



## **Employee Handbook**

**February 1, 2016**

*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

*The Public Honors College*

Welcome to St. Mary's College of Maryland (The "College"). 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.

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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.

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 College of Maryland 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**

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 job applicants offered employment 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. Beginning July 1, 2014, criminal background checks will be conducted on new applicants extended contingent offers of employment with the College. Within this policy, all employees hold sensitive positions to include: all faculty and staff hired into permanent positions, all faculty and staff hired into contractual positions, and certain student employees hired into programs with criminal background check requirements. Criminal background checks are not required for current employees unless: a) the College is required by law to conduct a background investigation, b) an existing faculty or staff member changes job responsibilities or is promoted to the extent that the sensitivity of the new position is significantly different than the sensitivity of the existing position. (Faculty promotions to associate professor and professor are not considered significantly different and not subject to criminal background checks). Applicants hired or promoted 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. The President may, of course, recommend candidates to be appointed by the Board if s/he chooses to, but the President 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 not in positions covered by the bargaining unit 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.

Hiring consideration will be given to contractual employees (employees in contingent positions) to fill a vacant position in the same or similar classification in which the contractual employee is employed.

## 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 their 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 they are is required to remain on College premises or so close that they are unable to use time effectively for their 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 \$14.00 per shift or one dollar and seventy-five cents (\$1.75) per hour. 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 their current rate. Acting capacity pay begins on the 31<sup>st</sup> 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 they 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.

## **NON-EXEMPT SKILLS DEVELOPMENT PROMOTIONAL PLAN**

The Non-Exempt Skills Development Promotional Plan is intended to create pathways for advancement among our non-exempt staff, to improve the quality of the services the non-exempt staff provides to the College and to encourage and reward non-exempt employees who demonstrate initiative and interest in performance improvement. This plan is voluntary and is not required by the College to maintain employment. Successful completion of the plan results in an employee receiving a promotion including a title change, a new position description, and an increase to their base salary. The Non-Exempt Skills Development Promotional Plan is described in full in the Employee Handbook appendix.

## **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 5<sup>th</sup> 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 20 days (160 hours) of accumulated annual leave from one fiscal year to the next. Annual leave exceeding the 20 day (160 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 their 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 their 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 their 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 their 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. 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 their 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 two years by any employee.

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 their 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 their 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 their 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 20 days annually. Monthly weekend drills are excluded.
  - On pre-scheduled leave during certain situations where administrative leave is granted.
- 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 their regular pay. An employee who is injured while performing their 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, their 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 their 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 their 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 their 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 their 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, they will be required to wait until the next scheduled open enrollment period, held once a year, usually during the fall.

As a general rule, eligible dependents include the employee's spouse and dependent children.

On an annual basis, the Office of Human Resources 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. The Office of Human Resources will notify employees or dependents of their right to COBRA when informed of a qualifying event.

## **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.

## **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 an Employee Withholding Allowance Certificate (W-4) form for federal and state income tax and an Employment Eligibility Verification (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 their 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 misconduct 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.

## **REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT**

The purpose of this policy is to provide guidance to staff, faculty, and students of the St. Mary's College of Maryland community regarding the mandatory requirements in Maryland law that govern the reporting of suspected cases of child abuse and child neglect; and to affirm the commitment of St. Mary's College to the protection of the safety and welfare of children who come into contact with the St. Mary's College community (see attached policy in Appendix or the Human Resources website).

## **REASONABLE ACCOMMODATION FOR DISABILITIES DUE TO PREGNANCY**

If you incur a disability as a result of or contributed to by pregnancy you have the right to request a reasonable accommodation (see attached policy in Appendix or the Human Resources website).

## **SEXUAL MISCONDUCT**

St. Mary's College of Maryland prohibits sexual harassment and misconduct in the College's workplace and educational programs. Sexual harassment or misconduct is expressly prohibited by anyone, including College employees, students and visitors. 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 or misconduct (see policy prohibiting sexual misconduct on the Title IX website 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 35, 36, and 37 of the Employee Handbook Appendix for memorandums detailing the circumstances under which drug testing may be conducted.

## **TITLE IX**

St. Mary's College complies with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment, sexual misconduct and sexual violence) based on sex in the College's educational programs and activities. Title IX also prohibits retaliation for asserting such claims of discrimination. Title IX policy and complaint procedures can be located on the Title IX website or the Human Resources website.

