



St. Mary's College of Maryland
at Historic St. Mary's City

Employee Handbook

February 2009

This handbook is not a contract, express or implied, guaranteeing employment for any specific duration. Although we hope that your employment with St. Mary's College will be long term, either party may terminate this relationship at any time, for any reason, with or without cause.

COLLECTIVE BARGAINING

On October 24, 2006, the first Memorandum of Understanding (MOU) was ratified by the St. Mary's College Board of Trustees and the American Federation of State, County, and Municipal Employees (AFSCME).

Council 92 represents employees who hold positions that are identified to be eligible for collective bargaining. AFSCME Local 3980, St. Mary's United, Maryland's First College Local and First College Charter represent all union employees of St. Mary's College of Maryland.

Non-exempt positions: A non-exempt position is eligible for overtime as defined by the Fair Labor Standards Act. Employees holding non-exempt positions are covered under the MOU unless the position has been identified as confidential, managerial or supervisory as defined by the Board of Trustees and AFSCME.

Exempt positions: An exempt position is not eligible for overtime as defined by the Fair Labor Standards Act. Employees holding exempt positions are covered under the MOU unless the position has been identified as managerial, confidential, or supervisory.

Employee Handbook: Rules and regulations contained in this handbook are applicable to employees covered by the MOU only in the event that the rule or regulation is not part of the MOU.

Union employees: All employees who hold a position that has been identified as one covered by collective bargaining should contact one of the shop stewards in reference to employment-related problems, issues, and concerns during their employment at St. Mary's College of Maryland.



St. Mary's College of Maryland

at Historic St. Mary's City

Welcome to St. Mary's College of Maryland. We expect you will thoroughly enjoy being a member of the campus community. *U.S. News & World Report* consistently ranks St. Mary's among the top public liberal arts colleges in the nation.

As an institution of higher education, St. Mary's College is a public honors college and is committed to achieving and continuing excellence in the quality of education and services provided to our students, faculty, staff, and community. We believe strongly that to achieve the goals of the College, we must maintain excellent employees in a supportive environment. St. Mary's is committed to equal employment opportunity and affirmative action; it treats employees and applicants fairly and without regard to race, color, religion, national origin, sex, sexual orientation, disability, or age.

St. Mary's College is pleased to have you join its educational community. Joining a new employer requires some adjustment. You meet new people, work in different surroundings, and are confronted with new policies, rules, and employee benefits. In order to more readily acquaint you with the College, we have prepared this employee handbook which creates a basis for agreement between you and the College. The College strives to provide excellent benefits and working conditions, and you, as an employee, agree to make important contributions and provide excellent service.

While this handbook will answer many of your questions and remain a continuing source of reference during your career with St. Mary's College, it is not an employment contract. The College reserves the right to modify, revoke, suspend, terminate, or change any or all of the policies and procedures, in whole or in part, at any time, with or without notice. Employment may be terminated at any time by either you or the College with or without cause. The College will make every attempt to ensure that the policies are consistent and fair. Your supervisor or a member of the human resources office will be glad to help you by answering any questions you may have at any time while employed at St. Mary's College of Maryland.

Once again, we say, "Welcome," and we wish you every success in your career here at St. Mary's College.

Sally A. Mercer
Director of Human Resources

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ST. MARY'S COLLEGE AND THE STATE SYSTEM OF HIGHER EDUCATION

By action of the Maryland State Legislature in 1964 and 1992, St. Mary's College of Maryland was authorized to become a public, four-year honors college with its own board of trustees. As part of the Maryland system of higher education, St Mary's operates under the provisions of state law, including the applicable policies and regulations of the Maryland Higher Education Commission and other state agencies. Within this framework, the authority to govern St. Mary's College of Maryland is vested in the Board of Trustees of the College.

THE BOARD OF TRUSTEES OF ST. MARY'S COLLEGE OF MARYLAND

The Board of Trustees consists of twenty-six (26) members. Twenty-three members are appointed by the Governor to six-year terms. One member is Chairman of the Historic St. Mary's City Commission, one is President of the St. Mary's College Alumni Association, and one member is a St. Mary's College of Maryland student, appointed by the Governor for a one-year term. The Board of Trustees is vested with all powers, rights, and privileges attending the responsibility of the full governance of St. Mary's College of Maryland.

These powers include, but are not limited to the following:

1. Authorization of all organizational units of instruction and all positions at St. Mary's College of Maryland; fixing of salaries and terms of contracts; and making all appointments, reappointments, terminations, or any other matters relating to positions at the College.
2. Authorization of the curricula to be offered and conferring of such appropriate degrees as it shall determine and prescribe.
3. Prescribing of all entrance requirements to the different academic departments, courses of study; the regulation of the length of the regular sessions; and provision for the summer sessions.
4. Authorization of an operating and capital budget for the College, including the setting of tuition and other fees and charges; setting and oversight of procurement standards and practices; and the establishment of all private fundraising goals.

The Board of Trustees meets four times a year in formal session. Information covering the agenda for its meetings is available in advance to the extent practical. The Secretary to the Board is responsible for maintaining all materials concerning the Board of Trustees. Inquiries about and communication with the Board of Trustees should be addressed to the Secretary of the Board. The President of the College has final authority to implement decisions made by the Board of Trustees.

POLICY AND REGULATIONS

EMPLOYMENT POLICY STATEMENT

Eligibility for employment at the College is based on the ability to perform the duties assigned to a particular position. Continuation of employment depends on the satisfactory performance of assigned responsibilities.

St. Mary's College of Maryland does not discriminate or condone discrimination on the basis of race, gender/gender identity & expression, color, religion, age, disability, national or ethnic origin, sexual orientation, or marital status in appointments, assignments, promotions, and conditions of employment. St. Mary's is an Equal Opportunity Employer and complies with all state and federal regulations governing employment.

Non-union employees are entitled, at any time, to make an appointment with the staff of the Office of Human Resources in reference to employment-related problems, issues, and concerns during their employment at St. Mary's College of Maryland. Employees covered by the MOU should contact one of the stewards for work-related issues.

College policy prohibits family members or individuals who have an economic relationship to supervise one another or to work in positions which have an audit or control function over the relative/individual. Employees and applicants are expected to disclose these relationships whenever they come into existence. Failure to notify the human resources office may lead to disciplinary action. Economic relationships include roommates, landlord/tenant, creditor/debtor, etc. Family relationships include marriage, intimate personal relationships, parents, siblings, in-laws, aunts, uncles, and step-relatives. Normally, if these relationships come into existence after employment, an attempt will be made to transfer employees to comparable positions or another supervisor. This policy is designed to prevent favoritism, conflicts of interest, violations of security, and unlawful discrimination.

CRIMINAL BACKGROUND CHECKS

It is the College's responsibility to provide a safe environment for its employees and students. Beginning July 1, 2008, the College reserves the right to conduct a background investigation on an applicant selected to fill a sensitive position. Positions that are sensitive or non-sensitive are determined by the hiring committee. Applicants hired will need to complete an authorization form giving the College permission to conduct a background investigation. Job offers made are contingent upon this investigation. The College will conduct and utilize these background investigations as they relate to the fitness of duty for a particular position, in accordance with the law. (See policy located in the Appendix or on the Human Resources website.)

DUAL EMPLOYMENT

An employee, with the written consent of the President, may engage in limited self-employment or employment for remuneration outside the College during the regular academic year provided that such activities on the part of the Appointee do not interfere with the Appointee's duties at the College.

LOSING DRIVING PRIVILEGES

Employees must notify the College within five (5) working days of losing their driving privileges.

HOURS OF OPERATION

The normal business hours of the College are 8 a.m. to 5 p.m., Monday through Friday. All full-time and part-time permanent employees shall receive a duty-free unpaid lunch period of one (1) hour; or, thirty (30) minutes if approved by the supervisor. The lunch period should be scheduled around the mid point of the employee's regular work shift with no restrictions. With the approval of the supervisor, an employee may schedule lunch at another time. Adjustments to the typical workweek may be made by supervisors to meet the needs of the College and/or department. Accordingly, exempt employees may need to work

additional hours beyond those in a normal workweek in order to carry out their assigned duties. Exempt employees are considered "exempt" from overtime compensation.

The College expects employees to be at work during their regularly scheduled hours unless the College is closed and an employee is not identified to be "essential." Non-exempt employees who fail to report to work at the designated time or who leave before the end of their shift must charge hours missed against accumulated leave, or have those hours deducted from their pay.

Employees performing strenuous duties may be granted up to two 15-minute breaks per day that shall be considered time worked. Working breaks must take place on campus, and if two breaks are permitted, the supervisor must ensure that one break occurs mid-morning and one in mid- afternoon.

APPOINTMENTS

EXEMPT:

Appointments of senior and middle level exempt officers shall be made by the Board upon recommendation of the President.

Other exempt appointments may be made by the President, exercising authority delegated to her/him by the Board. S/he may, of course, recommend candidates to be appointed by the Board if s/he chooses to, but s/he will be required to report to the Board at each regular meeting any exempt appointments s/he has made on delegated authority since the last Board meeting.

All new exempt appointees normally receive a probationary appointment of at least one (1) year. Such probationary appointments may be renewed no more than once; it shall be for a specific period of time, but not longer than one year. A probationary appointee's employment shall terminate automatically at the end of the appointment period unless the probationary appointment is renewed or unless the appointee is transferred to a non-probationary status which takes effect upon signing a new contract. Appointees in a probationary status may be terminated by the College with notice at any time, with or without cause.

Exempt employees of the College are expected to fulfill all employment obligations detailed in their contract.

All exempt appointees not in a probationary status shall serve at the pleasure of the Board of Trustees. This means that such appointments will normally continue but may be terminated by the Board at any time with or without cause.

NON-EXEMPT:

Employees holding non-exempt positions that are identified as confidential, managerial or supervisory are covered under the handbook. (See glossary for definitions.)

TYPES OF POSITIONS

Employees at the College are hired into positions that are either permanent or contingent. Determination of the position type will be made when the position is created.

Permanent Positions: An employee who occupies a position categorized as permanent works on a regular basis, either full- or part-time, 12-month or academic year, and performs responsibilities deemed

as ongoing and continuing from year to year based on the needs of the College. Employees in permanent positions must work at least half-time (20 hours per week).

Contingent Positions: Employees who occupy positions categorized as contingent usually are performing duties for a specific period of time (term appointment) or are working on an irregular basis, with a work schedule based on departmental needs. Contingent positions are ineligible for College benefits, other than those mandated by law, i.e., FICA, Unemployment Insurance, and Workers' Compensation.

ESSENTIAL EMPLOYEES

An employee categorized as essential is designated by the College as one whose duties are of such a nature as to require the employee's continued presence at the work site when others have been sent home, or an employee who must report to work to continue College operations during an emergency. The office of public safety is an essential 24/7 operation.

Employees who are deemed essential to ensure operational capability during an emergency may be required to report to work or remain at work during an emergency closing. The appropriate supervisors may either excuse personnel from duty or require their presence, as circumstances and conditions warrant. Employees categorized as essential shall be notified in accordance with the Memorandum of Understanding. Non-exempt employees working during an emergency closing shall be paid for administrative leave offered to other College employees occupying permanent positions. In addition, essential non-exempt employees will receive straight time for hours actually worked at the College during the emergency situation.

There shall be no additional compensation for exempt employees who are required to work during an emergency closing; however, supervisors are encouraged to permit essential employees to work a flexible schedule during such periods.

If an essential employee fails to report to duty or remain on duty during an emergency situation, disciplinary action may be taken, depending on the circumstances.

TARDINESS AND ABSENTEEISM

The College reserves the right to terminate employment for repeated lateness, absence, or insufficient leave balances. Terminations for this reason must be approved by the senior administrator, through the Office of Human Resources.

An employee who is continually absent because of illness, or who is suspected of abusing sick leave, may be referred for a physical examination by a licensed physician/medical provider of the College's choice or the State Medical Director. The results of the examination, in the form of a written statement from the provider to the College, shall include a prognosis regarding the employee's ability to return to work and will be used to determine whether or not the employee is capable of performing the essential duties of the position.

PERFORMANCE EVALUATIONS

On an annual basis, all St. Mary's College employees' performance will be assessed. Exempt employees' performance will be assessed using the Exempt and Supervisory Staff Performance Review form and non-exempt employees' performance will be assessed using the Staff Performance Review form, as may be

amended from time to time. Details in reference to performance rating criteria will be provided to all College employees by the Office of Human Resources prior to the evaluation period.

Employee performance reviews do become a permanent part of the employee's confidential personnel file.

COMPENSATION

The College strives to provide competitive compensation for all employees. The College will continuously monitor and compare its staff compensation plan to that of the local market area and other State agencies and, on the basis of available financial resources, make every effort to provide competitive salaries for work of a similar nature.

The initial compensation level for an employee is based on the entry-level salary for the particular position. A new employee is normally hired at the base salary level of a job classification. Compensation above entry level must be approved by the Office of Human Resources. A supervisor may request (in writing to the Office of Human Resources) that a new employee with exceptional work experience be hired at a salary above base, not to exceed the maximum entry-level salary.

The Office of Human Resources is responsible for maintaining the Staff Compensation Plan. The employee or supervisor may initiate job reclassification requests. Such requests must be submitted on the *Reclassification Request Form* (see Appendix or the Human Resources website) and are to be based on a significant change in the responsibilities of the position. Decisions regarding reclassification will be made and the employee notified of such decision within forty-five (45) days of submission.

An employee transferring from one position to another at the same or lower level will not be given a salary increase. If an employee accepts a lower-level position, a decrease in salary may be appropriate.

Under normal circumstances, non-exempt salaries should not exceed the established maximum of the salary range. In cases of longevity of service and consistently exceptional performance, salary levels may exceed the established maximum salary range. Senior Administration, working with the Office of Human Resources, must approve salary levels that exceed the maximum salary range.

OVERTIME

All compensable overtime work must be authorized by the employee's immediate supervisor in advance. Non-exempt employees who work hours in excess of forty (40) per week will be paid at one and one-half times their regular hourly rates.

A minimum of three (3) hours of overtime will be paid to any non-exempt employee called back into work after the normal work day has ended.

ON CALL

On call time will be paid at the employee's regular rate of pay or at the employee's overtime rate if the employee qualifies for overtime. On call pay begins when the employee leaves his/her residence. Any on call employee who is required to report to work will be paid for at least a minimum of two (2) hours at overtime. An employee will be considered "on call" if he/she is required to remain on College premises or so close that he/she is unable to use time effectively for his/her own purposes.

SHIFT DIFFERENTIAL

Non-exempt employees shall be eligible to receive shift differential for working all or part of a qualifying shift on an occasional or rotating basis. A qualifying shift is defined as one that begins between 2 p.m. and 6:00 a.m.

Employees working in a position specifically established for permanent evening or night work shall have shift differential compensation included in their regular hourly rates. Shift differential shall be paid in addition to any overtime payments due, and will be paid at the rate of \$5.00 per shift. Shift differential will not be offered to employees on paid leave.

ASBESTOS DIFFERENTIAL

In compliance with Maryland state law, St. Mary's College pays a 50% work differential to non-exempt employees who hold a certification and are designated as an asbestos worker for time spent in performing asbestos-related activities. Asbestos work differential shall be paid in 1/10-hour increments, including time spent by the employee changing into and removing program-specified clothing and equipment.

The asbestos pay differential is authorized for employees who have completed the state asbestos training program and who have had medical examinations and who have signed a consent form. The rate of compensation for eligible employees shall be one and one-half times the regular hourly rate.

ACTING CAPACITY PAY

Any College employee shall be paid additional compensation (assuming the College is financially able to do so) after performing, for at least 30 working days, the duties of a position that has a rate of pay higher than his/her current rate. Acting capacity pay begins on the 31st day. The supervisor and Office of Human Resources will determine if the employee is, in fact, performing such duties, and if so, will formally appoint the employee to the acting position. The rate of compensation for acting capacity will be determined by the senior administrator, based on the current compensation plan, but shall not exceed the amount which the employee would be paid if he/she had been promoted to the higher paying position.

