

CIVIL SERVICE  
PERSONNEL  
POLICY MANUAL



LOUISIANA TECH UNIVERSITY

UPDATED JUNE 2024

**CIVIL SERVICE  
PERSONNEL  
POLICY MANUAL**

**James Henderson, President  
Louisiana Tech University**

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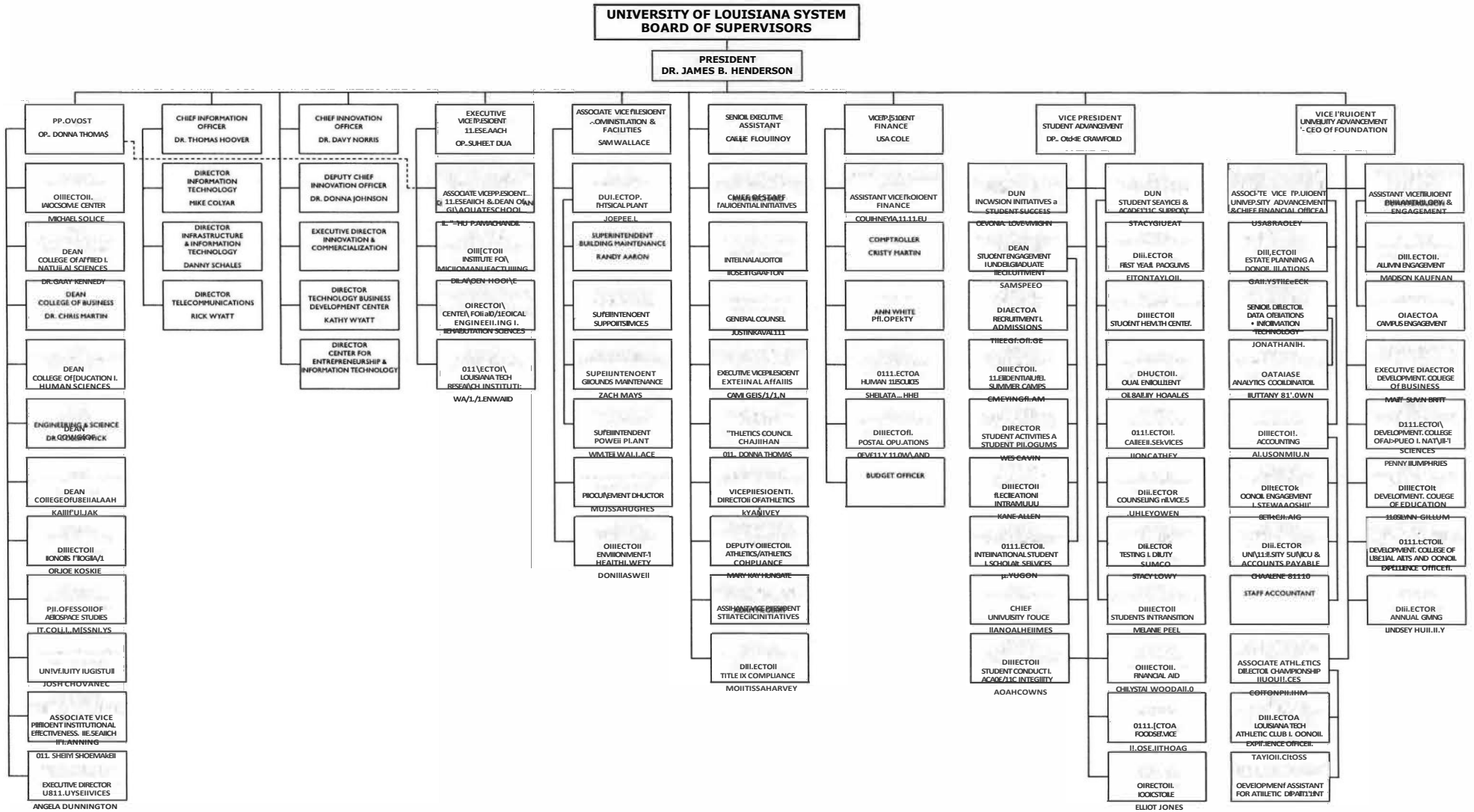
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In the absence of the President, the hierarchy of responsible charge shall be: (1) Provost (2) Vice President for Finance

**ORGANIZATION CHART FOR LOUISIANA TECH UNIVERSITY**  
MEMBER, UNIVERSITY OF LOUISIANA SYSTEM



## UNIVERSITY ORGANIZATION

Louisiana Tech University is part of The University of Louisiana System which is governed by the University of Louisiana Board of Supervisors.

Designated by the 1974 Constitution as one of the state's three higher education management boards, the Board of Supervisors and its System office are involved in the daily management matters and activities of the eight Universities and two Colleges which constitute the System.

For administrative purposes, the University is divided into seven interrelated divisions, each headed by a Vice President who reports directly to the President. The organizational chart on the previous page indicates the areas reporting to each vice president and the hierarchy in the chain of command. All members of the administration hold office at the pleasure of the University of Louisiana System Board of Supervisors.

University Civil Service personnel are subject to the rules and regulations of the State Civil Service Commission. The President of the University has delegated to the Director of Human Resources responsibility as the appointing authority in regard to all matters pertaining to Civil Service personnel. University Civil Service employees are selected for competitive positions based on testing with the Department of Civil Service. Selection of classified personnel to non-competitive positions are based on training and experience.

## HISTORY OF THE UNIVERSITY

Created under Act 68, 1894 of the General Assembly of Louisiana, the University at Ruston has operated under four names: Industrial Institute and College of Louisiana (1894-1898); The Louisiana Industrial Institute (1898-1921); Louisiana Polytechnic Institute (1921-1970); and Louisiana Tech University (1970 - present).

The College opened in September, 1895, with 200 students and six teachers. Work of the College was conducted in a two-story brick building consisting of eight classrooms, an auditorium, a chemical laboratory, and two offices. Shop work was taught in a small frame building. In 1897, the first commencement was held with one graduate, Harry Howard.

More than 74,000 degrees have been conferred by the University. From 1897 until 1921 the College granted the Bachelor of Industry junior level degree. On June 15, 1921, the first baccalaureate degree was granted. The State Board of Education first authorized the offering of existing graduate degrees as follows: Master's degree program in engineering, mathematics, science, and education in 1958; a specialist degree program in education in April, 1967; and three doctoral degree programs in December 1967. The first doctoral degree was awarded in May 1971. The University currently offers doctoral degree programs in applied computational analysis and modeling, business administration, counseling psychology, education, and engineering.

## ACCREDITATION

Louisiana Tech University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (1866 Southern Lane, Decatur, Georgia 30033-4097; telephone number 404-679-4501) to award associate, baccalaureate, master's and doctoral degrees. Initially accredited in 1927, the University has maintained accredited status since that date. In addition, 98% of all academic programs which are eligible for accreditation have been accredited individually by respective accrediting bodies. Unless otherwise specifically stated in the *online Policies and Procedures*, Louisiana Tech University does not expressly adhere to the guidelines for institutional maintenance published by any non-accrediting association or organization.

## BOARD OF REGENTS' MISSION STATEMENT FOR LOUISIANA TECH UNIVERSITY (adopted 2008)

Louisiana Tech University recognizes its threshold obligation to advance the state of knowledge, to disseminate knowledge, and to provide strong outreach and service programs and activities. To fulfill its obligations, the university will maintain a strong research, creative environment, and intellectual environment that encourages the development and application of knowledge. Recognizing that service is an important function of every university, the Louisiana Tech provides outreach programs and activities to meet the needs of the region and the state.

Louisiana Tech views graduate study and research as integral to the university's purpose. Committed to graduate education through the doctorate, it will conduct research appropriate to the level of academic programs offered and will have a defined ratio of undergraduate to graduate enrollment. Doctoral programs will continue to focus on fields of study in which the University has the ability to achieve national competitiveness or to respond to specific state or regional needs. As such, Louisiana Tech will provide leadership for the region's engineering, science and business innovation.

Louisiana Tech is categorized as an SREB Four-Year 2 institution, as a Carnegie Doctoral/Research University, and as a COC/SACS Level VI institution. Louisiana Tech will not offer associate degree programs. The university maintains defined standards for admission. Louisiana Tech is located in Region VII.

## PERSONNEL POLICIES AND PROCEDURES

### EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Louisiana Tech University is committed to the principle of providing the opportunity for learning and development of all qualified citizens without regard to race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status for admission to, participation in, or employment in the programs and activities which the University sponsors or operates.

It is the policy of the University to recruit the best personnel available in accordance with appropriate state and federal laws and acceptable personnel practices. The President of the University has mandated that employment practices be supervised on a continuous basis to assure that all budget unit heads take positive action in fulfilling the goals of equal employment opportunity. The University is committed to this policy because the university believes that it is morally right and that it in accordance with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, Executive Order 11246, the Rehabilitation Act of 1973 (Sections 503 and 504), the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991.

Louisiana Tech University will take affirmative action to ensure that the following will be implemented at all levels of administration:

- A. Recruit, hire, place, train and promote in all job classifications without regard to non-merit factors, such as race, color, gender, age, religion, national origin, sexual orientation, disability or veteran status, except where sex is a bonafide occupational qualification.
- B. Identify and use existing talent and potential through upgrading and promotion of present employees. All promotions will be based only on valid equal employment promotional requirements.
- C. Base decisions on employment so as to further the principles of equal employment opportunity.
- D. Ensure that all personnel actions such as compensation, benefits, transfers, layoffs, recall for layoffs, education, tuition assistance, and social and recreation programs be administered without regard to race, color, religion, gender, age, national origin, disability, veteran status, or any other non-merit factor.

All personnel at Louisiana Tech University with responsibility for recruitment, appointment, placement, evaluation, training or any other aspect of personnel management are charged with the responsibility of seeing that this policy is successfully implemented by giving it full support through active cooperation and personal example. All such persons shall be evaluated on the basis of their equal employment efforts and results in addition to the usual standards of performance. Persons who fail to adhere to the Equal Employment Opportunity Policy are subject to administrative disciplinary actions. The University will periodically review its personnel actions to ensure compliance with this policy.

Louisiana Tech University adheres to the equal opportunity provisions of federal and civil rights laws, and does not discriminate on the basis of race, color, national origin, religion, age, sex, sexual orientation, marital status or disability.

The **Title IX Coordinator** is Mortissa Harvey, President's Office, Wylly Tower 1620, phone: (318) 257- 3785; e-mail [mharvey@latech.edu](mailto:mharvey@latech.edu).

The **504 Coordinator** is Annie Jantz, Student Development, Keeny Hall 305; phone: (318) 257-2445; e-mail: [ajantz@latech.edu](mailto:ajantz@latech.edu)

### **Equal Employment Policy Statement for the Disabled, Disabled Veterans, and Vietnam Era Veterans**

It is the goal of the University to hire applicants and admit students regardless of race, color, religion, gender, national origin, age, disability, or status as a disabled veteran or as veterans of the Vietnam era.

The execution of such a policy requires vigorous efforts to identify and attract protected class applicants who meet our qualification standards, and to have on file their applications in order to consider them along with other qualified applicants as openings occur.

The University's employment policy fully embraces equality of opportunity for all employees with respect to all employment matters. This includes matters such as transfers, promotions, benefits and social and recreational programs.

The Vice President for Finance and Administration has designated to coordinate with supervisors the day-to-day implementation of our EEO/Affirmative Action Plan. It will be his/her responsibility to ensure that the program is working in all areas.

The Director of Human Resources will be responsible for submitting at the end of each reporting year a report on all personnel actions taken during the year. This report will be reviewed with the Department/Division Head.

Any employee having questions regarding the University's EEO Policy or its implementation should discuss the matter with the Vice President for Finance and Administration or the Director of Human Resources.

### **POLICY PROCEDURES FOR ADDRESSING THE ISSUES CONCERNING SEXUAL HARASSMENT**

Members of the University community--students, staff, faculty, and administrators--are entitled to a professional working environment, free of harassment or interference for reasons unrelated to the performance of their duties. Since some members of the community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power, so as to avoid actions that are abusive or unprofessional. Faculty and supervisors, in particular, in their relationships with students and fellow employees, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to a strictly professional relationship. It is the responsibility of faculty, staff, and supervisors to behave in such a manner that their words or actions cannot reasonably be perceived as suggestive or coercive. It is also the responsibility of any employee who is aware of or who is made aware of the occurrence of sexual harassment to consult with an appropriate university officer.

Sexual harassment is a form of sexual discrimination or abuse and is illegal. It is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

1. Sexual harassment - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, or of participation in activities or events sanctioned by the University; or
2. Quid pro quo sexual harassment - submission to or rejection of such contact by an individual is used as a basis for employment or academic status, or other decisions about participation in activities or events sanctioned by the University, or
3. Hostile environment sexual harassment - such conduct has the purpose or effect of threatening an individual's employment, interfering with an individual's work or academic performance, or creating an intimidating, hostile, offensive working or educational environment.

Although there is no universally agreed upon definition of sexual harassment that fits all contexts and circumstances, there is agreement that it can be verbal, non-verbal or physical and that it can occur once or several times. The following are examples of behaviors generally viewed as sexual harassment when they are unwanted:

- a. direct or indirect threats or bribes for unwanted sexual activity;
- b. sexual innuendo and comments;

- c. asking or commenting about a person's sexual activities or sexual orientation;
- d. humor or jokes about sex or females/males in general;
- e. sexually suggestive sounds or gestures;
- f. pestering a person for dates or sexual behavior;
- g. touching, patting, pinching, stroking, squeezing, tickling or brushing against a person;
- h. giving a neck or shoulder massage;
- i. ogling or leering;
- j. spreading rumors about a person's sexuality;
- k. name calling;
- l. letters, notes, telephone calls or materials of sexual nature;
- m. sexual or stereotyped comments;
- n. displaying pictures, calendars, cartoons or other materials with sexual contents;
- o. leaving obscene messages on campus computers;
- p. stalking a person either outside or inside an institution; and
- q. abusive speech

False accusations will be treated as serious offenses.

If it is the belief that the nature of the behavior rises to the level of criminal activity, it should immediately be reported to the appropriate law enforcement agency.

All, faculty, staff, and administrators will be held accountable for compliance with this policy. While each case of allegations of sexual harassment or discrimination and its resulting effect on the mission of the University must be considered on its own, violations of this policy may lead to disciplinary action to include suspension or removal.

Retaliation against any person for exercising legal rights is prohibited and illegal.

Intimidation and harassment are inconsistent with the maintenance of academic freedom on campus; therefore, nothing contained in this policy shall be construed either to limit the legitimate exercise of the right of free speech or to infringe upon the academic freedom of any member of the University community.

Any questions regarding either this policy or a specific situation should be addressed to the appropriate University administrator, (e.g., Title IX Coordinator, Mortissa Harvey 257-3785 [mharvey@latech.edu](mailto:mharvey@latech.edu) Affirmative Action Officer, Dean of Student Life, Dean of Student Development, Vice President for Student Affairs, Vice President for Academic Affairs, or Director of Human Resources).

Although this policy statement establishes Louisiana Tech University policies and procedures regarding sexual harassment, employees have the right to seek redress of unlawful discrimination (of which sexual harassment is one example) by filing charges directly with the Equal Employment Opportunity Commission.

## **PROCEDURES FOR RESOLUTION OF SEXUAL HARASSMENT COMPLAINTS**

Louisiana Tech University has developed a two-step procedure for handling sexual harassment complaints:

1. A mechanism to resolve complaints informally;
2. A procedure to handle formal charges if the first procedure is unsuccessful or if further action is deemed appropriate.

### **Procedure for Resolving Complaints Informally:**

#### **Initial Contact**

1. Any employee or student who believes he/she has been the subject of sexual harassment or sexual intimidation or discrimination is encouraged to consult with an appropriate University officer. (e.g., Title IX Coordinator, unit head, director, dean, appropriate vice president or

Director of Human Resources) to gain an understanding of both the Louisiana Tech University Sexual Harassment Grievance Policy and possible options and resources. The Title IX Coordinator is Mortissa Harvey, PO Box 3168; phone: 257-3785; e-mail: [mharvey@latech.edu](mailto:mharvey@latech.edu).

2. Students have the option of consulting with the Dean of Student Life and/or the Dean of Student Development. Faculty members may select the option to consult with the Vice President for Academic Affairs. Staff members have the option of consulting with the appropriate Vice President responsible for the University unit.
3. Upon receiving the initial complaint, the University officer will schedule a preliminary meeting to discuss the charges, to explain proper procedures, to complete the **Sexual Harassment Complaint Checklist**, and to determine whether further information is needed. Based upon the outcome of this meeting, the administrator will take one of the following actions:
  - a. If the person wants to proceed with the complaint, the University officer will explain the process and the procedures.
  - b. If the person does not want to proceed with the complaint, the University officer will make a record of the complaint and take such action as necessary to protect the interest of the complainant and of the University.
  - c. If after the preliminary investigation the University officer feels that sexual harassment has not occurred, the officer will advise the person of his/her findings and will advise the person of his/her options if the person wishes to proceed further with the complaint.

### **Informal Resolution**

If a person decides to file a sexual harassment complaint, the following procedure will be adhered to:

Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to provide information contained in the Sexual Harassment Complaint Checklist describing the behavior and relief sought. After completing the Sexual Harassment Complaint Checklist, the administrator will use the Assessment Form to determine the appropriate course of action. If the University officer decides that the described situation fits the definition of sexual harassment, he/she will request the names of the involved parties and will request an agreement to conduct an informal investigation.

The objective of this process will be to provide appropriate relief to the aggrieved party, sensitize the alleged harasser to the effects of such behavior, and resolve the complaint to the mutual satisfaction of both parties. An investigation will minimally include contacting the University officer responsible for the accused, i.e., if a student makes a complaint to the Dean of Student Life about a faculty member, the Dean of Student Life will notify the faculty members, Dean, and/or Unit Head relative to the complaint. Other steps that may take place in the investigative process are the following: (1) additional fact-finding; (2) a meeting with the administrative officer of the accused to discuss the grievance; and (3) a meeting with the complainant and accused separately or together.

Where a resolution is reached, a dated copy of the terms of the resolution indicating the nature of the complaint and the names of the parties shall be recorded and kept in a separate case file to be located in the appropriate University office.

**NOTE: The person filing the complaint will be protected against retaliation in any form. Words or behavior that punishes a person for filing a complaint of sexual harassment are illegal. False accusations have a damaging effect on innocent people. False accusations are not condoned and may lead to disciplinary action.**

### **Confidentiality**

Louisiana Tech University will make every effort to maintain confidentiality to the extent legally possible throughout the investigation and hearing procedures.

## **Formal Complaint Procedures**

If the informal proceedings are deemed inappropriate by either party, or if the matter is not resolved, the aggrieved party may initiate the formal grievance procedure. In extraordinary circumstances, when the continued working or academic relationship between the aggrieved party and accused creates an impossible working/academic environment, a temporary transfer or reassignment of duties will be considered.

If the aggrieved party decides to proceed with a formal grievance the following action will take place:

1. A written and signed complaint of sexual harassment must be submitted to the appropriate University officer by the aggrieved party within ten (10) working days after the informal resolution has failed or within sixty (60) calendar days of the incident cited as sexual harassment. Student complaints should be submitted within ten (10) months of the incident. The complaint shall state, clearly and concisely, true facts which are the grounds for the proceeding, and the relief sought. The University officer receiving the written complaint shall inform the appropriate Vice President of the complaint so that a hearing may be set. In special circumstances, time limits may be waived with the mutual consent of University officers. All matters will be handled as expeditiously as possible.
2. Upon receipt of the written complaint, the appropriate University officer(s) will within five (5) days, contact the person who allegedly engaged in the sexual harassment, and inform him/her of the basis of the complaint and then give him or her an opportunity to respond. That person will have five (5) days to respond to the complaint. The response shall contain full, direct, and specific responses to each claim in the complaint.
3. Within fifteen (15) days of the aforementioned deadline, the Vice President for Student Affairs will convene the University's Sexual Harassment Grievance Committee to establish hearing procedures concerning the complaint. The committee is composed of 10 members (both classified and unclassified employees) who are appointed by the President.
4. The function of the University's Sexual Harassment Grievance Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the University's policy on sexual harassment has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the appropriate University officer(s).
5. If the University's Sexual Harassment Grievance Committee determines that sexual harassment has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past sexual harassment offenses. Appropriate corrective action can include but is not limited to the following:
  - a. Oral reprimand
  - b. Written reprimand
  - c. Suspension
  - d. Reassignment of duties
  - e. Termination
  - f. Counseling
  - g. Any combination of the above
6. Within five (5) days following the conclusion of its investigation and hearing, the University's Sexual Harassment Grievance Committee will forward its findings and recommendation for action to the President or his/her designee. When the recommendation concerns a classified employee, the designee will be the Director of Human Resources. Within fifteen (15) working days, the President or his/her designee will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s).
7. Either party may appeal the Committee's recommendation by submitting a written request to the President or his/her designee. Request for an appeal must be made to the President or his/her designee within fifteen (15) days after the appealing party receives a copy of the Committee's findings. The written ruling of the President or his/her designee shall constitute the final decision. Beyond that point, both parties may seek remedies outside the University.

