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**1000 Introduction****1020 Introduction***(Revised 7/1/2021)*

.010 Welcome

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.060 Policies in Relation to Kansas State University Policies

.070 Policies in Relation to Kansas Board of Regents Policies

.080 Notice of Nondiscrimination

**.010 Welcome**

Welcome to the K-State Student Union! We are pleased to have you as a member of our team. These policies and procedures will provide you with information about the Union. Please read each policy thoroughly. If you find you have questions that are not covered in this manual, reach out to your direct supervisor or the Union human resource department. These policies may change from time to time. It is each employee's responsibility to regularly review this manual to ensure adherence to its current terms.

**.020 Mission Statement**

The K-State Student Union is a center for the campus community and plays an integral role in the educational mission of the university. It provides products, services, and programs to enhance the quality of life of its students, faculty, staff, alumni, and guests, with particular emphasis on students. It fosters an environment that promotes respect for all peoples and values diversity, leadership development, and the free exchange of ideas.

Accepted and adopted December 12, 1992.

**.030 Introduction**

The following represents the overall vision for the success of the K-State Student Union:

- **Students:** Students come first and are an important part of accomplishing the Union's mission through participation and leadership on advisory and programming boards, activities, organizations, and through student employment opportunities.
- **Programs:** The Union provides programs that educate, entertain, and enlighten, as well as promote learning and development, with opportunities for students, staff, the community, university alumni, and faculty participation, interaction and collaboration.
- **Facilities:** A top priority is to maintain quality facilities, provide new technology, maintain up to date furnishings, and use equipment that is safe and well maintained.
- **Effective Leadership:** Effective leadership is key to accomplishing the stated mission, to setting goals, managing, budgeting, and evaluating, as well as continuously improving programs and services in response to the changing needs and priorities of Kansas State University students.
- **Organization:** Organizational effectiveness is demonstrated by having up-to-date policies and procedures, a functional organizational chart, recognition processes for employees, appropriate training and supervision, responsiveness to student development goals, and positive relations with relevant campus offices, community agencies, and professional organizations.

- Finances: The key to financial success includes adequate budgets with plans and projections to accomplish the mission, goals and current and long-term expenditures.
- Assessment: Assessments assist in determining whether the mission and goals are being met with results reported regularly through annual reports and other means.

#### **.040 Overview**

The K-State Student Union is one of more than a thousand college unions/centers around the world. The Union serves as the center for the campus community's social, cultural, and recreational activities. Communication with and service to students are the two high-priority items of the Union. Serving students, faculty, staff, alumni, and guests of the university in a manner that complements the academic programs is a goal of the Union.

The Union provides a place where all people can come together to exchange ideas and information as well as interact informally; thereby adding to their educational experience.

The Union provides something of interest for everyone on campus. There are different programs and varied services, all within a diverse set of facilities. There are thousands of people that stream through the doors of the Union every day. It is the responsibility of all Union employees to provide quality programs and services to all Union patrons.

Constructed entirely from student fees, the K-State Student Union opened in 1956 and is operated as a self-supporting unit.

#### **.050 Pledge**

The Union pledges to abide by the following:

- Adhere to university's policies as they relate to the Union
- Train and develop employees
- Promote from within the organization whenever appropriate
- Treat everyone with consideration, respect and fairness
- Provide a clean, safe, healthy place to work
- Pay fair and reasonable wages in line with job responsibilities and requirements
- Provide a comprehensive package of fringe benefits to benefits-eligible employees as the budget allows
- Keep employees informed of financial and operating conditions
- Maintain open lines of communication

#### **.060 Policies in Relation to Kansas State University Policies**

K-State Student Union employees are subject to and should first reference this manual. Employees are also subject to some Kansas State University policies. Kansas State University policies and procedures can be viewed at: <http://www.k-state.edu/policies/ppm/>. Any questions related to the content of this policy and procedure manual should be directed to the Union Assistant Director/Human Resources and Business Management.

#### **.070 Policies in Relation to Kansas Board of Regents Policies**

The K-State Student Union is a non-controlled affiliate corporation of the Kansas Board of Regents. Union employees are responsible to abide by Kansas Board of Regents policies and procedures to the same extent as Union and university policies and procedures.

**.080 Notice of Nondiscrimination**

The Union mirrors the university's notice of nondiscrimination:

Kansas State University prohibits discrimination on the basis of race, color, ethnicity, national origin, sex (including sexual harassment and sexual violence), sexual orientation, gender identity, religion, age, ancestry, disability, genetic information, military status, or veteran status, in the university's programs and activities as required by applicable laws and regulations.

Coordination of compliance efforts and receipt of inquiries concerning the nondiscrimination policy can be directed to the university Office of Institutional Equity at (785) 532-6220 or [equity@k-state.edu](mailto:equity@k-state.edu).

The Union ADA Coordinator is the Assistant Director/Human Resources and Business Management. To contact, call (786) 6577 or email [unionhr@k-state.edu](mailto:unionhr@k-state.edu).

**1000 Introduction****1030 Policy Review and Approval***(New 7/1/2021)*

.010 Purpose

.020 Responsible Administrator

.030 Process

.040 Questions

**.010 Purpose**

The purpose of multiple parties reviewing additions and revisions to the K-State Student Union's *Policy and Procedure Manual* is to ensure overall compliance with federal, state, and local regulations; antidiscrimination biases; fair and equal protections of applicants, vendors, patrons and employees; and consistency in administering departmental practices.

For information regarding the Union's adherence to policies of Kansas State University as well as the Kansas Board of Regents, reference sections .060 and .070 of Union policy 1020, Introduction.

**.020 Responsible Administrator**

The Assistant Director/Human Resources and Business Management is the responsible administrator for maintaining the Union's *Policy and Procedure Manual*, to include writing, reviewing and editing policies, as well as ensuring compliance with applicable laws and regulations.

**.030 Process**

1. Proposed changes to the *Policy and Procedure Manual* are submitted to the Executive Director with supported reasoning for the changes by the Assistant Director/Human Resources and Business Management.
2. The Executive Director reviews the proposed changes, provides input, and provides approval to proceed in the policy review and approval process.
3. The Assistant Director/Human Resources and Business Management makes any necessary revisions and submits proposed policy changes to the university Office of General Counsel for review and comment.
4. The Assistant Director/Human Resources and Business Management reviews Counsel input with the Executive Director.
  - a. The Assistant Director/Human Resources and Business Management makes policy revisions based on feedback from the Executive Director.
5. Final approval of all policies is at the discretion and the responsibility of the Executive Director.
6. The Assistant Director/Human Resources and Business Management submits changes to the Union Corporation Board (UCB) along with a summary description of the changes for review and comment.
  - a. Policies are considered approved but do not become effective until reviewed by UCB.
  - b. The Assistant Director/Human Resources and Business Management may address UCB comments as requested.
7. Upon completion of step 6 and prior to the implementation date:
  - a. A meeting to introduce the policy and procedure changes is held for Union employees;
  - b. Changes are posted for electronic access with alternative formats available.
  - c. Employees acknowledge receipt of policy changes.

- i. The signed notification is maintained in the employee's personnel file.

**.040 Questions**

Questions should be directed to the Assistant Director/Human Resources and Business Management (785) 532-6577.

## **1000 Introduction**

### **1090 Adding Chapters**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Organization and Formatting
  - .030 Additions and Revisions
  - .040 Distribution
  - .050 Questions
- 

#### **.010 Introduction**

This chapter outlines the procedures for adding chapters to the employee policy and procedure manual. The Union Assistant Director/Human Resources and Business Management is responsible for maintaining the manual in a uniform format.

#### **.020 Organization and Formatting**

The employee policy and procedure manual are divided into sections and the sections are divided into chapters. (Please see the Table of Contents.) Each chapter in the manual is to be written in the same format to the extent possible and divided into appropriate topics. This manual is in a format for ease in reading and for uniformity. Chapter topics are numbered in order to allow for future chapters and topics to be inserted if needed. Any revision to the employee policy and procedure manual is the responsibility of the Assistant Director/Human Resources and Business Management.

#### **.030 Additions and Revisions**

Addition and revision dates to the manual are indicated after the title of the policy.

#### **.040 Distribution**

It is the responsibility of the Union human resource department to notify employees of the policies and procedures. All supervisors have an obligation to ensure employees are made aware and are provided access to Union policies. The manual is made available to employees digitally as well as in paper format. Requests for an alternative format should be made to the human resource department.

#### **.050 Questions**

Questions relating to the employee policy and procedure manual should be directed to the specific person or department, as indicated at the end of each chapter. Additionally, any questions relating to the overall manual can be directed to the human resource department at (785) 532-6577.

**3000 General**

**3010 Prohibiting Discrimination, Harassment, and Sexual Harassment, and Procedure for Reviewing Complaints**

(Reference university policy 3010. The Kansas State University policy applies to the K-State Student Union.)

*(Revised 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy visit <https://www.k-state.edu/policies/ppm/3000/3010.html>.

**.020 Questions**

Questions may be referred to the Assistant Director/Human Resources and Business Management at (785) 532-6577 or the Office of Institutional Equity at (785) 532-6220.

**3000 General**

**3013 Anti-Trafficking**

(Reference university policy 3013. The Kansas State University policy applies to the K-State Student Union.)

*(Revised 7/1/2021)*

.010 University Policy Access

.020 Resources

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**.010 University Policy Access**

To view the university's policy visit <https://www.k-state.edu/policies/ppm/3000/3013.html>.

**.020 Resources**

Kansas State University Contact

Office of Institutional Equity

103 Edwards Hall

Manhattan, KS 66506

785-532-6220

785-532-4807 TTY

equity@k-state.edu

State of Kansas Contact

Anti-Human Trafficking Unit, Office of the Attorney General

120 SW 10th Ave., 2nd Floor

Topeka, KS 66612-1597

1-800-828-9745

### **3000 General**

#### **3015 Whistleblower/Reporting Fraud**

*(Revised 7/1/2021)*

.010 Definition

.020 Policy

.030 Questions

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#### **.010 Definition**

A whistleblower is an employee of the K-State Student Union that reports an activity that he/she considers illegal or dishonest within the workplace, including fraud. The whistleblower is not responsible for investigating the activity, determining fault, or corrective measures. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

#### **.020 Policy**

If an employee has knowledge or concern of illegal or dishonest fraudulent activity, the employee is to first speak with his/her immediate supervisor. If, after speaking with the supervisor, the employee continues to have reasonable grounds to believe their concern is valid, the employee should report the concern to the Union Assistant Director/Human Resources and Business Management. If the supervisor is the subject of the concern, the employee should report directly to the Assistant Director/Human Resources and Business Management or designee. If the Assistant Director/Human Resources and Business Management is the subject of the concern, the employee should report directly to the Executive Director. An employee who intentionally files a false report of wrongdoing may be subject to discipline, up to and including termination.

Whistleblower protections are provided in two important areas - confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Union will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, wage decreases, poor work assignments, and threats of physical harm. Any whistleblower who believes he/she is being retaliated against should contact the Assistant Director/Human Resources and Business Management or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

The Assistant Director/Human Resources and Business Management or designee is responsible for investigating and coordinating corrective action.

#### **.030 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**3000 General**

**3020 Smoking**

(Reference university policy 3720, section .080. The Kansas State University policy applies to the K-State Student Union.)

*(Revised 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy visit <https://www.k-state.edu/policies/ppm/3700/3720.html#smoking>.

**.020 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**3000 General**  
**3030 Lost and Found**

*(Revised 7/1/2021)*

.010 Lost and Found

.020 Questions

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**.010 Lost and Found**

As a courtesy, a lost and found service is maintained by the K-State Student Union business services office. Found items that are unclaimed will be disposed of at the discretion of Union management without notice. Valuables will be turned over to the K-State police department. The Union is not responsible for personal property brought into the Union by employees, patrons, vendors, performers, guests, or others.

All property, electronics, valuables and driver's licenses are to be turned into the business services office. When property, electronics, valuables and/or driver's licenses are found after regular business hours they will be submitted to the Manager/Building Operations on duty. The Union Manager/Building Operations will ensure the item(s) are secured and turned in to the business services office as soon as is reasonable. Departments will turn in found items as soon as possible to expedite the best service possible.

Found university IDs will be turned into the ID Center during regular business hours. After hours, IDs are to be turned in to the Manager/Building Operations. The Manager/Building Operations will ensure the IDs are secured and turned in to the ID Center as soon as is reasonable.

All found items may be identified and claimed during regular business services office hours.

**.020 Questions**

Questions should be directed to the Union business services department at (785) 532-6575.

**3000 General****3035 Inclement Weather***(Revised 7/1/2021)*

- .010 Purpose
  - .020 Issuing a Declaration of Inclement Weather
  - .030 General Policy
  - .040 Essential Personnel for Inclement Weather
  - .050 No Declaration of Inclement Weather Issued
  - .060 Questions
- 

**.010 Purpose**

As a condition of employment, all employees of the K-State Student Union are expected to work at their assigned times and schedules regardless of weather conditions. It is recognized that severe weather conditions may prevent employees from reporting to work, cause late arrival, or require earlier departure than scheduled.

**.020 Issuing a Declaration of Inclement Weather**

The Union defers to the Governor's and/or university president's decision to issue a Declaration of Inclement Weather.

**.030 General Policy**

1. In the event of a Declaration of Inclement Weather, the K-State Student Union will close for non-essential employees during the period of inclement weather. Benefits eligible non-essential employees who are scheduled to work shall be placed on Inclement Weather Leave. Employees will not be required to use their personal leave.
2. Employees on authorized leave, holidays, or off days are not affected by these emergency procedures and will continue in that status.
3. Essential and non-essential employees who report for work or remain at work during a Declaration of Inclement Weather will receive compensation at the same rate of pay that the employee would have received had there not been a Declaration of Inclement Weather and will receive Inclement Weather Compensatory Time for the hours worked.

**.040 Essential Personnel for Inclement Weather**

For the purpose of this policy, essential personnel may include the following departments and positions:

- Maintenance – Maintenance Repair Technician, Maintenance Repair Technician Manager
- Building Operations – Building Operations Specialist, Custodial Specialist

Additional personnel may be deemed as essential at the discretion of the Associate Director/Director of Business Operations.

**.050 No Declaration of Inclement Weather Issued**

If an employee is unable to work due to weather conditions and a Declaration of Inclement Weather has not been issued, they are responsible for contacting their supervisor or department head as soon as they are able and no later than one hour prior to the start of their regularly scheduled work shift. Employees not reporting to work, reporting to work late, or leaving early due to weather when a Declaration of

Inclement Weather has not been declared will be expected to use vacation leave, accrued compensatory time, accrued holiday compensatory time, discretionary leave, or leave without pay. At the discretion of the department head, employees may make up missed work time within the same workweek. This policy does not affect the requirement that exempt employees must report leave in half- or full-day increments.

**.060 Questions**

Questions should be referred to the Associate Director/Director of Business Operations at (785) 532-6591.

**3000 General****3045 Human Resource Bulletin Board**

- .010 Introduction
  - .020 Policy
  - .030 Procedure
  - .040 Bulletin Board Required Content
  - .050 Bulletin Board Optional Content
  - .060 Questions
- 

**.010 Introduction**

Kansas and federal law requires agencies to designate and maintain official bulletin boards for the display of relevant, current administrative and personnel information of interest to employees. All new employees will receive information as to the location of the official bulletin board by the human resource department.

**.020 Policy**

The Union human resource office is responsible for establishing an official bulletin board and assuring the required documents are properly posted and current.

**.030 Procedure**

Assistant Director/Human Resources and Business Management is responsible for:

1. Designating the location of an official bulletin board;
2. Complying with all legal posting requirements;
3. Assuring the establishment and maintenance of an easily and regularly accessible official bulletin board for all employees of the Union; and
4. Making information on the official bulletin board accessible to employees who request an accommodation.

The official bulletin board will contain all required documents and may contain additional information.

**.040 Bulletin Board Required Content**

The official bulletin board shall contain information related to the following:

- EEO is the Law
- Kansas Law
- Equal Opportunity in Public Accommodations
- Kansas State University policy 3010 – Prohibiting Discrimination, Harassment, and Sexual Harassment, and Procedure for Reviewing Complaints
- Workers' Compensation
- Minimum Wage
- Employee Right to Communicate or Whistleblower's Act
- K-State Student Union's List/Location of Services
- K-State Student Union's Resources List/Location of Services
- Americans With Disabilities Act Notice to the Public
- Your Rights Under the Family and Medical Leave Act
- K-State Student Union's Family and Medical Leave Policy

- K-State Student Union's Threat Management Policy
- Unemployment Insurance Law
- Child Labor - Notice of Hours
- Your Rights Under the Uniformed Services Employment and Reemployment Rights Act
- K-State Student Union's Emergency Phone Numbers
- Official Bulletin Board Sign

**.050 Bulletin Board Optional Content**

The following informational documents are beneficial for posting; however, they are not required:

- K-State Student Union Employment Opportunities
- Yearly Holiday Schedule
- Employee Relations and Training Program Announcements

**.060 Questions**

Contact the human resource department with any questions at (785) 532-6577.

## 3000 General

### 3050 Dress Code

(Revised 7/1/2021)

- .010 Introduction
- .020 Acceptable/Unacceptable Appearance and Attire
- .030 Policy
- .040 Business Smart Attire for Administrative Staff
- .050 Procedures
- .060 Questions

#### **.010 Introduction**

Employees are the “face” of the K-State Student Union. Therefore, employees should show pride in their appearance with good taste and decency. All employees are expected to look professional when representing the Union. Good hygiene is mandatory to present a good image for the Union. Attire and appearance must be neat, clean, modest and appropriate for the work being performed and the setting in which the work is performed. Clothing, hair, hands, and nails should always be clean and neat. Other distracting elements such as body odor or excessive perfume or cologne are subject to this policy.

As representatives of the Union, all staff must wear the Union identification badge at all times while at work. The badge must be prominent and visible. It must be worn at jacket-lapel height. The badge should not be worn at waist-level. Identification badge exemption: Some Union employees may be issued uniforms to be worn when performing work assignments. If the uniform displays an employee’s name prominently at jacket-lapel height, a Union identification badge is not necessary. Also, if a Union department has a department-specific identification badge, employees of that department must wear the department-specific identification badge. Employees who are issued uniforms are expected to wear them while on duty. Employees may contact the Assistant Director/Human Resources and Business Management to request an accommodation to the Dress Code policy based on disability or religious reasons. Such requests will be reviewed case-by-case after an interactive process with the employee.

#### **.020 Acceptable/Unacceptable Appearance and Attire**

The following rules apply to all employees, regardless of gender, department, or employment type. This listing is not all-inclusive.

<b>TOPS</b>	
ACCEPTABLE	UNACCEPTABLE
<ul style="list-style-type: none"> <li>-Polo shirt/oxford shirt</li> <li>-Collarless blouse/shirt</li> <li>-Shirts w/unfinished bottoms (if tucked in)</li> <li>-T-shirts/sweatshirts (Only if K-State related)</li> <li>-Sleeveless blouse</li> <li>-Sweater/cardigan</li> <li>-Blazer/sport coat/jacket</li> <li>-Union-issued uniform</li> </ul>	<ul style="list-style-type: none"> <li>-T-shirts/sweatshirts with prejudicial content, political statements, jokes, alcohol references, suggestive content or non-K-State apparel (i.e. other universities)</li> <li>-Tank top/tube/halter top/crop top</li> <li>-Top that show a bare midriff</li> <li>-Fishnet/mesh shirt</li> <li>-Strapless top/dress</li> <li>-Spaghetti straps</li> </ul>

<b>BOTTOMS</b>	
<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
<ul style="list-style-type: none"> <li>-Jeans* that are non-wrinkled and non-tattered</li> <li>-Slacks and pants</li> <li>-Skirt at least fingertip-length or longer</li> <li>-Jumper</li> <li>-Pant Suit</li> <li>-Capris that cover the knee or longer</li> <li>-Leggings/Jeggings (only when paired with skirt, dress, kilt, or shirt that extends at least mid-thigh or longer)</li> </ul>	<ul style="list-style-type: none"> <li>-Mini skirts</li> <li>-Athletic warmup/jogging suit/sweat pants/athletic, yoga or running tights</li> <li>-Coveralls/overalls (unless appropriate for the work assignment)</li> <li>-Strapless dress</li> <li>-Shorts</li> <li>-Cutoffs</li> <li>-Any garment which hangs below the waistline exposing undergarments or body</li> </ul>

*\*Full-time employees in Business Services, Marketing, Human Resources, Director's Office, Programs, and ID Center offices are restricted from wearing jeans with the exception of Fridays or with pre-approval by the department head when job functions necessitate.*

<b>FOOTWEAR</b>	
<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
<ul style="list-style-type: none"> <li>-Closed-toe shoes (Retail Services, building Operations and Maintenance are required to wear closed-toe shoes at all times)</li> <li>-Sneakers/tennis shoes</li> <li>-Sandals (non-athletic or sport sandals)</li> <li>-Boating/deck shoes</li> <li>-Flat shoes/loafers</li> <li>-Boots (hiking, cowboy)</li> </ul>	<ul style="list-style-type: none"> <li>-Flip-flops</li> <li>-Shower sandals/athletic sandals, "slides"</li> <li>-Bare feet</li> <li>-Shoes w/cleats, spikes or taps</li> <li>-Slippers</li> <li>-Shoes extremely worn in appearance</li> </ul>
<b>HEADGEAR</b>	
<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
<ul style="list-style-type: none"> <li>-Head covering due to religious beliefs</li> </ul>	<ul style="list-style-type: none"> <li>-Hat/baseball cap (Unless job functions necessitate and department head has pre-approved)</li> <li>-Handkerchief/bandanna/sweatband</li> <li>-Shower cap</li> <li>-Hair net (Unless work specific)</li> </ul>
<b>JEWELRY</b>	
<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
<ul style="list-style-type: none"> <li>-Ear piercing, earrings</li> <li>-Tie clip</li> <li>-Finger ring/Bracelet/wrist watch/Necklace</li> </ul>	<ul style="list-style-type: none"> <li>-Excessive piercings (TBD by department head and Assistant Director/Human Resources and Business Management)</li> </ul>
<b>HAIR APPEARANCE</b>	
<b>ACCEPTABLE</b>	<b>UNACCEPTABLE</b>
<ul style="list-style-type: none"> <li>-Clean, combed, and neatly presented hair; including facial hair</li> <li>-Barrettes, hair combs, clips</li> </ul>	<ul style="list-style-type: none"> <li>-Ungroomed hair/facial hair/sideburns</li> </ul>

<b>MISCELLANEOUS</b>	
ACCEPTABLE	UNACCEPTABLE
<ul style="list-style-type: none"> <li>-ID badge or name tag (Must be worn at all times while on duty)</li> <li>-Tattoos</li> </ul>	<ul style="list-style-type: none"> <li>-Wrinkled/faded/soiled/torn/ragged/holey clothing</li> <li>-Gang-related symbols, phrases, or insignias</li> <li>-Bathing suit</li> <li>-Scanty or see-through attire</li> <li>-Sunglasses (Unless worn outside)</li> <li>-Tattoo that are offensive, suggestive or condoning illegal activities</li> </ul>

Note: There may be exceptions to each rule, subject to department head and Assistant Director/Human Resources and Business Management pre-approval.

