

CSU-PUEBLO

Handbook

For

Administrative Professional Employees

CSU-PUEBLO Handbook for Administrative Professional Employees

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PREFACE

Administrative Professional employees are defined as personnel who are officers and directors of administrative departments, personnel appointed by the Governing Board as officers of the Board, all such professional assistants to these officials whose appointments are by Board action, and administrative employees who do not have an academic rank or title. Administrative Professional positions are positions that are exempt from the State Personnel System under Colorado statutes, but are not academic faculty positions. The classification of a particular position as an Administrative Professional position must be coordinated with Human Resources.

The policies and procedures outlined in the *Handbook for Administrative Professional Employees* (hereinafter referred to as Handbook) are for your information and guidance as a Colorado State University-Pueblo (CSU-Pueblo) employee. Please become familiar with the policies of the institution of which you are a part and keep this Handbook conveniently available for reference. The policies and procedures contained in this Handbook may be amended at any time with approval from the Board of Governors, consistent with the procedures described in the Handbook. This handbook is approved by the Board of Governors of the Colorado State University System (hereinafter referred to as "the Board").

The Board has delegated certain personnel powers to the President, and the President has further delegated certain of these personnel powers to other officers of the University. All references in the *Handbook* to the authority of the Board and/or the President shall be deemed to include such delegations. However, the Board, may, from time to time, elect to exercise any personnel power delegated to the President (and which may have been further delegated to the Provost and vice presidents.)

All commitments and obligations of CSU-Pueblo and the Board contained in this *Handbook* are contingent upon the availability of state funds and are subject to Article XI, Sections 1 and 3 of the Constitution of the State of Colorado. Thus, commitment of employment beyond the current fiscal year is contingent upon sufficient appropriations of funds from the legislature. Such commitment without that contingency would be an unconstitutional pledge against the credit of the state made without spending authorization of the Colorado General Assembly.

Disclaimer: The employment policies and procedures outlined in the Handbook for Administrative Professional Employees are developed and maintained at the pleasure of CSU-Pueblo and may be changed at any time. Any statement made in the Handbook shall not constitute a contract of employment between CSU-Pueblo and any employee. Employment with CSU-Pueblo as an Administrative Professional Employee is at will and may be terminated by either the employer or employee at any time and for any reason. No manager, supervisor, department chair, Dean, Director or representative of CSU-Pueblo may make any contract, promise, or commitment contrary to those guidelines outlined in this handbook. Therefore, any alleged contract, promise, or commitment made by any of the foregoing identified individuals shall be unenforceable. The information contained herein is provided as a public service with the understanding that CSU-Pueblo makes no warranties, either expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the information. Nor does CSU-Pueblo warrant that the use of this information is free of any claim of copyright infringement.

NOTICE OF NON-DISCRIMINATION

CSU-Pueblo is an affirmative action/equal opportunity institution. It encourages diversity and provides equal opportunity in education, employment, all of its programs and activities, and the use of its facilities. The University takes affirmative action to employ qualified women, racial/ethnic minorities, protected veterans, and individuals with disabilities. Colorado State University-Pueblo does not discriminate on the basis of age, citizenship, creed, color, disability, gender, gender expression, gender identity, genetic information, national origin or ancestry, pregnancy, race, religion, sex, sexual orientation, veteran status, or because an individual has inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant.

The Office of Institutional Equity's Director & Title IX Coordinator is responsible for addressing compliance with federal, state, and local laws pertaining to nondiscrimination, civil rights, access, and equity. For any inquiries or concerns regarding discrimination or protected class harassment, or further information, please contact the Director & Title IX Coordinator in the Office of Institutional Equity, Josh Ernst Administration Building, 2200 Bonforte Boulevard, Room 304, Pueblo, Colorado 81001, (719) 549-2210. Individuals with non-academic disability related concerns should contact the University's ADA/504 Coordinator, who is also the University's Human Resources Director at (719) 549-2441, Administration Building, Room 306.

Protected Characteristics

age, citizenship, creed, color, disability, gender, gender expression, gender identity, genetic information, national origin or ancestry, pregnancy, race, religion, sex, sexual orientation, veteran status, or because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant, or any other characteristic protected by the University's Non-Discrimination Statement.

CHAPTER 1 HISTORY, MISSION, GENERAL ADMINISTRATION

1.1 History

CSU-Pueblo has served the changing needs of the citizens of Colorado for more than sixty years.

In 1933, the institution was incorporated as The Southern Colorado Junior College. Classes took place on the top floor of the Pueblo County Courthouse. The "Class of '35" graduated seventeen students. In 1936, the Colorado Fuel and Iron Corporation donated the first building on the Orman Avenue campus site. One year later, local citizens decided to support the institution with county taxes; they organized the Pueblo County Junior College District, and the institution was renamed Pueblo Junior College (PJC). In 1951, PJC became the first accredited junior college in Colorado. In 1952, the name was changed to Pueblo College.

A decade later, Colorado's General Assembly enacted legislation, effective in 1963, changing the name to Southern Colorado State College and making SCSC a four-year baccalaureate institution to be governed by the Board of Trustees of State Colleges. Southern Colorado State College received accreditation in 1966.

By then, four buildings had been erected on the new campus north of Pueblo's Belmont residential district. On July 1, 1975, the state legislature granted the institution university status. Three years later, the State Board of Agriculture assumed governance for the University of Southern Colorado.

On July 1, 1985 the State Board of Agriculture created the Colorado State University System including the University of Southern Colorado, Colorado State University, and Fort Lewis College. In spring 2002 the General Assembly passed legislation renaming the university CSU-Pueblo and defining its statutory mission as follows:

CSU-Pueblo is a major regional educational resource for economic growth, cultural enrichment, and social development to enhance the quality of life of Colorado's citizens. As such, the university is committed to community and regional involvement, and addressing the economic, social, cultural, and educational development concerns in southern Colorado and the state in general. Engagement in the region is a distinctive, fundamental purpose of the University and provides students with additional opportunities for leadership development, career preparation, and public service. Designated as a Hispanic Serving Institution by the federal government, CSU-Pueblo has a particular commitment to serve as an educational resource to the Latino communities of Pueblo and southern Colorado, providing access to higher education and assistance in addressing economic and social problems.

1.1.1 Accreditation

CSU-Pueblo is accredited at the bachelor and master's levels by the Higher Learning Commission. Such accreditation was reaffirmed in June 2017.

1.2 Mission

1.2.1 Statutory Mission and Role

There is hereby established a university at Pueblo, to be known as Colorado State University-Pueblo which shall be a regional, comprehensive university with moderately selective admissions standards. The University shall offer a broad array of baccalaureate programs with a strong professional focus and a firm grounding in the liberal arts and sciences. The University shall also offer a limited number of graduate programs (CRS 23-31.5-101).

1.2.2 Institutional Mission

CSU-Pueblo is committed to excellence, setting the standard for regional comprehensive universities in teaching, research, and service by providing leadership and access for its region while maintaining its commitment to diversity (adopted April, 2005, and reaffirmed fall 2015).

1.2.3 Institutional Goals and Priorities

In fulfilling its basic mission, the University regularly establishes long-range and short-term goals. The University is guided in this process by its Strategic Plan. Information on institutional goals and priorities is available in the current strategic plan available on the University website.

1.3 General Governance

1.3.1 The Board of Governors of the Colorado State University System (Board)

Under the state constitution and statutes, the general supervision of the University is vested in the Board of Governors of the Colorado State University System, which is the governing body of the University. The Board is the employer of University employees. The Board establishes policies for Administrative Professional employees as set forth in this Handbook for Administrative Professional Employees or in other documents, policies, or resolutions duly adopted by the Board.

1.3.1.1 Meetings of the Board of Governors

Information on Board meetings is available in the Office of the President or from the CSU System website.

1.3.2 Colorado State University System

The Board governs the Colorado State University System, which is administered by a chancellor. Information about the CSU System, including Board policies affecting CSU-Pueblo, is available in the Office of the President and from the CSU System's website.

1.3.3 Colorado Commission on Higher Education (CCHE)

The CCHE holds statutory responsibility for coordinating higher education's governing boards.

The CCHE Policy Manual, available in the University Library and in the offices of the Provost and the President, contains all commission policies and procedures. Visit the CCHE website for more information.

1.3.3.1 Meetings of the CCHE

Information on CCHE meetings is available in the Office of the Provost. Additional information is available on the CCHE website.