TRAVEL EXPENSES

The College pays all reasonable out-of-pocket expenses of employees who travel on College approved business. Authorization to incur such expenses, however, must be approved in advance by an appropriate officer of the College, and is subject to College procurement/travel guidelines administered by the business office. Personal vehicles used on campus for college business are not entitled to mileage.

MOVING EXPENSES

A reasonable receiptable allowance toward moving expenses may be authorized with the initial appointment of a member of the College's exempt staff (department head level and above), as specified in the letter of appointment from the hiring department. Moving expenses include the actual cost of transportation of household goods, furnishings, and personal effects, as well as actual travel expenses for the employee and family members who live in the employee's household.

BENEFITS

PAID LEAVE

Paid leave is offered to non-faculty employees occupying permanent positions. To be eligible for benefits, an employee must work at least 50% of a permanent position. In most cases, unless specifically identified to the contrary, paid leave benefits will be offered on a pro-rated basis to employees who occupy a permanent position on a part-time basis. The pro-rated amount of benefit is based on the percentage he/she is employed. With certain exceptions as outlined in the following paragraphs, leave must be approved in advance by the supervisor. Supervisors do not have the authority to grant unpaid leave.

All exempt employees are required to submit an Exempt Staff Monthly Leave Report, approved by the supervisor, at the end of each month. Employees who work less than 40 hours per week are required to report leave used on the monthly report. This report is due to the Office of Human Resources by the 5th day of the following month.

All non-exempt employees are required to submit a non-exempt timesheet that reflects all leave used on a biweekly basis. This worksheet must be approved by the supervisor prior to submission. Non-exempt timesheets are due in the Office of Human Resources within five business days of the completion of the pay period being reported.

ANNUAL LEAVE (VACATION)

Annual leave is provided to non-faculty employees occupying permanent positions. The purpose of annual leave is to provide the employee with vacation days or miscellaneous time off.

With the exception of two days per year, annual leave use must be approved in advance by the supervisor. Two annual leave days per year may be taken without securing advance approval, but requires notification to the supervisor no later than 15 minutes from the start of an employee's shift. Employees may not use annual leave in excess of accumulation.

College employees are permitted to carry over no more than 45 days (360 hours) of accumulated annual leave from one fiscal year to the next. Annual leave exceeding the 45 day (360 hours) maximum carryover at the end of the fiscal year will be forfeited.

Non-exempt employees accrue annual leave based on the number of years' service at the College.

<u>Years of Service</u>	<u>Days per Year</u>	<u>Hours per Pay</u>
Through 3 years of service	12	3.69
4 through 8 years of service	15	4.62
9 through 20 years of service	20	6.15
Over 20 years of service	22	6.77

Exempt employees accrue 14.67 hours of annual leave per month, or 22 days per fiscal year.

SICK LEAVE

To the extent earned, sick leave is available to College employees occupying permanent positions for use in the event of an illness or temporary disability sufficiently severe to keep the employee from work. In addition, sick leave may be used to care for a member of the employee's immediate family (see paragraph C below). Except in cases of extreme incapacity, an employee using sick leave must inform his/her supervisor within 15 minutes of the scheduled start of the workday.

All full-time employees occupying permanent positions earn 1.25 sick leave days per month or 4.62 hours per pay period. Part-time employees occupying permanent positions will earn sick leave on a pro-rated basis depending on their percentage employed. Sick leave may not be earned for hours worked in excess of the employee's normal workweek. In instances of childbirth or serious illness of the employee or a family member, the Family and Medical Leave Act of 1993 provides for a maximum of 12 workweeks of leave in a 12-month period. Specific guidance relating to the use of Family/Medical Leave will be provided by the Office of Human Resources. Employees may also refer to "Family/Medical Leave" in this handbook.

Although advance approval for the use of sick leave is not required, employees aware of potential sick leave use should notify their supervisors as early as possible. An employee may use sick leave for the following purposes only:

A. Disability or illness of the employee

B. Medical appointment for the employee with one of the following medical providers:

- Physician
- Clinical Psychologist
- Dentist/Oral Surgeon
- Optometrist/Ophthalmologist
- Certified Nurse Practitioner/Nurse-midwife
- Licensed Certified Social Worker—Clinical
- Physical Therapist
- Chiropractor
- Podiatrist

C. Immediate family as used in this section shall include a spouse, biological, adopted, step or foster child, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law, or dependent of the employee who permanently resides in the employee's household for whom the employee has an obligation to provide care. The College may require an employee to provide certification by a medical provider to authenticate the need for the employee to care for the ill family member.

D. A medical appointment for a member of the employee's immediate family.

If a College employee is absent from work for five or more consecutive days and uses sick leave, an original sick certificate that authenticates the period of illness must be provided to the Office of Human Resources upon the employee's return to work. A certificate should also be submitted in advance of an expected illness, such as previously scheduled surgery. If an illness of one day or more occurs during a period of annual or personal leave, the College shall grant sick leave provided that a certificate is provided that authenticates the period of illness, is signed by an authorized medical provider, and submitted to the College.

Employees using five or more consecutive sick leave days to care for a family member shall be required to provide documentation authenticating the period of illness for the employee's immediate family member.

The College may request the State Medical Director or a physician of its choice to conduct an investigation into the medical condition of a member of an employee's immediate family if the employee has used sick leave because of illness or because of a medical appointment of the family member. An investigation of this type may be requested only if there is cause (i.e. the employee's use of sick leave does not appear to be in proportion to the severity of the family member's illness). It is only to ascertain whether the employee's absences in relation to the family member's medical condition are justified.

In order to prevent the abuse of leave, to assure that the employee is obtaining adequate medical attention, is fit for duty, or for any other reason the College determines necessary, the College may require that an employee provide documentation which authenticates a period of illness of the employee of less than five days. This document shall be signed by an authorized medical provider.

To ensure safety, prevent abuse, or to ascertain whether an employee is physically capable of performing his/her duties, the College may, at its discretion, request the Medical Director or a physician mutually agreed upon by employer and employee of its choice to conduct an investigation, which may include a physical or mental examination of an employee who uses excessive time from employment because of illness. An investigation may also be used to determine if the employee has a disability which prevents proper performance of duties, or to substantiate sick leave that is considered questionable. St. Mary's College of Maryland makes every attempt to offer employees with disabilities reasonable accommodations.

Employees may contribute sick leave held in excess of thirty (30) days to a designated College employee who has a serious injury or illness that requires the employee to be absent and has exhausted all of his/her own accrued leave. The donation must be arranged through the Office of Human Resources, and medical documentation is required before the transfer of leave can be approved. Additionally, the total amount of leave received cannot exceed that amount actually used. Donations may not be made by an employee who has tendered his/her resignation or whose employment has been discontinued.

St. Mary's College of Maryland employees are not eligible to use the state of Maryland leave bank.

Upon retirement, employees in the State Retirement Agency will be credited with one month of state service for every 22 days of unused sick leave. For more information in reference to this benefit, please contact the Office of Human Resources.

PARENTAL LEAVE

Six weeks (30 days) of parental leave is provided to employees who occupy permanent full-time positions, for the purposes of birth and/or adjustment to the introduction of a child into the employee's home (including adoption or placement prior to adoption). The Office of Human Resources must receive the parental leave request forms prior to the birth or placement of the child.

Any employee (female or male) who has been employed by the College for a period of at least one year in a permanent full-time position will be provided with 30 days of paid leave for children born or adopted. The birth or placement of the child must occur after one year of full-time employment in a permanent position. Parental leave will commence on the first day's absence from work. The use of Parental Leave will not be charged against the employee's accumulated leave balances. If both parents (or primary care providers) are employed by the College, a maximum of 30 days may be shared. The six weeks may be

used however the employee prefers with the approval of the supervisor, such as twelve weeks at half time or any combination thereof.

The period of leave may be extended past 30 days to a total of 12 workweeks, in accordance with the Family and Medical Leave Act of 1993. All leave used will count towards the total 12 weeks of Family/Medical Leave available.

If parental leave is used and the employee voluntarily ends his/her employment with the College within one year after the last day used for parental leave, the employee must reimburse the College for all parental leave used, including all fringe benefits or other costs paid by the College as a result of the employee's employment with the College. Paid parental leave may not be used more than once every three years by any employee, or jointly once every three years if both parents (or primary care providers) are employed by the College.

Upon request for leave in excess of 30 days, eligible employees will be granted such leave to extend the period of parental leave to a total of 12 workweeks. Specific guidance relating to the use of Family/Medical Leave will be provided by the Office of Human Resources. (Refer to "Family/Medical Leave" in this handbook.)

Employees should notify their supervisors as far in advance as possible of their desire to use Parental Leave and must provide documentation of birth or placement.

HOLIDAY LEAVE

Paid holidays are offered to employees who occupy permanent positions. In accordance with the state of Maryland, the College offers fourteen (14) paid holidays during the calendar year except in the years a national or statewide election is scheduled. In national and statewide election years, fifteen (15) holidays will be scheduled.

The holiday schedule will be posted annually by the Office of Human Resources. The College's policy is to earn holidays on the same days the College is closed, with the exception of one floating holiday earned on Martin Luther King's birthday. Once earned, the floating holiday may be used on or after this date with supervisory approval. Prior approval is not required for the remainder of the holidays, provided they are taken in accordance with the College's schedule of observances.

Employees will be paid for all accumulated unused holiday leave at time of separation from employment.

Holidays may not be carried over from one fiscal year to the next. Unused holidays remaining at the end of the fiscal year are forfeited.

PERSONAL LEAVE

Personal leave is provided to exempt and non-exempt College employees occupying permanent positions (excluding 10-month employees) and may be used for any reason at the employee's discretion.

In each fiscal year, eligible employees are entitled to three days of personal leave (pro-rated if part-time permanent employee or new employee). In most cases, personal leave use does not require prior approval but does require that the employee notify his/her supervisor within 15 minutes after the employee's normal reporting/starting time. Employees employed by departments performing 24-hour, seven-day-a-week services must secure prior approval from their supervisors before using personal leave.

Based on staffing issues, a supervisor may deny the use of personal leave. Failure to appropriately notify a supervisor of personal leave use may result in a loss of pay and/or disciplinary action.

Personal leave must be taken in at least 2-hour increments, but a smaller amount may be approved by the supervisor for emergency situations, such requests shall not be unreasonably denied. Personal leave may not be carried over from one fiscal year to the next and is forfeited if employees are separated from employment prior to use. However, unused personal leave will be converted at the end of the fiscal year as annual leave if the total hours do not exceed the cap.

ADVANCE SICK LEAVE

Employees who occupy a permanent position may be granted Advance Sick Leave, the purpose of which is to provide leave, in advance of earning, to a College employee with a serious disability, ailment, or illness.

Provided an employee has been employed by the College for at least two consecutive years, advance sick leave may be granted at the rate of 15 days per year of service at the College to a maximum of 60 days in any one year. When advance sick leave is requested because of a compensable on-the-job injury, the two-year service requirement is waived. Advance sick leave may be used only after all earned leave (sick, holiday, personal, annual) has been exhausted.

Advance sick leave must be approved by the appropriate senior administrator and may be denied for good and sufficient reasons, including excessive prior use of sick leave. Prior to being granted advance sick leave, the employee must contact the Office of Human Resources to complete paperwork and provide medical documentation from an authorized medical provider authenticating the disability, illness, or ailment, confirming that the employee is unable to perform the responsibilities of his/her position, and stating an anticipated date that the employee will return to work.

An employee's ability to return to work (able to fulfill all essential responsibilities of the position) will be used as a criterion in the issuing of advance sick leave. Advance sick leave must be paid back by the employee, either with other accumulated leave, in cash payment, or at the rate of at least 1/2 of the monthly accrual, until the debt is satisfied.

FAMILY/MEDICAL LEAVE

In accordance with the Family and Medical Leave Act of 1993 (FMLA), eligible employees are entitled to a total of 12 workweeks of unpaid leave during any rolling 12-month period for one or more of the following:

- birth of a child of the employee and in order to care for such child;
- placement of a child with the employee for adoption or foster care;
- to care for the spouse, child or parent of the employee if such spouse, child or parent has a serious condition;
- a serious health condition that makes the employee unable to perform the essential functions of his/her position.

Upon approval, the employee using Family/Medical Leave will exhaust all forms of paid leave to which he/she is entitled under the circumstances, including but not limited to personal, sick, annual, and parental leave, before being given any unpaid leave under the Family and Medical Leave Act of 1993. All leave used will count towards the total 12 weeks of Family/Medical Leave available. Additional leave beyond the twelve weeks may be granted depending upon the circumstances and needs of the employee with appropriate documentation.

If the employee using Family/Medical Leave is enrolled in one of the College's group health plans, this health coverage will continue (at the same level and under the same conditions) for the duration of the period of leave, not to exceed 12 workweeks. Additionally, all benefits normally provided to the employee will continue to be provided during any period of paid leave. However, if all paid leave is exhausted and the employee is on unpaid leave, certain benefits paid through payroll deduction, will cease and arrangements will need to be made for the payment of health benefit premiums. Specific guidance relating to the use of Family/Medical Leave will be provided by the Office of Human Resources.

Intermittent leave or reduced work schedule may not be taken unless prior approval is obtained from an employee's supervisor and the Office of Human Resources. If intermittent leave or a reduced work schedule is warranted, a schedule must be submitted to the Office of Human Resources prior to approval.

MISCELLANEOUS PAID LEAVE

The College provides paid administrative leave or release time to all employees occupying permanent positions who are absent from work due to extreme weather conditions (in accordance with the College's emergency closing policy), jury duty, legal actions requiring the employee's participation (provided the employee is not a plaintiff to the legal action), certain military obligations, approved out-service training, participation as a member in an employee organization, and professional conferences/seminars. Part-time permanent employees will be granted paid leave only for those days on which they are scheduled to work. With the exception of emergency release time, the use of miscellaneous paid leave or release time must be substantiated with supporting documentation.

The following are brief descriptions of miscellaneous leave types available:

- Emergency Release Time will be granted on an as-needed basis to safeguard non-essential employees against harmful or unsafe conditions. Emergency release time does not apply if an employee is on prior approved paid leave at the time emergency release time is authorized.
- Employees may be granted paid administrative leave who are:
 - Called to jury duty for the period of time that they are needed by the court.
 - Summoned to appear in a court action, before a grand jury, before an Administrative hearing board, or to give deposition, provided the employee is neither a paid witness nor a party to the action, if the appearance is required during the employee's regularly scheduled business hours. The length of time depends on the specific action.
 - Meeting certain military obligations. The amount available is 15 days annually. Monthly weekend drills are excluded.
- At the discretion of the supervisor and the approval of the appropriate senior administrator, employees may be granted release time to attend:
 - Out-service training programs, that are directly related to or enhances the performance of the employee's current responsibilities.

- Employee organization meetings/events of which they are members. Requests for such leave must be made in writing to the supervisor.
 - Professional conferences/seminars that are requested in advance and approved by the employee's immediate supervisor.
- Paid leave granted to employees for events that involve union activities will be addressed through agreements set between St. Mary's College of Maryland and the respective bargaining units.

LEAVE FOR EMPLOYMENT-RELATED INJURY OR ILLNESS

Accident leave is leave for which the employee receives two-thirds of his/her regular pay. An employee who is injured while performing his/her duties and responsibilities while at work and is unable to return to work as a result of the work accident may be eligible to receive up to ten (10) days of accident leave.

When an on-the-job injury occurs, whether or not the employee requires medical treatment, the supervisor must file a First Report of Injury within one working day after being notified of the accident. Employees must immediately report all injuries to their supervisor. The Office of Human Resources will then file the Employer's First Report of Injury with the Injured Workers' Insurance Fund.

