



# POLICY MANUAL

## VOLUME V

### **Personnel Policies for Staff**

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## **Volume V Personnel Policies for Staff**

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### **5.0 Introduction**

The information contained in Volume V of the Policy Manual applies to Paine College non-instructional staff employees as well as administrative faculty. It supersedes all previous non-instructional staff employment policies and procedures published in prior handbooks and publications. Policies that pertain to all other faculty are contained in Volume IV of the Policy Manual. Volume III of the Policy Manual sets forth employment policies that pertain to all Paine College employees, including all faculty members. General policies that affect all members of the College community (including students, staff employees, faculty, and visitors) are set forth in Volume II of the Policy Manual.

The Paine College Policy Manual, including the policies, procedures, and rules set forth in this Volume V, is not a contract of employment. No Policy Manual can anticipate every circumstance or question about policies. As Paine College continues to grow, the need may arise to improve, modify, revise, supplement, or rescind, suspend, terminate, or change policies or portions of this volume. Additionally, state and federal laws affecting Paine College operations may require changes to the volume. Paine College reserves the right to make any changes at its sole and absolute discretion as deemed necessary, but only in writing and signed by the President. All employees will be notified of changes in a timely manner and will be asked to certify that they have received the notice of change.

Paine College has made this edition of Volume V of the Policy Manual as comprehensive as possible; however, it is not possible to foresee every situation that may occur. Circumstances not specifically addressed in the Policy Manual will be handled on a case-by-case basis, in accordance with established practice. Any questions regarding the information contained in this Volume V of the Policy Manual shall be referred to an appropriate senior administrative officer.

### **5.1 Employee Status Policies**

The combination of employee category, FLSA exemption status, and employment status determines the application of human resource policies as well as eligibility for benefits at Paine College.

#### **5.1.1 Employment at Will**

Employment of Paine College administrative and staff employees is for an unspecified term and is “at will.” This means that administrative and staff employees are entirely free to resign at any time, either with or without reason. It also means that Paine College may terminate an administrative or staff members’ employment at any time, for any reason not prohibited by law, with or without cause, and with or without prior notice. Nothing contained in Volume V of the Policy Manual or any other volume of the Paine College Policy Manual, or any other handbook, policy, work rule, or oral or written statement of Paine College is to be viewed as a contract or as

creating any promises or any contractual right of any kind to employment or benefits of employment. In addition, Paine College reserves the right at its sole discretion to warn, counsel, discipline, transfer, demote, or reassign an employee at any time, for any reason not prohibited by law, with or without cause or previous notice. Such actions do not alter the at-will nature of an administrative or staff member's employment. The at-will nature of the employment relationship cannot be modified, changed, or waived by any representative of Paine College, except its President through a separate agreement or contract. Employment contracts that are not subject to at-will must be pre-approved by the Board of Trustees prior to authorization by the College President.

### **5.1.2 Employment Categories**

All College positions are categorized as follows:

#### **5.1.2.1 Faculty**

Include positions providing academic instruction and service by teaching credit producing courses, as indicated in the job description.

#### **5.1.2.2 Staff**

Include positions that administer or support the functions of the institution. Typically these positions do not have teaching responsibility as the primary function of the position.

#### **5.1.2.3 Student Employment**

There are many positions on campus that are support positions available to Paine College degree students meeting the age minimum and taking the required number of credit hours, working a maximum number of hours per week.

### **5.1.3 FLSA Exemption Status**

The Fair Labor Standards Act (FLSA) requires all employees, whether full-time, part-time, or temporary, to be classified according to the overtime provisions of the law. The FLSA is a Federal law, administered by the U.S. Department of Labor, which specifies minimum wage and overtime requirements for employees considered to be subject to, or non-exempt from its provisions. Status at the College is determined in accordance with the FLSA. The terms of status are described below.

#### **5.1.3.1 Exempt Employees**

Exempt employees are exempt from the Fair Labor Standards Act that regulates minimum wage, overtime, and record keeping requirements. Exempt employees are paid an established monthly or annual salary and are expected to fulfill the duties of their positions regardless of the hours worked. They do receive compensatory time; however, time must be used within a 45 day period. The final determination regarding whether an employee is exempt from FLSA requirements is made based on guidelines outlined in the law.

### **5.1.3.2 Nonexempt Employees**

Non-exempt employees are covered under the Fair Labor Standards Act and are required to account for every hour worked, sick leave, and vacation on an hourly and fractional hourly basis. These employees are eligible to receive overtime pay.

### **5.1.4 Employment Status**

The combination of employee category, FLSA exemption status, and employment status (full-time, part-time, etc.) determines the application of human resource policies as well as eligibility for benefits.

The following examples are provided to assist in determining the appropriate employment status. In the event that a supervisor is uncertain about the status of a position, the supervisor should contact the Human Resources Office.

