

BOG Personnel Policy Manual

INTRODUCTION

The personnel policies and procedures contained in this policy manual apply to non-classified, employees of the Board of Governors.

The Board of Governors recognizes that there are collective bargaining agreements **and individual employment contracts** with non-classified Board employees in the system of public higher education. These collective bargaining agreements **and individual employment contracts**, and the terms and conditions of employment and salary structures therein contained, reflect the autonomy and distinctiveness of each institution within the higher education system, as well as the separate bargaining histories between the Board and the individual collective bargaining units.

Where the provisions of this personnel policy manual and the respective agreement(s) conflict, the collective bargaining agreement **or individual employment contracts** in force shall hold. Where there is a conflict between the provisions contained herein and institutional personnel manuals, the personnel policy manual provisions adopted by the Board shall apply.

This Personnel Policy Manual is prepared to provide information and guidance for employees. The Board of Governors reserves the right to unilaterally change, add to, or delete any of the provisions in this Personnel Policy Manual at any time. This personnel Policy Manual is not a contract of employment and does not create any legal or contractual rights or any past practices.

1. CLASSIFICATION

1.01 Table of Organization

The Office of Higher Education and the institutions of higher education shall prepare tables of organization to accompany their budget requests to the Commissioner to be submitted to the Board of Governors.

The Board of Governors shall establish the tables of organization for the system of public higher education. These tables will include two sections:

- a. Permanent positions by division, department and source of funds.
- b. Temporary or limited positions by division, department and source of funds.

1.02 Classification Plan

The classification plan shall consist of the position titles, pay grades and specifications approved by the Board of Governors for each class of positions in the non-classified service.

1.03 Personnel Review Committee

The Personnel Review Committee shall consist of the system's fiscal Vice Presidents and the Associate Commissioner for Finance and Management. This committee shall meet, review various requests, and make recommendations to the Board of Governors regarding classifications, pay plan, Personnel Policy Manual, job descriptions and other personnel or pay plan-related matters under the auspices of the Board of Governors. The Personnel Review Committee is the final authority for positions with Union representation. The Associate Commissioner for Finance and Management will be responsible for ensuring that the Board of Governors' Personnel Policies are interpreted uniformly throughout the system. In performing its function, the Personnel Review Committee shall recognize and maintain the unique nature and mission of each institution within the higher education system.

1.04 Job Descriptions

In determining the classification to which any position should be allocated, the specifications of each class shall be read as a whole. Consideration shall

be given to the general and specific duties, responsibilities and qualifications required for appointment, and the relationship to other classes. Class specifications are intended to be descriptive and explanatory and are not to be construed as inclusive or exclusive.

1.05 Allocation to Class

Whenever new positions are authorized and established, the requesting institution and/or Office of Higher Education shall prepare job specifications, recommend a pay grade for the position that is within the Board of Governors' pay plan or collective bargaining agreement and forward the job description along with supporting documentation to the Associate Commissioner for Finance and Management, who will place this item on the agenda of the next Personnel Review Committee Meeting. In the event that immediate action is requested, the Associate Commissioner may approve the allocation of the position. For informational purposes, a report will be made at the next Personnel Review Committee Meeting.

1.06 Reallocation

Whenever the duties and responsibilities of an existing position change substantially, that position may be reallocated to another classification and pay grade. The requesting institution and/or Office of Higher Education shall prepare job specifications, recommend a pay grade for the position that is within the Board of Governors' pay plan or collective bargaining agreement and forward the job description along with supporting documentation to the Associate Commissioner for Finance and Management, who will place this item on the agenda of the next Personnel Committee. If the position is upgraded, the incumbent, if any, shall be placed in the new class at a salary within the assigned pay range and shall receive a salary increase of not less than 7.5 percent provided the proposed new salary does not exceed the maximum of the new grade. When a filled position is downgraded, the incumbent shall be placed within the new range at his or her present salary or, if above the maximum of the new range, he or she shall be placed at the maximum. In the case of upgrade of a position that has an incumbent, no internal or external posting of the position is required. If the position has no incumbent, external and internal posting is required, and the filling of the position will follow the procedures that apply to new positions. In the event that immediate action is requested, the Associate Commissioner may approve the reallocation of the position. For informational purposes, a report will be made at the next Personnel Review Committee Meeting.