## **Consensual Relationships**

The University is committed to the principle that all personnel shall objectively and ethically carry out their duties. Inappropriate relationships may prejudice one's judgment and adversely impact one's ability to exercise institutional responsibility.

An employee of Louisiana Tech University shall not enter into a consensual sexual relationship with any individual over whom he or she exercises direct or significant academic, administrative, supervisory, evaluative counseling or extracurricular authority or influence. It is incumbent upon all employees to disclose to their immediate supervisor any relationship or knowledge of a relationship that may adversely affect the workplace. The administrator who receives the report shall immediately consult with the appropriate administrator, i.e. Dean, Vice President, Director of Human Resources, or Title IX coordinator (Mortissa Harvey, P.O. Box 3168; phone -257-3785, email: [mharvey@latech.edu](mailto:mharvey@latech.edu)) and in cooperation with the above person complete the following:

- a. Conduct a formal investigation
- b. Correct any conflicts of interest and eliminate adverse effect on all parties
- c. Document the steps taken

Those employees found in violation of this policy will be subject to disciplinary action.

## **DRUG-FREE WORKPLACE POLICY**

1. **Purpose** - Employees are the State of Louisiana's most valuable resource and their health and safety is a serious concern. The State of Louisiana will not tolerate any substance abuse or use which imperils the health and well-being of its employees or threatens its services to the public.

The use of illegal drugs and abuse of alcohol or other controlled substances, on or off duty, is inconsistent with law abiding behavior expected of all citizens. Employees who use illegal drugs or abuse alcohol or other controlled substances on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in providing services. Ultimately, they threaten the State's ability to serve the public.

Furthermore, employees have the right to work in a drug and alcohol free environment and to work with persons free from the effects of drug or alcohol abuse. Employees who abuse drugs or alcohol are a danger to themselves and to other employees. In addition, substance abuse inflicts a terrible toll on the State's productive resources and the health and well-being of Louisiana workers and their families.

The State of Louisiana is committed to maintaining a safe and healthy workforce free from the influence of substance abuse. In addition, the State of Louisiana will vigorously comply with the requirements of the Federal Drug-Free Workplace Act of 1988.

2. **Definitions**

*Drug-free workplace:* a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the federal Drug-Free Workplace Act of 1988.

*Controlled substance:* any drug, substance or immediate precursor in Schedules 1 through V of La.R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812).

*Criminal drug statute:* a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

*Conviction:* a finding of guilt (including a plea of nolo contendere) or imposition of sentences, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

3. Policy - It shall be the policy of the State of Louisiana to maintain a drug-free workplace and workforce free of other substance abuse.

- a. Reporting to work or performing work for the State while under the influence of and impaired by illegal drugs or alcohol is prohibited.
- b. The illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances by employees at the work site, and while the employee is on official state business, on duty or on call for duty is prohibited.
- c. Violation of such prohibitions by State employees is considered conduct detrimental to State service and may result in discipline and/or a directive to participate in a rehabilitation program.
- d. Employees are required by Federal law to notify the employing state agency head or designee within five (5) days of conviction under any criminal drug statute where such conviction occurred in workplace, while on official business, during work hours or when on call for duty.

Any employee who is convicted of violating any criminal drug statute in such workplace situations as stated above may be subject to discipline and/or a directive to participate in a rehabilitation program.

- e. Agencies who receive Federal grants or contracts must report any such criminal drug statute convictions of their employees to the Federal agency from which grants or contracts are received within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.
  - f. Employees will be given a copy of the employee substance abuse and drug free workplace policy. Employees will be informed that they must abide by the terms of the policy as a condition of employment and to the consequences of any violation of such policy. Notification of this policy should be required as part of new employee orientation.
4. Assistance Program: Employers shall encourage and support their employees in seeing rehabilitation services and should assist them in utilizing any available state-supported services. Use of sick, annual, and compensatory leave and leave without pay for purposes of bona fide rehabilitation efforts is encouraged.

5. Awareness Program: The State of Louisiana will strive to educate employees about the dangers of substance abuse.

The State of Louisiana will establish a Substance Abuse Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The State will use that program in an ongoing educational effort to prevent and eliminate abuse that may affect the State workforce.

The Substance Abuse Awareness Program will contain provisions to inform employees about the (1) dangers and recognition of alcohol and drug abuse; (2) Employee Substance Abuse and Drug Free Workplace Policy; (3) availability of treatment and counseling for employees who voluntarily seek such assistance; (4) sanctions the State will impose for violations of its Substance Abuse and Drug-Free Workplace Policy.

6. Applicability: This Employee Substance Abuse and Drug-Free Workplace Policy applies to all state agencies. A State employees@ as used in this Policy, means all classified and unclassified employees.

7. Effective Date: This Employee Substance Abuse and Drug-Free Workplace Policy is effective May 23, 1989.

## OTHER POLICIES & PROCEDURES

### FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

**Reasons for Taking Leave:** Unpaid leave must be granted for any of the following reasons:

1. to care for the employee's child after birth, or placement for adoption or foster care;
2. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
3. or for a serious health condition that makes the employee unable to perform the employee's job.

**Advance Notice and Medical Certification:** The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

1. The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
2. An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.
3. The National Defense Authorization Act for FY2008 (NDAA) amends the Family and Medical Leave Act of 1993 (FMLA) immediately to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." Additional information and a copy of Title 1 of the FMLA, as amended are available on the federal Department of Labor Website.

The NDAA also permits an employee to take FMLA leave for any qualifying exigency (as defined by regulation) related to a spouse, son, daughter, or parent's active duty or notice of an impending call or order to active duty in the Armed Forces.

A final rule effective on January 16, 2009, updates the FMLA regulations to implement new military family Leave entitlements enacted under the National Defense Authorization Act for FY 2008.

### Job Benefits and Protection:

1. For duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
2. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
3. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**Unlawful Acts by Employers:** FMLA makes it unlawful for any employer to:

1. interfere with, restrain, or deny the exercise of any right provided under FMLA;
2. discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### NEPOTISM

Under certain situations, the Board of Supervisors authorizes the employment of persons from the same economic unit or the same immediate family, although a separate economic unit, when their individual qualifications are such that they represent the best possible choice for a given position, and the position was appropriately advertised. However, such employees may not be employed in a situation where one member may have direct administrative responsibility for the other. However, no interpretation of this section shall conflict with the Governmental Code of Ethics or R.S. 42:1119 and any other related statute.

## **AIDS POLICY**

In an effort to deal with Acquired Immune Deficiency Syndrome (AIDS), the university follows the guidelines as established by the American College Health Association. Their concept is that education and communication form the basis of an institution's best approach to dealing with the complex and inter-related issues raised by AIDS. More specific information can be obtained from the Office of the Vice President of Student Affairs.

## **SMOKING POLICY**

"Smoking is Public Health Enemy Number One." It has been so designated by the U.S. Surgeon General because smoking is the leading cause of premature death and disability. Research has shown that nonsmokers with chronic heart or lung disease can experience severe distress when exposed to secondhand smoke on the job. Many allergic individuals and even the majority of healthy nonsmokers report discomfort when exposed to secondhand smoke on the job. Furthermore, recent medical studies indicate that long-term exposure to involuntary smoking may increase nonsmokers' risk of developing lung cancer or other severe lung disease.

Louisiana Tech University is dedicated to providing a healthy, comfortable, and productive work environment for its employees. Such a goal can be achieved only through effective efforts to protect nonsmokers from secondhand smoke. In compliance with ACT 211 of the 2013 Louisiana State Legislative session, smoking and use of smokeless tobacco products is prohibited on all Louisiana Tech University campus grounds, instructional sites and facilities. All faculty, staff, and students share responsibility for adhering to and enforcing University policy. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of tobacco users and non-users. Lack of policy adherence should be brought to the attention of the appropriate supervisory personnel.

**NOTE: The complete University tobacco-free policy is distributed to all new personnel during employee orientation. The narrative presented above is a brief summary of the tobacco-free policy. A copy of the policy may be obtained from the University Human Resources Office.**

## **INSURANCE PROTECTION FOR PERSONAL PROPERTY LOCATED ON CAMPUS**

The Office of Risk Management, State of Louisiana, has informed the President's Office that insurance coverage provided by the University's blanket property policy excludes personal property of employees located on University premises, even though that property may be used within the scope of employment.

Personal homeowner policies often provide protection for items located external to the home and may afford sufficient coverage. Each individual is responsible for determining his/her own particular situation and to respond appropriately.

## **LONG DISTANCE TELEPHONE ACCESS CODE**

Each Louisiana Tech University employee assigned a telephone access code shall verify for accuracy the monthly detailed listing of long distance telephone calls charged against that access code. Each call must be identified by the person or business called and the nature of the call. All listings of calls, with supporting information, shall be kept in the department's files for possible future audits.

## **VEHICLE REGISTRATION**

The University requires all faculty, staff, students and employees who are in any way connected with the school to register their vehicle, regardless of ownership, and secure a parking permit. All vehicles must be registered by the time classes begin for any quarter. Also, vehicles that are purchased or acquired during the quarter must be registered before being parked on campus.

Vehicles may be registered and decals obtained during regular office hours in the Traffic Office located in South Hall.

Registration is limited to one (1) vehicle per employee or student. The official University parking decal must be removed and returned to the University Police office upon severance of ownership of a vehicle.

Each registrant will need to present a current vehicle registration certificate (Louisiana "pink slip") for the vehicle and a current driver's license. Faculty and staff will be required to pay the fee for parking violation tickets.

## **CONDITIONS OF EMPLOYMENT**

Participation in certain Employee Benefit programs is a condition of employment. More information may be obtained from the Office of the Director of Human Resources.

## **OUTSIDE EMPLOYMENT OF UNIVERSITY EMPLOYEES**

Outside /dual employment and dual office holding are governed by the following documents: University of Louisiana System, Board of Supervisors Rules Chapter III, Section VII and Policies and Procedures Memorandum **FS-III.-VII.-1** as well as Louisiana Revised Statute **42:61, 42.63.E, 42:1101, 42:1123 (9)(b)**. Copies of these documents are available for review on reserve in the University Library, in the Department of Human Resources, in the office of each Dean, and the legislative web page <http://www.legis.state.la.us>. The Board of Supervisors policy statement is listed below. Each full-time employee is required to report any external activity.

The following Board of Supervisors policy relates to employment directly undertaken by employees of System institutions with outside employers or to self-employment (including consulting) and does not relate to employment in which arrangements are made officially through the institution by contract with or grants to the institution.

### **A. Statement of Policy on Outside Employment**

1. A member of the faculty or staff may engage in outside activities, paid or unpaid, which do not conflict, delay or in any manner interfere with instructional, scholarly, and/or other services he must render in the nature of his college or university employment.
2. A full-time member of the faculty or staff who is presently engaged, or who plans to engage, in such activities outside of his broad institutional responsibilities, during any period of full-time employment by the institution, shall report to the chairman or head of his department in writing the nature and extent of such activities, and the amount of time the work will require. In all such instances, the department head or chairman shall forward the report to the employee's administrative superior who will make a complete disclosure of these facts to the campus head or his designee. A similar procedure shall be followed by deans in reporting to their vice- presidents and by vice-presidents in reporting to their president.
3. No full-time member of the faculty or staff shall engage in such outside employment (or continue such employment if already so engaged) without the written approval of the Unit Head and Dean. In the event that either the Unit Head or the dean believes that such outside employment involves, or may involve, a matter of public interest or interfere with duties to the institution, the matter shall be referred through the appropriate channels to the President of the College or University or his/her designee for approval.
4. It is the responsibility of the employee to make clear to any outside employer that in accepting such employment he does so as an individual independent of his capacity as a member of the staff of the college or university. This might best be accomplished by providing with oral testimony or written reports a statement to the effect that the views expressed are those of the employee and do not necessarily reflect the views of the institution. In no case should the individual concerned use the name of the institution or his college or university title officially, or in any way, in support of any position he may take.
5. The institution recognizes the fact that a person qualifies as an expert because of his training and experience. Therefore, biographical data, including a statement of employment by the college or university, may be included as introductory material to written reports (but not incorporated in the body of the written report) by the outside employer, or orally in the case of expert witness, by way of establishing the writer as a qualified expert.

6. No college or University personnel, laboratories, services or equipment are to be used without administrative authorization in connection with outside employment of College or University employees.

- B. Reporting Procedures - Each year the appropriate vice president(s) shall submit a report of employee activities to the campus president.

## **NEW EMPLOYEES AND TERMINATING EMPLOYEES**

New employees and those terminating employment should check with the Human Resources Department (Keeny Hall, fourth floor) for the proper procedure. Terminating employees are required to complete an exit/termination checklist prior to leaving employment.

## **EMERGENCY PROCEDURES**

The following section is provided for your use in those first few stressful moments when an emergency situation is perceived and one must make an immediate response to it. The following information is brief, and limited to the situation confronted. Follow-up procedures may be required and can be found in the *Louisiana Tech University Safety Manual*.

### A. **Emergency Phone Numbers**

<b>POLICE</b>	Extension 4018
<b>FIRE</b>	Extension 9-911
<b>AMBULANCE</b>	Extension 9-911

### B. **Accidents and Injuries**

The following is a guide to assist someone confronted with an accident or injury on campus. The term accident shall be defined as any unforeseen incident during which a person or persons sustains physical injuries. The term injury includes any physical trauma incurred during the accident.

- (1) Notify University Police at extension 4018.
- (2) If an ambulance is required, you will call 9-911 (to connect to the Lincoln Parish 911 system).

Be prepared to tell University Police:

- (1) **Nature** of the emergency
- (2) Exact **location** of the victim
- (3) Your **name** and **address**
- (4) **Do not** hang up until advised that it is all right to do so.

All accidents, including those occurring to non-employees, should be investigated by the supervisor responsible for the area in which the accident occurred. Near misses are accidents also and should be investigated as thoroughly as an accident that results in injury or property damage.

When an employee is injured, the employee must complete the Employer's Report of Occupational Injury or Disease form. (Forms are available from the Human Resources Office.)

**AFTER ACQUIRING NECESSARY MEDICAL AID FOR INJURED PERSONS**, the supervisor should follow these steps in investigating the accident:

- (1) If possible, ask the person or persons involved to describe what happened. Do not fix blame or find fault; just get the fact.
- (2) Survey the accident scene for information. Assemble any objects that might have contributed to the accident.
- (3) Determine if there were any witnesses to the accident and get their accounts of the incident.
- (4) Take whatever steps are necessary to prevent recurrences until the condition can be permanently corrected.
- (5) Complete the Accident Investigation Form. (See Policy 4201 for form and instructions.)

### C. **Fire and/or Explosions**

The following is a guide to assist anyone involved with, or witnessing a fire and/or explosion on the Louisiana Tech University campus. The purpose is to protect human life and property.

#### **Procedure:**

- (1) Notify and/or remove all persons in immediate danger.
- (2) Pull the **Fire Alarm**. The alarm system should automatically notify University Police.
- (3) Without endangering yourself or others, attempt to extinguish a minor fire.

**\*\*\*CAUTION\*\*\***

**Fires in laboratories may involve toxic vapors and fumes. If you suspect a potentially dangerous situation, evacuate the area immediately.**

- (4) If the fire does not extinguish, or if you feel the fire cannot be extinguished:  
**EXIT** the building, close door behind you,  
**USE** the nearest stairwell,  
**DO NOT** use the elevator!!
- (5) Call University Police at extension x-4018 as soon as possible. Be prepared to tell:
  - (a) **Location** of incident
  - (b) Any **injuries**
  - (c) The current situation
  - (d) Your **name**
- (6) Remain in the vicinity to assist response personnel.

### **POLICY ON EMERGENCY SITUATIONS ANNOUNCED THROUGH THE NEW MEDIA**

It is the basic expectation of Louisiana Tech University that all employees report to their duty stations at the appointed times. To aid in determination of "appointed times," this News Media Announcement Policy is promulgated. All normal situations are covered in published calendars, schedules, bulletins, policies and handbooks. Emergency situations will be announced using selected words by the Tech News Bureau upon authorization by the President or his designee. The following interpretations will apply:

- A. Situation - Tech is closed. Interpretation - Students and most employees are not required to be on duty. Selected employees have responsibility to be on duty to maintain essential services as an inherent requirement of their employment. Compensatory time will be granted these selected employees in this case.
- B. Situation - Classes are dismissed. All offices are open. Interpretation - All employees other than 9-month teaching faculty are required to be on duty.
- C. Situation - Tech is open. Interpretation - All employees are expected to be on duty and all students are expected to be in class.

## **TRANSPORTING FACULTY, STAFF, AND STUDENTS TO THE UNIVERSITY HEALTH CENTER, HOSPITAL, OR DOCTOR'S OFFICE**

### **Faculty and Staff**

- A. Transportation to the hospital or doctor's office.
  - 1. If a private vehicle is used, the owner of the vehicle shall assume all responsibility.
  - 2. If an ambulance is needed, an ambulance should be called directly at the Ruston Fire Department ambulance services. Louisiana Tech Police should be notified that an ambulance has been requested. The expense of the transportation shall be the responsibility of the person who is ill.
  - 3. In the case of injury or illness when an ambulance is not required and a private vehicle is not available, the Louisiana Tech Police Department is authorized to transport the individual if a Police Unit is available.
- B. Notification of authorities.
  - 1. Notify the academic Dean immediately.
  - 2. Notify the academic Unit Head immediately
- C. Notification of relatives.
  - 1. The wife, husband, or relative will be notified, if necessary, by the academic Dean or Unit Head.

### **Students**

- A. Transportation to the first aid station, hospital, or doctor's office.
  - 1. If a private vehicle is used, the owner of the vehicle shall assume all responsibility.
  - 2. If an ambulance is needed, an ambulance should be called directly at the Ruston Fire Department ambulance service. Louisiana Tech Police should be notified that an ambulance has been requested. The expense of the transportation shall be the responsibility of the person who is ill.
  - 3. In case of injury or illness when an ambulance is not required and a private vehicle is not available, the Louisiana Tech Police Department is authorized to transport the individual if a Police Unit is available.
- B. Notification of authorities.
  - 1. Notify the Dean of Student Life or the Vice President for Student Affairs immediately.
- C. Notification of parents.
  - 1. Parent or guardian will be notified, if necessary, by the Dean of Student Life.

## **PROPERTY GUIDELINES**

### **Property Regulations and Responsibility**

Regulations pertaining to movable property owned by Education Organizations are mandated by the Louisiana Administrative Code, Title 34, Government Contracts, Procurement and Property Control: Part VII. Louisiana Tech University falls under the authority of this code and will adhere to said regulations. A complete copy of these regulations is available upon request in the Louisiana Tech Property Office.

*Responsibility for safeguarding property owned by Louisiana Tech University lies with All University employees.* Under no circumstances is Louisiana Tech Property to be used for personal gain nor removed from any University operating location except to conduct University business. In pursuant to the aforementioned regulations and University policy, delegation of responsibility will apply as follows:

- 1. *The University Property Manager will maintain accountability for all movable property within the agency.* The University Property Office must be notified PRIOR to or immediately upon any change in status, location or condition of university property. All required reports and requests will be submitted to the Louisiana Property Assistance Agency for approval and administered as directed.
- 2. *University department heads are responsible for the equipment within their divisions until such time as approval has been received to dispose of same.* All requests to move, transfer, or dispose of property must be reviewed by the department head and then submitted to the University

Property Office for final approval. Responsibility also includes supervision and approval of the annual inventory certification process.

3. Each university department head should appoint a departmental property custodian. The departmental custodian will be responsible for day to day inventory processed with the department and will serve as a contact person to the Property Office. The property custodian may not be a student.

## **UNIVERSITY FUNDS**

### **Off-Campus Bank Accounts**

It is the policy of Louisiana Tech University that no Department or unit of the University or University employee shall establish a bank account off-campus for the receipt of University funds. All accounts for University funds shall be established through the Division of Finance and Administration.

All funds solicited or received in the name of Louisiana Tech University, or any division thereof, by a Department, unit, or employee of the University must be deposited with the Comptroller's Office.

This policy applies to Departments, programs, institutes, camps, and any other University-related entity. This policy does not apply to student organizations, clubs, group, etc. which are simply registered with the University.