#### **5.1.4.1 Faculty<sup>1</sup>**

**Instructional Faculty:** Include (a) full-time tenured or tenure-track faculty including division chairpersons who teach one or more courses and who hold rank of Instructor, Assistant Professor, Associate Professor, or Professor; (b) full-time non tenure-track administrators or other employees who work in special programs, and teach one or more courses; and (c) full-time employees under special appointments without tenure who teach one or more courses and hold an adjunct rank.

**Administrative Faculty:** Include full-time employees who do not teach but hold rank of Instructor, Assistant Professor, Associate Professor, or Professor.<sup>2</sup>

**Associate Faculty:** Include visiting Professors, Lecturers, Consultants, Adjunct Faculty, or Part-Time Faculty.

#### **5.1.4.2 Staff<sup>3</sup>**

**Regular full-time:** An employee who works between 32 to 40 hours per week on a regularly scheduled basis.

**Regular part-time:** An employee who works less than 32 hours per week per week on a regularly scheduled basis.

**Temporary Full-time or Part-time:** Position is considered of limited duration to fill a defined short-term need. Hours are dependent on work to be performed.

It is the supervisor's responsibility to monitor the number of hours worked and length of assignment appropriate for each category.

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<sup>1</sup> All faculty are considered exempt.

<sup>2</sup> Paine College Faculty Handbook, March 2001, Page 2.

<sup>3</sup> Staff positions may be exempt or non-exempt. Please confer with Human Resources for additional information.

### **5.1.4.3 Student Employees<sup>4</sup>**

All student employment is defined as temporary.

### **5.1.5 Administrators with Faculty Rank**

Employees who hold faculty rank but serve in non-faculty positions, including but not limited to administrative faculty, are subject to the terms and conditions of employment specified in Volumes III and V with respect to their non-faculty appointment. Solely with regard to academic freedom matters, they have both the rights and responsibilities of faculty members set forth in Volumes IV, including access to the faculty grievance procedure. Such persons do not accrue any rights to continuing employment or any greater rights than those specified in Volumes III and V with respect to such non-teaching positions.

### **5.1.6 Job Descriptions**

Each job at Paine College, filled or vacant, has a written job description. The purpose of job descriptions is to clarify a position's responsibilities and duties and define the qualifications and requirements for performing those duties. Job descriptions are important and useful tools for recruitment, employee orientation and training, performance evaluation, and salary administration. It is important to ensure job descriptions are current and accurate.

To ensure complete and consistent information, job descriptions will typically include the following information:

1. Title of position;
2. Department or division;
3. Supervised by;
4. Supervisory responsibilities;
5. Job qualifications and requirements;
6. Essential job functions; and
7. Physical requirements.

All job descriptions must be approved by Human Resources.

#### **5.1.6.1 Job Description Changes**

In the event of significant and permanent changes to the employee's responsibilities, an employee may request a change to be made to the employee's job description. These requests can be submitted directly to Human Resources, with a copy provided to the employee's immediate supervisor. The employee is responsible for providing all required documentation to support the request.

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<sup>4</sup> All student positions are non-exempt.

Human Resources will review all requests based upon analysis of the changes in duties and responsibilities of the position and return each request to the employee and supervisor with a written decision.

## **5.2 Staff Selection and Appointment Policies**

Paine College strives to enhance opportunities for qualified candidates to apply, and to be considered for job openings within the College.

The goal of the College's Staff Selection and Appointment policies are to recruit, hire, transfer, and promote using these guidelines:

1. To consider candidates without discrimination in conformance with its Equal Opportunity and Affirmative Action Policy (see Volume II, Subsection 2.1.7).
2. To select the qualified individual who best meets the needs of the hiring department or division and the College.
3. To select qualified administrative officers with the experience, competence, and experience to lead the College.
4. To enhance opportunities for mobility and promotion of qualified candidates who are current College employees.

### **5.2.1 Announcements**

All requests to hire a new employee must be submitted in writing and approved by the President or a designee. Upon confirmation from the President or appropriate designee that a vacancy or new job position may be filled, a job announcement for the position will be posted by Human Resources for at least five working days before a department or division may make an employment offer to any candidate. Positions will be posted on the College's website, or by some other method used by Human Resources or as directed by the President. All postings and advertisements for the position must include the following statement: "Paine College is an Equal Opportunity/Affirmative Action employer."

Exceptions to the job-posting requirement may include situations such as reorganizations, a reassignment to accommodate an individual with disabilities pursuant to the American with Disabilities Act, or urgent needs of the College. Human Resources reviews and approves any exceptions.

Contact Human Resources with questions or if more information about this policy is needed.