1.4 Organizational Chart

A current organizational chart, which may be amended from time to time without Board approval to reflect modifications implemented and authorized by the President, can be found on the University website.

CHAPTER 2 ADMINISTRATIVE PROFESSIONAL PERSONNEL POLICIES

This chapter becomes a part of every Administrative Professional's employment except to the extent that an individual Administrative Professional appointment is modified by mutual agreement in a specific provision. This chapter is the official statement of policies, obligations, responsibilities, rights, and privileges pertaining to Administrative Professional staff. Other University policies related to Administrative Professional employment are incorporated by reference into this chapter as so indicated. All Administrative Professional staff are required to be familiar with and abide by the terms and provisions of this chapter as a condition of their employment with the University. These policies are also available on the University website.

2.1 Administrative Professional Terms of Employment

All employment as an Administrative Professional is at-will. Full-time or part-time at-will employment is solely within the discretion of the University and may be terminated by the University or the employee at any time, with or without cause.

This Handbook provides for the general terms and conditions of an employee's appointment while employed at CSU-Pueblo. Specific terms and conditions, such as salary and type of appointment, will be communicated separately to the employee in writing.

2.1.1 Types of Appointments

Administrative appointments provide employment that is solely within the discretion of the University, with the exception of senior level administrators, and may be terminated by the University or employee at any time. Appointments may be regular full-time, regular part-time, , or interim. The duties, hours of work, and benefits eligibility of Administrative Professional positions may be changed at any time at the discretion of the University.

2.1.1.1 Regular Full-time Administrative Professional Appointments

Regular full-time Administrative Professional appointments are those Administrative Professional positions whose customary, regular authorized work schedules require forty (40) or more hours in a workweek. These positions are benefits eligible.

2.1.1.2 Regular Part-time Administrative Professional Appointments

Regular part-time Administrative Professional appointments are those Administrative Professional positions whose customary, regular authorized work schedules require at least twenty (20) hours but less than (40) hours in a workweek. These positions are benefits eligible.

2.1.1.3 Temporary Administrative Professional Appointments

Temporary Administrative Professional positions may be utilized for full-time and part-time, non-regular, as needed appointments of not more than twelve (12) months. Employees who work less than half time are not eligible for benefits. Non-student hourly employees are only eligible for benefits if they qualify for such benefits pursuant to federal law.

2.1.1.4 Interim Administrative Professional Appointments

Interim Administrative Professional appointments are to positions previously held by full-time or part-time employees, required to cover critical position duties during extended leaves or when a position is vacated due to resignation or termination, during an extended search, or during a period of time while the position is under review. The appointments shall not exceed one year without a formal search unless extended by the President. The direct supervisor of the vacant position must submit a written request including rationale describing existing circumstances or conditions that warrant the need for an interim appointment to the appropriate Appointing Authority. Interim appointees may apply for the permanent position.

2.1.2 Calendar Definitions

For the purposes of the policies contained in this chapter, "academic year" shall mean that period of time encompassed by fall and spring semesters. "Fiscal year" shall mean **July 1** to the following **June 30**. "Calendar year" shall mean **January 1** through **December 31**. "Working day" shall mean any Monday, Tuesday, Wednesday, Thursday, or Friday during the calendar year that the University is officially open.

2.1.3 Rank Qualifications for Administrative Faculty

The qualifications for faculty rank for administrative faculty employed initially from outside the University shall meet or exceed those for academic faculty as stated in Section 2.3.1 of the Faculty Handbook.

2.1.4 Academic Faculty to Administrative Faculty

Academic faculty who accept full-time administrative appointments move automatically to administrative faculty status (Section 2.2.2 of the Faculty Handbook) at the same rank classification held under the academic faculty appointment. Tenured academic faculty retain tenure while holding administrative faculty appointments. Probationary academic faculty who accept administrative appointments cease progress toward tenure and become subject to administrative non-reappointment provisions. Administrative faculty shall be employed by administrative appointments and under the terms and conditions of this Administrative/Professional Handbook.

2.1.5 Administrative Faculty to Academic Faculty

Tenured administrative faculty, upon cessation of an administrative appointment, shall automatically receive tenured academic faculty appointments at their assigned rank and at a salary determined by the policy on salary administration (Section 2.13 of the Faculty Handbook).

The reassignment of an administrative faculty member to an academic faculty position shall not, because of such reassignment, result in a reduction in force of tenured faculty in the degree or program area to which the administrative faculty member is assigned. Non-tenured administrative faculty who leave for any reasons from administrative appointments, if they previously held probationary academic faculty appointments at the University, may return to probationary academic faculty appointments upon recommendation to the Dean and Provost by the appropriate Department Chair, in consultation with the faculty in the degree or program area. If approval is granted by the President, the individual shall hold a probationary academic faculty appointment and shall continue progress toward tenure in accordance with the provisions of Section 2.10 of the Faculty Handbook. Individuals employed initially as administrative faculty without tenure shall not be considered for academic faculty positions except by participation in a search and screen process for an authorized vacancy. In all cases, administrative faculty who change to academic faculty positions are expected to demonstrate currency in their discipline areas.

2.2 Basic Responsibilities of Administrative Professional Staff

2.2.1 Adherence to University Policies

As employees of the University, Administrative Professional staff are expected to adhere to official University policies as published in this Administrative Professional Handbook, the University catalog, the University Policy Library or otherwise promulgated by the Board of Governors.

The University's responsibility to provide a correct copy of this Handbook is achieved by posting this document on the CSU-Pueblo website and referencing it during new employee orientation.

2.2.2 Code of Ethics for Administrative Professional Employees

Each Administrative Professional staff at CSU-Pueblo shall:

- a. serve the public with respect, concern, courtesy and responsiveness;
- b. demonstrate the highest standards of personal integrity, truthfulness, and honesty and inspire public confidence and trust in the University and the CSU System;
- c. recognize that personal gains from public service are limited to recognition, salary, and normal employee benefits;
- d. not use public service to bestow any preferential benefit on anyone related to the public official by family, business or social relationship;
- e. not disclose or use or allow others to use confidential information acquired by virtue of University employment for private gain;
- f. not accept any fee, compensation, gift, payment of expense, or any other thing of monetary value, under circumstances in which the acceptance may result in or give the appearance of: (a) an undertaking to give preferential treatment to any person; (b) any loss of complete independence or impartiality; or (c) the making of a governmental decision outside official channels;
- g. not engage in outside employment unless the outside employment is disclosed to the President of the University and the employee's Appointing Authority and unless the outside employment does not interfere with the performance of the University duties;
- h. not use State time, property, equipment or supplies for private gain;
- i. not knowingly engage in any activity or business which creates a conflict of interest or has adverse effect on the confidence of the public in the integrity of the University;
- j. support equal educational access and employment opportunities in the University by all citizens regardless of age, citizenship, creed, color, disability, gender, gender expression, gender identity, genetic information, national origin or ancestry, pregnancy, race, religion, sex, sexual orientation, or veteran status.

2.3 Official Personnel Files

The official personnel file for each Administrative Professional employee shall be maintained by the University in accordance with state law. Applicable provisions of Colorado public records laws shall govern access to the personnel file. Following severance for any reason, personnel files shall be maintained in accordance with Schedule 8 of the Colorado State Archives Records Management Manual.

2.4 Conflict of Interest

The Board of Governors has declared that public employment is a public trust, and any effort to realize personal gain through official conduct, other than as compensation set through established processes, is a violation of that trust. All decisions of the Board of Governors, the University, and individual staff members in their Administrative Professional roles are to be made solely on the basis of a desire to promote the best interests of the institution.

2.4.1 Disclosure Responsibilities

In the event the Administrative Professional staff shall be called upon to consider a transaction involving the University and an organization with which a member of the Administrative Professional staff is "affiliated," such Administrative Professional staff member, upon receiving knowledge of the transaction, shall:

- a. fully disclose the precise nature of interest or involvement in such transaction and/or such organization; and
- b. refrain from consideration of the proposed transaction if it is determined that a conflict of interest exists.

2.4.2 Definitions

Dependent is defined as an employee's spouse, domestic partner, or unemancipated child, including stepchild or adoptee, under the age of 18, or anyone who receives more than one-half of their financial support during a year from the employee.

Familial relationships include relationships by blood, adoption, marriage, or domestic partnership; such relationships are with a partner, parent, grandparent, child, sibling, first cousin, uncle, aunt, nephew, niece, spouse, brother- or sister-in-law, father- or mother-in-law, son- or daughter-in-law, step-parent, or step-child.