In order for an employee to obtain Workers' Compensation benefits, the injury or illness must be deemed compensable by the Injured Workers' Insurance Fund/Workers' Compensation Commission. If the injury or illness is deemed non-compensable, the employee must use his or her own sick leave. Appropriate documentation from an authorized medical provider, certifying the need for release from work, is required for all time missed as a result of the injury/illness. Additionally, the employee may not return to work until an authorized medical provider certifies, in writing, that the employee is able to return to work and perform all essential job duties. St. Mary's College does not recognize "light duty work." An employee returning to work with a note from the attending physician that makes physical restriction recommendations will be given reasonable accommodations.

If the Injured Workers' Insurance Fund/Workers' Compensation Commission deems an employee's injury/illness compensable for time missed, the employee must choose to use accident leave, his/her own accrued leave or file for temporary total disability. If an employee chooses temporary total disability payments, the benefit is calculated at 60% of normal pay. While on temporary total disability benefits, the injured employee becomes responsible for directly paying all deductions normally taken from his/her bi-weekly check. A written notification of an employee's choice of whether to use accrued leave or temporary total disability is due to the human resources office upon notification of compensability. An injured employee cannot collect temporary total disability benefits simultaneously with accrued leave.

ACCIDENT LEAVE

Employees occupying permanent positions who experience a compensable injury during the performance of their duties are eligible for accident leave.

All eligible employees may be granted up to two weeks (10 working days) of accident leave for any documented injury sustained while in the actual performance of job duties and deemed compensable by the Injured Workers' Insurance Fund/Workers' Compensation. The eligibility to use the two weeks (10 working days) may not extend beyond one year from the date of the injury, does not have to be used consecutively, and is contingent on the employee being under the care of an authorized medical provider.

Any employee on accident leave may not return to work until an authorized medical provider certifies, in writing, that the employee is able to return to work and perform all essential job duties.

If accident leave is granted, and the period of absence from work extends beyond two weeks, the employee may elect to file for temporary total disability benefits from Workers' Compensation, or may choose to use accrued sick leave. If the injury did not occur in the actual performance of the employee's duties, but is deemed compensable, no accident leave will be extended, and the employee may either begin to use accrued sick leave, or apply for temporary total disability benefits. If the accident is deemed non-compensable, no accident leave will be granted, and the employee will use his or her own accrued leave.

Workers' Compensation temporary total disability benefits will not be paid while an employee is on accident leave.

BEREAVEMENT LEAVE

Bereavement leave is sick leave that is granted to any employee occupying a permanent position, in the event of a death in his/her immediate family. The amount of sick leave available is as follows:

A maximum of five working days may be charged to sick leave in the event of the death of one of the following members of an employee's immediate family (if travel requiring an overnight stay is involved, a maximum of seven days may be charged to sick leave).

The following are considered immediate family:

- Spouse
- Brother/sister of employee or spouse
- Child (biological, adopted, step or foster)
- Parent of the employee or spouse, or another, taking the place of a parent
- Relative living as a member of the employee's household

A maximum of one day may be charged to sick leave in the event of the death of one of the following relatives of the employee or his/her spouse:

- Grandparent, Grandchild
- Aunt, Uncle
- Nephew, Niece
- Brother-in-law, Sister-in-law
- Son-in-law, Daughter-in-law

UNPAID LEAVE

All employees occupying permanent positions at the College may be granted unpaid leave for family, medical, military, or personal reasons. Unpaid leave may not be used without first exhausting all accumulated paid leave. Scheduled unpaid leave must be requested in writing to the Office of Human Resources. The granting of unpaid leave must be approved by the appropriate senior administrator through the Office of Human Resources. Prior leave use will be used as one of the criteria for approving unpaid leave. Normally, unpaid leave will be for a period not to exceed three months. Exceptions to the normal limit can be made if, in the College's judgment, circumstances warrant an extension. During the

period of unpaid leave, no benefits will be accrued or subsidized. Additionally, reinstatement rights must be negotiated with the senior administrator at the time of the request for a leave of absence.

If unpaid leave is requested in conjunction with the Family and Medical Leave Act of 1993, certain other conditions apply. Specific guidance relating to the use of Family/Medical Leave will be provided by the Office of Human Resources. (Refer to "Family/Medical Leave" in this handbook.)

MEDICAL INSURANCE

As state employees, College employees occupying permanent positions are eligible to select one of several health care plans, dental, prescription drug coverage, and health/dependent care spending accounts to cover the needs of themselves and their families.

Eligible employees who wish to enroll in a medical insurance plan must do so within the first 60 days of employment. Coverage may begin the first day of employment. If a new employee fails to enroll within the first 60 days of employment, he/she will be required to wait until the next scheduled open enrollment period, held once a year, usually during the spring.

As a general rule, eligible dependents include the employee's spouse and dependent children to age 18 (extended to age 25 if full-time students).

On an annual basis, the Human Resources Office will provide employees with an information packet that describes the benefits, costs, exclusions, limitations, and policies of each plan offered to eligible employees.

When an employee is separated from College employment, whether voluntarily or involuntarily, health benefits coverage continues in effect through the time period covered by the date of the employee's last deduction regardless of the termination date. Under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) enacted by the federal government, employees and their dependents must be offered health coverage under COBRA when they lose health insurance coverage because of a qualifying event, such as termination, resignation, lay-off, divorce or legal separation, dependent ineligibility due to age, marriage, loss of student status, or spousal ineligibility due to death of employee. Office of Human Resources will notify employees or dependents of their right to COBRA when informed of a qualifying event.

DOMESTIC PARTNER

In recognition of the long-term, committed relationships of same-sex domestic partners and as described below, St. Mary's College of Maryland offers benefits to employees occupying permanent ongoing positions and their same-sex domestic partners. The intent of this policy is, to the extent practical, to offer benefits similar to those offered to employees and their married spouses. The College reserves the right to reconsider and re-evaluate continuation of these benefits on a periodic basis.

The College defines same-sex domestic partners as two (2) individuals, of the same sex, who live together in a long-term committed relationship of indefinite duration. These two (2) individuals are in a mutual commitment, similar to that of marriage, and agree to share financial and other resources for mutual benefit and responsibility. For documentation purposes, a same-sex domestic partnership is one in which the employee and his/her partner have lived together for at least twelve (12) months and agree to share financial and other resources for mutual benefit and responsibility. Documents that may be considered as proof of a domestic partner relationship include: joint ownership of real estate, joint mortgages, joint rental agreements, joint checking accounts, and joint vehicle titles. In addition, the employee and same-

sex domestic partner must complete an affidavit affirming the authenticity of the domestic partnership relationship.

(Please see Appendix for policy and affidavit or the Human Resources website.)

RETIREMENT

All non-exempt employees occupying permanent positions, whether full-time or part-time, must participate in the Maryland State Retirement and Pension System. Enrollment must take place within 30 days of an employee's initial appointment/hire date.

All exempt employees occupying permanent positions, whether full-time or part-time, must participate in either the Maryland State Retirement/Pension System or an optional retirement plan. Enrollment must take place within 30 days of an employee's initial appointment/hire date.

Complete details on retirement will be provided by Office of Human Resources during new-employee orientation.

Employees who retire directly from the College in good standing with at least thirty (30) years of state service and at least twenty (20) of those years with St. Mary's College of Maryland, or who have been granted emeritus status by the Board, may be issued a College identification card designating them as a College retiree and allowing them the use of some College facilities. The list of facilities that College retirees are provided access to may be amended from time to time. Any College retiree requesting an identification card must be approved by the Board of Trustees prior to receipt.

DISABILITY INSURANCE

Employees who participate in the Maryland State Retirement and Pension System (MSRPS) receive disability insurance at no cost. Accidental disability retirement (disability as a result of an on-the-job accident) is available immediately. Ordinary disability retirement (for some other cause, not job-related) requires five years of state service. Additionally, administrators, enrolled in optional retirement plans, may purchase optional ordinary disability insurance through their respective retirement plan.

HOUSE KEYS 4 EMPLOYEES PROGRAM

For more information about the state sponsored mortgage program for employees that is available visit <http://www.morehouse4less.com> . Click here to [find out more information on how to apply](#) for the HK4E program.

TUITION BENEFITS - EDUCATIONAL OPPORTUNITIES

Full-time employees and possibly dependents are eligible for certain educational benefits. Please review the tuition benefits policies listed in the appendix or located on the Human Resources website.

PAYROLL INFORMATION

PAYROLL

In order to be placed on payroll, a newly hired employee must complete certain forms and questionnaires, including but not limited to a W-4 form for federal and state income tax and an I-9 form to prove identity and eligibility to work in the United States. Additionally, the new employee must provide the Office of Human Resources with his/her social security number, as well as read and acknowledge receipt of the College's substance abuse, drug testing, prohibited behavior, software code of ethics, computer usage, and sexual harassment policies.

PAYDAYS, PAYCHECKS

Paydays occur every two weeks, on Wednesday. As of January 1, 2001, the State of Maryland has made direct deposit of net pay a condition of employment.

TIME SHEETS, LEAVE REPORTS

All time sheets and leave reports are due to the human resources office by their respective due dates. Time sheets and leave reports must be completed personally by the employee. Supervisors are required to review and sign all time sheets and leave reports. Signature stamps, in lieu of the supervisor's original signature, are not acceptable. Any corrections or alterations of a time sheet or leave report must be completed, initialed, and dated by the employee.

PROFESSIONAL WORK PLACE STANDARDS

All College policies and benefits may be subject to change at any time. College employees will be notified of College policy changes, and such changes will be posted on the Office of Human Resources Web site. All new employees are required to sign an acknowledgement of notice of prohibited behavior upon hire. Please reference the employee handbook appendix or consult the Office of Human Resources for other employment related policies that require employee signature acknowledgement. Copies of College policies are kept on file in the College Library.

NOTICE OF EMPLOYER-PROHIBITED BEHAVIOR

“UNDER MARYLAND LAW, AN EMPLOYER MAY NOT REQUIRE OR DEMAND, AS A CONDITION OF EMPLOYMENT, PROSPECTIVE EMPLOYMENT, OR CONTINUED EMPLOYMENT, THAT AN INDIVIDUAL SUBMIT TO OR TAKE A LIE DETECTOR OR SIMILAR TEST. ANY EMPLOYER WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE NOT TO EXCEED \$100.”

VIOLENCE ON COLLEGE PREMISES

St. Mary's College of Maryland has a zero tolerance policy with regard to violence at the work place. Any employee found to exhibit violent behavior will be disciplined including, but not limited to, termination.

DOMESTIC VIOLENCE AND THE WORKPLACE

Domestic violence is not a private family matter. It follows victims to their places of employment, and deprives victims and their co-workers of a safe and productive workplace. College employees have a basic right to be safe and free from intimidation, threats, and injury, both at home and in the workplace.

Domestic violence is abusive behavior whereby a person intends to establish and maintain power and control over a person with whom he or she has, or has had, a considerable personal relationship. Power and control are exerted through physical, sexual, psychological and or economic manners.

Many victims of domestic violence are embarrassed or afraid to report their abuse; however, it is very important to seek help. Any College employee who feels they or someone they know is the victim of domestic violence should contact the Office of Human Resources immediately.

For the State of Maryland's Executive Order regarding Domestic Violence, please see attached policy in the appendix or the Human Resources website.

SEXUAL HARASSMENT

St. Mary's College of Maryland prohibits sexual harassment in the College's workplace and educational programs. Sexual harassment is expressly prohibited by anyone, including College employees, students, visitors, volunteers, contractors, or invitees. The College is committed to cultivating and maintaining a workplace and educational environment that reflects respect for the dignity of each member of its community and is free of sexual harassment (see attached policy prohibiting sexual harassment in Appendix or the Human Resources website).

SUBSTANCE ABUSE, DRUG TESTING

The College is committed to the development and maintenance of a drug-free environment and, in accordance with the Drug-Free Workplace Act of 1988, will not tolerate the unlawful possession or use of controlled substances on its premises. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in and on property owned or controlled by the College.

The use of alcohol on College premises, except as specifically authorized by College administration, is also prohibited. This prohibition includes, but is not limited to, driving vehicles while under the influence of alcohol or any other consumption of alcohol on College property.

Compliance with the provisions of this policy shall be a condition of employment. Disciplinary action up to and including termination of employment and/or satisfactory participation in a drug/alcohol rehabilitation program may be required of any employee who is found to be in violation of this policy.

In compliance with the Drug-Free Workplace Act of 1988, an employee must notify the Director of Human Resources within five calendar days of a conviction of any criminal drug statute violation that has occurred in or on the workplace premises.

Additionally, in compliance with the College's drug-testing policy, all College employees may be subject to drug testing for reasonable cause. Further, applicants hired into "sensitive" positions will be subject to drug testing. The College's drug-testing policy is available for review in the Office of Human Resources. The College's efforts to establish and maintain a drug-free workplace include dissemination of drug awareness information, as well as implementation and strict enforcement of this policy. The Office of Human Resources can provide appropriate referrals for assistance. Please refer to pages 47, 48, and 49 of the Employee Handbook Appendix for memorandums detailing the circumstances under which drug testing may be conducted.

PETS AND OTHER ANIMALS

Due to health and safety concerns, pets and other animals are not permitted in any College building. This policy applies to all students and all (administrative, faculty, and staff) employees of the College. However, students are allowed to house non-meat-eating fish and non-venomous reptiles in closed aquariums within their personal rooms in the College's residence halls.

Students and employees should exercise common and professional courtesy in bringing pets to campus to visit. "Visiting pets" are not allowed inside College buildings. Owners are responsible for the clean up of any mess left on the College campus by these pets. Students and employees should make their visitors aware of the policy to prevent misunderstandings for visitors who may wish to bring their pets to campus.

Service animals as defined by the Americans with Disabilities Act (ADA) are permitted on campus. Persons bringing service animals onto the College campus should contact the College's ADA Coordinator for assistance and further guidance. The ADA Coordinator can be reached at 240-895-4388. The ADA Coordinator is located on the second floor of Glendening Hall.

DRESS CODE

Employees are encouraged to be mindful in the manner of dress and decorum while serving the campus community. Departmental guidelines regarding appropriate dress and decorum should be established and employees are expected to adhere to such guidelines.

DISCIPLINE AND GRIEVANCE

DISCIPLINARY PROCEDURES (Non-Union Employees)

It is the policy of St. Mary's College of Maryland to apply corrective discipline in a progressive manner, increasingly severe penalties each time the employee is disciplined. With the exception of serious offenses, employees are rarely terminated for a first offense. The primary objective is to counsel employees at an early stage in the disciplinary process, concentrating on helping the employee figure out ways to prevent a problem from recurring.

Depending on the particular circumstances, supervisors are encouraged to follow a disciplinary sequence that includes (in order) counseling/oral reprimand, written reprimand/warning, suspension, and discharge/termination.

Decisions to accelerate the disciplinary process will be based on the severity of the case and must be approved by the appropriate senior administrator, through the Office of Human Resources.