1.07 Pay Plan Exceptions

In matters involving the retention or recruitment of exceptional employees, the institution or Office of Higher Education may request a salary in excess of the pay grade maximum. If said request exceeds the range maximum by more than 3.0%, it shall be forwarded to the Board for specific approval. Movement within the pay grade may be approved by the institution or by the Office of Higher Education as appropriate.

2. APPOINTMENTS

2.01 Equal Opportunity

It is the policy of the Board to employ and promote on the basis of ability and to make active efforts to ensure that individuals will not be discriminated against on the grounds of age, disability, national or ethnic origin, race, religion, sex, or sexual orientation.

2.02 Recruitment

It shall be the policy of the Board to make vacancy notices available so as to attract as wide a spectrum of candidates as is possible. It shall be the standard procedure to include the phrase, "Equal Opportunity/Affirmative Action Employer" on all job postings and advertisements.

2.03 Appointment to a Position

A person appointed to a position shall be paid at least the minimum salary for the grade to which the position is assigned. Appointment above the minimum would be commensurate with experience, level of responsibility, knowledge, and other such factors. The appointing authority shall make the final determination, which shall be conclusive.

2.04 Limited Period Appointment

A person appointed to a limited period position shall serve a probationary period on the same basis as a new employee. All limited period appointments of at least 6 months duration and 20 hours per week are eligible for benefits in the same manner as those given to permanent employees in similar positions.

2.05 Temporary Promotional Assignment

An employee may be promoted to a new position or to an acting status in another position for a temporary period. Temporary promotions are made with salary increases of not less than 7.5% above the employee's current salary or the minimum of the new pay grade, whichever is greater. At the end of the temporary assignment, the employee shall be returned to his or her former position at a salary not less than what the employee would have received had the employee remained in the original position.

2.06 Probationary Period

All new employees shall serve a probationary period of one year and shall be evaluated by their supervisor in writing at least twice during this period. An employee may be dismissed by the appointing authority at any time within the probationary period. Prior to the effective date of dismissal, the appointing authority shall notify the employee in writing stating the reason(s) for such action.

All employees who are promoted shall serve a probationary period of six months and shall be evaluated by their supervisor in writing during this period. An employee may be returned to his or her former position any time during the probationary period providing the position is available. An employee so affected shall be notified by the appointing authority, in writing, of the reason(s) for such action.

3. SALARY

3.01 Salary Administration

The Personnel Review Committee is responsible for the development of the annual salary schedule for final approval by the Board of Governors.

Eligible employees whose performance is satisfactory may receive an increase on an annual basis in accordance with the Pay Plan. Employee salaries shall not exceed the maximum of the pay grade except as provided in Section 1.07.

4. EMPLOYEE BENEFITS

4.01 Defined Contribution Retirement Plan (403(b))

Continuing, temporary and limited appointment non-classified staff who work 20 hours or more per week **and are appointed for a minimum of 6 months** are required to participate in the Board's defined contribution retirement program after having completed two years of service and having reached the age of 30. Those employees who are under age 30 but have completed two years of service may join on a voluntary basis.

The two-year waiting period will be waived for new employees transferring from other institutions who already own a **403(B) contract**, and for new employees who have at least five years experience in the field for which they have been hired **and have reached age 30.**

Employees who are appointed to the non-classified service and who are members of the state's retirement system may elect to remain in that system or elect membership in the Board's defined contribution retirement program when eligible. **Such election must be made within 60 days.**

4.02 Supplemental Retirement Plans

Eligible employees may participate in Tax Sheltered Annuities¹ **and deferred compensation² programs.** Detailed information is available from the appropriate **human resources office.**

4.03 457(b) Deferred Compensation Plan

Eligible employees may participate in the tax-deferred compensation plan as a supplement to retirement plans and Social Security. Contributions are voluntary and based on a dollar amount of salary on a before-tax basis up to the maximum limit for the current year as determined by IRS. Detailed information is available from the appropriate human resources office.

4.04 Social Security

The above-mentioned retirement system is in addition to the provisions of the Social Security Act, which is available to most employees.