### **.030 Policy**

Employees not meeting these standards will not be permitted to work and will be asked to correct the problem. Time away from work to change clothing is not considered paid time. Therefore, employees will need to clock out before leaving work to change. Employees not meeting these standards may result in disciplinary action up to and including termination of employment.

### **.040 Business Smart Attire for Administrative Staff**

Professional, *business smart* attire is expected for staff working in all Union administrative office settings. *Business smart* does not include jeans, t-shirts and sneakers. The following are considered administrative offices: Business Services, Director's office, Human Resource Office, ID Center, Marketing, and Programs (UPC).

### **.050 Procedures**

The human resource department as well as supervisors should communicate workplace attire and grooming guidelines during the orientation/onboarding and evaluation period. The supervisor is expected to meet with employees confidentially if an employee is in violation of this policy. The employee will have an opportunity to discuss the matter and provide possible solutions.

### **.060 Questions**

Questions or concerns should be addressed to the human resource department at (785) 532-6577.

**3000 General**

**3051 Social Media**

(Reference university policy 4096. The Kansas State University policy applies to the K-State Student Union.)

*(Revised 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy visit <https://www.k-state.edu/policies/ppm/4000/4096.html>.

**.020 Questions**

Questions may be referred to the university Office of the President at (785) 532-6221 or the university Office of General Counsel at (785) 532-5730.

**3000 General****3060 Cell Phones/Smart Phones**

*(Revised 7/1/2021)*

.010 Introduction

.020 General Use While On Duty

.030 Use While Driving

.040 Use For Business Purposes

.050 Questions

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**.010 Introduction**

While on duty for the K-State Student Union, employees are expected to exercise discretion when using personal cell phones/smart phones. The Union will not be liable for the loss or damage of personal cell phones/smart phones brought into the workplace.

**.020 General Use While on Duty**

Excessive calls, texts, use of social media and games on a cell phone/smart phone, etc. during the workday can interfere with employee productivity and be distracting to others. The use of a cell phone/smart phone during work time should be limited to meals or break times whenever possible. Flexibility will be provided in circumstances demanding attention. When circumstances dictate, an employee should seek guidance from their supervisor. Cell phones/smart phones, whether used for work or personal business, will not be used in any unsafe work situation at the Union. This includes but not limited to construction areas, near machinery or chemicals, etc.

**.030 Use While Driving**

The safety of Union employees is extremely important. Any employee who operates a company vehicle or operates a personal vehicle while on a work-directed trip will not use a cell phone/smart phone while driving. If an employee must use a cell phone during a work-related trip, the employee will pull over in a safe location prior to usage.

**.040 Use For Business Purposes**

For their own convenience, employees may use a personal cell phone/smart phone for business purposes. Employees are not reimbursed for costs associated with the use of a personal cell phone/smart phone unless prior approval has been received from the Executive Director. Employees who use their personal cell phones/smart phone for business purposes will take appropriate security steps, such as having a passcode, to protect any confidential work information that resides on their personal device.

**.050 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**3000 General**

**3061 Use of Mobile Devices, Personal Devices, and Accounts**

(Reference university policy 3091. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy, visit <https://www.k-state.edu/policies/ppm/3000/3091.html>.

**.020 Questions**

Questions may be referred to the Union information technology department at (785) 532-7333

**3000 General**

**3065 Release of Records/Kansas Open Records Act**

(Reference university policy 3060. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy visit <https://www.k-state.edu/policies/ppm/3000/3060.html>.

**.020 Questions**

Questions should be directed to the university Office of General Counsel at (785) 532-5730, or the university Division of Communications and Marketing at (785) 532-2535.

**3000 General****3075 Electronic Signatures**

(Reference university policy 3075. The K-State Student Union follows the university's policy to the extent possible.)

*(New 7/1/2021)*

- .010 Introduction
  - .020 Definitions
  - .030 Policy
  - .040 Violations
  - .050 Related Statues and Policies
  - .060 Questions
- 

**.010 Introduction**

This policy identifies the requirements for the use of electronic signatures related to Union business.

**.020 Definitions**

An “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. This includes, but is not limited to, typing one’s name, clicking that they agree, indicating by reply email (while logged in with an eID, for example) their intent.

An “authentication” means assurance that an electronic signature is that of the individual purporting to sign a record or otherwise approving an electronic transaction.

“Signature authority” means that permission has been given or delegated to an individual to sign a record executing agreements that bind the Union.

“Approved electronic signature method” includes the following:

1. Union employees may provide their electronic signature while signed in with their eID. Students may use electronic signatures to authorize all designated internal records and Employees may use electronic signatures to authorize all designated internal Union records, including but not limited to employment-related documents, as may be allowed by Union procedures;
2. Applicants for employment at the Union may provide an electronic signature during the application process and for any hiring documents after logging in with the email/username and password they create to start the application process;
3. Any person conducting business with or on behalf of the Union may provide an electronic signature through a method which allows for authentication of the identity of the signatory; and
4. Any person conducting business with or on behalf of the Union may provide an electronic signature by applying a scanned or other electronic identical replica of their handwritten signature.

**.030 Policy**

1. To the fullest extent permitted by law, the Union accepts electronic signatures as legally binding.
2. The Union supports and may require the use of electronic signatures when conducting Union business. The Union may, at its sole discretion, elect to not conduct business electronically with any party or in any transaction.

3. By providing an electronic signature, the person providing the electronic signature (and/or the entity which they represent) agrees to conduct the contract or other transaction by electronic means and/or with electronic signature(s).
4. All electronic signatures must utilize an approved electronic signature method. The Union accepts electronic signatures as binding signatures in Union transactions, **except**:
  1. in instances in which the other contracting party expressly will not accept an electronic signature;
  2. where applicable law, regulation, or Union policy or process requires a handwritten signature or otherwise does not allow an electronic signature;
  3. if the Union has elected not to conduct the transaction with electronic signatures, as permitted above; or
  4. the Union has disqualified electronic signatures for a particular purpose or based on a particular method.
5. An electronic signature binding the Union may be voided by the Union (and/or may lack legal validity) if:
  1. applicable law, regulation, or Union policy or process requires a handwritten signature;
  2. the electronic signature is not provided in accordance with this policy; or
  3. the individual does not have signature authority to sign the record to approve the transaction.
6. Use of electronic signatures and/or records is subject to all Union information technology policies concerning information and access control processes and information technology security procedures for adequate preservation, disposition, integrity, secure transmissions, and confidentiality pertaining to Union electronic records.
7. All signature collection methods must provide a means by which the signature, and if not an identical replica of their handwritten signature then also corresponding tracking to the individual and/or entity, is retrievable in the future, in accordance with Union policy 3090, *Retention of Records*.
8. Only Union employees with signature authority (i.e., authorized representatives) may sign contracts on behalf of the Union, whether in hard copy or electronically.

#### **.040 Violations**

It is a violation of this policy:

1. for an individual to affix a signature of another individual, unless he or she has been granted specific, written authority by that individual;
2. to falsify an electronic signature; or
3. to otherwise fail to adhere to the terms in this policy.

Violations of this policy will result in consequences commensurate with the offense, up to and including termination of employment or other relationships with the Union. Individuals may also be subject to criminal prosecution under applicable federal and state laws, as applicable.

#### **.050 Related Statutes and Policies**

Kansas Uniform Electronic Transactions Act, K.S.A. 16-1601 et seq.

Union policy 3090: Retention of Records

#### **.060 Questions**

Questions should be directed to the Union human resources department at (785) 532-6577 or the Union information technology department at (785) 532-7333.

**3000 General****3090 Retention of Records**

(Reference university policy 3090. The K-State Student Union follows the university's policy to the extent applicable.)

(New 7/1/2021)

- .010 Objectives
  - .020 Statutes
  - .030 Definitions
  - .040 Roles and Responsibilities
  - .050 Access to Records
  - .060 Records Retention and Disposition Schedule
  - .070 Records Storage
  - .080 Related Content
  - .090 Questions
- 

**.010 Objectives**

This policy will:

- Communicate requirements for maintaining and preserving Union records for appropriate lengths of time,
- Provide information regarding applicable records retention schedules,
- Explain key elements of records retention and disposition,
- Identify resources that provide guidance related to records and information management, and
- Provide definitions for terminology applicable to this policy.

**.020 Statutes**

Union employees are responsible for managing records in ways that ensure accessibility under the Kansas Open Records Act (KORA, K.S.A. 45-215–45-223), protect the confidentiality of other records as stipulated in various state and federal statutes, and preserve and provide long-term access to selected records through the Government Records Preservation Act (K.S.A. 45-401–45-413) and the Public Records Act (K.S.A. 75-3501–75-3518). There is a list of applicable statutes and regulations with brief summaries in section .100 Related Content.

**.030 Definitions**

- 'Retention and disposition schedules' means lists of series of records, prepared pursuant to K.S.A. 45-404 and subsections (c) and (d) of K.S.A. 45-406, and amendments thereto, specifying which series of records have enduring value, authorizing disposition of certain other series of records, and indicating how long certain series of records should be retained before disposition of them" (see K.S.A. 45-402(g)).
- 'Records life cycle' means the phases of existence for records, usually including creation, active (current and regularly used), inactive (current and occasionally referenced), and disposition (non-current).
- 'Records retention' means the length of time records should be maintained by an organization. This duration can range from immediate disposal to archival preservation.

- 'Records disposition' means the decision, usually designated by retention schedules, to move records to their final location. Options can include continued maintenance in office of record, destruction, or transfer to the archives.

#### **.040 Roles and Responsibilities**

The Union human resource and information technology departments will:

- Keep retention policies and schedules updated.
- Provide guidance on matters related to records and information management and information technology.
- Ensure best practices are known and followed.
- Respond to records questions and issues.
- Identify and implement training opportunities.
- Develop implementation and enforcement strategies.
- Address changes in technology and recordkeeping priorities.

#### **.050 Access to Records**

The Union recognizes its responsibility to the community and public for the timely access, retention, and disposition of records, as defined by this policy and the applicable records retention schedules, and in compliance with university, state, or federal statutes and regulations that may apply.

The university Office of General Counsel should be consulted whenever there is any question about the applicability of policy to specific records or about the confidentiality of certain records. Additionally, the Office of General Counsel may issue litigation hold letters directing that records be retained and available for access due to a matter pending litigation. Communication from the Office of General Counsel will direct preservation of certain documents, which would override any applicable retention schedule until resolution of the litigation.

#### **.060 Records Retention and Disposition Schedule**

Records will be maintained in accordance with applicable federal and state regulations.

#### **.070 Records Storage**

Throughout the records life cycle personnel are required to store or destroy records. The following procedures and forms assist in these activities:

##### Storing paper and analog records:

1. Boxes should be labeled clearly, even if the contents are scheduled for destruction, so the office holding the records can readily identify the records, retention length, disposition action, and date.
2. Boxes stored in an office area should be placed so that all box labels are visible and the boxes are accessible. Any storage site should be clean, dry, secure, and maintained at a moderate temperature.

##### Storing electronic records:

1. Offices should store active records in locations that allow rapid retrieval from information systems.
2. Directory folders and files should be named consistently to assist retrieval of appropriate information.
3. Active and inactive records require storage that meets any information security needs and digital preservation requirements.

#### **.080 Related Content**

State and federal statutes and regulations related to records management and records retention include the following sections: state records, medical records, and human resources records.

#### State records:

- Public Records Act, K.S.A. 75-3501 et seq., also defines records, creates and outlines responsibilities of the State Records Board, authorizes admissibility in court of micrographic and optical disc records, requires agency compliance with standards for micrographic and optical disc records, requires state agencies to maintain titles, deeds, or other records related to any real estate transactions conducted by the agency, provides guidelines for the use of acid-free and permanent paper, prohibits disclosure of individuals' social security numbers, but not access to full records containing that information.
- Kansas Open Records Act (KORA), K.S.A. 45-215 to 45-223, declares records open for inspection unless otherwise provided by this act, requires the development of policies to provide prompt and convenient public access to government records for a reasonable fee, describes specific categories of records that are exempt from disclosure, state agencies have discretion to release some records exempted from disclosure by the KORA, provides that records exempted by KORA and still in existence will be open to the public after 70 years unless closed by another specific statute or regulation, provides description of enforcement actions and penalties for violations, requires the designation of a local freedom of information officer per office, requires a citizens' right to access brochure be available to the general public, provides for legislative review of exceptions, prohibits unlawful use of names derived from public records, and requires not-for-profit entities receiving public monies over a certain amount to retain and make publicly available records regarding the expenditure of those funds.
- Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 et seq., defines meetings, declares meetings that conduct governmental affairs or governmental business transactions be open to the public, provides for public notices to be given regarding meetings, provides for exceptions when meetings may be closed, and describes penalties and enforcement actions.
- Kansas Uniform Electronic Transactions Act, K.S.A. 16-1601 et seq., allows for the use of electronic signatures and electronic recordkeeping.
- Tampering with a public record, K.S.A. 21-5920, defines such as a class A nonperson misdemeanor.

#### Medical records:

- Health Insurance Portability and Accountability Act (HIPAA), 110 Stat. 1936: HIPAA is a federal law related to continuity of health insurance that also includes rules protecting privacy of health information. Further information is available on the U.S. Department of Health and Human Services website.

#### Human Resource records:

- K.A.R. 1-13-1a and K.A.R. 1-13-1b
- Federal Occupational Safety and Health Administration (OSHA) injury and illness recordkeeping and reporting requirements
- Federal Department of Labor Family and Medical Leave guidance

#### **.090 Questions**

Questions should be directed to the Union human resource department at (785) 532-6577.

**3000 General**

**3095 Clery Act Designation and Reporting**

(Reference university policy 3110. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy, visit <https://www.k-state.edu/policies/ppm/3100/3110.html>.

**.020 Questions**

Questions may be referred to the university Clery Act Compliance Coordinator at [ksuclery@ksu.edu](mailto:ksuclery@ksu.edu).

## **3200 Accounting**

### **3210 Property Inventory**

*(Revised 7/1/2021)*

- .010 General Information
  - .020 Responsibilities
  - .030 Off Site Use of Union Property
  - .040 Disposition of Property
  - .050 Disposal of Computers and Other Electronic Storage Devices
  - .060 Questions
- 

#### **.010 General Information**

The K-State Student Union Comptroller is responsible for maintaining a fixed asset record of all capitalized assets purchased by the Union. The fixed asset record shall be based on a physical inventory and shall be charged with all acquisitions of fixed assets and shall be reduced by all dispositions of fixed assets.

Items commonly referred to as equipment, furniture, fixtures, machinery, vehicles, and lease-hold, and with a unit cost of at least \$2,500 and with a life expectancy of more than one year, are considered fixed assets.

All fixed assets purchased by the Union must be included in the fixed asset record and must have a unit cost shown. Fixed assets manufactured, assembled or constructed by the Union shall be included in the fixed asset record. The total cost of materials and labor to manufacture, assemble or construct the item shall be the Asset Unit Cost. All fixed assets will be recorded at cost.

#### **.020 Responsibilities**

All Union employees have stewardship responsibilities for Union assets assigned to them or otherwise in their control. The department head is responsible for promptly reporting any and all changes of property to the Comptroller.

#### **.030 Off Site Use of Union Property**

Use of Union property (regardless of the unit cost) away from the Union or an officially designated work location by an employee must be approved by the department head. The property is to be used for Union work-related purposes only and not for the employee's own or another's personal use or gain.

The employee will use ordinary care in handling and safekeeping of the property; will not permit any other persons to possess, obtain, or maintain the property and the property will be returned to the Union in satisfactory condition, which means in as good a condition as it was when provided to the employee, less any reasonable wear and tear.

Any damage, loss, or liability resulting from the employee's failure to use such ordinary care is the sole responsibility of the employee. To the extent due to such failure, the employee shall be responsible for repair and/or replacement costs of any property not returned in satisfactory condition.

The employee shall promptly report any damage or loss of the property to the department head, and will not make any repairs, restorations, or otherwise alter the property, without the prior written consent of the Union.

If the employee will not be using the property or otherwise will be or is absent or away from the property for an extended period of time, the employee shall make arrangements for the return of the property to the Union prior to such time.

The Union may recall the property immediately for any reason, and upon such recall the employee must immediately return the property.

**.040 Disposition of Property**

In order to fully utilize Union property, departments should exhaust all possible uses of property within the Union before declaring the property as surplus and requesting authorization for disposal.

**.050 Disposal of Computers and Other Electronic Storage Devices**

It is the responsibility of each department, with assistance from the Union Information Technology department, to ensure all sensitive information is removed from computers and other electronic storage devices before disposal.

**.060 Questions**

Any questions should be referred to the Comptroller at (785) 532-6575.

**3200 Accounting****3220 Credit Card Processing**

(Reference university policy 6115. The K-State Student Union follows the university's policy to the extent possible.)

*(Revised 7/1/2021)*

- .010 Credit Card Acceptance and Processing
- .020 Credit Card Payment Processor
- .030 Training on Handling Confidential Information
- .040 Handling Credit Card Information
- .050 Technologies Used to Process Credit Cards
- .060 Payment Card Industry Requirements
- .070 Settlement
- .080 Chargebacks
- .090 No Disclosure of Cardholder Information
- .100 Questions

**.010 Credit Card Acceptance and Processing**

The Union information technology department is responsible for acquiring and installing all credit card equipment for the Union. The acceptance of credit cards does not alter the need of an official receipt or other approved method of issuing a receipt and the depositing of receipts.

All technology implementation associated with the credit card processing must be in accordance with the Payment Card Industry Data Security Standards (PCI DSS), <https://www.pcisecuritystandards.org>. The cost of equipment or other related measures for compliance to standards will be the responsibility of the Union.

The cost of processing credit cards (discount fees, interchange fees, etc.) will be paid for by the Union.

No employee of the Union is to advance any cash to the cardholder in connection with the card transaction. Credit cards payments shall be used for the sole purpose of processing payment transactions for goods and/or services provided by the Union to the cardholder.

**.020 Credit Card Payment Processor**

The Union honors without discrimination valid credit cards properly tendered for use. Each sale the Union makes involving a credit card must be evidenced by a single sales data record completed with the sale date and the sale amount, and the information as required by the credit card processor.

In the case of when the payment is received by mail, telephone, or pre-authorized transaction, it is the responsibility of the Union to ensure that each card sale is made to a purchaser who actually is the cardholder or is the authorized user of the card. Payment transaction records must be maintained as without them the Union cannot refute a chargeback if the cardholder disputes making a purchase.

**.030 Training on Handling Confidential Information**

All credit card information is to be treated as confidential data and is to be handled appropriately. All Union employees involved in processing credit card transactions and the support of the cardholder data environment (CCNet) must be trained annually on the appropriate procedures. The university Division

of Financial Services and the Office of Information Security & Compliance are responsible for conducting training sessions for all personnel who work with credit card transactions. Please contact the Division of Financial Services at (785) 532-6211 or the Office of Information Security & Compliance at (785) 532-2540 regarding training sessions.

#### **.040 Handling Credit Card Information**

All credit card information is to be kept to a minimum. The storage and retention of any credit card information must be limited to what is required for business, legal and/or regulatory purposes. No credit card information is to be retained unless protected in accordance with Payment Card Industry Data Security Standards (PCI DSS), ([pcisecuritystandards.org](http://pcisecuritystandards.org)).

The receipt printed by the credit card terminal or any other printer is to truncate all the digits of the credit card number except for the first six and last four digits of the primary account number (PAN). The expiration date is not to appear on the customer's copy. If the complete number is listed or the expiration date appears on any of the credit cards receipts, the equipment is to be re-programmed or the equipment is to be replaced with equipment that complies with these requirements.

Access to credit card information must be strictly limited to those who have a business reason to access it. For those individuals, access should be limited to the least privileges needed to perform their job responsibilities.

User accounts that have access to credit card information must be managed to ensure appropriate security and access controls are enforced. This includes managing authentication, account creation and deletion, and assigning and removing privileges as roles change. Administration of accounts that use K-State's eID is the responsibility of K-State Information Technology Services.

If a credit card number is provided over the telephone or through the mail, only authorized and trained employees are to have access to this information. As soon as the transaction is entered into the credit card terminal the form containing credit card information should be shredded. If a "to-be-shredded" container is used to dispose of cardholder data, it must have a lock to prevent unauthorized access. If cardholder data is stored electronically, the data must be securely deleted when it is no longer needed for business or legal reasons.

If the documentation that contains credit card information is required to be retained, the documentation is to be accessible only to employees who are authorized and trained. The documentation is to be secured at all times, marked "Confidential" and stored in a locked area or cabinet with access permitted to only authorized and trained employees.

If credit card information must be provided on paper to another department, the paper containing credit card information must be enclosed in a sealed envelope, marked "Confidential", and transported by a personal courier. Departments are prohibited from using campus mail to send credit card data.

No credit card information is to be requested to be sent through email. Credit numbers must never be sent by end-user messaging technologies (for example, instant messaging, chat, etc.). The K-State Office of Information Security & Compliance strictly prohibits the collection of credit card data by email or end-user messaging.

Most credit card terminals provide for a deposit report and a detailed transaction report at the end of each day from the credit card terminal. The terminal should be programmed so these reports provide at most:

The last four digits of the credit card number, number of transactions, and transaction amounts necessary for recording and depositing the funds received.

If payment was received from the customer by use of a credit card, any refund is to be made to the same credit card originally used. Cash or refund checks are not acceptable reimbursement methods for credit card sales as they are not accepted as proof of a refund by the merchant bank should the cardholder also request a chargeback from the merchant.

#### **.050 Technologies Used to Process Credit Cards**

All credit card processing involves technology in some manner, whether a web server accepting online orders, a card swipe terminal connected to a phone line or the campus data network, or an office workstation used to manually enter phone or mail-in orders. All technologies involved in processing credit cards must be secured according to the requirements of the Payment Card Industry Data Security Standard (PCI DSS) and used in accordance with all Union and K-State policies and procedures. In addition, the below requirements must be followed.