GRIEVANCES

First and foremost, employees are encouraged to discuss with their supervisors on an informal basis any concerns or dissatisfactions they have regarding co-workers or management. When a complaint cannot be resolved informally, the College provides for a formal grievance procedure, which must be initiated by the employee within 10 working days from the date of the alleged incident or knowledge of alleged incident. Sexual harassment grievances will follow the complaint procedures set forth in the “Sexual Harassment Complaint Procedures.” Any employee filing and following the sexual harassment grievance procedure is limited to that grievance (complaint) procedure. No employee shall be discriminated against because he/she elects to use the formal grievance procedure. The formal grievance procedure consists of the following steps:

- 1) The employee presents the grievance, in writing, to the department head, who will hold the Step 1 Hearing within 10 working days of the end of the business day in which he/she received such written notice. The department head will make a decision within 10 working days of the conclusion of the Step 1 Hearing. If the grievance is resolved, the procedure ends. (If the grievance is with the department head, the employee will present the grievance in writing to the department head's supervisor or designee, who will then hear the grievance.) If the grievance is not resolved, the employee has the right to request a Step 2 Hearing.
- 2) The Step 2 Hearing will be held by the Director of Human Resources or his/her designee, within 10 working days of receipt of request for Step 2 Hearing, and a decision will be made within 10 working days of the Step 2 Hearing. If the grievance is resolved, the procedure ends. If the grievance is not resolved, the employee may request a Step 3 Hearing.
- 3) The Step 3 Hearing will be held by a Grievance Advisory Board (consisting of the Vice President for Business and Finance or his/her designee, a non-exempt representative, and an exempt representative, both appointed by the Vice President for Business and Finance), within 10 working days unless there is good cause to extend this time period. A decision will be made by the Board within 10 working days of the Step 3 Hearing.

Throughout the three-step process, an employee is entitled to be represented or accompanied by a representative of his or her choice, including employee organizations. Forms for filing grievances are available online from the Office of Human Resources.

Grievances and complaints concerning appointment or retention of exempt appointees will be subject to the Bylaws of the College and any and all modifications to the Bylaws, approved by the Board of Trustees. The College Bylaws may be accessed by all College employees through the Office of Human Resources, the faculty Web site, or the College Library.

SEPARATION FROM EMPLOYMENT

JOB ABANDONMENT

Any employee who does not report to work and does not notify his/her supervisor may, after two consecutive days missed, be terminated for job abandonment. This termination must be approved by the Office of Human Resources.

VOLUNTARY SEPARATION

Employees terminating their service with the College are expected to give reasonable notice of at least two weeks (preferably, one month). In cases of retirement, the decision is usually made well in advance of the actual date and, as such, the College expects a longer notice. Employees retiring should contact the Office of Human Resources for an appointment for retirement counseling at least 3 months prior to retirement.

Employees resigning should notify their supervisors in writing of their intention to leave and provide a specific date for the last day they expect to be paid on payroll. Copies of this letter of resignation should be provided to the Senior Administrator and the Office of Human Resources by the employee's supervisor.

INVOLUNTARY SEPARATION

Involuntary separation from the College will occur when the employee does not initiate the termination. The following are examples of involuntary terminations:

- 1) Lay off for lack of work when the College reduces its work force for financial exigency or other reasons.
- 2) Release without fault when an employee, through no fault of his/her own, is unsuited for or incapable of performing work assigned and no appropriate change of assignment is available.
- 3) A departmental/College reorganization in which the position is abolished or reassigned.

Exempt employees who are terminated *without cause* will receive the following: "Forty-five (45) days' severance pay plus unused accrued annual and holiday leave. Under no circumstances will severance pay be granted for resignations or to part-time or temporary employees or employees serving in a probationary status."

If separation from College employment is involuntary, either with or without cause, the employee will be provided appropriate notice. Immediate termination or suspension will occur when there has been a violation of College rules or policies (including but not limited to gross misconduct, falsification of College records, intentional and malicious injury, unsafe behavior, harassment of fellow employees or students, etc.).

Involuntary separation may occur after an employee has been warned of unsatisfactory job performance or violation of College policies, provided that a reasonable amount of time to correct identified problems has been provided.

If separation from employment occurs as a result of lack of work, reorganization, or fiscal emergency, every effort will be made to give the employee as much notice as possible. In such cases, the College will make reasonable efforts to find other suitable employment for the employee being terminated. Seniority will be considered in making decisions on job abolishment only in cases where two employees performing the same duties are in an area slated for reorganization, downsizing, or elimination.

Employees separated from College employment will be entitled to pay for any accumulated annual and holiday leave.

REEMPLOYMENT/REINSTATEMENT

Former employees who leave in good standing and return after a break of less than (3) years in service from St. Mary's College of Maryland or state employment are considered reinstated employees. Former employees who return within (3) years of separation shall be governed by the Policy on Reinstatement. (See appendix or the Human Resources website.)

A former regular exempt or non-exempt employee who returns to St. Mary's College of Maryland service after a break in service of three (3) or more years shall be considered a new employee.

APPENDIX

STAFF RECLASSIFICATION REQUEST

DATE _____

CURRENT POSITION: _____

DEPARTMENT: _____

SUPERVISOR: _____ ANNUAL SALARY: _____

INCUMBENT: _____
(if applicable)

REQUESTED POSITION: _____

DEPARTMENT: _____ EFFECTIVE DATE: _____

SUPERVISOR: _____ ANNUAL SALARY: _____

Explain the reason for this request and describe how the duties of this position have changed.

Attach a job description for the position described above. Be sure to highlight the specific **essential responsibilities** of the position.

SIGNATURES:

Preparer: _____ Date _____

Supervisor: _____ Date _____

Department Head: _____ Date _____

Senior Administrator: _____ Date _____

Human Resources: _____ Date _____

Forward the completed form to the Office of Human Resources.

SEXUAL HARASSMENT POLICY AND PROCEDURES

St. Mary's College of Maryland prohibits sexual harassment in the College's workplace and educational programs. Sexual harassment is expressly prohibited by anyone, including College employees, students, visitors, volunteers, contractors, or invitees. The College is committed to cultivating and maintaining a workplace and educational environment that reflects respect for the dignity of each member of its community and is free of sexual harassment.

Sexual harassment is a form of illegal discrimination and is always a serious issue. Sexual harassment between faculty and students or supervisor and subordinates exploits the unequal power structure inherent in these professional relationships and will not be tolerated by the College. Sexual harassment may occur between people of the same or different sexes.

In order to deter sexual harassment at St. Mary's College and to impose sanctions when it occurs, this policy is in effect. In determining whether alleged conduct constitutes sexual harassment, St. Mary's College will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from all of the facts on a case-by-case basis. In assessing whether a particular act constitutes sexual harassment prohibited under this policy, the standard shall be the perspective of a reasonable person within the St. Mary's College community. The rules of common sense and reason shall prevail.

Sanctions against College employees for sexual harassment may range from reprimand to termination, depending on the severity of the conduct and the circumstances of the particular case. Likewise, sanctions against contractors, students, volunteers, or invitees at the College for sexual harassment may include, but is not limited to, suspension or expulsion from College programs or premises or termination of a contract.

For the purpose of this policy, the College adapts the sexual harassment definition promulgated by the Equal Employment Opportunity Commission (EEOC) to the academic setting. Unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by St. Mary's College or an individual's participation in a St. Mary's College program;
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or,
- C. Such conduct has the purpose or effect of unreasonable interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or work environment at St. Mary's College of Maryland.

Sexual harassment is prohibited by both State and federal laws and may constitute violations of the criminal and civil laws of Maryland and the United States. Complaints of sexual harassment may be processed internally through the College's informal or formal procedures. Also, complaints may be processed externally by the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Education (Office of Civil Rights) (DOE-OCR), and the Maryland Commission on Human Relations (MCHR).

Retaliation by College employees, students, volunteers, contractors, or invitees against a person who makes a complaint of sexual harassment, supports a complaint of sexual harassment, or testifies during an investigation of a complaint of sexual harassment is expressly prohibited. If an individual is found to have engaged in retaliation in violation of this policy, that individual will be subject to disciplinary action.

Any individual who has been a victim of sexual harassment or retaliation shall immediately report such conduct to the College's EEO/AA Officer or Director of Human Resources. Additionally, students may report such conduct to the Dean of Students or Associate Dean of Students.

It is also a violation of this policy for an individual to file a frivolous or bad-faith claim of sexual harassment. The College is committed to protecting the rights of the respondent as well as those of the complainant. Members of the College community should not be discouraged from filing legitimate complaints of sexual harassment. However, an individual found to have filed a frivolous or bad-faith complaint is in violation of this policy and will be subject to disciplinary action.

The informal and formal procedures for filing complaints of sexual harassment are contained in the *St. Mary's College of Maryland Procedures for Filing Complaints of Sexual Harassment*, which is available from the College's EEO/AA Officer. A copy of this document is on reserve at the College library, is available in each departmental office on campus, and is posted on the human resources Web site. The procedures for investigations and resolving complaints of sexual harassment by students are contained in the *St. Mary's College Student Code of Rights and Responsibilities* reproduced in the student handbook, *To the Point*. The College's EEO/AA Officer or designee is available to answer questions about the College's Policy and Procedures.

SEXUAL HARASSMENT COMPLAINT PROCEDURES

INTRODUCTION

Sexual harassment by members of the St. Mary's College of Maryland (the College) community is expressly prohibited. Copies of the College's policy prohibiting sexual harassment, *St. Mary's College of Maryland Sexual Harassment Policy* (the Policy), are available in each departmental office, on the human resources Web page, and are on reserve at the College library.

Any individual who has been a victim of sexual harassment or retaliation shall immediately report such conduct to the College's EEO/AA Officer or Director of Human Resources. Additionally, students may report such conduct to the Dean of Students or Associate Dean of Students.

As set forth in the policy, both informal and formal procedures for resolving a complaint of sexual harassment are available for use by employees of the College, students, or volunteers. Students include full, part-time, and continuing education students who are currently enrolled at St. Mary's College.

For purposes of these procedures, the complainant is the person filing the complaint. The respondent is the person who is accused of violating the policy. Wherever "days" are referenced to in these procedures, "working days" are meant, unless otherwise indicated. A list of the persons assigned to the duties, offices, and positions described in these procedures and a list of external agencies which handle sexual harassment complaints is attached as an addendum to the procedures. This addendum may be periodically updated.

Complaint Against A Student

A complaint of an incident of sexual harassment in which the person alleged to have violated this policy is a student shall be reported to the Dean of Students or Associate Dean of Students within thirty (30) days following the alleged incident of sexual harassment or within a reasonable period of time following the date on which the complainant knew or should have known of the alleged sexual harassment. The procedures for investigating and resolving complaints of sexual harassment by students are contained in the St. Mary's College Student Code of Rights and Responsibilities, reproduced in the student handbook, *To the Point*, which is published annually.

Complaint Against A College Employee, Volunteer, or Contractor

A complaint of an incident of sexual harassment in which the person alleged to have violated the policy is a College employee, a volunteer, or a contractor shall be reported to the College's EEO/AA Officer within thirty (30) days after the complainant knew or reasonably should have known of the alleged violation that is the basis of the complaint. Any College employee who receives a report of sexual harassment or is advised of a sexual harassment incident shall immediately notify the EEO/AA Officer. If the EEO/AA Officer is not available, then reports of incidents or complaints can be brought to the Office of Human Resources.

The EEO/AA Officer shall promptly contact and inform the complainant of the College's policy prohibiting sexual harassment and of the sexual harassment complaint procedures available to resolve a complaint of sexual harassment. Complainants, respondents, witnesses, and persons involved in making, investigating, or resolving a complaint of sexual harassment shall use their best efforts to keep confidential information relating to a complaint. The EEO/AA Officer shall consult with appropriate officials of the College and the Office of the Attorney General for the State of Maryland.

INFORMAL PROCEDURES FOR RESOLVING A COMPLAINT OF SEXUAL HARASSMENT

Upon notice of a complaint of sexual harassment, the EEO/AA Officer shall initiate an investigation of the complaint, which will include a discussion with the complainant and the respondent, as well as consultation with the Office of the Attorney General. While a written complaint is not required in order to initiate an investigation under the informal procedures, the complainant is strongly encouraged to file the complaint in writing. Witnesses relevant to the investigation may also be consulted. Within thirty (30) days after the complaint is received, the EEO/AA Officer will make reasonable efforts to promptly and informally resolve the complaint to the satisfaction of the College, the complainant, and the respondent.

FORMAL PROCEDURES FOR FILING AND RESOLVING A COMPLAINT OF SEXUAL HARASSMENT

A person who wants to process a formal complaint of sexual harassment shall comply with the following procedures:

A. Filing Complaint

A written complaint shall be signed by the complainant and include the following: (1) the allegations, including when and where the alleged conduct occurred; (2) the names of the person(s) alleged to have violated the policy; (3) the names of witnesses to the incident, and (4) the relief requested. The EEO/AA

Officer shall promptly provide the respondent with a copy of the complaint. The respondent shall submit to the EEO/AA Officer a written response to the allegations within ten (10) days upon receipt of the complaint.

B. Investigation of Complaint

Upon receipt of a formal complaint of sexual harassment, the EEO/AA Officer shall immediately consult with the Office of the Attorney General prior to taking action to investigate or resolve the complaint. The EEO/AA Officer shall, within thirty (30) days from the receipt of a formal complaint, conduct and conclude an investigation of the allegations that will include an interview with the complainant, the respondent, and witnesses as well as the collection of relevant documents, if any.

C. Decision of EEO/AA Officer

Within five (5) days from the conclusion of the investigation, the EEO/AA Officer shall deliver the final decision to the complainant and the respondent by either certified mail, return receipt requested, overnight, two-day mail, or by hand-delivery with a copy sent by first class mail setting forth the following: (a) a statement of the facts which occurred; (b) a determination of whether the conduct which occurred constitutes sexual harassment prohibited by the College's policy; and (c) what discipline, if any, will be imposed. Disciplinary action may include, but is not limited to, a letter of reprimand, instructions to draft and send a letter of apology, termination of a contract, demotion, termination of employment, or expulsion from College programs. The decision of the EEO/AA Officer shall also advise the complainant and the respondent of the right to appeal the decision.

FILING AN APPEAL

The complainant or respondent may appeal the decision of the EEO/AA Officer by filing a written appeal with the Office of Human Resources within ten (10) calendar days of the date of receipt of the written decision of the EEO/AA Officer. The person making the appeal shall be called the Appellant. The EEO/AA Officer shall be called the Appellee. After receipt of the appeal, an Appeal Panel will be appointed in accordance with the procedures in the employee handbook.

The Appeal Panel shall, within fifteen (15) days of receipt of the Appeal, conduct a hearing to determine whether (a) the facts alleged occurred; (b) the conduct that occurred constitutes sexual harassment prohibited by the College's policy; and (c) the disciplinary action is appropriate. At the hearing, the Appellant and Appellee may be represented by counsel and may present opening and closing statements, call and cross-examine witnesses, and introduce documentary evidence. The Panel members may call and question witnesses, request documents, and exclude non-probative and unduly repetitious testimony. The hearing, shall at the College's option, either be tape-recorded or recorded by a court reporting service.

Within fifteen (15) days following the conclusion of the hearing, the Appeal Panel shall submit a written final decision containing (a) a statement of the facts which they have found to have occurred; (b) whether the conduct which occurred constitutes sexual harassment prohibited by the College's policy; and (c) the disciplinary action, if any, that will be imposed. The final decision will be delivered to the Appellant and the Appellee by either certified mail, return receipt requested, overnight, two-day mail, or hand-delivery with a copy sent by first class mail.

ADDENDUM TO SEXUAL HARASSMENT COMPLAINT PROCEDURES

CONTACT LISTS

A. CONTACT LIST OF PERSONS ASSIGNED TO DUTIES, OFFICE, AND POSITIONS

Dean of Students:	Laura A. Bayless 143 Campus Center Ext 4208 240-895-4208
Vice President for Business and Finance:	Thomas J. Botzman 115 Calvert Hall Ext 4413 240-895-4413
Provost:	Larry E. Vote 104 Calvert Hall Ext 4389 240-895-4389
Associate Dean of Students:	Joanne A. Goldwater 154 Glendening Hall Ext 4207 240-895-4207
Director of Human Resources:	Sally A. Mercer 170 Glendening Hall Ext 4309 240-895-4309
Assistant Director of Human Resources and AA/EEO Officer:	Melvin A. McClintock 170 Glendening Hall Ext 4309 240-895-4309

To reach the above persons by U.S. Mail, please use the Name, Title, and the College mailing address of St. Mary's College of Maryland, 18952 East Fisher Road, St. Mary's City, Maryland 20686-3001.