For information or for filing complaints regarding Title IX compliance and complaint procedures, contact the College's Title IX Coordinator:

Michael K. Dunn  
Director of Title IX Compliance and Training  
Title IX Coordinator  
[mkdunn@smcm.edu](mailto:mkdunn@smcm.edu)  
240-895-4105

## **WHISTLEBLOWER – REPORTING FISCAL IRREGULARITIES, ILLEGAL ACTIVITY, AND VIOLATIONS OF POLICY**

St. Mary's College encourages its employees, students, and the public to report serious issues of suspected or known fiscal irregularities, illegal activity, and violations of policy by SMCM and by its administrative and academic officers, faculty, employees, fellows, students and volunteers (collectively, "SMCM Personnel"). A SMCM hotline has been established to provide a means for such reports to be made which can be accessed by telephone or the internet. Reports, or whistleblowers, may remain anonymous, may request that their identity not be disclosed to those who are the subjects or reports, or may identify themselves. (See policy in Appendix or the Human Resources website).

**The SMCM HOTLINE is 855-481-6236 and the WEBSITE is**  
**<https://secure.ethicspoint.com/domain/media/en/gui/34166/index.html>**

## **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 or misconduct grievances will follow the complaint procedures set forth in the "Sexual Misconduct Complaint Procedures." Any employee filing and following the sexual harassment or



misconduct 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 their 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 their 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 their 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 their 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.

**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.

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\_\_\_\_\_  
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

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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**

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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 the Office of Information Technology (OIT) 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 Assistant Vice President of Information Technology in accordance with the College's procurement regulations. All College owned software must be registered and, where possible, original disks provided to the OIT for archiving. Privately owned software will not be archived by the OIT. 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 Check**  
**Revised Effective July 1, 2014**

**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 with the College. Within this policy, all employees hold sensitive positions to include: all faculty and staff hired into permanent positions, all faculty and staff hired into contractual positions, and certain student employees hired into programs with criminal background check requirements. Criminal background checks are not required for current employees unless: a) the College is required by law to conduct a background investigation, b) an existing faculty or staff member changes job responsibilities or is promoted to the extent that the sensitivity of the new position is significantly different than the sensitivity of the existing position. (Faculty promotions to associate professor and professor are not considered significantly different and not subject to criminal background checks). The hiring department is responsible for working with the Criminal Background Check Review Committee to determine the specific areas of sensitivity for the position in accordance with this policy. If the background check reveals a conviction relevant to the position, the individual extended an offer of employment may, after consideration by the Criminal Background Check Review Committee, be disqualified from holding that position.

**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 job applicants offered employment 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 *Criminal Background Check Worksheet* form the areas of sensitivity that are of primary concern for the position.
- 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.

**Notes for Hiring Departments:**

1. *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.*
2. *If an existing employee is promoted or changes positions within the College the hiring manager must indicate on the Criminal Background Check Worksheet areas of primary concern for the new position.*
3. *The hiring manager must submit this information to Human Resources to commence the background check process. A background check for an existing employee will be initiated by Human Resources if the sensitivity of the new position is significantly different from the sensitivity of the previous position.*
4. *The existing employee may not assume the new position until the background check results are received.*

**Office of Human Resources:**

- Consults with departments about policy interpretation.
- Facilitates the criminal background check process.
- Requests from individuals who have criminal convictions identified through the background check process a statement concerning the conviction and any information that the Review Committee may find useful in determining suitability for hire. The individual has five days to provide such a statement, has the right to provide such statement or not, and failure to provide information may not in itself be cause to deny employment.
- 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 all individuals who have undergone criminal background checks with a summary of their background check results and informs them when a conviction disqualifies them from employment.
- 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 that reveal convictions that have occurred within the past seven years.
- Reviews applicant's written statement if one is provided.
- Determines whether such convictions disqualify individuals from the position for which they are applying.
- The Review Committee will not convene before the five day time period allotted for the applicant to submit a written statement.
- The Review Committee will provide their hiring determination within fourteen days of convening.

### **INITIATING A CRIMINAL BACKGROUND CHECK**

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. The selected candidate may not start employment prior to the conclusion of a criminal background check unless this requirement is waived by the Vice President for Business and Finance. If the selected candidate is permitted to begin employment 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). Out of State candidates may obtain fingerprints from other sources and should coordinate this process with the Office of Human Resources. 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 Office of Human Resources notifies the applicant and provides the applicant an opportunity to submit a written statement concerning the conviction. The written statement, if submitted, along with the

criminal background check results are forwarded to the Criminal Background Check Review Committee for further action.