### **5.2.2 Screening and Appointing Applicants**

All applicants considered for hire must be able to perform the essential duties of the position and meet the minimum requirements of the position. To ensure that the top candidates are retained, applicants will undergo several screening steps, which may include formal applications, interviews, testing, background, and employment reference checks. These steps are coordinated through Human Resources. At the discretion of the President, the use of a search committee may be utilized.



All applicants must formally apply for the position. This includes current employees applying for promotions or transfers.

The decision to hire or not to hire is a joint one involving the appropriate member of the President's Administrative Council and the President (or a designee). Hiring departments or divisions are not authorized to extend either written or verbal offers of employment without the written approval of the President.

#### **5.2.2.1 Background Clearance**

Human Resources will conduct background checks in accordance with the College's Background Checks Policy. Please refer to Volume III, Subsection 3.1.1 for additional information.

#### **5.2.2.2 Employment of Minors**

Paine College will not employ anyone under the age of 16. In compliance with Georgia law, an employment certificate will be required for all employees under the age of 18. No one under the age of 18 will be employed in any position deemed hazardous by Human Resources.

#### **5.2.2.3 Identity Verification and Immigration Law Compliance**

All candidates for hire are required by law to provide Human Resources with documentation of their citizenship, work permit, and/or authorization to accept employment in the United States within three business days of their starting date.

The employee is required to complete various forms and furnish certain required items of information pertaining to the employee's personal and professional background. Please refer to the College's Verification of Employee Identity Policy in Volume III, Subsection 3.1.21.

#### **5.2.2.4 New Hires Reporting**

In accordance with the College's New Hires Reporting Policy (see Volume III, Subsection 3.1.16), all new hires will be reported to the State of Georgia within 10 days of hire.

### **5.2.3 Employment**

On the first day of employment, new staff employees shall secure and complete the following forms for the Human Resources Office (Haygood-Holsey Hall Room 103):

1. Personnel Data Card;
2. Federal Employee's Withholding Allowance Certificate From (W-4);
3. Georgia Withholding Allowance Certificate From (G-4);
4. Group Insurance Application (Optional);
5. Employment Eligibility Verification (Form I-9);
6. Retirement Enrollment Card (Optional);
7. Other forms for desired deductions, such as annuities, credit union, etc.;

8. An Employee ID Card will be issued;
9. The link to the online Paine College Policy Manual will be issued.

#### **5.2.4 Letter of Employment**

##### **Paine College Contract/Agreement Policy – Non-instructional Staff**

Paine College employees are issued a contract or agreement from the employee's start date until the end of the fiscal year. On certain areas, before an employee is issued a contract of agreement, the employee will be required to work on an introductory period for a three month period, depending upon the position for which the employee is hired.

##### **Paine College Letter of Employment Policy**

All new hires receive an initial letter of employment. When there is a change in an employee's employment status such as position, title, department and annual salary, i.e., a letter will be mailed by the President to the home address on file in the Human Resources Office. Employment contracts that are not subject to "at will", must be pre-approved by the Board of trustees prior to authorization by the College President.

#### **5.2.5 New Hire Orientation**

All new staff employees must report to the Human Resources Office on or before the first day of employment. New employees will be required to bring their signed contract of employment to the new hire orientation if they have not mailed it in previously. New employees will be issued an information packet, which includes an overview of the institution's history and mission as well as benefit enrollment forms, tax forms and required immigration/naturalization forms to complete. At this time they will also receive a link to go online to review and or print out the Paine College Policy Manual.

The Human Resources Office will coordinate a comprehensive orientation session, which provides a formal introduction to key staff, policies, work rules, procedures and facilities. The date and time for the orientation will be announced.

#### **5.2.6 Introductory Period**

The first 90 days of employment for regular employees is considered an introductory period. This is an introductory period, which provides both the employee and the supervisor the opportunity to evaluate progress on the job. During this time, attendance, attitude, ability to learn and perform the duties of the job for which the employee was hired, and the employee's ability to work as a team member will be evaluated by both the employee and the supervisor.

Supervisors must complete a performance evaluation on all new regular staff employees by the end of the introductory period. The introductory period may be extended if the supervisor needs more time to thoroughly evaluate the employee's performance. If at any time during the introductory period the supervisor decides that the employee is not performing satisfactorily, the employee will receive a written notification and employment will be terminated. Successful

completion of the introductory period does not imply a contract or guarantee employment for any specific duration.

### **5.2.7 Reemployment**

Former staff employees whose separations were under satisfactory circumstances may be re-employed in the same type of work, or on another type of work for which they are qualified. However, when a period of employment has been terminated, the employee forfeits previously accrued sick leave, length of service for vacation privileges, eligibility for salary increases, and such other benefits as might be based upon length of continuous service. Such an individual will, upon re-employment, be considered for benefits on the same basis as a new employee. All former employees must indicate previous employment at the College in re-application. Former employees requesting to be rehired will be processed using the same procedures and standards that govern all applications. The hiring supervisor and Human Resources will review the former employee's performance records and the circumstances surrounding termination of previous employment with the College.