B. EXTERNAL AGENCIES

There are strict timeframes in which complaints of sexual harassment complaints must be filed with external state or federal agencies. To preserve the ability of the external agencies to act on the Complainant's behalf and to protect the right to file a private lawsuit, one must adhere to the external agency's time frames and associated procedural guidelines when filing a charge. A person wishing to file a complaint with an outside agency should contact an attorney of their choice or these external agencies directly and promptly to determine the appropriate time frames and procedures for filing a complaint.

The following external agencies handle sexual harassment complaints.

U.S. Equal Employment Opportunity Commission (EEOC) (main office)

1801 L Street, N.W.
Washington, D.C. 20507
800-669-4000
202-663-4900

EEOC (Baltimore district office)

City Crescent Building
10 South Howard Street
3rd Floor
Baltimore, MD 21201
410-962-3932

Maryland Commission on Human Relations (MCHR) (main office)

Schaefer Towers
6 St. Paul Street, Suite 900
Baltimore, MD 21202
410-767-8600

MCHR (Southern Maryland office)

Joseph P. Carter Center
23110 Leonard Hall Drive
Post Office Box 653
Leonardtown, MD 20650
301-475-4118

U.S. Department of Education, Office for Civil Rights (DOE/OCR)

(main office) Mary E. Switzer Building
330 C Street, SW
Washington, DC 20202
202-205-5413
1-800-421-3481

DOE/OCR (local office)

Wanamaker Building, Suite 515
100 Penn Square East
Philadelphia, PA 19107
215-656-8541

NOTICE OF EMPLOYER-PROHIBITED BEHAVIOR

“UNDER MARYLAND LAW, AN EMPLOYER MAY NOT REQUIRE OR DEMAND, AS A CONDITION OF EMPLOYMENT, PROSPECTIVE EMPLOYMENT, OR CONTINUED EMPLOYMENT, THAT AN INDIVIDUAL SUBMIT TO OR TAKE A LIE DETECTOR OR SIMILAR TEST. ANY EMPLOYER WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE NOT TO EXCEED \$100.”

Have you ever been convicted of any violation of law other than a minor traffic violation(s)? _____

If yes, give date, place of conviction, charge, and disposition of each case. Note: A conviction record will not necessarily bar you from employment.

Date

Signature of Applicant

You must be legally authorized to work in the United States under the United States Immigration Reform and Control Act of 1986 as may be amended.

You must meet all minimum qualifications to be eligible for employment. Verification will be completed by the appointing authority. Applicants may be tested for illegal drug use under certain circumstances. I understand that employees at St. Mary's College of Maryland are subject to testing including but not limited to random drug testing for the illegal use of drugs.

I hereby affirm that this application and/or attached resume/curriculum vitae contain no willful misrepresentation or falsifications and that this information given by me is true and complete to the best of my knowledge and belief. I am aware that should investigation at any time disclose any misrepresentation or falsification, my application will be disapproved and I will not be certified for employment in any position at St. Mary’s College of Maryland, or if already an employee of St. Mary’s College, I may be subject to immediate dismissal. I am aware that a false statement may be punishable under law by fine or imprisonment or both. I also acknowledge by my signature below that I have read the above described paragraphs of this application including, but not limited to, the Notice of Prohibited Behavior.

Date

Signature of Applicant

St. Mary's College of Maryland

Computer Use Policies

Ethics of Computer Usage

The computer facilities at St. Mary's College of Maryland (SMCM) provide a vital service to the entire campus community. Adherence to certain rules of courtesy and ethics is essential to maintaining the integrity of our computer systems. SMCM considers it a serious offense for any user to attempt to degrade the performance of the system, to seek to penetrate computer security, or, in any way, deprive or attempt to deprive other users of resources or access to the computer facilities. In short, we ask all users to refrain from abusing their computer privileges.

The following activities are examples of violations of courteous and ethical conduct:

- Altering the equipment or modifying the operations of any College equipment;
- INSPECTING, modifying, or copying data or programs without authorization from the owner;
- Using the electronic mail system to send abusive, obscene, or otherwise harassing communications;
- Using the computer system for commercial purposes;
- Specifying false or misleading identification when required to do so for any purpose associated with the use of the computer system;
- Attempting to penetrate or alter computer security mechanisms or gain access to restricted information;
- Using another person's account;
- Engaging in any activity which deprives others of their privileges on the computer system.

There are two additional important considerations:

1. As a matter of general policy, files stored on the system are not examined. However, users are advised that their files are copied onto magnetic tape as part of the normal backup procedures. They are also advised that their files may actually be examined by the computer system administrator if evidence exists that such an intrusion is warranted.
2. Users are reminded that data is collected daily which permits the analysis and accounting of the system's use. While the collecting of this data is not routinely announced to users, no attempt is made to conceal the fact of their collection.

The above is a statement on the ethics of computer use and constitutes the policy of SMCM. All users of the SMCM computer facilities are responsible for understanding these principles. SMCM reserves the right to deny access to any account, without prior notice. Persons discovered in violation of the principles stated above will have their access privileges suspended and will be reported to the appropriate judicial authorities.

Data Privacy and Appropriate Use

SMCM has a Campus Information System (CIS) which includes data that is needed to conduct the business of the College. The College endeavors to maintain the security of the system and to provide employees with information on a need-to-know-only basis. However, employees should be aware that some personal information, such as social security number, home address, and phone number may be viewed by College employees or other authorized system users in the course of conducting College business. Inappropriate and unauthorized use of such information includes use of that information for non-College business purposes or passing data to another College employee who does not have the need to know or to any person outside the College who does not have a right to know. Unauthorized use of another's personal or proprietary information will result in disciplinary action, which may include termination of employment.

Anyone with a question about data policy or concerns about unauthorized use of confidential data should contact the Director of Human Resources, who is charged with monitoring compliance.

I hereby acknowledge receipt of these SMCM Computer Use Policies and agree to comply with them.

Signature: _____

Date: _____

Print Name: _____

**ST. MARY'S COLLEGE OF MARYLAND
SOFTWARE CODE OF ETHICS
COMPLIANCE PROCEDURE**

The College provides the members of the campus with a choice to have software applications installed by Campus Technology Support Services (CTSS) or installed by a designee. The installer can be the individual user of the computer but, in all cases, the installer is responsible for compliance with Federal copyright statutes, the State Software Code of Ethics, and maintaining adequate software records for audit purposes.

All College employees must sign the State of Maryland Software Code of Ethics. All orders for software must be signed by the Director of CTSS in accordance with the College's procurement regulations. All College owned software must be registered and, where possible, original disks provided to CTSS for archiving. Privately owned software will not be archived by CTSS. Back-ups of original disks may, and should, be kept by the installer.

The State Software Code of Ethics only pertains to software not in the public domain.

**STATE OF MARYLAND
SOFTWARE CODE OF ETHICS**

Unauthorized duplication of copyrighted computer software violates the law and is contrary to the State's standards of conduct. The state disapproves of such copying and recognizes the following principles as a basis for preventing its occurrence:

1. The state will not permit the making or using of unauthorized software copies under any circumstances.
2. The state will provide legally acquired software to meet its legitimate software needs in a timely fashion and in sufficient quantities to satisfy those needs.
3. The state will enforce internal controls to prevent the making or using of unauthorized software copies, including measures to verify compliance with these standards and appropriate disciplinary actions for violations of these standards.

My signature indicates that I have read and understood this State of Maryland Software Code of Ethics. I understand that making or using unauthorized software will subject me to appropriate disciplinary action. I understand further that making or using unauthorized software may also subject me to civil and criminal penalties.

Signature: _____ Date: _____
NAME: (Please Print): _____
AGENCY: _____
DIVISION: _____
LOCATION: _____

**St. Mary's College of Maryland
Criminal Background Checks
Policy Effective July 1, 2008**

**Responsible Executive: Vice President for Business & Finance
Responsible Office: Office of Human Resources**

Policy Summary

Criminal background checks will be conducted on any new applicants extended contingent offers of employment into sensitive positions with the College. Sensitive positions are positions that could be criminally abused at great harm to the campus or members of the campus community. Criminal background checks are not required for current employees unless the College is required by law to conduct a background investigation. The hiring department is responsible for working with the Criminal Background Check Review Committee to determine whether or not a position is sensitive and for initiating the criminal background check process. If the background check reveals a conviction relevant to the position, the individual may be disqualified from holding that position.

Upon implementation of this policy, the Criminal Background Check Review Committee will construct a subcommittee to develop guidelines to be used in determining whether or not a position should be classified as sensitive. The subcommittee will be comprised of wide representation and include faculty, staff, and administrators.

Purpose of This Policy

In order to protect the campus community, students, staff, and guests, as well as to secure the integrity of the institution, the College needs to ensure that all applicants to sensitive positions in the College have no history of criminal behavior in the past seven years that could in any way jeopardize the safety, health, welfare, or fiscal security of the College community. Criminal background checks are intended to reduce the likelihood of certain types of crimes occurring on the College's campus as well as to protect the College from legal exposure should such an action occur. The College recognizes that its need to investigate employees' criminal history must be balanced with the need to protect those employees' privacy. College policy and state and federal laws recognize the individual's right to privacy and prohibit campus employees and others from seeking, using, or disclosing personal information except within the scope of their assigned duties.

Responsibilities

Hiring Departments:

- Indicate on the *Authorization to fill a Vacancy* form whether or not the position is sensitive and requires a criminal background check. Rationale for sensitive position determinations must be included.

- Indicate on the *Authorization to fill a Vacancy* form the criminal convictions that are of primary concern for the vacant position.
- If the vacant position is determined sensitive; make sure all recruitment information and announcements indicate the criminal background check requirements.
- Notify the individual under consideration for a position that an offer of employment is conditional on successful completion of the criminal background check and that falsification of information submitted on College application materials may be cause for corrective action up to and including dismissal.
- Notify the Office of Human Resources to initiate the criminal background check.
- Maintain confidentiality of any applicant data and materials.

Performing a criminal background check does not relieve the hiring department of its obligation to perform reference checks, verify prior employment, obtain copies of licenses or certificates required for the specific position, and perform other checks.

Office of Human Resources:

- Consults with departments about policy interpretation.
- Facilitates the criminal background check process.
- Works with the Criminal Background Check Review Committee to determine whether an individual is suited for employment based on the results of the criminal background check.
- Provides the subjects of criminal background checks with a summary of their background check results, regardless of outcome, and informs them when a conviction disqualifies them from employment in a sensitive position.
- Maintains confidentiality of criminal background check results.
- Serves as the Office of Record for files concerning criminal background checks.

Office of Public Safety:

- Upon request from the department, obtains a Pull Notice Review from the Department of Motor Vehicles (DMV) for employees who routinely drive campus vehicles on College business.
- Maintains confidentiality of DMV Pull Notice Review results.

Criminal Background Check Review Committee:

- Reviews only criminal background checks which reveal convictions that have occurred within the past seven years and determines within seven days whether such convictions disqualify individuals from the position for which they are applying.
- Reviews appeal materials.

INITIATING A CRIMINAL BACKGROUND CHECK FOR A SENSITIVE POSITION

The Office of Human Resources initiates a combined Maryland Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) Background Check after the employment offer, but before

the first day of employment. With the permission of senior administration, a selected candidate may begin employment with the College prior to the conclusion of a criminal background check. However, the criminal background check must be initiated no later than five days after a new employee's start date. It is vital the applicant be informed that continued employment in the current position is contingent upon successful completion of both the DOJ and FBI background checks.

The hiring department must notify the individual under consideration in writing that the offer for employment is conditional upon successful completion of the DOJ/FBI background checks. This notification must include a warning that falsification of information submitted on College application materials is cause for corrective action up to and including dismissal.

CONDUCTING A CRIMINAL BACKGROUND CHECK

The hiring department completes the appropriate forms to initiate the background checks and obtains the completed Applicant Release and Disclosure Form. The hiring department makes arrangements through the Office of Human Resources for the individual under consideration to complete the fingerprinting process.

Maryland State Police or the St. Mary's College of Maryland Office of Public Safety fingerprints the individual and completes the appropriate form(s). The Office of Human Resources should receive the DOJ criminal background check information in three to seven days and the FBI information in approximately 30 days.

The Office of Human Resources notifies the hiring department if the results show no convictions so that the personnel action can be completed. If the results show that convictions exist, the results are forwarded to the Criminal Background Check Review Committee for further action.

The subject of a background check is provided a summary of the background check results.

IF THE CRIMINAL BACKGROUND CHECK REVEALS CONVICTIONS

A Criminal Background Check Review Committee (Review Committee) consisting of the Director of Human Resources, the Vice President for Business and Finance or designee, and the Provost or designee will be notified of all criminal background checks in which convictions are found. The Review Committee will review these reports and make final determinations regarding the suitability of individuals for specific positions. The Review Committee may recommend implementation of additional controls before a department can employ an individual with a conviction. The Committee will complete its review within seven days of receiving notification from DOJ/FBI.

Only criminal convictions that have occurred within the past seven years will be considered by the Review Committee. The Review Committee shall consult the *Authorization to fill a Vacancy* form for the list of convictions of primary concern and will use this list to guide their deliberations. Results without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision-making process. However, if an individual has a

criminal case pending, his or her suitability for continued employment may be reviewed upon disposition of the case. Certain types of convictions within the past seven years may automatically preclude hiring for certain positions. For example, individuals with convictions for felony thefts, embezzlement, identity theft, or fraud cannot be hired into positions with fiduciary responsibilities. Convictions for child molestation and other sex offenses will automatically preclude an individual from employment that involves direct unsupervised contact with students, outreach programs, or access to residence facilities. Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs, may also be grounds for denial of employment. The above list is not all inclusive, but is intended to illustrate the decision-making criteria. In determining an individual's suitability for employment where the individual under consideration has convictions, the Review Committee will consider the specific duties of the position, the number of offenses and circumstances of each, and whether the offenses were disclosed on the application.

The Office of Human Resources will notify all applicants of the results of their criminal background check. If the results of the criminal background check preclude an individual from employment, the Office of Human Resources will disclose to the subject the date(s) and the types of conviction(s) found in the criminal background check. Subjects of background checks are always entitled to receive a summary of the background check from the Office of Human Resources. The Office of Human Resources will provide subjects of criminal background checks with information regarding how they can obtain the same information directly from the DOJ. The Office of Human Resources will give written notice and the name of the agency that conducted the background check to the individual when employment is denied based on information received from the reporting agency, as required by the Fair Credit Reporting Act (FCRA), which also covers criminal background checks. The Office of Human Resources will serve as the Office of Record for background check results.

Candidates who have results returned that negatively impact the final hiring decision will have an opportunity to submit explanatory information for consideration by the College. Such information will be given in writing to the Review Committee within ten business days of receiving a denial of employment based on the criminal background check results.

The Review Committee will consider any explanatory information submitted for reconsideration. All decisions made at this level are final and are not eligible for appeal/grievance. Appeal decisions will be provided to the candidate in writing within ten business days after the written submission of appeal.

**CRIMINAL BACKGROUND CHECK WORKSHEET
FOR DOCUMENTING THE SENSITIVE DESIGNATION OF A POSITION**

St. Mary's College of Maryland requires a criminal background check whenever an individual is newly hired for any position designated as sensitive. A sensitive position is one where any of the criteria listed below are a significant part of the job duties. Please check all boxes that apply and provide justifying comments. You can use the last bullet to incorporate a justification or criterion that is not included in the list. When the form is complete, please sign and date the form and submit the original copy to the Office of Human Resources. Please retain a copy in the departmental file on the recruitment.

Date: _____

Position Title: _____

Senior management of the campus (positions that are at a director level or above).

Care, safety, and security of people or property (includes public safety officers and any individuals working with minors, as required by law).

