

2. HUMAN RESOURCES POLICIES

2.1 EMERGENCY CONTACT INFORMATION

It is the responsibility of all individuals who work for the UA System Office to keep their emergency contact information current. This includes accurate and up to date address, phone and email information for the employee and the same information regarding individual(s) who should be contacted in the event of an emergency concerning the employee. This information should be provided in isolated.

When employees experience a change in their address, phone, or other relevant information, it is their ultimate responsibility to inform their supervisor and update their information in isolated.

Periodic requests may be made by the UA System Office HR Department and supervisors or department heads to employees to ensure that employee emergency contact information is current.

Emergency contacts will only be contacted in the event of a legitimate emergency concern.

2.2 STANDARDS OF BEHAVIOR

Employees are expected to perform their work and conduct themselves in such a manner that reflects professionalism, is respectful toward others, brings credit to the UA System, and complies with all applicable laws and UA System policies. Poor performance or misconduct may result in disciplinary action under the UA System Office's Progressive Discipline Policy of this handbook, up to and including termination of employment.

To assure orderly operations and provide the best possible work environment, the UA System Office from time to time establishes general work rules. Although it is not possible to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of the types of infractions which can result in disciplinary action up to and including immediate termination. To avoid such severe consequences, follow simple common sense, read and understand this list of examples, and ask a supervisor before engaging in any questionable activity. Some of these work rules may also be covered by other UA System Office policies.

- Insubordination or lack of cooperation.
- Failing to follow instructions of, or to perform work requested by, the supervisor.
- Violation of Equal Employment Opportunity, Harassment or Workplace Violence policies.
- Failing to meet reasonable standards of efficiency and productivity, or otherwise unsatisfactory job performance and/or repeated substandard work.
- Unauthorized or excessive absences from work (including failure to report for work, late arrival, early departure or unauthorized absence from duty).
- Excessive break time or repeatedly attending to personal affairs on work time.
- Sleeping or giving the appearance of sleeping on UA System Office property or during the time in which the employee is supposed to be working.

- Abusing, damaging, wasting, stealing or inappropriately removing or possessing UA System Office property, records, or the property of other employees.
- Falsifying your employment application or making misrepresentations on any other personnel records.
- Falsifying records or forms with reasons for absences or leave.
- Dishonesty or falsifying UA System Office reports or committing fraud with regard to any records (including time sheets, expense accounts, etc.).
- Failure to prepare and submit required reports and/or records in a timely manner.
- Fighting, threatening violence, or otherwise starting a disturbance on UA System Office premises or while performing job duties, including, but not limited to, assaulting, or intimidating a UA System Office employee or non-employee.
- Unauthorized possession of firearms, knives, weapons, explosives, or dangerous substances while performing job duties or on UA System Office premises.
- Reporting to work in a condition unfit to perform your duties, including reporting to work with measurable amounts of illegal drugs, intoxicants, or controlled substances in your system or being under the influence of alcohol, drugs, or controlled substances.
- Possessing, consuming, or selling alcohol, illicit drugs, or controlled substances on UA System Office premises or while performing your job duties. The only exception to this rule is if the UA System Office authorizes that alcohol may be served at a UA System Office approved function.
- Violating a UA System Office safety, fire prevention, health, or security rule, policy, or practice; or creating or contributing to unhealthy or unsanitary conditions.
- Smoking.
- Acting in conflict with the interests of the UA System Office.
- Boisterous or disruptive activity in the workplace.
- Conduct leading to damage of UA System Office owned property.
- Disclosing confidential UA System Office information without authorization.
- Unauthorized solicitation or distribution on UA System Office property.
- Performing work other than UA System Office assignments during working hours.
- Conducting a lottery or gambling on UA System Office premises.

- Using profanity.
- Failing to fully cooperate in any UA System Office investigation.
- Failing to notify the UA System Office of an accident as soon as possible.
- Abuse of phone or other communication systems for personal use.
- Violation of any other UA System Office policies.

2.3 HARASSMENT

The UA System Office is committed to providing an environment for employees, students, and visitors that is free from illegal harassment based on race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, genetic or family medical history, disability, veteran status, or any other protected class in its programs and services. Such illegal harassment violates federal civil rights laws and the UA System Office's nondiscrimination policy. All UA System Office employees must understand that harassment based upon one's protected class will not be tolerated, and that they are required to abide by the following policy. The UA System Office will take appropriate action to prevent, correct, and where warranted, discipline behavior that violates its Harassment Policy. Discipline could include discharge.

The UA System Office implements its Harassment Policy through preventive education and training and through procedures for investigating and resolving claims of harassment. Individuals who believe they are being harassed are encouraged to report the problem to appropriate administrative officials. Information about appropriate complaint channels and the procedures for resolution of claims of harassment follows and can also be obtained from the UA System Office HR Department.

The UA System Office encourages employees to report any problem or complaint of harassment. No one will be subject to, and the UA System Office prohibits, any form of discipline, reprisal, intimidation, or retaliation for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim, or cooperating in related investigations. Any employee who retaliates against another employee for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim, or cooperating in related investigations is subject to disciplinary action, up to and including discharge.

The UA System Office is committed to enforcing this policy against all forms of harassment. However, the effectiveness of the UA System Office's efforts depends largely on employees reporting inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, the employee should report it immediately. If employees do not report harassing conduct, the UA System Office may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

This Harassment policy shall not, however, be used to bring frivolous or malicious complaints against other employees. If a complaint has been made in bad faith, disciplinary action may be taken against the person bringing the complaint. In cases of alleged illegal harassment, the protections of the First Amendment must be considered if issues of speech or artistic expression are involved.

2.3.1 SEXUAL HARASSMENT

All UA System Office employees are prohibited from harassing employees and other covered persons based on that individual's sex or gender (including pregnancy and status as a transgender or transsexual individual) and regardless of the harasser's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- Submission to such conduct is made, either explicitly or implicitly, as a term or condition of employment;
- Submission to or rejection of such conduct is used as a basis for evaluation in making personnel decisions affecting an individual; and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance as an employee or creating an intimidating, hostile, or offensive environment.

