

# 1. GENERAL EMPLOYMENT POLICIES

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## 1.1 EMPLOYMENT AT WILL

Employment with the UA System Office is employment at will. This means the employment relationship may be terminated for any or no reason, with or without cause or notice, at any time by an employee or by the UA System Office. Nothing in this handbook, any UA System Office policy, or in any other document or oral statement shall alter or limit the right to terminate at will.

With the exception of employment at will, all terms and conditions of employment with the UA System Office may be modified at the sole discretion of the UA System Office at any time.

Any modifications to the employment-at-will policy must be in writing and signed by the Chancellor or approved by the Board of Trustees.

## 1.2 BACKGROUND INVESTIGATIONS

A pre-employment investigation will be performed by an outside vendor on all final candidates for all positions hired at the UA System Office. This includes hires for all regular and temporary positions, as well as student workers, law clerks, law fellows, and graduate assistants. Volunteers working with students and minors will also be required to have a pre-employment investigation performed.

A pre-employment investigation may also be requested by the hiring department on final candidates for positions not listed above. Candidates for all positions will be subject to a criminal background check, as well as a review of any information that is publicly available on the internet and social media accounts. Depending on the type of position applied for (such as positions with degree requirements, access to financial/sensitive information, records/databases, security/safety positions, and positions handling cash and checks), a pre-employment investigation must also include one or more of the following components, as applicable:

- Modified credit check for employment purposes
- Department of Motor Vehicle history
- Education verification

Pre-employment investigations should be completed prior to an offer of employment. Job postings will contain notification to applicants that, prior to hiring, final candidates must successfully pass a pre-employment background investigation.

Current UA System Office employees applying for a new position with the UA System Office who have not been subject to a pre-employment investigation within one year of applying for a position will be subject to applicable pre-employment investigations. A pre-employment investigation of a candidate who is a current UA System Office employee may impact the employee's current employment, particularly if the applicant fails to make a full self-disclosure in the application process including such instances where an employee fails to comply with an employee's requirements under Mandatory Disclosure of Post-Employment Criminal Conviction.

Pre-employment investigations are required for former UA System Office employees with a break in service of more than one year.

As applicable, all pre-employment investigations and the disclosure of any reports obtained by such checks shall comply with the guidelines set forth in the Fair Credit Reporting Act (FCRA). The cost for pre-employment investigations will be borne by the UA System Office.

Exceptions to this policy may be approved only by the Chancellor or the Chancellor's designee.

### **1.3 EQUAL OPPORTUNITY, NON-DISCRIMINATION, AND AFFIRMATIVE ACTION**

The UA System Office is committed to compliance with all applicable laws regarding the concept and practice of equal opportunity, affirmative action, and non-discrimination (including anti-retaliation and reasonable accommodation) in all aspects of employment practice. All supervisors are required to take an active part in ensuring that all qualified applicants and employees who are women, minorities, disabled, and/or have protected veteran status are considered and treated in a non-discriminatory manner with respect to all employment-related decisions.

#### **1.3.1 EQUAL OPPORTUNITY**

The UA System Office provides equal opportunity in education and employment for all qualified persons regardless of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, pregnancy, age, genetic or family medical history information, disability, protected veteran status or any other legally protected basis. The UA System Office makes employment decisions based only on valid job-related requirements. UA System Office does not discriminate on the basis of physical or mental disabilities or an individual's status as a disabled veteran or any other protected veteran with regard to application for employment and any terms or conditions of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job. Refer to the UA System Office's [website](#) for the complete Equal Opportunity, Non-Discrimination, and Affirmative Action Policy Statement, or contact the Department of Human Resources to request a copy of the UA System Office's Affirmative Action Plan.

#### **1.3.2 NON-DISCRIMINATION**

The UA System Office complies with applicable laws prohibiting discrimination, harassment and retaliation. The UA System Office prohibits discrimination on the basis of genetic or family medical history information, race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, pregnancy, age, disability, protected veteran status, or any other legally protected basis in admission or access to, or treatment of employment in, its programs and services. These prohibitions against discrimination apply to recruitment, application, selection, hiring, appointment, transfer, demotion, promotion, tenure, job assignments, classification, compensation, benefits, leaves of absences, sick leave or any other leaves, job training and development, tuition assistance, participation in UA System Office sponsored educational, social, and recreational programs, discharge, layoff, and/or any other term, condition or privilege of employment.

Refer to the UA System Office's [website](#) for the complete Equal Opportunity, Non-Discrimination, and Affirmative Action Policy Statement, or contact the Department of Human Resources to request a copy of the UA System Office's Affirmative Action Plan.