Direct access to or control over financial resources such as cash and/or checks that exceeds \$5,000.

Signature authority to commit financial resources of the College through contracts that exceed \$5,000.

Control over campus-wide or departmental business processes, either through functional roles or systems security access (includes network administrators, system programmers, HRIS and Payroll functions).

Access to detailed personally identifiable information about students, faculty, staff, or alumni which might enable identity theft.

Possession of building master or sub-master key access to any residence facility that includes access to private living areas.

Other sensitive concerns.

Department Representative

Department

Phone

St. Mary's College of Maryland Same-Sex Domestic Partner Benefits Policy

In recognition of the long-term, committed relationships of same-sex domestic partners and as described below, St. Mary's College of Maryland offers benefits to employees occupying permanent ongoing positions and their same-sex domestic partners. The intent of this policy is, to the extent practical, to offer benefits similar to those offered to employees and their married spouses. The College reserves the right to reconsider and re-evaluate continuation of these benefits on a periodic basis.

The College defines same-sex domestic partners as two (2) individuals, of the same sex, who live together in a long-term committed relationship of indefinite duration. These two (2) individuals are in a mutual commitment, similar to that of marriage, and agree to share financial and other resources for mutual benefit and responsibility. For documentation purposes, a same-sex domestic partnership is one in which the employee and his/her partner have lived together for at least twelve (12) months and agree to share financial and other resources for mutual benefit and responsibility. Documents that may be considered as proof of a domestic partner relationship include: joint ownership of real estate, joint mortgages, joint rental agreements, joint checking accounts, and joint vehicle titles. In addition, the employee and same-sex domestic partner must complete an affidavit affirming the authenticity of the domestic partnership relationship.

A. Medical

Domestic partners of State employees, unlike married spouses of State employees, are not currently eligible for participation in the State of Maryland health insurance plans. An employee whose same-sex domestic partner relationship has been verified by the Office of Human Resources shall be eligible to receive, from the College, an annual cash reimbursement to aid in the partner's enrollment in a medical and/or prescription drug insurance plan selected by the domestic partner. The maximum payment that will be made is an amount equal to the subsidy the College would hypothetically pay if the employee's married spouse were eligible to participate in and enrolled in the State medical and prescription drug plans.

An employee is not eligible for this cash payment, if his/her domestic partner is eligible for or is enrolled in other subsidized health benefit plans, such as employer-subsidized health benefit plans.

Documentation of a domestic partner relationship and of enrollment of the domestic partner in a health and/or prescription insurance plan must be submitted to the Office of Human Resources for verification prior to receipt of funds. Employees are responsible for notifying the Office of Human Resources within thirty (30) days of the dissolution of a registered domestic partner relationship.

Employees who elect to participate in this benefit should note income tax implications of participation. Domestic partner benefits paid by the College may be considered federal and State income to the College employee by the Internal Revenue Service (IRS) and the State

Comptroller and as such, must be reported and claimed by the employee as income. The College will report the payment as income to the employee and will make payroll withholding deductions, as required and appropriate. Employees assume all responsibility for any tax implications that result from participation in this program.

B. Leave: Sick, Bereavement, and Parental

Sick leave.

Employees who have a same-sex domestic partner registered with the Office of Human Resources may use their accrued sick leave for the illness of the employee's domestic partner and the domestic partner's parents. Documentation of the illness and need for the employee's presence must be submitted to the Office of Human Resources upon the employee's return to work.

Bereavement leave.

A maximum of three (3) working days may be used by an employee for bereavement leave in the event of the death of the employee's domestic partner, domestic partner's child, sibling of the domestic partner, or parent of the domestic partner. The leave will be charged to an employee's sick leave balance. If overnight travel is required due to the death of one of these family members, a maximum of five (5) working days may be charged to sick leave.

Parental leave.

Six weeks (30 days) of parental leave shall be provided to an employee who occupies a permanent full-time position for the purposes of birth and/or introduction of a child into the employee's home (including adoption or placement prior to adoption). The Office of Human Resources must receive the parental leave request forms prior to the birth or placement of the child.

Any employee (male or female) who has been employed by the College for a period of at least one year in a permanent full-time position shall be provided with thirty (30) days of paid leave for child/ren born or placed in the employee's home. If both parents (or primary care givers) are employed by the College, a maximum of thirty (30) days shall be shared. The birth or placement of the child must occur after one year of full-time employment in a permanent position. Parental leave shall commence on the first day's absence from work. The use of Parental Leave shall not be charged against the employee's accumulated leave balances. The thirty (30) days may be used as requested by the employee after consideration and approval of the request by the supervisor. Requests to use the leave intermittently shall be accompanied by a written schedule of the intended leave schedule.

The intermittent leave schedule must be approved by the supervisor and submitted to the Office of Human Resources.

Employees are eligible for this parental leave benefit once every three years.

C. Tuition Waiver

Same-sex domestic partners of employees who occupy permanent full-time positions are entitled to the same tuition waiver benefits offered to married spouses of St. Mary's College of Maryland employees. All provisions and exclusions of the applicable policy apply. An employee may be subject to income tax for tuition waiver benefits granted to the employee's domestic partner.

D. Other Benefits.

Same-sex domestic partners of full-time College employees shall have access to the physical facilities of the College and shall receive the same discount for all College events and productions as offered to married spouses of full-time College employees.

St. Mary's College of Maryland Same-Sex Domestic Partner Benefits Procedures

1. Full-time employees occupying permanent positions must register qualified same-sex domestic partners with the Office of Human Resources prior to receiving benefits. In order to be eligible, the employee and domestic partner must:
 - a. be of the same sex;
 - b. provide the domestic partner's full legal name, permanent address, and social security number to the College;
 - c. share financial and other resources for mutual benefit and responsibility;
 - d. have lived together for at least the last twelve (12) months;
 - e. be at least eighteen (18) years old;
 - f. have voluntarily consented to the relationship, without fraud or duress;
 - g. not be married to, or in a domestic partner relationship with, any other person;
 - h. not be related by blood or affinity in a way that would disqualify them from marriage under State law, if the employee and partner were opposite sexes;
 - i. be legally competent to contract;
 - j. share joint title to real estate, a joint housing lease, or a joint mortgage, and provide evidence of at least three (3) of the following items:
 - i. joint ownership of a motor vehicle; or a joint real estate holding – such as a mortgage or a joint housing lease.
 - ii. a joint banking account; or a joint credit account; or a joint debt or loan account;
 - iii. designation of the partner as a beneficiary of the employee's life insurance, retirement benefits, or residuary estate under a will;
 - iv. designation of the partner as holding a power of attorney for financial and legal decisions regarding the employee; and
 - v. designation of the partner as holding a durable power of attorney for health care decisions regarding the employee;
 - k. sign a legal affidavit as to the authenticity of the relationship

2. Documentation for eligibility of same-sex domestic partner benefits must be furnished upon registration (see letter “j” above or St. Mary’s College of Maryland Same-Sex Domestic Partner Policy for acceptable documentation).
3. Evidence of domestic partner’s enrollment in a health and/or prescription insurance plan must be submitted to the Office of Human Resources prior to the disbursement of funds by the College.
4. Dissolution of a domestic partner relationship must be reported to the Office of Human Resources within thirty (30) days of dissolution. The domestic partner will be removed from eligibility for benefits on the first day of the next calendar month.
5. Funds available for same-sex domestic partner medical and prescription benefits will be calculated on the employee’s enrollment selections for the current benefit year, in accordance with the St. Mary’s College of Maryland Same-Sex Domestic Partner Benefits Policy.
6. Bi-weekly payments for medical and prescription benefits will begin, within sixty (60) days after submission of all required documentation, including documentation of the domestic partner’s enrollment in a health and/or prescription insurance plan, but not a subsidized health benefit plan.

CONFIDENTIAL

**ST MARY'S COLLEGE OF MARYLAND
DOMESTIC PARTNER AFFIDAVIT FOR DOMESTIC PARTNERSHIP**

(ALL REQUIRED EVIDENCE AND DOCUMENTATION MUST BE ATTACHED TO THIS FORM)

Part I

I, _____, Social Security # _____
Domestic Partner – Print Full Name

Current Legal Address

affirm, under penalty of perjury, that _____ and I are domestic
(Employee's Name)

partners as defined under the Domestic Partner Policy of St. Mary's College of Maryland (SMCM), in that –

(1) We satisfy **all** the following requirements:

- (A) are the same sex;
- (B) share a close personal relationship and share financial and other resources for mutual benefit and responsibility;
- (C) have shared the same legal residence for at least 12 months;
- (D) are each at least 18 years old;
- (E) have voluntarily consented to the relationship, without fraud or duress;
- (F) are not married to, or in a domestic partnership with, any other person;
- (G) are not be related by blood or affinity in a way that would disqualify them from marriage under State law if the employee and partner were opposite sexes;
- (H) are legally competent to contract; and
- (I) share a joint housing lease, mortgage, or deed and provide other sufficient financial and legal obligations to satisfy at least three (3) of the following items (**evidence required**):
 - 1. joint ownership of a motor vehicle; or a joint real estate holding – such as a mortgage or a joint housing lease.
 - 2. a joint banking account; or a joint credit account; or a joint debt or loan account;
 - 3. designation of the partner as a beneficiary of the employee's life insurance, retirement benefits, or residuary estate under a will;
 - 4. designation of the partner as holding a power of attorney for financial and legal decisions regarding the employee; and
 - 5. designation of the partner as holding a durable power of attorney for health care decisions regarding the employee;

AND,

(2) We have registered the domestic partnership with the St. Mary's College of Maryland Office of Human Resources.

Part II

Termination of domestic partnership.

(1) I understand that I must notify the Office of Human Resources (on an approved form) within 30 days after:

(A) termination of the domestic partnership by death or dissolution; or

(B) any other change in circumstances that disqualifies the relationship as a domestic partnership.

(2) I further understand that when the domestic partnership ends, domestic partner benefits will terminate.

Part III

(1) I understand this information will be held confidential and will be subject to disclosure only upon my express written authorization or if otherwise required by law.

(2) I understand that if an employee receives a subsidy for tuition benefits and/or health benefits, including medical, dental, vision and prescription, for a domestic partner, the employee may be required to pay taxes on the value of the benefit. I understand that it is my responsibility to consult with a tax advisor or an attorney regarding tax implications of domestic partner benefits.

(3) I affirm that I am eligible to receive benefits under the SMCM Domestic Partner Policy and affirm that I have not engaged in any fraud in order to receive these benefits. I further understand that if I willfully misrepresent the eligibility of myself, or in any way obtain benefits to which I am not entitled, my benefits will be canceled, I may be required to repay any claims which have been paid inappropriately, and I may face charges, including possible criminal and civil charges.¹

Domestic Partner's Signature

Date

Subscribed and sworn to before me this _____ day of _____, 20__.

, Notary Public

My commission expires _____

¹In order to ensure compliance, the Office of Human Resources will conduct an annual audit of the Domestic Partner Benefits and enrollment.

DRUG-TESTING POLICY

On April 7, 1989, Governor Schaefer signed Executive Order 01.01.1989.05, the State of Maryland Substance Abuse Policy, establishing the goal of a drug-free State workplace. The Executive Order makes it a condition of employment that all State employees refrain from using illegal drugs on or off duty. The Executive Order recognizes that illegal use of drugs is a problem affecting our entire society, and, in particular, the national workforce, resulting in tragic human consequences and the loss of billions of dollars each year. As one of the largest employers in the state, the state government has a compelling interest in establishing reasonable conditions of employment. Prohibiting employee drug use is one such condition.

St. Mary's College of Maryland is concerned about the well-being of its employees, the successful accomplishment of agency goals and objectives, and the need to maintain employee productivity. The College's program for testing for the illegal use of drugs was established for this reason. The intent of this program is to send a clear message to all employees that any illegal drug use is incompatible with state service, and to recommend to any employee who may have a problem of this type to get help. This program for testing for illegal use of drugs has been designed to protect every employee's constitutional rights, including the right to privacy, and to respect every employee's dignity.

MEMORANDUM

TO: _____

FROM: Sally A. Mercer, Director of Human Resources and
Agency Technical Representative

DATE: _____

RE: **Drug-Testing Policy for Sensitive Positions**

Position:

On April 7, 1989, Governor Schaefer signed Executive Order 01.01.1989.05, the State of Maryland Substance Abuse Policy, establishing the goal of a drug-free State workplace. The Executive Order makes it a condition of employment that all State employees refrain from using illegal drugs on or off duty. The Executive Order recognizes that illegal use of drugs is a problem affecting our entire society, and, in particular, the national workforce, resulting in tragic human consequences and the loss of billions of dollars each year. As one of the largest employers in the State, the State government has a compelling interest in establishing reasonable conditions of employment. Prohibiting employee drug use is one such condition.

St. Mary's College of Maryland is concerned about the well-being of its employees, the successful accomplishment of agency goals and objectives, and the need to maintain employee productivity. St. Mary's College of Maryland's program for testing for the illegal use of drugs was established for this reason. The intent of this program is to send a clear message to all employees that any illegal drug use is incompatible with State service, and to recommend to any employee who may have a problem of this type to get help. This program for testing for illegal use of drugs, which includes random testing, has been designed to protect every employee's constitutional rights, including the right to privacy, and to respect every employee's dignity.

Employees in sensitive positions include: 1) those who have a substantially significant degree of responsibility for the safety of one or more persons (where a potential exists that impaired performance could result in death of or injury to the employee or others); 2) those who are required to carry a firearm; 3) those who are directly involved in efforts to interdict the flow of narcotics; or 4) those who are directly involved with narcotics law enforcement. All sensitive positions were identified by the Secretary of Personnel in the State government.

This memorandum should serve as official notification that your position has been designated as sensitive, and you are, therefore, subject to random testing for the illegal use of drugs. You are also subject to drug testing if any of the following circumstances occur: 1) you are being considered for appointment to another sensitive classification; 2) you have notified this office that you are voluntarily participating in a drug rehabilitation program; 3) you have been directly involved in an accident which caused injury, death, or property damage of \$2500 or more; or 4) there are reasonable and specific grounds to believe that a drug abuse test will produce evidence that you have used one or more illegal drugs.

Enclosed in this packet is an Employee Acknowledgement of Instruction in Testing for Illegal Use of Drugs." You are asked to sign this acknowledgement and return it to my office. Every effort will be made to answer your questions regarding this program. Please call me as these questions arise.

MEMORANDUM

TO: New Employee

FROM: Sally A. Mercer, Director of Human Resources

SUBJ: **Drug Testing Policy -- Non-Sensitive Positions**

On April 7, 1989, Governor Schaefer signed Executive Order 01.01.1989.05, the State of Maryland Substance Abuse Policy, establishing the goal of a drug-free State workplace. The Executive Order makes it a condition of employment that all State employees refrain from using illegal drugs on or off duty. The Executive Order recognizes that illegal use of drugs is a problem affecting our entire society, and, in particular, the national workforce, resulting in tragic human consequences and the loss of billions of dollars each year. As one of the largest employers in the State, the State government has a compelling interest in establishing reasonable conditions of employment. Prohibiting employee drug use is one such condition.

St. Mary's College of Maryland is concerned about the well-being of its employees, the successful accomplishment of agency goals and objectives, and the need to maintain employee productivity. The College's program for testing for the illegal use of drugs was established for this reason. The intent of this program is to send a clear message to all employees that any illegal drug use is incompatible with State service, and to recommend to any employee who may have a problem of this type to get help. This program for testing for illegal use of drugs has been designed to protect every employee's constitutional rights, including the right to privacy, and to respect every employee's dignity.

A few of our employees are classified as "sensitive," meaning that they have a substantially significant degree of responsibility for the safety of others; these individuals are subject to random drug testing. You, however, as an employee in a **non-sensitive** position, will be subject to testing **only** if there is very specific evidence that you have used an illegal drug, and only after close examination (by me) of that evidence reveals that testing is necessary.