Examples of behavior that could be considered sexual in violation of this policy include but are not limited to:

- Physical contact of a sexual nature, including touching, patting, hugging, or brushing against a person's body;
- Explicit or implicit propositions or offers to engage in sexual activity;
- Comments of a sexual nature, including sexually explicit statements, questions, jokes, or anecdotes;
- Remarks about sexual activity;
- Speculation about sexual experience;
- Exposure to sexually oriented graffiti, pictures, texts, posters, or materials; and/or
- Online postings in any social media platform, including Facebook, Twitter, Instagram, Snapchat, etc. that include derogatory statements or contain sexually suggestive content.

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated.

2.3.2 OTHER TYPES OF HARASSMENT

The UA System Office's Harassment Policy applies equally to harassment based on an employee's race, color, religion, national origin, age, genetic or family medical history, disability, veteran status, or any other protected class. Such harassment often takes a similar form to sexual harassment and includes harassment that is:

- Verbal (for example, epithets, derogatory statements or comments, slurs, or jokes);
- Physical (for example, assault or inappropriate physical conduct);

- Visual (for example, displaying derogatory posters, cartoons, drawings or making derogatory gestures); and
- Online (for example, derogatory statements or suggestive postings in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated.

2.3.3 REPORTING OF HARASSMENT OR RELATED RETALIATION ALLEGATIONS

Persons who believe they have been targets of harassment or related retaliation should report the incident(s) immediately to appropriate administrative officials as set forth below. Delay in reporting to UA System Office officials makes it more difficult to investigate fairly and adequately the incident and may contribute to the repetition of offensive behavior.

The UA System Office will do everything consistent with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Information about individual complaints and their disposition is considered confidential and will be shared only on a “need to know” basis.

If you are subjected to any conduct that you believe violates this policy or witness any such conduct, you must promptly speak to, write, or otherwise contact your direct supervisor or, if the conduct involves your direct supervisor, your Department Head. If Employees who believe for any reason that they cannot effectively communicate their concerns through any of these channels may consult the Office of the Chancellor or the Office of the General Counsel.

A conclusion that harassment in violation of UA System Office policy or the law has occurred shall subject the offender to appropriate disciplinary action and may result in suspension, discharge, expulsion, or dismissal. UA System Office disciplinary procedures and possible sanctions are described in the Progressive Discipline Policy. Sanctions imposed will be determined on the basis of the facts of each case and the extent of harm to the UA System Office’s interests.

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.

2.4 PROGRESSIVE DISCIPLINE

It is the responsibility of each UA System Office employee to become familiar with the performance criteria for his or her job and with the rules and standards of conduct established by this handbook.

The UA System Office seeks to resolve conduct and job performance problems in an informal and positive manner when possible, such as through counseling, one-on-one conversations, coaching, additional training, or supervision. However, in some cases it is appropriate to consider progressive discipline to warn employees of the seriousness of unacceptable job performance and/or behavior and the consequences if they continue.

Procedures are generally meant to be progressive. However, depending on the situation, any progressive discipline step may be repeated, omitted, or taken out of sequence. Nothing in this policy is intended to modify the at-will nature of employment, which means that either the employee or the UA

System Office may terminate the employment relationship at any time. The UA System Office reserves the right to immediately terminate any UA System Office employee if it deems such action is warranted or necessary.

Guidelines

- *Work Performance.* Work performance is to be judged by the supervisor's evaluation of the quality and quantity of work performed by each employee. Failure of an employee to maintain satisfactory work performance standards or to meet a reasonable and objective measure of efficiency and productivity may be grounds for progressive discipline. Work performance includes all aspects of an employee's work.
- *Unacceptable Conduct.* All employees are expected to maintain standards suitable and acceptable to the work environment. Progressive discipline, up to and including termination, may be imposed for unacceptable conduct.

Workplace Rules of Conduct

To assure orderly operations and provide the best possible work environment, the UA System Office from time to time establishes general work rules. See the Standards of Behavior section in this handbook for examples of the types of infractions which may result in disciplinary action up to and including immediate termination. Some of these work rules may also be covered by other UA System Office policies.

Progressive Discipline Process

Every situation is to be treated on its own merits and should take into account the seriousness of the matter, the nature of the circumstances, as well as the employee's position/status and work record. For example: during an individual's initial introductory period of employment, stronger progressive discipline may be appropriate.

Supervisors should consult with the UA System Office HR Department prior to taking corrective actions with employees. It is also advisable for supervisors to have a preliminary meeting with the employee to allow the employee an opportunity to understand the nature of the concern and to explain his/her position on the matter. Documentation should follow to summarize the issue and to take into account any additional information the employee may have provided during the preliminary meeting, and to note any progressive discipline taken.

Corrective actions include, but are not limited to:

1. **Verbal Warning** – to clarify the standards of acceptable conduct or performance and the consequences if the problem is not corrected. The supervisor may keep notes of verbal warnings in a departmental file, but shall forward a copy to UA System Office Human Resources for placement in the employee's personnel file.
2. **Written Warning** – to document more serious violations or violations that continue after a verbal warning has been given. A written warning may be given by an employee's supervisor for minor violations of policy after prior verbal warning. However, a written warning may be given instead of a verbal warning for first-time misconduct or other serious offenses. All written warnings should be addressed to the employee as a memorandum or on a corrective action form. If a prior verbal warning has been given to the employee, it should be referenced in the first written warning. The supervisor should ask the employee to sign the written warning as proof of having received it. A

signed copy of all written warnings should be given to UA System Office HR and placed in the employee's personnel file. If the employee refuses to sign the written warning, that should be noted, and the unsigned copy forwarded to the employee's file. An employee who receives three written warnings during an 18-month period (whether or not the first two written warnings resulted in probation and/or suspension) may be terminated without proceeding through the remaining steps in the disciplinary process. The misconduct or performance concerns should be followed up in writing and reviewed with the employee. The action(s) required to correct the problem(s) and the consequences if the problems continue should be clearly documented and communicated.