## **TRAVEL POLICY**

All Louisiana Tech faculty and staff are governed by State rules and regulations when performing official travel for which reimbursement is expected. These regulations apply to University-owned or leased vehicles, private vehicles, and any type of commercial transportation. The basic travel regulations are promulgated by the State Division of Administration and those implementing instructions issued by Louisiana Tech. Each faculty and staff member should maintain his/her own personal file of these directives. They may be obtained by request from the Comptroller's Office.

When travel extends more than 12 hours, and expenses are incurred, faculty and staff must fill out a Travel Authorization form prior to expected travel. This form may be obtained in the Comptroller's Office. On return, an Expense Account must be completed and returned to the Comptroller's Office in order to be reimbursed for monies spent. The directives and regulations spell out the current limits for mileage, meals, and housing reimbursement.

### **Travel Outside the Continental United States**

Travel outside the continental United States must be approved by the State of Louisiana Division of Administration. In order to obtain approval, a memorandum requesting permission for travel outside the continental United States must be transmitted through the normal travel approval process. Once the President has approved the travel, a copy of the approved travel authorization with an itinerary, source of funding, and a detailed list of estimated cost shall be transmitted to the Office of the Vice President for Finance and Administration. The Vice President will request approval from the proper authorities. Under no circumstances shall travel be initiated before the final approval is obtained.

### **Drivers Safety Program**

A state law requires that all state agencies implement a comprehensive safety program with a goal of reducing injury and loss of property. One facet of the state safety program is driver safety. Effective April 1, 1999 anyone (faculty, staff and students) who has not completed the Driver Safety Program will not be allowed to drive a Louisiana Tech vehicle or be reimbursed for personal mileage expenses. The following rules are in effect:

- A. Vehicles rented by purchase order in the name of Louisiana Tech University are considered university vehicles.
- B. Vehicles rented and expense claimed on travel voucher are considered personal vehicles.

- C. All provisions of the Driver Safety Program shall apply to university owned, personal vehicles, rented or leased vehicles.
- D. Authorization to drive and authorization for reimbursement shall not be granted unless the driver has completed the driver safety program.
- E. Any person newly hired must complete the driver safety program prior to using any vehicle for Louisiana Tech business.
- F. An exception to the above provisions (1-4) shall be in the case of an employee traveling to the university for a job interview. Persons hired as professional consultants should have rental vehicle and/or mileage costs included in their base contract.

Information on the Driver's Safety Training Program are explained further on the Louisiana Tech website under Administration & Facilities, Environmental Health & Safety section at the address below:

<https://www.latech.edu/administration/administration-facilities/environmental-health-safety/>.

The following information on *What to Do In Case of a Vehicle Accident* and vehicle accident forms and instructions may also be accessed at the website.

- 1) Call the police. Do not talk to anyone, except the police, about how the accident happened.
- 2) Make no statement about payments of damages. The other party will be contacted by the Office of Risk Management in Baton Rouge.
- 3) Admit no liability (fault).
- 4) Sign nothing (except police report, if asked).
- 5) Obtain the names, addresses, and daytime telephone numbers of all witnesses.
- 6) Obtain the address and telephone number of the police department completing the accident
- 7) Call the Environmental Health & Safety Department (318-257-2120) and the Office of the Vice President for Administrative Services (318-257-2769) and notify them of the accident.
- 8) Complete the accident report form (located in the glove box of state vehicle). The first page must be mailed to the Office of Risk Management within 48 hours of the accident.
- 9) Give the completed report form to your immediate supervisor as soon as possible after the accident. The supervisor will transmit the form to the Environmental Health & Safety Department filling out the appropriate sections.
- 9) The telephone number for the Office of Risk Management is 225-342-8484.

Employees needing to complete the driver safety course should contact the Environmental Health and Safety Office at 318-257-2120.

### **University Motor Pool**

A Request and Authorization for Tech Vehicles must be completed and returned to the Motor Pool at the Physical Plant when transportation is furnished by Louisiana Tech. Motor Pool vehicles are restricted to trips within a radius of 300 miles from Ruston.

Each vehicle contains a DAMV - 3Daily Vehicle Log. The operator of the vehicle is responsible for reporting daily vehicle usage, including purchases of gasoline, maintenance, and repair. Each vehicle must be returned with a full tank of gas.

Gasoline courtesy cards are available in the Office of the Vice President for Finance and Administration in Keeny Hall. It is illegal to purchase gasoline for vehicles not owned by Louisiana Tech with courtesy cards in the name of Louisiana Tech University. All purchases made on gasoline courtesy cards must show the license number of the vehicle, the quantity of the commodity purchase, and the unit price.

It is against the law for State-owned vehicles to be stored at an employee's home overnight. If a trip begins after the business hours of the Physical Plant, on week-ends, or holidays, the keys maybe picked up at the University Police. The white Request of and Authorization for a Tech vehicle form will need to be shown to University Police to obtain keys. In the event of mechanical failure, the Motor Pool Office at the Physical Plant should be notified at once. If it is after the business hours of the Physical Plant, the Power Plant should be notified. Keys may be placed in the red box at the Physical Plant upon returning.

Only University employees on official business of Louisiana Tech University are allowed to operate or ride in University owned vehicles.

The authorizing Unit Head is responsible for ensuring that the persons operating University-owned, leased, or private vehicles on official University business have a valid driver's license and do not have a record of violating State or local vehicle laws.

In the event of an accident, the appropriate law enforcement agency must be notified immediately. In the glove compartment of each vehicle is a packet that contain instructions on the procedure to follow in case of an accident. The appropriate Unit Head should then notify the Office of the Vice President for Finance and Administration.

## **CAMPUS COMPUTER POLICY**

The computing facilities at Louisiana Tech are provided for the use of Louisiana Tech students, faculty and staff in support of the programs of the University. All students, faculty and staff are responsible for seeing that these computing facilities are used in an effective, efficient, ethical, and lawful manner.

The following policies relate to their use:

1. Computer facilities and accounts are owned by the University and are to be used for university-related activities only. All access to central computer systems, including the issuing of passwords, must be approved through the Computing Center. All access to departmental computer systems must be approved by the department head or an authorized representative.
2. Computer equipment and accounts are to be used only for the purpose for which they are assigned and are not be used for commercial purposes or non-university related business. Incidental use of computer communications facilities by members of the faculty and staff for the purpose of creating and maintaining job efficiency and harmonious working relationships is consistent with this policy.
3. An account assigned to an individual by the Computing Center or a department must not be used by others without explicit permission from the instructor or administrator requesting the account and by the Computing Center or department assigning the account. The individual is responsible for the proper use of the account, including proper password protection.
4. Students and employees should have no expectation of privacy when utilizing university computing resources. The university reserves the right to inspect without notice, the contents of computer files, regardless of medium, the contents of electronic mailboxes, systems output such as printouts, and to monitor network communication when
  - a. it is considered reasonably necessary to maintain or protect the integrity, security or functionality of university or other computer resources or to protect the university from liability.
  - b. there is reasonable cause to believe that the user has violated the Campus Computer Use Policy or otherwise misused computing resources;
  - c. an account appears to be engaged in unusual or unusually excessive activity; or,
  - d. it is otherwise required or permitted by law.

Such inspection or monitoring may be conducted only by authorized personnel for compelling business or security reasons and only with the approval of the President or the following designees:

- a. for faculty members, the Vice President for Academic Affairs;
- b. for staff members, the Vice President for Finance and Administration; or
- c. for students, the Vice President for Student Affairs. (*Adopted 4/9/01*)

5. Electronic communications facilities (such as electronic mail, WWW home pages, USENET newsgroups, etc.) are for university-related activities only. Fraudulent, harassing, or obscene messages and/or other materials are not to be posted, sent or stored.
6. No one may deliberately attempt to degrade the performance of a computer system or to deprive authorized personnel of resources or access to any university computer system.
7. Loopholes in computer security systems or knowledge of a special password must not be used to damage computer systems, obtain extra resources, take resources from another user, gain access to systems, or use systems for which proper authorization has not been given.
8. Materials protected by copyright are not to be copied from, into, or by using campus computing facilities, except as permitted by law or by contract with the owner of the copyright. This means that such materials may only be copied in order to make back-up copies, if permitted by the copyright owner. The number of copies and distribution of the copies may not be done in such a way that the number of simultaneous users in a department exceeds the number of original copies purchased by that department. Materials would include, but not be limited to software, audio, image, video, and test data.
9. All licensed computer software must be installed by Technical Services or by an approved designee as identified in the college or administrative division. Software licenses must be maintained in the department or unit office and available for inspection. The installation and use of unlicensed computer software is in violation of university policy. University employees who violate this policy are subject to disciplinary action and fines. (Adopted 7/6/01)
10. Louisiana Tech will address and resolve issues of copyright infringement and has implemented preventive measures to educate and to insure proper use of peer-to-peer (P2P) applications on the campus network and in residential housing. When a P2P Copyright Violation Notice is received, (1) The user is identified by examining log records for the specified IP address and timestamp, (2) Violation details are stored in a database, (3) The user is notified by e-mail and sent a copy of the notice (Students: RIAA notice - user receiving additional notices referred to Judicial Affairs, a hold placed on registration, and computing privileges suspended; MPAA notice - user referred to Judicial Affairs, a hold placed on registration, and computing privileges suspended. Employees: notice forwarded to employee and to the immediate supervisor and the Vice President for Academic Affairs)

An individual's computer use privileges may be suspended immediately upon the discovery of a possible violation of these policies. Such suspected violations will be confidentially reported to the appropriate faculty, supervisors, department heads, Computing Center staff, and Vice Presidents.

The appropriate administrative staff or supervising department head will judge an offense as either major or minor. A first minor offense will normally be dealt with by the Computing Center administrative staff or supervising department head after consultation with the instructor or administrator requesting the account. Additional offenses will be regarded as major offenses. Appeals relating to minor offenses may be made to the supervising Vice Presidents. Major offenses will be dealt with by the supervising Vice Presidents.

Violations of the policies will be dealt with in the same manner as violations of other university policies and may result in disciplinary review. In such a review, the full range of disciplinary sanctions is available including the loss of computer use privileges, dismissal from the University, and legal action.

Violations of some of the above policies may constitute a criminal offense. Individuals using campus computing facilities should be familiar with the Louisiana Revised Statutes 14:73, Computer Related Crimes. (Adopted 1997)

## **Internet Use**

### **Purpose**

Louisiana Tech University provides access to centralized computer resources and the Internet for all administrative and academic units at the University. The University intends this use to enhance record-keeping; to make both local and off-campus information accessible to faculty, staff, and students; and as a communications bridge to off-campus parties interested in the University and the information generated by members of the University community.

Because of the nature of some of this information, access to it must be limited; however, because of its role as a state-supported educational institution, it is the University's obligation to make suitable information available to both its internal and external constituents. Because of these potential conflicting needs -- limiting access to information and making information widely available -- it is the obligation of faculty, staff, and students to make use of computer and Internet resources responsibly, ethically, and legally.

### **Supervision of Computer and Internet Resources**

The central computer and related hardware and software are supervised by the Computing Center.

The University Computing Policy and Planning Council assess campus needs for computing services and assigns priorities to meet those needs.

The University Internet Committee supervises the presentation of faculty, staff, and student information on the Louisiana Tech University World Wide Web Site.

## **HOME PAGES ON THE LOUISIANA TECH UNIVERSITY WORLD WIDE WEBSITE.**

### **Institutional**

All units of the University and individual faculty and staff members are encouraged to create and maintain a presence on the World Wide Web. These Web pages should be used to give information about such topics as degree programs, registration, financial aid, distance learning programs and courses, and information about administration, faculty, and staff accomplishments. Since these pages will be available to a world-wide public, it is important that these pages be well-planned, appealing in appearance, and kept up-to-date. Institutional pages will be linked to the Louisiana Tech University Home Page and will be listed under the appropriate section and heading. All institutional home pages should provide a link back to the University Home Page, and e-mail address for interested parties to contact, the author or supervisor of the page, and the date of the last revision of the page.

### **Student**

Student-generated Web pages may also be linked to and accessed through the University Home Page. These pages may be used by the student for such things as providing a list of student accomplishments and/or interests, job and academic history, personal academic and non-academic interests, and other useful information. The University does not intend to supervise these pages but does request that their content not reflect adversely on the University as a whole, its personnel (particular faculty, staff, and students), and that the content of these pages does not violate the standards enumerated below.

## **Guidelines for the Creation and Use of Home Pages**

### **Institutional**

As explained, Web pages set up by official agents of Louisiana Tech University should, as a whole, deal with the academic and student-oriented matters typical of a University community. It is assumed that each supervisor of these sites will attend to such matters as the use of personal and copywriter material, the accuracy and currency of the information presented, and the aesthetic appeal of the page in its reflection on the University as a whole and on the particular unit generating the page.

It is assumed that other pages linked to these institutional pages, such as the Home Pages of faculty and staff members, will also be created and viewed as entities of the University and will present material that is in keeping with the unit and individual(s) involved or presented through the page(s).

### **Individual: Faculty, Staff, and Student**

Home pages of individuals (such as faculty, staff, and students) that are not linked to a unit page but are presented as entities in themselves and linked to the University Home Page should be done so that they do not reflect adversely on the creator or on other areas of the University community. Within this guideline, individual interests and imagination are encouraged.

### **Areas of Concern**

Creators of institutional and individual home pages should exercise care in the following areas to insure that applicable, ethical, and legal guidelines are followed.

1. Home pages at Louisiana Tech University should not be used for commercial purposes, for either individuals or commercial entities.
2. Information should not be disseminated that is in violation of the Privacy Act; such information would include student grades or medical records.
3. Information that could be used to compromise computer security at Louisiana Tech University or elsewhere should not be released.
4. Copies of commercially-available software should not be posted on a University Web Site.
5. Information that violates applicable copyright laws should not be used in the creation of a Web site or page. *The Copyright Website* provides useful information about the use of copyrighted material.
6. University computing resources such as e-mail should not be used to harass others or interfere with the working of the University.
7. University computing hardware resources-including the central computer and separate computers available in offices and labs-should not be tampered with or changed without permission.
8. Software on University computers-either central or on separate ones-should not be tampered with or copied.

## **POLICY FOR VIOLENCE-FREE WORKPLACE**

### **1.0 INTRODUCTION**

- \* Employees are the State's most valuable resource and their safety and security are essential to carrying out their responsibilities. Every employee has a reasonable expectation to perform his/her assigned duties in an atmosphere free of threats and assault.
- \* Recognizing the increasing incidence of violence in the workplace, the Governor of the State of Louisiana issued an executive order committing the Governor and the State of Louisiana to work toward a violence free workplace for state employees.
- \* Louisiana Tech University fully supports this effort and is committed to a violence free workplace.

## 2.0 PURPOSE

The purposes of this plan are to:

- \* direct implementation of effective security measures and administrative work practices to minimize exposure to conditions that could result in harm to state workers;
- \* promote a positive, respectful and safe work environment that fosters employees' security, safety and health; and
- \* require ongoing analysis of the workforce and each work site for hazard prevention and control.

## 3.0 DEFINITIONS

### \* **Assault**

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery. (Example: I may have a stick raised and know that I have no intention of striking you, but, based on the circumstances, you have a reasonable apprehension that I plan to strike you.)

### \* **Battery**

Battery is the intentional use of force or violence upon another; or the intentional administration of a poison or other noxious liquid or substance to another.

### \* **Credible Threat**

A credible threat is a statement or action that could cause a reasonable person to fear for the safety of him/herself or that of another person and does, in fact, cause such fear.

### \* **Firearms**

The possession of firearms on the Louisiana Tech campus is governed by the Firearm Free Zone Law (RS 14:95.2 and RS 14:95.6). These laws make it illegal to possess a firearm on a university campus or within 1000 feet of a campus with some exceptions.

### \* **Intentional**

Intentional refers to conduct when the circumstances indicate that the offender, in the ordinary course of human experience, must have considered the criminal consequences as reasonably certain to result from his act or failure to act.

### \* **Violence**

Violence is the commission of an assault or battery or the making of a credible threat.

### \* **Workplace**

The workplace is any site where an employee is placed for the purpose of completing job assignments.

### \* **Workplace Violence**

The act or threatened act of physical and/or verbal force being used in a harmful or destructive manner in an employment setting.

#### **4.0 VIOLENCE FREE WORKPLACE ORGANIZATION**

- \* The Violence Free Workplace Committee will be notified immediately in the event of an incident of violence in order to determine the scope and extent of the threat.
- \* Violence Free Workplace Committee Members:
  - Director of Human Resources (Chairman)
  - Director of Environmental Safety (Member)
  - Chief of University Police (Member)
  - Faculty Representative (Member)
  - Counselor (Member)
  - Civil Service Representative (Member)

#### **5.0 MANAGEMENT RESPONSIBILITIES**

Louisiana Tech University shall comply with federal and state statues, rules, regulations and/or guidelines in making reasonable efforts to:

- \* hire, train, supervise and discipline employees;
- \* intervene in situations of harassment in the workplace where the employer is aware of the harassment;
- \* ensure employees and/or independent contractors are fit for duty, and do not pose unnecessary risks to others;
- \* provide security precautions and other measures to minimize the risk of foreseeable criminal intrusion based upon prior experience or location in a dangerous area;
- \* maintain an adequate level of security;
- \* establish and implement a written policy and plan dealing with violence in the workplace;
- \* provide employee training for the agency plan, how to recognize warning signs of potential for violent behavior, and precautions which may enhance the personal safety of the employee at work;
- \* warn an employee of a credible threat made by another to do harm to that employee;
- \* support the application of sanctions and/or prosecution of offenders, as
- \* accommodate, after appropriate evaluation, employees who require special assistance following incidents (s) of workplace violence;
- \* cooperate with law enforcement agencies;
- \* establish a uniform violence reporting system with regular review of submitted reports;
- \* initiate procedures to protect from retaliation employees who report credible threats; and
- \* keep up-to-date records to evaluate the effectiveness of administrative and work practice changes initiated to prevent workplace violence.

## 6.0 MANAGEMENT COMMITMENT

6.1 At Louisiana Tech University, management commitment, including the endorsement and visible involvement of top levels of supervision, provides the motivation and resources to deal effectively with workplace violence, and includes:

- \* organizational concern for employee emotional and physical safety and health;
- \* commitment to the safety and security of all persons in the workplace;
- \* assigned responsibility for the various aspects of the workplace violence prevention program to ensure that all supervisors and employees understand their roles and responsibilities;
- \* allocation of authority and resources to all responsible parties;
- \* accountability for involved supervisors and employees;
- \* debriefing/counseling for employees experiencing or witnessing assaults and other violent incidents;
- \* support and implementation of appropriate recommendations from violence prevention committees; and
- \* treatment of workplace violence, incidents, complaints and concerns with seriousness, keeping confidential all reports and the identification of parties, except to those who have a legitimate need to know and to the extent required by law.
- \* This plan will be maintained and updated through and by the Violence Free Workplace Committee and will be housed in the Louisiana Tech University Human Resources Office. Any questions should be directed to either Sheila Trammel (Ext.2235) or Don Braswell (Ext.2120).

## 7.0 EMPLOYEES RESPONSIBILITIES

At Louisiana Tech University:

7.1 Employees are required to report to the Violence Free Workplace Committee/University Police all threats or incidents of violent behavior in the workplace which they observe or of which they are informed. Examples of inappropriate behavior which shall be reported include:

- \* unwelcome name-calling, obscene language, and other abusive behavior;
  - \* intimidation through direct or veiled verbal threats;
  - \* physical touching another employee in an intimidating, malicious, or sexually harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing; and
  - \* physically intimidating others including such acts as obscene gestures, getting in your face, fist-shaking, and throwing any object
- 7.2 Employee involvement and feedback enable workers to develop and express their own commitment to safety and security and provide useful information to design, implement, and evaluate the program. At Louisiana Tech University, employee involvement includes, but is not limited to:
- \* understanding and complying with the workplace violence prevention program and other safety and security measures;
  - \* participating in employee complaint or suggestion procedures covering safety and security concerns;

- \* providing prompt and accurate reporting of violent incidents;
- \* cooperating with the safety and security committee that reviews violent incidents and security problems and makes security inspections; and
- \* participating in continuing education covering techniques to recognize and abate escalating agitation, assaultive behavior or criminal intent.

## **8.0 NOTIFICATION PROCEDURES (HOW TO REPORT AN INCIDENT OR THREAT)**

8.1 The following procedures are established to report any incident(s) of violence:

- \* once an incident of violence or threat of violence occurs, the employee shall IMMEDIATELY CALL:

### **UNIVERSITY POLICE NUMBER 4018**

- \* University Police, once the situation is under control and there is no immediate threat to life, will contact the Chairman of the Violence Free Workplace Committee.
- \* The Violence Free Workplace Committee may evaluate the situation, depending on the severity of the incident, and decide the appropriate response or course of action.

