period.
- viii. The work for overload compensation is approved in advance by the individual's chair, dean or director and vice president; by the vice president for whom the service is provided if the service is provided outside the employee's area; and by the President. (Request for Extra Compensation, Personnel Form No. 7)

2. Eligibility for Extra Compensation

- a. Staff may be paid extra compensation for extra work performed for approved programs, grants, contracts, etc., if the work performed is not part of his/her work assignment or no one else on campus can perform this work as part of his/her normal employment.
- b. Full-time staff are not eligible for extra compensation for service activities which are a part of their regularly assigned duties and responsibilities.

- c. Staff cannot receive extra compensation from University funds or University generated funds for consultative services when either of the following conditions exists:
 - i. Where the unit of the University on whose budget staff member appears also controls the account from which extra compensation is to be paid.
 - ii. Where the unit of the University on whose budget staff member appears is a major sponsor of the program.
 - iii. These conditions may be waived by the President if the services rendered are deemed beneficial to the total University.
 - d. Additional factors which must be given careful review are the clientele to be served by staff member's participation and the function which staff member will perform. Individuals should not be paid extra compensation for participation in programs which serve the same clientele as that which staff member was employed to serve. Nor should he/she receive extra compensation to perform essentially the same function as that for which he/she was employed.
3. Limitations on Extra Compensation
- a. Exempt Staff
 - i. An exempt staff employee may be expected to work more than the normal University workweek of 37.5 hours per week at his/her regularly assigned position without receiving extra compensation. Occasionally, a particular employee may possess an expertise needed in order for the University to fulfill the objectives of a grant or a contract. When this needed expertise is to be used outside the regularly assigned workload of the employee, that employee may receive overload compensation for the work that is performed. In the case of work on a grant or contract, the granting agency must be informed and give written approval, by name, for any employee to receive overload pay. In no case will total overload compensation exceed 20 percent of the employee's base salary.
 - ii. An exempt employee will not be paid at a higher rate for work performed on externally sponsored activities than he/she is paid for regular workload. Extra pay rate for faculty and exempt staff will be calculated as follows
 - b. Non-Exempt Staff Doing Non-Exempt Work
 - i. Non-exempt employees are required to report hours worked each week and are paid an hourly rate of pay for all hours worked. The normal workweek for the University is Friday midnight until the following Friday midnight. A non-exempt employee who works more than 40 hours during this workweek must be paid an overtime rate of 1.5 times the employees regular rate of pay

Monthly rate of pay

Fiscal year salary divided by 12.

Daily rate of pay

Monthly rate divided by 21.75.

Hourly rate of pay

Daily rate divided by 7.5.

- ii. Only in exceptional cases will non-exempt employees be permitted to work in two positions concurrently. In such cases, work performed for a grant or contract may not result in the payment of overtime.
 - iii. On rare occasions when a non-exempt employee is doing work which significantly differs from his/her normal duties, the principal investigator/project director will write a job description for the additional duties, including rate of pay. The Director of Human Resources will have final approval of the additional duties and rate of pay
- c. Grants and Contracts Requirements

By authorizing extra compensation work in advance and payment being made only after the work is performed, the documentation of personal service charges as required for grants and contracts will be satisfied. (Reference: Grants and Contracts Policy IGEN:01:01)

Recording Time Worked

POLICY NUMBER: III G

SUBJECT: RECORDING TIME WORKED

APPLIES TO: NON-EXEMPT STAFF AND STUDENTS

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

RECORDING TIME WORKED

All employees including students who are doing non-exempt work as defined by the State Wage and Hour Law are required to record all hours worked during each University workweek. (See definition of University workweek.)

1. Method of Recording Time Worked

The University requires that time be recorded by all employees doing non-exempt work using either a time sheet or a time clock. Each department is required to maintain accurate records of time worked and report the time worked to the Payroll Office on a scheduled basis.

a. Time sheets

- i. To be used in recording time if the department does not use a time clock.
- ii. Time sheets must be signed by the employee and the designated supervisor.

iii. Time clocks

1. To be used in recording time by those departments using time clocks.
2. Time cards with recorded time must be signed by the employee and the designated supervisor.

2. Verification of Time Worked

- a. Each employee and his/her supervisor must sign the time sheet or time card (from time clocks) to verify that the recorded time is the time actually worked.
- b. An employee may not use a time clock to record the time worked for another employee. This action will be cause for disciplinary action. (Reference: Employee Discipline)

3. Record Retention

- a. Time sheets submitted to the Payroll Office will be retained for a minimum of three years by the Payroll Office.
- b. If time worked is reported to the Payroll Office on a separate card from the one signed by the employee, the department submitting the time record is responsible for maintaining the employee signed time sheets or time cards for a minimum of three years.

Absenteeism

POLICY NUMBER: III H

SUBJECT: ABSENTEEISM

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

ABSENTEEISM

Attendance on the job by all employees is vitally important to the smooth functioning of operations at the University.

1. Notifying Supervisor of Absence
 - a. The supervisor must be notified by the employee as early as possible but not later than the beginning of the shift on the first day of absence.
 - b. The supervisor must be informed if the absence is prolonged beyond the intended absence.
 - c. The next level supervisor may be notified if the employee is unable to notify his/her supervisor. The supervisor notified will inform the immediate supervisor so that arrangements may be made to cover the workload of the department.
2. Consequences of Failure to Notify Supervisor or Department of Absence

Absence for three (3) or more consecutive working days may be cause for separation without notice.

3. No pay is authorized for the following unexcused absences:
 - a. Failure to present adequate justification for the absence upon return to work.
 - b. Absence from work without approval of the supervisor or timely notification of the employee's department.
 - c. Accrued vacation days may not be used for absences without giving proper notification to the supervisor.
 - d. Accrued sick leave may not be used unless the employee has notified his/her supervisor and presents a signed statement from his/her physician if requested by the supervisor. A signed statement from his/her physician may be requested by the supervisor after three (3) consecutive days absence or if a pattern of abuse of sick leave exists.
4. Centralized University Record

The Payroll Office maintains a central record file for all absences. These records are the official records of accrued vacation and sick leave.

- a. Each department within the University shall report absences to the Payroll Office on forms provided monthly.
- b. The immediate supervisor of the employee is responsible for the accuracy of these reports.

Performance Evaluation

POLICY NUMBER: III I

SUBJECT: PERFORMANCE EVALUATION

APPLIES TO: REGULAR STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

PERFORMANCE EVALUATION

Each employee shall receive no less than an annual performance evaluation. The evaluation will be based on performance expectations and standards previously established for each employee.

The University administration has the right to use an employee's evaluation for management decisions and administrative hearings.

1. Purposes of the Evaluation

- a. Serve as a basis for constructive discussion between supervisor and employee.
- b. Ensure that job duties performed are consistent with institutional objectives.
- c. Identify employees deserving promotion.
- d. Justify disciplinary action or discharge.
- e. Serve as a basis for compensation.
- f. Identify needs for training and development.
- g. Promote periodic consideration of each employee in terms of performance.
- h. Identify high achievers.

2. Procedure

- a. All employees shall be evaluated at least annually utilizing evaluation forms distributed by Human Resources. The evaluation year shall be March 1 through February 28 of the following year.
- b. At the beginning of each evaluation period a statement of performance goals and standards of evaluation should be prepared by each employee and supervisor. This statement should be signed by both the employee and the supervisor.
- c. The written evaluation shall be completed by the employee's first-line supervisor.
- d. The completed evaluation must be discussed with the employee, signed by the employee, and forwarded to Human Resources. The evaluation will be placed in the employee's personnel file.

3. Appeal Process

An employee who disagrees with his/her evaluation on the content, procedure, or possible discrimination may appeal the evaluation as follows:

- a. Appeal on content of performance evaluation
 - i. A written appeal must be made within fifteen days after the evaluation is discussed with the employee.
 - ii. The appeal is to be directed to the next level of supervision over the supervisor making the evaluation.
 - iii. The vice president for the area is the final level of appeal when the appeal concerns content of the evaluation.
- b. Appeal on procedure of performance evaluation
 - i. A written appeal concerning a procedural question must be made within fifteen days after the evaluation is discussed with the employee.
 - ii. The written appeal is to be sent to the Director of Human Resources.
 - iii. The Director of Human Resources will respond in writing within fifteen days of receipt of the appeal. The employee will be notified if additional time is required to complete a response.
 - iv. The Vice President for Finance and Administrative Services is the final level of appeal when the appeal concerns the procedure of the evaluation.
- c. Possible discrimination
 - i. A written appeal concerning alleged discrimination may be made within fifteen days after the evaluation is discussed with the employee to the Office of Equal Opportunity
 - ii. The written appeal is to be sent to the Director of Equal Opportunity.

- iii. The Director of Equal Opportunity will respond within fifteen days of receipt of the appeal. The employee will be notified if additional time is required to complete a response.
- iv. Procedures set forth in Policy VI B, Equal Opportunity Grievance Procedure, will be followed when the appeal concerns discrimination.

Rest Periods

POLICY NUMBER: III J

SUBJECT: REST PERIODS

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

REST PERIODS

All staff who work a minimum of four (4) hours in a work day must be granted a rest period.

Supervisor's Responsibility

1. The supervisor will establish the rest period for the employees which he/she supervises.
2. The following rules shall apply:
 - a. Time for rest periods must be at least ten (10) minutes and shall not exceed fifteen (15) minutes during each four (4) hour work period.
 - b. Scheduling of rest periods shall be established so the services to the University will not be disrupted.
 - c. Rest periods may not be accumulated from day to day or added together to create a prolonged break.
 - d. Rest periods cannot be foregone to make up for time lost due to absence or tardiness.
 - e. Rest periods may not be used at the beginning or end of the work schedule or added to the scheduled meal period.
 - f. No reduction in compensation shall be made for staff employees for scheduled rest periods.

Weather

POLICY NUMBER: III K

SUBJECT: WEATHER

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

WEATHER

The University recognizes that inclement weather conditions can result in lateness and possible absences.

1. When the University Remains Open During Inclement Weather

- a. Late arrival to the work place
 - i. An employee must make every effort to arrive on time AND notify his/her supervisor of anticipated lateness. If an employee is unable to arrive at work on time, he/she will not be penalized (no loss of pay or charge to vacation) due to extreme or hazardous conditions.
- b. Inability to get to work
 - i. If employees are unable to get to work, the employee will be given the option of how this absence will be charged. He/she shall choose one of the following:
 1. The employee will not be paid for the period of time absent, or
 2. the time absent will be charged against the employee's accumulated vacation.

2. When the University Closes Due to Inclement Weather

- a. The President or his/her designate shall decide if weather conditions warrant early departure of employees campus-wide.
- b. Due to critical services in certain departments, some employees must continue to work. In this case, employees working in critical services (Food Services, Heating & Cooling Plant, Public Safety, etc.) who must continue working will complete their normal hours. (See Overtime Compensation)

Flexible Work Arrangements

POLICY NUMBER: III L

SUBJECT: FLEXIBLE WORK ARRANGEMENTS

APPLIES TO: STAFF EFFECTIVE

DATE: January 1, 2024

FLEXIBLE WORK ARRANGEMENTS

The flexible work arrangements policy allows for workplace flexibility while still meeting the needs, interests and mission of Murray State University (MSU) as required by Kentucky Revised Statute. The University's operational needs are consistent with its status as a traditional, residential, comprehensive university.

Regular full-time and part-time staff positions may be eligible for consideration for flexible work arrangements.

This policy does not apply to incidental or brief time periods that are best managed through the use of leave or other arrangements with the employee's supervisor.

Flexible work arrangements are not feasible within some departments or for certain positions within a department. Positions that are ineligible for flexible work arrangements include but are not limited to dispatch and police operations, central plant and facilities management, farm operations, parking enforcement, post office, student financial services, student recruitment and retention, the wellness center, among others, in order that expected services and student engagement are at the forefront of operations and the delivery of services. Student facing positions, especially, require careful review and evaluation.

Flexible work arrangements that cause a department to incur overtime will not be approved. This policy does not allow for altering the regular full-time definition of a workweek from either 37.5 or 40 hours per week.

The University may establish new or open positions in which a flexible work arrangement is available. For positions designated for flexible work, the job posting will describe the flexible work arrangement available and include a statement that the ability to work effectively and efficiently is a qualification of the position. Flexible work arrangements must comply with applicable local, state and federal laws, including the Fair Labor Standards Act.

Flexible work arrangements refer to flexible work schedules during a 37.5 or 40 hour workweek which permit variable daily starting and ending times. Flexible scheduling options include:

- Fixed starting and ending times that vary from the standard unit operating hours;
- Variations in workday length but maintaining the same hours per week requirement.
- The University's workweek is Saturday through Friday.

There may be situations where there is a mutual agreement between a supervisor and staff that some component(s) of a staff's work may be performed at home for a specified number of hours per week. These situations will be managed and approved on an individual basis.

Flexible work arrangements are not designed for, or intended to be used as, a substitute for in-home or other types of dependent care.

1. Requesting Flexible Work Arrangements

- a. Flexible work arrangements may be considered after six (6) consecutive months of service have been completed in the position intended to be covered by a flexible work arrangement, unless otherwise recommended by the supervisor and administrative head of the department. The requirement is waived if a new or open position is designated for flexible work.
- b. Requests for positions to have a flexible work arrangement must be submitted by the supervisor and recommended by the administrative head, dean/director and the Vice President or President. Final approval is granted by Human Resources.
- c. Requests for flexible work arrangements will have a set period of time of one year. The agreement may be reviewed and re-defined as needed, if it is to be continued for an additional period of time.
- d. Participation in flexible work arrangements is not an entitlement, and the request will be approved or denied based upon the needs of the department and/or University.

2. Flexible Work Arrangements Outside of Kentucky

An additional review of flexible work arrangements by Human Resources and other required departments is needed for work locations outside of Kentucky and may not be approved. Flexible work arrangements outside of the United States will not be approved.

3. Workers' Compensation

Work-related injuries are subject to workers' compensation at the primary work location or a flexible work arrangement that is considered an extension of the primary work location.

General Leaves of Absence

POLICY NUMBER: IV A

SUBJECT: GENERAL LEAVES OF ABSENCE

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

GENERAL LEAVES OF ABSENCE

The Board of Regents may grant a leave of absence for a period up to one year except as stated in Policy IV E, Personal Leave. After the leave, the employee will return to his/her regular job or similar position. Each applicant will be required to state the purpose for which a leave is sought and to detail the manner in which an approved leave would be used. Leaves may be granted provided that satisfactory arrangements can be made to insure minimal disruption of operations. While a leave cannot exceed one year, it is subject to extension by the Board of Regents on a year-to-year basis. An employee granted subsequent leaves (beyond the first year) will be given every consideration for re-employment at the end of the leave period.

Conditions and requirements of specific types of leaves of absences are defined in subsequent policies.

Vacation Leave

POLICY NUMBER: IV B

SUBJECT: VACATION LEAVE

APPLIES TO: STAFF AND TWELVE-MONTH FACULTY

EFFECTIVE DATE: July 1, 2001

REVISED FROM: July 1, 1993

VACATION LEAVE

1. Eligibility

All regular employees, except faculty members on academic year contracts, are eligible for vacation benefits.

2. Accrual and Accumulation

- a. Vacation shall accrue by the month or major portion (12 or more working days). The actual calculation will be denoted in hours not days as follows:
 - i. .833 days per month (10 days per year) through the first four years of service,
 - ii. 1.25 days per month (15 days per year) beginning with the fifth year and continuing through the tenth year of service,
 - iii. 1.42 days per month (17 days per year) beginning with the eleventh year and continuing through the fourteenth year of service, and
 - iv. 1.67 days per month (20 days per year) beginning with the fifteenth year for the duration of his/her employment.
 - v. An employee's vacation days accumulation may not exceed 1 1/2 times his/her annual allowable maximum at the end of a fiscal year. However, accrued vacation days may exceed 1 1/2 times the annual allowable maximum prior to the end of each fiscal year.
- b. A faculty member on a 12-month contract will accrue vacation leave during a summer professional improvement leave or a sabbatical leave.
- c. An employee who was terminated involuntarily due to reductions in force for reasons beyond his/her control will be given credit for previous years of service for determining vacation accrual upon re-employment. NOTE: This policy does not apply to employment periods that an employee worked on grants or contracts.
- d. Vacation leave shall not be granted to an employee beyond the amount of accrued vacation on record at the starting date of vacation leave.
- e. Absences due to official leaves of absence or in cases where an employee is transferring to work under the provisions of a grant or contract, personal or family illness, injury, or disability in excess of accrued sick leave must be charged against accrued vacation leave prior to the employee being granted a leave of absence without pay. NOTE: The Director of Human Resources may grant permission for the employee to be placed on a leave of absence without using all his/her accumulated vacation if recommended by the administrative head of the department. The employee must state in writing that he/she waives the right to any accumulated vacation remaining on record if he/she fails to return to his/her position at the end of the approved leave of absence. NOTE: Grants cannot assume accrued vacation leave. Accrued vacation will be paid to the employee at the time of transfer or promotion to a grant or contract.
- f. Vacation accrued while on vacation and/or sick leave will not be paid or recorded until the employee returns to work for a period of one month.

3. Scheduling/Utilization of Vacation Leave

Utilization of vacation leave will be reported in hours rounded to the nearest quarter hour increment as calculated by the Payroll Office.

- a. Vacation leave shall be granted by the administrative head of the department in accordance with operating requirements and, insofar as practicable, with the requests of the employee. If more requests are received than can be granted at one time, the administrative head of the department may consider scheduling vacations according to seniority in the event that vacations are requested for the same date. All vacation leaves are subject to cancellation as deemed necessary to insure that the University continues to function in an educationally sound and efficient manner.
- b. Employees may not use accrued vacation without prior approval of their supervisor.
- c. Employees are charged with vacation leave for absences only on days which they would otherwise work and receive pay. Should a University holiday be observed on one of the employee's regularly scheduled workdays while he/she is on vacation, he/she will not be charged vacation leave for the holiday.

- d. This vacation leave policy is over and above the holidays authorized by the University. Days other than holidays taken between semesters shall be charged to accrued vacation.

4. Transfer of Accrued Vacation Leave

An employee who is transferred or otherwise changed from the jurisdiction of one department to another shall retain his/her accrued vacation leave in the new department.