3. **Suspension** – time off without pay, usually not to exceed 10 working days, is normally the next step if the offense(s) is not serious enough to warrant termination or if progressive discipline has not been successful. Suspensions, with or without pay, may also be appropriate if further investigation is needed to reach a decision. After review by Human Resources, all suspension notices should be given in writing to the employee. No annual leave, holiday, compensatory time, or sick leave will be paid or accrued during a suspension.
4. **Termination/Dismissal** – may occur with or without notice when the decision is reached to end the employment relationship. Unsatisfactory job performance, attendance, misconduct, or other serious offenses that continue after prior warning may result in dismissal. Dismissal may occur without notice and/or without pay in lieu of notice. The recommendation for dismissal must be approved by the department head and reviewed by the UA System HR Department for proper documentation and compliance with policy. In cases of involuntary termination, the employee's last day of employment will be designated by the Supervisor with the consent and approval of the HR Department. An employee who receives three (3) written warnings during an 18-month period may be terminated without any other steps in the progressive disciplinary process. A termination notice should be given in writing to the employee and the date of the notice is the employee's last day of employment with the UA System Office.

All employees (except temporary staff) who have completed their initial six-month introductory period may appeal the corrective actions (except verbal warnings) noted above. Please see the "Dispute Resolution Policy" for more information.

2.5 DISPUTE RESOLUTION

Successful resolution of a dispute requires an open and honest exchange of information, a willingness to see a situation from a different perspective, an appreciation for the challenges and expectations for the jobs of both the employee and the manager, and an understanding of the needs of the organization and the employee.

All employees of the UA System Office have a responsibility to cooperate in complaint and grievance procedures in an ethical and professional manner. All employees have a right to have a good faith complaint heard and considered. Doing so does not bind the UA System Office to a particular outcome nor does it limit the organization's discretion to determine an appropriate course of action.

No employee will be penalized, disciplined, or incur retaliation for pursuing, or participating in the pursuit of, a grievance provided such action is taken in good faith.

ELIGIBILITY AND USE OF DISPUTE RESOLUTION PROCESS

- a) All employees (except temporary staff) who have completed their initial six-month introductory period are eligible to use the dispute resolution process. The process may

be used to appeal actions involving formal disciplinary written warning and suspensions of employment. It may also be used to allege a misapplication of a policy, procedure, or practice of the UA System Office.

- b) This process does not apply to decisions or actions that are governed by The University of Alabama System Board of Trustees' Rules, policies, or practices.
- c) Also excluded are appeals related to employee performance evaluations, pay raises, job titles, work assignments, and organizational changes.
- d) This procedure should not be used for discussing concerns and/or receiving complaints regarding any type of illegal harassment, discrimination, or other unlawful actions. Concerns of this type should be directed to the UA System Office HR Department.
- e) Employees utilizing this process may seek guidance from external advisors. However, such advisors may not attend any of the internal proceedings, nor may a recording device be utilized. Participants who are disruptive of the process (e.g., using threatening behavior) or who refuse to abide by the guidelines established within the Dispute Resolution Process will forfeit their opportunity to participate in the internal process.

The deadlines outlined herein are intended to ensure the process is carried out in an efficient and timely manner. Both the employee and the UA System Office have an interest in making decisions as early as is practicable. While it is expected that these deadlines will be observed, the fact that an action is late shall not support a claim that the process is inadequate or flawed unless the employee can show the delay was unreasonable in terms of duration or cause or that it caused serious prejudice or disadvantage. No such delay shall result in a decision "by default."

The UA System Office shall also have the right to modify the stated deadlines and the general procedures in a particular case when, in its sole discretion, it deems such modifications appropriate.

When employees have concerns in the workplace they are always encouraged to first talk directly with their immediate supervisor or department head. The conversation between the employee and his supervisor should include the issue being addressed and the employee's desired outcome.

If the discussion does not result in a satisfactory resolution, the employee may contact the UA System Office Department of Human Resources. Depending on the situation, Human Resources may recommend that the employee follow a formal process to have the concern(s) addressed. This process may include, but not be limited to the following:

1. The employee should schedule an appointment with his or her immediate supervisor to formally address the complaint or concern. Nothing said during such discussion shall prejudice any party in subsequent stages of the process. If discussion with the supervisor is not considered feasible or desirable, the employee shall have the option of taking the matter up with the supervisor's immediate supervisor.
2. If the complaint involves a third party, Human Resources will be alerted that a complaint has been filed and will be given an opportunity to provide input to the complaining employee's supervisor, and to any other supervisor involved in this process.
3. If a satisfactory resolution is not achieved within 14 calendar days from the day the complaint was first discussed with the employee's immediate supervisor, the employee may then submit the complaint in writing to the person at the next supervisory level.

The letter of complaint shall state the nature of the problem, the pertinent facts, and the remedial action desired. Within seven working days after receipt of the letter of complaint, the next level supervisor shall investigate the matter; meet with the employee and any other personnel involved, if deemed necessary or appropriate; and respond in writing. The next level supervisor's response shall summarize what was done in investigating the complaint, what findings and/or conclusions were reached, and what action is being taken, if any.

4. If a satisfactory resolution is not achieved at this level, the employee may elect to take the problem to the person at the next higher supervisory level, following the same procedure outlined in step 3 above. If the problem is not resolved at that level, the employee may continue this procedure upward through successive levels of authority.
5. The last level of appeal shall be to the Chancellor of The UA System or his designee, whose decision will be final. Review at the level of the Chancellor may be made solely on the basis of the letter of complaint, the supervisors' responses, and any other writings or documents which have been identified in the course of processing the complaint.

All materials generated in the above process are the property of the UA System Office. At the conclusion of the dispute all related materials will be held in a confidential file in the appropriate UA System Office location. This file will be separate from the official employee file(s).

All materials generated in the above process or any resulting lawsuit will be stored and maintained in accordance with the UA System Office's Department of Finance and Administration's Document Retention Policy.