The subject of a background check is provided a summary of their background check results whether or not convictions are revealed.

### **IF THE CRIMINAL BACKGROUND CHECK REVEALS CONVICTIONS**

The applicant will receive a summary of the report that indicates what convictions have been identified in the background check. The applicant will be given a period of five days to respond in writing to the report.

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 Dean of Faculty or designee will be notified of all criminal background checks in which convictions are found. The Review Committee will not convene before the five day response period provided to the applicant. The Review Committee will review the criminal background check reports and the candidate's response 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 fourteen days of convening.

Only criminal convictions that have occurred within the past seven years will be considered by the Review Committee. The Review Committee shall consult the *Criminal Background Check Worksheet* form for the list of convictions of primary concern related to sensitive functions of the position 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 Review Committee may seek clarifying information from law enforcement agencies to assist in their deliberation.

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 individual 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 a written appeal for consideration by the College. Such information must be submitted in writing to the President of the College within ten business days of receiving a denial of employment based on the criminal background check results.

The President 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 is received.

(Revised 04/14/2014)

## 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 a) newly hired or b) when an existing employee is transferred or promoted to the extent that the sensitivity of the new position is significantly different than the sensitivity of the existing position. All staff and faculty positions are understood to involve, at some level, the care, safety and security of people and property and as such, all positions are considered sensitive.

This form is to be completed to identify the characteristics of specific positions to be used as the criteria for evaluating suitability to hire in the event that an individual offered employment, or an existing employee changing positions, have a criminal conviction(s). 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 Vice President for Business and Finance or to the Dean of Faculty for their signature. Please retain a copy in the departmental file on recruitment.

Date: \_\_\_\_\_

Position Title: \_\_\_\_\_

Sensitive Characteristics:

- Care, safety and security of people and property.  

All staff and faculty positions are understood to involve, at some level, the care, safety and security of people and property.
  
- Senior management of the campus (positions that are at a director level or above).
  
- Positions requiring a high degree of integrity with public confidence in the individual occupying the position.
  
- Direct access to or control over financial resources in excess of \$5,000.

- Signature authority to commit financial resources of the College through contracts in excess of \$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.

\_\_\_\_\_  
Signature Department Representative

\_\_\_\_\_  
Department

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Signature of Vice President for Business and Finance  
or the Dean of Faculty

\_\_\_\_\_  
Date

## **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: Michelle L. Forinash, Assistant Director of Human Resources

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: Michelle L. Forinash, Assistant Director of Human Resources

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

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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

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### 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

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William Donald Schafer  
Governor

# THE STATE OF MARYLAND

Executive Department

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## 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

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Parris N. Glendening  
Governor

ATTEST:

/s/ John T. Willis

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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

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

- Reinstatement on payroll with no break in state service
- Reinstatement of all unused sick leave
- Leave accrual rates are based on original hire date

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

- Reinstatement on payroll with a break in state service
- Reinstatement of all unused sick leave
- Leave accrual rates are based on original hire date

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

- Reinstatement on payroll with a break in state service
- Reinstatement of all unused sick leave
- Leave accrual rates are based on new hire date

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

- Reinstatement on payroll with a break in state service
- Reinstatement of all unused sick leave
- Leave accrual rates are based on new hire date

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

- New employee for state service
- Unused sick leave will not be reinstated
- All leave accruals are based on new hire date

Revised (08/01/10)

## **POLICY ON THE REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT**

(Approved by the Board of Trustees on February 25, 2012)

This policy is modeled on the University System of Maryland policy on reporting of suspected child abuse and neglect. It has been reviewed by the Office of the Attorney General.

### **I. PURPOSE**

The purpose of this policy is to provide guidance to staff, faculty, and students of the St. Mary's College of Maryland community regarding the mandatory requirements in Maryland law that govern the reporting of suspected cases of child abuse and child neglect; and to affirm the commitment of St. Mary's College to the protection of the safety and welfare of children who come into contact with the St. Mary's College community.

### **II. AUTHORITY**

The reporting requirements addressed in this policy implement the mandatory child abuse and neglect reporting provisions of the Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708, as they apply to the St. Mary's College.