4.05 Health Insurance

Employees, except those in limited-period appointments of fewer than six months, and part-time personnel whose workweek is less than 20 hours, are eligible for individual or family health benefits **or waiver, if applicable.**

Eligible employees may choose a health plan from the options offered and approved by the State of Rhode Island, **and applicable co-shares will be handled through payroll deduction.**

Eligible employees¹ retiring from active service with the Board of Governors shall receive retiree health care insurance benefits comparable with that provided under RIGL 36-12-4 through the Board of Governors Retiree Health Care Program. Funding for this benefit will be provided through a payroll deduction **from** salary of participating employees **as established by the Board of Governors.**

When a person's employment is terminated for reasons other than gross misconduct or if the employee, as a result of reduction in hours of employment, is no longer eligible to receive health benefits, the employee may be eligible under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) Public Law 99-272, to purchase benefits for up to 18 months **or more** as provided by that statute. Consult the human resources office, as appropriate, for information concerning eligibility.

4.06 Group Life Insurance

Eligible employees may elect to participate in the State Group Life Insurance Program.

Retirees may arrange to continue life insurance at the group rate through a pension check deduction, if applicable, or by direct payment.

4.07 Annual Leave

Full-time permanent employees not covered by a collective bargaining agreement shall have 22 working days annual leave, accrued at the rate of 5.9 hours per pay period. Annual leave may not be taken during the first six months of employment. Exceptions may be made upon approval of the appointing authority. Accrual will begin during the first pay period of employment. Accrued annual leave may be discharged with the approval of the immediate supervisor at the convenience of the department. Employees working less than full-time will accrue annual leave prorated to their appointment.

All non-classified calendar year staff will record their vacation leave discharge on a biweekly or monthly attendance report, which is signed by the employee and his or her supervisor.

¹ Effective dates: Defined Contribution Plan participants: **December 4, 2006**
Defined Benefit Plan participants: **December 4, 2006**

When the service of any staff member is terminated, the employee or the employee's estate shall be entitled to receive full pay for each hour of accrued salary deferral and vacation leave to his or her credit as of the day of termination.

When an employee moves from one position to another within the same institution, the employee shall retain all accrued sick, salary deferred, vacation and personal leave.

When an employee moves from one position to another within the system of higher education, the employee may elect to receive payment for salary deferred hours from the sending institution. The receiving institution shall assume the value of accrued sick, vacation, personal and/or salary deferred hours.

All non-classified employees with 20 years or more state service, not including student employment and graduate assistantships, shall receive an additional five working days annual leave per year. The maximum annual leave carryover from one year to the next shall not exceed two years' accrual.

4.08 Sick Leave

Sick leave is intended to provide an employee with pay in the event of a **personal or family** illness or other disability. **After three (3) consecutive days**, the appointing authority or **his/her** designee **will** require a physician's certificate **or other satisfactory documentation** validating the use of sick leave.

Calendar and academic year staff, as well as calendar year faculty, are eligible for sick leave accrual. An employee is entitled to sick leave in accordance with the provisions of his or her collective bargaining agreement, which prevails where applicable, or this policy. If applicable, the first thirteen weeks of such leave is considered Family and Medical Leave "FMLA".

Employees accrue fifteen (15) working days of sick leave per year up to a maximum of 125 days. The accrual rate and maximum will be prorated for part-time employees. The rate of accrual for employees on leave of absence will be based on the percentage of pay received during the leave.

If an employee has exhausted his or her sick leave accrual and is unable to return to work, the employee may apply for a disability pay, leave without pay, advanced sick leave, or resign. Employees may be allowed to borrow up to two weeks of sick leave against future accumulation provided they have discharged all accrued vacation, sick leave, personal leave, compensatory

time and other accrued paid leave, and provide satisfactory medical documentation. The decision to grant or deny leave without pay or advanced sick leave shall rest with the appointing authority.

An institution may establish a sick leave bank in situations where an employee with one or more years of service suffers from a non-work related catastrophic illness or injury. The employee must have discharged all accumulated leave (sick leave, vacation, personal time and compensatory time), and borrowed two weeks of advanced sick leave to be eligible.

Employees from within the institution may voluntarily donate one sick leave day per calendar year to the sick leave bank.