5. Compensation for Accrued Vacation Leave Upon Separation of Employment

a. General Rules

- i. In no case may the total terminal vacation allowance exceed the maximum vacation accrual allowed under this policy.
- ii. An employee who voluntarily terminates his/her employment or who anticipates moving to a position not covered by the University vacation policy (academic year faculty or temporary position) must use all accrued vacation prior to the effective date of such action when the effective date is June 30, the end of the fiscal year.
- iii. In unusual circumstances accrued vacation may be paid in one payment prior to the end of the fiscal year, June 30, if the termination is due to retirement or if it is to the advantage of the University that vacation not be taken prior to the end of the fiscal year. In either case approval to receive payment for vacation must be obtained in advance in writing from the appropriate vice president. Failure to obtain this approval may result in loss of accrued vacation benefits.
- iv. Holidays occurring during a terminal vacation period shall be considered working days for computing terminal payallowances.
- v. The effective date of separation from payroll shall be the last day of work.

b. Resignations

- i. Accrued vacation on record at the time of resignation will be granted or paid only to an employee who has continuous employment of at least six months and who gives at least two weeks notice of his/her intent to resign.
- ii. An employee who gives two weeks notification of his/her intent to resign cannot use accrued vacation in meeting this notification period unless approval is granted by the administrative head of the department.

c. Retirement

i. Teachers' Retirement System

An employee who is terminating his/her employment due to retirement through Teachers' Retirement System and requests retirement benefits to begin upon his/her termination will have his/her accrued vacation paid during the last month of employment. The amount to be paid may not exceed the maximum vacation accrual allowed under this policy on the next day following retirement.

ii. Kentucky Employees Retirement System

An employee who is terminating his/her employment due to retirement through Kentucky Employees Retirement System and requests retirement to begin upon his/her termination must be paid his/her vacation pay each pay period. In order for the employee to receive credit through the retirement system for his/her earned vacation, he/she must remain on the payroll through the last day of accumulated vacation. Vacation cannot be paid in a lump sum on the last day of work if he/she wishes to receive service credit for accumulated vacation at the time of retirement.

d. Terminations

- i. An employee who is terminated shall be paid for all accrued vacation.
- ii. The University shall specify the termination date for involuntary separation.

e. Death

In the event of death of an employee, the employee's estate will be paid for the unused portion of the employee's accrued vacation leave.

Sick Leave

POLICY NUMBER: IV C

SUBJECT: SICK LEAVE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: April 1, 2022

REVISED FROM: May 12, 1997

SICK LEAVE

Sick leave is provided for income protection of employees during active employment. Employees shall not be compensated for accrued sick leave balances upon separation of employment.

1. Eligibility

Each regular full-time or part-time employee is eligible to accrue sick leave.

2. Accrual of Sick Leave

a. Full-time employees shall accrue sick leave with pay at the rate of one normal working day for each month of service or major fraction thereof. Part-time employees will accrue sick leave on a pro-rata basis. Twelve or more working days during a month constitutes a major fraction. Actual calculation of sick leave accruals will be denoted in hours not days.

b. The maximum sick leave that may be accrued at any time is one hundred eighty (180) days.

c. Faculty members on academic year contracts will accumulate sick leave for the summer months provided they are employed for the following academic year.

d. Faculty and staff on 12-month or academic year contracts will accrue sick leave while on an approved leave of absence with pay.

e. An employee will not accrue additional sick leave during a period of disability until he/she returns to work for a period of one month. After returning to work for one month, sick leave earned during the paid portion of the disability will be added to the employee's record.

3. Transfer of Accrued Sick Leave

An employee who is transferred or otherwise changed from one department to another shall retain his/her accumulated sick leave in the new department. NOTE: Employees working under a grant or contract cannot use accrued sick leave. Accrued sick leave will be retained in the employee's records in Human Resources and will be reinstated if the employee transfers to a University position.

4. Granting/Utilization of Sick Leave

Utilization of sick leave will be reported in hours rounded to the nearest quarter hour increment as calculated by the Payroll Office.

a. The administrative head of the department shall approve sick leave for eligible employees, subject to the conditions and/or limitations stated under this policy. An eligible employee will be granted sick leave:

(1) When unable to perform job duties as a result of illness, accident or injury, pregnancy, childbirth, or other medical conditions.

(2) When relieved from duty to prevent the employee's exposure to, or exposure of, contagious disease or other potential health hazard.

(3) For the temporary care of members of his/her immediate family who are disabled as a result of illness, accident or injury, pregnancy, childbirth, or related medical conditions requiring the presence of the employee. Immediate family shall be the employee's spouse, children or step-children, parents or step-parents, siblings or step-siblings or in-laws.

(4) Adoption of a child.

(5) When the employee's appointment with a physician or dentist cannot reasonably be scheduled during non-work hours. NOTE: Routine medical or dental appointments for immediate family members may not be charged to sick leave. Such leave must be charged to accrued vacation or time off without pay.

(6) If a faculty or staff member exhausts his/her accumulated vacation and sick leave, the University will continue to cover the University's portion of basic life and health insurance benefits for a maximum period of three (3) months if the employee does not qualify for family medical leave.

b. A faculty member may use accumulated sick leave only during periods of active employment.

c. An employee is charged with sick leave for absences only on days which they would otherwise work and receive pay. Should a University holiday be observed on one of the employee's regularly scheduled work days while he/she is on sick leave, he/she shall not be charged for sick leave for the holiday.

5. Requesting Sick Leave

An employee who is unable to report to work due to personal or family illness must notify his/her supervisor as soon as possible. Such notification shall be no later than the beginning of the work schedule on the first day of absence and on each succeeding day of absence thereafter, unless the length of absence has been established and previously approved. Failure to properly report an absence may result in the denial of requested sick leave or other disciplinary action. It is the employee's responsibility to ensure proper notification.

6. Evidence of Disability

a. Either before, during, or after an absence an employee may be required by his/her supervisor or the Director of Human Resources to furnish a statement from an attending physician or other acceptable evidence of inability to work.

b. The University recognizes the need for absence for pregnancy, childbirth, or related illnesses. An employee may use paid parental leave when eligible in lieu of accrued sick leave. The normal period of absence which can be charged against sick leave is established at six (6) weeks for childbirth. Absences beyond the six (6) week period following childbirth must be supported by a statement from the attending physician indicating that the additional time is a medical necessity.

7. Extension of Leave

a. Absence due to personal or family illness, injury, or disability in excess of accrued sick leave must be charged against accrued vacation leave prior to the employee being granted a leave of absence without pay. NOTE: The Director of Human Resources may grant permission for the employee to be placed on a leave of absence without using all of his/her accumulated vacation if recommended by the administrative head of the department. The employee must state in writing that he/she waives the right to any accumulated vacation remaining on record if he/she fails to return to his/her position at the end of the approved leave of absence.

b. An employee who has exhausted all accrued sick and vacation leave may be placed on a leave of absence without pay for one year [including the six (6) months family medical leave] from the date that paid sick leave and vacation leave were exhausted if the employee has a minimum of one year of service with the University. An employee who is unable to return to work at the end of the leave without pay may be terminated. Such leave of absence must be approved by the Board of Regents. Tenured faculty refer to current Faculty Handbook.

c. A leave of absence for disability may be terminated by the University upon receipt of written notification from a physician that the employee is able to return to work. The University must attempt to notify the employee in writing of the pending action.

8. Reinstatement of Sick Leave for Former Employees

Employees shall be credited for accrued sick leave not to exceed the allowable maximum when separated by proper resignation, lay off, or retirement. The employee's amount of accrued sick leave shall be listed on the Personnel Action Form effecting the separation. An employee who is re-employed may have his/her unused sick leave balance reinstated upon request by the supervisor and with approval of the administrative head of the department.

9. Coordination with Workers' Compensation

An employee who is injured or becomes ill due to a work related accident or illness will be compensated as follows:

a. An employee will be paid his/her accrued sick and vacation leave on record. When sick and vacation leaves are used, the employee shall return the Workers' Compensation benefits to the University. This is to assure continuation of retirement credit.

b. Sick and vacation leaves will be charged proportionately to the percentage of pay received from the University. Example: If Workers' Compensation benefits amount to 60% of the employee's salary, sick leave will be charged at 40% per day. (See Workers' Compensation)

10. Disability Retirement

An employee who has applied for disability benefits under Teachers' Retirement or Kentucky Employees Retirement will be placed on leave without pay effective at the time all sick leave has been used and be carried on leave until a decision is made on the disability application. Group insurance will remain in effect during his/her leave with the employee paying his/her share of the premium and the University continuing to pay its share of the premium.

The sick leave policy incorporates, and is inclusive of, any applicable state and/or federal mandated leave requirements.

Holidays

POLICY NUMBER: IV D

SUBJECT: HOLIDAYS

APPLIES TO: STAFF AND TWELVE-MONTH FACULTY

EFFECTIVE DATE: July 1, 2017

REVISED FROM: February 17, 1990

HOLIDAYS

The University recognizes the following holidays for all regular employees except faculty on academic year contracts:

Independence Day

Labor Day

Presidential Election Day (every 4th year)

Wednesday prior to Thanksgiving Day

Thanksgiving Day

Friday following Thanksgiving Day

Christmas Eve

Christmas Day

Three days to be assigned around the Christmas Holidays

New Year's Eve

New Year's Day

Martin Luther King Jr.'s Birthday

Spring Break (last 3 days of the scheduled break)

Memorial Day

1. Establishing the University Calendar

- a. Specific dates shall be established for University holidays each year based on legal holidays and the University calendar.
- b. When a recognized holiday falls on a Saturday, the preceding Friday shall usually be observed as a holiday.
- c. When a recognized holiday falls on a Sunday, the following Monday shall be observed as a holiday.
- d. The holiday calendar will be distributed to all departments each year by Human Resources.

2. Holiday Compensation for Regular Employees

- a. All regular employees will receive all the holidays off with regular rate of pay as long as it does not conflict with departmental schedules and meets the following conditions:
 - (1) The employee must work the scheduled work day before and the next work day after any designated holiday; or
 - (2) In the event the employee was absent the day before and/or the day after the designated holiday, any such absence was excused with pay due to vacation, sick leave, or other excused absences with pay; or
 - (3) If a holiday occurs on a full-time staff employee's regularly scheduled day off, either another day off at the regular rate of pay or regular rate of pay for the holiday will be granted.
- b. Compensation for any regular employee required to work on a holiday is described below.
 - (1) Any non-exempt employee required to work on a holiday by the administrative head of the employee's department will receive his/her regular pay for hours worked, but no less than regular holiday pay, and may choose one of the following options of additional payment:
 - a. Pay at the employee's regular rate of pay for hours worked during the holiday period or
 - b. Receive holiday compensatory time at the regular rate of pay for each hour worked. The scheduled time off must be at a time approved by the supervisor.
 - c. Any hours actually worked in a workweek that exceed 40 will be paid at the overtime rate of 1 ½ times the regular rate during the workweek.
 - (2) Any exempt employee required by the head of his/her administrative unit to work on a holiday may receive time off equal to the time worked. The scheduled time off must be at a time approved by the supervisor.

(3) Holiday compensatory time off must be taken within 90 calendar days of becoming eligible for such time off.

3. No Holiday Compensation

Employees whose employment falls into the following categories will not be paid holiday compensation:

- a. Temporary employees who work on a holiday are paid based on the hours worked only and will not receive holiday pay.
- b. Regular employees who are not scheduled or contracted to work when the holiday occurs (i.e. 9 or 10 month employee).
- c. Employees on time off without pay when the holiday occurs due to departmental schedules or budgets

EXAMPLE: An employee not working during the summer will not receive pay for holidays during this time.

Personal Leave

POLICY NUMBER: IV E

SUBJECT: PERSONALLEAVE

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

PERSONAL LEAVE

A leave without pay for a period or periods not to exceed thirty (30) working days in any fiscal year may be recommended by the administrative head of the department, forwarded through the appropriate vice president, the Director of Human Resources, and President for final approval.

Educational Leave

POLICY NUMBER: IV F

SUBJECT: EDUCATIONAL LEAVE

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

EDUCATIONAL LEAVE

An educational leave with or without pay may be granted for a period of one year or less to attend a college or university or for the purpose of training in areas related to the work of an employee which will benefit the University.

1. The Board of Regents must approve an educational leave.
2. Upon return from an educational leave of one year, the employee will return to his/her regular job or a similar position.
3. An employee granted subsequent leaves (beyond one year) will be given every consideration for re-employment in his/her former position or a position for which he/she is qualified.
4. All accrued sick leave and benefits will be restored at the time the employee is returned to the payroll.
5. The employee may continue medical and life insurance coverage at his/her own expense while on leave without pay. If the employee decides not to be covered, drops the coverage during the leave, or the coverage is terminated due to failure to make payment by the required date, the group insurance will not be reinstated until the employee returns to a paid position with the University.
6. A leave of absence does not affect continuity of employment. The employee's original date of employment will remain in effect.

Military Leave

POLICY NUMBER: IV G

SUBJECT: MILITARY LEAVE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

MILITARY LEAVE

A regular employee who volunteers or is inducted through the Selective Service of the United States shall be granted military leave without pay in accordance with existing law. Upon his/her honorable discharge, provided he/she is still physically and mentally qualified, he/she shall be restored to his/her former position or employed in a position of like seniority, status, and pay. If he/she is not qualified to perform the duties of such a position by reason of disability sustained during his/her military service but is qualified to perform the duties of such other vacant position at the University, he/she shall be employed in such other position as will provide him/her like seniority, status, and pay. The employee must make application for re-employment within 90 days after he/she is discharged from military service or from hospitalization continuing after discharge for a period of not more than one year.

When conclusive evidence exists that an employee's service was extended beyond his/her obligatory service requirement, his/her statutory re-employment rights will remain in effect, provided his/her military service does not exceed five years.

An employee will be entitled to take terminal vacation leave accrued or receive payment for such leave prior to the effective date of military leave. The effective date of military leave will be the date immediately following the termination of vacation leave.

During military leave, vacation leave and/or sick leave will not accrue; however, any sick leave balance will be restored upon the employees return to employment at the University.

Annual Military Leave with Pay

POLICY NUMBER: IV H

SUBJECT: ANNUAL MILITARY LEAVE WITH PAY

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: March 13, 2014

REVISED FROM: July 1, 1993

Any employee who is a member of the National Guard or of any reserve component of the Armed Forces of the United States or of the reserve corps of the United States Public Health Service shall be entitled to leave of absence from his or her duties, without loss of compensation or vacation time, while in the performance of duty or training in the service of any state or of the United States under competent orders as specified in this policy.

In any one (1) federal fiscal year (October 1 through September 30), employees while on military leave under this policy shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year under this policy shall be carried over to the next year. Any unused military leave under this policy shall expire two (2) years after it has accrued.

This policy will be implemented in a manner consistent with that of the Commonwealth of Kentucky's Personnel Cabinet.

The employee, or an appropriate officer of the service for which the leave is requested, must notify the employee's supervisor and Human Resources that the employee intends to leave the employment to perform service. The notice may be verbal or written, and may be informal and does not need to follow any particular format. If feasible, notice should be provided at least thirty (30) days prior to departure for service. The giving of notice prior to the beginning of the leave is not required if prevented by military necessity or is otherwise impossible or unreasonable under all the circumstances. A copy of appropriate orders must be provided to Human Resources in order to receive continued pay under this policy.

Employees may use accrued vacation leave for absences beyond the period provided for in this policy.

POLICY NUMBER: IV H
SUBJECT: ANNUAL MILITARY AND EMERGENCY DUTY LEAVE
APPLIES TO: FACULTY AND STAFF
EFFECTIVE DATE: July 1, 1993
REVISED FROM: February 17, 1990

ANNUAL MILITARY AND EMERGENCY DUTY LEAVE

Any employee who is an active member of any U. S. Armed Forces Reserve or the National Guard of any state shall be relieved from civil duties upon request, therefore, to serve under orders on training duty without loss of regular compensation or vacation leave for a period not to exceed ten working days in any calendar year or as provided by statute.

Absences in excess of ten days per calendar year will be charged to vacation leave or leave without pay.

An employee may be required to submit a copy of orders or other official notice at least two weeks in advance of the date of absence. In the case of an emergency leave, the orders or other official notice may be submitted within a reasonable time after the employee returns to his/her job. Failure to submit proper notice will be justification for not granting leave with pay.

Voting

POLICY NUMBER: IV I

SUBJECT: VOTING

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

VOTING

Any person entitled to vote in any election in this state shall be entitled to absent himself/herself from any services or employment in which he/she is then engaged or employed for a period of four (4) hours on the day of the election between the time of opening and closing the polls.

The employee will be given the option as to how this absence is to be charged. He/she shall choose either time off without pay or the time absent will be charged against his/her accumulated vacation.

Bereavement Leave

POLICY NUMBER: IV J

SUBJECT: BEREAVEMENTLEAVE

APPLIES TO: FACULTY & STAFF

EFFECTIVE DATE: July 1, 2022

REVISED FROM: May 12, 1997

BEREAVEMENT LEAVE

Bereavement leave will be granted due to:

1. Death of immediate family member, foster child, grandparents, grandchildren or *other qualifying adult (immediate family member includes spouse, child, or step-child, parent or step-parent, siblings or step-siblings, or in-laws).

a. Paid bereavement leave may not exceed three (3) working days.

b. Leave with pay may be extended if extensive travel is involved. The total time off with pay cannot exceed five (5) working days.

2. Death of a close relative or close relative of a spouse (aunts, uncles, nieces or nephews).

a. Paid bereavement leave may not exceed two (2) working days.

b. An employee who is solely involved in handling burial responsibilities will follow "Death of immediate family member" above.

3. Death of other relatives, associates, close friends or retired MSU employees.

a. Paid bereavement leave may not exceed one-half (1/2) working day.

b. Time off shall be charged to accrued vacation or leave without pay.

*Other qualifying adult is defined as a person who:

- Shares a primary residence with a regular full time or part time employee, and has lived with the employee at least twelve months prior
- Is age 18 or older
- Is not a relative
- Is not legally married and;
- With whom the employee is financially interdependent for the prior 12 months or longer.

The Employee and the Judicial System

POLICY NUMBER: IV K

SUBJECT: THE EMPLOYEE AND THE JUDICIAL SYSTEM

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

THE EMPLOYEE AND THE JUDICIAL SYSTEM

1. A Party to the Litigation

a. An employee who is a party to litigation arising from his/her employment with Murray State University will be excused with pay and the time will not be charged against his/her accrued vacation, EXCEPT for those cases the employee is adjudged to be guilty of some criminal activity.

b. An employee who is a party to the litigation not arising from employment with Murray State University will be excused without pay or will charge the time off to his/her accrued vacation leave at the employee's option.

2. Witness

a. An employee will be excused with pay to appear as a witness for the time the court requires him/her to be at the court and the time required going to and from court.

b. A subpoena must be presented to the supervisor approving the time off as soon as possible.

c. The time off with pay will not be charged against accrued vacation leave.

3. Jury Duty

a. Upon verbal or written notice from the court, the University encourages the employee to serve on jury duty. The employee will be excused with pay for the period of absence.

b. The time off will not be charged against accrued vacation leave.

c. The employee is to report to work for the portion of the day he/she is dismissed from jury duty.

Public Service Leave of Absence Without Pay

POLICY NUMBER: IV L

SUBJECT: PUBLIC SERVICE LEAVE OF ABSENCE WITHOUT PAY

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

PUBLIC SERVICE LEAVE OF ABSENCE WITHOUT PAY

Murray State University recognizes that faculty and staff, as all citizens, may wish in the fulfillment of civic responsibilities to seek public office, to serve at the request of a public official, or to assist in the campaign of a candidate for public office.