- All technologies used in credit card processing must be approved by the Union IT department and installed by a qualified technician.
- All such technologies that use K-State's data network, including but not limited to servers, kiosks, card swipe payment stations, point-of-sale registers, etc., must connect to and use the secure Credit Card Network (CCNet).
- All such technologies may only be used for purposes related to the business function for which credit card payments are accepted. For example, you cannot do general email and web browsing on an office workstation that is used to enter credit card information into a payment application. That workstation must be used solely for the functions related to the payment application.
- All devices in the secure Credit Card Network (CCNet) must have the latest anti-virus software installed, running, and receiving current anti-virus signatures.
- The Union will maintain an inventory of all technologies used to process credit cards. This inventory includes contact information for the device, its purpose, and the department responsible for it. The contact person for each device is responsible for maintaining a list of all personnel approved to use the device. The device must be labeled with an identifier that will allow the physical device to be associated with its inventory record, such as its serial number (i.e., a "logical label" that allows one to identify its owner, purpose, and contact information).
- The Union IT department will periodically inspect credit card equipment (card swipe terminals, etc.) to detect tampering or substitution of a fraudulent device. Any suspicious indications should be reported to the KSU Police Department immediately.
- Payment applications used to process credit cards must be certified to be compliant with PCI's Payment Application Data Security Standards (PA-DSS).
- Authentication with a unique username and strong password that meets K-State's password requirements must be used on all technologies that support authentication.
- Passwords for the following types of accounts must be changed at least every 90 days: Accounts with administrative privileges on the systems involved in the processing, storage, or transmission of credit card information (e.g., system administrators of workstations and servers in CCNet, or application administrators with privileged access to a point-of-sale application.) or accounts that can access more than one full credit card number at the same time (cashiers who process a single credit card at a time are not subject to this requirement.)
- All devices in the secure Credit Card Network (CCNet) must have the latest anti-virus software installed, running, and receiving current anti-virus signatures.

### **.060 Payment Card Industry Requirements**

Credit card companies require all merchants and credit card processors store, transmit or process credit card holder information in compliance with Payment Card Industry requirements. The PCI DSS consist of 12 requirements. Before the Union can accept credit cards, these 12 requirements must be in place. Non-compliance to these standards can result in significant fines assessed to the Union.

- Build and Maintain a Secure Network
- Install and maintain a firewall configuration to protect cardholder data.
- Do not use vendor-supplied defaults for system passwords and other security parameters.
- Protect Cardholder Data
- Protect stored cardholder data.
- Encrypt transmission of cardholder data across open, public networks.
- Maintain a Vulnerability Management Program
- Use and regularly update anti-virus software and programs.
- Develop and maintain secure systems and applications.
- Implement Strong Access Control Measures
- Restrict access to cardholder data by business need to know.
- Assign a unique ID to each person with computer access.
- Restrict physical access to cardholder data.
- Regularly Monitor and Test Networks
- Track and monitor all access to network resources and cardholder data.
- Regularly test security systems and processes.
- Maintain an Information Security Policy
- Maintain a policy that addresses information security for all personnel.

### **.070 Settlement**

As each department with physical credit card terminals closes their batches at day end a data file is created with the Union's credit card processor. The department is responsible for reconciling their transactions against processor reports.

### **.080 Chargebacks**

The Union may receive a chargeback from a cardholder or card issuer if: they fail to issue a refund to a cardholder upon the return or non-delivery of goods or services, an authorization code was required and not obtained, the sales data was prepared fraudulently, or the cardholder disputes the card sale.

### **.090 No Disclosure of Cardholder Information**

Employees shall exercise reasonable care to prevent unauthorized disclosure of credit card information for the purpose of completing a card transaction. The Union will store all media containing card numbers in a restricted area and any material containing credit card information will be destroyed. If at any time account number information has been compromised, notification is to be made immediately. The university has an incident security management plan in place so the Union and university can respond effectively in the event of a breach of cardholder data. The K-State Office of Information Security and Compliance is responsible for testing the incident response plan and providing training.

### **.100 Questions**

Any questions should be referred to the Union information technology department at (785) 532-7333.

**3400 Information Technology**

**3420 Information Technology Usage**

(Reference university policy 3420. The Kansas State University policy applies to the K-State Student Union.)

*(Revised 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy visit <https://www.k-state.edu/policies/ppm/3400/3420.html>.

**.020 Questions**

Questions should be directed to the Office Chief Information Security Officer at (785) 532-7722.

**3400 Information Technology****3432 Operations and Management Security**

(Reference university policy 3432. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy visit <https://www.k-state.edu/policies/ppm/3400/3432.html>.

**.020 Questions**

The university Chief Information Officer (CIO) is responsible for this policy. The CIO or designee must approve any exception to this policy or related procedures. Questions should be directed to the Office Chief Information Security Officer at (785) 532-7722.

**3400 Information Technology****3436 Media Sanitization and Disposal**

(Reference university policy 3436. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy, visit <https://www.k-state.edu/policies/ppm/3400/3436.html>.

**.020 Questions**

The university Chief Information Officer (CIO) is responsible for this policy. The CIO or designee must approve any exception to this policy or related procedures. Questions should be directed to the Office Chief Information Security Officer at (785) 532-7722.

**3400 Information Technology**

**3438 Physical and Environmental Security**

(Reference university policy 3438. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy, visit <https://www.k-state.edu/policies/ppm/3400/3438.html>.

**.020 Questions**

The university Chief Information Officer (CIO) is responsible for this policy. The CIO or designee must approve any exception to this policy or related procedures. Questions should be directed to the Office Chief Information Security Officer at (785) 532-7722.

## 3400 Information Technology

### 3450 K-State eID

(Reference university policy 3450. The K-State Student Union follows the university's policy to the extent applicable.)

*(New 7/1/2021)*

.010 Purpose

.020 Policy

.030 Definitions

.040 Roles and Responsibilities

.050 Implementing Procedures

.060 Questions

#### **.010 Purpose**

The K-State eID is the electronic identifier that when used in conjunction with a password enables authorized access to centrally-managed University IT resources. This policy defines the requirements for the eligibility, creation, usage, maintenance, and duration of the eID.

#### **.020 Policy**

All Union employees are required to have a unique electronic identifier (eID) and a valid password in order to obtain authorized access to centrally-managed IT resources.

In some cases, a group eID may be required to facilitate shared access to centrally-managed IT resources by a group of students, faculty, staff, and/or affiliated individuals with valid individual K-State eIDs.

An eID is only a means to verify a campus identity. It is not the sole means of determining permission to access specific services. Authorization to access any campus service shall be determined by the provider of each service through appropriate authorizing mechanisms.

#### **.030 Definitions**

- **Authentication:** Process of verifying one's digital identity. For example, when someone logs into a workstation or application with their eID, the password verifies that the person logging in is the owner of the eID. The verification process is called authentication.
- **Authorization:** Granting access to resources only to those authorized to use them.
- **K-State eID:** The electronic identifier or username allocated to an individual affiliated with Kansas State University that when used in conjunction with a password enables authorized access to centrally-managed university IT resources. eID's become part of K-State email addresses (e.g., [eID@k-state.edu](mailto:eID@k-state.edu)).
- **K-State Group eID:** The electronic identifier allocated to a group of faculty, staff, students, and/or affiliated individuals that when used in conjunction with a password enables shared authorized access to centrally managed university IT resources such as email.
- **Special Access eID:** The electronic identifier or username allocated to an individual who is not a current student or employee, but is affiliated with the university with a legitimate need for access to university IT resources.

**.040 Roles and Responsibilities**

It is the role of individual employees to request an eID. The authentication and activation of the eID is the responsibility of K-State Information Technology Services (ITS) personnel.

**.050 Implementing Procedures**

- A. Eligibility - All Union employees are eligible for an eID.
- B. Creating or Changing an eID – Union employees must register to select an eID and password. The eID must be 3-20 characters long, with letters "a-z" and/or numerals from "0-9". The first character must be a letter of the alphabet. eID assignments are made on a first-come, first serve basis. eID's may be changed for a fee. Fees are waived in cases of legal name changes. For detailed information on requesting, creating, changing, or reactivating K-State eIDs, see the eID FAQs page.
- C. Duration- eIDs remain assigned to eligible individuals for life. Access to IT resources will remain enabled as long as the individual meets the eligibility requirements and has a valid password. All electronic data solely controlled and owned by an eID stored on central servers will be deleted 240 days after eligibility to access this data ceases. The Union may request deprovisioning a former employee's services accessed via an eID, if that former employee was under their supervision while employed. The request must be submitted to the K-State Chief Information Officer (CIO) or to their designee.
- D. Group Accounts - A Group eID may be allocated to a Union department with the need for shared access to email, files, or project space. For information on how to request a Group eID, see the K-State eID and password page.
- E. Electronic Signature through eID - All employees may provide their binding, legally enforceable electronic signature, in their individual capacities, on contracts or other transactions with the Union by signing in with their eID, and while signed in, indicating agreement to the terms. Agreement through this process has the same force and effect as a regular physical signature. The person providing an electronic signature agrees to conduct that contract or other transaction by electronic means.

**.060 Questions**

Questions should be directed to the information technology department at (785) 532-7333.

**3400 Information Technology****3455 Electronic Mail**

- .010 Introduction
  - .020 Official Use
  - .030 Expectations of Use
  - .040 Expectations of Privacy and Confidentiality
  - .050 Unsecured Access
  - .060 Questions
- 

**.010 Introduction**

The purpose of this policy is to ensure email communication is used in a way that supports the K-State Student Union's mission and business objectives.

**.020 Official Use**

Email is an official method of communication by the Union with all employees. The [@ksu.edu](mailto:@ksu.edu) or [@k-state.edu](mailto:@k-state.edu) provided email accounts will be used for communication of official information to employees.

**.030 Expectations of Use**

All employees of the Union are expected to abide by the following:

- All notices sent from Union departments and/or offices to the [@ksu.edu](mailto:@ksu.edu) or [@k-state.edu](mailto:@k-state.edu) provided email accounts are expected to be received, read, and responded to in a timely manner.
- All Union employees provided [@ksu.edu](mailto:@ksu.edu) or [@k-state.edu](mailto:@k-state.edu) email accounts are expected to check the account on a frequent and consistent basis in order to stay current with Union and university-relevant information.
- Only the [@ksu.edu](mailto:@ksu.edu) or [@k-state.edu](mailto:@k-state.edu) email account is to be used when conducting Union business over email.
- All users are responsible for managing their accounts responsibly to allow for receipt of new messages.
- Accounts are subject to storage quotas.

Violations of the Union's email policy may result in restriction of access to Union information technology resources in addition to any disciplinary action that may be applicable under other Union policies, up to and including termination.

**.040 Expectations of Privacy and Confidentiality**

Union email may be used for incidental personal purposes provided such use does not interfere with Union operations or interfere with the user's employment or other obligations to the Union.

Email may be subject to disclosure under certain laws or as a result of litigation. Prior to any such disclosure, the Union will evaluate any requests for information submitted by other individuals, groups, organizations, or entities.

There is no expectation of privacy or confidentiality should an employee utilize the [@ksu.edu](mailto:@ksu.edu) or [@k-state.edu](mailto:@k-state.edu) email for personal purposes. Additionally, there is no expectation of privacy or confidentiality for emails stored on computer servers utilized by the Union, to include university-maintained servers.

**.050 Unsecured Access**

Users of email should be aware that, in addition to being subject to authorized access, email cannot be 100% secured and is, therefore, vulnerable to unauthorized access and modification. Receivers of email should check with the purported sender if there is a doubt about the identity of the sender or the authenticity of the contents. Users of email should be aware that even though the sender and recipient have discarded their copies of an email record, there may be back-up copies of such email that can still be retrieved.

**.060 Questions**

Questions should be directed to the Union information technology department at (785) 532-7333.

**3400 Information Technology****3495 Collection, Use and Protection of Social Security Numbers**

(Reference university policy 3495. The K-State Student Union follows the university's policy to the extent possible.)

*(New 7/1/2021)*

- .010 Purpose
  - .020 Policy
  - .030 Implementation
  - .040 Related Laws and Regulations
  - .050 Questions
- 

**.010 Purpose**

The K-State Student Union is committed to protecting the privacy and confidentiality of personal information related to its employees. This policy governs the collection, storage, use, and disclosure of Social Security Numbers (SSNs) at the Union, consistent with federal and state laws and regulations.

**.020 Policy**

Use of the SSN as an identifier is not used, except where authorized for employment, IRS reporting, state and federal reporting requirements, and a limited number of other business transactions. The SSN will not be used for routine identification or authentication purposes. A unique nine-digit university identification number called the Wildcat ID Number (WID) is assigned to each Union employee as a personal identifier alternative to the SSN. The WID will begin with an "8" to prevent confusion with an SSN. For computer access, individuals will also have a unique electronic identification (eID) to be used in combination with a password.

**.030 Implementation**

- A. The Union prohibits the use of a person's SSN as a publicly visible identification number for Union-related transactions, unless specifically required by law or business necessity.
- B. Each Union employee will be assigned a unique identification number that will not be the same as nor derived from the individual's SSN. The Wildcat ID Number (WID) is printed on all University photo ID cards.
- C. For computer access or sign-in purposes, employees will create an electronic identifier (eID) to be used in combination with a password. The eID will be used as the standard identifier for all computer resource authentication purposes.
- D. SSNs will not be used for identification purposes unless required by law or internal university business necessity. For business processes that require an SSN, the last four digits of the SSN may be used to confirm the identity of an individual.
- E. Personal information will not be publicly posted or displayed with the SSN or any portion of the SSN.
- F. A SSN can only be used for the purpose it was collected.
- G. Systems developed or purchased by the Union shall comply with this policy. Such systems will not collect SSNs, or display SSNs visually, whether on monitors, printed forms, hardcopy reports, or other system output, unless required by law or business necessity.

- H. When a business process requires the SSN, it must be stored in a secure manner. The SSN shall not be stored on devices that are not secured (e.g., laptops, PDAs, CDs). Any transmission of data containing SSNs must be encrypted over any communication network.
- I. Any department that collects and/or maintains an individual's SSN in either paper or electronic media must: 1) ensure that the number is stored in a secure, confidential environment; 2) eliminate using the number for any purpose except those specifically addressed in this policy; 3) begin a steady and purposeful movement away from dependency on the SSN in performing its functions and processes; 4) properly control and restrict access to SSNs to prevent unauthorized disclosure; and 5) properly erase or destroy the storage devices or printed documents that contain SSNs to ensure the information cannot be recovered or reconstructed.

#### **.040 Related Laws and Regulations**

A variety of federal and state laws and regulations address the use of the SSN. These include the Privacy Act of 1974, the Family Education Rights and Privacy Act (FERPA), Gramm-Leach-Bliley Act, Health Insurance Portability and Accountability Act (HIPAA), and Kansas Statutes Annotated, 76-768.

#### **.050 Questions**

For more information, contact the Union human resource department at (785) 531-6577.

**3700 Safety**

**3710 Terroristic Threats**

(Reference university policy 3710. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy, visit <https://www.k-state.edu/policies/ppm/3700/3710.html>.

**.020 Questions**

Questions are to be directed to the Department of Environmental Health and Safety at (785) 532-5856.

**3700 Safety**

**3715 Threat Management**

(Reference university policy 3015. The Kansas State University policy applies to the K-State Student Union.)

*(Revised 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy, visit <https://www.k-state.edu/policies/ppm/3000/3015.html>.

**.020 Questions**

Questions should be directed to the university Vice President of Human Capital Services at (785) 532-6277.

## **3700 Safety**

### **3720 General Safety of Employees**

*(Revised 7/1/2021)*

- .010 Policy
  - .020 Safety Training
  - .030 Responsibilities
  - .040 Questions
- 

#### **.010 Policy**

Safety is important to the K-State Student Union. Management is committed to providing a safe work environment for all employees and customers. The Union strives to find the safest work procedures, equipment and materials possible to protect employees. All employees are to adhere faithfully to the requirements of this Policy, as well as all applicable safety rules, instructions and procedures. Employees must use accepted safety practices at all times while working and take part in safety training and activities. All department heads and supervisors are responsible for ensuring safe working conditions and practices for all employees.

If any employee discovers unsafe conditions, they must notify a supervisor and correct it right away. If the employee is unable to do so, they should direct people away from the unsafe area and call a supervisor or a Manager/Building Operations for assistance. The supervisor and/or Manager/Building Operations will inform the appropriate personnel to take care of whatever action is necessary.

Questions or improvements on safety should be presented to a supervisor or department head.

#### **.020 Safety Training**

Safety training must:

- Be continual to remind and motivate employees to practice safety on the job;
- Provide refresher safety courses to employees;
- Provide new equipment safety training;
- Consist of position-specific safety training for new employees by the supervisor.

#### Fundamentals

- **Proper Use and Care of Equipment:** Employees will be trained on the correct use of any equipment they will be using. Employees will conduct inspections of their tools before they use them to ensure cords are in proper working condition, grounding is in place, etc. Employees should consider potential safety issues for improper use and care of equipment, including using a ladder when needed, lessening the weight of an object before lifting, using proper lifting techniques, etc.
- **Appropriate Storage of Equipment and Materials:** Slipping and tripping should be avoided by keeping walkways clear and work areas clean.
- **Reporting Procedures:** When employees notice an unsafe area or situation on the job, it is important they report it to a supervisor immediately.
- **Responding to Injuries on the Job:** Department heads, supervisors and employees should reference policy 4825 Workers' Compensation Insurance.

**.030 Responsibilities**

All department heads and supervisors will:

- Walk through the workplace, looking for potential danger spots.
- Be made aware of changes in federal laws regarding workplace safety by the Assistant Director/Human Resources and Business Management.
- Maintain good records of past injuries and illnesses to alter future training as necessary.
- Provide department-specific training for all new employees.
- Provide employees the opportunity for training to include - fire extinguisher, cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED). Other training requests should be presented to the department head or Assistant Director/Human Resources and Business Management.
- Conduct safety inspections to identify and report hazards to which workers, materials, and equipment are exposed.
- Conduct informal workplace safety audits.
- Observe employees and make immediate determinations as to whether employees are working safely or committing unsafe acts.
- Conduct departmental safety meetings as appropriate.

All department heads will:

- Review and investigate work related accidents, illnesses & injuries.
- Make recommendations for effective accident prevention as well as training opportunities.
- Assist with compliance of safety practices.

**.040 Questions**

Questions should be directed to the Associate Director/Director of Business Operations at (785) 532-7332.

**3700 Safety**

**3770 Weapons**

(Reference university policy 3770. The Kansas State University policy applies to the K-State Student Union.)

*(New 7/1/2021)*

.010 University Policy Access

.020 Questions

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**.010 University Policy Access**

To view the university's policy, visit <https://www.k-state.edu/policies/ppm/3700/3770.html>.

**.020 Questions**

Questions regarding this policy can be directed to the University Police Department at (785) 532-6412 or the Vice President for Administration and Finance at (785) 532-6226.

## **3700 Safety**

### **3775 Vehicle Usage – Union-Owned**

*(New 7/1/2021)*

- .010 Use of Union-Owned Vehicle
  - .020 Responsibility for Operation
  - .030 Expenses for Operation
  - .040 Parking and Return of Vehicle
  - .050 Questions
- 

#### **.010 Use of Union Owned Vehicle**

Union-owned motor vehicles are only to be used for official Union business and only operated by a person who has a valid driver's license and who is an employee of the Union.

A Union-owned motor vehicle is not to be used to commute between the employee's residence and the employee's official work station, except when the vehicle is assigned to the employee on a trip basis only and driving the vehicle to the employee's residence will not increase the total one-way trip mileage between the official workstation and the destination by more than 10 miles.

#### **.020 Responsibility for Operation**

The operator shall be responsible for operating the vehicle in a safe and prudent manner and in accordance with all applicable county, township, city ordinances and state laws pertaining to the operation of motor vehicles. Any fines or penalties arising from the operation of a Union-owned motor vehicle in an unlawful manner are the responsibility and obligation of the operator.

Compliance with the provisions of this policy shall be a condition precedent to the right to operate or continue to operate a Union-owned motor vehicle on official business or to be reimbursed for any expenses that may, by law, or hereinafter in this policy be allowed.

#### **.030 Expenses for Operation**

Expenses for supplies, service, maintenance, repair, and storage of Union vehicles shall be performed or arranged for under the supervision of the Associate Director/Director of Business Operations. Emergency repairs or purchases incurred for repairs or purchases of a major nature for Union vehicles shall not be made without authorization from the Associate Director/Director of Business Operations. A major repair or purchase is defined as one that is \$200 or more. Towing and service charges incurred through improper parking of the vehicle by the operator shall be charged to the operator.

#### **.040 Parking and Return of Vehicle**

A vehicle assigned on a trip or daily basis shall be returned as soon as the business for which the vehicle was used is completed. On official travel, a Union vehicle shall be kept in a hotel parking lot if available, however, parking on the streets will be permitted when not in violation of local ordinance. Valet parking is not an allowable travel expense.

#### **.050 Questions**

Questions should be referred to the Associate Director/Director of Business Operations at (785) 532-7332.

## **4000 Employment – General**

### **4010 Employment Verifications and References**

*(Revised 7/1/2021)*

- .010 Employment Verification
  - .020 Employment References
  - .030 Access to Employee Files
  - .040 Questions
- 

#### **.010 Employment Verification**

The human resource office will provide either verbal or written verification for all current and past employees when requested and authorized to do so. Employment verifications that are generally requested for a current or former employee include: Mortgage lenders, banks, apartment complexes and others who may need proof of an employee's employment or income. All requests for employee information will be handled through the human resource office. Supervisors should forward any such request to the human resource office.

#### **.020 Employment References**

When asked for an employment reference on a present or former employee the human resource office may only provide the information, as specified below. An *Authorization to Release Information* form is available in the human resource office.

- Title and length of service in the employee's current position;
- Any letters of commendation;
- Any documents regarding personal conduct and work performance as long as they are in compliance with regulation which prohibits employers from preventing discharged employees from obtaining employment by other employers;
- \*Salary confirmation;
- \*Benefits package received;
- \* Reliability/responsibility;
- \* Productivity;
- \* Integrity and ethical behavior.

Information listed with an (\*) will only be released when an employee/previous employee has agreed to the following in writing:

*I hereby authorize my prior employer, K-State Student Union, to release/disclose in good faith any and all information indicated below relating to my employment with them to future prospective employers. I further release and hold harmless the K-State Student Union from any and all liability that may potentially result from the release and/or use of such information. I understand that any information released by the K-State Student Union will be held in the strictest of confidence, that it will be viewed only by those involved in a hiring decision, and that anyone else not so involved will not have the right to the information.*

All responses to employment inquiries for references will be truthful and straightforward. Innuendo and false or misleading information will not be released. To do so may expose the Union and the individual providing the information to potential liability for defamation or other legal injury. As long as the human

resource office discloses only truthful, documented information as outlined in this chapter about a current or former employee, they are immune from civil liability in accordance with K.S.A. 44-119a.

This policy will be explained to the employee upon termination if requested. During the exit interview, benefits-eligible employees will be presented the *Authorization to Release Information* form as part of the exit interview process. The authorization form will be retained in the employee's personnel file.