## **9.0 WORKPLACE ANALYSIS**

9.1 The process of workplace analysis involves a step-by-step, common-sense look at the workplace to find existing or potential hazards for the occurrence of workplace violence. The workplace analysis entails reviewing specific procedures or operations that contribute to hazards and specific locations where hazards may develop. The workplace analysis program includes, but is not limited to:

- \* analyzing and tracking records:
- \* monitoring trends;
- \* analyzing incidents; and
- \* analyzing workplace security.

9.2 At Louisiana Tech University, the responsibility for conducting and maintaining workplace analysis is assigned to the Violence Free Workplace Committee.

9.3 Ongoing workplace analysis for Louisiana Tech University shall be performed by the Violence Free Workplace Committee on a periodic basis.

9.4 Additional information concerning the performance of a workplace analysis can be found in Attachment 1, Workplace Analysis.

## **10.0 HAZARD PREVENTION AND CONTROL**

10.1 After the completed workplace analysis is reviewed and approved, workplace adaptations, engineering controls, administrative controls, and work practice controls shall be implemented by Louisiana Tech University to prevent or control to the extent possible any discovered hazards. If workplace violence does occur, the post-incident response and evaluation section of this policy (Section 11.0) shall be implemented.

10.2 Engineering controls and workplace adaptations remove the hazard from the workplace or create a barrier between the worker and the hazard. Examples of engineering controls and workplace adaptations can be found in Attachment 2, Hazard Prevention and Control.

10.3 Administrative and work practice controls affect the way jobs or tasks are performed and ultimately affect the security of the workplace. Examples of administrative and work practice controls can be found in Attachment 2.

10.4 At Louisiana Tech University, the responsibility for hazard prevention and control is assigned to the Environmental Safety Officer.

## 11.0 INCIDENT RESPONSE AND EVALUATION

11.1 Assistance for victimized employees and employees who may be affected by witnessing a workplace violence incident will be provided. Whenever an incident takes place, injured employees will receive appropriate medical treatment and psychological evaluation as necessary in accordance with existing statutes. At Louisiana Tech University this assistance is provided through the Violence Free Workplace Committee.

11.2 An employee who has been threatened or assaulted by another in the workplace will immediately notify the University Police and their immediate supervisor. The University Police will then notify the Chairman of the Violence Free Workplace Committee.

11.3 Written statements shall be obtained from all involved, including those who witnessed the incident. A statement form which may be used is found in Attachment 3, A Violence Incident Statement. The form is designed to answer all pertinent questions about the incident while the event is still current with those involved in the matter.

After written statements are obtained, the University Police and/or the Violence Free Workplace Committee shall interview all parties to the incident, including victims, subjects and witnesses, and prepare written summaries of the interviews. The summaries shall be the basis in order to determine the facts of the event.

11.4 The following actions should be taken in accordance with the severity of the incident:

\* The situation if **not dangerous**:

- separate employees involved and isolate until they are interviewed and their statements are taken;
- separate witnesses until they are interviewed and their statements are taken; and
- document all actions and statements.

\* The situation is **dangerous**:

- contact University Police at ext. 4018
- order all those presenting the danger to leave the facility immediately (unless this action must be taken by University Police);
- do not attempt to physically remove an individual (leave it to the police); and
- document all actions and statements.

11.5 Additional information concerning post incident response and evaluation can be found in Attachment 4, Incident Response.

## 12.0 RECORDS

12.1 Records associated with violence in the workplace need to be kept in a permanent, secure, and confidential manner. It shall be the responsibility of the Human Resources Office and the Violence Free Workplace Committee to help evaluate security, methods of hazard control, and

identify training needs. The following records are important and shall be maintained in accordance with pertinent statutes as part of the violence prevention program;

- \* reports of work injury, including workers' compensation injuries, if necessary;
- \* report for each reported assault, incidents of abuse, verbal attack, or aggressive behavior occurring between persons in the workplace;
- \* police reports of incidents occurring in the workplace;
- \* minutes of safety meetings, records of hazards' analysis and corrective actions recommended;
- \* violence in the workplace training, including subjects covered, attendees, and qualifications of trainers; and
- \* other appropriate reports.

### **13.0 EVALUATION**

13.1 Regular evaluation of safety and security measures affecting the violence prevention program shall be conducted at least annually. At Louisiana Tech University, this evaluation shall be the responsibility of the Violence Free Workplace Committee.

13.2 The evaluation program consists of:

- \* reviewing reports and minutes from staff meetings of safety and security issues;
- \* analyzing trends in illness/injury of fatalities caused by violence;
- \* measuring improvement based on lowering the frequency and severity of workplace violence;
- \* surveying employees before and after making job or workplace changes or installing security measures or new systems to determine their effectiveness;
- \* requesting periodic outside review of the workplace for recommendations on improving employee safety; and
- \* interviewing employees who experience hostile situations about the medical treatment received (initial and subsequent treatment).

### **14.0 COMMUNICATION**

14.1 Louisiana Tech University recognizes that to maintain a safe, healthy and secure workplace, we must have open communication among employees, including all levels of supervision, on these issues. The open communication process includes, but is not limited to:

- \* periodic review of this policy with all employees;
- \* discussions of violence in the workplace during scheduled safety meetings;
- \* posting or distributing information on violence in the workplace; and
- \* procedures to inform supervisors about violence in the workplace, hazards, or threats of violence.

14.2 The Violence Free Workplace Committee/Human Resources Office shall provide an appropriate place for employees to discuss security concerns with assurance that confidentiality

## 15.0 TRAINING AND EDUCATION

15.1 At Louisiana Tech University,

- \* all employees including all levels of supervision, shall have training and instruction on general, job-specific, and work site-specific safety and security practices;
- \* training and instruction shall be provided within one year of policy implementation and annually thereafter; and
- \* training shall begin with orientation of new employees within three months of employment and periodically thereafter.

15.2 At Louisiana Tech University, workplace violence training shall be the responsibility of the Violence Free Workplace Committee, Human Resources Office, the University Police and the Environmental Safety Office.

15.3 General violence in the workplace training and instruction address, but are not limited to the following concerns:

- \* explanation of the violence in the workplace policy as established by Louisiana Tech University;
- \* measures for reporting any violent acts or threats of violence.
- \* recognition of hazards including associated risk factors;
- \* measures to prevent workplace violence, including procedures for reporting workplace hazards or threats to appropriate supervision;
- \* ways to defuse hostile or threatening situations;
- \* measures to summon others for assistance
- \* routes of escapes available to employees;
- \* procedures for notification of law enforcement authorities when a criminal act may have occurred;
- \* procedures for obtaining emergency medical care in the event of a violent act upon an employee; and
- \* information on securing post-event trauma counseling for those employees desiring or needing such assistance.

## 16.0 ADDITIONAL INFORMATION CONCERNING WORKPLACE VIOLENCE

16.1 Attachment 5, Workplace Violence Checklist may be used in identifying present or potential workplace violence problems.

16.2 Attachment 6, Recognizing Inappropriate Behavior, may be helpful in identifying the types of behavior this policy forbids.

16.3 Attachment 7, Personal Conduct to Minimize Violence, may be helpful to an individual in understanding what he/she might do to prevent violence.

**Note: Attachments 1 - 7 maybe found in the Violence Free Workplace Policy distributed to each employee. Document length prohibits the printing of the attachments in this manual.**

## **POSSESSION OF FIREARMS**

Louisiana Tech University enforces all provisions of the State Criminal Code including those prohibiting possession of firearms within a firearms free zone as provided at R.S. 14:95.2. The law makes it illegal to possess a firearm on a University campus or within 1000 feet of the campus with some exceptions. Exceptions include a law enforcement officer, a person with a concealed handgun permit, a firearm contained entirely within a motor vehicle, an enrolled class which requires a firearm, and an authorized activity like ROTC which requires a firearm.

In addition to such criminal penalties as may be imposed, the unlawful use, possession or carrying of a firearm or dangerous weapon within University facilities and premises by an employee shall be cause for termination of employment. Further, the legal possession or use of a firearm by an employee in a manner which reasonably endangers the safety of others shall be cause for disciplinary action by Louisiana Tech University.

In addition to such criminal penalties as may be imposed, student possession of firearms is prohibited under the Code of Student Rights, responsibilities and behavior under section **6.04:20 Possession and/or Use of Guns, Firearms, Knives, Explosives, and Other Weapons** - Possession of and/or exploding of fireworks and other explosives and possession and/or discharging of shotguns, rifles, pistols, air rifles, BB guns, paint guns, sling shots, bows and other lethal or damaging weapons on campus by student(s) unless authorized by the Vice President for Student Affairs is prohibited. Possession includes, but is not limited to, ones person; University residence hall room; office, academic, administrative, or maintenance building; or vehicle.

## **EMPLOYEE DRUG TESTING**

Purpose - Louisiana Tech University believes that the workplace should be free from the risks associated with the use of alcohol and drugs. The University has a legitimate interest in promoting reasonable working conditions and is committed to providing a safe and healthy environment for employees, students, and the general public.

According to Louisiana Revised Statue 49:1001-1021, Louisiana Tech University is authorized to proceed with drug testing of employees. The context of this policy will be pursuant to this Statute and to the Drug-Free Schools and Communities Act of 1986, the federal Drug-Free Workplace Act of 1988, the Drug-Free Public Housing Act of 1988, the Louisiana Drug Testing Act of 1990, the Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration procedures, Title 49CRF part 40 and part 382 et al., Louisiana Revised Statutes 23:1081 and 1601, 30:2173(2), 32:1502(5), and Executive Order MJF 98-38.

Applicability/Scope -

Louisiana R.S. 49:1001 defines an employee as any person, paid or unpaid, in the service of an employer. More specifically, the person may be classified, unclassified, probationary (rehabilitation), temporary or non-temporary in a safety-sensitive and/or security-sensitive position.

Following an employment offer and prior to starting work, prospective employees applying for positions that are safety-sensitive and/or security-sensitive, or whose position will involve driving a commercial motor vehicle, will be required to be tested for drugs. The individual must test free of drugs as a condition of employment.

Substances Tested - Pursuant to LA R.S.49:1001(20b), drug testing is performed for any or all of the following classes of drugs: amphetamines, cocaine, marijuana, opiates, and phencyclidine. Urine will be analyzed for the testing of drugs using the five and nine panel drug screen and blood analyzed for the testing of alcohol. The Federal Department of Transportation requires testing for alcohol.

### **Conditions Under Which State Agencies May Test for Drugs:**

- \* **Pre-employment post-hire: The prospective employee hired for a safety-sensitive position must undergo controlled substance drug testing prior to being placed in the position.**

\* **Post Accident: An employee shall be tested following an accident during the course and scope of employment if there is reasonable suspicion of an employees drug use or if the accident results in:**

1. serious injury or a fatality;
2. damage at or above \$1,000.00, and/or;
3. the release of hazardous waste as defined in R.S.30:2173(2) or hazardous materials defined in R.S. 32:1502(5).

\* **Random:** Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or while participating in a rehabilitation program utilizing a fair and equitable method of selection.

\* **Reasonable Suspicion:** A supervisor's belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the employee. Such determinations should be confirmed by a second employee when possible.

**NOTE: The complete University drug-testing policy is distributed to all new personnel during employee orientation. The narrative presented above is a brief summary of the drug-testing policy. A copy of the policy may be obtained from the University Human Resources Office.**

## **CRISIS LEAVE POOL POLICY**

### **Authorization**

The Crisis Leave Program is established and approved by the State Civil Service Commission in accordance with Act 1008 passed by the Louisiana Legislature in 1992, Senate Concurrent Resolution 54 of the 1997 regular session of the Legislature and Civil Service Rule 11.34, Crisis Leave Pool.

### **Purpose**

The Crisis Leave Program is a means of providing paid leave to an eligible employee who has experienced a catastrophic illness, personal emergency or serious injury to themselves or eligible family member. The intent of the program is to assist employees who, through no fault of their own, have insufficient paid leave to cover the crisis leave period.

### **Definitions**

Eligible employee - A classified employee of Louisiana Tech University who has attained permanent status may donate or use crisis leave.

Eligible family member - is defined as:

-an individual living in the same household who is related to the employee by kinship, adoption or marriage or a foster child so certified by the Louisiana Office of Children's Services, or

-an individual not living in the same household who is related to the employee by kinship, adoption or marriage, and is totally dependent upon the employee for personal care or services on a continuing basis.

Licensed Medical Service Provider (LMSP) - a practitioner, as defined in the Louisiana State Licensing Law (relative to that LMSP's field of service), who is practicing within the scope of his or her license. This is to include Physicians (a doctor of medicine) or MD, doctor of osteopathy or DO, or licensed Chiropractors, Counselors, or Therapists as recognized and licensed by appropriate State board or authorities.

Catastrophic Injury or Illness - a severe condition or combination of conditions that:

- affects the physical or mental health of the employee or the employee's eligible family member, and
- requires the services of a licensed medical service provider for a prolonged period of time; and
- prevents the employee from performing his/her duties for a period of more than ten consecutive days and forces the employee to exhaust leave and to lose compensation from the State.

Leave Pool Manager - Director of Human Resources or designee.

Crisis Leave Committee - The Committee shall be comprised of four staff members and the Leave Pool Manager or designee. The Committee acts to support the administration of the Crisis Leave program, review the pool and program management practices by the Pool Manager. When not otherwise, specified in written policy, the Committee may recommend operational guidelines and procedures for the Crisis Leave Program.

### **Eligibility Requirements**

An eligible employee may apply to receive crisis leave if the following requirements are met:

- the employee or employee's eligible family member suffers from a catastrophic illness or injury; and
- the employee has exhausted all applicable leave; and
- the employee has exhibited satisfactory attendance (with no history of leave abuse), and is not absent from work due to disciplinary reasons; and
- the catastrophic injury or illness is not occupationally related (therefore making that employee eligible for worker's compensation) or was not attained in the commission of an assault or felony; and
- the appropriate documentation from a LMSP is provided to the Leave Pool Manager.

An employee is not required to contribute to the Crisis Leave Pool to be eligible to receive crisis leave. Recipients do not have to repay leave granted from the Crisis Leave Pool.

The amount of crisis leave granted for each catastrophic illness or injury is determined by the Leave Pool Manager. The amount of leave granted to an employee will generally reflect the recommendations of the LMSP, subject to the following limits:

- a maximum of 240 hours may be requested by an employee during one calendar year.
- crisis leave may not be granted to an individual to extend paid leave status beyond a total time in leave status of 12 weeks
- the value of the annual leave granted as crisis leave may not exceed 75% of the employee's pay received work week
- the total amount of leave granted may not exceed the amount of leave in the crisis pool

### **Donation Procedures**

Contributions to the Crisis Leave Pool are strictly voluntary, no employee shall be coerced or pressured to donate leave. An employee donating to the pool may not designate a particular employee to receive donated time. Donations are accumulated in the pool and awarded on a first-come, first-served basis to eligible employees.

Donations are limited to the following terms:

- an employee may donate a minimum of 8 hours of annual leave, above which donations are made in whole hour increments
- the donor must have a balance of at least 120 hours of paid leave (annual) remaining after the contribution
- donations are limited to 240 hours of annual leave per employee per calendar year
- donations are irrevocable

The employee must complete a donation to crisis leave form and designate the leave as a "Donation to the Crisis Leave Pool". This form should be turned in to the department or unit leave keeper, who then forwards the slip to the Leave Pool Manager (Human Resources).

### **Request Procedures**

An employee may request leave from the Crisis Leave Pool by completing a Crisis Leave Request Form. The request must be accompanied by the employee's Family Medical Leave Act form and any accompanying documentation to the Leave Pool Manager. The Pool Manager reviews the request to make sure that the employee is eligible to receive crisis leave. The employee requesting crisis leave must provide all requested information necessary to make a final determination of eligibility.

All requests for crisis leave are treated as confidential. Requests proceed directly to the Leave Pool Manager for approval or disapproval.

Each request will be stamped time-and-day upon receipt by the Leave Pool Manager, and handled on a first-come, on a first-served basis. When possible, a request is to be submitted at least 10 days before the crisis leave is needed. The Leave Pool Manager is allowed five working days from the date a request is received (with the required documentation) to approve all or part of the request, or deny the request, and communicate such approval or denial to the employee.

If the request is approved, the Leave Pool Manager will credit the approved time to the employee's leave record.

Any approved crisis leave is used and documented in accordance with the same procedures as regular paid leave taken by the employee.

### **Changes in Status Affecting Crisis Leave**

The granting of crisis leave is meant to cover only the circumstances for which it was requested. If any change occurs in the nature or severity of an illness or injury, or if any other factor on which the approval was based, the employee must provide documentation describing the change to the Leave Pool Manager. The employee can request more crisis leave subject to the limits outlined above; however, extensions of crisis leave are not automatic. Each extension must be approved on a first-come, first-serve basis.

Hours granted from the Crisis Leave Pool may be used only for reasons stipulated in the approved request. The use of leave from the Crisis Leave Pool that is not in accordance with procedures and requirements outlined in this policy may constitute payroll fraud and will be dealt with accordingly.

Employees who are able to return to work before using all of their granted crisis leave must return the unused leave to the Crisis Leave Pool.

## **Compensation and Benefits**

Crisis leave will be paid at the receiving employee's rate of pay.

An employee in crisis leave status will be considered in partial paid leave status and will continue to receive benefits as appropriate.

## **Financial Impact**

The cost of the crisis leave period will be borne by the recipient's employing unit.

The Human Resources Office will maintain records on crisis leave donated.

## **Appeals**

The decision to approve or deny crisis leave by the Leave Pool Manager is final and not subject to appeal.

## **CODE OF ETHICS FOR PUBLIC EMPLOYEES**

A new code of ethics for state officials and employees, which for the first time applies to College and University faculty, staff and administrators, became effective on April 1, 1980.

Enacted pursuant to a state constitutional mandate that all state officials and employees be governed by a code of ethics, the new law Act 443 of 1979 sets strict standards for public employees and essentially prohibits the use of their public office for private gain.

The new law does recognize, however, that higher education operates under special circumstances not common to other state agencies. For example, the law has a special provision to protect tenure and accreditation.

## **Tenure Employee Provisions**

Any activity, of any public employee higher education institution in this state who is covered by the tenure policy of the Board of Regents and the administration of the tenure policies by the three higher education management boards and which activity is required by either regional or professional accreditation standards of organizations recognized by the Council on Post-Secondary Accreditation, is exempted from the Act.

The law also provides special provisions for tenured higher education faculty whom the Commission on Ethics for Public Employees proposed to discipline. A tenured employee may appeal any disciplinary action of the Ethics Commission to his/her Management Board, provided that the appeal is filed within 30 days of a final decision by the Commission. Within 120 days of the appeal, the Management Board is required to review the record and render a decision.

The Management Board's decision may be appealed to the First or Fifth Circuit Court of Appeal either by the employee or the Ethics Commission within 30 days of the Board's decision.

A final determination that a tenured public employee has violated the code may be grounds for his/her being disciplined or dismissed by the appropriate Management Board.

If a majority of the Ethics Commission finds that a state employee has violated the code, it may remove, suspend, order a reduction in pay, or order a demotion of the employee; or it may impose a fine of up to \$5,000. Additionally, the Ethics Commission, the Attorney General, or a local district attorney may bring civil action for damages against any public servant who benefits economically from a violation of the code.

## **Prohibitions**

The heart of the ethics law is its section prohibiting payments from nonpublic sources for a public servant's actions associated with his/her official duties.

No public servant, the law states, shall receive anything of economic value for any service...which draws substantially upon official data or ideas which have not become part of the body of public information. The law also prohibits an employee from receiving extra compensation for service devoted substantially to the responsibilities, programs, or operations of the employees' agency if the employee has participated in those operations.

Similar provisions of the law place prohibitions on payments for future services, payments to members of the employee's family, submitting bids or entering into contracts with agencies under the employee's supervision or jurisdiction, and the solicitation or acceptance of gifts or gratuities from individuals seeking to obtain business from the employees agency.

The System's policy is that staff should not accept anything of value (e.g., gift basket meals, etc.) from individuals or companies that are in financial relationships or would like to be in financial relationships with our universities or our System.

For example, do not accept meals of gift baskets from employees or accounting firms or bond attorneys that are either working for the campus or System or are considering making proposals for such business. This policy is intended to be stricter than and complement the state's existing ethics rules and statutory requirements. The first obligation is to follow ethics rules and statutory requirements in cases where System rules and statutory requirements in cases where System rules contradict or appeal to undermine those requirements.

Any exceptions, e.g. resulting from previous relationships with such contractors, independent of your current position, should be submitted to and approved by the System's Director of internal Audit. The Director of Internal Audit should make such disclosures and receive exception approval from the system's Vice President of Finance.