An employee may request a specific number of days from the bank based upon financial hardship and health prognosis (supported by satisfactory medical documentation). Employees may be eligible to receive time from the sick leave bank for a maximum of six (6) months, or until they are eligible for disability.

When the service of a non-union, non-faculty employee is terminated by **early or normal** retirement (involuntary or voluntary) or death, such employee or his or her estate shall be entitled to receive full pay for each hour of accrued sick leave to his or her credit, in accordance with the following formula. **Early retirement is defined by Board policy.** As of the date of termination, an employee shall be entitled to receive full pay for 50% of all accrued sick leave over 390 hours up to and including 630 hours and 75% pay for all accrued sick leave over 630 hours up to an including 875 hours. All non-classified calendar and academic year staff shall report sick leave discharges on the biweekly or monthly attendance report, signed by the employee and certified by the employee's supervisor.

For the purposes of 4.06 and 4.07, a year shall begin on the first pay period in January and end on the last pay period in December.

4.09 Parental Leave

Employees who have completed one or more years of service shall be granted six (6) consecutive weeks of paid parental leave at the birth of a child, or the placement of an adopted child under the age of twelve (12) years. Eligible employees should provide at least one month's notice prior to the start of the leave.

4.10 Long-Term Disability Insurance

Eligible employees are continuing, limited term or temporary renewable non-faculty employees who work 20 hours or more per week, or faculty

(**except temporary**) members who work at least half time, defined as 17.5 hours per week. **Eligible employees** who have at least one year of continuous service are eligible for the disability program. Employees, who within three months prior to employment with an agency of the Board of Governors were insured by their previous employer under another group disability insurance policy which provided income benefits for a minimum of five years of disability, shall be eligible for disability insurance as of the first day of the month coinciding with or the next month following their date of hire.

With the exception of a personal leave without pay, coverage may be continued during **most** leaves of absence. An employee on a leave of absence or sabbatical may continue his or her disability insurance provided the leave or sabbatical has the appointing authority's approval and the employee is scheduled to return to work in an eligible classification at the end of the leave.

In the event of a total disability, employees may apply for long-term disability benefits. After six months of total disability, disability benefits, if approved, begin with monthly payments of 60% of one's salary with a maximum as established by the LTD insurance policy. Payments are reduced by benefits from other sources, including Social Security or similar benefits, Workers' Compensation or similar benefits, or other benefits such as benefits paid under the RI Employees Retirement System, benefits paid under a group insurance and other payments consistent with the terms of the LTD insurance policy.

4.11 Leave Without Pay

A full-time employee may apply for a leave without pay for good reason. An employee shall apply, in writing through his or her immediate supervisor, stating his or her reasons and the length of the leave requested. The appointing authority shall approve or disapprove any request for leave under this section and shall indicate in writing any conditions relative to the leave, which shall be binding on both parties. A leave may be renewed upon the request of the employee and the approval of the appointing authority. The total leave, including renewal, shall not exceed one year. If applicable, the first thirteen weeks of such leave is considered Family and Medical Leave "FMLA".

Any employee who is absent from duty without authorized leave for five consecutive working days or who fails to resume his or her duties within five days of the expiration of a leave of absence shall be deemed to have resigned without notice.

If a leave without pay is granted because of a workers' compensation claim, the employee shall be eligible to receive health benefits in accordance with Section 4.17.

4.12 Military Training Leave

Employees who are members of the **United States Military, Naval or Airforce Reserve, or Rhode Island National Guard** and are required by the appropriate authorities to participate in training activities or in active duty as part of the state military force or special active duty, shall be granted military training leave with pay not exceed fifteen (15) working days in any one calendar year.

Such training activities as defined in this section shall not include weekly drill nights or similar drill period lasting less than one day, or training periods voluntarily engaged by the employee beyond the training period required of the members of the respective armed service.

Leave without pay shall be granted for training activities that extend beyond fifteen (15) working days in any calendar year.

4.13 Military Leave

An employee who has left or shall leave their position by reason of entering the armed forces of the United States (whether through membership in the Reserve of the United States Military or Naval Forces or the Rhode Island National Guard, or by reason of enlistment, induction, commission, or otherwise), and who has been employed for one hundred eighty (180) calendar days or more within the twelve (12) months next proceeding such entrance into the armed forces, is entitled to a military leave of absence from said position commencing with the time of leaving said position and continuing through the duration of said absence required by the continuance of service in the armed forces. Such leave of absence shall be deemed to have expired six (6) month after the date of discharge from or authorized separation from active duty as a member of the armed forces. Re-enlistment or other continued service in the armed forces resulting from choice by the employee shall automatically serve to cancel said leave.