2.6 CONSENSUAL INTIMATE RELATIONSHIPS

Consensual intimate relationships exist when employees mutually and consensually become romantic and/or sexual in nature. Consensual intimate relationships that might be appropriate in other circumstances are inappropriate when they occur in the workplace between a supervisor and a subordinate. In such situations, the integrity of employment decisions may either be compromised or appear to be compromised. In addition, consensual intimate relationships between parties of unequal power may increase the possibility that the individual in the greater position of authority will abuse his/her power or be accused of the same.

Further, it must be recognized that a subordinate employee's implied or explicit consent to a consensual intimate relationship does not preclude an assertion at some future time that the presumed consent was based on a perception of intimidation or some other compromise of free choice based on a disparity of authority. Even when both parties have consented to the relationship, it is the supervisor who may be held accountable for unprofessional behavior.

Others who are not involved in the consensual intimate relationship may also be adversely affected by such behavior because it places the supervisory individual in a position to favor or advance the other individual in the relationship at the expense of others or can have the appearance of having such bias.

This does not apply to employees who are married to each other or who live in the same household. Those situations are addressed by the Nepotism Policy.

It is the responsibility of the parties who are, or have been during either party's employment with the UA System Office, involved in a consensual intimate relationship to take steps to ensure immediate compliance with this policy. This includes, but may not be limited to the following actions:

1. Any individual in authority who is, or has been during either party's employment with the UA System Office, involved in a consensual intimate relationship with a person who they may be called upon to supervise or evaluate at any point, must promptly report this fact to his/her superior and must remove himself or herself from any evaluative or supervisory activity.
2. The individual's superior will then arrange that the individual in authority does not evaluate nor participate in discussions and decisions that affect the compensation, performance reviews, employment conditions, etc. of the subordinate involved.
3. Any person, including but not limited to any third party, who believes a conflict of interest exists or that he or she may be or may have been disadvantaged by virtue of a consensual intimate relationship may file a complaint with the Director of Human Resources at the UA System Office or via the UA System Office hotline. The complaint will be investigated and both the complainant(s) and the respondent(s) will have opportunities to be heard.

The UA System Office reserves the right to take appropriate action when disruptive conduct, job performance problems, or actions that reflect poorly on the UA System Office result from **any** amorous relationships between employees.

It is important to avoid conflicts of interest resulting from consensual intimate relationships. It is equally important to recognize that malicious accusations of inappropriate consensual intimate relationships have the potential to severely damage a person's career and reputation. Therefore, the UA System Office prohibits false accusations that an unreported amorous relationship exists or existed between two individuals who are in a supervisory or evaluative relationship. Any employee who knowingly reports or spreads false information about a relationship between two individuals who are in a supervisory or evaluative relationship may be subject to the System Office's Progressive Discipline Policy.

2.7 NEPOTISM

The UA System Office permits the employment of qualified relatives of an employee's household or immediate family if such employment does not create actual conflicts of interest. Employees may not appoint to any position or enter into any service contract with a member of their immediate family or other UA System Office employee who resides in the same household or is an immediate family member. For purposes of this policy, "immediate family" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, and "step" relation or any member of the employee's household. The UA System Office will use the following guidelines in evaluating potential nepotism:

- Individuals who are related by blood, marriage, or reside in the same household are permitted to work in the same department, provided no direct reporting or supervisor-to-subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when

one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative.

- Related employees may have no influence over the wages, hours, benefits, career progress and other terms and conditions of the other related staff members.
- Employees who marry while employed, or become part of the same household, are treated in accordance with these guidelines. If a conflict arises because of the relationship, action regarding employment may be required for one or both of the employees.
- Any exceptions to this policy must be approved by the Office of the Chancellor.

2.8 ON-THE-JOB INJURIES AND ILLNESS

The UA System Office provides and pays for an On-the-Job Injury/Illness Program (hereafter referred to as "OJI Program" or "OJI") to cover an employee's approved medical expenses and lost wages incurred as the result of an OJI.

The OJI Program is administered by the HR Department of the UA System Office. The OJI Program also has oversight from an OJI Benefits Review Committee.

The Review Committee consists of one representative from each of the following System Office areas: Human Resources, Office of Counsel, and Risk Management. The Committee may review OJI claims at the request of the claimant and may refer claims to the State of Alabama Board of Adjustment for consideration. The committee may also recommend and submit OJI Program policy changes.

Definitions

For the purpose of this policy the following definitions will apply:

Accident shall mean an unexpected and unforeseen actual, identifiable event, happening suddenly or violently, with or without human fault and directly producing at the time objective findings of an injury which is more than simply a gradual deterioration or progressive degeneration.

On-the-Job Injury is defined as an injury resulting from an accident arising out of and in the course of one's employment, and shall not include an on-the job illness, except as provided for in this policy.

On-the-Job Illness is defined as an illness resulting from the continuous and repeated exposure to hazardous materials documented to be dangerous to humans when the exposure is determined to be excessive or above permissible limits established by the manufacturer of the material or other credible sources such as the Occupational Safety and Health Administration, National Institute of Occupational Safety and Health or American Conference of Governmental Industrial Hygienists.

An on-the-job illness shall have the same meaning as an occupational disease. An on-the-job illness does not typically include communicable diseases or infections transmitted by human contact. Alleged work-related stress, anxiety, depression or other mental illnesses are not covered under this program unless proximately caused by an on-the-job physical injury to the body. No mental injury or illness shall be compensable under the OJI Program unless the mental injury or illness is diagnosed by a licensed psychiatrist or psychologist and the diagnosis of the condition meets the criteria as established in the

most current issue of the Diagnostic and Statistical Manual of Mental Disorders presented by the American Psychiatric Association.

Guidelines for Covered or Compensable Expenses

Medical expenses related to an OJI are compensable under the OJI Program only if the OJI is sustained during, and arises out of, employment by the System Office. This policy does not cover employees except while they are engaged in or about the premises where their services are being performed or where their presence is required at the time of an accident.