Immediate family is defined as an employee's parent, spouse, child, sibling, parent's spouse, step child and adopted child, and their spouses.

A person covered by this Conflict of Interest policy is affiliated with an organization if he or she or a member of his or her immediate family:

- a. is an officer, director, trustee, partner, agent, or employee of such non-governmental organization; or
- b. is either the actual or beneficial owner of more than 5% of the stock or controlling interest of such non-governmental organization; or
- c. has any other direct or indirect dealings with such non-governmental organization from which he or she knowingly is materially benefited. For purposes of this subparagraph, it shall be presumed that a person is "materially benefited" if he/she receives, directly or indirectly, cash or other property (exclusive of dividends and interest) in excess of \$1,000 in any year in the aggregate.

2.4.3 Examples

The University possesses both tangible assets, such as buildings and equipment, and intangible assets, such as its reputation and prestige. Examples of potential conflict of interest include, but are not necessarily limited to:

- a. the initiation or orientation of an Administrative/Professional staff member's use of University resources to serve the needs of a private firm or public agency without approval of the University;
- b. transmission to a private firm or use for personal gain of the information, records, results, materials, or products that have been acquired through University research or employment when such discoveries are not made generally available;
- c. failure to inform the appropriate officer of the University about licensing agreements and inventions in which the University might have an equity;
- d. the use of University resources in consulting, without referring to the appropriate administrative office, the question whether appropriate costs should be defrayed by the outside agency;
- e. the use of students, without recompense from salary or academic credit, for work on behalf of an outside agency;

- f. the use of the University's name, facilities, or equipment for personal purposes or for which the employee receives remuneration for private gain;
- g. personal use of University resources to support political candidates or non-profit organizations even when not for remuneration;
- h. the purchase of major equipment, instruments, or supplies for University use from a private firm with which the employee is affiliated;
- i. negotiation or influence upon the negotiation of contracts between the University and outside organizations with which an employee has consulting or other significant relations of material benefit to the employee;
- j. hiring of immediate family members by employees;
- k. certain types of outside employment as offers of employment involving assignments that have the potential to compromise the institutional position of the Administrative/Professional staff member;
- l. performing work for clients for pay when the work in question falls within the regular assignment of the Administrative Professional staff member;
- m. any outside relationships that conflict with the responsibilities of the Administrative Professional staff member;
- n. consulting relationships involving activities with the potential to compromise the institutional position of the Administrative/Professional staff member;
- o. financial interests in companies and other kinds of organizations doing business with the University; and financial gain to the individual that results from involvement in University decisions.

2.4.4 Procedures for Conflict of Interest Disclosure

As part of every new employee orientation, and after initial employment, on or before October 1 of each year, Administrative Professional employees will be required to complete the "Conflict of Interest Policy—Disclosure Form." The form shall indicate any and all activities or projects currently in progress or planned that have the potential for interpretation as a conflict of interest. In addition, the form shall be submitted at any time during the year prior to engaging in activities that have the potential for interpretation as a conflict of interest:

- a. if the employee has nothing to disclose at the time of initial orientation or annually on October 1, the form will be retained as part of the official personnel file; or
- b. if the employee indicates a potential conflict of interest during initial orientation or at any time during employment, the form will be completed at that time and forwarded to the immediate supervisor for review. The supervisor will review the information provided and may request additional information if necessary. The supervisor shall then render, on the form, an opinion indicating whether there is a conflict of interest;
- c. if the immediate supervisor determines that a potential conflict of interest exists, a memorandum identifying recommended action to eliminate the potential conflict will be attached to the form and forwarded to the appropriate Vice President for review;
- d. if a known or potential conflict of interest exists, the employee and the supervisor will develop a management plan that will outline steps necessary either to eliminate the conflict of interest or to manage the conflict of interest in a way that will not violate the public trust.

The supervisor will forward the management plan and the conflict of interest form to the appropriate Appointing Authority for approval.

- e. The Appointing Authority shall review the submitted materials and may consult with University Counsel regarding the potential conflict and any agreements made at the previous step. The Appointing Authority shall issue a written decision on the form. This may include appending any agreement or management plan reached by the employee and supervisor. If the employee and the supervisor cannot develop a management plan, then the Appointing Authority shall issue a written decision that may include steps to be taken to eliminate the potential conflict. The Appointing Authority's decision is final.
- f. Disclosure forms shall be permanently maintained in the official personnel files.

If a known conflict of interest occurs, Administrative Professional employees shall be governed in their responsibilities for disclosure by statute

2.4.5 Sanctions by Statute

Sanctions covering conflict of interest by the state of Colorado are cited in the Colorado Revised Statutes, Section 18-8-308, "Failing to disclose a conflict of interest":

- a. "A public servant commits failing to disclose a conflict of interest if he [or she] exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction without having given seventy-two hours' actual advance written notice to the secretary of state and to the governing body of the government which employs the public servant of the existence of a known potential conflicting interest of the public servant in the transaction with reference to which he is about to act in his official capacity.
- b. A 'potential conflicting interest' exists when the public servant is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction.
- c. Failing to disclose a conflict of interest is a class 2 misdemeanor."

2.5 Salary Administration for Administrative Professional Staff

"Salary" is defined as the dollar amount specified in the appointment notice as the compensation provided for services rendered. The President is responsible for approving the salaries and salary adjustments and increases as recommended by the Appointing Authority of an Administrative Professional employee. Administrative Professional employees are not authorized to be paid overtime unless designated as eligible by the Human Resources Office in accordance with the Fair Labor Standards Act (FLSA).

2.5.1. University Compensation Philosophy

The primary role of the compensation system is to establish a clear relationship between professional performance, job duties, and compensation to ensure that employees are recognized for their contributions, and to ensure that the University's resources are used efficiently and effectively. The University supports a compensation system that:

- a. uses survey data consistent with peer institutions with similar demographics such as type of institution, size of budget, enrollment, etc.;
- b. remains open to emerging compensation practices to address change in the workforce and the workplace over time;
- c. recognizes the value of staff and retains them by maintaining internal equity with comparable duties and responsibilities; and

- d. allocates compensation in a fair, yet flexible, manner in compliance with all applicable legal requirements.

2.5.2 Administrative Professional Compensation Committee

The Administrative Professional Compensation Committee serves to discuss, advocate for, and make recommendations to the President or their designee(s) based on available funding dependent upon resources and priorities; and pertaining to compensation philosophy, equity, parity, and merit for the Administrative Professional staff. This includes but is not limited to the process for determining salary, consistency in application of salary, potential increases in salary, and processes for determining interim appointment salary.

The Administrative Professional Compensation Committee will meet with Human Resources annually, at a minimum, to discuss and make recommendations pertaining to compensation philosophy, equity, parity, and merit for the Administrative Professional staff.

Administrative Professional Compensation Committee Composition

The Administrative Professional Compensation Committee shall be made up of six members recommended by the Administrative Professional Council (APC) Executive Committee and confirmed by the President. The Administrative Professional Council Executive Committee will make appropriate efforts to ensure that committee members include a broad representation of the Administrative Professional staff on campus including reporting lines, funding sources, and levels of responsibility. Administrative Professional Compensation Committee members shall meet the general requirements for APC representatives based on the APC Constitution and Bylaws including time in service at the University. Members shall be recommended and confirmed annually and are not term limited.

2.5.3 Salary Administration Policies

Increases in the base pay of the Administrative Professional staff shall be categorized as follows:

Equity and Parity Increases

- a. The President, in their sole and exclusive discretion and in response to specific annual budget requests, will determine whether salary increases addressing issues of equity and parity will be awarded and, if so, in what amount.
- b. Equity increases are intended to reduce or eliminate the salary disparities among existing and new employees. "Equity" takes into account performance evaluations, education, experience, and job duties.
- c. Parity increases address the competitiveness of University salaries with the salaries of staff at similar institutions, taking into account performance evaluations and other standards, including but not limited to education, experience, job duties, discipline, and variances among local economic conditions.
- d. Equity and parity issues will be studied periodically by the University.

Merit Increases

- a. Merit salary increases for Administrative Professional employees should be consistent with employee evaluation outcomes.
- b. All persons whose performance is rated as higher than satisfactory may be eligible to receive a merit increase when funds have been allocated for salary increases.

- c. Merit increases following evaluations shall not be awarded to any person who receives a composite rating of unsatisfactory.
- d. Administrative Professional staff members who are hired after July 1 will be evaluated for their partial year of employment and may be eligible for a prorated merit increase based on the start of their employment and funding availability.
- e. Employees who have been promoted during the current evaluation period must have performance evaluations in both positions. The combined evaluation rating may be used to determine the amount of the annual merit increase.