The UA System Office complies with Section 1557 of the Affordable Care Act, which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain University health care programs and activities, and the UA System Office's group health plans and wellness programs.

### **1.3.3 ANTI-RETALIATION**

Consistent with applicable laws and UA System Office policies, employees and applicants will not be subjected to harassment, intimidation, threats, coercion, discrimination, reprisals and/or adverse actions because they have engaged in activities identified in the UA System Office's Equal Opportunity, Non-Discrimination, and Affirmative Action Policy.

Refer to the UA System Office's [website](#) for the complete Equal Opportunity, Non-Discrimination, and Affirmative Action Policy Statement, or contact the Department of Human Resources to request a copy of the UA System Office's Affirmative Action Plan.

### **1.3.4 AFFIRMATIVE ACTION**

The UA System's three campuses are federal government supply and service contractors subject to the affirmative action requirements of Executive Order 11246, the Rehabilitation Act of 1973 as amended, and the Vietnam Veterans' Readjustment Assistance Act of 1974, Section 4212. To further ensure the System's commitment to equal employment opportunity, the UA System Office has taken and will continue to take, consistent with applicable laws, affirmative action to recruit, employ, advance and not discriminate against qualified women, racial and ethnic minorities, qualified individuals with disabilities and protected veterans. The UA System Office prepares annual affirmative action plans (AAPs) for women and minorities and for protected veterans and individuals with disabilities. Those plans are available for inspection upon request and during regular business hours in the Department of Human Resources. Refer to the UA System Office's [website](#) for the complete Equal Opportunity, Non-Discrimination, and Affirmative Action Policy Statement, or contact the Department of Human Resources to request a copy of the UA System Office's Affirmative Action Plan.

### **1.3.5 DISABILITY**

The UA System Office makes reasonable accommodations to the known physical or mental impairments of an applicant or employee who is a qualified individual with a disability or is a qualified disabled veteran, unless such accommodations would impose an undue administrative or financial hardship on the operation of UA System Office's business or fundamentally alter the UA System Office's program and services. The UA System Office will not deny employment opportunities based on its need to make a reasonable accommodation to such an individual's physical or mental impairment. However, per the Americans with Disabilities Act, an employee must be able to perform the essential functions of the job, with or without an accommodation. Contact Human Resources for additional information regarding reasonable accommodations.

### **1.3.6 VOLUNTARY REPORTING OF PROTECTED VETERAN AND/OR DISABILITY STATUS**

The UA System Office is required to collect information each year identifying the number of its employees belonging to specified "protected veteran" or "individuals with disabilities" categories. The information disclosed on either of the forms below is requested on a voluntary basis and is used solely for affirmative action purposes.

- **Protected Veteran Status** - The UA System Office invites employees who believe they are protected veterans to identify themselves during Open Enrollment or at any time by completing the Veterans Self-Identification Form that is available on our [website](#). This information is submitted annually to the United States Department of Labor.
- **Protected Disability Status** - The UA System Office invites employees who believe they are individuals with disabilities to identify themselves during Open Enrollment or at any time by completing the Disability Self-Identification Form that is available on our [website](#).

### **1.3.7 PAY TRANSPARENCY POLICY STATEMENT**

Federal contractors will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c). Since the Systems three campuses are federal contractors, the UA System Office acknowledges this rule. Notwithstanding the foregoing, the UA System is a public institution of higher education in the State of Alabama and is required to establish and post on the Internet a database of state expenditures, including compensation paid to employees and contractors. Ala. Code §41-6-65.

### **1.3.8 RELIGIOUS ACCOMMODATIONS**

The UA System Office is committed to non-discrimination, diversity and inclusiveness, and to supporting its employees, regardless of religious affiliation or non-affiliation, in accordance with applicable laws and regulations. The UA System Office will accommodate an individual's sincerely held religious belief and practice unless providing an accommodation would result in undue hardship to the UA System Office.

Religious accommodations are determined on a case-by-case basis. Contact the Department of Human Resources for additional information.

### **1.3.9 PREGNANCY ACCOMMODATIONS**

Contact the Department of Human Resources for additional information regarding pregnancy accommodations that may be available to you.

## **1.4 INITIAL EMPLOYMENT PERIOD**

During the Initial Employment Period new employees will be introduced to the unique structure of the System, and become familiarized with the UA System Office's policies and benefits. This initial six-month employment period (the "Introductory Period") provides an opportunity for employees to demonstrate their ability and probability of successful performance.