OJI's that occur in the course of employment, but away from an employee's normal work site, may also be covered under the OJI Program if the employee was acting within the scope of employment and was engaged in an activity related to his or her assigned duties and the general scope of the position.

OJI benefits generally are not payable for injuries sustained while traveling to/from the work location or while engaged in an activity that is personal in nature and not incidental to employment including, but not limited to, meal breaks, running personal errands, participating in fitness activities unrelated to the position, etc.

General Information

UA System Office employees in all employment categories are eligible for on-the-job injury/illness benefits. This includes student employees.

Accidents that occur while an employee is traveling on System Office business (defined as travel for which expenses are reimbursable by the System Office) will be considered to have occurred in the course of one's employment. If the accident occurs during a deviation for personal reasons (e.g. a sightseeing trip or a visit to relatives or friends) from the described route, the accident will not be considered to have occurred in the course of employment.

No OJI benefits shall be provided for an OJI resulting from an intentional injury/illness (including death) or an injury incurred while intentionally harming another except in cases of self-defense during the course and scope of employment. The UA System Office may also limit, restrict, or deny OJI benefits if an employee is injured while engaged in an illegal activity or in an activity that is a violation of System Office policy.

Willful failure of an employee to abide by physician-directed physical activity restrictions arising from an OJI, or willful misrepresentation by an employee of his or her physical activities while under physical activity restrictions may result in termination of OJI benefits.

As a condition to seeking any benefits for treatment for an on-the-job injury, an employee must be willing to submit to a post-accident/incident drug test. Such test will be conducted at a time and place and in a manner determined by the HR Department of the UA System Office and will be at its expense. OJI benefits for any employee who tests positive for illegal drugs or alcohol will be denied and the employee will be subject to disciplinary action up to and including discharge from employment.

Abuse of the OJI Program or misrepresentation of facts in connection with a claim for benefits will not only jeopardize an employee's eligibility for OJI benefits, but, will also subject the employee to disciplinary action up to, and including, discharge from employment.

Procedures

All OJI's, regardless of their severity, should be reported by the employee to the employee's supervisor within two (2) working days from the date of the injury. Supervisors should immediately contact the HR

Department of the UA System Office. A completed Incident Report Form, which can be obtained from the HR Department, will be required for all incidents reported to HR. Forms should be completed and submitted to HR as soon as possible following an OJI incident.

If the employee's injury is life-threatening or otherwise requires emergency medical attention, the employee should immediately seek medical assistance and treatment at the nearest appropriate medical facility. Otherwise, the HR Department will give guidance to the supervisor regarding medical treatment for the employee.

The decision to delay or forego medical treatment does not change the requirement that employees should report an OJI to their supervisor within the two working days from the date of the OJI and that the supervisor should contact the HR Department of the UA System Office.

Unless the situation is outside of the employee's control, the employee is expected to keep all scheduled medical appointments. Failure to keep scheduled appointments may result in the termination of OJI benefits.

If treatment by the initial or current approved attending physician is not possible or is outside of the field of expertise of the treating physician, the HR Department of the UA System Office will coordinate the designation of another attending physician.

If an employee aggravates a pre-existing OJI, the approved attending physician must certify the need for treatment and/or absence from work. The OJI benefits described herein are awarded for each separately approved OJI. A recurrence or aggravation of a previous OJI, with or without a separate incident, is not considered a separate OJI.

Failure to comply approved physician-directed rehabilitation and approved follow-up care, which may include, but is not limited to, subsequent physician visits, referrals to specialty physicians, referrals for second-opinions, diagnostic testing, disability evaluation testing, physical or occupational therapy, work hardening programs, or to follow the dosage and frequency of physician prescribed medications, may result in termination of OJI benefits.

Medical Records

The UA System Office retains the right to access all relevant medical and other records of employees injured on the job and employees shall sign and deliver such consents, authorizations or permissions as may be requested to obtain such records. The System Office may also require employees to undergo or submit to additional examinations and tests as it deems necessary.

Off-Site Injuries

An employee who suffers an OJI while traveling on UA System Office business or while working away from their regular employment location should seek emergency medical treatment from the nearest healthcare provider. The employee should advise the healthcare provider that he or she has been injured on the job. The healthcare provider should contact the HR Department of the UA System Office regarding payment for services rendered.

Supervisors should contact the HR Department of the UA System Office within two (2) working days of receiving the employee's report of the OJI, and all follow-up treatment should be coordinated through and authorized by the HR Department of the System Office.

Payment for OJI Expenses

Employees who are covered by the System Office's medical insurance are eligible to have all reasonable OJI-related medical expenses paid by the Blue Cross medical insurance plan. This includes any applicable co-pays or deductibles.

Employees who are not covered by the System Office medical insurance, but are covered by other medical insurance plans must inform the healthcare provider that the UA System Office is not covered by the Alabama Workers' Compensation Law. The healthcare provider must submit the charges to the employee's insurance carrier and any applicable deductibles or co-pays must be paid by the employee. Employees should submit their requests for reimbursements for out-of-pocket deductibles, co-pays, prescriptions, etc. to the HR Department of the System Office.

Lost Time/Wages

The OJI Program generally will compensate an employee for time lost because of an approved on-the-job injury or illness in excess of four calendar days. Time lost on day one (i.e., day of the on-the-job injury or the day the on-the-job illness is discovered) will be paid through the employee's department and should be charged to administrative leave with pay. The next three calendar days are considered a waiting period during which no OJI wage benefits will be paid.

During the three-calendar day waiting period, the employee may elect to use his or her accrued sick leave, annual leave, or compensatory time (hereafter "accrued benefit time") or to take leave without pay. However, if the employee remains out of work (or on reduced time or lower wages) due to the OJI for a period of 21 calendar days from the date of the OJI, one of the following will occur: (i) Accrued benefit time used for the first three days after the day of the OJI will be replaced at the same rate and maximum as outlined below or (ii) if accrued benefit time was not used, the OJI Program will pay the lost wages at 66 2/3% of the employee's regular rate of pay but subject to the weekly maximum outlined below.