The University will consider granting a professional public service leave of absence, without pay, for any employee seeking public office or assuming a major position in a political campaign or for either appointed or elected public service. Such requests require approval of the Board of Regents prior to the commencement of such activity.

Family & Medical Leave

POLICY NUMBER: IV M

SUBJECT: FAMILY & MEDICAL LEAVE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: April 1, 2022

REVISED FROM: February 10, 2010

FAMILY & MEDICAL LEAVE

Effective August 5, 1993, the Family and Medical Leave act requires Murray State University to grant up to twelve weeks of unpaid leave per year to employees who need to care for family members and for other qualifying reasons. The University's policy (already in place prior to the passage of FMLA) is in general more generous than the FMLA and grants up to six months (26 workweeks) of unpaid leave per year.

A faculty or staff member may be granted up to six months (26 workweeks) unpaid, job-secured leave following childbirth or adoption, for the serious illness of the employee, for the purpose of caring for a seriously ill parent, spouse, child, or covered servicemember; or for a qualifying exigency, if the faculty or staff member has exhausted his/her vacation and sick leave.

1. To be eligible for FMLA benefits, an employee must:

- a. have worked for Murray State University for a total of at least 12 months;
- b. have worked at least 1,250 hours over the previous 12 months; and
- c. work at a location where at least 50 employees are employed by Murray State University within 75 miles.

2. Covered employees at Murray State University are entitled to take up to six months (26 workweeks) of unpaid leave per calendar year for:

- a. The birth of the employee's child (within 12 months of birth), not to exceed a total of six months if both parents are Murray State employees
- b. Placement of a child with the employee for adoption or foster care (within 12 months), not to exceed a total of six months if both parents are Murray State employees
- c. Care for the employee's spouse, child or parent with a serious health condition
- d. A serious health condition rendering the employee unable to perform his or her job
- e. Care for a covered servicemember with a serious injury or illness incurred in the line of duty or aggravated an existing or pre-existing injury while on active duty, or within five (5) years of requiring care, if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember
- f. A qualifying exigency leave while a covered military member (the employee's spouse, son, daughter, or parent) is on active duty or call to active duty status in support of a contingency operation as defined by regulation

Qualifying exigencies are:

- i. Short-notice deployment or deployment to a foreign country
- ii. Military events and related activities
- iii. Childcare and school activities

iv. Financial and legal arrangements

v. Counseling

vi. Rest and recuperation

vii. Post-deployment activities

viii. Additional activities not encompassed in the other categories, but agreed to by the employee and Murray State University

The leave entitlement under paragraphs e. and f. is 26 workweeks within a single 12-month period, exclusive of any other type of leave taken, including Family and Medical Leave taken for other reasons.

g. The employee may take leave intermittently or work a reduced schedule when medically necessary due to the employee's or a family member's serious health condition, the serious injury or illness of a covered servicemember, or with the University's agreement for the birth or placement of a child. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt MSU's operations. In addition, leave due to a qualifying exigency may be taken on an intermittent or reduced leave basis.

3. Requesting Leave

a. Under foreseeable circumstances, the employee is required to provide 30 days notice of the need for leave; otherwise, and in situations involving foreseeable leave due to a qualifying exigency, the employee is required to provide notice as soon as practicable and it typically should be practicable for an employee to provide notice of the need for leave either the same day or the next business day after the employee becomes aware of the need for family and medical leave. The employee generally must comply with MSU's normal notification procedures.

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

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

Subject to certain conditions, the continuing treatment requirements may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

b. The leave will be designated as family and medical leave when all accumulated sick and vacation leave has been exhausted except in the case of childbirth or adoption. An employee may use paid parental leave when eligible in lieu of accrued sick leave, vacation leave, family and medical leave or other qualifying leaves. The normal period of absence which can be charged against paid parental leave or sick leave is established at six (6) weeks for childbirth or adoption. Absences beyond the six (6) week period following childbirth may be charged to sick leave when supported by a statement from the attending physician indicating that the additional time is a medical necessity. If additional time off is not a medical necessity, requested leave will be designated as family and medical leave if eligible.

c. Spouses who are eligible for family and medical leave and are both employed by MSU may under certain circumstances be limited to a combined total of 26 workweeks of leave.

4. Certification Requirements

- a. Murray State University may require medical certification that the leave is needed due to the employee's own serious health condition or that of a family member or covered servicemember.
- b. Murray State University may also, at University expense, require a second medical opinion. If the first and second opinions differ, Murray State University may request a third opinion at their expense. The third opinion is then binding.
- c. Murray State University may request recertification at any reasonable interval, but in general not more than every 30 days unless the employee requests extension of leave, circumstances described by the original certification have changed significantly or the employer has information that casts doubt upon the continuing validity of the need for the family leave.
- d. Murray State University may ask for certification for leave taken for a qualifying exigency.

5. Allowing Leave

- a. Upon receiving a request for leave, MSU will inform the employee whether or not he or she is approved for family and medical leave. If eligible, a notice will specify any additional information required, the employees' rights and responsibilities, and the amount of leave to be counted against the employee's leave entitlement. If ineligible, MSU will provide a reason for the ineligibility.

6. Continuation of Benefits

- a. Murray State University will continue the employee's health insurance under the same conditions as if the employee were working. Under this circumstance, the employee will continue to be required to pay his or her share of the premium.
- b. If an employee gives notice of his or her intent not to return to work, Murray State University is not obligated under FMLA to maintain health benefits, but may be required to offer benefits under COBRA. The University may also drop the health insurance coverage 30 days later if an employee on leave elects coverage but then misses a premium.
- c. Leave under the Act is not a "qualifying " event under COBRA.
- d. An employee's use of the leave is not allowed to result in the loss of any employment benefits that accrued prior to the start of the employee's leave. However, Murray State is not required by law to accrue the employee's seniority or employment benefits during the leavetime.

7. Job Reinstatement

- a. The law, except for a situation such as downsizing or layoffs, also requires Murray State to restore the employee to the position held when the leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- b. An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits, and working conditions. The position must involve the same or similar duties and responsibilities, skill, and authority.

8. Implementation

- a. Human Resources will establish procedures for implementing this policy.

9. Employee Protection

- a. MSU will not interfere with, restrain, or deny the exercise of any right provided under law regarding family and medical leave, or discharge or discriminate against any person for opposing any practice made unlawful by law.
- b. Complaints may be directed to the United States Department of Labor or pursued privately.

The Family and Medical Leave Act does not affect any Federal or State law prohibiting discrimination, or supersede any State law which provides greater family or medical leave rights.

The family and medical leave policy incorporates, and is inclusive of, any applicable state and/or federal mandated leave requirements.

Marriage

POLICY NUMBER: IV N

SUBJECT: MARRIAGE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

MARRIAGE

Employees will be granted one day with pay to attend their own wedding or the wedding of individuals in the immediate family when the wedding falls on a workday.

Individuals considered as members of the immediate family are the employee's children, siblings, parents, in-laws or any member of the employee's household.

Sick Leave Bank

POLICY NUMBER: IV O

SUBJECT: SICK LEAVE BANK

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 2018

REVISED FROM: December 6, 2013

SICK LEAVE BANK

The purpose of the Sick Leave Bank is to provide a means of obtaining additional sick leave days to avoid loss of compensation due to a catastrophic illness or injury of the employee sick leave bank member that requires intermittent or continuous absence from work. Catastrophic injury or illness is defined as a life-threatening condition or combination of conditions affecting the mental or physical health of the employee, and includes, but is not limited to, the following: lengthy hospitalizations, necessary surgery requiring a lengthy recovery, an ongoing treatment regimen requiring frequent time off work, or complicated pregnancy requiring bed rest or hospitalization. The catastrophic illness or injury must require the services of a health provider. This benefit is available to eligible, voluntarily participating faculty and staff who have legitimately exhausted all of their accumulated sick and vacation leave.

1. Responsibility

The Office of Human Resources shall be responsible for managing and administering the University Sick Leave Bank to include the procedural establishment, solicitation of contributions from faculty and staff, processing of applications and records management.

2. Membership

- a. All regular full-time and regular part-time Murray State University employees who have a sick leave balance of six or more days at the time of the initial contribution shall be eligible to participate in the Sick Leave Bank.
- b. Newly hired employees shall be eligible to participate in the Bank the month following the accumulation of six sick leave days.
- c. Upon joining, an eligible employee must immediately contribute 1-3 days of accumulated sick leave.
- d. Once employees elect to participate in the Sick Leave Bank, membership is established for the duration of their employment by Murray State University, unless they submit a statement to discontinue membership or decline to make the required annual contribution to the Sick Leave Bank.
- e. A participant granted leave of absence shall retain his/her status upon returning to regular duties.

3. The general operating procedures are as follows:

- a. Enrolled employees will be automatically re-enrolled each year and may be required to contribute 1-3 days from their sick leave accumulation to the Bank depending upon the annual cumulative usage from the Bank. Employees continue as members until they submit a statement to discontinue membership or decline to make a required annual contribution, or employment ends.
- b. The Sick Leave Bank may be opened for re-enrollment of participating members in any month following a decline to a balance of less than one day per member.
- c. Non-participating employees shall be provided an opportunity to enroll in each succeeding annual benefits open enrollment period and may be required to contribute 1-3 days from their sick leave accumulation to the Bank depending upon the annual cumulative usage from the Bank.

d. Participation is restricted to eligible employees who have contributed to the Bank.

e. Sick Leave Bank usage is not available to an employee's family member.

f. Sick Leave Bank usage is not available to employees who:

(1) Are currently receiving University sick or vacation leave payments.

(2) Are currently receiving long-term disability payments.

(3) Are currently receiving University retirement system payments.

(4) Are currently receiving Social Security disability payments.

(5) Are currently receiving workers' compensation disability payments.

g. For purposes of this policy, one day is considered as 7.5 hours per day or 8.0 hours per day, depending on the common work day length in the employee's current department. Employees who work more or less than 7.5 or 8.0 hours per day will have sick leave bank days granted in a manner that is proportional to other employees who work 7.5 or 8.0 hours per day. For example, this policy will consider employees who work four 10.0-hour days each week as employees who work five 8.0-hour days each week.

4. Contributions

a. Each employee who is a member shall contribute 1-3 days of his/her annual sick days to the Bank each year. This annual contribution may be waived, as determined by the Director of Human Resources. The requirement for contributions is based on annual cumulative days used from the Bank. A sick day contributed to the Bank will be deducted from the sick leave days available to the contributing employee.

b. The day, once contributed to the Bank, becomes the property of the Bank and may not be reclaimed by the employee except as specified in this policy. Only employees who are active members of the Sick Leave Bank in any given year shall be eligible to draw on the Bank.

5. The criteria for Sick Leave Bank usage shall be as follows:

a. Catastrophic accident by the employee requiring absences from work.

b. Catastrophic illness of the employee.

c. Extended hospitalization of the employee.

d. Legitimacy of previously used employee earned sick leave may be considered.

6. Application and Withdrawal

a. An employee may submit an application to withdraw Sick Leave Bank days only after exhausting all accumulated paid leave days. These days would include all earned vacation days and sick days. The employee could then withdraw Sick Leave Bank days only after: (1) application approval as outlined in the application and approval process, and (2) after missing 75* consecutively scheduled work hours (the 75* hours will run concurrently with any paid leave days).

*Employees regularly scheduled to work 8.0 or more hours per day must miss 80 consecutively scheduled work hours.

b. Each grant of sick leave days shall be limited to a maximum of 30 consecutively scheduled working days (equivalent to 225 hours for employees regularly scheduled to work 7.5 hours per day, or equivalent to 240 hours for employees regularly

scheduled to work 8.0 hours or more each day) for each illness or injury. The total sick leave granted from the Sick Leave Bank to any one member shall not exceed 30 days for any one illness, recurring illness, or injury.

c. Employees who have already exhausted all of their accumulated sick leave in accordance with criteria for Sick Leave Bank usage will be exempt for the remainder of the current calendar year from the eligibility requirement of contributing sick days to the Bank.

d. To be considered for Bank leave usage a written request, signed by the employee's department head, must be submitted to the Director of Human Resources. Requests for Sick Leave Bank assistance must be in writing and be accompanied by a written statement from a licensed medical practitioner stating the beginning date of the condition, a description of the catastrophic illness or injury, and date the employee may be able to return to work. Progress reports may be required to continue sick leave payments to the employee.

7. Sick Leave Bank Application and Approval Process

a. The employee's application for Sick Leave Bank withdrawal shall be initially reviewed by the appropriate Human Resources personnel. The initial approval or rejection of the employee's application will be the responsibility of the Director of Human Resources.

b. Should the employee disagree with the initial decision made by Human Resources, the employee may submit an appeal and application to the Director of Human Resources within 10 business days of receiving notice of the denial. Any Sick Leave Bank member may enter into an appeals process by submitting a signed statement to the Appeals Committee. Written guidelines for this process shall be administered by the Appeals Committee.

c. The Appeals Committee shall submit a recommendation based on its findings to the Vice President for Finance and Administrative Services. This Vice President, in conjunction with all other Murray State University Vice Presidents, shall review the recommendation and make a determination on the appeal. The ruling of the University Vice Presidents shall be final.

8. Appeals Committee

a. The Sick Leave Bank Appeals Committee shall be composed of one (1) faculty member, one (1) exempt staff member, and one (1) hourly staff member, appointed by Faculty Senate and Staff Congress.

b. Appeals Committee members shall initially serve staggered terms of one (1), two (2) and three (3) years. Thereafter, each committee member shall be appointed for a three (3) year term.

c. Committee members shall not rule on any usage application of their own or that of a relative.

d. The Appeals Committee shall be responsible for:

(1) Hearing and recommending action upon any Sick Leave Bank appeal.

(2) Recommending revisions to this policy to the University Insurance and Benefits Committee for review.

9. Discontinuation

In the event that the Board of Regents discontinues the Bank, all employees who are members of the Bank at the time of discontinuation shall remain members without additional contributions until all days in the Bank are exhausted or the remaining pool of days is pro-rated back to the contributing employees.

Paid Parental Leave

POLICY NUMBER: IV P

SUBJECT: PAIDPARENTAL LEAVE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: April 1, 2022

PAID PARENTAL LEAVE

Regular faculty and staff may be granted up to six (6) weeks paid parental leave within the first twelve (12) weeks following an eligible childbirth or adoption. Paid parental leave may be used in lieu of accrued sick leave, vacation leave, family and medical leave or other qualifying leaves; however, this leave does not extend the amount of time an employee may qualify to be away from work. Part-time employees will receive paid parental leave on a pro-rata basis.

1) Eligibility

- a) An employee must have worked in a regular position at Murray State University a minimum of six (6) consecutive months prior to the start of the requested leave.
- b) Paid parental leave may be taken following the birth or adoption of a child under the age of 18. The adoption of a spouse's child is excluded from this policy.
- c) An employee may receive up to six (6) weeks of paid parental leave in a 12-month period.
- d) If both parents are employees of the University, each parent is entitled to receive six (6) weeks of paid parental leave, if eligible. Parents may use their paid parental leave concurrently or during separate periods.

2) Procedure

- a) An employee must provide at least 30-calendar days of advance notice prior to the intended use of the leave, if possible. Employees who are prevented from giving advance notice because of a medical emergency or because the notice of adoption was received less than 30-calendar days in advance shall not forfeit their benefits under this policy.
- b) An employee must submit a written request for paid parental leave to the Office of Human Resources.
- c) An employee must furnish a statement from a healthcare provider or other acceptable documentation supporting the paid parental leave request.
- d) An employee may request to take paid parental leave continuously or intermittently; leave may be taken in no less than 15-minute increments. Intermittent leave cannot exceed more than six (6) calendar weeks.
- e) An employee may request additional leave beyond the six (6) weeks of paid parental leave by applying for accrued sick leave, vacation leave, family and medical leave or other qualifying leaves. Paid parental leave does not run concurrently with family and medical leave.

The responsibility for approving paid parental leave is delegated to the Office of Human Resources.

The paid parental leave policy incorporates, and is inclusive of, any applicable state and/or federal mandated leave requirements.

Group Life, Medical Insurance and Flexible Spending Programs

POLICY NUMBER: V A

SUBJECT: GROUP LIFE, MEDICAL INSURANCE AND FLEXIBLE SPENDING PROGRAMS

APPLIES TO: FULL-TIME STAFF AND FACULTY

EFFECTIVE DATE: January 1, 1994

REVISED FROM: February 17, 1990

GROUP LIFE, MEDICAL INSURANCE AND FLEXIBLE SPENDING PROGRAMS

Murray State University provides a Group Medical and Life Insurance program for its eligible full-time faculty and staff. Details of the program, certificates, identification cards, and claim forms may be obtained from Human Resources.

The contract with insurance companies to underwrite or administer claim payments is currently on a calendar year basis renewable January 1 of each year. The contract and/or coverage may be changed by the University at any time in accordance with the terms of the underwriting contract.

1. Eligibility

All full-time, regular employees working a minimum of 37 1/2 hours per week are eligible for medical insurance coverage on themselves and their eligible dependents, the basic life insurance coverage on themselves, and the tax-saver program. The effective date for medical insurance, life insurance, and tax-saver programs is the first day of the month following thirty (30) days of employment.

2. Life Insurance

Term life insurance coverage and accidental death and dismemberment coverage are provided to all eligible faculty and staff employees.

3. Optional Life Insurance Coverage

- a. Through payroll deductions each eligible faculty and staff employee may purchase additional life insurance coverage (does not include dependents). Details are available in Human Resources.
- b. New employees may purchase optional life insurance coverage during the first 30 days of their initial employment.
- c. An employee who resigns his/her employment with the University and is rehired at a later date is considered a new employee for insurance purposes.
- d. An employee cannot buy more than the maximum life insurance allowed.
- e. Eligible employees may purchase additional supplemental life insurance or increase their coverage at any time during the year by providing evidence of insurability.
- f. Employees may be required to provide the insurance company evidence of insurability for initial purchases or increases in coverage.

4. Medical Insurance

Detailed information of the group medical plan is provided in the insurance booklet issued by the insurance company administering the plan. Additional information regarding coverage may be obtained from Human Resources.

5. Tax-Saver Program - This program is available to all regular, full-time employees. A brief summary of the program follows. Additional information may be obtained in the Human Resources office.

- a. Insurance Premium - The insurance premium for the option chosen by the employee will be withheld from the employee's gross wages but will not be included in the taxable income and taxes will be reduced.

b. Medical Spending Account - An employee may set aside money in an individual medical spending tax-saver account for reimbursement of out-of-pocket medical expenses not covered by insurance and incurred during a calendar year. Money put into a medical spending account is not subject to federal and state income taxes or to Social Security tax. IRS regulations stipulate that amounts left in medical spending or dependent care accounts at year end cannot be returned to the employee.

c. Dependent Care Account - a dependent care account can be used for reimbursement of eligible day care costs of a dependent under the age of 13 or a dependent child or adult who meets IRS qualifications. Money put into a dependent care account is not subject to federal and state income taxes or to Social Security tax. The annual maximum established by IRS code that can be put into a dependent care account is \$5,000.