For the first sixty (60) days of the leave the employee shall receive the difference between his/her total salary and military pay. In no case shall the combined salary exceed the employee's regular total salary. At the conclusion of the leave of absence the employee shall be returned to his position, subject, however to any law or rule which may hereinafter be

enacted affecting such right of return or defining the conditions under which such returns may be made.

4.14 Jury Leave

An employee who is ordered by appropriate authority to report for jury duty shall be granted a leave of absence from his or her regular duties during the actual period of such jury duty and shall receive for such period of jury duty his or her regular pay and shall remit **to the employing institution** the jury duty pay received.

4.15 Holidays

The following shall constitute the official holidays: New Year's Day, Dr. Martin Luther King Jr.'s Birthday, Memorial Day, Independence Day,

Victory Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day and any day on which a general election of state officers is held.

4.16 Tuition Waiver

Tuition waiver is applicable to full-time non-classified employees of the Board of Governors, according to the following, unless specifically designated otherwise in a collective bargaining agreement: waiver of fees shall be limited strictly to tuition. The individual must pay all other fees, book, supplies, travel, and other expenses.

Tuition or course charges for institutions under the jurisdiction of the Board of Governors may be waived for eligible employees. This waiver applies to the employee's spouse or domestic partner, as defined in RIGL 36-12-1, and legal (as defined by IRS regulations) dependents who are pursuing courses in a regular study program for credit at the first baccalaureate level only. In the event of an employee's death, the tuition waiver benefit shall be provided for those spouses or domestic partners, as defined in RIGL 36-12-1, and legal dependents who have been accepted or are enrolled at the time of such death and who maintain continuous enrollment.

Only full-time employees are eligible.

If an employee is on leave without pay neither the employee nor his or her spouse or domestic partner, as defined in RIGL 36-12-1, or legal dependents are eligible for tuition waiver unless specifically approved by the institution.

Tuition waivers are not applicable to non-credit courses.

4.17 Leave for Graduate Study

Employees who have served for at least three (3) years may, upon written approval of the President/Commissioner, be granted a leave of absence for the purpose of pursuing graduate study for a period of either a year or a half-year.

An employee applying for such leave may apply for leave without pay or leave at one-quarter pay, respectively. In either case, it is understood that the

employee will return to his or her duties upon the termination of the leave for a period equivalent to one (1) year for each one-half year of leave, or unless it is deemed inadvisable by mutual agreement between the employee and the President/Commissioner.

The employee applying for such leave shall present in writing the plan of study he or she expects to pursue while on leave to the President/Commissioner which must be approved by the President/Commissioner before the request for leave is granted. At the close of the period of leave, he or she shall file an appropriate written report with the President/Commissioner.

An employee who is on leave for graduate study and who is receiving a salary shall be permitted to accept financial aid in the form of a fellowship or scholarship which does not require the performance of teaching or other duties that would prevent him or her from pursuing a full-time program of graduate study.

4.18 Sabbatical Leave

It is the policy of the Board that a limited number of employees may be eligible for sabbatical leave; such leave is a privilege, not a right. A sabbatical leave clearly must benefit the institution /Office of Higher Education as well as the individual and in the case of the Office of Higher Education, all sabbatical leaves must be authorized by the Board of Governors.

Upon approval of the Board of Governors, employees after the completion of six (6) years of employment may be eligible to take a sabbatical leave for the purpose of advanced study, independent research or pursuance of a higher academic degree.

An employee on sabbatical leave shall receive for a period of one year, half pay, or for a period of up to six (6) months, full pay, with the understanding that he or she return to his or her duties for at least one (1) year upon termination of the leave, unless by mutual agreement between the employee and the appointing authority, it is deemed inadvisable.

Upon return from sabbatical leave, an employee's salary shall be the same as he or she would have received had the period of his or her leave been spent in the service of the Board and the employee shall be returned to the same level which he or she held at the time said leave commenced if it exists, or if not, a substantially equivalent level.