Beginning with the fourth **calendar** day following the day of the OJI, the OJI Program will pay a wage benefit at the rate of 66 2/3% of the employee's regular rate of pay which, on a weekly basis, shall not exceed the annually adjusted weekly maximum wage established by the Alabama Department of Industrial Relations (the "weekly maximum"). The OJI Program wage benefit will continue until the employee is released by the designated physician to return to full duty or until the 180th calendar day from the date of the OJI, whichever occurs first. This 66 2/3% wage benefit is charged to the employee's department. OJI Program wage benefits shall be subject to all payroll deductions required by law, policy, or authorized by the employee, such as applicable taxes, insurances, parking fees, and credit union withholdings.

The following is an example of how the lost time/wages process works:

- (a) Employee reports to work at 7:00 a.m. on Thursday and is injured at 9:00 a.m.
- (b) Employee goes to an authorized physician and is advised that he or she may not return to work for two weeks.
- (c) Department pays employee for a full day on Thursday (regular time for time worked and paid administrative leave for remainder of day).
- (d) For Friday, Saturday, and Sunday (the three calendar day waiting period), the employee may use accrued benefit time if previously scheduled to work on any of these days or may take leave without pay.

(e) Employee is eligible for OJI Program wage benefits beginning on Monday (the fourth calendar day after the day of the OJI).

Sick leave and annual leave will continue to accrue while OJI Program wage benefits are being paid. Employees off on OJI's will be given the same holidays and holiday periods as other employees are given.

Employees may use accrued benefit time in addition to the OJI Program wage benefit of 66 2/3% of regular pay (subject to the weekly maximum) to result in the employee receiving his or her full regular rate of pay. The accrued benefit time used to supplement the OJI Program wage benefit may exceed 33 1/3% of the employee's regular rate of pay only if the employee's 66 2/3% OJI Program wage benefit is capped by the weekly maximum described above. No combination of the OJI Program wage benefit plus accrued benefit time may exceed 100% of the employee's regular rate of pay.

The employee must notify his or her department of the request for OJI Program wage benefits and the request to use eligible accrued benefit time as a supplement. The employee is responsible for keeping the immediate supervisor or department/unit head and the HR Department of the System Office apprised of his or her status and projected date for return to work. The department/unit is responsible for submitting time records to Payroll for processing.

If there is lost time resulting from an OJI, the employee may also have the lost time from work counted as time off under the Family and Medical Leave Act (FMLA), see the Family Medical Leave section of this handbook and the application of FML may be retroactive to the date the OJI occurred. If the reason for the employee's OJI absence is due to a qualifying serious illness or injury, the UA System may notify the employee in writing that the leave will be counted as FML leave. In such a case, FML will run concurrently with the employee's receipt of OJI Program benefits. Employees injured on the job who are eligible for FML should also complete an FML Medical Leave Request Form. Forms are available on the UA System Office's [website](#).

The 180 day benefit period runs from the date of the OJI, regardless of the date medical treatment is sought.

An employee who terminates employment with the System Office (voluntarily or otherwise) is not eligible for OJI Program lost wage benefits following his or her employment termination date.

Employees with serious OJI's are also expected to apply for benefits under the System Office's Long-term Disability (LTD) Insurance Program. It is the sole responsibility of the employee to determine the estimated length of disability and to make application for LTD benefits in a timely manner.

The HR Department will monitor the status of employees who are unable to work because of an OJI. Employees who are unable to return to full duty or to modified duty, if it can be accommodated by his or her department, within 180 days from the OJI may be discharged from employment.

Any job status protection afforded by the Family Medical Leave Act or other System Office policy will be recognized in the administration of the OJI program.

In coordination with the HR Department of the System Office, the employee's supervisor, department manager or other designated manager/director will determine if the department will be able to reasonably accommodate any modifications imposed by the authorized treating physician.

OJI Benefits after 180 Calendar Days

The length of time that an employee is entitled to receive OJI Program wage benefits shall not exceed 180 days from the date of the OJI. Employees who are unable to return to full duty or to modified duty, if it can be accommodated by his or her department, within 180 days from the OJI may be discharged from employment.

If it reasonably appears that, based upon the nature and severity of the OJI, the OJI will not be healed or otherwise resolved and the employee will not be released to full-time work status within 180 days, then on or about the 60th day from the date of the OJI the employee should contact the HR Department to discuss long term disability (LTD) benefits.

If, on the 180th day from the date of the OJI, the employee is not on approved LTD benefits, they may be required to provide to the HR Department documentation from an approved physician to confirm the employee is unable to return to work due to physical limitations. If an employee fails to apply for LTD benefits, the UA System Office's monetary obligations under this policy shall cease after 180 days following the date of the OJI. Any claims by the employee must be filed with the State of Alabama Board of Adjustment within the statute of limitation of one year from the date of the OJI.

If an employee qualifies for and receives LTD benefits and is terminated from employment after 180 days from the date of the OJI, then the employee should contact the HR Department regarding possible continuation of healthcare and other benefits.

If the former employee is approved for Social Security Disability benefits, he or she may be eligible for Medicaid (or state equivalent) or Medicare. The former employee should contact the Social Security Administration for information about Medicare or the appropriate state agency regarding Medicaid eligibility.

The former employee shall provide updates to the HR Department regarding the status of his or her application for Social Security Disability, Medicare or Medicaid benefits at the time of the application and whenever a determination, request for additional information or change in benefits occurs.

Death Benefits

If the death of an employee results proximately from, and occurs within 365 days of, an accident arising out of and in the course of employment, a death benefit may be paid to the dependent(s) of the deceased employee. In addition to a spouse, dependents may include others such as a child, parent, parent-in-law, grandparent, or a sibling of the employee who was wholly supported by the employee at the time of death and had been so supported for at least six months previously thereto.

Death benefits may be subject to and reduced by other offsets as deemed applicable by the HR Department of the UA System Office.