6. Coverage Periods

a. Anyone covered under the group plan who wishes to continue the medical insurance upon termination of employment should contact Human Resources. The spouse and/or dependent children may also continue the medical insurance under the COBRA (Consolidated Omnibus Budget Reconciliation Act) if qualifying events such as the death of the employee, divorce or legal separation, or the dependent child reaching the age limit of 19 or 24 removes him/her as a covered dependent. Details are available from Human Resources.

b. A ten-month faculty or staff member who has signed a contract to return in August will have the University portion of medical and basic life insurance premiums paid by the University for the full twelve months. Any premiums incurred as a result of any insurance option selected by the employee will be the responsibility of the employee.

c. A ten-month faculty member on leave with pay for ten months and planning to return the following August will have the University portion of medical and basic life insurance paid by the University for the full twelve months. Any premiums incurred as a result of any insurance option selected by the employee will be the responsibility of the employee.

d. A ten-month faculty member who is not granted a leave of absence and who does not sign a contract to return in August will automatically be removed from the insurance program at the time he/she is removed from the payroll or May 31, whichever is earlier.

e. A regular, full-time staff employee employed for a term of less than 12 months per year will have the University portion of the medical and basic life insurance paid by the University during the months not employed if he/she is planning to return to his/her position or is receiving a leave of absence after the break in employment. Any premiums incurred as a result of any insurance option selected by the employee will be the responsibility of the employee.

f. A faculty or exempt staff employee on an academic year contract who is on a leave without pay beginning in August will have the University portion of medical and basic life insurance premiums paid by the University through the preceding July 31. Any premiums incurred as a result of any insurance option selected by the employee will be the responsibility of the employee. The individual must pay the entire premium for the insurance beginning August 1 and will continue paying the entire premium until he/she returns. Details are available from Human Resources.

g. An employee who resigns or is terminated will have his/her insurance coverage terminated at the end of the month in which his/her last day of work occurs.

h. Upon termination of employment (for any reason other than gross misconduct), the former employee has the right to continue coverage under COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) provided he/she is not covered by any other group medical insurance plan. Details are available from Human Resources.

i. Retired employees:

(1) Medical

(a) The retired employee who is vested in TRS/KERS is covered by a medical plan provided by the systems when he/she begins to receive his/her retirement.

(b) An employee who retires and is vested but chooses not to participate in KERS/TRS immediately and is not covered by another medical plan may elect coverage under COBRA at his/her own expense. (See Consolidated Omnibus Budget Reconciliation Act)

(c) An employee who retires and is not vested in TRS/KERS and is not covered by other medical coverage may elect coverage under COBRA at his/her own expense. (See Consolidated Omnibus Budget Reconciliation Act)

(2) Life Insurance

(a) The retired employee who is vested in TRS/KERS is provided with a death benefit policy through the retirement system when he/she begins to receive his/her retirement.

(b) The retired employee can convert his/her life insurance at the time of retirement. This transaction is strictly between the employee and the University life insurance provider.

7. Consolidated Omnibus Budget Reconciliation Act

a. Federal law requires that most employer sponsored group medical insurance plans offer employees and their families the opportunity for a temporary extension of medical insurance coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end provided they are not covered by any other group medical insurance plan. Under the continuation coverage, the former employee is required to pay the premium for this coverage.

b. If an employee is currently covered by Murray State University's medical insurance plan, he/she has a right to choose this continuation coverage if he/she loses his/her group medical insurance coverage because of a reduction in his/her hours of employment or the termination of his/her employment (for reasons other than gross misconduct on the employee's part).

c. If an individual is the spouse of an employee covered by this plan, he/she has the right to choose continuation coverage if he/she loses group medical insurance coverage for any of the following four reasons:

(1) the death of a spouse,

(2) termination of a spouse's employment (for reasons other than gross misconduct) or reduction in a spouse's hours of employment,

(3) divorce or legal separation from a spouse, or

(4) a spouse becomes eligible for Medicare.

d. In case of a dependent child of an employee covered by this plan, he/she has the right to continuation coverage if group medical insurance coverage is lost for any of the following five reasons:

(1) the death of a parent,

(2) the termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with Murray State,

(3) parent's divorce or legal separation,

(4) a parent becomes eligible for Medicare, or

(5) the dependent ceases to be a "dependent child" under the medical insurance plan.

e. The employee or a dependent has the responsibility to notify Human Resources within 60 days of a divorce, legal separation, or a child losing dependent status under the group medical insurance plan.

f. When Human Resources is notified that one of these events has occurred, it will in turn notify the affected individual that he/she has the right to choose continuation coverage. He/she will have 60 days from the date coverage would terminate because of one of the events described above to inform Human Resources that he/she wants continuation coverage. If he/she does not choose continuation coverage within the allowable period, his/her group medical insurance coverage will end.

g. If an individual chooses continuation coverage, Murray State is required to give him/her coverage which is identical to the coverage provided under the plan to similarly situated employees or family members. He/she will be afforded the opportunity to maintain continuation coverage for three years unless he/she loses group medical insurance coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is eighteen months. The law provides that continuation coverage may be cut short for any of the following five reasons:

- (1) Murray State no longer provides group medical insurance coverage to any of its employees,
- (2) the premium for continuation coverage is not paid by the established dates,
- (3) the individual becomes covered under another group medical insurance plan, as an employee or otherwise, or
- (4) he/she becomes eligible for Medicare.

h. An individual does not have to show that he/she is insurable to choose continuation coverage. However, he/she will have to pay all of the premium for the continuation coverage. At the end of the eighteen month or three year continuation coverage period, he/she must be allowed to enroll in an individual conversion plan provided under the group medical insurance plan.

8. Coverage During Pending Disability Retirement

An employee who has applied for disability benefits under Teachers' Retirement or Kentucky Employees Retirement will be placed on leave without pay effective at the time all sick leave and vacation leave has been used and be carried on leave for a maximum of six months. The University portion of the medical and basic life insurance premium will be paid by the University. Any premiums incurred as a result of any insurance option selected by the employee will be the responsibility of the employee. If at the end of the family leave, the eligibility for disability retirement has not been determined, the employee may be placed on leave without pay. The employee will be responsible for the entire medical insurance premiums.

9. Right to Change Benefit Coverage

The University has the right to change the medical and/or the life insurance policy at any time without prior notice to the employees.

TEACHERS' RETIREMENT SYSTEM (TRS) / OPTIONAL RETIREMENT PROGRAM (ORP)

POLICY NUMBER: V B

SUBJECT: TEACHERS' RETIREMENT SYSTEM (TRS) / OPTIONAL RETIREMENT PROGRAM (ORP)

APPLIES TO: FACULTY AND QUALIFYING STAFF

EFFECTIVE DATE: July 1, 2019

REVISED FROM: January 1, 2014

1. Eligibility

- a. An employee of the University is eligible for membership in the Teachers' Retirement System (TRS) /Optional Retirement Program (ORP) when the position requires (as a condition of employment) certification or graduation from a four (4) year college or university and the employee possesses either the certification or graduation from a four (4) year college or university. Membership is mandatory for regular employees who work 70% or more of full-time employment and meet the above qualifications.
- b. No retirement deductions shall be made for an employee who is employed on a part-time basis of less than 70%; however, active members may make contributions and receive service credit for substitute, part-time or any service other than regular, full-time teaching as provided in the rules and regulations of the Board of Trustees.
- c. This plan does not apply to an employee in a University position covered by the Kentucky Employees Retirement System.

2. Social Security

University employees contribute to Social Security in addition to TRS.

3. Type of System

- a. TRS - The system is a defined benefit retirement plan.
- b. ORP - The Optional Retirement Program is a defined contribution plan.

4. Deferred Income Tax Payments

Effective August 1, 1982, members no longer pay federal and state income tax on their retirement contributions. Payment of federal income tax on retirement contributions made after August 1, 1982, is deferred until the member retires and would normally have a reduced taxable income or until the member withdraws his account.

5. Administration

- a. TRS - Administration of the system is the responsibility of a 11-member board of trustees. Two of these the education commissioner and the state treasurer, serve by reason of their office. Two members, who are required to have investment experience, are appointed by the governor. The remaining trustees are elected by the members of TRS to staggered four-year terms. The Board of Trustees appoints an Executive Secretary who is responsible for the administration of the affairs of TRS under policies established by the Board.
- b. ORP - The ORP is available to those individuals employed on or after July 1, 1996, who would otherwise be required to participate in the TRS. The ORP was established as a 403 (b) defined contribution plan under the Internal Revenue Service Code guidelines. Specific rates of contribution are established for both the employee and employer. Although the University contributes to these annuities, the benefits payable to the participants are not the obligation of the Commonwealth of Kentucky or TRS. The benefits and other rights of ORP are the liability and responsibility of the designated companies to which contributions have been made.

6. Contributions

- a. TRS - The University deducts from the salary each month the proper contribution and forwards it to the Retirement System. It is the responsibility of the retirement system staff to properly credit the account. Annually on June 30, the University makes a detailed report showing the salary contributions and service of each member. When this report is received in the Retirement System Office, the correct amount is credited to each member and interest is added.
- b. Optional Retirement Program (ORP) - The University deducts from the salary each month the proper contribution and forwards it to the designated retirement plan. It is the responsibility of the retirement plan staff to properly credit the account. Periodic reports are sent to the participants showing contributions and interest earned.

7. Relation of Contribution, Salary, and Service Credit - TRS

- a. TRS - Service credit and salary (both of which directly affect the member's rights to retire and his/her annuity payments) are determined on the basis of the contribution made. Contributions of less than full contributions result in a reduction in service credit and salary. If for any reason the member is absent without pay or if his/her salary is reduced for some other reason, he/she should insure that either through the University or by personal check a full contribution of the gross salary is made by December 31, next following the end of the school term.
- b. ORP - Annuity payments are determined by the employee and University contributions plus the return on investments.

8. Definition of Retirement

Murray State provides to its retirees continued access to certain University programs, such as discounts on tickets to athletics events and tuition waivers. These programs may change and a current listing is available from Human Resources.

Retirement status, for continued access to these programs, for individuals who participate in ORP will be determined using the criteria for employees who participate in TRS. TRS participants are considered Murray State retirees if one of the following requirements is met: (i) the person must be age fifty-five (55) or more and have five (5) or more years of service at Murray State University or (ii) the person may become a Murray State retiree at any age with twenty-seven (27) years of regular, full-time employment with Murray State University.

9. Annual Statement of Account

- a. TRS - Members have online access to their TRS account.
- b. ORP - Participants receive account statements on a frequency determined by the ORP company.

10. Beneficiary Designation

- a. TRS

(1) The member's responsibility is to maintain his/her beneficiary designation in a current condition. Failure to do so can cause serious consequences and possible loss of valuable benefits.

(2) The spouse must be the sole beneficiary to be eligible for survivor benefits. If the member marries after becoming a member, the spouse automatically becomes beneficiary and any previous designation of beneficiary is void. Divorce action shall void any previous designation of beneficiary, and the member's estate automatically becomes the beneficiary. In the event of either marriage or divorce, the member should file a new designation of beneficiary with the Retirement System Office.

(3) If the beneficiary dies, a new beneficiary should be designated. The member may name more than one beneficiary and may designate them as co-beneficiaries or in order of succession. A beneficiary does not have to be a relative, and the

member may make a change without notifying the previous beneficiary. The member may name his/her estate as beneficiary. To change the beneficiary, you must request a change of beneficiary form directly from the Retirement System. The law requires that if you have a living spouse and you designate someone else as your beneficiary, the spouse must sign to show that they are aware that they are not the listed beneficiary.

b. ORP

(1) The member's responsibility is to maintain his/her beneficiary designation in a current condition. Failure to do so can cause serious consequences and possible loss of valuable benefits.

(2) If the beneficiary dies, a new beneficiary should be designated. The member may name more than one beneficiary and may designate them as co-beneficiaries or in order of succession. A beneficiary does not have to be a relative, and the member may make a change without notifying the previous beneficiary. The member may name his/her estate as beneficiary. To change the beneficiary, you must request a change of beneficiary form directly from the optional retirement company.

11. Benefit Coverage

a. The pension is a state of Kentucky policy mandated by law and subject to change.

12. Reciprocity - TRS

The reciprocity regulations of the Teachers' Retirement System will be followed.

Kentucky Employees Retirement System

SUBJECT: KENTUCKY EMPLOYEES RETIREMENT SYSTEM

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 2010

REVISED FROM: July 1, 1993

KENTUCKY EMPLOYEES RETIREMENT SYSTEM

1. Eligibility

a. The Kentucky Employees Retirement System provides for retirement allowances and other benefits for an employee of Murray State University who is not employed in a position covered by the Teachers' Retirement System. The retirement system in which an employee participates is determined by Human Resources based upon the eligibility for the Teachers' Retirement System.

b. Each regular, full-time employee and each regular part-time employee who works an average of 100 hours or more per month during a fiscal or calendar year in a KERS position is mandatorily included in the system. Part-time employees who work less than an average of 100 hours per month during a fiscal or calendar year, and seasonal & temporary employees are excluded from membership in the system.

c. Temporary employees in a KERS position who average more than 100 hours per month during a fiscal or calendar year and have a one calendar month break in service once the limit of nine months is met will be excluded from membership in the system. A termination and re-hire date must exist for the break in service. (Refer to Policy II B.)

d. The Kentucky Retirement System is an agency of the Commonwealth of Kentucky. KRS policies are mandated by law and subject to change.

2. Information Resources

a. Information may be obtained by contacting Human Resources.

b. When requesting information from the Retirement System, please be sure to include your Social Security number and current address.

c. The Retirement System provides more detailed information through plan description booklets and information pamphlets. Changes in the system and benefits are communicated to its members by mail to the employees' home address.

3. Social Security

Effective January 1, 1987, members no longer pay Social Security tax on their retirement contributions.

4. Type of System

The system is of the "actuarial reserve, joint contributory" type.

5. Administration

a. The Kentucky Employees Retirement System (KERS) is administered by the Board of Trustees of the Kentucky Retirement Systems which is composed of nine members: the Commissioner of Personnel, two trustees elected by the members of the Kentucky Employees Retirement System who must be members or retired from that system, two trustees elected by the members of the County Employees Retirement System who must be members or retired from that system, one trustee elected by the members of the State Police Retirement System who must be a member or retired from that system, and three trustees appointed by the Governor of the Commonwealth.

b. The Kentucky Employees Retirement System is one of three retirement systems administered by the Board of Trustees. The County Employees Retirement System and the State Police Retirement System are also administered by

this board. KERS was established by the 1956 General Assembly to provide retirement benefits for officers and employees of various departments and agencies of state government.

6. Reciprocity

This provision is available to individuals who may have earned service credit in more than one state retirement system. It provides this individual the opportunity to consolidate multiple accounts for the purpose of determining benefit eligibility and benefit amounts.

7. Beneficiary Designation

- a. One of your most important responsibilities is to maintain your beneficiary designation in a current status. Failure to do so can cause serious consequences and possible loss of valuable benefits.
- b. Each member may name more than one beneficiary and may designate them as co-beneficiaries or in order of succession or the estate may be named. The beneficiary designation is made on the Membership Information Form which each person is required to complete on becoming a member.
- c. An ex-spouse's status as named beneficiary is terminated by a final divorce decree, unless the member renames the ex-spouse as beneficiary after the divorce.
- d. A change in Beneficiary Designation form is available from Human Resources or the Retirement System Office, and members are encouraged to change their beneficiary designation as occasion requires.

Social Security

POLICY NUMBER: V D

SUBJECT: SOCIAL SECURITY

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

SOCIAL SECURITY

Each employee of the University except a student employee employed in a student capacity is covered by the Old-Age and Survivors Insurance section of the Social Security Program and, thus, is eligible for benefits in accordance with the laws governing this program.

I. Record Requirements

- a. An employee must have or obtain a Social Security card and must supply a completed Treasury Form W-4 with the proper Social Security number and name as it appears on the Social Security card to Human Resources at the time of initial employment.
- b. If the employee changes his/her name, it is the employee's responsibility to obtain a new Social Security card reflecting the new name to insure that future contributions are properly credited to the employee's account.

2. Payroll Deductions

- a. The Social Security tax (F.I.C.A.) is deducted from the pay of each employee until he/she reaches the maximum contribution during the calendar year.
- b. The Social Security tax is a designated percentage of all earnings to a maximum amount per year. These amounts change periodically according to published federal scale.

3. Deduction Exemptions

- a. Kentucky Employees Retirement System
- b. Teachers' Retirement System

Workers' Compensation

POLICY NUMBER: V E

SUBJECT: WORKERS' COMPENSATION

APPLIES TO: FACULTY, STAFF, AND STUDENT EMPLOYEES

EFFECTIVE DATE: July 1, 2018

REVISED FROM: July 1, 1993

WORKERS' COMPENSATION

Each University employee is covered under Workers' Compensation for injuries or occupational illnesses incurred while engaged in regularly assigned duties and University business away from his/her regular place of work. The University is mandated by the state of Kentucky to provide insurance coverage and participate in the state plan. Claims are processed in accordance with the Kentucky Workers' Compensation Statutes.

1. Accident Reporting Requirements

- a. An employee must report all injuries to his/her supervisor immediately to assure proper handling of claims. Failure to report an injury immediately may result in loss of benefits.
- b. All injuries must be reported regardless of seriousness. A supervisor must complete an Initial Report of Accident promptly and forward through his/her department to Human Resources.
- c. In case of emergency, the employee may go to a hospital emergency room, or any private physician for treatment.

2. Statutory Benefits Under the Law

- a. Payment of medical and hospital care costs, compensation for permanent disability, compensation for lost time, and compensation in the event of death.
- b. Compensation for lost time begins on the eighth calendar day of disability; however, if disability continues for more than fourteen calendar days, compensation for the first seven days is payable.

3. Additional Benefits Provided by the University

The following benefits are provided by the University in addition to those required by law:

- a. During the first seven days of disability, the employee will use his/her accumulated sick leave and/or vacation to assure continuation of salary.
- b. If disability continues beyond fourteen days, the employee will use a portion of his/her accumulated sick leave and/or vacation to assure continuation of his/her regular salary. In such cases, absences will be charged against sick leave and/or vacation in a proportionate amount of pay received from the University. The employee will turn the worker's compensation check over to the University, and the University will in turn issue a full paycheck. This will assure credit in the retirement systems for the employee until he/she is placed on a leave without pay or returns to work.
- c. An employee with at least one year of service time who is unable to return to work when all of his/her accumulated sick leave and vacation has been used will be placed on leave without pay for one year. After a faculty or staff member exhausts his/her accumulated vacation and sick leave, the University will continue to cover his/her basic life and health insurance benefits for a maximum period of three (3) months with the employee required to pay his or her share of the premium. After that time, the employee may continue health and life insurance at his/her own expense. Information is available in Human Resources. If the employee decides not to be covered, drops coverage, or the coverage is terminated due to failure to make payment by the required date, the group insurance cannot be reinstated until the employee returns to a paid position within the University. (See Sick Leave)
- d. An employee who is unable to return to work at the end of the leave without pay may be terminated. He/she will be able to continue medical coverage at his/her own expense through COBRA (Consolidate Omnibus Budget Reconciliation Act) group medical plan. Information is available in Human Resources. Tenured faculty refer to Faculty Handbook.
- e. Sick leave and vacation leave will only accumulate if the employee returns to work following the injury.