A nepotism provision prohibits an agency head from employing a member of his immediate family, but contains a grandfather clause permitting the continued employment of those who were employed in such situations on the effective date of the Act.

## **Provisions for Agency Heads**

The ethics law sets high standards for preventive measures to be taken by agency heads. It requires each agency head to file confidential reports with the Ethics Commission on any matters that come to his or her attention which he/she believes may constitute a violation<sup>@</sup> of the code. Moreover, each agency head is required to immediately take disciplinary action against any employee under his or her supervision<sup>@</sup> when ordered to do so by the Commission.

Failure of an agency head to carry out an order of the Commission will subject him/her to penalties similar to those applicable to employees under the law and may result in the immediate suspension of the agency head's salary and fringe benefits.

Former agency heads are forbidden from accepting compensation for assisting another individual in a transaction, or in an appearance in connection with a transaction, before their former agency for a period of two years after the termination of the agency head's employment with the agency.

Former public employees are similarly forbidden from assisting another individual in a transaction in which the former public employee participated at any time during the period of public employment.

The Ethics Commission is empowered to cancel or suspend a contract into by a state agency if the Commission finds that a violation of the code has influenced the awarding of the contract.

## **APPOINTMENTS AND PERSONNEL ACTIONS**

### **APPOINTMENTS**

#### **Probationary Appointment**

New classified employees hired on probational appointments serve a twelve to twenty-four month probation period. The probationary period shall be utilized by the supervisor for observing closely the new employee's work. An employee whose work performance does not meet the required standards may be removed from his position at any time before the expiration of his probationary period, in accordance with Civil Service Rules, without right of appeal. An employee who successfully completes the probationary period will become a permanent employee upon certification by the appointing authority.

#### **Noncompetitive Reemployment**

A person who was previously employed on a probationary appointment in the Classified Service and had obtained permanent status at the time of his resignation may be noncompetitively reemployed within ten years in any position for which he is qualified provided the position has the same or a lower maximum salary as the current maximum for the class in which he had permanent status. All former employees who are noncompetitively reemployed must serve a probationary period for up to six months from the date of reemployment before they acquire permanent status. Upon reemployment the former employee earns sick and annual leave based on his former State service. Subject to the provisions of Rule 11.18(b), when a former employee is reemployed with permanent or probationary status within 5 years of his separation, all accrued annual and sick leave that was cancelled upon separation shall be re-credited to him; provided, that the privileges of Rule 11.18(b) shall not extend to an employee whose last separation was by dismissal or resignation to avoid dismissal.

The pay of an employee reentering the classified service, other than one being restored to duty following military service, may be fixed at any rate in the range that does not exceed the highest salary he previously earned while serving with permanent status in a classified position other than detail to special duty. If the range for the job has been adjusted and the range minimum is higher than his former salary, he will enter at range minimum. If the former salary is higher than the range maximum, his pay rate shall be set no higher than the range maximum.

#### **Job Appointment**

A job appointment is a temporary appointment of an employee to fill a position in the classified service for a limited period of time. The appointing authority may use a job appointment to fill a position for a period not to exceed four years. Job appointments must be announced and filled from a Certificate of Eligibles in accordance with Civil Service Rules except as provided elsewhere in the rules. The appointing authority may terminate a job appointment at any time. Employees hired on job appointments earn annual/sick leave and holiday pay.

#### **Classified WAE Appointment**

A classified WAE appointment is a temporary appointment of an employee to fill a position in the classified service for a limited period of time and hours in order to address filling the position in a regular manner, or to address an emergency or work overload situation. An appointing authority may use a classified WAR appointment to fill a position when the hours worked do not exceed 1245 hours during a twelve (12) month period. The appointing authority may terminate the classified WAE appointment at any time.

Classified WAE appointees are not eligible for holiday pay, performance adjustments or earning of annual/sick leave hours. Classified WAE appointees must meet the minimum qualifications for the job.

## POSITION CHANGES

### Promotions

A promotion results in a change of a permanent employee from a position of one class to a position of another class for which a higher maximum rate of pay is provided in the pay plan without change in status. A new probationary period may be involved. If an employee currently occupies a job in a particular job family, he may be noncompetitively promoted to any other job in the same job family without retesting. If the employee is being promoted from outside the job family, then he must pass a test currently in use for at least one job in that family. If the employee has passed a test for any job in that family, he may be noncompetitively promoted to any other job in the same family without retesting. However, the test passed must be one currently in use, not an obsolete form.

All position openings at the university, both classified and non-classified, are posted on a central bulletin board located in the lobby of the Student Center Building and placed on the University website at [www.latech.edu](http://www.latech.edu)

All civil service jobs that are filled by promotion must be posted on the Internet. Applicants may access LaCareers at <http://agency.governmentjobs.com/louisiana/default.cfm> to view job announcements and apply online.

The length of service, experience, and educational background, along with such personal qualities as dedication, habits and conduct, observance of rules, attendance, etc., are points of consideration in the promotion of an employee. An employee will not be promoted to a higher classification based on years of service alone.

Upon promotion, an employee shall receive a 7% increase for one pay grade change, a 10.5% increase for a two pay grade change, a 14% increase for a three or more pay grade change or his pay will be brought to the minimum of the new pay grade whichever is the greater amount.

### Reallocations

An appeal for a change in the official allocation of a position may be made by the employee assigned to a position or by the University. If the duties of your position change significantly or if additional duties are added to your position through changes in the organization and distribution of work assignments and responsibility, your position may require a change in allocation. The reallocation of a position from one class to another is determined by the Department of Civil Service. Before the appeal is forwarded to the Director of Civil Service, the appointing authority has the responsibility of determining if the appeal is an employee appeal or an agency appeal. Forms to request reallocation of a position may be obtained in the Human Resources Office.

### Transfer

Transfer means the changing of an employee from a position in one agency to a position in another agency without a break in service of one or more working days. The University will re-employ individuals with prior state service on a non-competitive reemployment basis in accordance with Civil Service Rules. Classified employees who are reemployed without a break in service will serve a probationary period. This policy requires that permanent state employees at other state agencies resign their position prior to being re-employed at Louisiana Tech University.

If it is determined by the appointing authority that a hard to recruit job exists, then an exception to this policy may be made to fill a vacant position. Hard to recruit is defined as fewer than five qualified applicants available for a position.

### Demotion

The demotion of an employee may result from inefficiency, from the employee's own request, or from other causes. When an employee voluntarily takes a demotion from a higher classification to a lower classification, his rate of pay will be determined in accordance with Civil Service Rule 6.10.

## **Reassignment**

An appointing authority may re-assign within the same department any probationary or permanent employee from one position in a class to another position in a different class for which they are qualified and has the same minimum entrance rate of pay.

## **Detail To Special Duty**

Whenever there is a temporary need for the services of an employee in a position other than that to which he is regularly assigned, he may be detailed to perform the duties of the position. This action is generally used to fill a position important to the University's operations until a regular replacement can be found or to fill a temporary vacancy until the regular employee returns.

When an employee is detailed to special duty, his pay shall not be reduced; if the position is allocated to a job which is assigned to a higher grade, his pay shall be increased to the rate he could receive upon promotion to such position, provided:

- (a) Any such temporary increase granted him shall not affect his eligibility for pay increase which he would have acquired in his regular position had he not been detailed.
- (b) At the conclusion of the detail, his pay shall revert to his authorized rate of pay in his regular position.

## **Performance Adjustments**

An employee who is in active status as of June 30 of the performance evaluation year becomes eligible and may be granted a performance adjustment, provided that the appointing authority has determined his performance merits such an adjustment.

# **ATTENDANCE AND LEAVE**

## **ATTENDANCE RECORDS**

Civil Service Rule 15.2 states, "The appointing authority or his agent designated for this purpose shall certify on each payroll or subsidiary documents the fact of the actual rendering of service in the position, the actual number of hours of attendance on duty, and the number of hours absent from duty. Each employee shall certify also the fact of the actual rendering of service, the number of hours of attendance on duty and the number of hours of absence from duty."

Employees whose time worked is kept by the use of a time clock do not have to sign the timesheets; however, these employees are required to sign their time card at the end of each pay period. Employees not using a time clock to record their time worked must sign their timesheet at the end of each pay period.

An employee who uses a time clock must punch his own time card. **It is violation of University policy to punch another employee's time card.**

## **LEAVE RECORDS**

Civil Service Rules require Louisiana Tech University to implement and maintain a leave record for each employee, (except those serving under restricted appointment) who holds a position in the classified service. The leave record will consist of: (1) annual leave earned, used, and unused; (2) sick leave earned, used, and unused; and (3) any special leave or other leave with or without pay. Such record shall be documentary evidence to support and justify the certification of authorized leave of absence with pay. Standard form No. 6 has been developed for employee use in making application for any type of leave.

**Louisiana Tech requires each employee to complete a leave application for any leave to be authorized.** The standard form No. 6 must be completed in advance of leave being taken whenever practical; however, in emergency situations when the form cannot be completed in advance, verbal

approval for leave must be given by the immediate supervisor. The verbal request for leave must be made by the employee, unless again an emergency situation prohibits this. The SF-6 must be completed by the employee immediately upon return to work and filed in the department head's office.

**LEAVE EARNING RATES**

<u>Years of Service</u>	<u>Per Hour</u>	<u>Per Pay Period</u>	<u>Approximate Days Per Year</u>
Less than three	.0461	3.6880	12
Three but less than five	.0576	4.6080	15
Five but less than 10	.0692	5.5360	18
10 but less than 15	.0807	6.4560	21
15 or more	.0923	7.3840	24

No employee shall be credited with annual or sick leave: (1) for any overtime hour, (2) for any hour of leave without pay; (3) for any hour of a holiday or other non-work day which occurs while he is on leave without pay.

**COMPENSATORY LEAVE**

Compensatory leave can be earned in either of two ways:

- (1) You work on a non-paid holiday (example - day after Thanksgiving, Veteran's Day).
- (2) Your actual hours worked totals 40 or less and you have taken enough leave time that the total hours come to more than 40, then the amount of total hours over 40 must be compensatory time earned.

Before an employee is charged for annual leave all compensatory leave accumulated by the employee is first deducted.

**USE OF SICK LEAVE**

Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of illness or injury which prevents him from performing his usual duties, or because of medical, dental, or optical consultation or treatment. Sick leave shall not be charged for non-work days. The minimum charge for sick leave shall be one-half hour.

Sick leave may be taken to care for a son or daughter as defined by the Family and Medical Leave Act when there is a health pandemic declared by the Governor, and there is no other suitable person available to care for the son or daughter because his or her school or place of care has been closed or the childcare provider is unavailable due to a reason directly related to the health pandemic.

Sick leave may be taken to care for an immediate family member who is suffering with an illness or injury or who requires medical, dental, or optical consultation or treatment. An immediate family member for the purposes of sick leave is an employee's spouse, child, or stepchild, foster-child, parent or stepparent.

Sick leave may be taken for maternity purposes in accordance with established University policy. See Policy on Maternity Leave.

Requests for use of sick leave should be made as early as possible. For scheduled appointments, requests should typically be made in advance. When an unexpected illness or injury will prevent the employee from reporting to work as scheduled, the employee must notify the supervisor as early as possible, but no later than the employee's scheduled report time. If the supervisor feels the illness is of such a nature that the employee needs to be absent for an indefinite period of time, the supervisor may grant the employee permission to be absent without the employees requesting permission each day; however, the decision as to whether the employee must request sick leave each day will be the responsibility of the supervisor. The employee must keep the supervisor informed periodically of his medical condition.

If an employee does not contact his supervisor within the time as specified above, he will not be granted any type of leave for that work day without the written permission of the Director of Human Resources. It is the employee's responsibility to have a definite understanding with his supervisor as to the necessity

of requesting sick leave each day he is sick when the illness is of such a nature that he may be sick for an indefinite period of time.

The supervisor or the Human Resources Office may require a physician's statement from the employee to substantiate an illness.

### **SICK LEAVE DURING THE TIME WHEN THE UNIVERSITY IS IN RECESS**

When an employee is sick prior to the beginning of a period when the University is in recess and in the opinion of the supervisor the illness is of such a nature that the employee would be unable to work the entire period, he is permitted to use sick leave without furnishing a doctor's statement.

When an employee becomes sick during a period when the University is in recess and he wishes to charge this time to sick leave, he must furnish a doctor's statement which should be attached to the timesheet to be forwarded to the Human Resources Office.

### **USE OF ANNUAL LEAVE**

Application for annual leave will be made in writing on the application for leave form to the appropriate supervisor at least one day prior to the requested leave date. Approval will be based upon the department's work load and the employee's attendance record. An employee must personally request annual leave. A request from a friend will not be accepted.

When justifiable emergency situations occur, the supervisory official may waive the one day prior notice.

However, no employee shall be granted annual leave if it is not requested and approved by the supervisor prior to the employee being absent. The supervisor may request reasons for leave, should the circumstances warrant. Any employee not reporting to work when a request for leave has been denied will be considered on unauthorized leave and will be subject to disciplinary action.

### **ENFORCED ANNUAL LEAVE**

Subject to the paragraph below, an appointing authority may require an employee to take annual leave whenever, in his administrative judgment such action would be in the best interests of the University, provided no employee is required to reduce his accrued annual leave to less than thirty working days.

No employee shall be required to reduce his accrued annual leave to less than thirty working days or the equivalent thereof in hours, provided that an employee may be required to take any part or all of his accrued annual leave prior to being granted leave without pay.

### **REPORTING TO WORK ON TIME**

Hours of duty must be rigidly observed. Excessive tardiness in reporting for duty and/or absences from duty that have not been properly and fully authorized or which are without justification are not tolerated and may be the basis for disciplinary action which include the removal of an employee. All employees must understand that leave practices will be in accordance with agency-established laws and policies; and any employee who fails or refuses to follow these laws and policies subjects himself to possible serious disciplinary measures. Disciplinary action will be taken for false claims of sick leave.

Absenteeism or tardiness that is unexcused or excessive by University standards is grounds for disciplinary action, up to and including termination. An employee with more than six unscheduled absences (includes tardiness absences) may be non-disciplinary removed from their position under the Unscheduled Absence rule referenced in this handbook in the "Employee Disciplinary section."

**POLICY REGARDING CIVIL SERVICE RULE 12.6(A)2  
NON-DISCIPLINARY REMOVAL FOR UNSCHEDULED ABSENCES**

Effective Date: March 2015

Responsible Party: Department of Human Resources

**PURPOSE OF THE POLICY**

This policy is being adopted by Louisiana Tech University, within the guidelines of Civil Service Rule 12.6, and is intended to encourage responsible use of leave by all classified employees. The intent of this policy is not to punish classified employees, but to consider the greater good of the state service by reducing unscheduled, disruptive absenteeism. It is also intended to improve morale by reducing the negative effects of absenteeism on co-workers who must often perform the duties of the absent employee and to improve the state's service to its clients and customers by promoting good employee attendance.

**RULE BASIS FOR THE POLICY**

The provisions of this rule shall be made generally available to all employees. An employee may be non-disciplinary removed under the following circumstances. When an employee is removed under this Rule, the adverse consequences of Rules 6.S(c); 7.S(a); 8.9(d); 8:13(a)7; 8:1S(d); 8:18(d) and (e); 11.18(b) and 17.25(e)4 shall not apply.

The policy is based on Civil Service Rule 12.6(a)2, which reads as follows:

12.6 Non-disciplinary Removals

(a) An employee may be removed under the following circumstances:

1. ...

OR

2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven (7) or more unscheduled absences during any consecutive twenty-six (26) week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six (26) week period. An unscheduled absence occurs when an employee is absent from work, without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

**POLICY OF LOUISIANA TECH UNIVERSITY**

Louisiana Tech University expects all classified staff to assume diligent responsibility for their attendance and promptness in reporting to work. All classified employees are expected to be at their assigned work place, ready to work at their regular starting time each day on which they are scheduled to work unless they have been granted approved leave.

Based on this expectation, Louisiana Tech University shall apply Rule 12.6(a) 2 subject to the following:

**Employees Covered By This Policy**

This policy shall be university-wide and applicable to all classified employees.

Unclassified faculty and staff are governed by the University of Louisiana System Rules and are not subject to this policy.

**Notification to the Employee**

Any classified employee of the University may be given a written notice notifying the employee that his or her attendance requires attention. This written notice must have the concurrence of the Director of Human Resources who is the Delegated Appointing Authority for Louisiana Tech University.

When after receiving the written warning notice, should the employee continue to have unscheduled absence concurrences, the employee will then be given a written notice which places them under Civil Service Rule 12.6(a)2. The employee will also be given a copy of Civil Service Rule 12.6. **No absence** will count for the purpose of this policy until the employee has been given such a notice.

The employee shall be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six (26) week period.

This method of applying Civil Service Rule 12.6(a)2 will address those individuals whose absenteeism has caused problems for the University. Furthermore, this method will help ensure that the affected employee is given every chance to improve his or her attendance.

#### **Definition of Unscheduled Absence**

An unscheduled absence shall be any absence for which the employee did not obtain verbal or written approval by close of business on the employee's last regularly scheduled workday prior to the absence.

#### **Documentation of Absences**

Supervisors and/or budget unit heads should be aware that no action will be taken under this policy unless sufficient documentation is maintained.

## **MATERNITY LEAVE**

An absence from work caused by maternity reasons is considered to be a temporary disability similar to any other illness and affected employees are eligible to use their accumulated sick leave for this purpose.

Employees may still request annual leave and leave without pay for maternity absences after exhausting their accumulated sick leave. Leave without pay for maternity reasons must be requested and approved in writing by the appointing authority.

An employee wishing to use sick leave for maternity purposes prior to birth of the child must furnish a statement to the Human Resources Office from her physician to the effect that she can no longer perform her duties. If the employee wishes to continue the use of sick leave for maternity purposes after the birth of the child she must furnish a statement from the physician to the effect that she is unable to perform her duties during the period of time after birth. The physician's statement must be forwarded to the Human Resources Office prior to the employee's receiving sick leave pay for maternity purposes.

## **TERMINAL LEAVE PAYMENT**

The payment of annual leave upon separation, under Civil Service Rule 11.10, is based on the total number of accrued hours of annual leave remaining to the employee's credit on the date of his termination. The number of hours accrued is multiplied by the employee's hourly salary rate. Payment for terminal leave cannot exceed the value of 300 hours, computed on the basis of the salary being paid to the employee at the time of his separation.

An employee is not paid sick leave upon termination.

## **FUNERAL LEAVE**

Probationary and permanent employees may be granted time off without loss of pay, annual leave or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child; provided such time off shall not exceed two days on any one occasion.

## **VOTING LEAVE**

A probationary or permanent employee may be granted time off without loss of pay, annual leave or sick leave when voting in a primary, general or special election which falls in his regularly scheduled work day, provided not more than two hours of leave shall be allowed to vote in the parish where he is employed and not more than one day to vote in another parish.

## **CIVIL, EMERGENCY, AND SPECIAL LEAVE**

An employee shall be given time off without loss of pay, annual leave, or sick leave when:

- (1) Performing jury duty.
- (2) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this sub-section a plaintiff or defendant shall not be considered a witness.
- (3) Performing emergency civilian duty in relation to national defense.
- (4) The appointing authority determines that the employee is prevented by an act of God from performing duty.
- (5) Participating in a State Civil Service examination on a regular work day, or taking a required examination pertinent to the examinee's State employment, before a State licensing board.
- (6) The appointing authority determines that because of local conditions or celebrations it is impracticable for his employees in such locality to work.
- (7) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.

- (8) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people.
- (9) Engaged in the representation of a client in a criminal proceeding pursuant to an order of a court of competent jurisdiction, provided if compensation for such services is available from another source, he may not accept the special leave and the compensation.
- (10) The employee is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

#### **WORKER'S COMPENSATION PAYMENTS - OPTIONAL LEAVE WITH PAY**

When an employee is absent from work due to disabilities for which he is entitled to workers compensation, he may, at his option, use sick and annual leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

#### **LEAVE OF ABSENCE WITHOUT PAY**

An appointing authority may extend leave of absence without pay to an employee for a period not to exceed one year, provided that such leave shall not prolong the period of his appointment.

Any leave without pay extending beyond 30 calendar days must be approved in writing by the appointing authority.

The appointment of a provisional employee who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such expiration date.

The appointment of an employee who has not completed his probationary period and who fails to return to duty in pay status on or before the first working day following the expiration date of any period of leave without pay extended him shall terminate as of the close of business on such date.

A permanent employee who has been extended leave of absence without pay shall be restored to duty in pay status on or before the first working day following the expiration of such leave of absence. If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from his appointing authority shall be considered as having deserted his position and shall be removed in accordance with the provisions of Chapter 12 of the Civil Service Rules.