### **5.3 Staff Vacation**

All regular, full-time (12) twelve month, employees are eligible for paid vacation time. Paid vacation time may be used after satisfactory completion of the probationary employment period. Vacation leave is accrued at the rate of 6.67 hours per month for a total of ten (10) days per year for the first six (6) years of employment. For every year of employment after six (6) years, one additional day is accrued up to a total of fifteen (15) days.

Vacation time may be taken at a time mutually acceptable to the employee and the employee's supervisor. Each senior administrator is responsible for approving vacation schedules and submitting copies of vacation and absenteeism to the Human Resources Office.

Upon separation of employment, employees are not eligible to be paid for unused vacation days.

### **5.4 Staff Wage and Salary Administration**

Staff salaries are commensurate with responsibilities, background, training, job classification, and special skills. Special competencies, skills, and accomplishments will be taken into account in salary determinations. When fiscally possible, increments based on quality of performance and positive evaluation will accompany promotions.

Paine College personnel are paid bi-weekly or once each month. Paine College does not grant salary advances.

Paine College is required by law to make monthly deductions of Federal and State income taxes and the employee's portion of the Social Security tax. Deductions for group insurance and retirement are made if the employee elects to participate in fringe benefit programs. These, and other authorized deductions, are recorded on the check stub of each paycheck. W-2 forms are provided each January showing the amount earned and the taxes withheld during the prior year. Please refer to Volume III, Section 3.4 for additional wage and payroll policies applicable to all employees.

## **5.5 Staff Employee Performance Evaluation**

All regular staff employees will receive periodic performance appraisals. The employee's immediate supervisor is responsible for conducting at least one annual appraisal. The appraisal program provides a planned opportunity for the employee and supervisor to meet, discuss, and document accomplishments, expectations, and overall job performance.

All appraisals and accompanying forms should be discussed with the employee before being submitted to the Human Resources Office. See the Evaluation Process guidelines below for additional information.

### **5.5.1 President and Vice Presidents Evaluation Process**

In order to promote systematic analysis for the improvement of the College and to meet the requirements of the Southern Association of Colleges and Schools (SACS), an evaluation system for the assessment of senior administrators, specifically the President and the Vice Presidents, has been established.

**President:** The Board of Trustees of Paine College is responsible for the evaluation of the President. Please refer to Volume I for additional information.

**Vice Presidents:** The College Vice Presidents report to the President who reviews their performance annually. The performance reviews cover goals from the past year, and an assessment of success in meeting them and goals for the coming year based on that assessment, as well as priorities identified by the Board of Trustees and the President.

### **5.5.2 Staff Performance Evaluation Process**

Staff will be undergo performance evaluations in accordance with the guidelines below:

1. **Evaluations:** Evaluations shall be completed by the staff member's immediate supervisor and reviewed by the supervisor's division or department chair or designee provided that both have had at least three (3) months experience evaluating the performance of the administrator or staff member. Those having less than three (3) months of such experience shall refer the evaluation form to the next higher level of supervision for completion. Staff members scheduled for a performance evaluation and are in a new division or department for less than three (3) months due to a recent transfer shall be evaluated by the staff member's former department. Those having more than three (3) months, but less than one (1) year of such

experience supervising the staff member shall discuss the staff member's performance during the year with the staff member's former supervisor, if available.

2. Performance evaluations shall be discussed privately with the staff member, who shall be given the opportunity to raise questions. A staff member who disagrees with the evaluation shall be allowed to submit comments, which shall become part of the appraisal.
3. The staff member shall indicate agreement with the evaluation and that the appraisal was discussed. The staff member shall sign the appraisal. If the staff member refuses to sign the evaluation, this shall be noted on the appraisal, and witnessed and dated by another supervisor.
4. The Evaluation Form (see Human Resources for a copy) shall be placed in the staff member's Human Resources Personnel file and will become a permanent record to which access will be limited to persons having a direct and justifiable interest. Except in unusual circumstances, the staff member, Human Resources staff, the staff member's immediate supervisor/department head, or a prospective supervisor/division/department head have "need to know" access. Anyone else wishing to review the evaluations shall make such requests to the Human Resources Office where a determination will be made as to access.
5. Performance evaluation ratings are not grievable.

## **5.6 Staff Promotion and Transfers**

It is Paine College policy to transfer and promote from within whenever possible and to provide qualified employees with preference over outside applicants when filling vacancies within Paine College. However, because of the level of skills and other qualification requirements for a posted position, an internal transfer or promotion is not always feasible. An employee's performance, past job experience, qualifications, and potential are some of the important factors considered when making transfer and promotion decisions. Where these factors are deemed equal among two or more qualified employees who are the top candidates for an open position, seniority will be used as the determining factor.