Interim Salary Adjustments

- a. Interim appointments should be limited to no more than one complete year, and Presidential approval is required with a documented timeline for the interim position's outcome.
- b. If an employee is appointed to fill an interim position, they must receive an updated job description that reflects the additional duties as interim.
- c. A formal review of past and present job descriptions will provide an appropriate update and begin the discussion on compensation and salary adjustment for additional duties.
- d. If the initial interim term must be extended beyond the original appointment, another meeting to discuss the extension and duties assignment, as well as appropriate compensation, must be held.

Salary Policies Applicable to Administrative Professional Staff

An annual review of the University's compensation issues for Administrative Professional employees will be conducted and documented by Human Resources.

The Office of Institutional Equity will evaluate proposed salary changes to ensure they do not create pay disparity on the basis of protected class status or have a disparate impact on protected classes.

2.6 Types of Leave/Leave Policies

General Information

Employees should refer to the Leave Use and Reporting Procedure on the Human Resources website, for specific details regarding requesting and reporting leave.

2.6.1 Annual Leave

Administrative Professional employees hired prior to July 1, 2003 earn 16 hours per month, pro-rated for part-time employment based on percent of appointment, with a maximum accrual 384 hours, also pro-rated for part-time employment, which may be carried forward to the next fiscal year. Employees hired after July 1, 2003 earn 16 hours per month, pro-rated for part-time employment, with a maximum accrual of 200 hours that may be carried forward to the next fiscal year. Effective July 1, 2005, leave will continue to accrue throughout the fiscal year, even if it is in excess of the maximum that may be carried forward. Leave earned above the maximum accrual rate that may be carried forward to the next fiscal year and not taken by June 30th is forfeited.

- a. Administrative Professional employees on less than 0.5 FTE appointments, temporary staff, and hourly employees do not earn annual leave.
- b. Annual leave does not accrue during leave without pay or unauthorized absence.

2.6.1.1 Payment of Accrued Annual Leave

Payout of annual leave at the time of termination or resignation will not exceed the maximum accrual rate of 384 or 200 hours, respectively. A "Request for Leave Payout" form must be completed and verified by the supervisor before final payment for accrued leave can be made.

2.6.2 Sick Leave

Medical certification may be required for any absence of more than three consecutive business days in order for the University to ensure compliance with the Family Medical Leave Act.

Administrative Professional staff earn 10 hours of sick leave per month (pro-rated for part-time) with a maximum accrual of 720 hours. This time may be used for personal or immediate family illness, non-occupational injury or doctor appointments that occur during regularly scheduled workdays. "Immediate family" in the context of the use of sick leave is defined as a spouse, domestic partner, children, or parent. **Payout of sick leave is not available.**

2.6.2.1 Family Medical Leave Act (FMLA)

Family and Medical Leave is a job protection benefit for eligible employees provided by the University in accordance with federal and state law. An eligible employee is entitled to take up to thirteen (13) work weeks of unpaid, job-protected leave for a specified family and medical reason with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. The University's Family and Medical Leave policy applies to faculty, administrative professionals, and contracted employees and is attached as an appendix to this Handbook for the purpose of providing notice to the employees of their rights pursuant to the Family and Medical Leave Act. All employees must contact the Office of Human Resources for specific instructions on the use of FMLA and for a determination if they are eligible for FMLA leave. The University's FMLA policy is also available on the CSU-Pueblo policy website.

2.6.3 Annual Leave Sharing Policy

The purpose of this program is to allow administrative faculty and administrative professional employees to transfer annual leave to an eligible employee who is experiencing a catastrophic illness or injury.

Eligibility: Permanent, regular administrative/professional and administrative faculty employees who have exhausted all applicable accrued leave and have not met eligibility for long-term disability benefits. Leave sharing is only intended as a last resort and is not a substitute for long-term disability or Worker's Compensation benefits. Leave sharing may not be used when long-term disability is available but may be used during the 90 day waiting period. Donations may only be made by administrative faculty and administrative/professional employees who earn annual leave. This Leave Sharing Program does not apply to faculty, classified, adjunct faculty, or temporary employees.

Leave sharing is not an entitlement even if the case may qualify. Approval of each request for leave sharing is at the discretion of the President, whose decision is final, and decisions are not grievable. Donated leave is not part of annual leave payout upon termination or death. Only the required leave will be transferred to an eligible employee. Leave will not be granted in cases where leave abuse is evident. Leave sharing will only be granted once in any 12 month period from the date of initial approval. No leave sharing will be approved until an employee has exhausted all accrued leave. No leave sharing will be approved when the employee is receiving PERA disability payments, long-term disability benefits, or Worker's Compensation benefits.

The leave sharing program is established specifically for catastrophic illness or injury, such as cancer, major heart attack, serious accident, etc. Normal pregnancy, common illness and

chronic diseases that do not pose a direct (imminent) threat to life are not qualified. Shared leave is counted concurrently against any family/medical leave entitlement. Awarded time may be applied retroactively to the beginning of the leave-without-pay period for the illness or injury for which it is granted.

Employees must submit an application for leave sharing and provide documentation of the condition. In the event that the employee is incapacitated and unable to make application, the employee's family may contact Human Resources to request leave sharing. Performance as identified in the performance reviews may be considered in the approval process. Employees who do not provide sufficient documentation may be denied participation.

Contributions may only be made from accrued and recorded annual leave, not based on future leave earnings. All contributions are voluntary and will remain confidential.

Employees requesting donated annual leave need to complete the Application for Direct Transfer of Leave and obtain approvals as indicated on the form. The form can be obtained from the Office of Human Resources.

Administrative Professional and Administrative Faculty employees may confidentially contribute, on a voluntary and basis, unused annual leave to another Administrative Professional or Administrative Faculty employee. Annual leave hours may be donated at the time the leave is needed. For information on contributing annual leave, contact the Human Resources office.

Requests for shared annual leave will be reviewed by Human Resources. If the application is approved by the President, Human Resources will notify the applicant as well as payroll. If a request is not approved, Human Resources will notify the requesting employee and no additional action shall be taken by Human Resources or the requesting employee.

2.6.4 Types of Leave

Holiday Leave

The State of Colorado grants 10 paid holidays per year. Colorado State University – Pueblo adheres to an alternate holiday schedule, which is available on the Human Resources website at: <https://www.csupueblo.edu/human-resources/index.html>. Should an employee terminate their employment with the University, there will not be a payout adjustment for holidays not taken during the fiscal year. No requests are necessary for holiday leave.

Funeral/Bereavement Leave

Administrative Professional staff may request funeral leave not to exceed five (5) working days without the loss of pay to make arrangements for/or attend the services of family members or others. A supervisor or Appointing Authority shall determine the amount of time to be granted based upon the travel distance, the mode of transportation, and the employee's relationship to the deceased. This type of leave may not be used for the purpose of settling an estate. An Appointing Authority may approve the entire 40 hours for a close family member even if funeral activities do not require this full amount of time.

Administrative Professional staff may also request leave not to exceed one (1) working day without loss of pay to attend services for a member of the University community.

Military Leave

Military Leave is granted in accordance with state and federal guidelines. Military leave requests must be accompanied by official military orders. Members of the National Guard or Reserves are granted 15 working days per calendar year for annual training or encampment. Appointing Authority signature is required on the leave request. Please contact Human Resources if you will be in this situation.

Jury Leave

Employees are granted leave with pay for periods required to serve on jury duty. A copy of the Jury Service from the Jury Commissioner must accompany the leave request. Appointing Authority signature is required on the leave request.

Civil Duty Leave

Employees who are officially subpoenaed or summoned to involuntarily appear in a judicial forum or compelled to appear before a judicial, legislative, or administrative body with civil power to compel attendance during regularly scheduled working hours, shall be entitled to receive leave with pay for a period of time necessary for such appearance if the appearance may not be reasonably accommodated by rescheduling the employee's work hours, as determined by the University. Employees must provide written proof that they have been called to testify and that the entity requiring the appearance has the authority to request such an appearance in order to qualify for this type of leave. This information must be provided to the Appointing Authority with the leave request and both must be forwarded to Human Resources after being signed by the Appointing Authority. Civil duty leave shall not be granted for appearances as an expert witness for a party to litigation. Civil duty leave must be approved in advance by the Appointing Authority. Civil duty leave is not deducted from the employees sick or annual leave balances.