Supervisors should complete a review at the conclusion of an employee's Introductory Period. In special circumstances, such as a change in supervisory or job duties during the Introductory Period, the

Introductory Period may be extended. Supervisors should consult with the Department of Human Resources regarding the justification for any extension, and extensions shall not be granted for a period longer than ninety (90) days.

Either the supervisor or the employee may terminate the working relationship with or without notice during the Introductory Period.

## **1.5 EMPLOYMENT CATEGORIES**

Employees of the UA System Office are hired into the following categories of positions:

### **Regular Full-time**

These positions are 1.0 full-time equivalency (FTE), which require incumbents to regularly work 40 hours per week.

### **Regular Part-time**

These positions are at least .5 FTE but less than 1.0 FTE, which require incumbents to regularly work a minimum of approximately 20 hours per week.

Note: In cases of employee absences, non-exempt employees classified as regular full-time and regular part-time must use available annual, sick, and personal leave for purposes of maintaining the required number of hours in each category.

### **Temporary Full-time**

These positions are 1.0 FTE, which require incumbents to regularly work 40 hours per week. Appointments to these positions have an expected termination date of less than one year from the initial date of employment.

### **Temporary Part-time**

These positions are at least .5 FTE but less than 1.0 FTE, which require incumbents to regularly work a minimum of approximately 20 hours per week. Appointments to these positions have an expected termination date of less than one year from the initial date of employment.

### **Contingent/On Call**

These positions require incumbents of less than .5 FTE to work schedules of no particular hours or duration. Employees who occupy these positions may also be expected to work an on-going but irregular schedule OR to work short-term temporary schedules OR to work on call. Contingent/on call employees may work any other schedule not meeting the requirements established above for regular or temporary employment categories.

### **Student Employee**

These positions are occupied only by individuals who are enrolled at any System campus and who are appointed as Student Workers/Assistants, Graduate Assistants, Interns or Law Clerks. Student employees are not eligible for UA System Office benefits or for privileges of employment.

These definitions may be accessed on the UA System Office's [website](#).

## **1.6 EXEMPT AND NON-EXEMPT STATUS**

At the UA System Office, the exemption status of employees is determined by the HR Department in accordance with criteria established by the Fair Labor Standards Act.

The following are some general guidelines regarding exempt and non-exempt status at the UA System Office.

### **Exempt employees are:**

- Compensated on a salary basis;
- Not subject for overtime pay for work performed in excess of 40 hours per week;
- Not eligible for compensatory time;
- Responsible for the satisfactory completion of their work and the work of others who may report to them, regardless of the time required to complete the work; and
- Paid monthly.

### **Non-exempt employees are:**

- Paid at least the Federal minimum wage, or in accordance with the law of the State of Alabama;
- Are paid time and one half their regular hourly rate of pay for all hours worked in excess of 40 in a standard workweek;
- Paid bi-weekly; and
- Required to account for and be compensated for all time worked, as well as the use of sick, annual and other leave time, on an hourly basis.

## **1.7 SELF-DISCLOSURE OF CRIMINAL CONVICTIONS**

UA System Office employees are required to self-disclose to the HR Department all post-employment criminal convictions, other than minor traffic violations. Disclosure must be made within five (5) business days after the conviction and should be reported on the Disclosure of Post-Employment Criminal Convictions Form found on the UA System Office's [website](#).

Disclosure is required regardless of whether the crime(s) occurred in Alabama and is subject to review by Human Resources and the Chancellor or the Chancellor's designee. Disclosure may also prompt an official background check being conducted on the employee. *Note: A conviction is not necessarily a bar to continued employment.*

This requirement applies only to post-employment criminal convictions that occur after August 1, 2019. Nothing herein changes the at-will status of any employee, nor prohibits the UA System Office from taking action before a conviction.

## **1.8 COMPLIANCE TRAINING**

In order to meet state and federal requirements, as well as UA System Office policy, UA System Office staff and student workers may be required to take mandatory training on specific topics. Mandatory training topics may be required of all UA System Office staff and student workers, specific to an employee's job

duties, or required only if the employee meets certain state requirements (e.g. the Alabama State Ethics Laws).

Many of the mandatory compliance training topics must have the course or a refresher course completed on an annual basis.

UA System Office employees are also given free access to The University of Alabama's online learning system providing webinars and web-based courses, books, and other online learning assets designed to enhance professional development. UA System Office employees may also use the system to register for instructor-led training on the UA campus in Tuscaloosa.

Additional information regarding Employee Training may be found on the UA System [website](#).