### **III. DEFINITIONS**

A. "Abuse" means:

1. The physical or mental injury of a child by a parent or other person who has permanent or temporary care or custody of the child, or by any household or family member, under circumstances indicating that the child's health or welfare is harmed or at substantial risk of being harmed; or
2. Sexual abuse of a child, whether physical injuries are sustained or not, defined as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

B. "Child" means any individual under the age of 18 years.

C. "Local department of social services" means the department of social services for the jurisdiction in which:

1. The child resides; or
2. The abuse or neglect occurred, or,
3. If neither location is known, the jurisdiction in which the institution is located.

D. "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

E. "Neglect" means the failure to give proper care and attention to a child, including leaving the child unattended, by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances indicating:

1. That the child's health or welfare is harmed or placed at substantial risk of harm; or

2. Mental injury to the child or a substantial risk of mental injury.

F. “Professional employee” means a person employed by the St. Mary’s College as a:

1. Faculty member;

2. Administrator;

3. Coach; or

4. Other employee who provides academic support, student service, or institutional support activities, whose duties require either a college degree or comparable experience.

#### IV. REPORTING REQUIREMENTS

A. Reporting Requirements for St. Mary’s College Professional Employees.

A St. Mary’s College health practitioner, police officer, or other professional employee (“the professional employee”) of a St. Mary’s College institution, when acting in a professional capacity, who has reason to believe that a child has been abused or neglected, shall report this suspicion as follows:

1. An oral report shall be made as immediately as is practicable, within 48 hours of the event that caused the employee to believe that a child has been subject to abuse or neglect:

a. To the local police department or the local department of social services; and

b. When acting as a staff member of a St. Mary’s College institution, to the President of the institution, or the person or persons designated by the President to receive such reports (“the President’s Designee”). The President’s Designee is the Vice President for Business and Finance.

2. A written report shall also be provided to the local department of social services within 48 hours of the event that caused the employee to believe that a child has been subject to abuse or neglect.

a. The employee shall provide a copy of the written report to the institution President, or the President’s Designee.

b. The report shall include the following information, to the extent that it is known by the employee:

i. The name, age, and home address of the child;

ii. The name and home address of the parent or other person responsible for the care of the child;

iii. The child’s whereabouts;

iv. The nature and extent of the suspected abuse or neglect, including any information regarding possible previous instances of abuse or neglect; and

v. Any other information that may help to identify the person responsible for the abuse or neglect or determine the cause.

3. A copy of the written report also shall be sent to the local State’s Attorney, if abuse is suspected.

4. The above reporting requirements apply regardless of generally accepted confidentiality privileges otherwise applicable to professional-client relationships, except that they may not apply to attorneys or members of the clergy under the specific circumstances described in Family Law Article Section 5-705(a)(2) and (3).



## B. Reporting Requirements for All Other Persons.

Members of the St. Mary's College community other than a St. Mary's College professional employee acting as a staff member of a St. Mary's College institution, including other staff, students, and contractors on campus, are also required to report suspected child abuse or neglect as follows:

1. Such individuals shall report orally or in writing to:
  - a. The local department of social services or local law enforcement agency; and
  - b. The President of the institution or the President's Designee, if the suspected child abuse or neglect:
    - i. Took place in institution facilities or on institution property;
    - ii. Was committed by a current or former employee or volunteer of the St. Mary's College;
    - iii. Occurred in connection with an institution sponsored, recognized or approved program, visit, activity, or camp, regardless of location; or
    - iv. Took place while the victim was a registered student at the institution.
2. The report shall include the information listed in Section IV.A.2 above, to the extent that it is known by the individual making the report.
3. The requirement to report suspected abuse or neglect to the President or the President's designee under section B.1.b, above, is subject to generally accepted confidentiality privileges applicable to professional-client relationships.

## C. Questions Regarding the Reporting Requirements.

Questions regarding the applicability of these requirements to a particular individual or situation may be directed to the local department of social services or the President's Designee for the reporting of suspected abuse or neglect.

## D. Reporting of Past Abuse or Neglect.

The obligation to report suspected child abuse or neglect applies, even if the individual who may have been the victim of past child abuse or neglect is no longer a child at the time when the past abuse or neglect is disclosed or otherwise suspected.

## V. POLICY IMPLICATIONS AND CONSEQUENCES

### A. Immunity.

Under State law (Family Law Article Section 5-708), any individual who in good faith makes or participates in making a report under the law shall be immune from any civil liability or criminal prosecution. In addition, any person who in good faith makes or participates in making a report under this policy shall be free from any reprisal at the institution that might otherwise result from compliance with the policy.

### B. Failure to Report.

Any employee of the St. Mary's College who fails to report suspected child abuse or neglect in violation of this policy may be subject to discipline for professional misconduct, up to and including termination of the employee's employment with or appointment to the St. Mary's College.