Unemployment Compensation

POLICY NUMBER: V F

SUBJECT: UNEMPLOYMENT COMPENSATION

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

UNEMPLOYMENT COMPENSATION

In compliance with federal and state law, the University is liable for unemployment insurance benefits to its eligible, terminated employees who became unemployed through no fault of their own.

1. Eligibility

A terminated employee is eligible for unemployment insurance benefits if the following criteria are met:

- a. Had worked for an employer covered by the Kentucky Unemployment Insurance Law from which he/she separated for a qualifying reason.
- b. Is out of work through no fault of his/her own.
- c. Is able and available for suitable employment.
- d. Is making a reasonable effort to find employment.

2. Between School Term Ineligibility

- a. An employee will not be paid benefits for any week of unemployment in an institution of higher education during the period between two successive academic years or terms if he/she performs service in the first term and there is reasonable assurance that the employee will perform services in the second term.
- b. If benefits are denied to an employee and the employee was not offered an opportunity to work during the second term, the employee will be entitled to a retroactive payment of benefits for each week of eligibility.

Disability Retirement Income

POLICY NUMBER: V G

SUBJECT: DISABILITY RETIREMENT INCOME

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

DISABILITY RETIREMENT INCOME**Disability through the Retirement Systems**

1. Both retirement systems, KERS and TRS, offer the benefit of total disability retirement to employees that are vested in either retirement system.
2. Medical and life insurance coverage may be continued while retirement system's decision on disability is pending. The employee will be required to pay his/her share of the insurance premium.

Tax-Sheltered Annuities

POLICY NUMBER: V H

SUBJECT: TAX-SHELTERED ANNUITIES

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

TAX-SHELTERED ANNUITIES

Internal Revenue Code, Section 403 (b), permits employees of the University to purchase tax-sheltered annuities for the purpose of deferring federal and state income taxes until a later date.

1. Intent of 403 (b) Plans

a. Under such a plan a portion of an employee's annual salary is not taxed at the time the salary is earned. It is withheld from an employee's salary and paid to Teachers' Retirement System, TIAA/CREF, and/or mutual fund groups to be held until the employee wishes to withdraw the funds at which time taxes would be paid.

b. The intent of such plans is to create a retirement fund and defer taxes until retirement when an employee would normally be in a lower tax bracket. Appropriate taxes must be paid at the time the funds are withdrawn.

2. Approved Companies

All insurance companies licensed by the state of Kentucky and authorized by the Commissioner of Finance for payroll deductions shall be permitted to offer tax-sheltered annuity programs to Murray State University under the following conditions:

a. The proposed tax-sheltered annuity program will be submitted in writing to the Director of Human Resources.

b. If necessary, an appointment will be made for the company's representative to meet the Director of Human Resources and Director of Procurement Services to answer questions concerning the company and/or its proposal.

c. Upon approval of the Director of Human Resources and Director of Procurement Services, the insurance company may proceed to obtain twenty signed applications needed for final approval. Once the plan has been approved, there will not be a minimum number of participants required to keep the plan in force.

d. There will not be a cap on the number of companies allowed.

e. Murray State University will make payroll deductions from the salaries of employees signing tax-sheltered annuity contracts.

f. All tax-sheltered annuity program proposals will be kept on file in Human Resources and will be available for examination and comparison by all Murray State University employees.

State policy prohibits solicitation in state offices during office hours. This policy also applies to Murray State University.

Kentucky Public Employees Deferred Compensation Plans

POLICY NUMBER: V I

SUBJECT: KENTUCKY PUBLIC EMPLOYEES DEFERRED COMPENSATION PLANS

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

KENTUCKY PUBLIC EMPLOYEES DEFERRED COMPENSATION PLANS

Deferred Compensation Plans for employees of state and local government are authorized under the United States Internal Revenue Code. The plans are established by Murray State University under the Kentucky Employees Deferred Compensation System. The System was created by state law and is administered by a Board of Trustees.

1. Available Information

Information on the plans is available in Human Resources.

2. Enrollment in the Plans

Enrollment in the plans must be made through the Kentucky Public Employees Deferred Compensation System by completing forms which the System provides to the enrollee.

3. Changes in Existing Plans

Any amendments an employee wishes to make in an existing plan must be made directly with the Kentucky Public Employees Deferred Compensation System.

Uniforms

POLICY NUMBER: V J

SUBJECT: UNIFORMS

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

UNIFORMS

The University provides uniforms and cleaning of uniforms for each employee of certain departments. These uniforms are to provide identification and recognition for an employee working across campus and in areas restricted to authorized employees only.

The uniforms are the property of the rental company. The employee is responsible for the uniforms in his/her possession and will be charged for all uniforms not returned. The price charged for uniforms in case of loss or damage will be determined by the rental company.

When an employee who is furnished uniforms is granted a leave of absence, the University will request that the employee turn in his/her uniforms to prevent payment of uniform rental during the leave of absence. Upon return, the employee will be reissued his/her uniforms.

Education Tuition Waivers

POLICY NUMBER: V K

SUBJECT: EDUCATION TUITION WAIVERS

APPLIES TO: ALL REGULAR, FULL-TIME AND REGULAR, PART-TIME FACULTY AND STAFF, RETIREES, AND INDIVIDUALS SIXTY-FIVE (65) YEARS OF AGE OR OLDER

EFFECTIVE DATE: July 1, 2018

REVISED FROM: January 1, 2016

EDUCATION TUITION WAIVERS

It is the policy of Murray State University to encourage the professional growth of all regular full-time and regular part-time faculty and staff employees. To facilitate such growth, Murray State University will waive the selected amounts of tuition in each fiscal year for up to six (6) credit courses per twelve month fiscal year, not to exceed one (1) course offered during working hours in any given semester or session. The tuition waiver may be used for undergraduate or graduate, specialist, and doctoral courses. The university must maintain adequate support for high cost programs; therefore, tuition waivers may be restricted in some instances.

Additionally, an eligible employee may transfer any unused portion of the existing employee tuition waiver benefit as noted below to their lawful spouse, and/or dependent child(ren).

For purposes of this policy, a dependent includes natural, adopted or step-child or person for whom the employee has been granted legal guardianship. Additionally, a dependent is defined as a person under 24 years of age at the beginning of the academic term during which the benefit is effective.

Regular, part-time employees and retirees will no longer receive the educational waiver benefit after June 30, 2021.

Employees that are required to be enrolled as a student to hold their positions will no longer be eligible for the educational waiver benefit after June 30, 2018.

The practice of extending tuition waivers to individuals associated with the University who are not paid employees, and adjunct professors, will not continue beyond the effective date of this policy.

1. General Qualifications

a. Regular, full-time and regular, part-time employees currently working or on an approved leave of absence with or without pay and retired employees are entitled to a waiver of tuition. Eligible staff employees who have at least six months of continuous service or eligible faculty members with one academic semester of continuous service may transfer any unused portion of the tuition waiver to eligible dependents, as noted below.

b. International exchange faculty at Murray State University in conjunction with MSU's inter-institutional programs and projects will be allowed to take one course per semester tuition free, upon the recommendation of the Director of the Institute for International Studies and the approval of the Provost and Vice President for Academic Affairs.

c. When any person sixty-five (65) years of age or older, who is a resident of the Commonwealth, is admitted and enrolls as a student in any state-supported institution of higher learning in this Commonwealth, the board of trustees of the institution or other appropriate institution officials shall waive all tuition charges and fees for such student, except as provided in the next statement. In the event that classes are full or the granting of free admission requires additional units, the institution may deny admission under law.

d. The tuition waiver form must be completed and approved by the last day to add a course at the time of registration.

e. The first day of class is the date that determines in which fiscal year the course applies.

2. Qualifying Courses

a. A course can only materialize if a sufficient number of tuition paying students enroll. The enrollment of tuition waiver employees will not be counted to determine if a course materializes. PROVIDED, HOWEVER, that if it is determined by the University that the value of a course offering as continuing education for employees is sufficiently important to justify

the offering of the course, then in such event, the limitations as to paying students will be disregarded.

b. The tuition waiver does not extend to correspondence study, life and learning courses, and overseas programs.

3. Eligibility

a. Baccalaureate and Post-Baccalaureate non-graduate courses:

For employees, their spouses, and eligible dependents who are taking baccalaureate or post-baccalaureate courses, but not graduate level courses, the tuition for six courses per academic year may be waived.

b. Masters, Post-Masters, and Specialist, but not enrolled in a Doctoral Program or taking courses towards completion of a Doctorate:

For employees who are pursuing Masters, Post-Masters, and Specialist courses, but not enrolled in a Doctoral Program or taking courses towards completion of a Doctorate, the tuition for six courses per academic year may be waived. For employee spouses who are taking Masters, Post-Masters and Specialist courses, but not enrolled in a Doctoral Program or taking courses towards completion of a Doctorate, the tuition for two courses per academic year may be waived. An employee's dependent is not eligible for waivers at this level.

c. Doctoral Program and Doctoral Courses

For employees who are enrolled in a Doctoral program or taking courses towards completion of a Doctorate, the tuition for two courses per academic year may be waived. An employee's spouse or other dependent is not eligible for waivers at this level.

4. Employee Responsibility

a. One course per semester or session can be taken during working hours if (1) the supervisor approves the time off during working hours, and (2) the lost working time is made up at times satisfactory to the employee's supervisor.

b. If an employee voluntarily terminates his/her employment before the last day to receive a tuition refund (according to the published refund table) during a semester in which he/she is using the tuition waiver benefit, he/she will be billed for the total tuition of the courses(s).

Coursework Being Pursued	Employee	Spouse	Dependent
Baccalaureate and Post-Baccalaureate non-graduate course (0 to 599 level courses).	6 courses	6 courses*	6 courses*
Masters, Post-Masters and Specialist, but not enrolled in a Doctoral Program or taking Doctoral-level courses.	6 courses	2 courses*	No
Doctoral Program and courses leading to the Doctorate.	2 courses	No	No

*Residual from unused employee portion.

G.E.D. Examination Fee Waiver

POLICY NUMBER: V L

SUBJECT: G.E.D. EXAMINATION FEE WAIVER

APPLIES TO: ALL REGULAR, FULL-TIME AND REGULAR, PART-TIME STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

G.E.D. EXAMINATION FEE WAIVER

It is the policy of Murray State University to encourage the professional growth of all employees. To facilitate such growth, Murray State University will waive the G.E.D. examination fee.

1. General Qualifications

- a. Regular, full-time and regular, part-time employees currently working, or on an approved leave of absence, and retired employees are entitled to the initial test fee waiver.
- b. The Counseling and Testing Center personnel will determine when a reexamination is justified. The fee will be paid by the individual when the Counseling and Testing Center personnel recommend that the student is sufficiently prepared for a reexamination.

2. G.E.D. Examination

- a. The Request For Waiver of GED Examination Fee form must be completed at the time of the examination.
- b. The G.E.D. examination must be administered at Murray State University.

Doctoral Tuition Assistance

POLICY NUMBER: V M

SUBJECT: DOCTORAL TUITION ASSISTANCE

APPLIES TO: ALL REGULAR, FULL-TIME FACULTY AND STAFF

EFFECTIVE DATE: July 1, 2011

DOCTORAL TUITION ASSISTANCE

It is the policy of Murray State University to encourage the professional growth of all employees. To facilitate such growth for full-time faculty and staff, and in order to foster their continued employment with Murray State, Murray State University may, in accordance with guidelines to be established by the President, support full-time employees in the pursuit of doctoral degrees. Employees may inquire with their direct supervisors about the possible extension of this benefit.

1. General Qualifications

a. Regular, full-time staff, currently working or on an approved leave of absence with or without pay, that have worked continuously for at least six months are eligible to be considered for tuition assistance under this policy. Faculty members currently working or on an approved leave of absence with or without pay that have worked continuously for at least one academic semester are eligible to be considered for tuition assistance under this policy.

b. MSU may, in accordance with guidelines to be established by the President, determine to reimburse an eligible employee for tuition and fees incurred for classes in furtherance of and in the pursuit of the doctoral degree.

c. Tuition and fees will be reimbursed at a previously agreed rate upon the provision of a valid grade report and a bill correlating to the hours taken to the reimbursing unit(s) for each academic term. Documentation of grades and bills are to be maintained by the reimbursing unit. Only hours considered successfully completed by the reimbursing unit(s) will be reimbursed. No direct payment from MSU will be made to the institution the employee is attending.

d. Nothing set forth in this policy shall be construed as requiring MSU to hire or offer continued employment to the employee at any time. Any hire or offer of employment is subject to approval by the appropriate Vice President, MSU President and MSU Board of Regents and shall be subject to all MSU policies and procedures. Should MSU decline to continue the employment of the employee before or after completion of the doctoral degree, the employee shall have no obligation to repay any sums for tuition and fee expenses paid unless the decision is for cause. In such event, the employee shall reimburse MSU for all such sums paid on the employee's behalf within 90 days of notice to the employee. Any payments by MSU pursuant to this policy and any Agreement will automatically cease in the event the employee's employment with MSU ends for whatever reason during the pursuit of the doctoral degree.

e. Should the employee fail to complete the doctoral degree within the agreed upon period of completion the employee shall reimburse to MSU any and all sums paid by MSU pursuant to this policy within ninety (90) days of notice being given to the employee. Further, if the employee should decline to work for MSU upon completion of the doctoral degree, the employee shall reimburse to MSU any and all sums paid by MSU pursuant to this policy within ninety (90) days of notice being given.

f. Tuition assistance binds the employee for one (1) year of service/employment with MSU, after completion of the doctoral degree, for each twelve (12) hours for which MSU has paid such tuition and fees. In the event the employee begins but does not complete for whatever reason fulfillment of the employment obligations, the employee shall reimburse MSU for all such sums paid on the employee's behalf pursuant to this policy with appropriate credit given for each year of employment completed with MSU after completion of the doctoral degree.

g. Both parties acknowledge that any sums paid by MSU on behalf of an employee may constitute a taxable benefit, and the employee shall be responsible for any taxes, whether State or Federal or otherwise, and any other withholdings.

h. A Tuition and Fee Assistance Agreement must be completed, signed and executed prior to the reimbursement of any tuition and/or fees. This agreement and accompanying documents are to be kept in the employee's personnel file in Human Resources (HR). Additionally, HR is to communicate any addition or termination of said agreement to Accounting

and Financial Services and make available terms and contents to ensure any possible tax consequences to the employee will be properly reported.

2. Employee Responsibility

- a. Courses or sessions can be taken during working hours if (1) the supervisor approves the time off during working hours, and (2) the lost working time is made up at times satisfactory to the employee's supervisor. An employee may use available vacation time in lieu of requirement 2a.
- b. To receive tuition and fee reimbursement the employee must provide an invoice from the degree granting institution and a grade report corresponding to the term for which payment is sought.

3. Supervisor Responsibility

- a. Prior to distribution of tuition and fee assistance, the direct supervisor must confirm that the employee has successfully completed the requirements in section 1(c).
- b. The direct supervisor must identify funds to support any proposed Tuition and Fee Assistance Agreement. Other units of the institution may provide additional funds at their sole discretion.

Staff Grievance

POLICY NUMBER: VI A

SUBJECT: STAFF GRIEVANCE

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

STAFF GRIEVANCE**1. Definition of a Grievance**

For the purpose of this policy, a grievance is a complaint by an employee relating to the employment relationship with Murray State University based on issues resulting from the following:

- a. administration and/or application of policies, procedures, rules, or regulations;
- b. alleged unfair or unequal treatment;
- c. working conditions; and/or
- d. disciplinary action not involving termination.

2. Exemptions to this Policy

The following matters are not subject to grievance procedures under this policy, although there may be other grievance procedures available through other policies.

- a. The content of policy, procedure, rules, or regulations.
- b. The method, means, and work force necessary to carry on work activities.
- c. Performance evaluations.
- d. Discrimination based upon race, color, creed, religion, sex, age, national origin, disability, or veteran's status.
- e. Any matter for which due process is available through other established channels.

3. Procedure

a. A systematic procedure for handling grievances is stated below. Copies of all written grievances will be placed in a separate file and not be included in the employee's official personnel file. The action of filing a grievance shall not be cause for negative remarks being placed in the grievant's file. The grievant will not be criticized or mistreated for using the grievance procedure.

b. A grievance must be specific in nature and must set forth the exact complaint. The grievant should request a satisfactory solution to his/her complaint.

c. Procedural steps**Step 1:**

(a) The employee must discuss his/her grievance with his/her immediate supervisor. The notice must be specific with regard to the offense charged and the factual situation relating to the charge. This first step must be initiated within fourteen (14) days of the occurrence creating the grievance, this includes weekends.

(b) If the employee believes his/her grievance has not been dealt with satisfactorily, he/she may proceed to each successive level of supervision below the administrative head of the department. The employee must not allow more than three (3) working days* between a reply and his/her appeal to the next level.

(c) Each supervisor must reply within three (3) working days* from the discussion with the employee.

(d) If the supervisor is the administrative head of the department, the written grievance procedure will begin at Step (e).

(e) If the grievance is not resolved by the supervisor's response, the employee must provide a written statement to the administrative head of the department with a copy to the Director of Human Resources. The administrative head must give a written decision within five (5) working days of receipt of the grievance. A copy should be sent to the Director of Human Resources.

*The term "working days" excludes weekends and University holidays.

Step 2:

(a) If the employee's grievance still has not been resolved, he/she should contact the Director of Human Resources within five (5) working days of the completion of Step 1, above.

(b) The Director of Human Resources will attempt to resolve the grievance and respond in writing within five (5) working days.

Step 3:

(a) If the efforts of the administrative head and the Director of Human Resources have not fully resolved the grievance, the employee may appeal to the Staff Congress.

(b) The employee must contact a Staff Congress member within five (5) working days of the completion of Step 2. The Staff Congress member will arrange for a review within five (5) working days.

The Executive Committee of the Staff Congress will appoint a committee of five (5) members who will hear the grievance. No member of this committee may be employed in the same department as the grievant or in Human Resources. The Staff Congress Committee will make a written recommendation to the Vice President for Finance and Administrative Services within five (5) working days of the final review.

The Executive Committee of the Staff Congress shall develop a set of rules applicable to all grievance procedures. These rules should accord fundamental fairness.

(c) The Vice President for Finance and Administrative Services will send his/her written decision to the employee, the administrative head of the department, and the Director of Human Resources within ten (10) working days after receiving the committee's recommendation.