(1) *Offsets.* The System Office may offset against the death benefit and reduce it by the amount of the proceeds received or to be received by the employee under any life insurance plan(s) and any accidental death and dismemberment insurance plan(s) to the extent that the premiums for such plan(s) were paid by the UA System Office or by a third party, such as the Alabama Teachers' Retirement System. In addition, payments previously made to the employee as compensation for the injury under this policy shall be deducted from the death benefit due, in a manner consistent with the relevant provision in the Alabama Workers' Compensation Act.

(2) *Burial Expense Benefit.* Where an employee's death has resulted proximately from, and occurs within 365 days of, an accident arising out of and in the course of employment, the UA

System Office will pay a portion of the burial expenses up to the amount provided in the Alabama Workers' Compensation Act.

Subrogation

If the injured employee, or in case of death, the employee's spouse and/or dependents, recover damages against another party for an OJI, the amount of the damages recovered and collected shall be credited to the UA System Office to the extent the OJI Program has paid benefits. If the damages recovered and collected are in excess of the benefits payable under the OJI Program, there may be no further obligation on the part of the UA System Office to pay benefits on account of the injury or death. UA System Office shall be entitled to subrogation for benefits expended by the employer on behalf of the employee.

2.9 OUTSIDE EMPLOYMENT AND CONSULTING ACTIVITIES

The primary responsibility of an employee of the UA System Office is the accomplishment of all duties and responsibilities assigned to his or her regular position. Outside employment and consulting activities are defined as any services performed for an organization outside the UA System Office, or primarily for an internal organizational unit within the UA System Office other than the one in which an individual is employed. Outside employment also includes self-employment.

Outside employment and consulting activities should be compatible with the interests of the UA System and must not detract from the performance of the employee in his/her regular position. Outside employment and consulting cannot create any conflict of interest, violate any ethics standards, or discredit the UA System Office in any way. Employees should not use their association with the UA System Office to acquire outside employment and consulting activities.

Additional guidelines regarding outside employment and consulting activities include, but may not be limited to the following:

1. Prior to engaging in outside employment or consulting activities, employees must obtain approval from their supervisor.
2. Generally, outside employment and consulting should not be performed during regularly scheduled work hours without prior supervisory approval.
3. Those who pursue outside employment or consulting that conflicts with regularly scheduled work hours must charge the time to annual leave, personal holidays, or leave without pay.
4. Individuals who perform outside employment or consulting must abide by ethics law requirements not to use UA System Office property for private gain and should otherwise limit the use of UA System Office resources or facilities to a minimal amount.
5. If the outside employment consists of teaching, the maximum teaching load is normally limited to one course each academic term. Teaching more than one course per academic term requires advance approval by the employee's direct supervisor.
6. Consulting and the performance of duties for special fees within the UA System Office are limited in time and are subject to prior approval on a project-by-project basis by all supervisors involved.
7. Supervisors must decline the employee's request for outside employment or consulting if it is determined that the proposed outside employment would, or is likely to, violate one or more provisions detailed herein.

Questions regarding outside employment and consulting activities should be discussed with the employee's supervisor or referred to the HR Department of the UA System Office.

2.10 PERSONNEL FILE PRIVACY

It is the policy of the UA System Office to maintain a personnel file for each UA System Office employee. Employee files are confidential and are to be treated as such to the extent allowed by law. Access to personnel files is limited to the following:

- Each employee may review his or her own personnel file in the presence of an individual designated by the UA System HR Department. No material is to be removed except as specifically authorized by the UA System HR Department. Employees are requested to make an appointment in advance with an appropriate HR staff if they wish to review their file.

Other employees of the UA System Office may have access to personnel files only on a need-to-know basis. Access is normally limited to:

- Human Resources staff as they need access in the course of their normal duties;
- Supervisors and managers considering an employee for promotion or transfer into their department or location;
- Others as specifically authorized by the Director of Human Resources or his/her designee; or
- Individuals who are not employees of the System may not, except with specific authorization, have access to the files themselves. Generally, such access would be granted only upon advice of counsel (e.g., in response to a subpoena, summons, valid open records request or request for information from a federal administrative or law enforcement agency).

Without a written release from the current or former employee, the HR Department will give/verify only the following employment-related information.

1. Name of the employee;
2. Position(s) occupied during the course of the individual's employment at the UA System Office;
3. Dates of employment; and
4. Eligibility for rehire.

It is a violation of this policy and the UA System Office's expectations of confidentiality to extract, disclose, or release information from employee personnel files or to disseminate information to individuals who have no legitimate business need to know.

If a former or current supervisor or coworker is contacted regarding an employee reference, the request should be forwarded to the UA System Office HR Department.

2.11 EMPLOYEE SERVICE DATE

An employee's service date is defined as the date of initial employment within the UA System Office. If an individual has a break in service that is greater than one year or experiences a change in position (i.e. changes from a regular position to a temporary one, or vice versa), the service date may be adjusted. In those instances, the following guidelines will apply:

1. An individual who has a regular part-time appointment will retain their service date when changing to a regular full-time appointment.
2. An individual who has a regular full-time appointment will retain their service date when changing to a regular part-time appointment.
3. An individual who has a full-time temporary appointment will retain their service date when changing to a regular part-time or regular full-time appointment.
4. An individual who has a part-time temporary appointment and changes to a regular appointment will receive a new service date.
5. An individual who changes from an irregular/contingent/on-call or student appointment to a regular appointment, or vice versa, will receive a new service date.

Service dates for the UA System Office are not to be confused with any other date that determines benefit eligibility including the retirement service date calculated and maintained by the Teachers' Retirement System. Retirement and other benefit-related questions should be referred to the UA System Office HR Department.

For information regarding service date after a break in service, please refer to the UA System Office's Reinstatement of Service Date Policy of this handbook.

Exceptions may be approved only by the Administration of the UA System Office.

2.12 REINSTATEMENT OF SERVICE DATE

Regular full-time, temporary full-time, and regular part-time employees who voluntarily terminate employment with the UA System Office and who are reinstated within one year following their separation may have their original service date reinstated and may immediately begin to accrue benefits based on the number of years of employment at the time of their termination. Unused, previously accrued sick leave will be reinstated.