### C. Confidentiality.

The confidentiality of a report of suspected child abuse or neglect, including the identity of an individual who makes a report under this policy, the individual suspected of abuse or neglect, and the child who may have been abused or neglected, will be protected consistent with relevant federal and state laws.

## VI. RESPONSIBILITIES OF THE INSTITUTION

St. Mary's College shall take the following actions to implement this policy and support compliance with State law requirements:

### A. President's Designee.

The President of the institution shall designate the person or persons to receive oral and written reports of suspected child abuse or neglect from employees, students, and others at the institution.

### B. Information Dissemination.

Employees, students and other members of the campus community shall be informed through employee or student handbooks, institution websites, and other appropriate means of communication of:

1. The requirements of this policy and relevant state law requirements;
2. Institution policies and procedures for compliance with the policy; and
3. Contact information for the local department of social services, local law enforcement agency, State's Attorney, and the President's Designee for the reporting of suspected child abuse or neglect.

### C. Training.

Employees and students who have regular contact with children shall receive periodic training in the requirements of this policy.

### D. Cooperation with Other Agencies.

The institution shall cooperate fully and appropriately with any investigation of suspected child abuse or neglect by a local department of social services or law enforcement agency. If the individual suspected of child abuse or neglect is an employee, student, or contractor of the institution, the institution shall coordinate its own investigation or other activities in response to a report with the appropriate local agency.

### E. Disciplinary Action.

St. Mary's College shall ensure that its own policies and procedures for addressing alleged employee and contractor misconduct include provisions and measures to respond swiftly and appropriately to reports of suspected child abuse and neglect.

### F. Reporting to the Board of Trustees

The President shall inform the Chair of the Board of Trustees of any serious incident arising at an institution under this policy, consistent with the confidentiality requirements of federal and state law.

## **Reasonable Accommodation for Disabilities Due to Pregnancy**

If you incur a disability as a result of or contributed to by pregnancy you have the right to request a reasonable accommodation that may include:

- changing your job duties;
- changing your work hours;
- relocating your work area;
- providing mechanical or electrical aids;
- transferring you to a less strenuous or less hazardous position; or
- providing leave.

You may be required to provide medical certification of the need for reasonable accommodation to the same extent a certification is required for other temporary disabilities. Such certification shall include:

- the date the reasonable accommodation became medically advisable;
- the probable duration of the reasonable accommodation; and
- an explanatory statement as to the medical advisability of the reasonable accommodation.

Company policies and practices regarding the availability of leave, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

Know your rights and responsibilities under the law. Contact the

**Maryland Commission on Civil Rights**

**410-767-8600**

**1-800-637-6247**

**<http://mccr.maryland.gov/>**

## 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 and Office of Human Resources located in Glendening Hall.

*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**

(revised September, 2010)

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 over 600 private and public, not for profit, participating institutions located in 47 states, DC, UK and UAE representing the diversity of higher education in the US. Around fifteen schools join each year. 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.<sup>1</sup>
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.

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



- 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.**

- 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.<sup>1</sup>
- Faculty and staff may enroll in eligible undergraduate or graduate programs for which they meet the admission requirements as defined by the attending institution.
- 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.**

- Dependent children<sup>2</sup> 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.
- 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.

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

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

<sup>3</sup> For purposes of this program, eligible dependent children are defined by the Internal Revenue Service's definition of dependent child.

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 31<sup>st</sup>
- b. spring semester – December 31<sup>st</sup>
- 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.*

# **ST. MARY’S COLLEGE OF MARYLAND WHISTLEBLOWER POLICY ON REPORTING FISCAL IRREGULARITIES, ILLEGAL ACTIVITY, AND VIOLATIONS OF POLICY**

Effective Date: February 25, 2012; Revised April 17, 2014

## **I. Purpose and Scope of Policy**

St. Mary’s College of Maryland (“SMCM”) encourages its employees, students, and the public to report serious issues of suspected or known fiscal irregularities, illegal activity, and violations of policy by SMCM and by its administrative and academic officers, faculty, employees, fellows, students and volunteers (collectively, “SMCM Personnel”). SMCM in coordination with this policy has established a SMCM Hotline to provide a means for such reports to be made. The SMCM Hotline may be accessed by telephone or the internet. Reporters, or whistleblowers, may remain anonymous, may request that their identity not be disclosed to those who are the subjects of reports, or may identify themselves.