### **.030 Access to Employee Files**

Employees may request to view their personnel file upon scheduling an appointment with the Assistant Director/Human Resources and Business Management.

Only an immediate supervisor and/or department head with an employment-related reason may review specific documents in an employee's personnel file without the employee's written authorization.

A prospective external or internal employer, individual or firm may request to view an employee's personnel file. This request will only be granted if the request is submitted in writing to the Assistant Director/Human Resources and Business Management and is accompanied by the written authorization of the present or former employee. A copy of the request and authorization shall be placed in the employee's personnel file.

Authorized review of an employee's personnel file shall be arranged at a time and place mutually convenient for the Assistant Director/Human Resources and Business Management and the requesting party. All authorized reviews will be monitored and documented in the employee's personnel file.

Persons or entities requesting copies of documents contained in an employee's personnel file will be charged fees to cover the expense of copying the information as identified in Union policy 3065.020.

### **.040 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

## **4000 Employment - General**

### **4015 Criminal Background Checks**

(Revised 7/1/2021)

- .010 Introduction
  - .020 Policy
  - .030 Background Check Search Types
  - .040 Procedures
  - .050 Red Flag Regulations
  - .060 Custodian of Record
  - .070 Questions
- 

#### **.010 Introduction**

The K-State Student Union is committed to maintaining a safe environment for its employees and visitors. One aspect of this commitment is to assure, to the extent possible, that appropriate policy and procedures are in place which work toward reducing the likelihood of unknowingly hiring persons with felony or misdemeanor convictions as it pertains to the position for which they were hired, or registered sexual offenders.

#### **.020 Policy**

Felony, misdemeanor and registered sexual offender status criminal background check procedures apply to each full and part time person hired by the K-State Student Union, other than 1) temporary employees to be employed for six months or less; 2) positions to be filled by a vendor or contractor; 3) hourly student employees; 4) interns; and 5) unpaid volunteers.

Background checks will be performed on any previous employee who is rehired and who has been separated for more than one year from Union employment.

#### **.030 Background Check Search Types**

The criminal background check shall include:

1. Criminal history record searches for felony and misdemeanor convictions at county and federal levels in every jurisdiction where a candidate currently resides or has resided. Such searches will cover a minimum of the last seven years.
2. Sex offender registry searches at the county, state and federal levels in every jurisdiction where the candidate currently resides or has resided.
3. Other verifications as required by law for specified positions.

#### **.040 Procedures**

- During the interview process, the applicant will be asked to sign the *Notification and Authorization to Perform Criminal History Search* form. The hiring supervisor will provide the signed form to the HR department.
- The hiring supervisor makes a contingent hiring offer when the final candidate is identified.
- The human resource department will initiate the criminal background check. The final candidate will receive electronic notification that he/she must complete a background check.

- If the background check on the final candidate is cleared to proceed, the hiring department will be informed.
- If the final candidate has a felony or misdemeanor conviction or is identified as a registered sexual offender, the Executive Director shall determine if the candidate's criminal history reasonably bears upon the candidate's trustworthiness, or the safety or well-being of the Union's employees and university's students. If it does, then the hiring department will be notified that the candidate's contingent hiring offer will be withdrawn. If it does not, then the candidate may accept the offer.
  - a. The Assistant Director/Human Resources and Business Management, or designee, will contact and inform the candidate that the Union is rescinding its contingent hiring offer due to information revealed on the background check. Federal Fair Credit Reporting Act notification and related requirements will be enacted.

#### **.050 Red Flag Regulations**

If the human resource office receives a notice of address, name, birthdate, or other discrepancy during the background check process, the human resource office will contact the candidate and re-verify the discrepancy.

#### **.060 Custodian of Record**

Records related to a criminal background check will be confidential and maintained by the human resource office. The human resource office shall be the custodian of all background check files. Any background checks performed under this policy will comply with State of Kansas and the Federal Fair Credit Reporting Act requirements.

#### **.070 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

## **4000 Employment - General**

### **4020 Fair Credit Reporting Act (FCRA) Compliance**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Regulations/Restrictions
  - .030 Criminal Background Checks
  - .040 Willful Noncompliance
  - .050 FCRA Notification Procedures
  - .060 Questions
- 

#### **.010 Introduction**

The federal Fair Credit Report Act (FCRA) is designed to regulate the consumer reporting industry; to place disclosure obligations on users of consumer reports; and to ensure fair, timely, and accurate reporting of credit information. It also restricts the use of reports on consumers. Employers often rely on information contained in consumer reports to decide whether to hire, promote or retain applicants and employees.

The K-State Student Union is subject to FCRA regulations related to the use of criminal background checks for employment decisions. Criminal background checks are considered consumer reports.

#### **.020 Regulations/Restrictions**

Under the FCRA, the Union may obtain an applicant's consumer report (i.e. criminal background check) for employment related purposes if the Union:

- Gives the applicant a clear and conspicuous written disclosure (in a document consisting solely of the disclosure) notifying the person that a criminal background check may be obtained, and
- Obtains written authorization from the applicant.

The Union may not obtain an investigative consumer report under the FCRA unless the Union:

- Provides a written disclosure that a criminal background check may be made, including a statement to the effect that the consumer may request additional disclosures regarding the nature and scope of the background check, as well as a written summary of the statute, and
- Certifies to the consumer reporting agency that it has made the above disclosures and that it will comply with any requests for additional disclosures.

Under the FCRA, as soon as the Union intends to take '*adverse action*' against an applicant based wholly or partly on the information contained in the criminal background check report, the Union must first provide the applicant with a copy of the report, along with a written description of the applicant's rights under the statute (including the right to request a disclosure of the nature, sources and recipients of any criminal background check report). For the purposes of this policy, adverse action is the denial of employment or any other decision for employment purposes that adversely affects any prospective employee.

Whenever any adverse action is taken against an applicant, either partly or wholly because of information contained in a criminal background check report, the Union will provide the person with written notice of the adverse action as well as the name, address and phone number of the consumer reporting agency that furnished the criminal background check report and a statement that the consumer reporting agency

did not make the decision to take the adverse action and is unable to explain the reasons behind the decision. The applicant will be notified of their right to dispute.

### **.030 Criminal Background Checks**

Information regarding the use of criminal background checks can be found in policy 4015.

### **.040 Willful Noncompliance**

Should the Union willfully fail to comply with the requirements set forth in the FCRA, it will be liable to the applicant for actual and punitive damages, costs and attorney's fees. Should the Union willfully obtain a criminal background check report under false pretenses or without a permissible purpose, it will be liable to both the consumer reporting agency and to the applicant for actual damages sustained. Should the Union negligently fail to comply with the FCRA (e.g., neglects to put the disclosure in a separate document or to provide a copy of the report before taking adverse action) it shall be liable to the applicant for actual damages, costs and reasonable attorney's fees.

### **.050 FCRA Notification Procedures**

Initial Notification: If a decision is made not to pursue employment, based on the results of a criminal background check, the human resource department will provide the person a *FCRA Pre-Adverse Action Notification*, a *Summary of Rights* and a copy of the criminal background check immediately; not to exceed three business days from the date of the decision. A paper copy of the correspondence will be saved and filed in the Assistant Director/Human Resources and Business Management office.

The final candidate shall be provided a set amount of time to dispute the information found in the background check before adverse action on the part of the Union is taken. If the candidate decides to dispute the background check information, the Union will wait for the information to be re-investigated and a new report sent, prior to proceeding.

Second Notification: After at least five days from the date of the initial notification, a *Final Adverse Action*, will be provided to the candidate. The notice will inform the candidate of what the adverse action is (e.g. denied a position or promotion). The notice will also inform the candidate that the Union made the employment decision, not the consumer reporting agency contracted to provide the background check information. A paper copy will be saved in the human resource office.

### **.060 Questions**

Questions should be addressed to the human resource department at (785) 532-6577.

**4000 Employment – General****4045 Telecommuting**

(Reference university policy 4045. The K-State Student Union follows the university policy to the extent applicable.)

(New 7/1/2021)

- .010 Introduction
  - .020 Types of Telecommuting
  - .030 Policy Statement
  - .040 Telecommuting Agreement
  - .050 Questions and Agreement Form
- 

**.010 Introduction**

The K-State Student Union recognizes that telecommuting may benefit the employee and the Union when there is a good fit between the type of job and the skills and abilities of the employee. Telecommuting is defined as working from outside the Union by use of an electronic connection with the main office.

**.020 Types of Telecommuting**

One type of telecommuting is a **recurring** formal arrangement of one or more days of telecommuting where the employee also works from the office on a regular basis. Another type of telecommuting is an **alternate workplace** where the primary workplace is the employee's home or other remote location. Both recurring and alternate workplace telecommuting are covered by this policy and require a signed *Telecommuting Agreement* between the employee, department head and Executive Director.

**Temporary special** and informal arrangements made for inclement weather or other special conditions are **not covered** by this policy or the agreement.

**.030 Policy Statement**

Telecommuting is a prerogative of the Union, not an entitlement of employees. It is approved on a case-by-case basis consistent with the mission of the Union and the respective department. An agreement will be implemented only when it is in the Union's best interests. Not all employees or positions are suitable for telecommuting and is limited to benefit eligible full-time and graduate assistant positions if the nature of the job does not require the employee's physical presence, or regular face-to-face interaction with students, university faculty, staff, visitors or the general public. Exceptions must be justified and shown to enhance the Union's mission and must be approved in advance by the employee's department head and Executive Director.

Telecommuters must comply with all policies, regulations and laws regarding their employment and generally have the same conditions for compensation, benefits, leave, privileges, rights and review procedures as non-telecommuting employees.

The department head must review the suitability of the position for telecommuting and refer any questions to the Assistant Director/Human Resources and Business Management. Certain categories of positions may lend themselves better to telecommuting but it is not a given that any particular position

will be approved for telecommuting. The department head must consider the skills, abilities, performance and characteristics of the employee.

Employees must be employed with the Union for a minimum of twelve (12) consecutive months and be a successful performer in all areas of performance, as indicated on the most current performance review to enter into a telecommuting arrangement.

Telecommuting is voluntary and the Union or employee may terminate the agreement at any time. All obligations, responsibilities and terms and conditions of employment with the Union remain unchanged, except those specifically addressed in the *Telecommuting Agreement*. Any breach of the agreement by the employee may result in modification or withdrawal of telecommuting privileges under the agreement, termination of the agreement and/or disciplinary action, up to and including termination of employment.

#### **.040 Telecommuting Agreement**

The *Telecommuting Agreement* includes:

1. **Terms** - The agreement must include the employee information, the start date and end date and/or renewal date.
2. **Location for Telecommuting** - The physical address for telecommuting and designated work location within.
3. **Liability** - The employee is liable for any damage to Union property arising from abuse. The agreement must include a statement that non-business people are not covered by the Union and that business meetings at the employee's home worksite are prohibited. The employee is solely responsible for applicable zoning and tax laws related to the remote office.
4. **Remote Office Setup** - The agreement will cover the specific hardware, software, communication lines and tools to be used as well as who is procuring or providing for those, what area constitutes the employee's workplace, and other pertinent information. Data security must be addressed in the agreement. The environment must be free of safety and fire hazard. Employee must follow policy section 3210.030 regarding the off-site use of Union property.
5. **Accidents/Injuries** - Union employees are covered for work related accidents or occupational diseases arising out of and in the course of performing the duties of their employment, regardless of where the situation occurs. All on-the-job accidents and injuries must be reported to the Union human resources department in accordance with policy 4825. The Union reserves the right to inspect remote work locations when an injury has occurred.
6. **Type of Telecommuting** - The agreement must include the type of telecommuting: Regular reoccurring or Alternate Workplace.
7. **Hours of Work, Leave and Overtime** - The agreement must include specific hours and days of work. Employee must be accessible during specified work hours. Employees who are non-exempt must accurately report time and leave. Overtime must be pre-approved. Refer to Union policy 4086.
8. **Expenses** - The agreement will include information about whether the Union provides supplies or whether the employee must provide them and be reimbursed. Normally the supplies are provided by the Union. No home expenses for furniture, data and phone connections, or renovations are reimbursable.
9. **Communications** - The agreement must include the employee's contact information and required availability for communications during business hours, including how and when the employee communicates with his/her supervisor, coworkers and others. The agreement must also state if the employee is expected to report to the office for specified meetings or events. Normally, any

commuting costs to/from the Union for office meetings or events will be the employee's responsibility. If travel reimbursement is to be made, the agreement must specify the details.

10. **Additional Terms** - Additional terms such as the duties, obligations, responsibilities and conditions of employment; agreement termination notice will be included.
11. **Dependent Care or Illness** - Telecommuting is not intended for providing dependent care, convalescing, or for caring of an ill family member.
12. **Signatures and Approvals** - The employee, department head and Executive Director must sign the *Telecommuting Agreement*. The completed original form is maintained by the human resources department.

**.050 Questions and Agreement Form**

Contact the human resource department at (785) 532-6577 with questions and for an agreement form.

## **4000 Employment – General**

### **4070 New Employee Orientation**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Program Content
  - .030 Roles and Responsibilities
  - .040 Rehired Employees
  - .050 Questions
- 

#### **.010 Introduction**

The New Employee Orientation process helps new employees acclimate to the Union, to understand how they fit into the larger picture, and to feel like the valued members of the Union family that they are.

#### **.020 Program Content**

The following topics are covered in the orientation process:

- Mandatory personnel paperwork
- Introduction to timekeeping system
- The Union's organization and structure
- The Union's relationship with K-State
- The Union's mission
- Policies and procedures
- Employee rights and responsibilities
- Employee benefits

#### **.030 Roles and Responsibilities**

Responsibility for successful completion of the New Employee Orientation rests with the human resource department and the employee's immediate supervisor. New employment paperwork shall be completed before the employee starts working for any Union department.

#### Human Resource Department

The human resource staff meets with all new employees and presents a standardized orientation and onboarding program. All employees must complete the orientation/onboarding process.

#### Immediate Supervisor

The employee's immediate supervisor provides the work unit orientation/onboarding. The department head may add any additional topics that will contribute to the employee's assimilation to the Union.

#### **.040 Re-Hired Employees**

All employees rehired after an absence of one-year or greater are required to complete New Employee Orientation.

#### **.050 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**4000 Employment – General**  
**4075 Lactation Support for Nursing Mothers**

(Revised 7/1/2021)

- .010 Introduction
  - .020 Policy
  - .030 Reference
  - .040 Questions
- 

**.010 Introduction**

The K-State Student Union strives to create a workplace that is both productive and supportive of its employees in their familial roles. The Union recognizes the benefits of workplace support for breastfeeding mothers.

**.020 Policy**

The Union provides employees reasonable break time in order to express breast milk for a nursing child for up to one year after the child's birth each time the mother has need to express the milk, when requested. The Union provides a clean, private place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. The designated lactation room is well marked and located along the north wall on the first floor of the Union. The lactation room is equipped with a locking door for privacy, adequate lighting, comfortable chair, sink, counter, electrical outlet and trashcan.

Employees are allowed adequate use of break time, leave time (if applicable), meal time, and/or a flexible work schedule to utilize the lactation room and to clean equipment after pumping. New mothers should contact their immediate supervisor to request work schedule variations in advance. Break time for non-exempt employees is covered more fully in Union policy 4086.

No employee shall be discriminated against for breastfeeding or expressing milk during the work period.

Employees will be provided information about lactation support for nursing mothers as necessary.

**.030 Reference**

U.S. Department of Labor *Break Time for Nursing Mothers*: <http://www.dol.gov/whd/nursingmothers/>

**.040 Questions**

Questions should be addressed to the human resource department at (785) 532-6577.

## 4000 Employment – General

### 4080 Grievances

(New 7/1/2021)

- .010 Introduction
  - .020 Policy
  - .030 Exceptions
  - .040 Recordkeeping
  - .050 Questions
- 

#### **.010 Introduction**

The K-State Student Union recognizes there are times when the need arises for employees to express concerns or complaints in a formal manner. The following procedure will ensure that Union employees receive a fair and unbiased review of workplace concerns.

#### **.020 Policy**

**Step 1: Informal discussion with supervisor** - Employee concerns should first be discussed with the employee's immediate supervisor. Many concerns can be resolved informally when an employee and supervisor take time to review the concern and discuss options to address the issue.

**Step 2: Written complaint to department head** - If the employee is not satisfied with the results of the informal discussion in Step 1, the employee may submit a written complaint within five (5) days to his or her department head to include:

- The nature of the grievance and details of previous efforts to resolve the issue;
- Detailed information including evidence of the issue, witnesses, related policies, etc.;
- The remedy or outcome desired.

The department head will have five (5) working days to respond to the employee in writing.

For complaints specifically regarding discrimination, harassment, or sexual harassment, refer to university policy 3010.

**Step 3: Written complaint to Executive Director** - If the employee is not satisfied with the response from the department head, the employee may submit a written complaint to the Executive Director for review. A copy should also be sent to the Assistant Director/Human Resources and Business Management. The request for review should include:

- An explanation of the grievance and details of all previous efforts to resolve the issue;
- A copy of the written complaint submitted to the department head;
- A copy of the department head's written response to the employee's complaint;
- Detailed information regarding the employee's dissatisfaction with the department head's response.

The Executive Director will consult with the employee's department head, immediate supervisor, the Assistant Director/Human Resources and Business Management and any other relevant parties to evaluate the grievance and provide a written response to the employee within five (5) days. The outcome of the review by the Executive Director will be final unless new evidence or other circumstances warrant additional review of the complaint.

**.030 Exceptions**

If the grievance is with a Union department head, with exception of the Executive Director, the employee may proceed directly to Step 3 of this policy.

If the grievance is with the Executive Director, the employee may submit a written complaint to the Assistant Director/Human Resources and Business Management. The written complaint should include:

- The nature of the grievance and details of previous efforts to resolve the issue;
- Detailed information including evidence of the issue, witnesses, related policies, etc.;
- The remedy or outcome desired.

**.040 Recordkeeping**

The human resource department will maintain records of the grievance process in the grieved employee's personnel file.

**.050 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**4000 Employment – General**  
**4085 Employee Furlough**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Policy
  - .030 Questions
- 

**.010 Introduction**

In times of extraordinary budget reduction, it may become necessary to implement a short-term employee furlough in order to preserve the financial well-being of the K-State Student Union.

**.020 Policy**

It is the policy of the K-State Student Union to implement an employee furlough, after reasonable alternatives have been exhausted; ensuring the continuation of the Union's mission and the quality of its programs. Furloughs will be implemented in a fair manner that is sensitive to the mission of the Union and the needs of its employees and university students.

A furlough is the placement of an employee in a temporary leave without pay status for a specified number of hours or days within a specified time frame. A furlough is not a layoff or reduction in workforce and may be used to avoid or delay such action. There are two types of furloughs.

1. An administrative furlough is a planned action designed to address budget reductions.
2. An emergency furlough occurs if there is an immediate or imminent lack of funding to continue operations or any emergency that results in an unanticipated interruption of funding to the Union.

The decision to implement an administrative furlough at the Union will be made by the Executive Director after consultation with the university Vice President for Student Life and Dean of Students. Employees will be given as much advance notice as possible but not less than 30 calendar days prior to implementation of an administrative furlough.

The decision to implement an emergency furlough will be made by the Executive Director, after consultation with the university Vice President for Student Life and Dean of Students, and that decision will be communicated to the Union community as soon as practical, in an effort to provide adequate planning and execution time in accordance with established guidelines. Some employees may be exempted from an emergency furlough due to their duties and responsibilities, as determined by the Executive Director.

**.030 Questions**

Questions should be directed to the Executive Director at (785) 532-6591.

**4000 Employment – General****4086 Hours of Work, Overtime, and Overtime Pay**

(Reference university policy 4220. The K-State Student Union follows the university's policy to the extent applicable.)

(Revised 7/1/2021)

- .010 Introduction
  - .020 Statutes and Regulations
  - .030 Basic Provisions of the FLSA
  - .040 What the FLSA Does Not Cover
  - .050 Exempt and Non-Exempt Status
  - .060 Hours of Work
  - .070 Overtime and Overtime Pay
  - .080 Alternative Work Schedules—Flextime
  - .090 Travel and Training
  - .100 Record Keeping
  - .110 Compliance with the FLSA
  - .120 Policy on Reductions in Salary of Exempt Employees
  - .130 Questions
- 

**.010 Introduction**

The Fair Labor Standards Act (FLSA) is a federal law that sets minimum wage, overtime pay, equal pay, record keeping and child labor standards for employees (who are covered by the Act) in the private sector as well as those employed in federal, state and local government. The FLSA was enacted by the United States Congress in 1938 and has been amended several times since.

The Assistant Director/Human Resources and Business Management has the responsibility for ensuring and maintaining compliance with the FLSA. The Assistant Director/Human Resources and Business Management assigns each position to either *overtime eligible* or *overtime exempt* status, based upon the nature of the position's duties, level of responsibility, and the testing criteria established by the Fair Labor Standards Act.

The Fair Labor Standards Act requirements apply to positions and employees, not to job classifications or unclassified titles. Each individual position must be analyzed to determine whether the position is overtime eligible or exempt from overtime and minimum wage requirements.

**.020 Statutes and Regulations**

The Fair Labor Standards Act (FLSA) and the Code of Federal Regulations (C.F.R.) are comprehensive documents. Not every scenario or regulation provision is discussed. For clarification or expansion on any portion of the Fair Labor Standards Act, contact the Assistant Director/Human Resources and Business Management at 785-532-6577.

The following are statutes and regulations relevant to this chapter:

- The Fair Labor Standards Act (FLSA) of 1938, as amended
- FLSA Regulations, Title 29 of the Code of Federal Regulations (C.F.R.)

### **.030 Basic Provisions of the Fair Labor Standards Act (FLSA)**

- **Minimum Wage:** The Fair Labor Standards Act requires employers of covered employees who are not otherwise exempt to pay a minimum wage. A notice of the federal minimum wage is posted on the official Union employee bulletin board where employees can readily see it.
- **Child Labor Restrictions:** The Fair Labor Standards Act regulates the minimum age and maximum hours of employment of minors in certain occupations with different standards for employment of minors who are 14-15 years old and those who are 16-18 years old. The Union requires that any employee be at least 16 years of age (at least 18 years old for employment in the maintenance department or any hazardous occupation as defined by the U.S. Department of Labor).
- **Record Keeping:** The Union is required to keep records for a certain amount of time on wages, hours, sex, occupations, and other terms and practices of employment for exempt and non-exempt employees.
- **Overtime Liability:** Only non-exempt employees are covered by the overtime liability regulations. A non-exempt employee earns overtime for time worked in excess of 40 hours in a workweek. Exempt employees do not earn overtime (Section .050). The FLSA does not limit the number of hours an employee can work in a day or in a week. It simply requires that overtime hours be compensated at a rate of not less than one and one-half times the non-exempt employee's regular rate of pay for each hour worked in a workweek in excess of 40 hours per week. Additionally, overtime liability is not reached until 40 actual hours have been worked. Time off for vacation, holiday, etc., which is considered as "in pay status" does not count toward hours of overtime. Union employees do not receive compensatory time off in lieu of monetary overtime compensation.
- **Equal Pay Act of 1963:** The Equal Pay Act was enacted as an amendment to the FLSA. The equal pay regulations prohibit an employer from discriminating against employees on the basis of sex by paying employees of one sex less than employees of the opposite sex for equal work performed under similar working conditions within an establishment on jobs that require equal skill, effort and responsibility.