Employees are encouraged to talk with their supervisors about transfer and advancement opportunities. The annual performance review is a good time for this type of discussion. Employees who are interested in a specific position should notify their supervisor. An employee's indication of an interest in a promotion will in no way affect the employee's current position. The supervisor and the Human Resources Office will advise the employee regarding eligibility for a transfer or promotion. Usually, employees are not eligible for a transfer or promotion until they have been in their present position for at least six months and are fully qualified for the new position they are seeking. The six-month time frame provides an opportunity for employees to become fully familiar with their position and for the supervisor to become more familiar with performance in the position.

Except in unusual circumstances, when an employee transfers to another position within the institution, it is to increase one's salary or job responsibilities. Occasionally, an employee may choose to apply for a position at a level lower than the employee's current one. When that occurs, it may result in the employee's salary being reduced. It is Paine College's intention not to reduce an employee's salary in such cases, as long as the employee's current salary is within the range of the new position. If it is not, then a reduction in salary may be necessary.

Summaries of open positions within Paine College are posted on the College's website. A more detailed description of the job posting and recruitment process is covered in Section 5.2 above.

Employees who are promoted or transferred to a new job or who undergo a job change may be required to serve an evaluation for that position. At the end of that period, the supervisor will complete a performance evaluation. If the employee is unable to satisfactorily fulfill the requirements of the new job, the employee may be considered for other job openings that exist, or employment may be terminated.

## **5.7 Staff Rights and Responsibilities Policies**

### **5.7.1 Workweek**

Regular work hours at Paine College are Monday through Friday from 8:30a.m. to 5:00 p.m. for the majority of regular full-time employees. This equates to a 37.5-hour workweek. It is the responsibility of supervisors to establish and inform employees of specific work schedules, including normal start time, lunch break, and ending time. Supervisors have the authority to rearrange work schedules to meet departmental needs. Due to the demands of the Public Safety and Maintenance Departments, these employees work a 37½ or 40-hour workweek with a half hour lunch period.

#### **5.7.1.1 Lunch Breaks**

The lunch break is one hour in length for the majority of fulltime employees and must be taken between the hours of 12:00 p.m. – 2:00 p.m. Supervisors are required to schedule lunch breaks that will facilitate continuous operation of each department. Lunch hours are not flexible and may not be changed on a daily basis. Employees may not forfeit the lunch hour break for an early departure.

#### **5.7.1.2 Tardiness and Absenteeism**

It is critical to the success of Paine College that employees report to work promptly every scheduled day to perform their assigned tasks. By accepting employment with Paine College employees are indicating that they will take appropriate action to manage their personal affairs, maintain good health standards, and take precautions against accidents both on and off the job.

Supervisors have the responsibility for approving both scheduled and unscheduled time off. Paine College recognizes that on occasion, however, employees may unexpectedly have reason to be absent from work or tardy. Employees unable to report to work or who will be late must contact their immediate supervisor.

Unexcused absences of three (3) consecutive workdays will be interpreted as job abandonment and will result in termination effective the last day worked.

Excessive unexcused absenteeism is defined as an unscheduled absence beyond your scheduled vacation leave in a consecutive 12-month period. This is determined by measuring backward twelve (12) months from the employee's most recent occurrence. For example, if an employee had an unscheduled absence on June 19, 2006, the 12-month span is June 20, 2007. Excessive absenteeism and tardiness is grounds for disciplinary action up to and including termination.

### **5.7.2 Outside Employment**

A position at Paine College is expected to be primary if the employee is full-time. However, most outside employment is allowed if it does not interfere with the College functions and responsibilities. Outside employment should not bring discredit to the College. Employees should be certain that conflict of interest does not exist. Before accepting off-time employment, it is advisable to discuss the matter with a supervisor or the Vice President of Administrative and Fiscal Affairs.

### **5.7.3 Overtime**

The U.S. Fair Labor Standards Act requires that all staff employees who are covered by the provisions of this law be compensated at a rate not less than one and one-half times their regular rate of pay for all hours worked in excess of forty, within a payroll workweek. The law does not require overtime compensation to be paid to a staff employee merely because the employee works more than eight hours in one day, but only if the employee works more than forty hours within one payroll workweek. Thus, an employee could be asked to work ten hours during one workday, and only six hours during the next workday, and receive no more compensation than if the employee had been asked to work the normal eight hours during each of the two workdays, provided the two workdays of unequal length occurred within the same payroll workweek. The law also does not require overtime compensation to be paid to a staff employee for work performed on Saturday or Sunday, since every one of the seven days within a payroll week is treated the same under the law. Payment for overtime will be made to employees on the first regular payday following the close of a payroll period in which the overtime work was performed.