Domestic Abuse Leave

An employee who has been employed by the University for at least twelve months and is a victim of domestic abuse, stalking or sexual assault or any other crime in which the underlying factual basis is domestic violence as these crimes are defined by Colorado law, may take up to three days of paid leave within a twelve-month period for the purpose of protecting themselves. This protection can occur through seeking a civil protection order, obtaining medical care or mental health counselling, making their home secure from the perpetrator of the domestic abuse, or seeking legal assistance to address the issues. Unless the leave is for the protection from imminent danger, the employee shall give notice to the University of taking such leave. Annual leave and/or sick leave shall be exhausted prior to this leave.

Leave without Pay

Requests for leave without pay require Appointing Authority approval and may require approval from the President.

Administrative Leave

Administrative leave may be granted for specific circumstances and must be approved in advance by an Appointing Authority. This type of leave is based on individual circumstances. The Appointing Authority will be responsible for determining which circumstances warrant the approval of Administrative Leave and whether it will be paid or unpaid.

An appointing authority may grant administrative leave with pay to attend approved meetings or conferences which are for the good of the state.

In the case of an emergency where the University may be forced to close for part or all of a scheduled work day, administrative leave shall be granted by Appointing Authorities. Employees will be notified by the University officials over the local radio stations, television stations, e-mail, social media, or notified by telephone. Unless a closing announcement is made in this manner, the University will be open.

Injury Leave

Employees who are injured or suffer an illness on the job are covered by Worker's Compensation Law. Please refer to the Worker's Compensation link on the Human Resources page of the CSU-Pueblo website or contact the Office of Human Resources for further information.

2.6.5 Scheduling Leave

Leave must be used responsibly and requires advance approval of the leave request, when foreseeable, by the supervisor. Leave that is not foreseeable (i.e. illness, accident, etc.) still requires a request be submitted immediately upon the employee's return and approved by the supervisor. Employees should refer to the Leave Use and Reporting Procedure in the Human Resources Office.

2.6.6 Leave Transfer/Reinstatement

Administrative Professional staff may request the transfer of annual and sick leave earned while employed by another state agency. Leave transfers are not a right, will only be considered from other recognized state agencies and must be approved by the Appointing Authority or President. Annual leave transfer will under no circumstances exceed forty (40) hours. No leave will be transferred from a non-state entity without the specific approval of the President.

Reinstatement of leave for employees who had prior service at the University will be reviewed on an individual basis. Leave balances must be able to be verified from the previous employment in order to be considered. Under no circumstances will leave be both transferred and reinstated for the same employee.

2.7 Supervising Responsibilities

As an Administrative Professional employee, the responsibility of supervising other employees may be necessary. Administrative Professional employees may be required to supervise other administrative professional employees, faculty, classified employees, non-student hourly employees, or student employees.

2.7.1 Performance Expectations and Assessment

Performance expectations will be communicated in various forms, both written and verbal, to employees throughout the year. Assessment will be formally conducted on a yearly basis. Performance management should include on-going communication and documentation. Supervisor should consult with Human Resources on performance related issues, documentation, and assessment.

Year-End Evaluation

Before April 30 of each year or as often as deemed necessary, the supervisor and employee meet to discuss final performance ratings. The supervisor and next level supervisor shall sign the performance evaluation form prior to reviewing it with the employee. The supervisor shall record the justification of the overall rating and any topics covered with the employee. The employee may add remarks regarding the evaluation in the space provided. If more space is needed by the supervisor or the employee, additional sheets may be attached. A written rebuttal by the employee will be attached to the evaluation for inclusion in the personnel file. A rating of unsatisfactory on any factor will require that the supervisor consider a performance improvement plan to address the deficiency. An overall rating of unsatisfactory may result in disciplinary action up to and including termination. Administrative Professional staff have no right to progressive discipline and may be terminated by the appointing authority as deemed appropriate.

Performance Evaluation Dispute

Employees who can document factual errors in the evaluation may submit a request for review to the supervisor and appropriate appointing authority. Only factual errors may be reviewed and the appointing authority will not substitute their judgment for that of the supervisor. The decision of the appointing authority is final. A performance evaluation dispute is not grievable.

2.8 Injury on Duty (IOD)

If an employee is injured while on duty, it is the employee's responsibility to notify the supervisor immediately. If medical attention is needed, the injured employee may select one of the multiple designated providers for treatment.

The injured employee and their supervisor are required to submit a "First Report of Injury" form with the details of the injury, illness, or disease to the Human Resources Office upon notice of injury but no later than four (4) days of the injury.

2.9 Fringe Benefits

2.9.1 Orientation

Orientation begins on the first day of employment. All new employees shall report to Human Resources on their first day to complete new hire paperwork required by state and federal law. This is also required in order to receive access to the University's computing resources.

In addition to the basic new hire paperwork, employees hire into 0.5 or greater positions that are eligible for benefits must also attend a detailed benefits orientation (conducted monthly). A Human Resources representative will discuss benefits, procedures, and policies during these meetings. Failure to attend the benefits orientation will result in the employee being enrolled in the default medical, dental, and retirement plans.

2.9.2 Payroll

Payday is the last working day of each month. Currently there is an exception for the June payroll, which is paid the first working day of July. Other dates may change pursuant to state law, which will be communicated to employees. All employees are required to participate in Direct Deposit. An employee's first paycheck shall be obtained at the University's cashier window; thereafter, paychecks are deposited directly to an employee's bank of choice. During orientation, each employee shall complete a direct deposit form.

2.9.3 Workers' Compensation

An employee that has been injured on the job or has sustained a work-related illness or disease is eligible for compensation and medical benefits as provided by the Workers' Compensation laws.

All work-related accidents and illnesses must be reported without delay to the immediate supervisor. The injured worker, and the supervisor, must complete the appropriate Report of Injury forms (available from Human Resources or the University website) no later than four (4) working days after the accident. CSU-Pueblo has selected multiple providers to treat our injured employees. These providers specialize in on-the-job injuries. The injured employee may select any of the designated providers, by completing the Provider form (available on the Human Resources page of the University website or in the Human Resources office.) **Once this form is completed**, the Human Resources Office will contact the selected provider to make arrangements for treatment. Employees must provide the Return to Work form to the Human Resources office and the immediate supervisor upon return from treatment. The supervisor and Human Resources staff will evaluate any temporary restrictions and temporarily adjust the employee's duties as appropriate.

- a. In the event of a life or limb-threatening emergency, the injured employee will be transported to the nearest emergency medical facility. **However, follow-up care MUST BE provided by one of the designated providers.**

- b. If an employee is injured outside of normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday), he/she should seek treatment at the St. Mary-Corwin Medical Center emergency room, 1008 Minnequa Avenue, Pueblo, CO. If the injury is life threatening, call 911 or go to the nearest emergency room for treatment. A Return to Work form is required.
- c. If an employee is treated by any medical provider, other than the approved providers list, the employee will be responsible for payment for such treatment.

2.9.4 Health Insurance

It is the policy of the University that all 0.5 and above FTE employees have health insurance coverage. Thus, several health insurance plans are available through the University's participation in the Colorado Higher Education Insurance Benefits Alliance (CHEIBA). Employees (0.5 and above FTE) must enroll for medical insurance unless they waive coverage by providing evidence of coverage under another group plan. If coverage is waived, dependent coverage and dental coverage are also waived. Failure to make an election within 30 days of the first day of work will result in the employee being automatically enrolled in the default plan. Premiums on default coverage will be deducted on an after-tax basis. Changes to the medical plans may only be made during open enrollment or when there is a qualifying status change. For specific information on medical plan benefits and premiums, employees should review orientation materials or contact the Human Resources office.

2.9.5 Dental Insurance

Enrollment in a dental plan is also mandatory for 0.5 and above FTE employees and available through the University. Employees may not waive dental coverage unless they also waive medical coverage as defined above. Failure to make an election within 30 days of the first day of work will result in the employee being automatically enrolled in the default dental plan. Premiums will be deducted on default coverage on an after-tax basis. Changes to the dental plans may only be made during open enrollment or when there is a qualifying status change. For specific information on dental plan benefits and premiums, employees should review orientation materials or contact the Human Resources office.

2.9.6 Consolidated Omnibus Budget Reconciliation Act COBRA

Federal law was enacted on April 7, 1986, requiring that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health and dental coverage at group rates. Employees who terminate employment have the opportunity to continue health coverage for 18 months. Dependent children, already covered through one of the plans, may continue coverage for 36 months. The employee will be responsible for the total premium plus a processing fee.