You are asked to sign this acknowledgment and return it to my office. Every effort will be made to answer your questions regarding this program; please call me as they arise.

THE STATE OF MARYLAND

Executive Department

Executive Order 01.01.1991.16

State of Maryland Substance Abuse Policy

- WHEREAS, Substance abuse is a serious national crisis which has had a detrimental effect on the lives of many of our citizens, and has exerted a negative impact on the operation of business and government; and
- WHEREAS, Surveys indicate that nationally, 65 percent of the 18-25 year-old adult working population have used illicit drugs; and
- WHEREAS, It is estimated that at least 15 percent of the American workforce works under the influence of drugs or alcohol daily; and
- WHEREAS, Every employer, including the State of Maryland, experiences a loss in productivity due to drug related absenteeism, injuries on the job, decreased work quality, and wasted dollars; and
- WHEREAS, Substance abusing employees function below established standards, may make impaired decisions, may have negative effects on their co-workers, and are not as alert as non-using employees; and
- WHEREAS, The illegal use of the workplace as a drug market endangers the health, safety, and welfare of State employees; and
- WHEREAS, In order to serve the citizens of Maryland properly, the State must maintain a work environment which is free of drugs; and
- WHEREAS, The Federal Omnibus Drug Abuse Act of 1988 requires that any State which is a recipient of Federal funds must establish a Drug-Free Workplace, including a policy on the use of stances, an employee drug awareness program, and a procedure for employees to report their own convictions; and
- WHEREAS, A drug-free workplace is fundamental to efficient, effective, and responsible government;

NOW, THEREFORE,

I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1989.05 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions. In this Executive Order the following words have the meanings indicated.

- (1) "Substance" means alcohol or drugs.
- (2) "Alcohol" means ethyl alcohol or ethanol.
- (3) "Drug" means:
 - (a) A controlled dangerous substance;
 - (b) Any other substance which must be dispensed by a licensed health care professional; or
 - (c) An over-the-counter drug.
- (4) "Abuse" means:
 - (a) The use of an illegal drug;
 - (b) The intentional misuse of an over-the-counter drug, if the misuse impairs the job performance of the State employee or could impair the job performance of an applicant for State employment;
 - (c) The intentional use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where its use is not permitted, if it impairs the job performance of an applicant for State employment; or
 - (d) The use of alcohol if it impairs job performance of the State employee or could impair the job performance of an applicant for State employment.
- (5) "Workplace" means any place where an employee is performing work for the State of Maryland.

(6) "Employee" means:

- (a) A classified, unclassified, contractual, key employee, or other employee or official in the Executive Branch;
- (b) A volunteer who provides a service to or for a unit in the Executive Branch; or
- (c) A member of a Board or Commission in the Executive Branch.

(7) "Sensitive Employee" means an employee whose classification or position has been designated sensitive by the employee's appointing authority or personnel system.

(8) "Conviction" means:

- (a) A judgment of conviction, whether entered upon a finding of guilt or acceptance of a plea of nolo contendere, and the imposition of sentence; or
- (b) The staying of the entry of judgment and the placing of the defendant on probation after a finding of guilty or the acceptance of a plea of nolo contendere.

(9) "Alcohol Driving Offense" means:

- (a) Driving or attempting to drive while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol; or
- (b) Operating or attempting to operate a vessel while:
 - (i) Intoxicated; or
 - (ii) Under the influence of alcohol.

(10) "Controlled Dangerous Substance Offense" means:

- (a) A controlled dangerous substance violation, under Article 27 of the Annotated Code of Maryland;
- (b) An offense of the law of any other jurisdiction if the prohibited conduct would be a controlled dangerous substance violation if committed in this State;
- (c) Driving or attempting to drive while:
 - (i) Under the influence of drugs or

- drugs and alcohol; or
- (ii) Under the influence of a controlled dangerous substance; or

B. General Policy. The State of Maryland establishes and adopts the following substance abuse policy for the Executive Branch of State Government:

- (1) The State of Maryland is committed to making good faith efforts to insure a safe, secure, and drug-free workplace for its employees consistent with the Drug-Free Workplace Act as enacted by Congress.
- (2) All employees in the workplace must be capable of performing their duties.
- (3) Employees experiencing substance abuse problems are encouraged to seek assistance through:
 - (a) Their employer;
 - (b) Self referral to the employer's Employee Assistance Program; or
 - (c) Self referral to an alternative certified rehabilitation program.
- (4) An appointing authority may not hire anyone who [whom] it knows currently abuses drugs or alcohol.
- (5) Employees are prohibited from:
 - (a) Abusing alcohol or drugs;
 - (b) Committing a controlled dangerous substance offense; or
 - (c) Committing an alcohol driving offense.

C. Alcohol Abuse Policy.

- (1) Working under the influence of alcohol is a violation of this policy and shall subject the employee to disciplinary action.
- (2) An employee charged with an alcohol driving offense must report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the employee's appointing authority within 5 work days.
- (3) A sensitive employee shall be suspended for 15 days and required to successfully participate in an alcohol

treatment program designated by an employee assistance program the first time the employee is:

- (a) Convicted of an at-the-workplace alcohol driving offense; or
 - (b) Found under the influence of alcohol while at-the-workplace.
- (4) A sensitive employee convicted of an off-the-workplace alcohol driving offense, and a non-sensitive employee convicted of any alcohol driving offense shall:
- (a) On the first conviction be referred to an employee assistance program, and in addition, be subject to any other appropriate disciplinary actions;
 - (b) On the second conviction, at a minimum, be suspended for at least 5 days, be referred to an employee assistance program, be required to participate successfully in a treatment program, and in addition, be subject to any other appropriate disciplinary actions, up to and including termination;
 - (c) On the third conviction, be terminated.

D. Drug Abuse Policy.

- (1) Working under the inappropriate influence of prescription drugs or over-the-counter drugs is a violation of this policy and shall subject the employee to disciplinary action.
- (2) Working under the influence of a controlled dangerous substance is a violation of this policy and shall subject the employee to disciplinary action.
- (3) An employee charged with a controlled dangerous substance offense shall report a finding of guilty, an acceptance of a plea of nolo contendere, or a probation before judgment to the appointing authority within 5 work days.
- (4) A sensitive employee convicted of any controlled dangerous substance offense shall be terminated.
- (5) A sensitive employee who tests positive for a controlled dangerous substance as a result of a random drug test shall be suspended for 15 work days and be required to successfully participate in a drug treatment program

designated by an employee assistance program, as provided for by the appointing authority's drug testing protocol.

- (6) A sensitive employee who abuses a legally prescribed drug or an over-the-counter drug shall, on the first offense:
 - (a) Be suspended for 5 work days; and
 - (b) Be required to participate successfully in a drug treatment program designated by an employee assistance program.

E. General Sanctions. Any employee otherwise in violation of this Executive Order shall be subject to appropriate progressive disciplinary actions up to and including termination.

F. Law Enforcement.

- (1) When an appointing authority learns or, based on observation or reliable information suspects, that an employee has committed a controlled dangerous substance or alcohol offense at the workplace, the appointing authority shall refer the matter to an appropriate law enforcement authority for further investigation and prosecution.
- (2) All employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of suspected criminal violations.

G. Employee Education. All appointing authorities shall educate and inform their employees about:

- (1) The dangers of drug and alcohol abuse in the workplace and the community at large;
- (2) The State of Maryland's policy of maintaining a drug-free workplace;
- (3) Any drug and alcohol abuse counseling, rehabilitation, and employee assistance program that is available; and
- (4) The penalties that may be imposed upon employees for violations of this Executive Order.

H. Implementation.

- (1) The Secretary of Personnel and the head of every other personnel system in the Executive Branch shall adopt such policies and regulations as are necessary or desirable for the implementation of this Executive Order.
- (2) All appointing authorities are responsible for implementing and enforcing and monitoring compliance with the requirements of this Executive Order.
- (3) All employees are required to acknowledge receipt of a copy of this Executive Order by returning an acknowledgement of receipt of their supervisor for insertion in their personnel file.

GIVEN Under My hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 1st day of April 1991.

/s/ William Donald Schafer

William Donald Schafer
Governor



THE STATE OF MARYLAND

Executive Department

Executive Order 01.01.1998.25

Domestic Violence and the Workplace

- WHEREAS, Citizens and employees of the State of Maryland have a basic right to be safe and free from intimidation, threats, and injury, both at home and in the workplace;
- WHEREAS, Domestic violence is abusive behavior whereby a person intends to establish and maintain power and control over a person with whom he or she has, or has had, a significant personal relationship. Power and control are exerted through physical, sexual, psychological and or economic means;
- WHEREAS, Domestic violence is not a private family matter. It follows victims to their places of employment, and deprives victims and their co-workers of a safe and productive workplace;
- WHEREAS, Domestic violence costs American businesses an estimated 3 to 5 billion dollars each year in: absenteeism or tardiness; lost productivity when abusers harass victims at work or when victims must handle personal situations; and increased insurance and medical costs. If employees who are domestic violence victims lose their jobs, business bear the expense of training new employees. The State of Maryland as an employer is not exempt from these costs;
- WHEREAS, Employed victims of domestic violence typically do not ask co-workers or supervisors for help, out of shame or for fear of losing their jobs. Co-workers and supervisors may not know the signs of domestic violence, and may not know what to do if they suspect a co-worker is being abused;
- WHEREAS, Lt. Governor Kathleen Kennedy Townsend and Attorney General J. Joseph Curran, Jr. formed the Family Violence Council in 1995, giving it the mission to establish improved coordinated responses to family violence issues in Maryland, to prevent and reduce family violence in Maryland and to break the cycle of violence between generations. The Family Violence Council, which includes dozens of representatives from

the criminal justice system and the community, has recommended that employers take an active role in the elimination of domestic violence, and is working in conjunction with the Maryland Network Against Domestic violence and other State organizations to develop and promote workplace policies and training for State employees;

WHEREAS, The Department of Human Resources has taken a leadership role by recognizing the need for domestic violence awareness and training in the workplace, and has entered into a contract with the Maryland Network Against Domestic Violence to develop a training program for its employees; and

WHEREAS, The State of Maryland, as the State's largest employer, should provide workplaces where all victims of domestic violence can receive necessary support and assistance.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING ORDER, EFFECTIVE IMMEDIATELY:

- A. That each department and agency of the State of Maryland shall within the next year adopt policies and procedures which:
 - (1) Clearly direct that State agencies will not tolerate domestic violence;
 - (2) Instruct employees on how to offer assistance to domestic violence victims in an expedient, meaningful and confidential manner;
 - (3) Provide for the conspicuous posting of information about domestic violence and available resources;
 - (4) Provide for domestic violence awareness training for employees; and:
 - (5) Prohibit unfair treatment of employees by the employers based solely on their status as victims of domestic violence.
- B. The provisions of this Executive Order are not intended to alter any existing collective bargaining agreements or to supersede applicable federal or State law.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 1st day of October, 1998.

/s/ Parris N. Glendening

Parris N. Glendening
Governor

ATTEST:

/s/ John T. Willis

John T. Willis
Secretary of State

Personal Use of College and State Property

Equipment, tools, materials, records, documents, etc., that are the property of St. Mary's College and the State of Maryland are to be used for official business purposes only. Employees are not permitted to remove equipment, tools or other materials from the College for personal non-work related use.

College employees are responsible for and may not misuse College property, records, or other materials in the employee's care, custody, and control. If property is damaged or destroyed when in the custody of the employee, the employee may, depending on the circumstances, be required to reimburse the College for the damage caused.

Employees are required to turn in College property to their department head or the personnel office prior to departure from employment. This includes but is not limited to keys, procurement cards, cell phones, uniforms, library books, etc.

Re-Instatement Policy

Employees returning to St. Mary's College within six months:

- *Reinstated on payroll with no break in state service
- *Reinstate all unused sick leave
- *Leave accrual rates based on original hire date

Employees returning to St. Mary's College within one year:

- *Reinstated on payroll with a break in state service
- *Reinstate all unused sick leave
- *Leave accrual rates based on original hire date

Employees returning to St. Mary's College within two years:

- *Reinstated on payroll with a break in state service
- *Sick leave **will not** be reinstated
- *Leave accrual rates will accrue as a new employee

Employees returning to St. Mary's College within three years:

- *Reinstated on payroll with a break in state service
- *Sick leave **will not** be reinstated
- *Leave accrual rates will accrue as a new employee

Employees returning to St. Mary's College after 3 years:

- *New Employee

Tuition Benefits

EDUCATIONAL OPPORTUNITIES (Tuition Waiver)

Employees: Full-time employees who occupy permanent positions are eligible to enroll in a maximum of eight (8) credits per semester at St. Mary's College of Maryland. In certain rare circumstances, with the approval of senior administration, an employee may be allowed to exceed the eight-credit maximum. Employees must be in good financial standing with the College to enroll in course(s). Forms are available through the Business Office and Office of Human Resources. Employees may, with the approval of their supervisor(s), take one (1) course during working hours provided all lost work time is made up within the same work week. Employees who terminate their employment with the College or are terminated, shall be permitted to complete the course(s) for the semester in which they are enrolled provided the course(s) are in progress. All fees and course-related expenses are the responsibility of the employee.

Applications for waiver support must be complete by the deadlines established by St. Mary's College. Information about deadlines can be obtained from the Office of Human Resources.

Internships, independent studies, studies abroad, field studies, and other special opportunities that bear academic credit are eligible for a tuition waiver only in support of the cost of the academic credits in approved College programs and will count toward the maximum number of semesters a student is eligible for tuition waiver.

A tuition waiver is available to eligible faculty and staff for summer session credit courses taken through the office of continuing education only when the use of the waiver does not result in added expense for the College. Upon registration in summer session, the enrollee(s) must state the intention to use the tuition waiver. Enrollees will be notified by the office of continuing education if the tuition waiver will not be applied. For eligible summer courses, the tuition waiver may be applied toward a maximum of eight (8) credits or two (2) courses each summer.

Non-credit courses are not eligible for tuition waiver.

Dependent Children and Spouses of Employees: Dependent children and spouses of full-time employees hired before December 1, 2001 who occupy permanent positions are eligible for full tuition waiver up to eight (8) fall and/or spring semesters. Dependent children and spouses of full-time employees who are hired into a permanent position after December 1, 2001 are eligible for full tuition waiver up to eight (8) fall and/or spring semesters after the employee has completed two (2) years of continuous employment with St. Mary's College of Maryland.

For purposes of this benefit, dependent children are defined as unmarried natural, step, or adopted children of the employee who receive at least fifty percent (50%) of their financial support from the employee and who are not over 25 years of age. Dependents of terminated employees shall be permitted to complete the course(s) in which they are enrolled for that semester, provided the course(s) are in progress. All fees and course-related expenses are the responsibility of the employee.

Tuition waivers are available primarily for full-time study during the fall and spring semesters and only to undergraduates. Any fall or spring semester in which a student registers and is billed as a full-time student is counted as one semester toward the maximum of eight.

Tuition waivers may be available for part-time study, summer session courses, and special opportunities that carry academic credit from St. Mary's, such as internships, independent studies, studies abroad, and field

studies. Waiver support for these activities is limited to participation in approved St. Mary's programs where the cost of the academic credits is charged to the student's St. Mary's account. Waivers may be used to study in the St. Mary's program at Fudan University. Non-credit courses are not eligible for tuition waiver. All special fees and expenses associated with the academic activity are the responsibility of the student.