Overtime work for non-instructional employees is work done after the close of regularly scheduled working hours of that employee. Generally, the College discourages overtime, however, if extended working hours are necessary, compensatory time off will be granted. Compensatory time off is defined as one and one-half time off for each hour of overtime performed, and by mutual agreement of the supervisor and the employee. Authorization for overtime work must be given by the employee's department head. Discipline may be imposed for working unauthorized overtime. Overtime is not convertible to cash. Overtime begins when an employee has worked more than forty hours within a workweek.

### **5.7.4 Time Card and Attendance**

A time and attendance system is used as a means of accurately recording hours worked and calculating pay. Paine College currently uses an online/biometric time and attendance system. The use of the biometric clocks record regular hours worked, meal periods, overtime, absences, and vacations. Accordingly, all non-exempt staff employees must record time by clocking in and out daily. In the beginning and end of work each day and the beginning and end of each meal period on time clock. Care must be taken to ensure that each biometric time entry is an accurate record of time worked. The use of biometric data is essential to the College's recordkeeping. Thus, it is important to make sure hours worked are not falsified. Staff members are responsible for clocking in only their hours. Entering another employee's time is not an acceptable practice and may be grounds for corrective action. If there is a mistake on a time record, the employee

must inform an immediate supervisor immediately. The mistake must then be corrected and initialed by the employee and supervisor as soon as possible.

Supervisors log into the time and attendance system according to the published schedule to review and approve time. Supervisors will then correct, if necessary and approve this data for endorsement and transmittal to the Payroll Unit. Falsification of time sheets is considered a serious offense and will result in disciplinary action up to and including termination.

## **5.8 Staff Corrective Discipline and Separation Policies**

### **5.8.1 Staff Corrective Discipline**

The corrective discipline process is designed to be positive. It gives the employee the information necessary to understand what aspect of work performance and conduct is unacceptable, identifies the improvements that are expected, and provides an opportunity for the employee to demonstrate the expected improvements. Corrective discipline includes, but is not limited to, verbal and written warnings, disciplinary suspension, and dismissal for cause.

Nothing in this policy, however, requires the College to utilize any particular step or series of steps in corrective disciplinary action. The College may impose any level of discipline, including dismissal of employment, whether or not it is the employee's first unacceptable work performance, attendance, or behavior and whether or not a less serious form of discipline has been imposed for any prior performance, attendance, or behavior issues. Moreover, nothing in the Paine College Policy Manual or in the College's use of discretionary corrective disciplinary action in any circumstance creates an expressed or implied contract for other than at-will employment. The at-will nature of the employment relationship cannot be altered, changed, or waived by any representative of Paine College, except its President.

#### **5.8.1.1 Standard of Conduct**

It is the responsibility of employees to adhere to the College's Ethics and Conduct Policy (see Volume III, Subsection 3.1.12) as well as to the College's policies and procedures as outlined in Volumes II, III and V.

#### **5.8.1.2 Issuing Corrective Discipline**

When an employee fails to follow College policy, the College will take steps to correct the situation and prevent further occurrences. The appropriate discipline may vary depending on the seriousness of the offense, the circumstances under which it occurred, prior problems, duties of the employee, length of employment, and overall work record with Paine. The nature of the offense and the particular circumstances determine whether or not all or any of the steps in the above sequence are followed. Disciplinary steps may be omitted or repeated, as the College determines appropriate. At all times, the College reserves the right to immediately dismiss an employee for cause.

In order of severity, corrective discipline may include the following:

1. Verbal Warning;
2. Written Warning;



3. Disciplinary suspension (optional at the discretion of the supervisor and upon prior approval by the human resources department); and
4. Dismissal for Cause.

#### **5.8.1.2.1**      *Corrective Discipline Process*

**Verbal Warning:** Except in unusual circumstances, when the supervisor first identifies a discipline problem, the initial disciplinary action should be verbal. The supervisor will ensure that the employee clearly understands the established standards and expectations with respect to the discipline problem and outline the steps necessary to correct the problem. The supervisor shall further advise the employee that any further continuation of the behavior or policy violation may result in further discipline. The supervisor summarizes the warning in writing, which shall be signed and dated by the employee and supervisor. One copy goes to the employee and one copy is maintained by the supervisor for future reference (it is not included in the employee's personnel file at this stage).

**Written Warning:** A written warning shall describe the performance problem and provide an explanation of what the College expects of the employee in the future as well as a statement of consequences in the absence of improvement. A written warning becomes part of the formal personnel record, and a copy is provided to the employee. The employee will be required to sign the statement signifying receipt of such communication. If the employee refuses to sign the written warning, it shall be noted on the form that the employee was presented with the document but refused to sign it.