2.9.7 Life Insurance

Enrollment in a basic term life insurance plan is mandatory for University employees. Life insurance is offered through a plan selected by the University and the cost is shared between the employee and the University. Please see Loss Schedule of Indemnities for amount of payout. Accidental death and dismemberment (AD&D) coverage is included in the plan. Additional life and AD&D insurance plans are offered at a group rate. Please refer to your orientation information for further explanation or contact the Human Resources Office.

2.9.8 Long-Term Disability Insurance

Enrollment in long-term disability insurance is mandatory for University employees and is provided at no cost to the employee. This policy will pay 66 2/3% of basic monthly earnings up to a maximum monthly benefit of \$7,000 if an employee is unable to work because of a disability. The plan is payable on the 91st day of the disability if the provider so deems and after all accrued sick leave has been used. Employees who are vested with Public Employee Retirement Association (PERA) are also eligible for the PERA disability program. Refer to your orientation information, or contact the Human Resources office for more information.

2.9.9 Vision Insurance

A voluntary vision insurance plan is offered through the University. Please refer to your orientation information for the current providers and rates available, or contact the Human Resources office.

2.9.10 Flexible Spending Accounts

The University offers the following reimbursement accounts to employees who wish to have eligible expenses deducted from their salary on a pre-tax basis:

Dependent Care Reimbursement Account
Health Care Reimbursement Account

This program is available at no cost to the employee through a vendor selected by CHEIBA. It includes an optional debit card for a yearly fee paid by the employee.

2.9.11 Defined Contribution Plan

University employees do not contribute to Social Security and receive no Social Security Credit while employed at the University. Employees hired after March 1, 1986 do contribute to Medicare and are Medicare eligible. The State Board of Agriculture (SBA) established the CSU-Pueblo Defined Contribution Plan (DCP) and Optional Retirement Plan (ORP) for retirement for all employees on May 1, 1994. Plan contributions are invested, at the direction of each employee, in one or more plans available. All employee contributions to the plan are taken on a tax deferred basis so as not to be included in the employee's gross income for federal tax purposes.

All new employees are required to enroll in the University's DCP. If a new or current employee has an existing account with the Public Employee Retirement Association (PERA) and one year of PERA service credit, he/she may continue with that retirement plan. Otherwise, enrollment with one of the DCP's retirement carriers is required. Additional voluntary tax deferred retirement are available. Enrollment information is available in the Human Resources office.

2.9.12 Travel Insurance

University employees are covered through a vendor selected by CHEIBA while traveling for the University. The policy pays a maximum Accidental Death and Dismemberment benefit of \$100,000, if the accident results in death or dismemberment as defined by the plan. This insurance is offered at no cost to the employee. For specific information regarding this insurance, please see the benefit booklet or contact the Human Resources office.

2.9.13 Employee Tuition Reimbursement Program

The Board of Governors has determined that faculty and staff may be offered the privilege of enrolling in position-related and career enhancement courses offered by the campus, limited to "courses that will benefit the State and enhance the employee's performance."

Under the following conditions, Administrative Professional employees with appointments at half-time (0.5 FTE) or greater may register for credit courses at CSU-Pueblo, CSU-Fort Collins, or CSU Global—on a space-available basis--without the assessment of the student portion of total tuition or general fees to the employee.

- a. The employee must obtain the written consent from the head of his/her administrative unit to register for specific courses.
- b. Courses taken as an employee under the Employee Study Privilege Program should enhance the employee's performance and benefit the University. The value of this benefit may be taxable. Please refer to the Internal Revenue Code (26 U.S.C sections 127, 132(d) and 117) or consult with your tax professional in determining if this benefit is taxable income. Supervisors may approve an employee's use of study privilege even

if the subject matter is not directly related to current job duties if they determine it will enhance the employee's performance.

- c. Time off to attend courses during an employee's scheduled work hours requires approval of the supervisor, which should be granted unless there is no reasonable way for the employee to perform his/her duties at other times. Time off to attend courses voluntarily taken by the employee at their own request requires approval of the supervisor and the Appointing Authority. Time off to attend courses required by the department in order to improve job skills should be treated as administrative leave with pay and must be approved by the supervisor.
- d. Administrative Professional employees become eligible for this study privilege as soon as their employment begins.
- e. The President shall set the maximum number of credits for which eligible employees are permitted to apply for tuition reimbursement per academic year, including the previous summer term. For employees with full-time appointments, the maximum is nine (9) credits; for employees with appointments from 0.75 time to 0.99 time, the maximum is seven (7) credits; and for employees with appointments from 0.50 time to 0.74 time, the maximum is five (5) credits.

Certain tuition and fees are not covered by the study privilege (e.g. tuition covered under COF in situations in which you do not apply for and authorize COF or you audit a course, Special Courses fees, University Facility fee, and college charges for technology), so these must be paid by the employee at the time of registration.

- f. Tuition and fees covered may include base tuition, differential tuition, and program charges. A waiver of the University Technology fee and General fee will be credited to the student account.
- g. Only credit courses that are a part of the CSU-Pueblo, Colorado State University, and Colorado State University Global Campus General Catalog, are available under this benefit. These courses will be identified with a departmental course number. In particular, the study privilege does not cover the cost of continuous registration.
- h. The above credit maxima include courses which are audited by the employee rather than taken for credit. Tuition will be assessed for credits taken above the maximum amount allowed per employee.

Reciprocal Study Privilege:

To maximize the benefits of inter-campus collaboration, the Board of Governors has authorized qualified members of the faculty and staff of any CSUS campus to enroll in position-related and career enhancement courses offered by any CSUS campus.

Reciprocal Study Privileges at the CSU Ft. Collins Campus and CSU Global Campus, are available to eligible employees. This reciprocal study privilege is administered according to the policies and enrollment procedures of the host institution, except that eligibility of the individual applicant shall be defined and determined by the study privilege policies of CSU-Pueblo. It is the employee's responsibility to accurately complete the form subject to the host institution's policies, enrollment procedures, and deadlines.

The full cost of any courses in which the employee is enrolled that are not approved by CSU-Pueblo or the host institution shall become the employee's responsibility

2.9.14 Colorado State Employees Assistance Program (C-SEAP)

C-SEAP is a program designed to provide employees and their family with free, confidential, short-term counseling, referral, and assistance in times of need. C-SEAP can help with problems relating to the job, stress, drug or alcohol abuse, finances, relationship or family issues, grief, and legal questions. C-SEAP may be contacted directly. C-SEAP information is available on the University website.

2.9.15 Student Health Services

For a fee, an employee may use the Student Health Services for minor illnesses and routine services. Contact Student Health Services (located in the University Center) for details on services offered.

2.10 Grievance Procedures

The grievance procedure is intended to find resolution of employee issues at the lowest level and is intended to provide the opportunity to resolve issues at each level of the reporting structure. It is not intended to be adversarial or punitive. Grievances may only be filed for alleged violation, misinterpretation, or inconsistent application of established rules, established practices, procedures, policies, or laws. Any violation of the policy on Discrimination, Protected Class Harassment, Sexual Misconduct, Intimate Partner Violence, Stalking, and Retaliation will be handled in accordance with the procedures adopted by the Office of Institutional Equity.

Informal Resolution: The first effort in this process begins with an informal discussion with the direct supervisor or, if the issue is with the direct supervisor, the second-level supervisor. This discussion is intended to identify the specific issue and identify potential solutions. If the direct supervisor is not available for an extended period of time or is no longer in the assigned position, the second level supervisor will appoint an individual to serve as the assigned responsible supervisor for the purpose of resolving the issue.

In resolving a workplace problem or conflict, University supervisors and employees are expected to work together in a mutually respectful manner and to make a good faith effort to resolve such problems in a manner that is consistent with the needs of the University. If after an employee has worked with his or her direct supervisor or the second level supervisor, the problem is not yet resolved, an employee may meet with the Director of Human Resources to discuss the workplace problem. A discussion with the Director of Human Resources may be about any unresolved workplace problem that is of significant concern to the employee, the problem need not be limited to issues that are grievable. The Director of Human Resources may make further inquiry into the problem, take other actions that the Director determines are appropriate under the circumstances, and make recommendations. When necessary, the Director of Human Resources will refer an employee to the Office of Institutional Equity.