An appointing authority on its own initiative or at the request of the employee may curtail a period of leave of absence without pay extended an employee, provided such curtailment is for the best interest of the State service and reasonable and proper notice thereof is furnished to the employee.

In addition to any disciplinary action which may be imposed against an employee for an unapproved absence, such employee may be placed on leave without pay by the appointing authority for the period of unapproved absence.

#### **MILITARY LEAVE**

In accordance with Civil Service Rules, employees serving on job appointment, probationary or permanent status, who are members of a reserve component of the Armed Forces of the United States or the National Guard shall be entitled to leave of absence from their positions without loss of pay, time, annual or sick leave, provided they give advance notice when ordered to active duty. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable. Maximum military leave with pay for military purposes is fifteen working days per calendar year.

Employees serving on job appointment, probationary or permanent status that give advance notice of military obligations and apply for annual leave for military purposes, shall be granted such leave. Employees serving on job appointment status for significant periods of time, or probationary, or permanent status, who have either exhausted annual leave or choose not to use this paid leave for military purposes, shall be placed on leave without pay. This period of leave without pay for military purposes shall not exceed six years. After six years, they shall be separated from the classified service. Time to report to work following military service; if service is less than 31 days, such as for weekend training, then the employee is to report on the first full calendar day following completion of service. For military service that is more than 30 days but less than 180 days, the period of time to report is 14 days. If military service is more than 180 days, the period of time is 90 days to report to service.

## **Parental Leave Policy**

**Effective Date:** 01/01/2024

**Responsible Office:** Office of Human Resources

**Reference:** ULS Policy Number: FS.III.XXIII.-1 (Parental Leave); Louisiana Civil Service Rule 11.36

### **Policy:**

Louisiana Tech University will provide paid parental leave to eligible employees without deduction to employee's annual, sick, or compensatory leave balances.

### **Definitions:**

1. **Legal Parent** is a person having a genetic relationship to the child or filiated to the child through legal presumption or assisted reproductive technology.

### **Procedures:**

- A. Louisiana Tech University will provide up to 240 hours of paid parental leave without deduction to eligible employee's annual, sick, or compensatory leave balances to eligible employees. Such leave shall be for a qualifying purpose related to an employee's child born or placed with the employee for adoption or foster care on or after January 1, 2024.
- B. Qualifying events:
  1. Birth of a child;
  2. Placement of a child under the age of 18 with the employee for adoption;
  3. Placement of a child under the age of 18 with the employee for foster care.
- C. Eligibility:
  1. Employee must be in a leave-earning position on the date of the qualifying event;
  2. Employee must have been employed by the State for at least 12 months and worked at least 1250 hours in the 12 months preceding the parental leave request;
  3. Employee must be the legal parent, adoptive parent, or foster parent of the child for whom parental leave is taken when said parent has an active and ongoing role in parenting the child and is taking leave for one of the qualifying purposes set forth below.
- D. Qualifying Purposes:
  1. For a legal, adoptive or foster parent to bond with the child for whom leave is taken.
    - i. A need to bond with the child exists when there is a new relationship between the parent and child and the employee will spend time with the child to create an ongoing mutual attachment. This rule is not intended to apply where a relationship resembling parent-child already exists and the primary change is the legal nature of the relationship. (Examples: foster parent to adoptive parent; some intra-family adoptions such as adoptions by step-parents.)

2. For adoptive or foster parents to attend post-placement court proceedings or mandatory meetings related to adoption or foster placement.

E. Duration:

1. Parental leave is available for use only during the 12 weeks (84 calendar days) immediately following the commencement of the qualifying event;
2. Parental leave is available for use commencing on the first date of a qualifying event and for only as much of the parental leave period as the employee is engaged in a qualifying purpose;
3. Parental leave may be used continuously or intermittently, in accordance with the need therefor;
4. Unless the Appointing Authority determines that an employee is utilizing parental leave in violation of this rule, the Appointing Authority shall not reduce the parental leave period authorized herein nor interfere with the employee's use of parental leave as set forth herein.

F. Compensation:

1. Full-time employees shall be compensated at the rate of 100% of the employee's base pay for a period not to exceed 240 hours during the available 12-week period;
2. Part-time employees shall be compensated at the rate of 100% of the employee's base pay for a period not to exceed 6 weeks based upon the employee's average number of hours worked in the 6 months immediately preceding the commencement of parental leave. (Example: if an employee works an average of 25 hours per week during the 6 month look-back period, the employee shall be paid their base pay for 25 hours per week for 6 weeks).

G. Limitations:

1. Parental leave shall not be donated to another employee or leave pool;
2. Unused parental leave shall not be reserved for use during a subsequent qualifying event nor paid to the employee;
3. This rule is not intended to provide any form of unpaid leave after exhaustion of 240 hours (or the appropriate allotment for part-time employees) of paid parental leave. Additional leave, if any, shall be taken under the provisions of another rule, law, or policy;
4. At least 12 months shall elapse from the beginning of one parental leave period until an employee is eligible for another parental leave period. For a new parental leave period, there shall be a new qualifying event on or after the 12-month waiting period and the eligibility requirements of section (c) shall be satisfied as of the date of the new qualifying event;
5. Eligible employees utilizing parental leave for occurrences also qualifying under the Family and Medical Leave Act ("FMLA") shall use FMLA leave concurrently with parental leave;
6. When both parents to the child for whom parental leave is taken are employed by the State, each is entitled to utilize a full 240-hour (or the appropriate allotment for part-time employees) parental leave period.
7. In using parental leave, employees shall follow their institution's customary leave practices. That is, as practicable, advance notice of leave needs shall be provided and leave approved prior to use;
8. An employee's use of parental leave in accordance with this rule and institutional policy shall not have a negative impact upon their employment relationship. Employees not utilizing parental leave in accordance with this rule and/or institutional policy may be disciplined, including the possibility of separation or dismissal.

H. Establishing Eligibility for Parental Leave:

1. Prior to granting parental leave, The Office of Human Resources shall have the requesting employee complete a Parental Leave Certification Form developed by The Louisiana Department of State Civil Service per Civil Service Rule 11.36.
2. In addition to the Parental Leave Certification Form, The Office of Human Resources may require an employee requesting paid parental leave to produce acceptable proof in support of their request, such as a birth certificate or insurance certificate confirming their relationship to the child for whom parental leave is requested or proof of attendance at court proceedings or other mandated meetings related to adoption or foster placement. The Office of Human Resources shall not require that an employee produce medical records or scientific evidence to prove paternity.

### **OVERTIME COMPENSATION**

In 1985, the U.S. Supreme Court ruled in *Garcia vs. San Antonio Metropolitan Transit Authority* that traditional functions provided by state and local governments fall under the jurisdiction of the Fair Labor Standards Act (FLSA). This ruling essentially said it was constitutional to apply the minimum wage and overtime requirements of the FLSA to state and local governing bodies. In the decision, the Supreme Court specifically overruled its 1976 decision in the case of *National League of Cities vs. Usery* in which it was held that these requirements did not apply to states and local governments in the "areas of traditional governmental functions."

The FLSA Act requires that employees must receive at least the minimum wage and may not be employed for more than 40 hours in a week without receiving at least one and one-half times their regular rate of pay for the hours worked in excess of forty (40).

#### **AUTHORITY TO REQUIRE PERFORMANCE OF OVERTIME.**

An employee in the classified service may be required by his appointing authority to work overtime.

#### **DETERMINATION OF EXEMPT/NON-EXEMPT STATUS OF POSITIONS**

Agencies shall determine the exempt or non-exempt status of all positions, in accordance with the Fair Labor Standards Act (FLSA).

#### **AUTHORITY FOR COMPENSATION**

- (a) All non-exempt employees shall be compensated for overtime in accordance with the FLSA for overtime conditions that are covered by the FLSA, and shall be compensated in accordance with Civil Service rules for State Overtime, which is defined in Rule 21.7.
- (b) All exempt employees shall be compensated in accordance with Civil Service rules for State overtime, which is defined in Rule 21.7.

#### **METHODS OF COMPENSATION FOR OVERTIME**

- (a) Overtime compensation may be granted in the form of cash payment or compensatory leave earned; cash shall be paid when required under the FLSA or by these rules.
- (b) Employees who are employed on an intermittent schedule shall not earn compensatory leave, but shall be paid cash.

#### **When an employee is not eligible for overtime under the provisions of the FLSA, State Overtime shall be granted as follows (C.S. Rule 21.7):**

- (a) For purposes of calculating hours worked for STATE OVERTIME, a day off from work due to paid leave taken or a holiday observed is considered to be a day worked.
- (b) STATE OVERTIME is work performed by an employee at the direction of the appointing authority or his designee:

1. In excess of the employees regularly scheduled workday.
2. In excess of the employees regularly scheduled work period.
3. On a holiday, including designated holidays.
4. During official closures.

#### **COMPENSATION RATE - NON EXEMPT EMPLOYEES (C.S. RULE 21.8)**

- (a) All FLSA overtime shall be compensated at the time and one-half rate.
- (b) State Overtime shall be compensated at the straight (hour for hour) rate, unless an exception has been granted by the Commission, or unless the time and one-half rate is allowed under subsection (c) and (d) of this rule.
- (c) State Overtime performed during official closures due to emergency situations may be compensated at the time and one-half rate.
- (d) State Overtime performed on a holiday may be compensated at the time and one-half rate.

#### **COMPENSATION RATE - EXEMPT EMPLOYEES (C.S. RULE 21.9)**

The appointing authority shall compensate exempt employees in accordance with one of the following options.

- (a) No overtime compensation.
- (b) Compensation at the straight (hour for hour) rate.
- (c) Overtime performed during official closures due to emergency situations may be compensated at the time and one-half rate.
- (d) Compensation at the time and one-half rate may be granted to exempt employees upon Commission approval.

#### **OVERTIME PAY FOR STATUTORY (PAID) HOLIDAYS**

An employee who is required to work by his appointing authority on the following days will be paid in accordance with Civil Service Rule 21.8 or 21.9 for holiday work.

New Year's Day  
Good Friday  
July 4th (Independence Day)  
Labor Day  
Thanksgiving Day  
Christmas Day

#### **ADVANCE APPROVAL OF OVERTIME REQUIRED**

Advance approval is required for overtime work. Overtime work is not permitted on a voluntary basis, and it must be authorized by the supervisor or department head and the Director of Human Resources. Overtime should be worked only in special circumstances and only after securing the written approval of the proper University officials.

## **PERFORMANCE EVALUATION SYSTEM**

The Performance Evaluation System (PES) is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective July 1, 2012 and applies to all classified employees. The performance evaluation year shall be July 1<sup>st</sup> through June 30<sup>th</sup> of each year. The Performance Evaluation System shall consist of at least the following components.

1. A performance plan that lists the performance factors on which the employee's overall performance will be evaluated,
2. A planning session at which the evaluating supervisor and the employee discuss the performance plan,
3. A standard planning and evaluation form approved by the Director,
4. A three-level evaluation system, and
5. A planning and evaluation instruction manual that is accessible to all employees.

An appointing authority may make variations to the performance planning and evaluation form or instructions with prior written approval from the Director.

### **EVALUATING SUPERVISOR**

The Appointing Authority shall designate an Evaluating Supervisor for each employee. Generally, the Evaluating Supervisor should be the person who, in the Appointing Authority's judgment, is in the best position to observe and document the employee's performance. Failure to designate an Evaluating Supervisor shall be a violation of these rules.

The Evaluating Supervisor shall be responsible for administering the performance evaluation system for his designated employees in accordance with these Rules and any applicable agency policies. An Evaluating Supervisor who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a performance adjustment for that year.

### **SECOND LEVEL EVALUATOR**

Appointing Authority shall designate a Second Level Evaluator for each employee. Generally, the Second Level Evaluator is the Evaluating Supervisor's supervisor. The Second Level Evaluator must approve the performance plan and the performance evaluation prepared by the Evaluating Supervisor before they are given to the employee for signature.

The Second Level Evaluator shall be responsible for administering the performance evaluation system in accordance with these Rules and any applicable agency policies. A Second Level Evaluator who fails to administer the performance evaluation system in accordance with these Rules shall not be eligible for a performance adjustment for that year.

### **PERFORMANCE EVALUATIONS**

Each employee shall be evaluated on his overall performance based on work tasks and behavior standards determined by the evaluating supervisor to be requirements of the employee's job. Additionally, each supervisory employee shall be evaluated on his administration of the performance evaluation system as required by these rules.

### **PERFORMANCE PLAN AND PERFORMANCE PLANNING SESSION**

The Evaluating Supervisor shall prepare a performance plan at the beginning of each evaluation period. The performance plan shall list work tasks and behavior standards on which the employee's overall performance will be evaluated. These shall be recorded on the planning and evaluation form.

The Evaluating Supervisor shall obtain the Second Level Evaluator's signature approval of the performance planning and evaluation form prior to presenting it to the employee for final signature.

After obtaining the Second Level Evaluator's signature approval of the performance plan, the Evaluating Supervisor will conduct a performance planning session with the employee.

During the planning session, the Evaluating Supervisor shall present the performance planning and evaluation form to the employee and discuss the performance work tasks and behavior standards on which he will be evaluated and the performance that will be expected of him during the coming evaluation period.

The Evaluating Supervisor and the employee shall sign and date the performance planning and evaluation form to document the planning session. The employee shall be given a copy of the form. Should the employee decline to sign the performance planning and evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the planning session occurred. An employee cannot prevent the planning session from becoming official by refusing to sign the form.

**Planning sessions** shall be conducted during the first three (3) calendar months following:

1. the appointment of a new employee;
2. the permanent movement of an employee into a position having a different position number with **significantly different duties**;
3. the beginning of the new performance evaluation year (no later than 9/30).

A **performance planning session** may be conducted when:

1. the employee gets a new Evaluating Supervisor,
2. performance expectations change, or
3. the Evaluating Supervisor deems a performance planning session is appropriate.

## **OVERALL PERFORMANCE EVALUATION**

At the end of the performance evaluation period, the Evaluating Supervisor shall assign one of the three values listed below to the employee's overall performance based upon the work tasks and behavior standards established in the performance plan.

**Exceptional:** Work and behavior consistently exceeded the performance criteria.

**Successful:** Work and behavior met the performance criteria.

**Needs Improvement/Unsuccessful:** Work and/or behavior did not meet the performance criteria.

An Evaluating Supervisor may elect to assign an employee who worked less than three calendar months within the performance evaluation year a default overall evaluation of "Not Evaluated" An overall evaluation of "Not Evaluated" shall have the same effect as an evaluation of "Successful." Evaluations may be given only when:

1. the employee is active as of June 30<sup>th</sup>, the end of the performance year, and
2. the employee has worked less than three (3) months at the evaluating agency within the performance year, and
3. the appointing authority determines that not enough time has elapsed to create an evaluation for the employee.

When an evaluation is in violation of these rules, the employee shall receive an overall evaluation of "Unrated." "Unrated" evaluations shall have the same effect as an evaluation of "Successful."

## **OFFICIAL PERFORMANCE EVALUATIONS AND EVALUATION SESSIONS**

Official performance evaluations are required for all classified employees. The Evaluating Supervisor shall base the official evaluation of the employee's performance on the work tasks and behavior standards as stated on the performance planning and evaluation form.

Official evaluations shall be made after the performance year has ended and must be rendered no later than August 31<sup>st</sup>. All official overall evaluations will be recorded with an effective date of July 1<sup>st</sup>.

Evaluations become official on the date they are rendered. No evaluations shall be rendered after August 31<sup>st</sup>. To render an official evaluation, the Evaluating Supervisor shall:

1. complete a performance evaluation form after June 30<sup>th</sup> of the evaluating year,
2. provide documentation to support an evaluation of "Needs Improvement/Unsuccessful" or "Exceptional,"
3. obtain the Second Level Evaluator's signed approval of the evaluation form prior to discussion with the employee,
4. discuss the evaluation with the employee and present the evaluation form to the employee to be signed and dated, and
5. give the employee a copy of the evaluation form with his official overall evaluation noted.

When an employee is not available, the provisions of this rule shall be satisfied when notification to the employee is made by mail. If the employee is notified by mail, the notification shall be deemed timely if it was mailed to the employee's most recent address on or before August 31<sup>st</sup>, as evidenced by official proof of mailing. The agency must maintain documentation that the employee was notified on or before August 31<sup>st</sup>.

Should the employee decline to sign the performance evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the evaluation session occurred. An employee cannot prevent the evaluation from becoming official by refusing to sign the form.

Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form by the Evaluating Supervisor, Second Level Evaluator, or Human Resources officer. An employee shall be notified when he has been assigned an official overall evaluation of "Unrated."

## **EFFECTS OF THE NEEDS IMPROVEMENT/UNSUCCESSFUL EVALUATION**

An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.

Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall **not** be:

1. eligible for a performance adjustment, a promotion or permanent status, or
2. detailed to a higher level position unless approved in advance by the Director of Civil Service.

An employee whose official overall evaluation is "Needs Improvement/Unsuccessful" may be separated or disciplined in accordance with the rules applicable to the employee's status.

Permanent employees shall have a right to request a review in accordance with the provisions of rules 10.11 and 10.12.

## **EFFECTS OF THE ABSENCE OF AN OFFICIAL EVALUATION**

An employee who is not evaluated in accordance with the provisions of these rules shall have an official overall evaluation of "Unrated" on the evaluation effective date of July 1<sup>st</sup>. Permanent employees shall have a right to request a review in accordance with the provisions of rule 10.11.

## **RECORD KEEPING AND REPORTING REQUIREMENTS**

Each completed performance evaluation form shall be kept in the agency Human Resources office or other designated, secure location not accessible to the public, and shall not be considered a public record. Completed forms must be available upon request to the Department of Civil Service for auditing purposes, to other agencies of the State of Louisiana for purposes of checking employment references and to the employee.

Each Appointing Authority shall annually report to the Director of Civil Service, in such manner as the Director prescribes, information about evaluations given during the previous year ending June 30<sup>th</sup>. The Director of Civil Service may require more frequent reporting as needed.

## **AGENCY REVIEW**

A permanent employee who receives an overall performance evaluation of “Unrated” or “Needs Improvement/Unsuccessful” may request an official review of that evaluation by an Agency Reviewer(s).

The appointing authority shall designate the Agency Reviewer or an Agency Review Panel. The Reviewer(s) shall not be either the Evaluating Supervisor or the Second Level Evaluator who signed the evaluation being reviewed.

The official overall evaluation may only be changed by the Agency Reviewer(s).

A request for review must be submitted in writing and be postmarked or received in the employing agency's Human Resources office no later than September 15<sup>th</sup> following the evaluation year. In the request for review, the employee must explain and provide supporting documentation for the request for review.

If the request for review is timely, the Agency Reviewer(s) must review the employee's request, the evaluation given and any supporting documentation provided. The contested evaluation must be discussed with the employee and the Evaluating Supervisor.

The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the Human Resources office written notice of the results of their review. This notification shall be provided no later than October 15<sup>th</sup>. Any change in evaluation shall be retroactive to July 1<sup>st</sup>.

The performance evaluation form, the employee's request for review, the Agency Reviewer(s)" decision, and the supporting documentation attached to the performance evaluation, as well as any documents requested from the employee or supervisor during the review, shall be maintained in the employee's official personnel file or other secured performance file maintained in Human Resources.

## **REQUEST FOR REVIEW BY THE DIRECTOR OF CIVIL SERVICE**

A permanent employee who receives an overall evaluation of “Needs Improvement/Unsuccessful” following an Agency Review may request to have his performance file reviewed by the Director or the Director's designee.

A request for review under this rule must be postmarked or received by the Director no later than 10 calendar days following the date the employee received the Agency Review decision. In the request, the employee must explain why he is contesting the decision of the Agency Reviewer(s).

If the request for review is timely, the Director or his designee shall obtain and review the employee's performance file. The Director may either affirm the overall evaluation or change the overall evaluation to “Unrated”. The Director's decision shall be final.

The Director shall provide a written decision to the employee, the Evaluating Supervisor, and the Human Resources Officer no later than thirty (30) calendar days following the date the request for review was received.

## **GRIEVANCE PROCEDURE**

### **PURPOSE OF GRIEVANCE PROCEDURE**

Any organization may have conditions that lead to dissatisfaction and misunderstanding among employees. When employees believe they have been treated unfairly, their attitude and their work may be affected. Through the establishment of a grievance procedure such as outlined in this section, the University has provided a means to resolve these problems so employee morale and efficiency may be maintained at the highest level possible.

Complaints about letters of warning, reprimand or counseling are handled by written response and not through the grievance process.