**Disciplinary Suspension:** Suspension without pay is advised when an employee has either (a) engaged in misconduct deemed severe enough to warrant immediate suspension without prior verbal or written warnings; or (b) failed to correct the conduct which gave rise to a prior verbal or written. The length of the suspension depends upon the facts of each case (e.g., type and severity of the behavior, previous work record of the employee, and previous disciplinary actions) and is determined by the employee's supervisor in conjunction with Human Resources. The suspension shall be clearly explained in a written disciplinary warning to the employee and indicate the possible consequences of further conduct which resulted in the suspension.

**Dismissal for Cause:** Dismissal is advised when, among other reasons, an employee has either (a) engaged in misconduct deemed severe enough to warrant immediate dismissal without prior verbal or written warnings and/or suspension; or (b) an employee has not corrected the conduct that resulted in a prior verbal or written warning and/or suspension.

Prior to terminating the employee, the supervisor must review the situation and related information and documentation with the department or division chair and Human Resources. The appropriate department or division chair will investigate the alleged misconduct with the assistance of Human Resources. Additional assistance may be requested from other College departments (e.g., Business Office, Campus Safety and Security) during the investigation. Except in unusual circumstances, investigations shall be concluded within five working days if not sooner. If the allegations are substantiated, the employee shall be dismissed.

When possible, the dismissal will be verbally communicated to the employee. The employee will also receive a formal letter of dismissal, which shall outline the reason for dismissal, the

effective date, and applicable information regarding final pay. Employees terminated for cause are not eligible for rehire at Paine College.

#### **5.8.1.22      *Payment of Leave upon Dismissal for Cause***

An employee who is dismissed for any reason will not be paid for accrued unused paid vacation leave hours. There will be no payment for unused sick leave.

#### **5.8.1.23      *Appeal***

Employees who believe they have been disciplined without cause may use the Staff Grievance Policy found in Section 5.9 below.

### **5.8.2      *Staff Separation from Employment Policies***

#### **5.8.2.1      *Voluntary Separation***

Terminating employment by choice is defined as “Voluntary Separation.” If an employee plans to resign, they are required to submit an appropriate written notice not less than ten (10) workdays for non-instructional employees. Employees failing to give required notice may forfeit any right to payment of accrued vacation time following separation. In some cases, employees will have been considered to have voluntarily resigned if they fail to return from a leave of absence or vacation on the specified date.

Should the employee’s termination date fall on a holiday, employment shall be terminated on the date prior to the holiday.

Oral resignations by telephone will be accepted but shall be documented by the supervisor, signed and dated by the supervisor “per telephone call from the employee.” The Human Resources Office will mail a Notice of Voluntary Resignation letter to the employee for completion and return.

#### **5.8.2.2      *Layoff/Reduction in Force***

Paine College reserves the right to eliminate positions due to lack of work, financial exigency, budgetary constraints, lack of grant funding, or program changes. If a reduction in work force is necessary because of lack of work, financial exigency, budgetary constraints, or program changes, staff employees will be identified for layoff after the College has evaluated such factors as the institutional work requirements, each employee’s abilities, expertise, and skills, and an employee’s potential for reassignment within the institution. Layoff decisions are at the sole discretion of Paine College as directed by the President. Effort will be made to give employees’ sixty-day notice of such layoffs.

The immediate supervisor will personally notify individual employees of a layoff/reduction in force. After explaining the layoff/reduction in force procedure, the employee will be given a letter describing the conditions of the layoff/reduction in force.

### **5.8.2.3 Involuntary Separation**

When the College terminates an employment relationship in accordance with its Corrective Discipline Policy (see Subsection 5.8.1 above), it is defined as “Involuntary Separation” (discharge). Regular employees who are discharged have appeal rights in accordance with the College’s general grievance procedures.

### **5.8.2.4 Death**

Departments are responsible for notifying the Human Resources Office of the death of an employee. The estate of the employee will receive the final paycheck, however accrued unused vacation will not be included.

### **5.8.2.5 Long Term Disability Termination**

Once an application has been processed and long-term disability approved by the insurance carrier and the employee has received the initial payment, employment with the College will be terminated. The Office of Human Resources will send directly to the employee a Notice of COBRA Continuation Rights Form.

### **5.8.2.6 Retirement**

Staff may retire at any age.

### **5.8.2.7 Exit Interviews**

Upon separation of employment, all employees are required to secure documented clearance from their department via the Paine College Separation Clearance Form. The Human Resources Office conducts exit interviews with all employees separating from Paine College. The employee’s immediate supervisor is responsible for notifying the Human Resources Office of the employee’s separation. The employee is responsible for scheduling an exit interview.