### **.040 What the FLSA Does Not Cover**

- **Meal and Rest Periods:** The FLSA does not require the Union give employees meal or rest periods, regardless of the number of consecutive hours employees work. However, giving employees a break during the workday is common practice. Though the FLSA does not mandate meal or rest periods, it does address the issue of compensability of such time if it is given.
- **Extra Pay for Saturdays, Sundays, or Shift Work:** Additional compensation is not due for work performed on Saturdays and Sundays. The Union provides a shift differential for employees who work in certain positions which are classified as non-exempt and who are eligible to receive overtime. See Section .060.
- **Holiday, Sick, Vacation, and Other Leaves:** The FLSA does not require either paid or unpaid leave for sickness, holidays, vacations, jury duty, personal time or military service. The Union does provide eligible employees with benefits associated with paid and unpaid leave.
- **Pay Raises or Fringe Benefits:** The FLSA does not mandate pay raises or fringe benefits.
- **Consent to Work Overtime:** The FLSA does not require notice to or consent from employees when scheduling overtime hours. The Union has discretion to establish employee work schedules as desired so long as workers are compensated properly and wages and overtime requirements are observed. For most Union full-time employees, the standard workday is eight hours, and the standard workweek is 40 hours during a given seven-day workweek. Supervisors should provide employees

a one week advance notice of work schedule in those situations where a department wants to avoid placing an employee into overtime status. For instance, if a supervisor knows that in the next workweek there will be cause to work varying hours, the supervisor can readjust the work schedule to accommodate the temporary need so long as the employee is notified of the proposed change in advance. The advance scheduling allows supervisors to avoid the overtime situation by readjusting the workday and by scheduling time off for the employee within the same workweek. Two other instances would allow for adjustments to the workweek to avoid overtime liability: The employee is required to take equivalent time off in the workweek in which additional time is worked; or, the employee could request or agree to take the time off. In the latter two cases, no advance notice of the schedule change is required.

### **.050 Exempt and Non-Exempt Status**

The exemption of overtime status of an employee, i.e. exempt vs. non-exempt, is determined by the duties of the position when applicable. Status is not determined based on the classification or title of the position. The key distinction between exempt and non-exempt status is the overtime liability issue. Determining the status of Union Support Staff and unclassified positions as exempt or nonexempt is the responsibility of the Assistant Director/Human Resources and Business Management.

Employees with salaries below the FLSA threshold are automatically non-exempt and eligible for overtime pay. This is true for all employees, including part-time workers. The salary cannot be pro-rated to equal a full-time salary. Even when the minimum salary is reached, each position is still considered to be non-exempt unless a formal review has been conducted and a reclassification has been approved. Reviewing a position for exempt status involves examining the position description and organizational chart, auditing the job, verifying degree requirements as indicated for the professional exemption, and applying the tests for exemption as set forth by the FLSA. There are four categories of exempt status used: executive exempt, administrative exempt, professional exempt, and computer exempt.

- **Exempt Employees (Not Eligible for Overtime Compensation):** Exempt employees are paid a salary that covers the amount of time required to perform the job. That salary cannot be reduced because of variations in the quality or quantity of work performed. Exempt employees are only required to report leave, not time worked. Record keeping requirements are discussed in Section .090. An exempt employee is "exempt" from the overtime liability regulations and will not receive overtime pay for hours worked in excess of 40 in a workweek.

A normal workweek is to be established by the Executive Director for exempt employees who are expected to be available during the normal workday. Although compensation is not determined by the specific number of hours worked, an exempt position normally requires a *minimum* of 40 hours per week to meet the needs of the organization. Exempt employees must follow leave request procedures any time away from work. Time away from work of a half-day or less must have prior approval, though it is not reported as leave. Leave is only recorded when the employee uses leave in half- or full-day increments. Half-day increments are defined as one half the regularly scheduled workday.

The hours away from work do not have to be consecutive to meet the half-day requirement. For instance, if an exempt employee is away from work in the morning and also in the afternoon, and the hours away total more than a half-day but not a full day, then a half-day of leave would be reported for that day.

An employee who abuses the procedures by continuously taking less than a half-day of time away from work to avoid using vacation or sick leave, can be denied time away from work or be required to use

half- or full-days of leave. If the employee is required to use half or full days of leave as a result of abusing time off, then the employee cannot return to work before the allotted time of leave is used.

- **Non-Exempt Employees (Eligible for Overtime Compensation):** All employees with salaries below the FLSA threshold are considered as non-exempt from overtime compensation. A non-exempt employee will receive overtime compensation pay at one and one-half times the regular rate for hours worked in a workweek beyond 40. Non-exempt employees are paid on an hourly basis; the number of hours worked in any given workweek is reported along with any leave time used. Hours worked and applicability of overtime regulations are discussed in Section .060 and .070. Record keeping is discussed in Section .090.

### **.060 Hours of Work**

The standard *workday* for each full-time employee will be eight hours and the standard *workweek* will be 40 hours during a given seven-day period. The Union's 7-day period begins on Sunday morning at 12:01 a.m. and ends on Saturday night at 12:00 midnight.

*Work time:* includes all the time an employee is required to be on duty, or on the employer's premises or at a prescribed workplace. *Work* is defined as all efforts that are suffered (i.e. endured), permitted, or required by the employer, i.e., all time spent in physical or mental exertion that is controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer. Work that is not requested but suffered or permitted (allowed), is still considered work time. This rule is applicable to work performed at the worksite, away from the worksite or at home. For example, an employee may voluntarily continue to work at the end of the day or shift. The employee may wish to finish an assigned task, complete a report, or correct errors. The reason is immaterial. If the supervisor has reason to believe that work is continuing or there is evidence thereof, then the time is compensable working time. The mere existence/announcement of a rule against such work is not enough to deny compensation. If a supervisor observes an employee working before or beyond the normal shift without prior authorization, employee disciplinary action may result. Employees who disregard warnings to cease work activity are also subject to disciplinary action.

*Waiting Time:* If an employee is unable to use time effectively for personal purposes while waiting for work, instructions, or preparation of the work site, then the time is considered to be working time. These instances are usually of short duration. For example, an employee waiting on directive for the next assignment or an office worker waiting on software to be installed would be considered working.

*Preparatory and Concluding Activities:* Preparatory and concluding activities that are an integral part of the employee's work are compensable. Examples include: turning on/off machinery or equipment and conducting safety checks; filing documents at the end of a shift; reporting to a duty site to receive an update on events which occurred on the previous shift, and changing into/out of special clothes that are required for the job. "Special clothes" do not include retail services, building operations, or maintenance uniforms.

*Rest Periods:* Breaks or rest periods must be counted as hours worked if they last less than 20 minutes. Whether breaks are granted, and the length of a break, such as 5 minutes or 15 minutes, is at the discretion of the supervisor. Supervisors may deny break privileges if employee's abuse breaks, or if the workload necessitates. Supervisors are encouraged to have a set break scheduled for employees and may reschedule break times if needed due to workload or for other reasons. Rest breaks are to be taken when scheduled and cannot be "saved" for use in lieu of leave time or reducing the workday. Rest breaks are

to be taken when scheduled time and not in increments of a few minutes throughout the morning or afternoon. Rest breaks should be taken away from the employee's duty station. It is the immediate supervisor's responsibility to remember to manage the work breaks of employees; it is the employee's responsibility to remember that work breaks are a privilege that can be denied if misused.

*Meal Breaks:* Bona fide meal periods are not work time. Meal periods do not include coffee breaks or time for snacks; these are rest periods. During a bona fide meal period, the employee must be completely relieved from duty for the purposes of eating regular meals. Ordinarily, 30 minutes or more is long enough for a bona fide meal period. The employee is not considered to be relieved of duties if the employee is required to perform any duties, whether active or inactive, while eating. For example, if an employee must sit at a desk and incidentally answer the telephone, the time would be compensable. The employee must be free to leave the duty post but there is no requirement that the employee be allowed to leave the premises or work site. If an employee's time and attention are primarily occupied by a private or personal pursuit, such as relaxing or eating, rather than work responsibilities that prevent the employee from comfortably and adequately passing the mealtime, then the employee is relieved from duty.

*On-Call and Stand-by Compensation* (for non-exempt employees only): An employee who is required to remain *on call* on the premises, or close enough to the premises that the employee cannot use the time effectively for personal pursuits, is considered to be working while "on-call." In this instance, an employee must be paid for this time at the regular rate of pay instead of receiving stand-by compensation. An employee who is not required to remain on the employer's premises but is merely required to leave contact information where they can be reached, is not working while on-call.

The FLSA allows employers to choose whether to compensate employees for time spent on-call, but not working. The Union has adopted "Stand-by Compensation" for this purpose. If an employee is required to remain available to the Union *within a specified response time*, but is otherwise free to engage in personal pursuits, then the employee will receive stand-by compensation. The requirement to be available does not automatically make an employee eligible for the standby pay. Response time as well as the number and frequency of calls will determine whether an employee will receive the additional compensation.

The stand-by rate of compensation is \$2.00 per hour for each hour the employee serves on stand-by status. If an employee is called in to work, the employee will be compensated for the actual hours worked, but not also be paid stand-by compensation for those hours. Hours on stand-by pay are not considered when determining hours worked for overtime purposes.

*Call In/Call Back to Work* (for non-exempt employees only): Employees may be called in to work on a regular day off or may be called back to work after a regular work schedule. In these instances, non-exempt employees will be paid at the appropriate rate of pay for the number of hours worked. Such employees will be paid for a minimum of two hours except in the following circumstances:

- The employee was on stand-by status when called in or called back; or
- The employee was called in or called back during the two-hour period immediately prior to the beginning of the employee's next regularly scheduled work shift. Only hours actually worked will be credited in determining eligibility for overtime compensation.

*De Minimis Rule:* Insubstantial or insignificant periods of time spent working outside scheduled working hours may be disregarded in recording time. This rule applies to only those times where the work

involved is limited to a few seconds or minutes that cannot, as a practical administrative matter, be precisely recorded for payroll purposes. Such time is considered "de minimis," i.e., minor or trivial.

*Shift-Differential:* A shift differential will be paid to non-exempt employees whose regularly established work shifts begin before or end after a designated period. For example, an employee who is regularly scheduled for and works before 6:00 a.m. and after 6:00 p.m. will be paid a shift differential for their entire work shift. A shift differential will not be paid to an employee when an employee is on any type of leave or holiday. Accommodations made to an employee's work schedule when the employee's position is not regularly scheduled to work before 6:00 a.m. and after 6:00 p.m. do not receive a shift differential.

*Breaks for Nursing Mothers:* The Fair Labor Standards Act requires that a reasonable break time be allowed for nursing mothers to express milk for their nursing child. The frequency of breaks needed to express milk as well as the duration of each break will likely vary. Break times may include not only time in which to express milk but also time to sanitize and store the equipment at each break. The Union provides adequate space for a nursing mother to express breast milk. Nursing mothers are eligible for breaks to express milk for up to one year after the child's birth. See Union policy 4075.

### **.070 Overtime and Overtime Pay**

Overtime is the term given to hours worked beyond 40 in one workweek. Overtime hours are compensated monetarily at the one and one-half time rate for each hour over 40 in a workweek for non-exempt employees.

*Overtime:* The granting of overtime is contingent upon an existing need, usually temporary, such as additional workload, special projects or events, or to cover the absence of another employee. Working additional hours for the purpose of receiving additional pay is prohibited as it creates an unnecessary fiscal obligation for the Union and may be subject to disciplinary action.

Overtime is reached once an employee has worked beyond the 40-hour maximum allowable hours in a given workweek. Compensation for overtime hours are paid at one and one-half times to non-exempt employees for any hours worked in excess of 40 hours in any given week. The department head is responsible for oversight of overtime usage.

In determining whether an employee has worked any overtime, only those hours actually worked will be considered. This is not the same as "in-pay status" which includes all paid leave hours, no matter the type. An instance of "in-pay status" as opposed to overtime status is where the number of hours worked is less than or equal to 40, but when added to leave time taken becomes greater than 40. In this case, the extra hours are termed "additional" and are to be paid at the regular rate of pay. To avoid placing an employee into an overtime situation, a supervisor can plan in advance to change the employee's work schedule.

Payment for overtime worked will be at one and one-half times the employee's regular rate of pay. This rate will not include premium pay for holidays worked or any call-in and callback compensation paid for hours not actually worked.

Additional hours are earned when an employee is in pay status (which includes all leave hours) for more than 40 hours but has not actually worked more than 40 hours. In this instance, an employee may be

given equivalent time off in the same workweek as discussed in Section .040, or paid at the hourly rate of pay.

### **.080 Alternative Work Schedules--Flextime**

When determined by the department head to be consistent with departmental needs, departments may institute a schedule of flexible working hours for employees, provided it does not increase staffing costs or decrease departmental efficiency. Flextime allows employees to maintain a work schedule other than normal Union hours. Regardless of flextime scheduling, all departments must be staffed to the extent possible to maintain regular operations during normal Union hours of operation. Flextime does not alter the standard work week of 40 hours for full-time employees. Flextime schedules must be approved by the department head in advance. Abuse of flextime scheduling may result in loss of the privilege. Occasions may arise when flextime must be suspended temporarily because of departmental work load, vacations, holidays or other reasons. When this occurs, the department head should give employees as much advance notice as possible.

When an employee uses leave while working a flexible schedule, the leave reported is the actual hours scheduled for that time. For example, if a non-exempt employee is scheduled to work 10 hours per day and uses leave for the entire day, the employee reports 10 hours of leave for that day. Flexible work schedule hours should be communicated to the human resource department.

### **.090 Travel and Training**

*Travel:* The principles that apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved. Travel scenarios differ greatly and advance planning with the department head is essential.

*To and From Work:* Time spent "walking, riding, or traveling to and from the actual place of performance of the principal activity {work}" is not work time and therefore is not compensable.

*Travel During the Work Day:* Travel time of an employee during the workday, such as travel to and from repair sites and time spent traveling to a location to receive instructions or pick up tools, or delivering mail outside of the building must be counted as hours worked.

*One Day Out-of-Town Travel:* If an employee travels out of town for less than one day, they must be paid for all travel time, excluding travel time from home to public transportation (commuting time) and bona fide meal periods.

*Overnight Travel:* Employees who travel overnight on business must be paid for time spent traveling (except for meal periods) during their normal working hours on their regular working days as well as during normal working hours on their non-working days, such as Saturdays, Sundays, and holidays. For instance, if an employee's working time is regularly scheduled 8 a.m. - 5 p.m. Monday through Friday, then any travel on Saturday and Sunday between those hours is also compensable.

*Training Programs, Lectures and Meetings:* Time spent in training programs, lectures and meetings is not considered working time IF all four of the following are true:

1. Attendance is outside of the employee's regular working hours;
2. Attendance is voluntary;
3. The course, lecture, or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work during such attendance.

### **.100 Record Keeping**

*Record Keeping:* The Fair Labor Standards Act (FLSA) requires records be kept on both non-exempt and exempt employees. Much of the required information, such as name, social security number, address, date of birth, sex, occupation, earnings and hours worked are computerized through the Human Resources Information System (HRIS). The human resource department keeps the following records for non-exempt and exempt employees:

- a. Appointment Form PER-38 (this includes basic information such as name, social security numbers, address, and sex)
- b. Employee work schedule
- c. Time and Leave Document (Non-exempt) and Leave Record (Exempt)
  - i. Non-exempt employee's time and leave documents will include hours worked and leave taken
  - ii. Exempt employee's leave records will only indicate leave taken

*Time Sheets:* FLSA requires employers to maintain accurate records of hours worked each workday. Timesheets (electronic and/or paper) serve as the Union's authority to pay an employee. Employees are to provide an accurate accounting of hours worked and leave used during a pay period. An employee's time worked must be verified and approved by the employee's supervisor or the supervisor's designee. Completed timesheets require the signatures of the employee and the supervisor. These signatures certify that, to the best of their knowledge, the information provided on the documents is true and correct. Any changes made to the timesheet by the supervisor must be acknowledged by the employee that the changes are valid and are a true representation of all the time worked. If an employee is unavailable to sign the timesheet for any reason, the supervisor will note as such on the employee's signature line of the timesheet.

### **.110 Compliance with the Fair Labor Standards Act**

The Fair Labor Standards Act authorizes the Department of Labor to investigate and gather data concerning wages, hours, and other employment practices by auditing employer records and interviewing employees and employers. The Assistant Director/Human Resources and Business Management is responsible for ensuring and maintaining compliance with the FLSA. Compliance with the FLSA is accomplished through adherence to the guidelines set out in this chapter. In addition to payment of unpaid wages due employees, the Department of Labor can assess fines to the Union for violations, be they willful or not.

### **.120 Policy on Reductions in Salary of Exempt Employees**

The Fair Labor Standards Act requires exempt employees be compensated on a "salary basis," as required by the Department of Labor. The salary of an exempt employee cannot be reduced because of variations in the quality or quantity of work performed. An exempt employee must be paid the full salary for any week in which work is performed. No salary will be paid in any workweek when no work is performed.

Authorized reductions in salary\* of an exempt employee are limited to the following:

- Absences from work for one or more full days for personal reasons, other than sickness or disability;
- To offset any amounts received as payment for jury duty fees, witness fees, or military pay;
- Penalties imposed in good faith for violating safety rules of "major significance";
- Unpaid disciplinary suspension of one or more full days imposed in good faith for violations of workplace conduct rules;

- A portion of an employee's full salary may be paid for time actually worked in the first and last weeks of employment;
- Unpaid leave taken pursuant to the Family Medical Leave Act; or
- Deductions in salary due to a budgetary required furlough.

*\*These are reductions in salary. Reductions from leave accruals for sick, vacation and other authorized leaves will still be made in half or full day increments.*

*Reimbursement for Improper Deductions: Employees will be reimbursed for deductions found to be in error.*

**.130 Questions**

Questions should be directed to the Assistant Director/Human Resources and Business Management at (785) 532-6577.

## **4000 Employment – General**

### **4090 Payroll Processing and Distribution**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Payroll Card
  - .030 Supplemental Payroll
  - .040 Over/Under Payment
  - .050 Corrections to Deductions
  - .060 Questions
- 

#### **.010 Introduction**

K-State Student Union employees are paid biweekly. Paydays occur every other Friday throughout the year. If a Friday falls on a federal holiday, payday will be the preceding business day. Each two-week pay period begins at one minute past midnight (12:01 a.m.) on Sunday morning of the first week and continues through midnight (12:00 a.m.) on Saturday night of the second week. That period is paid on the second Friday following the end of the period. Because of the pay periods, employees are paid almost two weeks in arrears.

The Union utilizes an electronic Human Resources Information System (HRIS) to compile the data used to process pay. Most information is relayed from the employee by means of an automatic time capture system. Employees may update their direct deposit data, W-4 and/or K-4 tax information using HRIS or by completing the appropriate form(s) provided by the Union human resource department. Employee pay is direct deposited electronically into one or more bank accounts. Direct deposit is set up using HRIS or by completing a direct deposit form provided by the Union human resource department.

#### **.020 Payroll Card**

If an employee does not have a bank account in order to have wages directly deposited in, the Union human resource department will issue a payroll card to the employee. Employees should never close current banking account(s) for payroll purposes until they contact the human resource department. Employees may access pay advices (pay stubs) via HRIS.

#### **.030 Supplemental Payroll**

Supplemental payrolls occur when an employee was not paid correctly due to no fault of their own. All requests must be directed to the Assistant Director/Human Resources and Business Management.

#### **.040 Over/Under Payment**

If it is determined that an employee was paid in error, the human resource department will calculate the monetary discrepancy, process the error, and communicate the information in writing to the employee.

#### **.050 Corrections to Deductions**

If an employee believes payroll deductions are incorrect, they must contact the human resource department immediately.

#### **.060 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**4000 Employment – General****4094 Consensual Romantic Relationships Involving Students**

(Reference university policy 4094. The K-State Student Union follows the university's policy to the extent possible.)

(New 7/1/2021)

- .010 Introduction
  - .020 Policy
  - .030 Definitions
  - .040 Policies
  - .050 Questions
- 

**.010 Introduction**

The K-State Student Union promotes an atmosphere of professionalism based on mutual trust and respect. The integrity of interaction among staff and students must not be compromised. When a Union employee is in a position of direct supervisory or evaluative authority over a student, and the employee and student are also involved in a consensual romantic relationship, there is a potential for a conflict of interest, favoritism or exploitation. Moreover, such relationships may lead to restricted opportunities, or the perception thereof, for others. In addition, when such relationships decline or end, there is an increased potential for various complaints.

Consensual romantic relationships between employees are governed by the Union's Nepotism and Employee Relationships policy 4095. The Union's Prohibiting Discrimination, Harassment, and Sexual Harassment, and Procedure for Reviewing Complaints policy (policy 3010) governs any conduct involving nonconsensual, unwelcome sexual conduct by an individual in either the academic or employment environment, and any other conduct constituting discrimination, harassment, domestic violence, dating violence, or stalking, as those terms are defined in that policy.

**.020 Policy**

To protect the integrity of the Union, consensual romantic relationships between employees and students are prohibited when the employee has direct evaluative or supervisory authority over the student. In such instance when a relationship arises contrary to this policy, the employee shall immediately disclose the relationship to the employee's supervisor or department head. The employee shall cooperate with the supervisor, in conjunction with the department head as necessary, to sever the evaluative or supervisory relationship and eliminate the existing or potential conflict of interest. A violation of this policy may lead to disciplinary action as appropriate, up to and including termination of employment.

Individuals who believe in good faith that this policy has been violated should report the violation to the Assistant Director/Human Resources and Business Management.

**.030 Definitions**

- Consensual romantic relationships - Mutually understood consensual romantic or sexual relationships between individuals.
- Direct evaluative or supervisory authority - When one participant in a consensual romantic relationship is personally involved in directly evaluating or otherwise assessing the other participant's

performance, or making decisions that materially affect the participant's advancement in a program or participation in a Union-sponsored program or activity.