### **APPLICABILITY AS TO JURISDICTION**

A grievance procedure is a method of determining the specific cause for a grievance, and finding the best way to resolve it. Such a procedure is intended for use when a dissatisfaction arises in a day-to-day relationship between employees or between an employee and his employer. **Only those grievances which are not appealable to the Civil Service Commission or to the Director of the Department of Civil Service should be processed through the campus grievance procedure.**

It is extremely important that employees distinguish between the grievance procedure and appeals to the Director of Civil Service or the Civil Service Commission. The reason is time limits have been set as to when either a grievance or an appeal may be filed. If an employee chooses the wrong forum, he may find that the time limit for the correct procedure has expired by the time the mistake has been discovered.

It is not possible to determine in advance all of the types of grievances which should be referred to the grievance procedure and all of the matters which should be appealed to the Director of Civil Service or to the Civil Service Commission. As a general (but not all-inclusive) guide, it can be said that the Commission has in the past assumed jurisdiction over the following types of grievances:

- (1) Removal of a permanent employee for cause.
- (2) Demotion of a permanent employee as a disciplinary action.
- (3) Political, religious, or racial discrimination.
- (4) Suspension without pay as a disciplinary action.
- (5) Discrimination practiced in violation of Civil Service Law or a Civil Service Rule.
- (6) Layoff or layoff avoidance action in violation of Chapter 17 of the Civil Service Rules.

Grievances of the above-listed types and others which are described in Civil Service Rule 13.10 should be filed with the Civil Service Commission. Appeals to the Commission must be in a prescribed manner and within the time limits set by Chapter 13 of the Rules. Please see section on Appeals to Civil Service Commission. Other types of grievances should be referred to the local grievance procedure on campus.

### **GENERAL PROVISIONS**

Nothing herein shall be so construed as to deprive a classified employee of the right of appeal to the Director of Civil Service or the Civil Service Commission in appropriate cases, or to alter or extend the time within which an appeal is required to be filed with the Civil Service Commission, or to alter in any way the Rules of the Civil Service Commission.

The President or his designee's decision shall be final in all cases properly subject to processing through this grievance procedure.

If a grievance hearing is conducted under this procedure, the party against whom the grievance complaint is made shall have the right to appear and testify at the hearing.

The decision to utilize this grievance procedure shall be the voluntary decision of the individual employee.

A classified employee selected by a grievant to represent him in the processing of a grievance through this procedure shall, at such times as his supervisor may approve, be granted reasonable time off during his working hours to investigate the grievance and represent such other employees without loss of pay and without reduction of any annual or compensatory leave balance.

## DEFINITIONS

*"Abandonment of Grievance"* means the voluntary failure of an employee to pursue his grievance through the Grievance Procedure.

*"Affidavit"* means a signed and sworn statement offered for consideration in connection with a Grievance Procedure hearing.

*"Appointing Authority"* means the agency, department, board, or commission, and the officers and employees thereof authorized by statute or by the lawfully delegated authority to make appointments to positions in the State service.

*"Books"* means pamphlets or bound volumes which are not held to be confidential by State statute, public law, or Constitutional law.

*"Consolidation"* means the combining of two or more grievances involving the same controversy for purposes of a joint hearing.

*"Cross-examination"* means the questioning of a witness by an adverse party after his direct examination by the party calling him.

*"Director"* means the Director of Human Resources for the Department of Civil Service.

*"Employee"* means any person legally appointed to and serving in a position in the State agency with which a grievance is filed.

*"Employer"* means the appointing authority for the State agency where the employee who files a grievance through the Grievance Procedure is employed.

*"Examination"* means the questioning of a witness during a Grievance Procedure hearing.

*"Ex-parte Statement"* means a written statement made by one person, offered for consideration in connection with a Grievance Procedure hearing.

*"Grievance"* means an employee complaint or personnel problem not appealable to the Director of Civil Service or to the Civil Service Commission.

*"Grievance Committee"* means a committee designated by an appointing authority to conduct grievance hearings and provide him with resulting recommendations.

*"Grievance Hearing"* means a hearing conducted by a section, division, or unit head; by a personnel officer or other representative of an appointing authority; by a grievance committee; or by an appointing authority, at which any employee may have a reasonable opportunity to be heard in accordance with the provisions of this section.

*"Hearing Officer"* means an appointing authority or any person designated by him to conduct a hearing provided for in the Grievance Procedure.

*"Joint Officer"* means a uniting of one or more grievances involving similar or related circumstances for the purpose of hearing.

*"Jurisdiction"* means the right to make decisions concerning the subject matter in a given case.

*"Notice"* means advance notification to all parties involved in a Grievance Procedure hearing, setting forth the date, time, and place of the hearing.

*"Papers"* means documents and writings which are not held to be confidential by State statute, public law, or Constitutional Law.

*"Records"* means official records of the State which are not held to be confidential by State statute, public law, or Constitutional Law.

*"Representative"* means a person authorized by an aggrieved employee to represent him in the processing of a grievance.

*"Reprisal"* means an act of retaliation taken against an employee because he utilized the Grievance Procedure.

*"Withdraw"* means to recall or retract a grievance from consideration under the Grievance Procedure.

*"Witness"* means one who sees, or otherwise has personal knowledge of anything relevant to the subject matter of a grievance with respect to which a grievance hearing is being held.

## **PROCESSING THE GRIEVANCE**

### First Step

All grievances should be presented within seven calendar days from the date the grievant first became aware of, or should have become aware of, the cause of such grievance. The aggrieved employee should present his grievance to his immediate supervisor, and if possible, it should be settled at that level through discussion. The immediate supervisor should render a decision to the employee on the complaint as soon as possible, and must render an oral decision within seven calendar days. Since the grievance is being processed informally at this stage, neither the supervisor nor the employee shall have representation.

### Second Step

If the employee is not satisfied with the decision in the First Step, or if a decision is not rendered within the prescribed time limit, he may within seven calendar days present his grievance in writing to the appropriate department head or University administrator. The latter shall investigate, afford the employee an opportunity to present his viewpoint, and furnish the Human Resources Office and the employee a written statement of his findings and records. Such statement shall be furnished within ten calendar days of the receipt of the written grievance. The aggrieved employee shall have the right, but shall not be required, to be represented by one individual of his choice during this step of the procedure.

### Third Step

In the event the decision in the second step of the grievance process does not satisfy the employee, he may present his grievance to the President of the University in writing within five calendar days. A hearing shall then be held before the President or his designee. The president or his designee shall issue a written report to all interested parties including the Department of Civil Service within fifteen calendar days from the day the grievance entered the third step.

## **SUMMARY DISPOSITION OF GRIEVANCE**

At any time after the filing of a grievance in writing, an appointing authority may summarily dispose of the grievance on any of the following grounds:

That the appointing authority lacks jurisdiction of the subject matter, or of the person against whom relief is sought.

That the aggrieved has no legal right to grievance consideration.

That the grievance has not been made in the required manner or within the prescribed period of delay.

That a decision on the grievance would be ineffective.

That the aggrieved has failed to appear at the time and place fixed for the hearing of his grievance.

That the aggrieved has withdrawn or abandoned his request for grievance consideration.

When an appointing authority summarily disposes of a written grievance, he shall notify all interested parties, including the Director of Civil Service, in writing.

## **TIME AND PLACE OF HEARING**

The place of the grievance hearing shall be specified by the appointing authority or his designated representative and shall be in a convenient place accessible to the aggrieved employee. All such hearings shall be held on the employer's premises or on the premises mutually agreeable to the parties and within regular working hours. With the approval of the appropriate appointing authority, a grievance hearing may continue beyond normal working hours.

## **CONDUCT OF HEARING**

The aggrieved employee and Louisiana Tech University shall have the right to call, examine, and cross-examine witnesses who are employees of the agency against which the grievance is lodged and who have knowledge of the facts at issue.

Both parties may produce witnesses other than employees of the agency against which the grievance is lodged, and such witnesses shall be subject to examination and cross-examination.

The aggrieved employee shall have the right to require the production of books, papers, records, and other items which are within the control of the agency against which the grievance is lodged and are pertinent to the facts at issue. The items requested must not be held confidential by provision of State statute, public law, or Constitutional Law.

The aggrieved employee shall have the right, but shall not be required, to be represented by an individual of his choice.

Affidavits and ex-parte statements, offered during the course of a grievance hearing, may be received and considered by the Hearing Officer.

The Hearing Officer shall have the right to limit corroborative evidence.

When a pending case involves substantially the same question of law or fact as presented in a prior case, the Hearing Officer may consider any part of the record in such previous case as he may deem relevant; provided that in the application of this provision no party shall be deprived of the right to cross-examine any witness.

The testimony of all witnesses must be received under oath.

The Hearing Officer on request of the aggrieved employee or on his or its own motion, may order that the witness in any hearing be separated so as to preclude any witness, other than the parties and their representatives, from hearing the testimony of any other witness.

If the aggrieved employee, in preparing his written appeal, omits facts which he considers pertinent to the grievance under consideration, the Hearing Officer shall permit the employee, prior to the conclusion of the hearing, to add to his original statement to include such facts.

When two or more grievance petitions involve similar or related circumstance, the Hearing Officer may order a joint hearing of any or all the matters at issue, or may order that all such petitions be consolidated.

Any officer or employee required to testify shall not be subjected to any disciplinary action by his appointing authority because he testifies, but may be held accountable for actions on his part revealed by his testimony.

#### **STANDARDS IN PRESCRIBED GRIEVANCE PROCEDURE**

Adherence to the letter and spirit of the grievance procedure serves to improve morale, working conditions, and efficiency in the entire Civil Service. In implementing the grievance procedure as required in Civil Service Rule 3.1(m) in each agency, the following standards will be observed:

- 1) Management officials, supervisors, and employees shall be encouraged to review the procedure and to become fully cognizant of it in order to facilitate the settlement of any employee problem.
- 2) The personnel officer or some other appropriate official reporting directly to the head of the agency should have full and delegated responsibility for the administration of the procedure. He should permit and encourage employees to consult with him freely and informally. Before making any recommendations, he should consult with appropriate supervisors.
- 3) The establishment of the grievance procedure outlined above or of a modified one affords an orderly method to present the employee grievance within the agency to the immediate supervisor and if necessary to those higher in the supervisory administrative line. The employee will have the assurance that if a satisfactory settlement is not made at a lower level, he may submit the matter to the President or his designee for review and a final administrative decision.
- 4) The grievance procedure recognizes the operating administrative responsibility of supervisors at all levels to receive and act promptly and fairly on the grievance of their subordinates, and provides for the delegation of appropriate authority to carry out this responsibility.
- 5) When a grievance is processed it must be presented in writing by the employee. The statement should indicate clearly who is aggrieved and the specific nature of the grievance. In such cases, provisions are made for a written decision.
- 6) Before the final decision is made on the grievance appeal, the employee shall be provided an opportunity to present the matter at a hearing before the appointing authority, personnel officer or other designated representative.
- 7) In presenting a grievance, an employee shall be assured freedom from restraint, interference, coercion, discrimination or reprisals of any type.
- 8) Provision is made for the dissemination of information on the grievance plan to all employees so they will be fully informed of their rights as to the presentation of their grievances and the procedures by which these rights may be exercised.

Grievance Forms may be obtained by contacting the University Human Resources Office in Keeny Hall.

## EMPLOYEE DISCIPLINE

**This narrative does not represent all conceivable types of offenses but does reflect those that occur most frequently. This section explains the general procedures for effecting disciplinary action and for dismissal of Civil Service employees.**

Certain standards of performance and conduct must be maintained in any work group. Generally, these standards are recognized and observed by individual members of the work group without any need for action by the supervisor. When an employee does not observe these standards, counseling or an oral reminder by a supervisor normally results in correction of the problem. When an employee does not respond to oral reminders, more formal discipline may be necessary. Discipline should be used to correct performance, not punish. It should be fair, firm, and consistent. The immediate supervisor must decide, based upon the circumstances in each case, what is appropriate discipline. No two cases are identical. On the other hand, fairness and consistency require that certain general principles of administering discipline be followed by all supervisors and that a central office coordinate the disciplining of university employees. The Director of Human Resources is available to discuss the nature of the appropriate course of action in a particular case.

### AUTHORITY FOR DISCIPLINE

Civil Service Rules in Chapter 12 outline the procedures for taking disciplinary action against classified employees. Civil Service Rule 12.1 reads, "An Appointing Authority may discipline, remove, or separate an employee under his or her jurisdiction." The Director of Human Resources is the delegated appointing authority for Civil Service at the University.

The responsibility for disciplining Civil Service employees of Louisiana Tech University shall be handled in accordance with the following:

- (1) A first-line supervisor as well as other in-line supervisors are delegated the authority to issue oral and written reprimands to an employee.
- (2) Disciplinary action other than reprimands must originate with the President of the University or the Director of Human Resources as the President's designee or the Vice President of Finance & Administration. Except under unusual circumstances, such action will be taken by the Director of Human Resources.

### GENERAL GUIDELINES FOR ADMINISTRATION OF DISCIPLINE

General principles that should be followed in administering discipline include:

For repeated, but relatively minor incidents of substandard performance or misconduct, discipline should be "progressive." For example, an employee who is developing a lateness problem should first be counseled with concerning the problem. **A written record of the date and content** of such discussion should be kept. If the problem continues, a more formal discussion should take place. This discussion should be confirmed by a letter to the employee sufficiently detailed to let him know how he has failed to meet the required standards. The letter should contain such essential information as the date, time, and place of the discussion the supervisor had with the employee as well as any witnesses present during the discussion.

The letter must also contain the date, time, and place of the incident of substandard performance or misconduct as well as a detailed account of the incident. The name of any employee who witnessed the misconduct should also be given in the letter. A copy of all such letters given to an employee **must** be sent to the Human Resources Office. If an employee continues to fail to meet standards in spite of warnings, he will be subject to suspension or discharge.

The number of written warnings or suspensions which should precede termination depends upon the circumstances in each case. Such circumstances include the seriousness of the offense or substandard performance, any mitigating circumstances, the employee's length of service, and the length of time since the last incident.

Progressive discipline is not used for serious offenses such as theft or other gross misconduct. Employees involved in theft or serious misconduct detrimental to state service are subject to immediate dismissal.

If an employee is found on the job in a condition that could be considered dangerous to other employees or to himself, a supervisor has the authority to send the employee home, instructing him to return to work the next day to meet with the appropriate University officials to determine the cause of the condition the previous day.

Only in emergency cases should a supervisor send an employee home. Though the supervisor may send an employee home, this does not give the supervisor the authority to dock the employee's pay for the period of time he is absent from work. Whenever possible, a supervisor should have a witness to verify the facts concerning the condition of the employee. If, upon observation of an employee, the supervisor determines that the employee is in a condition making him incapable of performing his duties, but not considered dangerous to himself or to other employees, the supervisor should immediately make an oral and written report of the incident to the next-in-line supervisor. The written report should contain the information as stated in the above paragraph regarding written reports.

**No permanent employee may be removed or subjected to any disciplinary action, other than an emergency suspension, until he has been given oral or written notice of the proposed action(s) and reasons supporting the action(s) and a reasonable opportunity to respond to the charges.**

A disciplinary action in this instance means suspension from pay and duty, demotion, or dismissal from employment. The following offenses are merely listed as examples and are not all inclusive in regard to disciplinary action.

**Insubordination** - Persons who give physical or mental resistance to authority and work direction. Those who are unruly and disobedient are considered insubordinate. Insubordination is a very serious violation of University policy and shall be dealt with accordingly.

**Alcohol or Drugs** - An employee who reports to work under the influence of alcoholic beverages or drugs or an employee who possesses such on University property shall be subject to disciplinary action.

**Theft or Misrepresentation of Facts** - The theft of state-owned property or dishonest action, i.e., falsification of records.

**Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when it is made a condition of employment, or is used as a basis for employment decisions, or when such conduct creates the effect of unreasonably interfering with an individual's work performance or creates an intimidating working environment.

**Property Damage** - Willful damage to University property.

**Disorderly Conduct** - Employees engaged in fights or similar disturbances.

**Unauthorized Absences** - An employee who is absent from his work station without the approval of his supervisor.

**Lateness** - Tardiness is a very poor work habit which affects the efficient operation of a staff member's work unit. A record of excessive tardiness will, like absenteeism, be a factor in appraising dependability.

**Entering Another Employee's Time** - It is a violation of University policy to punch another employee's time clock.

**Others** - It is impossible to detail all other potential reasons for disciplinary action. Among them include unheeded reprimands, gross neglect of work or duty, indecent conduct, or actions that jeopardize the safety of others.

## **METHODS USED FOR DISCIPLINE**

**Reprimand** - A first-line supervisor as well as other in-line supervisors are delegated the authority to issue both oral and written reprimands.

**Suspension** - A period of time an employee is forced to take off from duty and pay for disciplinary reasons. A suspension shall not exceed 90 calendar days.

**Demotion** - An employee may be demoted to a position of less responsibility and pay level for disciplinary reasons.

**Removal** - As a last resort, employment with the University may be terminated.

## **APPEALS TO THE CIVIL SERVICE COMMISSION**

**Only the following persons have a right of appeal to the Commission:**

- (a) a state classified employee with permanent status who has been removed; or
- (b) a state classified employee who has been discriminated against in any employment action or decision because of his political or religious beliefs, sex or race; or
- (c) a state classified employee who has been adversely affected by a violation of any provision in the Civil Service Article or of any Civil Service Rule other than a rule in Chapter 10.

### **Delay of Making an Appeal**

A notice of appeal by an employee to the Civil Service Commission must be in writing. The appeal must be received at the Department of Civil Service within thirty (30) days after:

- (a) the date on which the employee received written notice of the action on which the appeal is based when written notice before or after the action is required by these Rules; or
- (b) the date when the employee learned or was aware that the action complained of had occurred when no written notice is required by Civil Service Rules; or, if required, was given tardily or not at all.

Employees are advised to see Chapter Thirteen of the Civil Service Rules prior to making an appeal to Civil Service Commission. A copy of Chapter 13 of the Rules may be obtained from the University Human Resources Office in Keeny Hall.

\*Disciplinary actions include only: reassignments; suspensions without pay; reductions in pay; involuntary demotions and dismissals.

## **PROHIBITED ACTIVITIES**

### **PROHIBITED POLITICAL ACTIVITIES**

- (a) No person shall be appointed or promoted to, or demoted, or dismissed from any position in the Classified Service, or in any way favored or discriminated against with respect to employment in the Classified Service, because of his or her political or religious opinions or affiliations, race, sex, or membership or non-membership in any private organization.
- (c) No employee in the Classified Service and no member of the Commission shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political party, faction, or candidate, or solicit or take any part in soliciting any such assessment, subscription or contribution of any employee in the Classified Service.

- (d) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in a position in the classified service, except as services may be provided pursuant to a temporary staffing services contract with the State as approved by the Director pursuant to these rules.
- (d) No appointing authority, agent, or deputy thereof, or supervisor of any employee, shall directly or indirectly demote, suspend, discharge, or otherwise discipline any person in the Classified Service for purpose of influencing his vote, support, or other political activity in any election or primary election; and no appointing authority, agent or deputy thereof, or other person, shall use his official authority or influence, by threats, promises, or other means, directly or indirectly, to punish or coerce the political action of any employee in the Classified Service.
- (e) No employee in the classified service and no member of the Commission shall
  - (1) Participate or engage in political activity.
  - (2) Be a candidate for nomination or election to public office, except to seek election as the Classified State employee serving on the State Civil Service Commission.
  - (3) Be a member of any national, state, or local committee of a political party or faction.
  - (4) Take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.
  - (5) Take active part in an effort to recall from office an elected public official, or seek, solicit or attempt to coerce any person including any employee in the classified service and any member of the Commission into participating in any such effort or signing a recall petition except that nothing contained herein shall prevent an employee in the classified service or member of the Commission from signing a recall petition.
- (f) No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the Classified Service.
- (g) The support of issues involving bonded indebtedness, tax referenda, or Constitutional amendments shall not constitute prohibited activity within the meaning of this Rule.
- (a) No person shall be appointed to or employed in a position in the Classified Service under any class title which has not been approved by the Director as appropriate to the duties to be performed.
- (i) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, and the policies and procedures issued by the Director.
- (j) No person shall make any false statement, certificate, mark, rating, form or report with regard to any application, test, certification, personnel transaction, appointment or employment made under any provision of the Article, the Rules, or a regulation of the Department of Civil Service, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Article, Rules and regulations.
- (k) No applicant for examination, eligible on any register, appointing authority or his agent, or State employee, shall directly or indirectly persuade, induce or coerce or attempt to persuade, induce or coerce any prospective applicant or eligible to withhold filing application or to withdraw from competition or eligibility for positions in the Classified Service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The

penalty for violation of this sub-section by applicants or eligibles shall be cancellation by the Director of any or all applications or eligibilities. The Commission, after investigation and hearing, may also impose such penalties as may be provided by the Article against any person in violation thereof.