During the exit interview, the employee will be given the opportunity to discuss the employee’s work experience at Paine College and reasons for separation. The employee’s final check(s) will be released with an executed separation form and exit interview with the Human Resources Office. The Human Resources Office distributes final checks.

### **5.8.2.8 Return of Property**

Employees are responsible for all property, materials, and written information issued to them or in their control immediately upon separation to the supervisor or Human Resources. Examples of Paine College property that must be returned include, but are not limited to: all Paine keys, handbooks, ID cards, parking permits, and other school property, including laptops. In addition, employees must settle all outstanding Paine accounts, including library and parking fines.

### **5.8.2.9 References**

All inquiries regarding the employment of former Paine College employees by any person or entity, including those that identify themselves as prospective employers, are immediately

directed to the Human Resources Office. See Volume III, Subsection 3.2.3 for additional information.

## **5.9 Staff Open Door Communication and Grievance Policies**

### **5.9.1 Open Door Communications**

When you have a work-related problem, we ask that you communicate directly with us. We suggest that you talk to your immediate supervisor, who is the individual most familiar with you and your job and is best suited to assist you. If your supervisor cannot help you resolve the matter, speak to the Director of your area. Paine College is interested in all of our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible.

### **5.9.2 Staff Grievances**

The College recognizes the right of staff and administrative employees to express their grievances and to seek a timely resolution concerning employee problems, misunderstandings, and complaints. For purposes of this policy, a grievance is defined as an alleged violation, misinterpretation, or inequitable application of Paine College policy or procedure. Thus, an action or decision is grievable only if it involves a misapplication or misinterpretation of Paine College policy or procedure. In addition, this procedure may not be used to grieve:

1. Claims based on purchases or contracts;
2. Claims against a Paine College employee on matters that are unrelated to the employee's job or role at the College;
3. Formal complaints of harassment or discrimination, since there is a separate procedure for them (see Volume II, Subsection 2.1.5);<sup>5</sup> or
4. Where another Paine College policy and procedure could have been used for the matter being grieved.

Employees must file grievances within 30 calendar days of the occurrence. A permanent, full-time staff or administrative employee may process a grievance on completion of the introductory period. A temporary, or part-time employee, or a permanent full-time employee prior to the end of the introductory period, may process a grievance concerning issues of prohibited discrimination or application or interpretation of institutional policies and procedures.

The procedures for processing a grievance are as follows:

- Step 1. An employee brings a grievance to the head or supervisor of the grievant's department or division within 30 calendar days of the occurrence. A disposition of the grievance shall be made by the supervisor within two (2) business days.

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<sup>5</sup> Staff employees do, however, have the option to utilize this policy to file a grievance over corrective discipline sanctions levied as a result of a discriminatory harassment investigation conducted pursuant to the Volume II policy.

Step 2. If the grievance is not settled in the previous step, or if the employee does not wish to take up the grievance with the supervisor, it must be submitted in writing to the Director responsible for the area in which the grievant is employed.

Disposition of the grievance shall be made in writing by the Director responsible for the area in which the grievant is employed within five (5) business days after its presentation.

Step 3. If the grievance remains unsettled after disposition by the Director responsible for the area in which the grievant is employed, the employee may submit an appeal to an ad hoc Grievance Committee. The Committee, organized from a Grievance Pool, shall consist of a representative from Human Resources, three committee members and a moderator, is organized from a Grievance Pool. The Grievance Pool consists of seven employees that the President appoints each calendar year along with a moderator. The employee will select one member from the pool and two members will be drawn at random. Neither the moderator nor the three committee members may be a party to the grievance. The Grievance Committee meets within the following five (5) business days and each involved party has the opportunity to present their facts. To protect the confidentiality of the parties involved, the meeting of the Grievance Committee is closed to those not directly involved in the grievance. The hearing shall not be conducted under strict rules of evidence or procedures applicable to proceedings in the Superior Courts in Georgia. Attorneys are not authorized to participate in the hearing, however, the employee may select an advisor, other than an attorney, to assist and advise the grievant at the hearing. The Committee will forward its written findings and recommendations to the President.

Step 4. Within seven (7) business days of receipt of the written findings and recommendations from the Committee, the President shall review the facts and make a decision. This decision is final and will be recorded in the grievance file.

There is no further appeal within the College beyond the President.

Please note that there will be no personal legal representation of the employee at any stage of the grievance process. The time limits given in the grievance procedure are intended to insure prompt and thorough action on the grievance. Failure of the grievant to take further action within the specified time parameters will constitute a withdrawal of the grievance. Any of the time limits specified in the procedure may be extended by mutual agreement of the parties involved.

All employees have the right to present their complaints or grievances under the provisions of this grievance procedure free of fear, restraint, interference, coercion, discrimination, or reprisal.