**.040 Policies**

- Kansas Board of Regents Policy and Procedures Manual, Chapter IIC.2.b.v.
- Policy 4095: Nepotism and Employee Relationships
- Policy 3010: Prohibiting Discrimination, Harassment, and Sexual Harassment, and Procedure for Reviewing Complaints

**.050 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**4000 Employment – General****4095 Nepotism and Employee Relationships**

(Reference university policy 4095. The K-State Student Union follows the university's policy to the extent possible.)

*(Revised 7/1/2021)*

.010 Introduction

.020 Policy

.030 Definitions

.040 Statutes, Regulations and Policies

.050 Questions

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**.010 Introduction**

The K-State Student Union is committed to ensuring compliance with anti-nepotism laws, regulations and policies, and to protecting the integrity of the Union work environment through appropriate management of workplace relationships between employees who are members of the same family, consensual romantic relationship or household.

**.020 Policy**

1. Persons may be employed at the Union without regard to family relationship or living arrangements with other employees so long as the personnel processes are conducted and decisions are made in compliance with Union policies. However, no Union employee shall advocate or cause the employment, promotion, transfer or advancement to any Union position, of a member of such employee's household or family.
2. No Union employee shall in the capacity as such employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such employee is employed or in whose business such employee or any member of such employee's immediate family has a substantial interest. This includes contracts to hire independent consultants. "Substantially involved in the preparation or participate in the making of a contract" means having approved or disapproved a contract or having provided significant factual or specific information or advice or recommendations in relation to the negotiated terms of the contract.
3. If a person is in a position which requires an evaluation or a personnel decision such as those concerning hiring, retention, promotion, discipline, transfer, or salary of a family member, someone with whom such person is in a consensual romantic relationship, or a member of such person's household, such condition shall be deemed a conflict of interest and that person shall not participate in such a decision, and that person shall not participate in any group or body which is considering any such decision.

**.030 Definitions**

- "Household member" - means a person having legal residence in or living in the employee's place of residence.
- "Family member" - means (a) spouse, parent, child, or sibling; (b) sibling as denoted by the prefix "half"; (c) parent, child, or sibling as denoted by the prefix "step"; (d) foster child; (e) uncle, aunt, nephew, or niece; (f) any parent or child of a preceding or subsequent generation as denoted by the

prefix "grand" or "great"; or (g) parent, child, or sibling related by marriage as denoted by the suffix "in-law".

- "Consensual romantic relationships" - means mutually understood consensual romantic or sexual relationships between individuals.

**.040 Statutes, Regulations and Policies**

- a. Kansas Statutes Annotated 46-233; 46-246a
- b. Kansas Administrative Regulation 1-9-21
- c. Kansas Administrative Regulation 19-40-4
- d. Kansas Board of Regents Policy and Procedures Manual, Chapter IIC.2.b.v.
- e. Policy 4094: Consensual Romantic Relationships Involving Students

**.050 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**4000 Employment – General****4096 Termination of Employment – Separation Responsibilities**

(Revised 7/1/2021)

.010 General Information

.020 Exit Interviews

.030 Questions

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**.010 General Information**

The K-State Student Union's department heads are responsible for ensuring that separating employees return all Union property such as keys, company-issued credit card, K-State ID card, Union nametag, equipment and uniforms prior to leaving on the employee's last day. Retiring employees may keep their K-State ID card.

If the employee would like to authorize the release of employment-related information to prospective employers, they should complete the *Release of Employment-Related Information* form. The form will be given to all terminating employees by the human resource department. Completion of the form is optional.

The *Employee Separation Checklist* itemizes the areas that need to be cleared. The form is intended to provide clearance obligations at the time of separation from the Union. When clearance is complete, the separation form will be returned to the human resource department and filed in the employee's personnel file.

E-mail from ksu.edu or k-state.edu may be forwarded to an alternative e-mail address. This may be done by the employee updating their eProfile settings at [www.eid.k-state.edu](http://www.eid.k-state.edu).

**.020 Exit Interviews**

All full-time resigning or retiring employees are requested to schedule a personal exit interview with the Assistant Director/Human Resources and Business Management. The exit interview is optional but highly encouraged.

**.030 Questions**

Questions should be addressed to the human resource department at (785) 532-6577.

## **4000 Employment – General**

### **4097 Identification Cards and Nametags**

*(Revised 7/1/2021)*

.010 Obtaining ID Card and Nametag Upon Employment

.020 Lost ID Card or Nametag

.030 Upon Separation

.040 Questions

#### **.010 Obtaining ID Card and Nametag Upon Employment**

Each Union employee, during the initial orientation process, will be issued a K-State ID and Union nametag with the exception of some retail services and building operations employees. (K-State students are issued a K-State ID card during university orientation.)

##### Nametag:

- Full-time employees will have first name, last name, and work unit on the nametag.
- Part-time employees will have first name, and work unit on the nametag. Last name will not appear on the nametag.
- Department heads will have first name, last name, and title on the nametag.
- All employees must wear their nametag while on the clock. Not wearing the nametag may be subject to disciplinary action.
- The nametag must be prominent and visible. It must be worn at jacket-lapel height.
- If an employee is issued and expected to wear a uniform while at work, and the uniform has the employee's name displayed, the employee does not also have to wear a nametag.
- The nametag may not be altered in any way after issuance and may only be worn by the person whose name appears on the nametag.
- All departing staff are required to turn in their nametag to the human resource department.

#### **.020 Lost ID Card or Nametag**

Lost ID cards can be replaced by contacting the K-State ID Center. Cost for a replacement is \$20.00, to be paid by the employee. Lost Union nametags can be replaced by contacting the Bowling Center. The Union nametag first replacement is free; each subsequent replacement is \$10.00, paid by the employee.

#### **.030 Upon Separation**

All separating employees (except retirees) are to surrender their ID card and nametag to the human resource department. Retirees that desire to retain their K-State ID card, need to inform the Assistant Director/Human Resources and Business Management. Retirees will then have their card appropriately designated.

#### **.040 Questions**

K-State ID card questions should be referred to the K-State ID Center at (785) 532-6399. Questions regarding Union nametags should be referred to the human resource department at (785) 532-6577.

**4000 Employment – General**  
**4099 Substance Use/Misuse**

*(Revised 7/1/2021)*

.010 Policy

.020 Acknowledgement

.030 Questions

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**.010 Policy**

Employees are the K-State Student Union's most valuable resource and employee health and safety is of serious concern. The Union will not tolerate substance use or misuse which endangers the health and well-being of its employees or threatens its service to the public. Employees have a right to work in an environment free of substance abuse and with persons free from the effects of drug and/or alcohol abuse. Therefore, it is the Union's policy to maintain a workforce free of substance use/misuse.

- Reporting to work or performing work for the Union while impaired by or under the influence of controlled substances or alcohol is prohibited.
- The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace or while the employee is on duty or stand-by-duty.
- Violation of such prohibitions by an employee is considered conduct detrimental to Union and may result in a referral to the Employee Assistance Program and/or discipline up to and including termination.
- Employees are required by federal law to notify the Union in writing of a conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
  - a. An employee who is convicted, as stated above, may be subject to discipline up to and including termination.
  - b. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury, or both, in any federal or state court.

**.020 Acknowledgement**

All Union employees will sign the Substance Use/Misuse Policy Acknowledgement during the new employee orientation process. The form will be maintained in the employee's personnel file.

**.030 Questions**

Questions should be addressed to the human resource department at (785) 532-6577.

## **4400 Employment - Union Support Staff (USS) Specific**

### **4410 Recruitment and Selection**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Types of Jobs
  - .030 Types of Recruitment
  - .040 Recruitment Procedures
  - .050 Screening, Interviewing and Selecting
  - .060 Temporary Positions
  - .070 Record Keeping
  - .080 Questions
- 

#### **.010 Introduction**

The human resource department is responsible for overseeing the recruitment and hiring of all full-time Union Support Staff (USS) positions.

#### **.020 Types of Jobs**

There are three different types of USS:

- Regular Full-Time Position
- Regular Part-Time Position (.9 or less)
- Temporary Position (Restricted to 999 hours per year)

Recruitment for each type of position is identical except for temporary positions (see Section .060) that do not require advertising. The human resource department must approve the process and selection for temporary positions.

#### **.030 Types of Recruitment**

The human resource department coordinates the initial recruitment action. Current Union Support Staff can apply for any position for which they meet the minimum qualifications, whether the position is at a higher pay grade (promotion), a lower pay grade (voluntary demotion), or at the same pay grade (lateral transfer). Only promotions result in a pay increase. An employee who applies and is selected for a position with a lower pay grade may receive a pay reduction. Employees who transfer to another position within the same pay grade may be paid at their current level of pay.

There are two types of recruitment:

- External: Recruitment is open to all employees and applicants.
- Internal: Recruitment is restricted to all current employees of the Union.

#### **.040 Recruiting Procedures**

**Prior to Recruitment:** Before recruitment can begin, the Executive Director must approve the request to recruit. The Assistant Director/Human Resources and Business Management must approve the classification of a new position, or in the case of an established position, review the current position description and classification.

**Canceling/Postponing Recruitment:** If circumstances arise when a recruitment is in progress but needs to be cancelled or postponed, the department head will contact the Assistant Director/Human Resources and Business Management. The human resource department will then notify all applicants that the recruitment has been cancelled or postponed.

**Subsequent Recruitments:** If a recruitment is for a like position that was filled within the past 60 days, a second candidate may be selected from the same group of applicants of the previous recruitment with permission from the Assistant Director/Human Resources and Business Management.

### **.050 Screening, Interviewing and Selecting**

All applicants must apply through the human resource department. This may be done electronically or in-person. The human resource department will check for completeness of submitted documentation. Departments should refer any and any inquiries from applicants to the human resource department.

**Applicant Lists:** Once a vacancy has closed, the human resource department will certify that applicants meet the minimum requirements for the position and have submitted all required application documentation (i.e. résumé, cover letter, portfolio). Once an applicant is certified, the applicant becomes a candidate for the open position. The search committee will receive a list of all qualified candidates along with copies of the documents submitted by candidates.

**Initial Screening of Candidate Documents:** Search committee members must consider all candidates in the screening process, using preferred criteria. This allows the committee to score applications based on those qualifications beyond the minimum requirements, i.e. the preferred selection criteria. Selection criteria must be applied equally to all candidates. This process is necessary to identify the top candidates through a structured process based on a point system. The screening form is important should any questions arise as to the selection process used to determine those selected for interviews.

**Interviewing and Conducting the Interview:** The names of candidates selected for interviews, based on the point-based screening process, should be submitted to the Assistant Director/Human Resources and Business Management along with a completed *Initial Screening of Candidates* form, *prior* to scheduling interviews. At a minimum, two candidates should be interviewed for each position; three candidates are preferred. Deviations must be approved by the Assistant Director/Human Resources and Business Management. Interviewing begins with preparation of job-related questions for candidates. Each candidate must be evaluated on the same set of *prepared* questions however, follow-up or probing questions may differ. All interview questions must be approved by the Assistant Director/Human Resources and Business Management prior to interviewing. The Union utilizes behavioral interviewing for the majority of the interview questions.

**Reference Checks:** Reference checks will only occur after the interview has taken place. A minimum of two professional references must be secured prior to a contingent employment offer being made.

**Selection:** The Union is committed to nondiscrimination on the basis of race, color, ethnic or national origin, sex, sexual orientation, gender identity, religion, age, ancestry, disability, genetic information, military status, or veteran status, as required by applicable laws and regulations. The search committee must contact the human resource department with the name of the top candidate they wish to extend a contingent employment offer to. The employment offer is contingent on the successful completion of a criminal background check. Supervisors must obtain permission to hire candidates of choice from the

Executive Director prior to extending an offer. The human resource department is generally responsible to notify all non-selected candidates that the position has been filled.

**Above Minimum Pay Range Hire:** Individuals may be hired above the entry level wage based on the fact that they have exceptional qualifications relevant to the position. The Assistant Director/Human Resources and Business Management will consult with the Executive Director for approval. Any higher wage offer is contingent upon budget stability.

**Request to Extend Search:** The search committee may request additional applicants to interview. This type of request may be needed if the candidate of choice declines the offer and no other candidates are viable choices or the search committee has exhausted its pool of candidates. The human resource department will extend the deadline date to accept applications and re-advertise if necessary.

### **.060 Temporary Positions**

Supervisors needing to hire a temporary employee must obtain prior approval from the Assistant Director/Human Resources and Business Management. Temporary employees must meet the minimum requirements for the positions they fill. Temporary positions are generally established at the lowest wage range for the position. Temporary employees may not work more than 999 hours in a 12-month period, whether it is in one position or multiple positions within the Union. All hours, including overtime, count toward the 999 hours maximum.

Temporary hires to be employed for six months or more must successfully complete a background check prior to working.

### **.070 Record Keeping**

The human resource department maintains recruitment materials.

### **.080 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

## **4400 Employment – Union Support Staff (USS) Specific 4415 Position Management, Funding and Other Changes**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Types of Positions and Funding
  - .030 Establishing New Positions
  - .040 Changes to Existing Positions: Changes in FTE, and Changing Positions from Union Support Staff to Unclassified
  - .050 Reclassification of Existing Positions
  - .060 Position Analysis & Review
  - .070 Review of Positions Prior to Recruitment
  - .080 Review of Position Descriptions
  - .090 Appeals
  - .100 Position Descriptions
  - .110 Fair Labor Standards Act (FLSA)
  - .120 Questions
- 

### **.010 Introduction**

The K-State Student Union Assistant Director/Human Resources and Business Management is responsible for compensation and classification of positions at the Union. The Assistant Director/Human Resources and Business Management is tasked with providing consistent and equitable classification of positions.

### **.020 Types of Positions and Funding**

There are two categories of positions: Budgeted and unbudgeted. Budgeted positions are those positions that appear in the Union's budget and have percentages of time assigned using the designation "FTE" (Full-Time Equivalent = % of time). Full-time positions are at the 1.0 rate whereas part-time positions could be designated as .9 FTE or any percentage less than 1.0. Funding must be available for a position to be established as a budgeted position. Unbudgeted positions (temporary positions) require only that funding is available.

There are three types of Union Support Staff (USS) positions:

- Regular full-time position: Has a regularly scheduled workweek of 40 hours. Position is reflected in the budget. (FTE = 1.0)
- Regular part-time position: Has a regularly scheduled workweek of less than 40 hours. Position is reflected as part-time in the budget. (FTE = .9 or any percentage less than 1.0)
- Temporary Position: Restricted to 999 hours within a one-year period. Funding is necessary; FTE is not. Temporary positions are not considered "budgeted positions". Position descriptions are not required for temporary positions.

### **.030 Establishing New Positions**

New positions are established by identifying available funding. If the Union has a business need for a new position and funding is available, the department head may submit a request to the Executive Director.

When funding is approved, a position description must be developed by the department head and Assistant Director/Human Resources and Business Management for determination of the appropriate classification.

If funding is available, temporary positions may be hired with approval of the Executive Director. The human resource department will assist the supervisor with the advertising and hiring of temporary employees.

#### **.040 Changes to Existing Positions: Changes in FTE, and Changing Positions from Union Support Staff to Unclassified**

Changes to positions, whether the percentage of time or other changes, will affect the employees who are in them.

##### Changes in FTE (Full-time Equivalent)

Increasing FTE: Procedures for increasing FTE depend on whether funding is available.

Decreasing Percentages: If the needs of a position have decreased or other changes have resulted in decreasing the percentage of time an employee works, the supervisor must contact the Assistant Director/Human Resources and Business Management before any changes to the position are made.

##### Changing Positions from Union Support Staff to Unclassified

Requests to move positions to an unclassified position from a Union Support Staff position are reviewed by the Assistant Director/Human Resources and Business Management. The Assistant Director/Human Resources and Business Management will coordinate actions following the approval of the Executive Director.

#### **.050 Reclassification of Existing Positions**

Reclassifications are based on changes in duties, responsibilities, organizational structure or other factors effecting the position and NOT on any individual employee characteristics or qualifications. The position description and Union's organizational chart form the basis for the review. Requests should not be submitted to reflect temporary changes in duties or in anticipation of duties changing in the future. In order to be considered for reclassification, department heads must demonstrate sound justification for the reclassification based on organizational needs. A position review and analysis will be conducted as indicated in Section .060, Position Analysis and Review.

#### **.060 Position Analyses and Review**

A full analysis is conducted for each reclassification and updated by the Assistant Director/Human Resources. After an initial desk-audit review is completed, the Assistant Director/Human Resources and Business Management will determine whether an on-site audit is necessary. The analysis process is comprehensive and may take considerable time to finalize.

Classification determinations are based on numerous factors including analysis of the position description, review of information gained from on-site interviews with the employee and supervisor if conducted, and comparisons to other positions that have similar responsibilities and duties. Much of the information can be obtained without an on-site review. Classification decisions are based on the characteristics of the position and NOT on any characteristics of the employee such as superior performance, diligence, longevity, loyalty or exceptional qualifications.

The department head will be notified of the classification. The Assistant Director/Human Resources has the responsibility to notify the employee of the completed action. A copy of the finalized position description will be attached. The memo will provide pay grade and classification information and the effective date of the action. The effective date will be the beginning of the closest pay period following completion of the action. For reclassifications to a higher grade, assignment of a new pay grade is determined by the Executive Director using the following options:

- Place the employee on the same step of the pay grade for the new class on which the employee was being paid on the previous pay grade.
- Place the employee on a lower step of the pay grade for the new class that gives the employee an increase in pay.
- Place the employee on the step for new hires in the class when a higher step in the pay grade has been established as the starting pay.
- Place the employee on a higher step in the pay grade if the employee has exceptional qualifications related to the duties of the position.

For reclassifications to a lower pay grade, the employee will be assigned to the step on the lower grade that corresponds to the pay rate the employee was previously receiving. If that rate is not on a step in the lower pay grade, the employee will be paid at the highest step in that pay grade.

#### **.070 Review of Positions Prior to Recruitment**

Supervisors are required to review positions each time a position becomes vacant.

#### **.080 Review of Position Descriptions**

Position descriptions are to be reviewed by the employee and the supervisor.

#### **.090 Appeals**

Classification authority is granted to the Assistant Director/Human Resources and Business Management. The department head may request the Executive Director to review the determination.

#### **.100 Position Descriptions**

The position description is the official description of a position. The position description is the primary data collection instrument designed to gather information about the specific assignments and characteristics of a single position. It forms the basis for classification decisions and is used to document information for purposes of employee selection, essential function determinations and conformity with applicable laws and regulations. Every position (except temporary positions) must have an approved position description on file with the human resource department. Additionally, the position description provides an employee with an overview of the responsibilities and duties expected. A copy of the relevant position description is given to the employee.

#### **.110 Fair Labor Standards Act (FLSA)**

The position description is one factor in establishing the Fair Labor Standards Act (FLSA) exempt or non-exempt status of an employee.

#### **.120 Questions**

Questions should be directed to the Assistant Director/Human Resources and Business Management at (785) 532-6577.

## 4400 Employment – Union Support Staff (USS) Specific 4450 Compensation

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Beginning Pay
  - .030 Guidelines for Hiring Above Minimum Rate
  - .040 Pay Increases
  - .050 Overtime
  - .060 Questions
- 

### **.010 Introduction**

Each pay grade for Union Support Staff has a minimum rate and a maximum rate. Employees are only eligible to receive compensation specifically provided for in this chapter. For current minimum and maximum hourly pay grades, contact the Union human resource department. Employees in positions identified as non-exempt under the Fair Labor Standards Act are paid an hourly rate; employees in positions identified as exempt under the Fair Labor Standards Act are paid a biweekly rate.

### **.020 Beginning Pay**

The following indicates the authorized beginning pay for the different types of recruitment or movement of employees.

- **New Hires:** Each new hire and rehire will be paid at the minimum rate of the pay grade for the job title.
- **Temporary Employees:** The pay is the minimum pay of the appropriate pay grade.
- **Employees Rehired by Reinstatement:** A person rehired within one year of leaving employment may be paid at the same pay rate at which the employee was previously paid if it is in the same or equal position.
- **Employees Promoted or Reclassified to a Higher Pay Grade:** When an employee is promoted into another position or the employee's position is reclassified to a higher pay grade, the employee may be paid up to 5% above the minimum pay rate per pay grade advancement but no less than the minimum pay for the new pay grade.
- **Employees Transferred within the Same Pay Grade:** Pay for a transfer does not change. An employee may accept lower pay but no less than the minimum pay for the pay grade, if agreed upon by the employee and the Assistant Director/Human Resources and Business Management. The Assistant Director/Human Resources and Business Management will consult and get approval from the Executive Director.
- **Employees with Voluntary Job Change to a Lower Pay Grade:** An employee who voluntarily takes a job change to a lower pay grade may be paid anywhere from their current rate down to 5% less for each lower pay grade but no greater than the maximum of the new pay grade.
- **Employees Involuntarily Demoted to a Lower Pay Grade:** An employee who is demoted involuntarily for disciplinary reasons, must receive a pay decrease of at least 5% to a maximum of 5% less for each lower pay grade but no greater than the maximum of the new pay grade. A promotional employee who is demoted because of unsatisfactory performance during the promotional probationary period, is paid no lower than the same rate the employee received immediately prior to the promotion.

- **Employees in Positions Reclassified to a Lower Pay Grade:** An employee whose position is reclassified to a job title with a lower pay grade may continue to be paid anywhere from their current pay rate down to 5% less for each lower pay grade but no greater than the maximum of the new pay grade.

### **.030 Guidelines for Hiring Above Minimum Rate**

Department heads, with approval from the Executive Director, may offer a higher than the minimum pay rate of the range based on the difficulty of recruitment, retention or other special needs. The following guidelines may be used to determine the appropriate starting pay rate for new hires or current employee job changes due to competitive transfer or promotion for these designated job titles. In the case of a transfer, the employee is eligible for the same rate of pay or higher only when transferring from a non-designated job title to a designated job title. In the case of promotion, the employee is eligible for a higher pay rate than that described above for promotion.

Consider all of the following criteria in determining the starting rate of pay:

- Recruitment/retention difficulty
- Candidate has exceptional competencies specific to the position
- Internal equity within the Union
- Budget constraints
- Critical nature of the position to the operation of the Union

Positions not pre-approved must be filled at the minimum rate for the grade or receive prior approval from the Executive Director before extending an offer of employment at a higher rate.

### **.040 Pay Increases**

The Executive Director determines the method of pay increases when funds are available. Regular pay increases are not guaranteed. The increase may be across-the-board and/or based on job performance. An employee whose latest performance review was "successful performer" or higher will be deemed to have performed at a level sufficient to receive a performance-based salary increase.

### **.050 Overtime**

Employees in positions identified as non-exempt from the Fair Labor Standards Act are eligible to receive overtime compensation.