- (l) Discrimination as defined in Rule 1.14.1 is prohibited.
- (m) It shall be the duty of every classified employee to assist the Commission and the Department of State Civil Service in effectively carrying out the provisions of the Article and Rules, and to assist the State Police Commission, in effectively carrying out the provisions of Article X Part IV, and the Rules of the State Police Commission, and to answer truthfully, whether under oath or otherwise, all proper questions put to him by authorized representatives of the Department or the Commission, or the State Police Commission.
- (n) No action shall be taken or authorized to be taken by any person without approval of the Commission or the Director when such approval is required by either the State Constitution or Civil Service Rule.
- (o) No person shall fail to comply with any order or directive of the Commission unless such order or directive is otherwise stayed by a Court of proper jurisdiction or unless within the time limits provided by applicable rule or law.
- (p) Except with the prior approval of the Commission, no person shall be placed in any classified position in a department in which he/she is, or within the past two years was, a statutory appointing authority.
- (q) No person shall fail to comply with any order or directive issued by the Director pursuant to the authority granted by the rules.
- (r) No person shall fail to comply with any agency policy or procedure when the rules require either the Director or the Commission to specifically approve such policy or procedure, and where such approval has been obtained.

**If there are further questions concerning political activities, you may contact the University Human Resources Office in Keeny Hall or call the Program Assistance Division at the Department of Civil Service in Baton Rouge at (225) 342-8274**

## **LOUISIANA STATE EMPLOYEES' RETIREMENT SYSTEM**

The narrative concerning retirement is provided to you for informational purposes only and is not intended to serve as a basis for legal interpretation. Any questions you may have regarding the information presented in this section should be discussed with the University Human Resources Office and then presented to the retirement system in writing if further clarification is needed.

### **MEMBERSHIP**

**PARTICIPATION** - in Lasers is mandatory for all state employees whose employing agencies are LASERS' participants, except those exempted by state law.

Examples of excluded employees include:

- (a) employees who receive a per diem allowance instead of earned compensation;
- (b) students, interns, and resident physicians employed for temporary, part-time, or periodic work;
- (c) independent contractors;
- (d) certain pool nurses;
- (e) certain temporary seasonal employees at the Department of Revenue; and
- (f) part-time, seasonal, or temporary employees (as defined in 26 CFR 31:31221(b)(7)(2), hired after July 1, 1991, with less than 10 years of service.

Also, membership is optional for the following employees:

- X elected officials;
- X officials appointed by the governor and subject to confirmation by the state Senate;
- X employees who are 60 years-of-age or more at the time of employment; and
- X employees who are 55 years-of-age or more at the time of employment and who have credit for at least 40 quarters in the Social Security system.

LASERS' members do not pay Social Security tax; however, state employees hired after April 1, 1986, pay Medicare tax.

CONTRIBUTIONS - by the employee are equal to 7.5% of earned compensation per month excluding overtime, per diem, differential pay, payment in kind, premium pay, or any other allowance for expense incurred because of employment. **Employees hired 7/01/06 and later pay 8% contributions.** As of January 1, 1984, employee contributions are defined as "employer pick-up" for the purpose of tax-sheltering the employee's retirement contributions. The employee does not pay federal or state taxes on these contributions as long as the contributions remain undistributed to the member. (Please note that the contribution rates listed above are for Regular members only.)

REFUND OF CONTRIBUTIONS - may be paid to a member provided he has terminated state employment, has remained out of state service for a minimum of 30 calendar days, and provided that all contributions through date of termination have been forwarded to the retirement system by the agency/employer. Upon receipt of a refund of accumulated contributions, the member forfeits all accrued rights and service credits in the retirement system.

STATUS TERMINATES - when a member withdraws his accumulated contributions or when a member separates from active service with a retirement allowance, or when a member dies.

## **RETIREMENT ELIGIBILITY**

For information regarding Retirement Eligibility, Disability Retirement, Deferred Retirement Option Plan (DROP), Initial Benefit Option, Hazardous Duty Plan, etc., contact the Louisiana Tech University Human Resources Office at 318-257-2235 or LASERS at 1-800-256-3000. You may also obtain information from the LASERS website at <http://www.lasersonline.org>.

## **EMPLOYMENT BENEFITS AND PROCEDURES**

### **Fee Exemption for Faculty, Staff, and Dependents**

Full-time employees of Louisiana Tech may enroll at any of the eight institutions within the system for undergraduate or graduate instruction at a reduced tuition, plus certain applicable fees. Dependents of such employees may enroll in undergraduate instruction at a reduced fee schedule.

#### **I. The following conditions apply to faculty and staff:**

- A. Faculty or staff member must be employed on a full-time basis at the University of Louisiana System Institution. Enrollment at an institution other than the home institution requires the joint approval of the home institution president and the president of the institution the employee wishes to attend.
- B. Full-time employees may register for up to six (6) hours per quarter. A reduced fee schedule for employees is available from the Comptroller's Office.
- C. In addition to tuition, faculty and staff shall also be assessed the following fees: Academic Excellence Fee, Operational Fee, Technology Fee, and other mandatory fees.
- D. This policy shall apply only to courses and programs for which regular tuition is charged (on-campus and Barksdale courses).

- E. Retired faculty and staff who have served not less than 25 years in the University of Louisiana System shall maintain eligibility for this tuition and fee policy.
- F. Classified and unclassified employees will not be allowed to take a course during regular office hours without special permission from the appropriate supervisor. Civil Service requires that classified employees must either make up work missed or take annual leave for work missed, with the approval of their supervisor. Unclassified employees are required to function effectively and meet job requirements, regardless of time away from the office.

**II. The following conditions apply to spouses and children of full-time faculty and staff members.**

- A. Spouses and children of faculty and staff members employed on a full-time basis by a System institution may attend another System institution with the joint approval of the employee's president and the president of the host institution.
- B. Dependents who qualify will be limited to those who are eligible according to the Internal Revenue Tax Code (under the age of 24 and your dependent) during the calendar year in which the tuition reduction is issued. At such time as the dependent is no longer eligible according to IRS Code, the dependent ceases to be eligible for this reduction.
- C. Spouses and Dependents of retired faculty and staff (as provided in I (E)) shall be eligible for this tuition and fee policy.
- D. Spouses and Dependents of deceased faculty and staff shall be eligible for this tuition and fee policy provided the faculty or staff was in service to or retired from the System (as provided in I (E)) and eligible for the reduction when death occurred.
- E. Spouses and Dependents of disabled faculty and staff, as determined by the Teacher's or State Employees' Retirement Systems but otherwise eligible for this tuition and fee policy, shall maintain eligibility.
- F. Only undergraduate coursework for undergraduate students is eligible for the reduced tuition charges.
- G. A reduced fee schedule for spouses and dependents is available from the Comptroller's Office.
- H. Spouses and Dependents shall be assessed the following fees: Academic Excellence Fee, Operational Fee and Technology Fee and any and all student-assessed fees.

**BENEFIT PLANS**

**Group Health Insurance**

University faculty and staff are covered by the State Employees Group Benefits Program (self-insured). The different plans are optional with the University paying one-half of the total premiums. For more detailed information, see the Benefits section under the Human Resources department on the university's website.

**Group Term Life Insurance**

University faculty and staff employees are eligible for coverage under this plan through the Office of Group Benefits (OGB) with a maximum face amount of \$50,000. This is an optional plan with the University paying one-half of the total premium. Actual amounts are based on contract salary/civil service pay schedule.

**Supplemental Group Term Life Insurance**

University faculty and staff employees are eligible for amounts up to \$200,000.00 of term life insurance. Employees may elect amounts of one, two, or three times their annual earnings. Amounts up to \$100,000 are guaranteed issue with no medical information needed for new employees who enroll within thirty days of employment.

## **Salary Continuation (Long-term Disability) Insurance**

This coverage is mandatory for all faculty and unclassified staff employees. The program will pay up to sixty percent of salary for permanent, total disability.

## **Additional Benefit Plans**

University faculty and staff employees are eligible for other supplemental insurance plans such as dental, vision, short-term disability, cancer plans, FSA, etc. All these plans are optional with the University. For more details of all the additional supplemental plans, see our Benefits section located under the Human Resources department on the university's website.

## **Flexible Fringe Benefits Plan**

Commonly referred to as a "cafeteria plan," faculty and staff are allowed to tax shelter payroll contributions to fringe benefit plans under Section 125 of the Internal Revenue Code. Participation in this program results in a reduction of taxable income which increases spendable (net) income.

## **LA Capitol Federal Credit Union**

Louisiana Tech employees are eligible for membership in the LA Capitol Federal Credit Union. A LaCap@ is a cooperative member-owned financial institution and is directed by members who volunteer to represent you. It is a federally chartered credit union and your accounts are insured up to \$100,000 by the National Credit Union Administration's share insurance fund.

Through the convenience of payroll deduction, La. Tech employees are able to save, borrow, and invest at favorable rates. Deposits and loan payments are hassle-free using payroll deductions, too. Payroll deduction forms are available in the University Human Resources office.

LaCap offers a complete selection of accounts and services: Free 24/7 Online Account Access, Free 24/7 Telephone transaction service, Direct Deposits, Choice of Checking accounts, Savings accounts, Free Visa Check Card, Low Cost Loans, Small and Large Investment Accounts. The LaCap Visa is available with a low annual percentage rate and easy, automatic payments.

To join or find out more information, visit LaCaps Ruston office at 975 Tech Drive or call them at 318-251-4140. Their hours are 9am to 5pm M-F. You can also contact their Personal Assistance Line (800-522-2748 or 225-342-5055) from 8am to 5pm CST, M-F or visit their website anytime [www.lacapfcu.org](http://www.lacapfcu.org).

## **Tax Deferred Annuities**

Louisiana Tech University offers its eligible employees the opportunity to save for retirement by participating in the Louisiana Tech University's Voluntary 403(b) and 457 Plans. You can participate in these plans by making pre-tax contributions within the limits prescribed by the Internal Revenue Service Code.

To find out more information about the 403(b) and 457 plans, please contact the Human Resources office. If you are already contributing to one of the plans, you can make changes by contacting Human Resources at 318-257-2235.

## **STATUTORY BENEFITS**

### **Medicare Coverage - Hospital Insurance**

The Consolidated Omnibus Budget Reconciliation Act of 1985 extended Medicare coverage (hospital portion) on a mandatory basis to new public employees effective April 1, 1986. The employee pays a percentage of earnings with the University matching this contribution.

## **Worker's Compensation (Job-Related Injuries)**

All employees and student employees on University payrolls are automatically eligible for Worker's Compensation benefits which cover employees for injuries sustained while on official duty.

Any accident that is work-related shall be immediately reported to the appropriate department or budget unit head. Upon notification, the department head shall immediately contact the University Human Resources Office. In non-emergency situations, the University Human Resources Office will arrange for the injured employee to see a physician who is provided for by the University. Injuries that are severe or life-threatening should be treated immediately by emergency medical personnel and the University Human Resources Office contacted later after treatment is rendered.

## **FACILITIES AND SERVICES**

### **STUDENT CENTER ACTIVITIES**

The Louisiana Tech Student Government, Union Board and other sponsoring organizations bring many fine attractions on campus throughout the school year. It is the desire of the University that faculty and staff members participate in these activities whenever feasible.

The faculty, staff, and members of their families are privileged to use the facilities of the Tech Student Center which includes a wide variety of food service, banquet facilities, bookstore, and bowling alley/game area. Use of rooms in the Student Center can be arranged through the Student Center Office. Catering is available through Tech Food Service.

The Activities Director, whose office is located in the Student Center, provides for programs in coordination with campus organizations. Faculty members are encouraged to refer to this office for information concerning these programs, and many activities presented by this office may be attended by the entire family.

### **RECREATIONAL FACILITIES**

Recreational Facilities/Intramural Programs operate under the direction of the Department of Recreation and Intramurals, located in the Maxie Lambright Sports Center. This department is responsible for the following facilities: the Maxie Lambright Sports Center, golf course, swimming pool, Hide-Away Park, and three softball fields.

Students may use these facilities upon presentation of a valid I.D. card. Faculty and staff may pay a quarterly or annual fee to use these facilities. Information concerning the fees may be obtained from the Sports Center Office.

The Lambright Sports Center consists of six basketball courts, six volleyball courts, six badminton courts, two weight rooms, twelve racquetball courts, a jogging track, an apparatus room, two saunas, and two steam rooms. The Center is open daily for students and eligible faculty and staff members. The swimming pool is located at the Lambright Sports Center. The pool is heated and enclosed for year-round use.

The Louisiana Tech Golf Course is located two miles west of the Tech campus on the Old Grambling Road. It is a beautifully designed par 35, 2,783 yard nine-hole course.

Intramural programs are a vital part of extracurricular activity for our students. There are over thirty-six intramural programs offered by the department including both individual and group sports. For a detailed listing of these activities, contact the Director at the Sports Center Office. In addition, the department offers the highly successful Sports Club program involving a positive experience for large numbers of our students. At the present time, there are over 200 students involved in nine different sports clubs. The Power Lifting Club and the Karate Club have achieved both state and national recognition. Also popular are the water ski, soccer, and rugby clubs.

## **LOUISIANA TECH CONCERT ASSOCIATION**

The Louisiana Tech Concert Association provides a unique program of well known speakers, lecturers, writers, and entertainers, as well as prominent ballet, music and drama groups. Students may attend these activities by presenting their I.D. cards. A faculty or staff member may obtain season tickets in the LTCA office located in Howard Center for the Performing Arts.

## **PRESCOTT MEMORIAL LIBRARY**

Traditional Library resources include 400,000 books, 500,000 microfilms, and 2,700 periodical subscriptions. The Library is a U.S. Government Documents Regional Depository, one of only fifty-three in the nation, a U.S. Map Depository and a State of Louisiana Documents Depository. The Library houses over 2,000,000 government documents. In addition to these traditional materials, the Library has numerous electronic resources available in the Library or through the university's website.

Services provide access to additional resources in several ways. The Interlibrary Services department provides rapid response to requests by using a web request form, digital technologies are used to provide internet document delivery, Carl UnCover provides fax documents delivery, and a statewide courier service provides book delivery. For additional information, call the Library at 318-257-3555 or see Library Services on the university's website.

## **MISCELLANEOUS**

### **STANDARD WORKWEEK**

The standard workweek for classified employees of the University is from 00:01 Saturday to 24:00 hours, Friday. Any exceptions to the standard University workweek must be approved in writing by the Appointing Authority.

Louisiana Tech University adheres to Civil Service Rule 11.1(a) which states that the workweek of a full-time employee in the classified service will be forty hours.

### **PAY PERIOD**

Civil Service employees are paid on a bi-weekly basis with payroll checks issued every other Friday. All classified employees will receive their pay checks one week after the close of their bi-weekly work period.

### **LOYALTY OATH**

Each new employee is required by State law (Act 284 of 1950) to complete an appointment affidavit, which is essentially a loyalty oath, within 15 days following their appointment. The form is retained in the employee's personnel file.

### **INSURANCE DEDUCTIONS**

Deductions for insurance programs are figured on 24 pay periods a year for twelve month employees and 18 pay periods a year for nine month employees. It should be noted that bi-weekly employees (12 month pay basis) are paid 26 times a year. Therefore, there are two months a year in which an employee receives three payroll checks. No insurance is withheld from the third pay check.

### **PAYROLL, INSURANCE AND TAX INFORMATION**

Federal and state law requires withholding of taxes from wages or salary payments. Deductions are made in accordance with information furnished by the employee. Employees have the responsibility of keeping the Human Resources Office advised as to changes in tax exemptions, marital status, and home addresses. **It is especially important to keep life insurance and retirement beneficiary information current.**

## **IDENTIFICATION CARDS**

Identification Cards are issued to employees who are on a regular appointment basis. ID cards may be obtained from the Tech Express Office which is located in the Student Center on the south side of the building facing centennial plaza.

## **REST PERIODS**

The policy on rest periods is a University policy and not one that is governed by the Department of Civil Service. Each department has the authority to establish its own procedures relative to rest periods.

However, certain guidelines must be followed. They are: (1) No rest period shall exceed 15 minutes; (2) rest period time shall not be added to the lunch hour or other off-duty time; (3) rest period time can't be accumulated to provide for a prolonged rest period; and (4) the scheduling of a rest period for an employee should not interfere with the department's normal function.

## **OUT-PROCESSING/TERMINATION**

When an employee separates from employment with the University, they must complete an exit/termination form. It is also the responsibility of the separating employee to turn in University uniforms (if applicable), keys, I.D. cards, etc. The employee should also complete an exit interview document with the University Human Resources Office and complete necessary out-processing concerning the continuation of insurance coverage and any forms relative to the retirement system.

## **DIRECTOR OF HUMAN RESOURCES (OFFICE)**

The Human Resources Office has an open-door policy and employees are encouraged to come by when information or advice is needed. All information regarding employee records are held in complete confidence and are available only to direct supervisors and other personnel on a need-to-know basis. Employees may review their own personnel file in the presence of a staff member from the Human Resources Office. The Director of Human Resources is the appointing authority for classified employees at Louisiana Tech and shall be responsible for representing the University to the Department of Civil Service. All official University correspondence and contact with the Department of Civil Service shall be conducted by the Human Resources Office. This is not to deprive employees of the right to contact the Department of Civil Service relative to any problems concerning them. However, employees should indicate to the Department of Civil Service that they are not representing Louisiana Tech University when contacting them about an individual matter.

## **POSTING OF VACANT POSITIONS**

Notices of vacant classified and unclassified positions are posted on the university's website at [www.latech.edu](http://www.latech.edu). All civil service jobs that are filled by promotion, probationary appointment or job appointment shall be posted on the university's website. Applicants may access all job announcements and apply through the university's website. It is the responsibility of each employee to take the appropriate Civil Service examination for any classification which might be of interest to them and for which they meet the minimum qualifications. If necessary, the Human Resources Office will provide assistance to employees in completing applications for examination (testing) purposes.

## **UNIFORM POLICY**

Certain departments within the University issue and require classified employees to wear uniforms as a condition of employment. These departments include Physical Plant, the Farm, Dairy, Housing, Student Center and Food Service. The uniform policy is not listed here, but is distributed to employees when the uniforms are issued. Violation of the uniform policy by an employee can result in loss of pay and disciplinary action. A copy of the uniform policy can be obtained upon request from the employee's department in which he works or from the Human Resources Office.

## **PROCEDURE FOR REPORTING JOB-RELATED ACCIDENTS/ILLNESSES**

It is the responsibility of the employee to notify his supervisor immediately after any accident or injury that has occurred during the employee's working hours. The supervisor will record the details of the accident and complete an Employer's Report of Occupational Injury or Disease form which will be forwarded to the Human Resources Office. The University Human Resources Office will set up an appointment for the injured employee to see a physician (except in emergency situations). Even if the employee does not go to a physician, an accident report form must be completed in order to have documentation in the event that future complications arise. Failure to immediately report an accident may jeopardize an employee's receiving workmen's compensation coverage. It may also cause fines to be imposed against the University by the State for late reporting of accidents.

## **PHYSICAL EXAMINATION**

After an offer of employment, new employees in the University Police Department and bus drivers must satisfactorily pass a physical exam by a licensed physician.

## **BACKGROUND INVESTIGATIONS**

All classified employees who are probationary appointed to positions must satisfactorily pass a background investigation by the University. Temporary employees who are appointed for periods longer than thirty (30) days must also pass a background check.

## **HOLIDAYS**

A holiday is the employee's actual or designated holiday observed; whichever the appointing authority selects for compensation purposes. The University usually provides paid time off to all employees in leave earning status for the following holidays:

- New Year's Day
- Martin Luther King's Birthday
- Mardi Gras
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Acadian Day
- Christmas Eve
- Christmas Day

In addition to these paid holidays usually observed, the President may designate three additional holidays to be observed during the year for a total of 14 paid holidays.

### **Christmas Holidays**

During the period when the University is closed for the Christmas holidays, classified employees may take compensatory or annual leave. If an employee does not have sufficient compensatory or annual leave to carry them through the holiday period, leave without pay will be charged. Holiday pay will be given for the legal holidays of Christmas Day and New Year's Day, and for any additional holidays declared by the President of the University.

### **Holiday Pay**

Employees may not be paid for holidays if:

- (1) their regular work schedule averages less than 20 hours a week,
- (2) they are on restricted or multiple restricted appointments,
- (3) the employee is on an intermittent appointment (i.e. When Actually Employed (WAE), or
- (4) the employee is on leave without pay immediately preceding and following a holiday period. For example, if an employee were on leave without pay on the day before a holiday (even if it were only for the last hour of his regular work day) and the day after the holiday (even if it were only for the first hour of his regular work day), he would not get paid for the holiday.