Academic work attempted when the student is not enrolled full-time in a fall or spring semester will be counted toward the eight semester limit for support as follows:

<u>Attempted Hours</u>	<u>Full-Time Semester Equivalent</u>
0.1 – 8.0	0
8.1 – 24.0	1
24.1 – 40.0	2
40.1 – 56.0	3
56.1 – 72.0	4
72.1 – 88.0	5
88.1 – 104.0	6
104.1 – 120.0	7

In the event that an eligible dependent of a St. Mary's College of Maryland employee is enrolled full-time at the College and the parent/guardian retires, that dependent shall be allowed to complete their degree at St. Mary's provided that: 1) the employee has been employed by the College on a full-time basis for a minimum of twenty (20) years; 2) the student maintains a good academic standing (grade-point average of 2.0 or higher); 3) the College continues to offer tuition waivers for current employees and their eligible dependents.

Forms are available through the Business Office located in Margaret Brent Hall and Office of Human Resources located in Cobb House.

Note: Scholarship awards from St. Mary's cannot exceed the value of in-state tuition. Tuition waivers are scholarships and count toward this limit. Scholarships from outside sources do not count, nor do need-based grants from St. Mary's or other sources.

POLICIES ON THE TUITION EXCHANGE SCHOLARSHIP PROGRAM

The Tuition Exchange (TE) program provides the opportunity for eligible dependent children to receive undergraduate scholarships at one of the participating member institutions. At present there are more than 500 colleges and universities located in 45 states, the District of Columbia, and the United Kingdom that belong to this program. Eligibility requirements, award amounts, application procedures, and continuation policies in the program vary by institution. The information below applies specifically to St. Mary's College of Maryland. The membership program is administered by Tuition Exchange, Inc., a not-for-profit 501c3 association.

The number of scholarship recipients in a given year is dependent upon the balance of incoming and outgoing students as determined by Tuition Exchange, Inc. by-laws. In addition, St. Mary's College may limit the number of participants according to institutional needs. The TE liaison officer at St. Mary's is responsible for maintaining records and communicating the number of available positions to interested parties.

**SCHOLARSHIPS FOR STUDENT DEPENDENTS
OF ST. MARY’S COLLEGE EMPLOYEES
(Export Scholarships)**

ELIGIBILITY

The tuition exchange program is a scholarship program provided by St. Mary’s College. Full-time faculty and full-time employees classified as exempt (administrative) who have worked continuously at the college for at least three years are eligible to apply on behalf of their dependent children (i.e., children claimed on the employee’s federal income tax return, or children named to receive support for education in either a separation agreement or divorce decree).

Acceptance into the TE program will be for first baccalaureate degrees only.

Eligible students wishing to study at a member institution must meet admissions criteria for that institution, and may have to meet more demanding standards if the host institution has established these to select among TE applicants. Admission to the host institution does not assure selection into the TE program. Policies governing participation are established by the host institution in accordance with Tuition Exchange policies.

TE waivers are available primarily for full-time study during the fall and spring semesters and only to undergraduates. Any fall or spring semester in which a student registers and is billed as a full-time student is counted as one semester toward the maximum of eight.

TE waivers may be available for part-time study, summer session courses, and special opportunities that carry academic credit from St. Mary’s, such as internships, independent studies, studies abroad, and field studies. Waiver support for these activities is limited to the cost of the academic credits attempted in approved St. Mary’s programs. An attempted credit is any credit for which the student is billed and is listed on the student’s statement of account. Non-credit courses are not eligible for tuition waiver. All special fees and expenses associated with the academic activity are the responsibility of the student.

Academic work attempted outside of the fall or spring semester in which a student is enrolled full-time will be counted toward the eight semester limit for support as follows:

<u>Attempted Hours</u>	<u>Full-Time Semester Equivalent</u>
0.1 – 8.0	0
8.1 – 24.0	1
24.1 – 40.0	2
40.1 – 56.0	3
56.1 – 72.0	4
72.1 – 88.0	5
88.1 – 104.0:	6
104.1 – 120.0	7

A TE scholarship is renewable provided the student remains in good academic standing at the host institution. If the employee retires or is deceased after a determination has been made by the host institution that the dependent is eligible and certified to participate in the TE program, the dependent’s eligibility will continue.

Coverage for dependent students of individuals whose employment at St. Mary's ends after the student is certified, accepted, or enrolled in the program shall continue only for the remainder of the current academic year.

Eligible dependent children who are not in the TE program are eligible to apply at any point during their undergraduate studies.

SCHOLARSHIPS

TE scholarships for dependent students of St. Mary's employees shall be in the amount of full tuition at the receiving institution, except in those cases where the institution's cost of tuition exceeds the limit established by the Tuition Exchange Board of Directors. In these cases, the receiving institution may award TE scholarships for less than the full amount of their tuition, but not less than the established limit. TE scholarships do not cover fees, room and board, and other charges associated with attending college.

TE scholarships may be taxable under IRS codes and the State of Maryland may report scholarships as income on the employee's annual W-2 form.

APPLICATION PROCEDURES

Each student applying for a scholarship must be certified before applying to a member institution. The Office of Human Resources is responsible for certifying applicants who are eligible according to procedures established by St. Mary's College. Application does not guarantee acceptance at a TE membership institution or insure a TE scholarship.

Employees wishing to have a dependent student considered for a TE scholarship must apply in writing to the Office of Human Resources. Applications for students to begin study in the fall semester must be made by November 1 of the previous year. The host institution may award new scholarships to students beginning their study in a term other than the fall. In this case, prospective participants must work with the Office of Human Resources and the TE liaison at St. Mary's College to meet all relevant deadlines at both the host institution and St. Mary's College.

The TE liaison officer determines the number of scholarships available for St. Mary's dependents in a given year. If there are more students of eligible St. Mary's employees than there are scholarship openings in the TE program, selection will be made on the basis of seniority of the employee (number of year of continuous, full-time employment at St. Mary's). In the event that the student's parents both work at the College, only the most senior of the eligible student's parent's time at the college will be considered. (NOTE: Students who are not granted a scholarship may apply the next year.)

NOTIFICATION PROCEDURES

Notification of acceptance into the TE program will be by April 1. Participants are encouraged to respond to the TE award in writing as soon as possible, but no later than May 1. Students not accepted into the TE program will be placed on a waiting list and will be notified as soon as possible after May 1 if an opening becomes available.

**SCHOLARSHIPS FOR STUDENT DEPENDENTS OF EMPLOYEES AT OTHER TE
MEMBER SCHOOLS WISHING TO STUDY AT ST. MARY'S
(Import Scholarships)**

ELIGIBILITY

Eligibility shall be determined by the TE liaison officer of the sending institution, who will notify the TE liaison at St. Mary's. To be considered for a St. Mary's TE scholarship, St. Mary's must receive eligibility certification by January 15 for students applying for the fall semester and October 15 for students applying for the spring semester.

All TE scholarship recipients must be admitted to St. Mary's under normal admissions criteria. The Office of Admissions has sole authority to make admission decisions. St. Mary's reserves the right to deny consideration for the TE program to any student who does not complete the application for admission process by the published deadlines.

The scholarship of an entering first-year student is renewable each year for four successive years of education provided the student remains in good academic standing at St. Mary's and retains certification from the sending institution. The scholarship of a student who enters St. Mary's as a transfer student is renewable for a continuous period until the student has been enrolled as a full-time student at any institution for the equivalent of four academic years (i.e., eight semesters or 12 quarters).

Scholarship recipients who lose their certification shall lose their scholarship after the current academic semester (fall or spring) in which certification was lost.

Student dependents who acquire eligibility after beginning their studies at St. Mary's are eligible to apply at any point during their undergraduate studies.

SCHOLARSHIPS

TE scholarships to attend St. Mary's shall be in the amount full tuition (in-state or out-of-state rates as appropriate for the student) for the academic year (fall and spring semesters). Summer term and part-time tuition fees are not eligible for scholarship support. TE scholarship recipients must pay all applicable fees and room and board charges. TE scholars may not receive any other merit scholarship from St. Mary's, but may receive outside scholarships and need-based aid (e.g., Pell Grants) including St. Mary's grants. In no case shall the total of scholarships and need-based grants exceed the full comprehensive cost of attendance at St. Mary's. The amount of the TE scholarship shall be considered in determining the need of the student.

**INTER-INSTITUTIONAL TUITION REMISSION POLICY
(Revised August 2006)**

A. Policy Guidelines.

1. This program is for the remission of tuition only. All fees and course-related expenses are the responsibility of the employee; no fees, books, or room and board charges are included.

2. The tuition remission program serves full and part-time faculty and staff occupying permanent positions at participating higher education institutions within Maryland.¹
3. Individuals seeking to participate in the inter-institutional tuition remission program must meet all admission requirements of that institution, the specific program sought, and all other academic requirements of the institution. These conditions are independent of the tuition remission program.
4. Tuition benefits described in this policy are available to part-time faculty and staff occupying permanent positions in at least a 50% capacity. Tuition benefits are pro-rated, based on percentage employed.
5. Certain courses and programs that are “self-support” programs as determined by each institution are excluded from the tuition remission program.
6. This benefit is not extended to spouses, retirees, or retiree dependents.
7. Tuition remission is available to eligible faculty, staff, and dependent children from institutions participating in the tuition remission program for summer session credit courses taken through the office of continuing education, only when the use of tuition remission does not result in added expense for the College. Enrollees in summer session must identify the intention to use tuition remission upon registration. Enrollees will be notified by the office of continuing education, if tuition remission will not be able to be applied. For eligible summer courses, tuition remission may be applied toward a maximum of eight credits or two courses.

B. Tuition Remission for Employees.

1. Faculty and staff as defined above are eligible to take no more than two courses or eight hours of fall and spring semester credit per semester with full tuition remission.²
2. Faculty and staff may enroll in eligible undergraduate or graduate programs for which they meet the admission requirements as defined by the attending institution.
3. Eligibility of faculty or staff to enroll in courses is subject to supervisory approval and no interference with assigned responsibilities.

C. Tuition Remission for Eligible Dependents of Employees.

1. Dependent children³ of full-time employees occupying permanent positions are eligible for tuition remission for up to eight semesters of full-time study. Tuition waivers are available primarily for full-time study during the fall and spring semesters and only to undergraduates. Any fall or spring semester in which a student registers and is billed as a full-time student is counted as one semester toward the maximum of eight.
2. Tuition waivers may be available for part-time study, summer session courses, and special opportunities that carry academic credit from St. Mary’s, such as internships, independent studies, studies abroad, and field studies. Waiver support for these activities is limited to the cost of the academic credits attempted in approved St. Mary’s programs where the cost of the academic credits is charged to the student’s St. Mary’s account. Waivers may be used to study in the St. Mary’s program at Fudan University. Non-credit courses are not eligible for tuition waiver. All special fees and expenses associated with the academic activity are the responsibility of the student.

¹ A permanent position is a position which has been approved through the State of Maryland budgetary and appointment classification process.

² Employees are encouraged to call the attending institution, prior to enrollment, to learn exclusions and/or limitations of that institution.

³ For purposes of this program, eligible dependent children are defined by the Internal Revenue Service’s definition of dependent child.

Academic work attempted outside of the fall or spring semester in which a student is enrolled full-time will be counted toward the eight semester limit for support as follows:

<u>Attempted Hours</u>	<u>Full-Time Semester Equivalent</u>
0.1 – 8.0	0
8.1 – 24.0	1
24.1 – 40.0	2
40.1 – 56.0	3
56.1 – 72.0	4
72.1 – 88.0	5
88.1 – 104.0	6
104.1 – 120.0	7

3. Eligible dependent children of faculty and staff, employed in permanent positions before July 1, 1990 may attend any four-year public higher education institution in Maryland with 100% of tuition remitted.
4. Eligible dependent children of faculty and staff hired into permanent positions after July 1, 1990 may attend a participating Maryland public institution of higher education, other than the home institution, with 50% of tuition remitted, if the dependent child is enrolling in a major program that is unavailable at the home institution.
5. Eligible dependent children of faculty and staff hired into permanent positions after July 1, 1992 may attend a participating Maryland public institution of higher education, other than the home institution, with 50% of tuition remitted, if the dependent child is enrolling in a major program that is unavailable at the home institution and the employee has completed two continuous years in the permanent position.

D. Procedures: Use of Tuition Remission.

1. Eligible faculty and staff, as well as their eligible dependents, interested in enrolling in courses at a participating institution must first follow the admissions and enrollment procedures of the attending institution.
2. Upon the completion of the acceptance and enrollment process, a tuition remission request form must be completed (including all required signatures) and submitted to the home institution human resources office for verification.
3. The home human resources offices will forward the approved tuition remission request form to the attending institution's office of human resources.
4. The attending institution's human resources office will process approved forms through the appropriate channels.
5. All requests for tuition remission must be received by the submission deadlines for the applicable semester. Each institution has its own designated submission deadlines.

E. Submission Deadlines for Tuition Remission Requests.

All requests for tuition remission must be received by the following deadlines or may be subject to rejection:

Deadlines:

- a. fall semester – July 31st
- b. spring semester – December 31st
- c. summer sessions – At the time of registration

Notes:

This inter-institutional tuition remission policy is not a contract, express or implied and does not guarantee employee or dependent eligibility.

Scholarship awards from St. Mary's can not exceed the value of in-state tuition. Tuition waivers are scholarships and count toward this limit. Scholarships from outside sources do not count, nor do need-based grants from St. Mary's or other sources.

Tuition benefits received under the inter-institutional tuition remission policy may be considered income by the Internal Revenue Service (IRS) and may result in employee tax liability.

Tuition benefits afforded under this policy are subject to review or change with or without notice.

GLOSSARY

Appeal Panel – A committee of three College employees: the Vice President for Business and Finance (or his/her designee), one exempt representative, and one non-exempt representative. This panel is convened to hear arguments in reference to a grievance decision and provide a final decision on that grievance. The Vice President for Business and Finance appoints the panel members.

Compensable Injury – A work-related injury that has been deemed payable for medical bills and/or time off from work by the Injured Workers' Insurance Fund.

Compliance – Adhering to and abiding by all provisions set forth in policies and procedures.

Confidential Employee – The Board approved definition of a confidential employee is an employee who has access to confidential or discretionary information regarding legal advice or the development or formulation of policy or procedures pertaining to labor relations or budget formulation and implementation; OR, whose functional responsibilities or knowledge concerning employee relations makes the employee's membership in an employee organization incompatible with the employee's duties; OR, who performs the functions of an executive secretary/administrative assistant/office administrator to the president, vice president, or dean [CEO and/or Officer] of St. Mary's College as defined by the Board of Trustees of St. Mary's College of Maryland.

Contingent Employee – An employee who is hired for a specified period of time and is not occupying a permanent state-line position.

Emergency Situation – An emergency situation exists when:

- a) When there is an imminent threat to life or health, or
- b) When extensive damage to property will or may occur, or
- c) When a major campus operation is severely impacted, or
- d) If in doubt, an employee should contact his/her supervisor.

Exempt Employee – An employee who is not eligible for overtime pay.

Grievance – A formal complaint process.

Intermittent leave – Leave that is approved to be taken in segments instead of in a consecutive format.

Job Abandonment – Failure to report to work; failure to obtain approval, from a supervisor, for leave; and failure to call in to a supervisor.

Managerial Employee – The Board approved definition of a managerial employee is an employee who is engaged predominantly in executive and management functions of the College or who is designated with the responsibility of directing the implementation of management policies and practices and who customarily and regularly exercises discretion and independent judgment in directing the implementation of management policies and practices.

Non-exempt Employee – An employee who is eligible to receive overtime pay and/or shift differential.

Permanent position – A position which has been approved by the Board of Trustees, established through the Department of Budget and Management, and been issued a position identification number (PIN).

Probationary period – The period in which the employer examines the fitness of a new employee to the position for which they have been hired.

Staff – All College employees who are not faculty.

Supervisory Employee – The Board approved definition of a supervisory employee is an employee who has the authority to hire, transfer, suspend, lay off, recall, promote, terminate other employees, or who effectively recommends such an action and if that action is not of a merely routine or clerical nature but requires the use of independent judgment.

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This employee handbook supersedes and updates any prior policies or handbooks.

Revised February 2009