***Overtime Pay Calculation:*** The overtime pay rate is automatically calculated each week in the Human Resource Information System (HRIS), using the following calculation:

$$\frac{(\text{Regular hours} \times \text{Hourly rate}) + (\text{Overtime hours} \times \text{hourly rate}) + \text{Premium pay}}{\text{Total hours worked in work week}} = \text{FLSA rate}$$

$$(\text{Overtime hours} \times \text{Hourly rate}) + (\text{Overtime hours} \times \text{FLSA rate} \times 0.5) = \text{Overtime earnings}$$

For more information regarding types of pay see Union policy 4086.

### **.060 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

## **4400 Employment – Union Support Staff (USS) Specific 4460 Employment Eligibility, Types, and Terminations**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Employment Eligibility
  - .030 Employment Types
  - .040 Multiple Positions
  - .050 Absence
  - .060 Separations and Terminations
  - .070 Questions
- 

### **.010 Introduction**

The K-State Student Union human resource department is responsible for maintaining the official personnel files.

### **.020 Employment Eligibility**

Before a Union Support Staff can be hired and placed on the payroll, the employee must first provide verification of employment eligibility. The human resource department is required to physically examine the required documentation and complete Form I-9. New hires are not able to work until required documentation has been submitted to the human resource department. Employment authorization is not required in the case of promotions, transfers or demotions. The verification process is also not required when an individual is rehired with a valid Form I-9 on file, but the previously completed Form I-9 must be reviewed to determine continued work eligibility. The Form I-9 is valid for a period of three years for rehire purposes. If documentation used for the previously completed Form I-9 has expired, the employee must provide unexpired documentation.

### **.030 Employment Types**

The following are the different types of employment associated with Union Support Staff. Each type of employment has specific guidelines for the beginning salary.

**Initial Regular/New Hires** - An initial regular hire means a new Union Support Staff is being hired to a regular budgeted position.

**Temporary** - A temporary Union Support Staff is limited to working 999 hours in a year beginning from the date of initial temporary hiring and ending the following year on that date. A temporary hire may be for a shorter period of time as determined by the department head, however, it cannot exceed one year in length. An employee may hold more than one temporary position at a time, but the hours combined shall not exceed more than the 999 total hours for 12 consecutive months. All time worked, including overtime, will count toward the 999 hours. Once the 999 hours limit is reached, the employee may not be rehired until the one-year anniversary date. A temporary Union Support Staff is not eligible for benefits and does not earn leave.

**Reinstatements** – A Union Support Staff who separates from the Union in good standing and returns within one year to a regular position is considered a reinstatement.

**Promotions** – A Union Support Staff who is hired into a position with a higher pay grade is considered a promotion.

**Reclassifications** - A reclassification occurs when a position is reviewed by the Assistant Director/Human Resources and Business Management and is assigned a different classification because the duties have changed.

**Demotions** - A demotion occurs when a Union Support Staff is hired to a different position with a lower pay grade. A voluntary demotion occurs when the Union Support Staff requests the demotion to a lower pay grade. An involuntary demotion occurs when the Assistant Director/Human Resources and Business Management places the employee in a lower pay grade for disciplinary reasons, upon approval by the Executive Director.

**Transfers** - A Union Support Staff who moves from one position to another with no change in pay grade is considered a transfer. If transferring to unclassified service, see *Separations, Terminations, and Personal Changes - Change from Union Support Staff to Unclassified Service*, later in this policy.

**Acting Assignments** - An acting assignment occurs when a Union Support Staff meets the minimum qualifications and is assigned on a temporary basis to a different vacant position with the approval of the Executive Director. An acting assignment may not exceed one year in length. If a Union Support Staff is placed on an acting assignment to a pay grade higher than that of the employee's normal position, the Union Support Staff shall be paid at a step on the higher grade that gives the Union Support Staff an increase in pay. Such an increase shall not exceed the highest step possible if the Union Support Staff was being promoted to the position. While on the acting assignment, the Union Support Staff may receive pay step increases in accordance with applicable pay step increase policies and procedures. When a Union Support Staff returns to the employee's normal position, the Union Support Staff will be paid at whatever step the Union Support Staff would have been paid had they not had the acting assignment. There is no probationary period while on an acting assignment; however, if the Union Support Staff is permanently hired into the acting assignment position, the time the Union Support Staff was in the position may count toward the probationary period and also toward the pay step increase date.

#### **.040 Multiple Positions**

A Union Support Staff may work in more than one classification and/or more than one position on a temporary basis as long as the total time worked on all positions does not exceed 999 hours per year. All time worked in multiple positions counts toward the same 40-hour work week. Any non-exempt (hourly) Union Support Staff who works more than 40 hours in a work week is entitled to overtime pay.

Each Union Support Staff who is employed in two or more regular part-time positions will receive pay for the duties performed in each position. A Union Support Staff's percentage of time worked should not exceed 100 percent, except as noted on the following: FLSA non-exempt Union Support Staff may not be concurrently employed in an exempt position. Each Union Support Staff who is employed in multiple part-time positions will receive benefits commensurate with the total time worked on all part-time positions.

#### **.050 Absence**

**Leave of Absence and Return from Leave of Absence** – A leave of absence occurs when a Union Support Staff exhausts all accrued leave and goes on leave without pay (LWOP) status. Any leave of absence must be approved by the employee's department head and the Assistant Director/Human Resources and Business Management. The department head and Assistant Director/Human Resources and Business Management will determine whether approval of each request for leave without pay is for the good of the Union, and shall approve or not approve the request. A leave of absence for more than 30 days affects the employee in the following ways – length of service date, leave accrual, pay increases, and benefits.

**Military Leave** - If a Union Support Staff is being granted leave without pay as a result of being called to active military duty, the Union Support Staff must submit a copy of the employee's orders that have been authenticated by the unit commander to the human resource department.

### **.060 Separations and Terminations**

**Resignation** – A Union Support Staff wishing to resign from employment in good standing should submit a letter of resignation stating the effective date and the reason for leaving to the Assistant Director/Human Resources and Business Management. (The two weeks of notice is requested to ensure a smooth transition of assignments and projects of the employee.) The human resource department is responsible for providing written acceptance of the resignation to the employee. If the employee fails to provide the required notice, a statement concerning such failure will be inserted in the employee's personnel record. Any compensatory holiday leave and vacation leave (up to 176 hours) will be paid to the employee. Unused sick leave and/or discretionary leave is not paid out due to resignation or termination.

**End of Temporary Position** – A Union Support Staff's temporary position may be terminated at any time during employment, with or without notice.

**Change from Union Support Staff to Unclassified** - If a Union Support Staff is changing type of employment, (i.e., going from Union Support Staff to unclassified), the human resource department will complete necessary paperwork.

**Retirement** – A Union Support Staff who retires shall be paid for all compensatory leave, holiday compensatory leave, vacation leave (up to maximum accumulation) and sick leave (amount that is allowable according to balances and years of service). The Union Support Staff should notify the human resource department prior to retirement.

**Death** – If an employee dies, all holiday compensatory leave and vacation leave (up to maximum accumulation) will be paid out on the final paycheck.

**Layoff** – The Executive Director approves all layoffs. Dispensations related to health, dental and vision insurance benefits may be made, at the discretion of the Executive Director, based on financial and other considerations deemed to be in the best interest of the Union at the time the layoff occurs. For more information see Union policy 4490.

### **.070 Questions**

Questions should be directed to the human resource department (785) 532-6577.

## 4400 Employment – Union Support Staff (USS)

### 4465 Performance Reviews for Full-Time Employees

(Revised 7/1/2021)

- .010 Introduction
- .020 Overview
- .030 Types of Reviews
- .040 Unsatisfactory Work Performance
- .050 Submission of Form
- .060 Questions

#### **.010 Introduction**

All full-time K-State Student Union Support Staff are consistently evaluated through the performance review process. The performance review process is a continuous process where supervisors and employees work together to establish goals, monitor progress toward the goals and assess results. With this process, employees receive regular feedback and coaching, which is a vital development process for employees. The Union's performance review period is June 1 – May 31 annually.

#### **.020 Overview**

The performance review process is used to identify performance expectations and provide feedback to the employee. Ongoing communication throughout the entire review period between supervisors and employees is essential.

The performance review process includes the following components:

1. **Performance Planning:** A discussion that takes place at the same time as the end-of-review period between the supervisor and employee to identify and clarify performance expectations for the new review period.
2. **Coaching and Feedback:** The daily process of communicating with employees — managing behavior and performance to help employees meet performance expectations.
3. **Reviewing Performance:** The process of evaluating performance against established performance expectations for a specific time period.

The performance review has three distinct scoring categories:

1. **Superior Performer** - Clearly and consistently demonstrates extraordinary accomplishment in all areas of responsibility. The employee serves as an exemplary role model and mentor. *Only a small percentage of employees will achieve this level of performance.*
2. **Successful Performer** - Performance consistently meets and frequently exceeds the requirements of the position. The employee continually performs at a steady and expected level and serves as a role model. *The majority of employees will perform at this level.*
3. **Under Performer** - Performance needs improvement and fails to meet minimum expectations for this role. *Immediate and sustained improvement is expected. Failure to improve is subject to disciplinary action, up to and including termination of employment.*

### **.030 Types of Reviews**

The type, length, and circumstances for performance reviews for full-time Union Support Staff vary; however, the performance review process is to be used in all instances. There are three categories of performance reviews: a) Probationary, b) Annual, and c) Special.

#### **Probationary Reviews**

The probationary period is a test of an employee's ability to meet identified job responsibilities. Feedback sessions should be conducted during the probation period. Prior to the expiration of the employee's probationary period, a performance review shall be completed and submitted to the Assistant Director/Human Resources and Business Management. Requests for probation extensions must be submitted to the Assistant Director/Human Resources and Business Management prior to the end of the probationary period. When a probationary employee is on leave, with or without pay, for 30 consecutive calendar days or more, the probationary period will be adjusted to the extent of the leave.

Circumstances for a probationary period and review:

- **New Hire** The initial period is six months, but it may be extended up to six additional months for valid reasons, such as completing specific training, attaining a specific skill level, or acquiring necessary credentials. An original probationary period of up to 12 months may be established when specific training or certification requirements, as documented in the position description, cannot be completed within six months. An extension of the probationary period requires prior approval by the Assistant Director/Human Resources and Business Management. Completed probationary reviews are due to the human resource department prior to the last day of the review period.
- **Promotion** Promotional employees are subject to a probationary period of not less than three months nor more than six months. However, a probationary period of up to 12 months may be established by the Assistant Director/Human Resources and Business Management when specific training or certification requirements cannot be completed within six months. A promotional probationary period cannot exceed 12 months.
- **Reclassification** (Optional) A probationary period and review is not required for a reclassification. However, the supervisor has the option to designate a probationary period and review of not less than three months nor more than six months for a reclassification. Reclassification is a change in an existing position from one classification to another. A probationary period of up to 12 months may be established if approved by the Assistant Director/Human Resources and Business Management when specific training or certification requirements, as documented in the position description, cannot be completed within six months.
- **Reinstatement** Reinstatement occurs when a previous employee returns to work within a year of separation. Reinstated employees are subject to a probationary period of not less than three months nor more than six months.
- **Transfer** A probationary employee may transfer from one position in a classification to another position in the same classification or to another classification in the same pay grade; whether in the same department or from another department, the transfer has no effect on the employee's probationary period. However, the initial probationary period may be extended, with the approval of the Assistant Director/Human Resources and Business Management, up to six additional months.
  - a. When an employee transfers from one Union Support Staff position to another position in the same classification, or to another classification in the same pay grade, the employee does not serve another probationary period.

- b. Employees who transfer, demote or promote from a temporary position or from any position in an unclassified position to a Union Support Staff position shall serve a standard six-month probation.

### **Annual Reviews**

Annual reviews are required for each full-time Union Support Staff.

### **Special Reviews**

A special review may be conducted at any time to gauge the level of performance or to improve that performance for a full-time Union Support Staff. A special review will not change the annual review due date.

### **.040 Unsatisfactory Work Performance**

#### **Probationary Employees**

If overall performance is rated "Under Performer" at the end of any probation period, the employee shall not continue employment.

The department head may request termination of a probationary employee on an original hire for not meeting the work requirements or for other good cause, such as conduct, at any time. Such requests are submitted to the Assistant Director/Human Resources and Business Management. The Assistant Director/Human Resources and Business Management shall notify the employee in writing the date of the termination, the reason for the termination, and the effective date of the termination. A copy of the termination notice and the completed Performance Review Form shall be provided to the Executive Director.

### **Regular Employees**

When a regular Union Support Staff's work performance deteriorates or does not meet the job responsibilities as specified in the position description, the supervisor will coach the employee with the stated objective of improving the employee's performance.

Steps to encourage improved performance include:

- **Feedback Session** Confer privately with the employee. Use the performance criteria listed on the Employee Performance Review Form to guide the discussion. Communicate what level of performance is expected and document the recommendation to enhance employee performance.
  - a. Ask if mitigating circumstances may have affected work performance. Involve the employee in developing solutions, setting priorities, and establishing a timeline for improvement.
- **Recommendation to Enhance Employee Performance** Provide the employee written recommendations to enhance employee performance that reflect the areas needing improvement. Include the goals, steps for improvement, and timelines. The recommendation must state that without such improvement, the employee may be placed on a special performance review. The recommendation must also state that without such improvement, disciplinary action (suspension, demotion, or termination) may ultimately be recommended. The recommendation must be reviewed and approved by the Assistant Director/Human Resources and Business Management prior to delivery to the employee.
- **Special Performance Review** If, after a reasonable period of time following the feedback session (normally 30 to 45 days), the work performance remains less than "Successful Performer," a special performance review shall be prepared and a planning discussion held. Special review periods can be either 30, 60, or 90 days in length and frequent feedback sessions must be held and documented. If the special review period is 30 days in length, the feedback sessions must occur weekly; if 60 or 90

days in length, the feedback sessions must occur biweekly. At the end of the special review period, the supervisor will assign a rating, have the Assistant Director/Human Resources and Business Management sign the review and then meet with the employee to provide the final rating. The supervisor will confer with the Assistant Director/Human Resources and Business Management before discussing a less than “Successful Performer” rating with the employee. (Note: The employee's signature acknowledges receipt of the review and the rating; it does not imply agreement.) Recommendations may be extended and/or revised for the upcoming rating period.

- **Subsequent Special Performance Review** A minimum of 30 calendar days must elapse before the next special performance review may be conducted.
- **Suspension, Demotion or Termination** If the employee has received two performance review ratings of less than “Successful Performer” in the 180 calendar days immediately preceding the effective date of the proposed action, the department head may recommend suspension, demotion, or termination of a regular employee for deficiencies in work performance. The second performance review with a rating of less than “Successful Performer” will be forwarded to the Assistant Director/Human Resources and Business Management with the department head’s written recommendation.

### **Reasons for “Under Performer” Rating**

The following deficiencies in work performance may lead to an "Under Performer" rating and suspension, demotion, or termination:

- Inefficiency, incompetence, or inability to perform duties;
- Negligence in performance of duties;
- Careless, negligent, or improper use of property;
- Failure to maintain satisfactory and harmonious relationships with the public and fellow employees;
- Habitual or flagrantly improper use of leave privileges;
- A habitual pattern of failure to report for duty at the assigned time and place or to remain on duty;
- Failure to obtain or maintain a current license or certificate or other authorization required to practice a trade, conduct a business, or practice a profession.

Personal conduct detrimental to the Union may also result in suspension, demotion, or termination. The grounds for such actions are discussed in policy 4470.

### **.050 Submission of Form**

The completed Performance Review Form must be submitted to the human resource office. The employee should receive a copy of the completed review form. (Note: No written comments or attachments may be submitted to the human resources department as part of a review if they have not been shared with the employee.) The review becomes part of the employee's official personnel file.

### **.060 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

## **4400 Employment – Union Support Staff (USS) Specific 4470 Disciplinary Action**

*(Revised 7/1/2021)*

- .010 Policy
  - .020 Grounds for Disciplinary Actions
  - .030 Disciplinary Procedures
  - .040 Time Measurement for Determining Action
  - .050 Disciplinary Action and Unclassified Professionals
  - .060 Questions
- 

### **.010 Policy**

The K-State Student Union is committed to providing a positive, supportive, and harmonious work environment where employees can perform to their best ability. The Union recognizes that there are times when disciplinary action is necessary. It is important that performance and discipline problems be settled at the earliest stage possible through timely and appropriate verbal and written counseling by the employee's immediate supervisor. If, however, these actions do not correct the situation, the guidelines in this policy address formal disciplinary measures for employees who violate policies, fail to perform work satisfactorily, or behave in a manner detrimental to the Union.

### **.020 Grounds for Disciplinary Actions**

1. *PERSONAL CONDUCT*. Grounds for an Employee Assistance Program (EAP) mandatory referral, suspension, administrative leave, demotion, or termination of an employee for personal conduct includes, but is not limited to, the following:
  - Gross misconduct or conduct grossly unbecoming an employee
  - Felony conviction of a criminal act
  - Immoral conduct
  - Willful abuse or misappropriation of funds, materials, property, or equipment
  - Making a false statement of material fact in the employee's application for employment
  - Participation in any action that would in any way seriously disrupt or disturb the normal operation of the department or Union
  - Trespassing on the property of any areas in the Union for the purpose of harassing or forcing dialogue or discussion from the occupants or owners of such property
  - Willful damage or destruction of property in the Union
  - Willful endangerment of the lives or property of others or both
  - Possession of unauthorized firearms or other lethal weapons while on the job
  - Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination)
  - Being under the influence of alcohol or drugs while on the job
  - Knowingly releasing confidential information from official records
  - Use of the employee's position, use of the employee's time on the job, or use of property or facilities by the employee in connection with a political campaign
  - Exhibiting personal conduct which could cause undue disruption of work or endanger the safety or property of others or self
  - Gross carelessness or negligence

- Gross improper use of property
  - Sexual harassment
2. **WORK PERFORMANCE.** Grounds for an Employee Assistance Program (EAP) mandatory referral, suspension, administrative leave, demotion, or termination of an employee for deficiencies in work performance include, but are not limited to, the following:
    - Inefficiency or incompetence in the performance of duties or inability to perform the duties
    - Negligence in the performance of duties
    - Careless, negligent, or improper use of property
    - Failure to maintain satisfactory and harmonious relationships with the public and fellow employees
    - Habitual or flagrantly improper use of leave privileges
    - Habitual pattern of failure to report for duty at the assigned time and place or to remain on duty
    - Failure to obtain or maintain a current license or certificate or other authorization required to practice a trade, conduct a business, or practice a profession
  3. **ATTENDANCE ISSUES.** For attendance guidelines, refer to Union policy 4480.

### **.030 Disciplinary Procedures**

Nothing in these procedures prevents a supervisor from requesting an Employee Assistance Program (EAP) mandatory referral, suspension, administrative leave, demotion, or termination of an employee to the Assistant Director/Human Resources and Business Management for actions warranting such a measure.

### **DISCIPLINARY ACTION**

#### **Oral Reminder (Supervisor level)**

1. In preparation, the immediate supervisor should gather and document information, observe the situation first-hand when possible, and plan a meeting designed to help the employee recognize the problem.
2. During the private conference, the supervisor should guide the employee as follows:
  - a. State the problem clearly
  - b. Identify the changes that are expected
  - c. Ask for and listen to the employee's point of view
  - d. Encourage the employee to offer solutions
  - e. Reach agreement on actions that will be taken and a timetable for those actions
3. Immediately after the meeting, the supervisor should document the discussion and the resulting agreement on the Documentation of Concern Form and provide a copy to the human resource department.

#### **Written Reminder (Supervisor level)**

1. If the problem continues, the supervisor should provide the employee a copy of the above Documentation of Concern Form and schedule a second conference.
2. The supervisor should complete a second Documentation of Concern Form. The form will include the following:
  - a. A clear, objective statement of the problem
  - b. The desired changes not made to date
  - c. An additional opportunity to correct the problem and the time period
  - d. An offer of assistance as their supervisor
  - e. Disciplinary consequences if the problem is not corrected

3. During the second counseling session, the supervisor should continue to pursue a problem-solving approach. The objective is to prevent recurring problems. A problem-solving approach does not prevent a supervisor from expressing concern over an employee's continued unacceptable behavior. Each of the points included in the Documentation of Concern Form should be covered orally during the meeting. The department head and/or Assistant Director/Human Resources and Business Management may attend the second counseling session at the discretion of the department head.
4. The employee's signature on the Documentation of Concern Form acknowledges receipt of the document and of the second counseling session, not necessarily agreement. A copy of the Documentation of Concern Form will be given to the employee and the original is placed in the employee's personnel file by the human resource department.

### **Employee Assistance Program (EAP) Mandatory Referral**

1. A mandatory referral to the Employee Assistance Program should be based strictly on unsatisfactory personal conduct or work performance. When a supervisor observes a general decline in an employee's work performance or particular on-the-job incident(s) or personal conduct, the supervisor will:
  - a. Consult with the Assistant Director/Human Resources and Business Management and department head to discuss the referral to the EAP.
  - b. Complete the EAP Formal Management Referral form, available from the human resources department, and instruct the employee to sign the form. The form is then sent to the EAP provider. The form provides information for the EAP counselor about why the employee is being referred, and provides written consent from the employee for communication to take place between the Assistant Director/Human Resources and Business Management and the EAP.
  - c. Instruct the employee to contact the EAP to receive a referral to a local counselor. Give the employee a deadline for when the call to the EAP must be completed.
2. The employee receiving the mandatory EAP referral is not limited in the number of EAP sessions accessible to them; sessions will continue until the issue is resolved or the employee is no longer employed by the Union.
3. Upon accessing the EAP, the employee is expected to immediately correct the problem situation and maintain acceptable performance and conduct in every area of the job, whether immediately related to the current problem or not. Any further problems that require disciplinary action may result in termination.
4. In cases of a mandatory EAP referral, refusal to comply with the referral may result in further disciplinary action, up to and including termination of the employee.

### **Suspension (With or Without Pay)**

The purpose of a suspension is to provide the Executive Director, department head, and Assistant Director/Human Resources and Business Management, critical time to consult additional resources (i.e. legal counsel, Employee Assistance Program, etc.) in determining the best course of action with respect to the employee's continued unacceptable performance and/or behavior. Only the Executive Director has the authority to impose a suspension for personnel issues when doing so is in the best interest of the Union.

### **Administrative Leave (With or Without Pay)**

Only the Executive Director has the authority to impose administrative leave (with or without pay) for personnel issues, dangerous or unsafe working conditions, or for other circumstances that necessitate employee time off.

**Demotion or Termination**

A department head requesting demotion or termination of an employee must request the action in writing to the Assistant Director/Human Resources and Business Management. The request should include why the action is being requested, what prior steps were taken to correct the situation, and any other pertinent documentation and information. The Assistant Director/Human Resources and Business Management will confer with the Executive Director and notify the department head of the decision.