The SMCM Hotline may be used by any person among SMCM Personnel or any person in the public who interacts with SMCM; for example, a contractor, an applicant for employment or a campus visitor may use the SMCM Hotline.

The SMCM Hotline is not intended to replace normal channels for SMCM Personnel and the public to make suggestions for improvement of SMCM business practices or academic programs, or to resolve errors or omissions in the performance of SMCM Personnel. In an academic community, resolution of issues through open dialog is a preferred means of addressing issues. SMCM recognizes that an alternative process may be required in some cases, and may be the most efficient means for some SMCM Personnel and the public to communicate with SMCM concerning serious problems. The SMCM Hotline should not be used to report emergencies that may affect safety of persons or property. The SMCM Office of Public Safety is the appropriate contact for emergencies.

Reports of improper use or diversion of federal funds, especially federal grants and contracts, are strongly encouraged.

## **II. Procedures to Implement this Policy**

The SMCM Hotline will be broadly publicized through appropriate communications with SMCM Personnel and by postings on appropriate SMCM websites accessible to SMCM Personnel and to the public. The Assistant Attorney General for SMCM in coordination with the President will issue procedures (“Report Procedures”) that will be followed for making reports to the SMCM Hotline, evaluating reports to determine whether they fall under this Policy, investigating reports that fall under this Policy, protecting reporters from reprisals, and making appropriate referrals of issues for investigation (for example, referrals to existing campus resources, the State Ethics Commission, federal agencies, and law enforcement agencies).

### **Making Reports**

SMCM encourages members of SMCM Personnel and the public, to follow this Policy and the Report Procedures to report known or reasonably suspected serious fiscal irregularities, violations of law and regulation, serious departures from College policy, and other matters under the scope of this Policy.

Generally, a report under this Policy should follow efforts to resolve issues through normal channels of communication within SMCM. However, such efforts are not a precondition for a report. Uncertainty about the best means to make a report of a serious concern should not delay or prevent use of the SMCM Hotline to bring the concern to SMCM's attention.

*The SMCM HOTLINE is 855-481-6236 and the WEBSITE is <https://secure.ethicspoint.com/domain/media/en/gui/34166/index.html>*

A report should provide information and, when possible and lawful, documents or data to support the allegations in the report.

This Policy and the SMCM Hotline are not intended to replace existing reporting procedures of SMCM for matters such as employment-related complaints, including complaints of discrimination; sexual and other unlawful harassment; student academic and residential life problems; health and safety hazards; criminal activity (other than emergencies); and violations of policies relating to research. Activity reportable under those procedures may be reported through the SMCM Hotline at the discretion of the reporter.

THE SMCM HOTLINE IS NOT INTENDED FOR REPORTS TO ANY OTHER COLLEGE, AGENCY OR INSTITUTION OTHER THAN ST.MARY'S COLLEGE OF MARYLAND.

### III. Anonymity and Confidentiality

SMCM encourages direct and open discussion of issues between and among its management, staff, faculty, and students. A person may seek to report concern about a serious matter on a confidential basis (so that the reporter's identity is not disclosed to the persons whose actions are the subject of the report) or to report anonymously (so that SMCM itself does not know the reporter's identity). The Report Procedures will address these concerns. The SMCM Hotline will be operated in a manner that allows dialog between SMCM and an anonymous reporter without identification of the reporter to SMCM management.

To the extent practical, consistent with SMCM's responsibility to investigate reports and resolve issues cited in reports, the confidentiality or anonymity of a reporter will be protected if that is the reporter's preference. It is possible that a person whose actions are being investigated will be able to identify a reporter as a result of the investigation. SMCM therefore cannot guarantee confidentiality or anonymity of a reporter.

### IV. Recording, Evaluating and Investigating Reports

The President or designee will designate a SMCM report monitor who will record all reports received by SMCM through the SMCM Hotline and track the actions taken by SMCM or other entities to evaluate reports, investigate the reports that fall under this Policy, and resolve any confirmed issues brought to SMCM's attention through reports under this Policy.

Each report will be evaluated to determine whether it falls under this Policy. If it is determined that a report does not fall under this Policy, the reporter will be notified, if possible. If a report falls under this Policy, the reporter will be advised, if possible, that the report is under review. The Report Procedures will be followed to investigate the report.