An employee on sabbatical leave is not eligible to receive and will not accrue vacation or sick time.

4.19 Leave Without Pay - Fringe Benefits

Employees on leave without pay due to personal illness, or educational leave are eligible for one year of state-paid benefits and, when applicable, must pay the employees' share of the health premiums. Employees with over one year on personal illness or educational leave must transfer to a direct payment plan with their health carrier to maintain coverage.

An employee on leave without pay receiving Workers' Compensation benefits may receive, beginning from the date of incapacity, up to two (2) years of health benefit coverage **and then may elect to transfer to a direct payment plan.**

Life Insurance

Employees on leave without pay for Workers' Compensation, personal illness or education leave may continue their life insurance coverage by paying the employees' share of coverage for the period of the leave but not to exceed twelve months.

Employees on leave without pay for personal reasons may convert their health and life insurance to a direct payment plan with the carrier.

4.20 Personal Leave

Each non-classified, non-faculty employee shall be eligible to receive up to four (4) days of absence with pay, in each calendar year . Employees working less than full-time or full-time employees hired after the first pay period of

the calendar year will accrue personal leave prorated to their appointment. Employees shall not be required to give a reason as to a condition of approval for the use of personal leave, but prior approval must be obtained to assure that their absence does not interfere with the proper conduct of office functions.

Unused personal leave may not be carried over from one year to the next, **and is not payable upon termination.**

4.21 Bereavement Leave

Each employee shall be granted up to four (4) days leave with full pay for a death in the immediate family. The immediate family shall include parents, stepparents, siblings, stepsiblings, spouse, **domestic partner**, children, stepchildren, in-laws, grandparents, step-grandparents, grandchildren, step-grandchildren or any person living in the employee's household. Sick leave may be used for any days needed beyond the four (4) bereavement days.

4.22 Employee Assistance Program

The Employee Assistance Program, a service available to all state employees and their dependents, is a confidential, professional source of help for persons needing information, assessment and referral to counseling or treatment resources throughout Rhode Island. The intent of this program is to provide access to a network of treatment resources which is equipped to deal with the employee's problems, including those which may affect his or her performance in the workplace.

5. WORKING CONDITIONS

5.01 Standards of Conduct

In conjunction with RIGL 36-14, it is the responsibility of every employee to conduct him or herself inside and outside the workplace as to be worthy of the esteem a public employee must enjoy by acting in such a manner as not to bring discredit upon his or her employer.

5.02 Workweek

The normal workweek is at least thirty-five hours, Monday through Friday, although there may be other workweeks and schedules currently in effect or subsequently developed.

5.03 Overtime

Non-classified employees normally are not entitled to be paid for work performed in excess of their standard workweek although there may be certain classes of positions presently **eligible for overtime in accordance with the provisions of the Fair Labor Standards Act**. Any overtime with pay requires advance approval in writing, by the appointing authority or his or her designee.

5.04 Performance Evaluation

All employees who have completed their probationary period shall be evaluated in writing by his or her immediate supervisor, not less **than** annually. Such evaluations shall be made available to the employee being evaluated. Written evaluations shall become part of each employee's personnel file. A discussion of the written evaluation between the supervisor and employee shall be at the option of either.

5.05 Notice of Layoff

An employee shall be given one month's notice, where possible, prior to the effective date of layoff.

5.06 Resignation

An employee may resign his or her position at any time upon written notice. Where possible, at least thirty days notice should be given.

5.07 Dismissal

A dismissal is an involuntary severance of employment. An employee who has served his or her probationary period shall be notified in writing as to the reasons for dismissal on or before the effective date of dismissal. (The individual may request that his or her case be reconsidered and that a hearing be scheduled with the appointing authority).

6. MISCELLANEOUS PROVISIONS

6.01 Personnel Files

There shall be only one official personnel file for each employee and it shall be maintained in the Office of Human Resources. Such file will contain the employee's original application, **performance** evaluation(s), personnel action forms as well as other pertinent materials related to his or her employment.

6.02 Amendments

The Personnel Review Committee shall make general and specific recommendations to the Commissioner and the Board concerning amendments, additions, and deletions to the Personnel Policy Manual.

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