University Administrative Professional staff are prohibited from retaliating against an employee for seeking to discuss a personal workplace problem with his or her supervisor, or with the Director of Human Resources, or for filing a grievance. Employees are required to exercise good judgment in deciding what kinds of problems are sufficiently consequential to justify the staff time and other resources consumed in a grievance.

If the problem is not resolved, and the matter is grievable under this policy, the employee can proceed to Step 1 of the grievance process.

Step 1 – Written Grievance: If an employee and supervisor are unable to reach an acceptable solution during the informal step, an employee may submit a written grievance to the second level supervisor and Human Resources, with a copy to the supervisor within 10 business days of the informal resolution, or within a reasonable time frame if the issue or action is ongoing.. This written grievance must include the following items:

- a. clear and concise statement of the nature of the grievance;
- b. citation of the official policy, procedure, rule, practice or law alleged to have been violated (document the source if possible);

- c. the alleged violation or reason;
- d. the reason for dissatisfaction with the decision made at the informal level;
- e. a statement of the desired remedy;
- f. any pertinent information regarding the situation;
- g. signature and date of the submission.

The second level supervisor will review the submitted materials and any additional information relevant to the grievance, speak with appropriate personnel, and conduct a meeting with the employee. Within five business days of the meeting with the employee, the second level supervisor will issue a written decision.

The Director of Human Resources may initiate discussions with the grievant and the respondent to seek a resolution to the conflict at any stage in the grievance process. The grievant or respondent to the grievance may seek the assistance of the Director of Human Resources in devising a satisfactory resolution to the grievance at any time in the process. Any conflict resolution arrive at through consultation with the Director of Human Resources will be documented by the Director of Human Resources.

Step 2 - Appeal of Written Decision: An employee may file an appeal to the appropriate Vice President within five business days of receipt of the written decision. In the event the Vice President is the supervisor or second level supervisor, the President shall select a designee to respond to the Appeal of Written Decision. The Vice President/designee shall conduct a meeting with the employee within 10 business days of receipt of the appeal. The Vice President/designee will consider only information and issues included in the original written grievance. The Vice President/designee shall issue a written decision within 10 business days of the conclusion of the meeting.

Step 3 – Final Appeal: An employee may file an appeal to the President within five business days of receipt of the Step 2 written decision. The President may only consider those issues included in the original grievance. The President will issue a written decision within 15 business days of receipt of the appeal. The President's decision is final.

Note: All timelines may be waived or modified if agreed to by each party and/or in the best interest of resolving the issue.

2.11 Resignation

Administrative Professional personnel who intend to resign their positions shall submit a written letter of resignation to their supervisor and Appointing Authority with a copy provided to the Human Resources Office. Administrative Professional employees who intend to resign from the University should submit a written letter of resignation with an exact effective date. They are asked to consider the welfare of students and the effective operations of the University when determining the effective date. A resignation may be rescinded only if the employee and the Appointing Authority mutually agree. The employee must contact the Human Resources Department regarding exit procedures and processes.

CHAPTER 3 OTHER POLICIES AND PROCEDURES

3.1 Hiring Procedures for Administrative Professional Positions

In order to ensure that the University employs the highest quality academic faculty, administrative faculty, and professional staff available, and that the University is in full compliance with its obligations as an Affirmative Action/Equal Opportunity Employer, all authorized vacancies will be filled in accordance with hiring procedures approved by the President. A complete copy of these procedures is available in the Human Resources Office.

3.2 Policy on Discrimination, Protected Class Harassment, Sexual Misconduct, Intimate Partner Violence, Stalking, and Retaliation

CSU-Pueblo is committed to equal educational and employment opportunities and to the elimination of all forms of Discrimination, Protected Class Harassment, Sexual Misconduct, Intimate Partner Violence (Domestic Violence, Dating Violence), Stalking, and Retaliation. Furthermore, CSU-Pueblo is committed to maintaining respectful, safe, and nonthreatening educational, working, and living environments. A complete copy of this Policy is located in the Policy library.

Procedures for addressing any complaint or concern relative to this policy will be handled by the Office of Institutional Equity. Please refer to their website for a complete copy of the procedures for addressing a concern or complaint.

3.3 Disability Accommodations

Employees seeking disability resources and accommodation or who have related concerns should contact the University's ADA Coordinator-the Director of Human Resources. Administration Building- Suite 306. 2200 Bonforte Boulevard, Pueblo, Colorado 81001 (719) 549-2441.

3.4 Drug Free Workplace

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substances, including marijuana, are prohibited in the University workplace and will be grounds for disciplinary action, which may lead to suspension with or without pay, or to dismissal, at the discretion of the President. An Administrative Professional who is convicted of a felony drug offense must also notify his/her supervisor and the Human Resources Office of the conviction in writing, no later than five (5) days after the date of the conviction. Disciplinary action may occur based on the conviction. An Administrative Professional employee may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as a condition of employment.

For purposes of this policy, "University workplace" shall be defined as any property owned, leased, or occupied by the University, and any place where University work is actually performed, including but not limited to off-campus activity sites.

For purposes of this policy, "conviction" shall mean a finding of guilt, a plea of guilty or no contest, the imposition of a sentence, a deferred sentence, or any combination of the above. "Controlled substance" shall mean a controlled substance as defined in schedules Y through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and related regulations (21 C.F.R. 1300.11 through 1300.15) as they may be amended from time to time. Marijuana is prohibited on campus regardless of whether a person holds a medical marijuana license.

Information on the University's drug free awareness program is available in the Human Resources Office or the Human Resources page of the University website.

Policies of CSU-Pueblo

University Policy



Policy Title: Family and Medical Leave Policy

Category: Human Resources

Owner: Board of Governors

Policy ID#: 7-005-00

Contact:

Human Resources

Web: <http://www.csupueblo.edu/HR>

Email: hr@csupueblo.edu

Effective Date: 10/6/2017

Supersedes Policy ID#: 000

PURPOSE OF THIS POLICY

Colorado State University-Pueblo (CSU-Pueblo or the University) recognizes that its faculty and staff strive to balance the responsibility of their work and personal lives. This Family Medical Leave Policy is designed to support those efforts and to comply with the provisions of the Family Medical Leave Act of 1993 (FMLA), as later amended and applicable implementing regulations. This policy also contains provisions for compliance with the State of Colorado's Family Care Act.

This policy provides rules and guidance for the use of Family and Medical Leave. Additional procedures, guidelines and forms for applying for Family and Medical Leave, recording the use of such leave and working with employees, are as prescribed by the Human Resources Department.

APPLICATION OF THIS POLICY

This policy applies to faculty, administrative professional, and any contracted employees. This policy does not apply to State classified employees, however Family Medical Leave policies for State classified employees are contained in the procedures adopted by the Executive Director of the State Department of Personnel and Administration and those procedures will be followed by the University for State classified employees who are eligible for FMLA under those procedures.

DEFINITIONS USED IN THIS POLICY

1. Eligible Employee – a person employed for at least twelve (12) months at CSU-Pueblo (need not have been consecutive) with at least 1250 hours of service during the immediately preceding 12 months. Faculty members teaching 9 month appointments who work half time or more are deemed to meet the 1250 hour threshold.

2. Spouse- a person who is legally married to an eligible employee, including a common-law spouse or same-gender spouse, domestic partner or civil union partner.
3. Child - includes biological children, adopted children, foster children, stepchildren, and legal wards of either the eligible employee or the eligible employee's Spouse, as well as any person for whom either the eligible employee or the eligible employee's Spouse is standing in loco parentis, provided that the child is under eighteen (18) years of age and/or is incapable of self-care because of a mental or physical disability.
4. Civil union partner – an individual who has entered into a civil union with another person pursuant to C.R.S.14-15-100 et seq.
5. Domestic partner - an adult at least 18 years of age who is the same gender as an employee, with whom the employee has shared an exclusive, committed relationship for at least one year with the intent for the relationship to last indefinitely; and who is not related to the employee by blood to a degree that would prohibit marriage.