## V. Protection Against Reprisal Actions

Reporters who use the SMCM Hotline consistent with this Policy will be protected against reprisal actions. A reprisal action is a disciplinary or other adverse action against a member of SMCM Personnel that is taken solely in response to making a report under this Policy. An action that has a basis under law and policy is not a reprisal action. An action is not presumed to be a reprisal action because it is taken after a report is received, regardless of the merits of the report.

The Report Procedures will address means to file allegations of reprisal actions. Allegations of reprisal actions that are made in accordance with the Report Procedures will be thoroughly investigated. Supervisors, faculty and administrators responsible for actions will be disciplined. A reprisal action will be reversed or rescinded to the extent practicable, and appropriate action will be taken to eliminate or mitigate any damage to the reputation or position of the reporter.

Protection against reprisal actions does not shield a reporter from an adverse action, such as an employment decision or academic evaluation, that would have been taken, consistent with policy and law, regardless of a report being made by the reporter.

A reporter who is a SMCM employee may be able to report reprisal as provided in the Maryland Whistleblower Law, in addition to reporting reprisal action under the Report Procedures. Details of the Maryland Whistleblower Law are beyond the scope of this Policy and the Report Procedures.

## VI. Cautions to Reporters

It is important that reporters be free to disclose known or reasonably suspected serious violations of law and policy. A person considering whether to make a SMCM Hotline report must bear in mind that making a report is a serious matter which should be undertaken responsibly. False, malicious, and unfounded reports, and reports relating to trivial concerns, can result in harm to SMCM, to persons accused of wrongdoing, and to the reporter. Making frivolous, malicious or knowingly baseless reports is a violation of this Policy and will be disciplined.

Persons who access information or documents in violation of law or policy, and use the information or documents in a SMCM Hotline report or disclose the information or documents in a manner that violates law or policy, are not protected from discipline or prosecution for their wrongful actions.

This Policy and related laws do not protect reporters from civil suits against them for defamation, libel, invasion of privacy, or other causes of action.

## **NON-EXEMPT SKILLS DEVELOPMENT PROMOTIONAL PLAN**

This plan is intended to create pathways for advancement among our non-exempt staff, to improve the quality of the services the non-exempt staff provides to the College and to encourage and reward nonexempt employees who demonstrate initiative and interest in performance improvement. This plan is voluntary and is not required by the College to maintain employment. There will be no negative impact to employees who do not wish to participate in this voluntary plan. Lack of interest or ability to participate in this program will specifically not lead to a negative evaluation within the “professional development” section of the SMCM Annual Employee Review.

Fully implemented, the development plan will create skill levels within our non-exempt positions. Achievement of each level will be determined by:

- reaching a years of service threshold, and
- by maintaining good performance reviews, and
- by developing or improving relevant and specific technical skills through training and certification from a recognized provider.

Upon obtaining a new performance level classification, the employee will receive a title change, a new position description, and an increase to their base salary. Details of the proposed plan are below:

A contractual employee who has at least twelve (12) months of contractual service to the College is eligible for the skills development program upon conversion to full-time status, if the Employee is converted to the same Position within the same department.

Evaluations in 2015 and forward will be the only evaluations considered for all employees for the program.

Examples of training programs that could qualify for the skills development and promotion plan are included at the end of this document. This list is not all inclusive and employees interested in pursuing this promotional opportunity are encouraged to work with their managers or with Human Resources to determine a training plan. Once a training plan is approved, including which courses will be counted towards the required hours, an agreement will be generated stating what training is expected to be done, the total number of hours required to complete the training plan, the new rate of pay the employee will have upon completion of the training, the new position description, and the repayment requirements if the Employee leaves the College within one (1) year of completion. This agreement shall be signed by the employee and a representative of SMCM.

In the event that a prerequisite course is required to take a second course which SMCM would recognize for a training plan, the hours spent on the prerequisite will count toward the total training hours for the skills development program.

A person who is engaged in the skills development plan will not be called for mandatory overtime, callback or on-call during the hours at which they are scheduled to attend approved training under this plan. Hours shall be calculated based on actual hours in training, not credit hours.

### **Level 1 – Basic Level**

Where the fundamental job requirements are successfully conducted and completed. All non-exempt staff are hired at this level and pay is determined by the staff salary structure.

- Employees are hired into the basic level.

## Level 2 – Accomplished Level

Where the fundamental job requirements are performed with expertise beyond the Basic Level and specific skill proficiency is externally certified. The quantity and/or quality of tasks performed by an employee at the accomplished level will exceed that of an employee working at the basic level. An employee working at the accomplished level may be performing additional tasks as described in their new position description.