Step 4:

If the three preceding steps do not resolve the problem, the employee may present his/her grievance to the Office of the President. The employee must request an appointment with the President or his/her designate within five (5) working days of receipt of the response from the Vice President for Finance and Administrative Services.

If the employee allows a time limit between the above steps to elapse, it will be assumed that the last decision rendered has been accepted as the solution to the problem. If after an appeal a reply is not provided within the time limit, the employee may appeal to the next level.

NOTE:

In all cases where a response is required, the response shall be completed and forwarded within the stated time unless there is a reason beyond the supervisor or administrative head's control. In such circumstances, an estimate of the delay will be provided to the grievant.

Grievance Procedure

POLICY NUMBER: VI B

SUBJECT: REPORTING ALLEGATIONS OF DISCRIMINATION & DISCRIMINATION GRIEVANCE PROCEDURES

APPLIES TO: FACULTY & STAFF

EFFECTIVE DATE: September 6, 2013

Office of Institutional Diversity, Equity and Access (IDEA) Grievance Procedure

Murray State University commits itself to investigating and determining all claims or allegations of discrimination in the operation and administration of its programs, services and employment practices.

[Grievance Procedures](#)

[Grievance/Complaint Preparation Guidelines](#)

Employee Discipline

POLICY NUMBER: VI C

SUBJECT: EMPLOYEE DISCIPLINE

APPLIES TO: STAFF

EFFECTIVE DATE: September 7, 2012

REVISED FROM: July 1, 1993

EMPLOYEE DISCIPLINE

1. Procedures

The following procedures for disciplinary action will be followed:

a. An Employee Disciplinary Report (EDR) must be prepared and presented to the employee explaining the offense(s) and notifying the employee of disciplinary action and possible future consequences. A written letter in lieu of the appropriate form may not be used for disciplinary purposes.

The report should be specific as to the offense charged and the factual situation relating to the charge.

b. The employee must sign the EDR notice indicating that he/she has been presented with the notice. The employee's signature will not be construed as an agreement with the action taken.

c. A copy of the signed, written report will be given to the employee. The original will be forwarded to Human Resources to be filed in the employee's personnel file.

d. Upon receipt of the EDR, Human Resources will inform the employee that he/she may request a hearing with his/her supervisor or the next level of supervision to discuss the offense. The employee and supervisor may each have an impartial observer of his/her choice present for the hearing.

e. If the employee wishes to proceed past the informal resolution, he/she may file a formal grievance or termination appeal as appropriate.

2. Offenses and Disciplinary Action

The following examples of offenses and suggested disciplinary action are not intended to be all inclusive and depending on the specific circumstances may require action different from those listed below.

The gravity of the offense as measured by the nature and extent of the action complained of may be sufficient to cause a first offense to be treated as a second, third, or fourth offense in terms of the penalty imposed.

W - Written Warning

T - Termination

S - Suspension of up to either 3 or 5 days Without Pay

Employee Discipline

Offense	1st	2nd	3rd	4th
a. Deliberate falsification of application	T	-	-	-
b. Theft or destruction of University property	T	-	-	-
c. Immoral or indecent acts on University property	T	-	-	-
d. Overstaying leave of absence, without proper notification directly from the employee except in a	T	-	-	-

emergency

e. Unexcused absence of three or more days	T	-	-	-
f. Absence from assigned work resulting from, or in support of, unauthorized work stoppage, illegal picketing, or striking activity directed toward the University*	T	-	-	-
g. Intentional falsifying of University records	5/S	T	-	-
h. Punching time card for another employee or having own card punched by another employee	5/S	T	-	-
i. Drinking alcoholic beverages or using drugs while on duty**	5/S	T	-	-
j. Provoking a fight on University premises	5/S	T	-	-
k. Reporting to work under the influence of alcohol or drugs**	W	5/S	T	-
l. Insubordination, restricting output	W	3/S	T	-
m. Willful violation of University rules, regulations, or policies	W	5/S	T	-
n. Unexcused absenteeism of less than three days	W	3/S	T	-
o. Sleeping on duty	W	5/S	T	-
p. Gambling on University premises	W	5/S	T	-
q. Making false or malicious statements detrimental to the University or to other employees	W	3/S	5/S	T
r. Tardiness - unexcused	W	3/S	5/S	T
s. Neglectful failure to punch own time card or leaving work place without permission	W	3/S	5/S	T
t. Loafing on University time	W	3/S	5/S	T
u. Carelessness affecting personal safety or safety of other employees or neglect and mishandling of equipment	W	3/S	5/S	T
v. Malicious use of profane or abusive language	W	3/S	5/S	T

*The President is authorized to take whatever action he/she deems prudent and necessary to implement disciplinary action resulting from this offense.

**After the first offense the employee will be referred to the Counseling and Testing Center for counseling.

3. Action for Continuation of Offenses

a. Offenses requiring disciplinary action will be considered active for a period of one (1) year. Disciplinary action will only be based upon offenses occurring within the last twelve months.

b. Any combination of five of the preceding offenses within twelve consecutive months will result in the employee's automatic discharge.

4. Record Retention

All written disciplinary reports will be maintained in the employee's personnel file for a minimum of five (5) years from the last offense.

Safety Compliance

POLICY NUMBER: VI D

SUBJECT: SAFETY COMPLIANCE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

SAFETY COMPLIANCE

It is the policy of Murray State University to provide a safe working environment for all employees.

1. Management Responsibility

a. When an unsafe condition is observed, the supervisor must promptly make an investigation. If the supervisor finds that an unsafe condition exists, he/she is to recommend that corrective measures be taken.

b. Supervisors must instruct workers in their area of the laws, rules, and regulations referred to in this section.

2. Employee Responsibility

a. Every employee should take an active role in insuring a safe working environment.

b. An employee shall report unsafe conditions to his/her supervisor immediately so that corrective measures may be taken.

c. No employee shall knowingly or negligently violate these laws or regulations.

3. Employee Rights

When the supervisor does not take appropriate action to correct the unsafe condition, the employee should contact the Director of Human Resources. Retaliation against the employee for this action will not be tolerated.

4. Compliance with the Law

a. Compliance with Murray State University, federal, and state of Kentucky safety and environmental health laws, rules, and regulations is a condition of employment for all employees.

b. An employee may be issued safety equipment to be used in performing certain jobs. The employee is required to properly use this safety equipment when it is provided.

c. Equipment must be used as directed by the federal government and/or the state of Kentucky.

5. Disciplinary Action Including Termination

An employee who fails to use designated safety equipment when performing his/her job or who causes unsafe working conditions for his/her fellow employees may incur disciplinary action or discharge.

Personal Financial Responsibility

POLICY NUMBER: VI E

SUBJECT: PERSONAL FINANCIAL RESPONSIBILITY

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

PERSONAL FINANCIAL RESPONSIBILITY

Personal financial affairs are a primary concern of each individual employee and should be managed in a manner which prevents involving the University in legal proceedings and unnecessary expense through garnishments, tax levies, and other collection devices.

1. University's Responsibilities Due to Employee's External Indebtedness:

a. Garnishments, tax levies, or other extended difficulties over indebtedness

(1) The employee should make an attempt to avoid garnishments and to prevent more than one garnishment when possible.

(2) When financial difficulties interfere with the employee's job performance (or in any way hinder the normal operation of the University) an administrative review of the situation may be initiated to determine the desirability of continued employment.

b. University's legal obligation

The University is required by state law to accept and process garnishments served by officials of the court and tax levies submitted by the state of Kentucky.

(1) The state or an officer of the court delivers a garnishment or a tax levy to Payroll.

(2) A tax levy, garnishment, etc. will be processed by Payroll according to state of Kentucky law.

(3) Payroll distributes copies of the completed form to the employee and the garnisheeing party along with the check.

2. University's Obligation to Collect Internal Indebtedness

a. When an employee is indebted to the state of Kentucky or Murray State University and the indebtedness has become due and payable, such indebtedness shall be applied to any claim which that individual has against the state of Kentucky or Murray State University pursuant to the terms of the statute.

b. Should an employee deny his/her indebtedness to the state or University or any part thereof he/she shall be entitled to an administrative hearing. A hearing officer shall be designated by the President to hear the case and shall promulgate rules and regulations for the hearing of the case. Due process shall be accorded.

Drug-Free Work Place

POLICY NUMBER: VI F

SUBJECT: DRUG-FREE WORK PLACE

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

DRUG-FREE WORK PLACE

It is the policy of Murray State University that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited in buildings, facilities, grounds, or property controlled by the University and/or while engaged in University business. It is also the policy of Murray State University to enforce Kentucky statutes concerning the possession, sale, or use of alcoholic beverages. In addition, Murray State University specifically prohibits the possession or use of alcohol in the residence halls. Any enrolled student or any employee of the University, including faculty, staff, and student employees, found to be illegally manufacturing, distributing, dispensing, possessing, or using controlled substances or found to be in violation of Kentucky statutes or University policy regarding the possession, sale, or use of alcohol on University property shall be subject to disciplinary action in accordance with applicable policies of Murray State University up to and including expulsion or termination. Satisfactory participation in certain drug abuse assistance or rehabilitation programs may be required in certain cases. Students and employees are reminded that illegal manufacture, distribution, dispensing, possession, or use of controlled substances or illegal possession, sale, or use of alcohol may also subject individuals to criminal prosecution. In appropriate cases, referrals will be made to outside law enforcement agencies. Murray State University reserves the right to pursue disciplinary action, however, independent of criminal disposition.

As a condition of employment, all employees of Murray State University shall abide by the terms of this policy statement and will notify Murray State University of any criminal drug statute conviction for a violation occurring in the work place no later than five days after such conviction. Murray State University will, in turn, notify as appropriate, the applicable federal agency of the conviction within ten (10) days of its receipt of notification of the conviction. For purposes of this policy, "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes. Within thirty (30) days of notification to Murray State University of a criminal conviction for a violation occurring in the workplace, Murray State shall take appropriate personnel action in accordance with applicable University policies.

The term "controlled substances" as used in this policy means those substances included in Schedule I through V of Section 812 of the Controlled Substances Act and as further defined by regulation at 21 CFR 1308.11 through 1308.15 (a listing of controlled substances will be maintained in the campus personnel office and at other appropriate locations on campus). The term does not include the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

On-Campus Vehicle Parking

POLICY NUMBER: VI G

SUBJECT: ON-CAMPUS VEHICLE PARKING

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

ON-CAMPUS VEHICLE PARKING

Parking permits are required for all faculty and staff who park vehicles on campus.

Parking regulations are distributed by Public Safety, where details are provided concerning parking.

University Governance System

POLICY NUMBER: VI H

SUBJECT: UNIVERSITY GOVERNANCE SYSTEM

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

UNIVERSITY GOVERNANCE SYSTEM

Note: Certain sections of the University Governance System Document which do not pertain to staff have been omitted. The full document is found in the Faculty Handbook and is also available in the President's Office.

Policies regarding University governance bodies, whether characterized as the power to propose, formulate, review, determine, or as otherwise stated, shall be considered as advisory in nature to the President of the University. In those cases where a component part of the governance structure is instructed herein to make recommendations to other individuals or groups, a copy of this recommendation shall be delivered to the President or to an appropriate vice president as the President may direct.

1. Purpose

This policy establishes and/or clarifies the role of the Faculty Senate, Academic Council, Staff Congress, Student Government Association, and the University Standing Committees, in relationship to the University governance system of Murray State University. This policy is designed to bring the special talents and expertise of the various elements of the University community to bear on policy matters of vital interest. University governance bodies shall be considered as being advisory in nature.

2. Authority

The legislature of the state of Kentucky has vested the primary responsibility for the governance of Murray State University in the Board of Regents. The Board of Regents has, in turn, delegated to the President of the University the responsibility of ensuring that the affairs of the University are handled in a manner which is consistent with the policies of the University. This policy will serve the purpose of ensuring University-wide participation in the decision-making process on those matters which involve faculty, staff, and student responsibility and interest.

The component parts of the governance structure addressed herein (Faculty Senate, Academic Council, Staff Congress, Student Government Association, and University Standing Committees) may make recommendations to the President of the University on those matters wherein they are empowered to act unless otherwise directed by the President.

3. Reviewed

Periodically, no less than every three years and no more than every year, the governance system, or any part thereof, shall be formally reviewed by the Faculty Senate, the Student Senate, the Staff Congress, and the University vice presidents. Following the review, amendments or corrections may be recommended to the President of the University. This provision shall not preclude the Board of Regents from making changes in the governance system at any time; nor does it preclude ad hoc recommendations to the President by any individual or group.

4. The Staff Congress

a. The Staff Congress is authorized by the Board of Regents to act for the University staff, with delegated authority to advise the President in matters involving the formulation and/or review of policies regarding staff concerns.

b. The Staff Congress shall consist of:

(1) six staff representatives elected from each of the following employment categories, as defined by Human Resources:

Group A--Secretarial/Clerical

Group B--General

Group C--Facilities Management

Group D--Executive/Managerial/Professional,

(2) five at large staff representatives, and

(3) one staff representative from the Breathitt Veterinary Center.

(4) To be eligible for election to Staff Congress, an employee must have one or more years with the University. Other bylaws of the Staff Congress govern the election process.

c. The Staff Congress may:

(1) study and determine those policies and objectives that the Staff Congress feels will best fulfill the needs, concerns, and interests of the staff;

(2) promote better cooperation among the administration, faculty, students, and staff;

(3) make recommendations to the University administration and to the Director of Human Resources on matters affecting staff;

(4) create a stronger bond within the staff by providing a means to solicit and express opinions; and

(5) act as the official channel of staff opinion on all matters of staff concern.

d. The Staff Congress will formulate its own rules and procedures consistent with its constitution, the policies of the University, and the laws of the Commonwealth. All meetings of the Staff Congress shall be open, and the Staff Congress may request the opinion of any individual or group concerning any matter before the Congress provided that any individual or group may decline to give an opinion if to do so would constitute a conflict of interest, or pre-empt orderly administrative procedures. Members of standing committees shall be selected in accordance with the Bylaws of the Staff Congress.

5. The University Standing Committee System

a. General Operating Principles of University Standing Committees

(1) The President's administrative assistant shall keep and maintain a current list of all standing committees and other University-wide committees. At a minimum, the list shall contain the name, special instructions, purpose, and membership of each committee.

(2) Elections to standing committees shall be held prior to May 1 of each year. Faculty and staff representatives to a committee, unless otherwise specified, shall be elected for three-year terms, beginning July 1. The terms of the elected faculty and staff representatives to each committee shall be staggered so that one-third of each group is elected each year.

(3) Vacancies in elective positions shall be filled by appointment unless another provision has been made by the electorate for that position. The appointment shall be by the President of Staff Congress.

(4) Ex-officio members of the committees, unless otherwise specified, shall not have voting privileges.

(5) The Vice President of the Faculty Senate and the Vice President of the Staff Congress shall ensure that these standing committees are convened for an organizational meeting not later than September 15 of each year. Each committee shall choose its own chair from its membership, exclusive of ex-officio members. The chair has full voting privileges.

(6) Each committee shall have the authority to form subcommittees for the purposes contained in the charge to that committee and to invite other members of the University community to meet with the committee.

(7) All committee meetings shall be open except for executive session.

(8) Each committee shall keep minutes of each meeting and shall transcribe and maintain those minutes.

b. Procedure

(1) Each of the committees will submit its recommendations, decisions, and/or policies as indicated in the description of the committee. In the event that the administrative officer disagrees with any one of these recommendations, a written response will be made within twenty (20) working days.

(2) On policy matters which involve faculty, staff, and/or students and which are not among the functions of one of the agencies listed in the University Governance System Document, the President of the University shall request that the bodies involved (Faculty Senate, Staff Congress, and/or Student Government Association) create a joint committee with appropriate representation from each of the involved bodies. The recommendations of the committee shall be forwarded to each of the parent bodies for their approval.

6. The University Standing Committees

Faculty and Staff Insurance and Benefits Committee

a. Submits recommendations to the Vice President for Finance and Administrative Services.

b. Purpose

To evaluate and make recommendations concerning group health and life insurance and other benefits for faculty and staff.

c. Membership

One faculty member selected by the Faculty Senate from each college and the library, six members selected by the Staff Congress, and ex-officio the Director of Human Resources and the Director of Procurement Services.

7. Affirmative Action Committee

a. Duties

(1) serve as a sounding board for individuals or groups with concerns that fall within the interests protected by equal opportunity/affirmative action law;

(2) review and survey those aspects of University life which involve affirmative action;

(3) ensure that the University will comply with the Higher Education Guidelines for Executive Order 11246 (or succeeding relevant guidelines) as published by the Department of Education;

(4) evaluate and monitor existing affirmative action goals and timetables;

(5) survey and investigate past discrimination resulting from overt acts or from unconscious, systematic exclusion of minorities and women;

(6) recommend to the President new policies and procedures which will aid the University in meeting its affirmative action responsibilities;

(7) serve as affirmative action compliance officers on search committees organized to fill vacant and/or new positions on which they may serve.

b. Membership

Three members of the faculty, three members of the staff, two students, and a representative of the Office of Public Safety. These members, who serve staggered three-year terms, are appointed by the President.

c. Meetings of the Committee will be called by the President or the Director of Equal Opportunity.

Sexual Harassment

POLICY NUMBER: VI I

SUBJECT: SEXUAL HARASSMENT

APPLIES TO: FACULTY AND STAFF

EFFECTIVE DATE: May 12, 1990

REVISED FROM: February 29, 2008

SEXUAL HARASSMENT

A. Commitment. Murray State University is committed to maintaining an environment free from unlawful discrimination. Consistent with this, sexual harassment will not be tolerated at Murray State University. The University will continue to educate the campus with respect to sexual harassment and will continue to provide avenues for redress when issues arise. However, it is the responsibility of all Students, Faculty, Staff, and Regents to avoid sexually harassing behaviors.

B. Definitions. Sexual harassment is a form of gender discrimination which violates state and federal law and University policy. Students and employees can be the victims, or perpetrators, of sexual harassment. Whether actions constitute sexual harassment depends upon the particular facts surrounding, and law applicable to, the situation in question. However, in general, sexual harassment may be present if there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature and:

1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or participation or performance in any course, program, or activity.
2. submission to or rejection of such conduct by an individual is used as a basis for making decisions with respect to the individual's employment or participation or performance in any course, program, or activity; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or participation or performance in a course, program, or activity, or creates an intimidating, hostile, or offensive environment for work or any course, program, or activity.

Sexual harassment can occur in different relationships including that of supervisor-employee, teacher-student, and student-student. Purely voluntary personal or social relationship without any of the discriminatory effects noted above may not be sexually harassing behavior. However, Regents, administrators, faculty, and staff are strongly urged to avoid relationships of an amorous or intimate nature with individuals, such as subordinates or students, whom they supervise, have an instructional responsibility for, or have or may have the responsibility to evaluate. The existence of a power differential between the parties naturally raises the question whether the relationship is, in fact, voluntary. Victims of sexual harassment are primarily, but not exclusively, women. Sexual harassment occurs primarily, but not exclusively, between members of opposite sexes.