These guidelines apply only to the reinstatement of an individual's service date and leave accruals and are not intended to affect any other waiting periods, including, but not limited to, waiting periods related to other benefits, policies, or one's subsequent initial employment period.

Note: Service dates for the UA System are not to be confused with any other date that determines benefit eligibility including the retirement service date calculated and maintained by the Teachers' Retirement System. Benefit eligibility questions should be referred to the UA System Office HR Department.

Requests for exceptions to the guidelines outlined above shall be reviewed on an individual basis by the UA System Office Department of Human Resources.

2.13 REEMPLOYMENT OF RETIREES/REVOLVING DOOR

Whether a former UA System employee may be re-employed after retirement is subject to the approval of the appropriate UA System Office hiring authority and is dependent on whether or not a budgeted position is available.

Re-employment is also subject to the guidelines of other entities including (but not be limited to) the Retirement Systems of Alabama and the Alabama Ethics Commission. Specifically, it is the responsibility

of retiring individuals to determine whether or not the *revolving door* provision of the Alabama Ethics law applies to them.

Individuals who retire from positions which may be subject to the *revolving door* provision as defined by the Alabama Ethics Commission should discuss their retirement/re-employment plans with the HR Department.

In general, the *revolving door* provision applies to individuals who retire from positions of authority. These are positions in which the incumbents have authority to hire, fire, make purchases, approve or grant contracts, etc. The HR Department will provide information and general guidance to individuals who need to determine whether their position is/was a position of authority. However, the ultimate responsibility for that determination is between the individual employee and the Alabama Ethics Commission.

If, after communicating with the HR Department and after going through a determination process with the Ethics Commission, it is determined that the former employee is/was in a position of authority, that individual will be barred from re-employment at the UA System Office for a period of two (2) years unless they choose to suspend retirement benefits from the Retirement Systems of Alabama.

If individuals are offered re-employment at the UA System Office and they choose to suspend their retirement benefits, they are advised to seek guidance from Human Resources in advance of being re-employed. Re-employment (after suspending retirement benefits) is subject to several other important restrictions.

Former employees who retire from positions which are NOT subject to the revolving door provision (i.e. retire from positions which are not positions of authority) are still subject to certain restrictions and limits, especially from the Retirement Systems of Alabama. Those individuals should also seek guidance from Human Resources well in advance of their proposed retirement date, or prior to being re-employed in the UA System Office.

2.14 STUDENT EMPLOYMENT

The UA System Office employs student workers enrolled at all levels of study to assist in meeting the business needs of the UA System Office, to provide University students with financial support in pursuit of their academic goals, and to provide opportunities for academic or administrative and business-related job experience. For the purposes of student employment with the UA System Office, student workers are either undergraduate or graduate student assistants.

Undergraduate Student Assistant

Undergraduate Student Assistant employees must be actively pursuing a degree program from a UA System institution and enrolled in at least six (6) semester hours of credit or equivalent work during a semester after the drop-add period.

Student assistants in summer and interim terms and seniors in their final semester may be allowed to work as Student Assistant employees without meeting the above enrollment criteria. Students who have completed their degree programs generally should not continue working as student employees beyond the end of the academic term in which they graduate.

Graduate Student Assistant

Graduate Student Assistant employees, to include Law Clerks, must be actively enrolled in a graduate degree program from a UA System institution and enrolled in at least 4.5 semester hours of credit or equivalent work during a semester after the drop-add period.

During summer and interim terms, graduate students may be allowed to work as Graduate Student Assistants without meeting the above enrollment criteria. Students who have completed their degree programs generally should not continue working as student employees beyond the end of the academic term in which they graduate.

Employing departments are responsible for adherence to the above guidelines.

Limits of Employment

Student employment positions are temporary and/or part-time appointments and are not eligible for UA System Office benefits or privileges of employment. Student Assistant employees may work a maximum of 20 hours per week during Fall and Spring terms. However, Student Assistant employees may work up to 40 hours per week during academic year break periods. Note: These limits apply to the total hours worked for all combined on-campus jobs.

Due to tax considerations, students cannot be employed simultaneously as both a staff and student employee. If a Student Assistant continues to work in his or her position while not meeting the “student status” (i.e., working during the summer while not enrolled), the student may work up to 40 hours per week, but will not be eligible for the student exemption for tax purposes.

International students in lawful F-1 and J-1 status are eligible to work if enrolled in a full course of study. Eligible international students must not work in excess of 20 hours per week due to visa restrictions. During summer and academic year break periods, international students may work up to 40 hours per week.

Student employee appointments are at-will employment. Student employee appointments are subject to a semester-by-semester renewal, and renewal to a position each semester is considered contingent and based on operational need and prior performance. In cases of gross misconduct or poor performance, employment may be terminated prior to the end of a semester. Such cases should be well-documented by the hiring department.

Recruitment Guidelines

All undergraduate student positions will be posted online via the UA System Office online portal at <http://jobs.uasystem.edu>. Qualified applicants will be referred to the hiring departments for interviews and final selection. Supervision of Student Employees will also be the responsibility of the hiring department. All student employee new hires are contingent on the completion of a satisfactory background check.

Pay Guidelines

Student jobs are paid utilizing a student pay structure. However, in certain circumstances and with prior approval, student jobs may pay different rates of pay depending on department funding, job responsibilities and other factors. Rate differentials may also apply for students providing assistance during special events. Student Assistant employees are guaranteed to be paid at least the current federal minimum wage. Paychecks are directly deposited to the student’s designated checking/savings account.

Undergraduate Student Assistants employed by the UA System Office are considered non-exempt employees and are paid by the hour. They are covered under the Fair Labor Standards Act, and should

be paid time and a half their regular rate of pay if the hours worked in any workweek are greater than 40. The workweek at the UA System Office begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday.

Graduate Student Assistants employed by the UA System Office are paid a monthly stipend and are not eligible for overtime pay. Depending on departmental approval and funding availability, some Graduate Student Assistants may receive tuition assistance.

Exceptions may be made only by the UA System Office Department of Human Resources.