- Employees who have one year (1) of service at the College are eligible to submit a request for skills development training that will lead to Level 2 classification.
- To be eligible, employees must have achieved one (1) annual performance review with a rating of at least “performed well” during the most recent year.
- New employees are required to have achieved a six month evaluation with a “satisfactory” ranking and an annual performance review with a rating of “performed well” on their most recent performance evaluation.
- For approval, skills development training must be externally provided through certified training that meets recognized industry standards.
- Upon approval of the skills development plan, the College will pay for the cost of the certification program. Approval of the skills development plan shall be provided within thirty (30) working days of its submission. • HR will confirm eligibility for the skills development training plan within three (3) Working Days of the Employee’s request.
- Initial Application for participation shall be made to the Human Resources Department. Applications will be assessed by the HR Director and the Manager of the Department where the employee is working. The skills development application and assessment will be forwarded to the VP of the area for review and approval or denial. Approval of skills training will be based upon the relevancy of the training, whether the achievement of these skills will address outstanding department needs, the employee’s performance ranking and the availability of funds.
- At a minimum, twenty (20) hours of instruction will be required to complete Level 2 certification, either through completion of a single course or through completion of multiple courses. All training hours that are required for the successful completion of the approved training plan will be included in the calculation of total training hours as set forth in the training agreement.
- It is expected that the skills training is conducted outside of working hours. Manager approval and leave use is required for training that occurs during working hours.
- Upon successful completion of the skills development plan the employee will be promoted, will receive a title change, a new position description and will receive an increase to their base pay. The salary increase will be based upon the training commitment as described below: 20-40 hours of approved instruction achieves a 1% increase to base salary 40-60 hours of approved instruction achieves a 2% increase to base salary 60-80 hours of approved instruction achieves a 3% increase to base salary 80-100 hours of approved instruction achieves a 4% increase to base salary 100 or more hours of instruction achieves a 5% increase to base salary.

## Level 3 – Advanced Level

Where the employee demonstrates subject matter expertise beyond the accomplished level and assumes additional responsibility in performing their job requirements. Skill proficiency is externally certified. The quantity and/or quality of tasks performed by an employee at the advanced level will exceed that of 70 an employee working at the accomplished level. An employee working at the advanced level may be performing additional tasks and may be assuming additional responsibilities as described in their new position description.

- Employees who have three (3) years of service to the College and at least one (1) year in Level 2 are eligible to submit a request for skills development training that will lead to Level 3 classification.
- To be eligible, employees must have achieved Level 2 classification and during the most recent consecutive two (2) years must have received annual performance reviews with an overall rating of “performed well”.

- Initial Application for participation shall be made to the Human Resources Department. Applications will be assessed by the HR Director and the Manager of the Department where the employee is working. The skills development application and assessment will be forwarded to the VP of the area for review and approval or denial. Approval of skills training will be based upon the relevancy of the training, whether the achievement of these skills will address outstanding College and/or Department needs, the employee's performance ranking and the availability of funds.
- At a minimum, twenty (20) hours of instruction will be required to complete Level 3 certification, either through completion of a single course or through completion of multiple courses. All training hours that are required for the successful completion of the approved training plan will be included in the calculation of total training hours as set forth in the training agreement.
- It is expected that the skills training is conducted outside of working hours. Manager approval and leave use is required for training that occurs during working hours.
- Upon successful completion of the skills development plan the employee will be promoted, will receive a title change, a new position description and will receive an increase to their base pay. The salary increase will be based upon the training commitment as described below:

20-40 hours of approved instruction achieves a 1% increase to base salary.

40-60 hours of approved instruction achieves a 2% increase to base salary.

60-80 hours of approved instruction achieves a 3% increase to base salary.

80-100 hours of approved instruction achieves a 4% increase to base salary.

100 or more hours of instruction achieves a 5% increase to base salary.

- For approval, skills development training must be externally provided through certified training that meets recognized industry standards.
- Upon approval of the skills development plan, the College will pay for the certification program. Approval of the skills development plan shall be provided within thirty (30) working days of its submission.

After achieving a Level 2 or a Level 3 promotion, participants in the skills development program must commit to one (1) year of employment to the College. The one year commitment will begin with the date of promotion. Employees who leave College employment before the end of their one-year commitment must repay the College the cost of their training.





## GLOSSARY

**Appeal Panel** – A committee of three College employees: the Vice President for Business and Finance (or their 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 their 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.**

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