Sexual harassment takes many forms. It can include sexual innuendo, suggestive or demeaning comments, insults, hostile remarks, humor and jokes about gender or gender-specific traits, requests or demands for sexual favors, threats, or suggestive gestures. It can also include touching, pinching, brushing the body, assault, or coerced or nonconsensual sexual intercourse.

C. Reporting Sexually Harassing Behavior. Murray State University encourages every member of the University community who believes he or she has been the victim of sexual harassment to report the allegations as soon as possible. Time limitations apply to the reporting of claims and the chance for remedial action may be lost by delay. The University has formal and informal processes for resolving claims of sexual harassment. Victims of sexual harassment are encouraged to report their allegations even if they do not wish to utilize these processes.

Claims of sexual harassment should be made to the following offices:

1. Claims by employees against other employees including their supervisors, and claims by students including student workers against Faculty members or other employees should be made with the Office of Institutional Diversity, Equity and Access, 103 Wells Hall, 270-809-3155.

2. Claims by a student against another student should be made to the Vice President for Student Affairs, 425 Wells Hall, 270-809-6831.

3. If the Executive Director of the Office of Institutional Diversity, Equity and Access/Title IX Coordinator is the person against whom complaint is made, the report should be made to the President of the University.

4. If the complaint is against the President or a member of the Board of Regents, the report should be made to the Chair of the Board of Regents. If the complaint is against the Chair of the Board, the complaint should be made with the Vice- Chair of the Board.

5. If there is doubt about which office the allegations should be made to, or if assistance is needed with respect to a complaint, the Office of Equal Opportunity should be contacted for help.

In accordance with law, there will be no retaliation against an individual making a good faith claim of sexual harassment.

D. Sanctions. Any individual charged with sexual harassment will be accorded due process in compliance with established University procedures. Sanctions for sexual harassment may range from written warning to termination (for an employee) or expulsion (for a student).

Committee Meetings

POLICY NUMBER: VI J

SUBJECT: COMMITTEE MEETINGS

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

COMMITTEE MEETINGS

1. Meetings of University committees will be held at times and locations selected by the individual committees unless otherwise mandated.
2. Each committee should consider the hour, location, and schedule of meetings at the first meeting of each year and revise by vote of the committee as needed.
3. A committee member is elected or appointed to represent a group of employees and should attend all meetings of the committee.
4. A committee member must notify his/her supervisor in advance of committee meetings which he/she is obligated to attend. An employee must not leave his/her work station without prior approval from his/her supervisor.
5. A supervisor should release employees to attend committee meetings, if the employee is a member of the committee.
6. If meetings are held after normal working hours or after a member's normal shift, the member will not be granted time off from work or be paid overtime due to the extra time spent in committee meetings.
7. The employee must notify his/her supervisor of any tardiness due to committee meeting attendance.
8. Committee meetings are open to all interested employees; however, employees who are not committee members will normally not be released from their normal duties to attend meetings. If such an employee wishes to attend a meeting for a justifiable reason, he/she must request permission from his/her supervisor in advance.

Outside Employment

POLICY NUMBER: VI K

SUBJECT: OUTSIDE EMPLOYMENT

APPLIES TO: STAFF

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

OUTSIDE EMPLOYMENT

An employee who is employed outside the University shall comply with the following regulations:

1. The hours of the employee's outside employment shall not conflict with his/her University hours of scheduled work including requested overtime by his/her department.
2. Outside employment shall not conflict with the employee's University job responsibilities or affect the employee's ability to perform satisfactorily in his/her University position.
3. Outside employment shall not cause the employee to arrive late for, or leave early from, his/her scheduled work shift or hours.
4. An employee cannot directly or indirectly maintain an outside business or financial interest, or engage in any outside business or financial activity, which conflicts with the interests or principles of the University.
5. Any employment or interest which a supervisor or department head feels is detrimental to the individual's job performance shall be discussed with the individual, and necessary action will be determined to remedy the situation.

Intellectual Property

POLICY NUMBER: VI L

SUBJECT: INTELLECTUAL PROPERTY

APPLIES TO: FACULTY & STAFF

EFFECTIVE DATE: September 7, 2012

INTELLECTUAL PROPERTY

1 Policy

Murray State University embraces the multiple missions of a state supported university: teaching, research and support of the public interest. The university encourages research and scholarship and recognizes that intellectual properties may arise from the scholarly activities of the university. While many intellectual properties are best disseminated by publication and placement in the public domain, there are a significant number that are most effectively handled by protection under the intellectual property laws (e.g., patenting and copyright) and licensing (or other transfer) to private sector entities, with attendant financial considerations. It is therefore important to establish clear policies regarding the ownership, commercialization and financial rewards resulting from the creation of such intellectual property. Accordingly, this intellectual property policy (IP Policy) is designed to: 1) establish ownership criteria for intellectual property developed by members of the university community and to resolve ownership questions if such arise; 2) define the responsibilities, rights and privileges of those involved; and 3) develop basic guidelines for the administration of the IP Policy.

Nothing herein shall be construed as granting any rights to any person such as may prevent or otherwise impede any responsibility, obligation or requirement of the university under any state, local or federal law/regulation or in regard to any regulatory or accrediting agency or entity.

1.1 Definitions

The following definitions apply for the purpose of this IP Policy:

Intellectual Property – Information and technology that can have potential commercial value that is subject to university ownership and control includes inventions, discoveries or innovations (whether tangible or intangible and whether or not patentable or reduced to practice), patent applications, patents, methods, processes, proprietary information, protocols, specifications, techniques, copyrightable works, trademarks and service marks, software, computer programs, integrated circuit designs, industrial designs, databases, new machines, compositions of matter, written materials which are the subject matter of patents and copyrights, biological materials including cell lines, plasmids, hybridomas, monoclonal antibodies, plant varieties together with new life forms, bioengineered agents, technical drawings, data, formulae, codes, art and creative endeavors, trade secrets, know-how, and moral rights. It includes, but is not limited to, Intellectual Property which is protectable by statute or legislation, whether or not formal protection is sought and which are developed as the result of university activities.

Copyrightable Works – includes, but is not limited to, written materials, sound recordings, videotapes, films, broadcast rights and licenses, promotional materials and merchandise, computer programs, computer-assisted instruction materials, and any copyrightable material as defined by federal law.

University Personnel – Any employee of the university (whether full or part-time, including temporary employees), including Faculty, staff, and Students (as set forth in 2.13.2.1(E) below), or individual covered by sponsored program agreements or other contractual arrangements. Visitors to the university who make Substantial Use of University Resources are considered as University Personnel with regard to any Intellectual Property arising from such use.

Faculty – all members of the university's faculty organization as set forth in Chapter 2 herein, including Regular Ranked and Administrative Faculty and Special Appointment Faculty.

Student – any full- or part-time graduate or undergraduate student, regardless of whether the student receives financial aid from the university or from outside sources. A student shall be considered University Personnel under this IP Policy to the extent that any Intellectual Property developed by or with assistance from the student arises out of or in connection with: 1) work performed by the student as a university employee; 2) work performed by the student under a grant or other sponsored project of the university; or 3) work performed in connection with the Substantial Use of University Resources.

Scope of Employment – refers to activities which have been assigned to an employee/student by his or her supervisor, which are performed during normal working hours or which fall within the employee's/student's job description. Intellectual

Property created by University Personnel who were employed specifically to produce a particular Intellectual Property shall be owned by the university.

Substantial Use – Substantial Use of University Resources occurs when development or creation of Intellectual Property involves the use of university resources (fiscal, human, or physical) beyond the following: customary use of 1) assigned office space, laboratories, studios, or libraries; 2) library collections, subscriptions or services; 3) secretarial or other staff assistance; 4) computer time or computer or lab equipment on hand; 5) network or Internet access; 6) standard office equipment and supplies; or 7) other support typically provided to faculty and staff. As a general guideline, the use of university resources (other than customary use of items (1)-(7) above) will be considered “substantial,” if, in any twelve consecutive month period, the value of those resources used exceeds \$2500. Beginning July 1, 2013, this initial amount shall be adjusted annually by a three percent increase.

Creator – any person or persons who create an item of Intellectual Property, including, but not limited to: 1) an inventor in the context of inventions (whether or not patentable), or 2) an author in the context of copyrightable works of authorship.

1.2 Applicability

This IP Policy shall apply to all Intellectual Property conceived, created, developed, first reduced to practice, written, or otherwise produced by University Personnel.

1.3 Ownership of Intellectual Property

Intellectual Property developed by University Personnel and related rights shall be the sole and exclusive property of the university (subject to income distribution rights as set forth in Section 2.13.2.7) when the subject Intellectual Property is developed:

within the person’s Scope of Employment within the university (except as may be specifically covered in Sections 2.13.2.3(C) and 2.13.2.4 below);

with the Substantial Use of University Resources (except as may be specifically covered in Sections 2.13.2.3(B)(2)-(3) and (C) and 2.13.2.4 below); or

in the course of a project arranged, administered, or controlled by the university and sponsored by persons, agencies, or organizations external to the university (subject to the terms of any external agreement between the university and any third party).

Intellectual Property resulting from independent work performed by a Student associated with coursework assignments or other than as set forth in this subsection shall belong to the Student (subject to Section 2.13.2.4(B) below).

Absent a written agreement signed by the university to the contrary, Intellectual Property developed by a Student a) in connection with the activities set forth in subsections 2.13.2.1(E)(1)-(3) above, or b) in collaboration with other University Personnel, where the creation or invention of the Intellectual Property is related to another University Personnel’s relationship with the university, shall be owned and controlled as set forth in Section (B)(3) below.

Intellectual Property developed as per (B)(2)(a) above, including income therefrom, shall be owned and controlled by the university, except Students shall retain ownership of the copyright of their theses/dissertations (subject to Section 2.13.2.4(B) below). In cases involving collaboration with other University Personnel, as per (B)(2)(b) above, the parties who own the rest of the Intellectual Property will ordinarily retain ownership of the portion contributed by the Student (including any income therefrom). The Student shall execute any and all documents deemed by the owners to be necessary for the owners to have full use and enjoyment of the Intellectual Property and to carry out in good faith the intent and purpose of this IP Policy.

Absent a written agreement signed by the university to the contrary, Intellectual Property and related rights shall be the sole and exclusive property of the university as well as income therefrom when the subject Intellectual Property constitutes:

Copyrightable Works not specifically exempted by Section 2.13.2.4 which are developed within the person's Scope of Employment within the university; and

works developed in the course of a project specifically sponsored or commissioned by the university.

Creator(s) shall execute any and all documents deemed by the university to be necessary for the university to have full use and enjoyment of the Intellectual Property and to carry out in good faith the intent and purpose of this IP Policy. Intellectual Property developed by University Personnel other than as set forth in subsections A, B, & C above shall be the sole and exclusive property of the Creator(s). Intellectual Property or any other rights to Intellectual Property held by University Personnel prior to enrollment with or appointment to the university are excluded from this IP Policy. Such Intellectual Property shall be identified in writing at the time of appointment or enrollment. University Personnel shall file any disputes regarding ownership of prior Intellectual Property with the IPC (as defined in Section 2.13.2.5 below), and the IPC shall evaluate the ownership of such prior Intellectual Property in accordance with the same procedures set forth in this IP Policy regarding university ownership of Intellectual Property.

1.4 Exemptions & Exceptions

Traditional Academic Works - This IP Policy recognizes the longstanding custom and understanding that Faculty members own copyright to their scholarly and creative work. Therefore, Faculty retain copyright to "Traditional Academic Works," (which includes, but is not limited to, printed materials such as books, manuscripts, research monographs, journal articles and reviews, theses and dissertations; works of art such as paintings, drawings, sculptures, musical or dramatic compositions and performances, poetry, popular fiction and nonfiction, choreographic works, pictorial or graphic works, movies, and television programs; course materials such as class notes, class handouts, exams, research proposals, classroom presentations, educational software, workbooks, and laboratory manuals) unless the copyright is developed pursuant to a sponsored research agreement (in which case ownership is determined as noted in subsection C of this section) or a contractual arrangement with the university or with the Substantial Use of University Resources. The university may have the need to have Intellectual Property developed for its use, ownership, and benefit that would normally be considered Traditional Academic Works. Should the university engage the services of a Faculty member to develop such Intellectual Property, the terms and conditions of the development, ownership, and compensation of the Faculty member shall be set forth in a predetermined written agreement.

Students – Where Intellectual Property arising out of the Student's own original work and participation in programs of study at the university is retained by the Student (as to student theses or dissertations), Students shall be deemed to have granted to the university or its designee a royalty-free perpetual non-exclusive license and consent to reproduce, use and publicly distribute the Intellectual Property for the limited purpose of the university in displaying said thesis or dissertation in its library(s) or electronically or as otherwise set forth in university policies regarding student theses/dissertations.

Externally Sponsored Work - Intellectual Property created as a result of work conducted under an agreement between an external sponsor and the university that specifies ownership of such Intellectual Property shall be owned as specified in said agreement and in accordance with state and federal law.

Individual Agreements - Except where limited by external sponsorship agreements, Creator(s) and the university may negotiate individual agreements to govern ownership, development and commercialization of Intellectual Property regardless of the applicability of any other provision hereof.

Consulting and Other Activity - Intellectual Property developed outside an employee's Scope of Employment or contractual obligations, on the employee's own time and without Substantial Use of University Resources shall be the sole and exclusive property of the Creator. Consulting activities that involve Substantial Use of University Resources may only be performed pursuant to written agreement with the University as set forth in Section 2.12.3 of the Faculty Handbook. In such cases, the written agreement shall specify ownership of Intellectual Property. If ownership is not specified, then ownership shall be determined in accordance with this IP Policy.

University Personnel who engage in consulting work or in private business activities outside their Scope of Employment are responsible for ensuring that 1) such services or activities do not conflict with this IP Policy or with any of their other commitments to the university, and 2) the university's rights and the individual's obligations to the university are in no way abrogated or limited by the terms of such agreements. University Personnel shall 1) make the nature of their obligations to the university clear to those with whom they make such agreements and 2) inform such third parties that the university does have a formal IP Policy and ensure that such parties are provided with a current copy of the IP Policy.

Public Domain Preference - The university and the Creator(s) may place Intellectual Property in the public domain for non-commercial, academic dissemination purposes if that would be in the best interest of the university's mission of education and public dissemination of knowledge, and if doing so is not in violation of the terms of any agreements with third parties.

Waiver of Ownership –

University rights of Intellectual Property ownership may be assigned to the Creator(s). An assignment under this section shall only occur pursuant to a recommendation by the Provost and Vice President for Academic Affairs, or their designee, and through a written document signed by the President of the university.

In regard to Intellectual Property owned by University Personnel and in which the university has no ownership interests, in consideration of university support in evaluating such Intellectual Property, seeking patent protection, and/or pursuing commercialization activities, Creator(s) may request that the university accept such Intellectual Property for evaluation, management, and commercialization. If the university accepts such Intellectual Property, that Intellectual Property becomes subject to, and shall be treated in accord with, all provisions of this IP Policy.

1.5 Administrative Responsibilities and Procedures

Creator(s) – University Personnel are responsible for disclosing to the university any Intellectual Property covered by this IP Policy, in accordance with this IP Policy. Disclosure shall be made to the Provost and Vice President for Academic Affairs, or their designee, using the MSU Invention Disclosure Form appended to this IP Policy (the Disclosure Form). The Provost and Vice President for Academic Affairs, or their designee, will coordinate the review of the Disclosure Form by the Intellectual Property Committee (IPC). The Creator(s) shall cooperate in the execution of all legal documents and in the review of literature and prior art (e.g., patent searches); be given the opportunity to assist in the further commercial development of the Intellectual Property as may be determined by the university in its sole discretion; and receive consideration (to the extent set forth in this IP Policy) regarding any income derived from the commercialization of such property as described herein.

Creators should particularly note that certain acts (e.g., publication of the Intellectual Property in an academic journal or presentation at a conference) may constitute a statutory bar to patent protection. Creators contemplating public disclosure activities prior to obtaining patent protection should contact the Provost and Vice President for Academic Affairs prior to engaging in those disclosure activities.

Intellectual Property Committee - The IPC serves as the administrative committee for all matters concerning Intellectual Property. The IPC shall have three standing members by virtue of position: Provost and Vice President for Academic Affairs, or their designee, the Faculty Senate President, and the Director of the Office of Sponsored Programs. Three additional *ad hoc* members will be added when the IPC convenes to review a Disclosure Form: the dean of the college where the Intellectual Property originated, a faculty member with professional expertise in Intellectual Property matters or familiarity with the Intellectual Property subject to IPC review, and a graduate student who is a member of the Graduate Student Leadership Council or equivalent body, all to be identified and appointed by the Provost. The Provost, or their designee, shall serve as chair of the IPC. All members shall execute confidentiality agreements to ensure that all information concerning Intellectual Property disclosed to the IPC is held confidential. Administrative support for the IPC will be provided by the Office of the Provost, which will serve as the official repository of the Disclosure Form, all confidential records submitted to the IPC, documents involving the work of the IPC and all records reflecting ownership, assignments and transfer of Intellectual Property. Any such documents shall be provided to the Office of the President and/or the Office of General Counsel upon request.

Disclosure and Review Procedures - Upon receipt of a Disclosure Form, the Provost shall notify the Creator(s), in writing, of the official receipt date (Official Receipt Date), and convene the IPC for evaluation of said disclosure.

The committee shall conduct an investigation as it deems necessary in performing its evaluation. The Creator(s) shall make available, upon request, originals or copies of all documents and designs, including logs, research workbooks, etc., that are necessary to support an understanding of the Intellectual Property and its scope and value. Moreover, as necessary, the Creator(s) shall assist the IPC in obtaining and maintaining legal protection for the Intellectual Property by disclosing essential information, signing applications and other necessary documents.

Upon completion of the evaluation, the IPC shall provide its recommendation as to ownership of the Intellectual Property, appropriate patent protection, and commercialization opportunities. The Provost and Vice President for Academic Affairs shall transmit these recommendations to the President of the university, who shall render the decision to pursue

protection and/or commercialization of the Intellectual Property.

If the President determines that there is a reasonable chance for successful commercialization, the Provost and Vice President for Academic Affairs shall inform the Creator(s) and the IPC in writing that the university claims ownership rights to the Intellectual Property and determine and record the rights of the Creator(s) to share in any income. For disclosed intellectual property in which the university is deemed to have an ownership interest, following a decision by the President of the university to seek patent protection, copyright registration, and/or commercialization of the Intellectual Property, the Provost, or their designee, shall arrange to have these activities undertaken and oversee execution. All reasonable expenses associated with those activities shall be borne by the university.

The university may determine that it has an ownership right in the Intellectual Property but that the Intellectual Property has not been developed to the point where a decision as to patentability or commercialization is possible, in which case the Intellectual Property shall be placed in a pending status. The status shall be reviewed at six (6) month intervals to determine if additional information or data may make the Intellectual Property commercially feasible to pursue.