POLICY STATEMENT

Family and Medical Leave is a job protection benefit for eligible employees provided by the University in accordance with the federal and state law. An eligible employee is entitled to take up to thirteen (13) work weeks of unpaid, job-protected leave for a specified family and medical reason with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Family and Medical Leave during a rolling twelve (12) month year begins on the first date the eligible employee uses Family and Medical Leave. The thirteen (13) work weeks of Family and Medical Leave do not need to be used consecutively. Leave may be taken in less than whole day increments. The eligible employee is not expected to "make up" the time taken as Family and Medical Leave. Family and Medical Leave may be taken for any one (1) or a combination of the following reasons:

1. the birth of a child and to care for the newborn child within one year of birth;
2. the placement with the eligible employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
3. to care for the eligible employee's spouse, child, or parent who has a serious health condition;
4. a serious health condition that makes the eligible employee unable to perform the essential functions of their job;
5. any qualifying exigency arising out of the fact that the eligible employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

6. Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Entitlement to Military Family Leave

An eligible employee may take Military Family Leave for a spouse, child, or parent on covered active duty or called to active duty status with the Armed Forces due to a "Qualifying Exigency," which is defined as one (1) of the following situations:

1. Advance notice of deployment that is one week or less.
2. Military events or related activities.
3. Urgent (as opposed to recurring or routine) child-care/school activities necessitated due to military service.
4. Exigent financial or legal tasks to deal with the family member's call to active duty.
5. Counseling for the eligible employee or a child which is provided by someone other than a healthcare provider if the need for the counseling arises from the covered active duty of a military family member.
6. Spending time with the service member on rest and recuperation breaks during deployment.
7. Post-deployment activities.
8. Other situations arising from the call to duty, as agreed upon by the eligible employee and his or her supervisor.

Entitlement to Military Caregiver Leave

An eligible employee who is the spouse, child, parent, or next of kin of a service member in the Armed Forces is entitled to up to twenty-six (26) work weeks of Military Caregiver Leave during a rolling twelve (12) month year to care for the service member if he or she becomes seriously injured or ill in the line of duty. The service member must be undergoing medical treatment, recuperation, or therapy; be in outpatient care; or be on the temporary disability retired list. In addition to service members, this provision applies to a veteran undergoing medical treatment, recuperation, or therapy for an injury or illness that existed prior to the beginning of the veteran's active duty, but was aggravated by service in the Armed Forces. The veteran's discharge must have been other than dishonorable and must have been effective during the five (5) year period immediately preceding the date on which leave is to begin. The rolling year for Military Caregiver Leave begins on the first date that the eligible employee uses the Military Caregiver Leave, and this rolling year is distinct from the rolling year for any other Family Medical Leave. However, the use of Military

Caregiver Leave cannot cause the total use of all types of Family Medical Leave to exceed twenty-six (26) work weeks during any twelve (12) month period.

Application for Family and Medical Leave

An eligible employee may request Family and Medical Leave, Military Family Leave or Military Caregiver Leave by contacting their supervisor and the Human Resources Department. Supervisors should immediately notify the Human Resources Department in all situations in which an employee's absence from work or requested leave will qualify or might qualify for any of these forms of leave. Timely notification of the Human Resources Department is essential in order to meet legally required time limits. The Human Resources Department will provide the necessary forms. Information, such as medical documentation, may be requested in order to make a determination of eligibility. Ultimate determination of eligibility rests with Department of Human Resources. An application for leave under this policy should be made as soon as the eligible employee becomes aware of the need for such leave or as soon as practical thereafter. Planning for absences under this policy should, when practical, be scheduled so as to avoid the disruption to University activities.

Eligible employees do not have to share a medical diagnosis, but must provide enough information to the University so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the University that the eligible employee is or will be unable to perform their job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Eligible employees must inform the University if the need for leave is for a reason for which FMLA leave was previously taken or certified. The University can require a certification or periodic recertification supporting the need for leave. If the University determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once the University becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the University must notify the employee if they are eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the University must provide a reason for ineligibility. The University must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Intermittent or Reduced Family and Medical Leave

Leave taken under this policy may be taken on an intermittent basis if this is approved by the Human Resources Department in consultation with the department or unit head. A request for intermittent or reduced Family and Medical Leave that is due to the eligible employee's own serious illness or to allow the eligible employee to care for a spouse, child, or parent who is ill must be approved when this is determined to be medically necessary.

Paid/Unpaid Leave

Leave under this policy is unpaid leave. The eligible employee must use their accrued sick leave, accrued annual leave, compensatory time off, Worker's Compensation wages or other forms of earned paid leave until such leave balances have been exhausted. This leave is concurrent with Family and Medical Leave. The eligible employee may choose which form of available paid leave to use.

Faculty who are taking Family and Medical Leave, Military Family Leave or Military Caregiver Leave will not have their leave accounts for those leaves charged on days when the University is closed for University scheduled holidays or scheduled academic breaks.

Administrative professional employees and contracted employees on Family and Medical Leave, Military Family Leave or Military Caregiver Leave will not have their leave accounts charged for University scheduled holidays.

Use of Additional Leave after Family and Medical Leave is Exhausted

After Family and Medical Leave, Military Family Leave or Military Caregiver Leave has been exhausted, the eligible employee may request additional time off using other types of leave. The granting of such additional leave is at the discretion of the appropriate appointing authority. Appointing authorities must consult with the Human Resources Department prior to deciding whether to grant or to deny the eligible employee's request.

Recording of Family and Medical Leave, Military and Family Leave or Military Caregiver Leave and Concurrent Paid Leave

Whenever an employee takes Family and Medical Leave, Military Family Leave or Military Caregiver Leave, the Human Resources Department is responsible for entering that leave into the university's automated leave system. The Human Resources Department will also enter any leave being used concurrently with unpaid leave.

Family and Medical Leave runs concurrently with the State of Colorado Parental Leave which may be taken anytime within the first twelve months from the Child's date of birth or placement for adoption.

Continuation of Benefits and Premiums

Eligible employees who are receiving a University contribution to their benefits at the time that a period of Family and Medical Leave, Military Family Leave or Military Caregiver Leave begins shall continue to receive those contributions and benefits during those periods of leave, regardless of whether or not other types of leave are being used concurrently to provide pay. An eligible employee who is on Family and Medical Leave, Military Family Leave or Military Caregiver Leave and is using paid leave concurrently will continue to pay their portion of the insured benefits premiums out of payroll deductions. An eligible employee who is not being paid through the payroll system must pay for their portion of the insurance premium directly to the University payroll office.

Return from Family and Medical Leave, Military Family Leave or Military Caregiver Leave

An eligible employee granted leave under this policy shall be returned to his or her same position, or a position of comparable pay and status, upon completion of the leave with the following exceptions:

1. An eligible employee whose employment is conditional upon having student status (e.g., a graduate assistant, or a student hourly employee) shall be returned to his or her former position or to a position of comparable pay and status, upon completion of the Family and Medical Leave only if his or her student status at the time of return qualifies him or her for his or her former employment status.
2. An eligible employee whose appointment has a specified ending date which is earlier than the completion of the leave or whose appointment would otherwise have terminated during the period of leave may not be entitled to reinstatement, in accordance with the provisions of the Family and Medical Leave Act. Departments and units must refer questions regarding the status of returning employees to the Human Resources Department.
3. Medical documentation of the fitness to return to work may be required by the supervisor in consultation with the Human Resources Department.
4. Any reason which would have resulted in the proper and lawful termination of the employment during the period of leave, other than the reason(s) for which Family and Medical Leave, Military Family Leave or Military Caregiver Leave was approved. Examples include (but are not limited to): termination as a final result of a disciplinary action; termination for lack of a necessary credential or license; or inability to perform one or more essential functions of the job.

Colorado Family Care Act

The Colorado Family Care Act, provides for persons in civil union relationships and domestic partner relationships the same leave entitlements as prescribed under the Family and Medical Leave Act. Leave provided for under the Act does not increase the total amount of leave available to the employee because this leave must run concurrently with Family and Medical Leave. Eligible employees may use authorized paid leave concurrently with Colorado Family Care Act leave in order remain in a paid status.

Employees using leave under the Colorado Family Care Act are subject to the same advance notice of the need to use leave requirements as employees under the Family and Medical Leave policies.

Enforcement

The University may not interfere with an eligible employee's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Any person may file a complaint against the University based on the administration of the Family and Medical Leave Act by contacting the United States Department of Labor, Hour and Wage Division or by referring to their website <https://www.dol.gov/whd/howtofilecomplaint.htm>, or may bring a private lawsuit against the University. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

RESPONSIBILITIES:

The Department of Human Resources administers this policy.

RELATED LAWS, POLICIES & PROCEDURES:

Family and Medical Leave Act of 1993 and later amendments
Colorado Family Care Act CRS 8-13.3-200 et seq.
Colorado Civil Union Act; CRS 14-15-100 et seq.

FORMS AND TOOLS

Please see the Human Resources Department for applicable forms.

APPROVALS

Approved by Dr. Timothy P. Mottet, President

Approved by the Board of Governors, October 6, 2017