If the university has an ownership interest in the Intellectual Property, and the decision of the President is not to seek patent or copyright protection and/or commercialization of the Intellectual Property, the university's ownership interest shall be assigned to the Creator(s). The President will administer this action.

In cases where the Creator(s) have not received a written decision (i.e., determination of acceptance/ownership of the Intellectual Property or determination that additional time/work is needed for the Intellectual Property to be patentable or commercially feasible) within six (6) months of the Official Receipt Date, the Creator(s) of the Intellectual Property may request in writing that all university rights in such Intellectual Property be reassigned to the Creator(s). To the extent that Intellectual Property is not subject to any sponsored program or other contractual agreement, and provided that all other co-Creators, if any, of the subject Intellectual Property consent to the request, the university or its designee shall reasonably consider such a request. Any reassignment of the rights by the university to the Creator(s) shall be limited only to the Intellectual Property disclosed in the original Disclosure Form submitted to the IPC and further subject to the university reserving the rights to use the subject Intellectual Property for research and other educational purposes.

For inventions made in the course of a project funded in whole or in part by a federal agency, the Bayh-Dole Act (37 CFR 401) imposes certain requirements associated with the technology transfer process. The Provost, or their designee, is responsible for ensuring that those requirements are satisfied.

Appeals – If any Creator does not agree with the decision of the President, an appeal may be made to the Chairman of the Board of Regents. The appeal shall be made in writing, delivered to the Chairman of the Board of Regents and copied to the President and IPC chair within thirty (30) calendar days of the issuance of the decision. Any appeal shall set forth the specific reasons supporting the position of the Creator(s) and include any supporting documentation. Upon receipt of a Creator's written appeal, the Chairman of Board of Regents shall review the information provided and, within sixty (60) calendar days, shall issue a written decision on the appeal. The decision on this review will be the final decision of the university.

Policy Interpretation/Application – Any disputes concerning the interpretation or application of this IP Policy to Intellectual Property shall be submitted to the IPC, and the IPC shall evaluate the ownership of such Intellectual Property in accordance with the same procedures set forth in this IP Policy.

1.6 Development and Commercialization

Development of Intellectual Property. The university will make every reasonable effort to develop the Intellectual Property. Development options may include, but are not limited to: 1) evaluating and processing the Intellectual Property through patent applications or copyright registration; 2) assigning Intellectual Property to a patent management agency for evaluation and processing; and 3) assigning or licensing Intellectual Property to a commercial firm.

If federal, state or other restrictive funding is involved in the development of the Intellectual Property, assignment may require governmental or other approval.

Commercialization - All decisions concerning the commercialization of Intellectual Property governed by this IP Policy shall be determined by the university in its sole discretion. In commercializing Intellectual Property, the university shall be guided by the following principles: 1) active Creator(s) participation in all commercialization may be sought; 2) the primary objective and responsibility of the university shall be to assure that the products of its intellectual activity are brought into the widest possible use for the general benefit of society; and 3) Intellectual Property is treated as an asset and an

appropriate return should be sought.

In an effort to commercialize Intellectual Property, the university may seek a variety of arrangements such as licenses, assignments or sale of rights, partnerships, and joint ventures. The selection of particular arrangements will depend upon the individual circumstances.

In some instances, it may be in the best interests of the Creator(s), university, and the general public to enter into a commercialization arrangement with entities wholly or partially owned or controlled by the University Personnel who originated the Intellectual Property. Because these arrangements have the potential of contributing to economic development, such arrangements may be considered and accepted, provided they are not specifically prohibited by law and that adequate provisions, including full disclosure of interests, are made to avoid or otherwise protect against. Commercialization arrangements which involve or may involve University Personnel (i.e. any contract between the university and University Personnel or entity/business in which University Personnel has an interest) shall be subject to the requirements set forth in the university's Statement of Ethical Principles and Code of Conduct policy and shall be approved by the Board of Regents.

1.7 Income from Intellectual Property

Reimbursement of University Expenses – All income derived from the commercialization of Intellectual Property owned by the university shall be first applied toward any reasonable expenses incurred by the university in seeking patent protection, copyright registration and in pursuing development and commercialization of the Intellectual Property. All expenses shall be identified and detailed in writing at the time they are made; the sources and amounts of income also shall be properly disclosed.

Income Distribution – After the university is reimbursed for all expenses set forth above, the net income received by the university (royalties, license fees, etc.) on Intellectual Property that it assigns, sells, or licenses shall be divided among the Creator(s), department(s), college(s) and the university as follows:

Creator(s) - 35%

University Commercialization Fund - Office of the Provost - 32.5%

Collegiate Unit(s) of Origination - 13%

Department(s) of Origination - 13%

University Innovation Fund- Office of the President - 6.5%

Joint Creators shall reach agreement between and among themselves regarding relative contributions for the purposes of distribution of net income from the commercialization of said Intellectual Property. That agreement shall be in writing and notarized. In the absence of such agreement, the Creator's share of net income will be split evenly between the joint Creators.

In the event that two or more colleges and/or departments claim origination of the Intellectual Property, such academic units shall reach an agreement between and among themselves regarding relative contributions of the academic units for the purposes of distribution of net income from the commercialization of said Intellectual Property. In the absence of such agreement, the college's or department's share, as the case may be, will be evenly split among the originating academic units.

A Creator's rights to share in revenue as stated above shall remain with the individual or pass to the individual's heirs and assigns for so long as net income is derived from the Intellectual Property.

This IP Policy shall not change revenue-sharing agreements entered into prior to the adoption of this policy.

1.8 Binding Nature of this Policy

The policies set forth herein constitute an understanding that is binding on University Personnel as a condition of their participation in university research, teaching, and service programs and for their use of university resources.

Nothing herein shall require the university to negotiate with any person regarding ownership rights of Intellectual Property contrary to this IP Policy. Absent written documentation signed by the university specifically setting forth ownership of any Intellectual Property which is governed by this IP Policy, ownership interests shall be determined as set forth herein.

Weapons and Dangerous Materials

POLICY NUMBER: VI M

SUBJECT: WEAPONS AND DANGEROUS MATERIALS

APPLIES TO: FACULTY & STAFF

EFFECTIVE DATE: September 7, 2012

WEAPONS AND DANGEROUS MATERIALS

I. Definitions

1. For purposes of this policy, "weapons" means:
 - a. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged. This includes firearms, and ammunition for firearms, and BB and pellet guns;
 - b. Any knife, other than an ordinary pocket knife with a blade less than 4 inches long, or sword;
 - c. Billy, nightstick, or club;
 - d. Blackjack or slapjack;
 - e. Nunchaku karate sticks;
 - f. Shuriken or death star;
 - g. Artificial knuckles made from metal, plastic, or other similar hard material;
 - h. Any bow and arrow.
2. For purposes of this policy, "dangerous materials" means any explosive device; fireworks including sparklers and smoke devices; incendiary device; toxic or poisonous chemicals or disease organisms; bomb; grenade; mine; rocket; or similar device or materials and includes the unassembled components from which such a device or any of the preceding can be made.

II. Policy Statement

Weapons and dangerous materials are prohibited on all property owned or controlled by Murray State University. This prohibition encompasses, but is not limited to, outdoor areas, classrooms, laboratories, residential colleges and other living facilities, office buildings, performance halls and auditoria, museums, dining facilities, athletics and recreational facilities and arenas, farms, parking lots, and vehicles on property owned or controlled by Murray State.

III. Exceptions

1. The Policy Statement does not apply to the extent that any weapons or dangerous materials are owned, controlled, and/or used in conformance with law and applicable standards by Murray State University as part of its regular operations, including its education and academic programs, or by any public agency with authority in connection with its regular operations.
2. The possession or use of weapons in connection with recognized University activities such as ROTC, MSU Rifle Team, and law enforcement training is not prohibited under the Policy Statement.
3. The Policy Statement does not prohibit the possession of a firearm, whether or not loaded, ammunition or other weapon by a person licensed to carry a concealed deadly weapon pursuant to KRS 237.110 if the weapon is contained in a private or University owned vehicle and is not removed from the vehicle
4. The Policy Statement does not prohibit the possession of a firearm, whether or not loaded, ammunition or other weapon with lawful authority if it is located in and not removed from a private or University owned vehicle and is kept in an enclosed container, compartment, or storage space installed as original equipment in the vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, and regardless of whether the container, compartment, or storage space is locked, unlocked, or does not have a locking mechanism.
5. The Policy Statement does not prohibit the possession by individuals listed in KRS 527.020 of weapons under the conditions referenced in that statute. Reference should be made to the statute for a complete listing of the individuals and applicable circumstances.
6. The Policy Statement does not apply to the extent that the presence or use of any weapons or dangerous materials is authorized by the President under terms and conditions that are consistent with law and any

applicable standards and will protect the safety of persons and property at Murray State University. The President's authority may be delegated as he/she deems appropriate.

IV. Violations

1. A student in violation of this Policy is subject to the "Student Disciplinary Proceedings" found in the Student Handbook and is subject to disciplinary action, including expulsion from the University, and all other appropriate legal actions.
2. An employee in violation of this Policy is subject to disciplinary proceedings in accordance with law and existing University policies and practice and is subject to disciplinary action, including termination of employment, and all other appropriate legal actions.
3. Others in violation of this Policy are subject to immediate removal from the University's property and to all other appropriate legal actions.

V. Supplementation of this Policy

1. The reference in this Policy to particular weapons and dangerous materials is not intended to condone the presence of other devices, items, or materials which pose a risk of harm to persons and property at Murray State University.
2. The President is authorized to supplement this Policy in order to address other devices, items, or materials which may be hazardous to persons or property at Murray State University.
3. The President is authorized to amend or supplement this Policy if necessary to be consistent with law.
4. The President will provide appropriate notice of any supplementation or amendment. Violation of any such supplementation or amendment will subject the violator to the consequences provided under this Policy. The Board of Regents will be notified of any such supplementation or amendment as an informational item.

Remotely Operated Aircraft Systems / Drones

POLICY NUMBER: VI N

SUBJECT: REMOTELY OPERATED AIRCRAFT SYSTEMS / DRONES

APPLIES TO: FACULTY & STAFF (APPLICABLE TO STUDENTS VIA REFERENCE IN STUDENT LIFE POLICIES)

EFFECTIVE DATE: July 1, 2023

Remotely Operated Aircraft Systems ("ROAS") or Drones

I. Definitions

- A. For purposes of this policy, "ROAS" means: An aircraft and associated control elements - including communication systems, cameras, sensors and payload delivery mechanisms - used by the operator to safely and efficiently operate the aircraft remotely.
- B. For purposes of this policy, "remotely operated aircraft" or "drone" means: An aircraft that is operated without the possibility of direct human intervention either upon or within the aircraft and that is operated remotely.

II. Policy Statement

In furtherance of the University mission to advance student learning and research opportunities, and in the interest of applying knowledge and skills safely and efficiently, the University embraces the technologies and learning opportunities available with remotely operated aircraft systems and the variety of applications these systems provide for the university and its students. In addition to applicable state and federal laws concerning the use of drones, this policy states University rules related to their permissible and safe operation.

III. University ROAS / Drones Committee

A committee to monitor the safe operation of drones on campus is authorized to review and approve applications from both internal and external operators to launch, fly and land drones on campus property. The committee is convened by the VPFAS or designee and is comprised of the VPFAS or designee, the Provost or designee, a dean, a member of the Academic Affairs drone committee, and the Chief of Police or designee. Applications to operate drones must include a safety plan, a flight plan and list the qualifications of the operator(s). The committee is authorized to grant authorization to a single user for multiple dates or for the course of a semester or academic year.

IV. Operation

- A. Pursuant to the FAA Reauthorization Act of 2018 and the implementing regulations related thereto, drones are permitted for use by faculty, staff and students when such use is related to academic instruction, academic research and other academic activities approved by the University ROAS / Drones committee.
- B. Outdoor use of drones by faculty, staff and students for academic purposes requires the supervision or coordination by an FAA certified pilot who has a remote pilot certificate with a small aircraft rating, or by individual operators who have passed the required aeronautical knowledge and safety test.
- C. Use of drones for academic, non-academic and commercial purposes by University personnel must be approved in advance by the University's ROAS / Drone committee unless exceptional circumstances require immediate use in which case the Vice President for Finance and Administrative Services can authorize such use.
- D. Non-university personnel who operate drones on or over campus property for university or non-university purposes must submit a request to the University's ROAS / Drone committee at least three business days prior to operation. Commercial operators must have current licensure and/or registration in compliance with all applicable laws and regulations. Media must contact the office of Branding, Marketing and Communication twenty-four hours before operating a drone on campus property.
- E. Operating a drone inside university buildings is prohibited unless authorized by the building coordinator or the head administrator of the building. Authorization should be communicated to the University ROAS / Drone committee as soon as practicable.
- F. All University owned drones must be registered with University Procurement Services.

V. Policy Violations

Violations of this policy by members of the campus community may be addressed through the appropriate process including MSU Student Life Policies, Rules and Procedures; the MSU Faculty Handbook, and MSU Personnel Policies and Procedures Manual Policy VI C, Employee Discipline; or other applicable regulations and policies.

VI. Supplementation of this Policy

1. The University ROAS / Drone committee is authorized to expand this policy provided that such additions are not inconsistent with the policy as it exists on the date of approval, and as authorized by the University President.
2. The President is authorized to amend or supplement this Policy if necessary to be consistent with state or federal law.

Employee Assistance Program

POLICY NUMBER: VII A

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 2018

REVISED FROM: July 1, 1993

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a confidential program that provides professional help to employees and their household members. An employee may take advantage of the EAP that is offered by a third-party administrator through the Office of Human Resources. If a supervisor believes that an employee could benefit from this service, he/she may recommend that the employee avail himself/herself of this confidential service.

Health Services

POLICY NUMBER: VII B

SUBJECT: HEALTH SERVICES

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 2018

REVISED FROM: July 1, 1993

HEALTH SERVICES

The campus community is provided with information of any on-campus health services available.

Diagnostic and Remediation Services

POLICY NUMBER: VII C

SUBJECT: DIAGNOSTIC AND REMEDIATION SERVICES

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

DIAGNOSTIC AND REMEDIATION SERVICES

1. **The Murray State Speech and Hearing Clinic** offers free diagnostic services to all regular employees of the University and their dependents in the following areas:
 - a. Hearing: complete audiological services.
 - b. Speech: services for all ages and disorders
 - c. Language: services for all ages and disorders
2. **Remedial services** are offered to employees at no charge and fees for employee dependents are charged on a sliding scale based on income. (Current scale is available in the Clinic)
3. Employees interested in the services should call the Speech and Hearing Clinic. The Clinic is located on the first floor in Alexander Hall on 16th Street.
4. The above services are designed to enhance the health and skills of employees. In addition, such services offer opportunities to further the educational mission of the University.

Athletic Ticket

POLICY NUMBER: VII D

SUBJECT: ATHLETIC TICKETS

APPLIES TO: ALL REGULAR, FULL-TIME AND REGULAR, PART-TIME STAFF AND FACULTY AND RETIRED STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

ATHLETIC TICKETS

A regular, full-time or part-time faculty or staff member, retired employee, and surviving spouse may purchase season tickets within the following rules:

1. Each eligible employee will be allowed to purchase a maximum of two (2) adult season tickets per sport at half price.
2. Children's tickets will be sold for one-half the full adult price for children 18 years of age and under on the family plan.
3. For more information, call the Athletic Ticket Office.

University Bookstore

POLICY NUMBER: VII E

SUBJECT: UNIVERSITY BOOKSTORE

APPLIES TO: ALL REGULAR, FULL-TIME AND REGULAR, PART-TIME FACULTY AND STAFF AND RETIREES

EFFECTIVE DATE: January 1, 2019

REVISED FROM: July 1, 1993

UNIVERSITY BOOKSTORE

Members of the faculty, staff, family members that are Murray State University students, and Murray State University retirees receive a ten percent (10%) courtesy discount on all items purchased at the University Bookstore except the following items:

1. Balloons and Helium
2. Candy, Drinks and Other Snacks
3. E-Books
4. Gift Wrapping
5. Graduation Regalia
6. Inclusive Access (Students)
7. Laminating
8. Laptops
9. Rental Textbooks
10. Shipping
11. Special Orders
12. Toiletries

Recreational Facilities

POLICY NUMBER: VII F

SUBJECT: RECREATIONAL FACILITIES

APPLIES TO: STAFF AND FACULTY

EFFECTIVE DATE: July 1, 1993

REVISED FROM: February 17, 1990

RECREATIONAL FACILITIES

Due to the unsupervised nature of much of the activity envisaged by this section, individuals using recreational facilities are strongly encouraged to have physical examinations prior to engaging in recreational activities. The University can assume no liability for individuals who participate in activities not supervised by University personnel. All staff and faculty using the facilities should report any defect in equipment or facilities to the building supervisor.

Recreational activities and related facilities are available for use by University employees, spouses, and children eighteen years and under during scheduled hours. University classes or organized activities will have priority on facility usage.

1. The recreational facilities are as follows:

- a. Tennis - lighted, hard-surface courts. Available on a first-come, first-serve basis.
 - b. Swimming - large, indoor, heated pool located in the Carr Health Building.
 - c. Gymnasium - located in Carr Health Building.
 - d. Handball/Racquetball Courts - located in Carr Health Building. Available by reservation.
 - e. Weight and Exercise Room - located in Carr Health Building.
 - f. Jogging/Walking Track - located around the concourse of Racer Arena and in the Regional Special Events Center.
 - g. Athletic Equipment - A large assortment of athletic equipment is available on a check-out basis from the equipment room located in the Carr Health Building.
 - h. Quarter Mile Track - located in Roy Stewart Stadium.
 - i. Jerry and Betsy Reid Shroat Intramural Field - located between North 16th Street and Waldrop Drive, west of Winslow Cafeteria.
2. University employees and their spouses and children, 18 years and under, must have a valid I. D. card to be admitted to the Carr Health Building. I. D. card fees are paid in the Cashiers' Office, Sparks Hall; the photo I.D. cards are issued (with receipt for payment) in the Food Service Office, Curris Center. Fees are charged in accordance with fee assessment policy.
3. The facilities are scheduled for employee usage each semester. Schedules are posted in the Carr Health Building and the Regional Special Events Center.
4. Lockers are available for employees on a limited basis. Lockers must be requested each semester during scheduled dates (See "5" below). Padlocks for lockers must be furnished by the employee. A towel will be issued with each locker.
5. For further information or questions, contact the Carr Health Center office.

Library Privileges

POLICY NUMBER: VII G

SUBJECT: LIBRARY PRIVILEGES

APPLIES TO: STAFF, FACULTY

AND RETIREES EFFECTIVE DATE:

January 1, 2019

REVISED FROM: July 1, 1993

LIBRARY PRIVILEGES

All current employees are eligible to have full access to the University Library resources and services, including all print materials, electronic resources and online databases.

Retired employees are eligible to have access to print materials at the University Library.

In order to check out books, the user must have a racer card or community borrowing card.