**.040 Time Measurement for Determining Action**

Prior disciplinary actions within one-year of the most recent violation may be considered when determining the appropriate level of disciplinary action.

**.050 Disciplinary Action and Unclassified Professionals**

Unclassified professionals are responsible to adhere to this policy in the same manner Union Support Staff are responsible.

**.060 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

## **4400 Employment – Union Support Staff (USS) Specific 4480 Attendance Guidelines**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Purpose
  - .030 Work Practices
  - .040 Definitions
  - .050 Corrective Action
  - .060 Time Measurement for Determining Action
  - .070 Any Combination of Attendance Violations
  - .080 Excessive/Habitual Use of Leave
  - .090 Attendance During Probationary Period
  - .100 Presumed Resignation
  - .110 Questions
- 

### **.010 Introduction**

An employee's work attendance has a direct effect on the K-State Student Union's ability to provide services in support of the mission of the Union.

This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA) or leave provided as reasonable accommodation under the Americans with Disabilities Act (ADA).

An employee's attendance record is a possible consideration which a supervisor may consider when selecting for initial hire, regular status, transfer, or promotion. Misuse of leave privileges, excessive/habitual leave use, unexcused absences, tardiness, or a pattern of failure to report for, or remain at work, may be grounds for disciplinary action. The Union acknowledges that circumstances may necessitate recommendations for varying levels of corrective action.

### **.020 Purpose**

The following guidelines have been established to assure that:

- There is consistent attendance counseling and corrective action on a Union-wide basis.
- There is appropriate corrective action at the lowest level which is sufficient to address attendance concerns.
- There are clear steps to follow so that supervisors and employees may discuss attendance problems affecting the work unit and its productivity and have adequate time for employees to correct attendance deficiencies.

### **.030 Work Practices**

Punctual and regular attendance is an essential responsibility of each employee and is a condition of employment. Employees are expected to report to work as scheduled, on time, and prepared to start working. Employees are also expected to remain at work for their entire work schedule. Tardiness, failure to remain on duty, or other absences from scheduled hours are disruptive and should be avoided. Employees are also expected to accurately report hours worked and leave taken.

In any situation where an employee is unable to report, or may be delayed in arriving for work at the assigned time and place, the employee must contact the immediate supervisor or other designated person prior to the start of the scheduled work shift. Except in the most unusual situations, the employee is expected to make the call personally, provide a projected length of absence, and explain reasons for the absence or tardiness (Texting is only acceptable when pre-approved by the supervisor). When absence is necessary, the employee must contact the supervisor before each scheduled shift unless the absence is approved in advance by the supervisor. The employee must also obtain authorization to leave the work area during a scheduled shift.

Responsibility for excusing tardiness or an unexpected absence rests with the immediate supervisor. In most situations, the supervisor will be expected to make the decision (whether tardiness or an unexpected absence is justified) when the employee returns. The supervisor should visit with the employee and personally review the employee's request and reasons to determine whether the absence or tardiness is appropriately justified. The supervisor should take any mitigating circumstances and the employee's attendance record into account when making the decision.

In cases of absence or tardiness for medical reasons, the employee must provide certification from a health care provider if the employee has been absent for four or more consecutive days. The certification should only verify the employee was seen by a health care provider and stipulate any work-related restrictions (if applicable).

#### **.040 Definitions**

There are several categories of attendance problems which represent misconduct. Appropriate responses to such problems will be determined based on the employee's record in all categories of attendance violations. Mitigating circumstances should be considered in determining appropriate responses.

**Tardiness:** Tardiness exists when an employee fails to report to work at the specified time.

**No-Call, No-Show:** No-call, no-show occurs when an employee both fails to report for work for a scheduled work shift and fails to notify the supervisor or designated person within 30 minutes of the start of the work shift of an intention to be absent. Reporting for duty or calling in after 30 minutes of the scheduled work shift is still considered a no-call, no-show. The supervisor should notify the employee in writing on a Documentation of Concern Form that the absence was considered a no-call, no-show. A copy of the Documentation of Concern Form will be placed in the employee's personnel file.

**Justified Absence: (For any absence other than sick leave)** A justified absence occurs when:

- The employee provides sufficient notice at least 48 hours in advance of the absence,
- The absence request is approved in advance by the supervisor, and
- The employee has sufficient accrued leave to cover the absence.

**Unjustified Absence: (For any absence other than sick leave)** An unjustified absence occurs when any of the above conditions are not met.

**Failure to Remain:** Failure to remain on duty occurs when an employee does not obtain permission to leave the work area during scheduled work time or takes or exceeds a break period without authorization.

**.050 Corrective Action**

Specific corrective steps related to the number of attendance-related incidents, those which cannot be justified or are excessive/habitual, have been established to deal with attendance problems.

<u><b>STEPS</b></u>	<u><b>NUMBER OF VIOLATIONS</b></u>		
	Tardiness	No-Call, No-Show	Unjustified Absence, Failure to Remain
1) Verbal Counseling only	3	N/A	1
2) First Written Warning and Counseling Session	4	1	2
3) Second Written Warning and Counseling Session	5	2	3
4) Demotion/Termination – Final Step	6	3	4

<u><b>STEPS</b></u>	<u><b>NUMBER OF VIOLATIONS</b></u>
	Excessive/Habitual Use of Leave
1) Verbal Counseling only	1
2) First Written Warning and Counseling Session	3
3) Second Written Warning and Counseling Session	5
4) Demotion/Termination – Final Step	8

Supervisors and employees should consult with the Assistant Director/Human Resources and Business Management with questions related to the corrective action process.

**.060 Time Measurement for Determining Action**

Incidents of attendance violations within one year of the most recent violation may be considered when determining the appropriate level of disciplinary action.

**.070 Any Combination of Attendance Violations**

In some cases, both attendance violations and other incidents of misconduct may be considered in making discipline determinations. When such combinations occur, the employee's entire disciplinary record will be considered to determine the appropriate level of disciplinary action for subsequent incidents of misconduct.

**.080 Excessive/Habitual Use of Leave**

Excessive/habitual use of leave is defined as two or more occurrences of unjustified absence in a 30-day period and will result in disciplinary action.

In cases where there is a pattern of excessive/habitual use of leave, notice will be given to the employee that the use of leave is disruptive to the work unit and that additional requirements must be met in order to receive justified leave. The excessive/habitual use of leave requirements include:

- Two-weeks' notice for use of vacation or discretionary leave, and/or holiday compensatory time
- Documentation to support other paid leave (funeral leave, jury duty, etc.)
- Verification that the employee was seen by a health care provider with any work-related restrictions notated by the health care provider.

The excessive/habitual absence requirements will continue for a period of at least one year. A regular (at least every three months) review of an employee's attendance record will be completed by the department head in consultation with the Assistant Director/Human Resources and Business Management. These requirements may be lifted prior to the one-year period by the department head if the employee corrects the pattern of excessive/habitual absences. This must be done in writing with a copy of the notice provided to the Assistant Director/Human Resources and Business Management. An employee may request a status review of attendance, if one is not initiated by the department head. Employees should be notified in writing regarding their status following each regular review.

After notice of a pattern of excessive/habitual absences has been given, another incident of unjustified absence should result in disciplinary action at the next higher step of discipline. If continuing absences result in leave without pay in two consecutive pay periods, the next higher step of discipline may be applied.

For information regarding leave without pay, refer to policy 4860.

#### **.090 Attendance During Probationary Period**

Time on leave (with or without pay) of more than thirty days shall not count toward total time on probationary status. The probationary period shall be continued effective with the employee's return from leave until the total probationary time has been served.

During the initial six-month probationary period, employees are expected to meet the Union's attendance requirements. At least one verbal counseling session must be given before terminating a probationary employee. The supervisor must give the employee a chance to correct performance deficiencies. Prior to termination, the supervisor must notify the Assistant Director/Human Resources and Business Management of their intent to terminate, provide the record of counseling (each incident is to be documented on the Documentation of Concern Form), and allow time for the Assistant Director/Human Resources and Business Management to review the case. Any pattern of absence, tardiness, failure to report (excused or unexcused), or other work rule violations which might develop during the initial probationary period may result in a supervisor's recommendation of termination.

#### **.100 Presumed Resignation**

Five consecutive working days of unauthorized absence for which an employee is unable to provide a reasonable explanation is considered job abandonment and presumed resignation. A supervisor or designee should make reasonable attempts to contact the employee during this five-day period; however, failure to contact the employee does not excuse the absence.

Due to concern with the employee's welfare, the Assistant Director/Human Resources and Business Management must be contacted after the second consecutive day of unauthorized absence. Law enforcement officials may be contacted to request a *Welfare Check* of the employee. The Assistant

Director/Human Resources and Business Management will notify the employee in writing that the employee has been terminated due to presumed resignation.

**.110 Questions**

Questions should be directed to human resource department at (785) 532-6577.

## **4400 Employment – Union Support Staff (USS) Specific**

### **4490 Layoff of Employment**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Definition of a Layoff
  - .030 Departments
  - .040 Layoff Notice to Employees
  - .050 Layoff Conferences
  - .060 Questions
- 

#### **.010 Introduction**

This policy provides general information, guidelines, and procedures to be followed in the event of a layoff. A layoff notice will be issued in the event a layoff is announced. A layoff action should be considered only after all other options have been exhausted.

#### **.020 Definition of a Layoff**

A layoff is a reduction in work force usually necessitated by a shortage of work or funds, reinstatement of an employee from leave, the elimination of a position or unit, or other material change in duties or reorganization. A layoff can be designated Union-wide, by department, by full-time or less than full-time positions, or by a combination of any of the above as determined by the Executive Director. Layoffs result in permanent loss of the positions held by laid off employees.

#### **.030 Departments**

Layoffs can be designated by department. The Union's departments are identified as:

- Director's Office
- Business Services
- Human Resources
- Information Technology
- Retail Services – includes quick-service restaurants and catering operations
- Building Operations – includes custodial services
- Maintenance – does not include bowling center maintenance
- ID Center
- Marketing – Includes Student Design Center
- Programs – includes Union Program Council
- Bowling Center – includes bowling center maintenance

#### **.040 Layoff Notice to Employee**

Written notice will be provided to each employee in a position identified for layoff and to each employee who might be affected by the layoff. This notice will be given at least 30 days before the effective date of the proposed layoff. The letter will include the intent to layoff, the proposed effective date, and the reason for the layoff. The letter will be hand delivered or delivered by certified mail-restricted delivery.

**.050 Layoff Conferences**

The Executive Director, Assistant Director/Human Resources and Business Management, and department head will conduct individual conferences for each employee affected by a layoff. These conferences will begin as soon as possible after employees have received the notice of layoff. Each employee will be informed of the potential options available, including transfer, placement assistance, and demotion. The supervisor may be in attendance, at the discretion of the department head.

**.060 Questions**

Questions should be directed to the Assistant Director/Human Resources and Business Management at (785) 532-6577.

## **4400 Employment – Union Support Staff (USS) Specific 4495 Mandated Placement**

*(Revised 7/1/2021)*

- .010 Background
  - .020 Policy
  - .030 Rejection of Mandated Placement
  - .040 Procedures
  - .050 Questions
- 

### **.010 Background**

Mandated placement of a Union Support Staff (USS) employee may occur for the following reasons:

- A. A USS employee who was promoted and does not successfully complete probation may be placed in a position in the job title from which they were promoted, or in another position for which they are qualified at a comparable salary.
- B. An administrative review indicates sound reasons for the expeditious transfer from the position currently held by a USS employee.
- C. A layoff eliminates the position of a USS employee.
- D. An on the job injury renders a USS employee unable (with or without a reasonable accommodation) to continue to satisfy the essential functions of their position and the employee is qualified to satisfy the position qualifications of a vacant position.
- E. A disabling condition renders a USS employee unable (with or without a reasonable accommodation) to continue accomplishing the essential functions of their position and the employee is qualified to satisfy the position qualifications of a vacant position.

### **.020 Policy**

A necessary mandated placement shall be to the next vacant or available position at the Union which, after review by the Executive Director, in consultation with the Assistant Director/Human Resources and Business Management and the affected department's department head, is considered to be a sound match of the employee's abilities to essential job functions. It is the intent of this policy that department heads of affected departments and employees are fully involved and cooperative in this process.

### **.030 Rejection of Mandated Placement**

Once a mandated placement has been authorized by the Executive Director, if the USS employee rejects the mandated placement, there will be no further obligation on the part of the Union to place the USS employee in other positions and employment may be terminated.

### **.040 Procedures**

When a mandated placement is necessitated the following procedures will be in effect:

#### **A. USS Who is Promoted and Does Not Successfully Complete Probation**

The supervisor is expected to keep the Assistant Director/Human Resources and Business Management apprised of performance issues and problems occurring during the probationary period. If, after three months of the six month probation period, the employee is not meeting expectations, the supervisor should notify the Assistant Director/Human Resources and Business Management. The supervisor will

counsel the employee. If, by the anniversary date of the fourth month, the employee's performance continues to be less than "Successful Performer," the supervisor should again advise the Assistant Director/Human Resources and Business Management. (The time table is to be accelerated in the case of a three-month probationary period.) The human resource department will:

1. identify current vacancies/recruitments at the employee's previous position and salary level;
2. review the competencies of the affected employee;
3. consult with the current supervisor, specifically identifying issues which may affect the success of a placement;
4. expedite mandated placement where there is a competency match to position duties; and,
5. provide follow-up counseling to the employee and supervisor, as needed.

#### **B. Administrative Review Indicates Sound Reason for Mandated Placement**

Although not frequent, administrative reviews may necessitate the transfer of a USS employee from one department to another. In these circumstances, the Assistant Director/Human Resources and Business Management will then:

1. review the competencies of the affected employee;
2. identify current vacancies/recruitment at the employee's current position and salary level; and,
3. expedite placement where there is a match to position duties.

#### **C. Layoff, Due to Lack of Work or Reorganization Requires Mandated Placement**

Refer to the Union policy 4490.

#### **D. On-the-Job Injury Renders a USS Unable, With Reasonable Accommodation, to Continue to Satisfy the Essential Functions of Position**

These situations fall under the auspices of the Workers' Compensation policies. Critical to this process is the timely filing of an Accident Report. Once the injury has been approved as appropriate for Workers' Compensation payment the following procedure is in effect:

1. The designated medical provider will perform or coordinate an assessment of the employee injury.
2. The medical provider will provide the Assistant Director/ Human Resources a diagnosis and prognosis statement, including the physical limitations of the injured employee.
3. Assistant Director/Human Resources and Business Management will perform an essential functions review of the position.
4. Assistant Director/Human Resources and Business Management will perform a skills inventory of the employee.
5. Assistant Director/Human Resources and Business Management will review (with the department head) the essential functions of the current position.
6. If the USS employee can perform the essential functions of the position, with or without reasonable accommodation, the employee will continue in that position and is expected to return to work. As the restrictions are adjusted, accommodations will be evaluated until the employee is back to regular duty.
7. If the USS employee cannot perform the essential functions of that position, but is suited based on education, training, and experience to perform, with or without reasonable accommodation, the duties of a similarly situated position that is vacant, the employee may be placed in the vacant position.

#### **E. A Disabling Condition Renders a USS Unable to Continue Accomplishing the Essential Functions of Their Position**

In circumstances where a disability permanently prevents a USS employee from performing the essential functions of their current position, with or without a reasonable accommodation, the following will occur:

1. The Assistant Director/Human Resources and Business Management will review the USS employee's skills and competencies, along with the employee's current job classification and duties.
2. The Assistant Director/Human Resources and Business Management reviews any vacant positions to identify a position that matches the USS employee's skills and competencies to job duties.
3. The Assistant Director/Human Resources and Business Management will meet with the department head and/or supervisor of the vacant position to review and confirm the essential functions of the position and discuss the requirements of this policy.
4. The Assistant Director/Human Resources and Business Management will meet with the USS employee to review the vacant position and discuss the employee's ability to perform the essential functions of the vacant position. In the event reasonable accommodations are needed in order for the employee to perform the essential functions of the new position, an interactive process, involving the employee, the Assistant Director/Human Resources and Business Management, and the department head, will be undertaken.
5. The Assistant Director/Human Resources and Business Management will expedite placement in the vacant position or termination of the employee.

**.050 Questions**

Questions should be directed to the Assistant Director/Human Resources and Business Management at (785) 532-6577.

## **4600 Employment – Unclassified Professional Specific 4650 Employment Eligibility, Types, and Terminations**

*(Revised 7/1/2021)*

- .010 Unclassified Professional Responsibilities
- .020 Employment Eligibility
- .030 Appointment Types
- .040 Other Gainful Employment
- .050 Employment Contracts
- .060 Termination of Employment
- .070 Performance Evaluations
- .080 Conflict of Interest Form
- .090 Additional Pay
- .100 Separations/Terminations
- .110 Questions

### **.010 Unclassified Professional Responsibilities**

Unclassified professionals are professional staff who contribute significant intellectual labor - technical, administrative, supervisory, and managerial - to the mission of the K-State Student Union. Unclassified professionals are expected to actively engage with the mission of the Union in the fulfillment of their responsibilities. Responsibilities vary widely. Thus, responsibilities are primarily defined by their position descriptions.

### **.020 Employment Eligibility**

Before an Unclassified professional can be hired and placed on the payroll, the employee must first provide verification of employment eligibility. The human resource department is required to physically examine the required documentation and complete Form I-9. New hires are not able to work until required documentation has been submitted to the human resource department. Employment authorization is not required in the case of promotions, transfers or demotions. The verification process is also not required when an individual is rehired with a valid Form I-9 on file, but the previously completed Form I-9 must be reviewed to determine continued work eligibility. The Form I-9 is valid for a period of three years for rehire purposes. If documentation used for the previously completed Form I-9 has expired, the employee must provide unexpired documentation.

### **.030 Appointment Types**

Unclassified professional appointments may be for the academic year (nine months) or fiscal year (12 months). Nine-month Unclassified professionals are not eligible for health, dental, vision, and life insurances and do not earn or accumulate vacation, sick, or discretionary leave. A nine-month Unclassified professional's duties are closely related to the presence of students on the university campus.

The following are the different types of appointments associated with Unclassified professionals:

- **Regular** - An Unclassified professional who is hired with a regular contract to a budgeted position.
- **Acting Assignment** – An acting assignment occurs when an Unclassified professional meets the minimum qualifications and is assigned on a temporary basis while a formal recruitment is being conducted. If an Unclassified professional returns to the position they held prior to the assignment,

they will be paid at the rate they would have been had the acting assignment not occurred. Unclassified professionals in acting assignments are eligible to apply for the position during the recruitment process.

- **Interim Assignment** – An interim assignment occurs when an Unclassified professional meets the minimum qualifications and is assigned on a temporary basis to a vacant or temporarily vacant position with the approval of the Executive Director. An interim assignment must be more than 30 days and may not exceed one year. When an Unclassified professional returns to the position they held prior to the interim assignment, they will be paid at the rate they would have been had the interim assignment not occurred. An Unclassified professional on an interim assignment is eligible to apply for the position during the recruitment process.
- **Promotions** – A promotion is defined as a move to a job with a higher pay grade based on job duties. The promotional increase cannot result in a rate that is below the minimum of the range or above the maximum of the range for the new job. Factors that may be considered in determining pay increases for a promotion include, but are not limited to: staff's credentials (knowledge, skills, abilities, experience and performance) relative to the minimum job qualifications, internal equity comparisons, market considerations, and/or available funding.
- **Demotions** - A demotion is defined as a job change that results from a move to a lower pay grade based on job duties. A demotion can occur for reasons initiated by the Executive Director (involuntary) or Unclassified professional (voluntary). Depending on the circumstances surrounding the demotion, the employee's pay may remain the same or be reduced. Factors that may be considered in determining pay reductions for a demotion include, but are not limited to: staff's credentials (knowledge, skills, abilities, experience and performance) relative to the minimum job qualifications, internal equity comparisons, market considerations, and/or available funding.
- **Transfers** - A transfer is defined as a job change (i.e. lateral move) that results in a move to a position with the same pay grade. The move generally does not warrant a change in pay. If, however, the Unclassified professional moves to a job that has greater responsibilities or another factor provides a basis for an increase in pay, there may be an opportunity to provide a pay increase. If current pay is at or above range midpoint, an increase is usually not warranted.
- **Reclassifications** – A reclassification occurs when a position is reviewed by the Executive Director and Assistant Director/Human Resources and Business Management and is assigned a different job title based on a significant change in duties, responsibilities, organizational structure or other factors affecting the position.
- **Reappointments** – A reappointment occurs when the Executive Director determines whether an Unclassified professional will be reappointed for another year. Unclassified professionals must be explicitly informed in writing of a decision not to renew their appointment and as early as feasible. A non-reappointment is a planned action and is not intended for an immediate need.

#### **.040 Other Gainful Employment**

It is considered inappropriate for an Unclassified professional to engage in gainful employment outside the Union that is incompatible with Union commitments. Participation in conferences, workshops and seminars does not usually constitute consulting or outside employment. However, it is possible that organizing and operating such meetings for profit may be construed as consulting or outside employment. Such situations must be reviewed and approved by the Executive Director.

#### **.050 Employment Contracts**

Initial contracts must be issued for each Unclassified professional being hired to a regular position. There are two types of employment contracts:

- **Regular Contracts** – A contract subject to annual review, renewal, and notice of non-reappointment in accordance with the policies of the Union and university.
- **Term Contracts** – A limited term contract with no expectation of continuous employment beyond the term stated; requires a new contract annually.
- **Contract Changes** - A new contract is required for any of the following changes for an Unclassified professional: change to salary, promotion, demotion or transfer, change in title, or a change in rank/classification. In such cases, a contract is issued indicating a revision to the original contract. If the original contract contains a special statement which allows for the change (such as a change in salary at mid-year), a new contract is not required.

#### **.060 Termination of Employment**

Any Unclassified professional may be considered for termination due to:

1. Professional incompetence
  - a. Includes a chronic failure to perform duties
2. Misconduct or unethical behavior
3. Persistent violation of Union and/or university rules and/or policies
4. Bona fide financial exigency
  - a. Financial exigency should not be interpreted as a reflection on the quality of the Unclassified professional's performance
5. Program or department discontinuance

Unclassified professionals should adhere to the same step disciplinary process as identified in Union policy 4470, Disciplinary Action.

#### **.070 Performance Evaluations**

Performance evaluations of Unclassified professionals should explicitly consider the position description for that employee in the assessment of performance. Position descriptions possess a degree of generality and flexibility (i.e., “other duties as assigned”) such that specific duties may be adjusted in accordance with the evolving needs of the department or the Union, however.

Performance evaluations should be written in terms of expectations and should provide meaningful detail and/or guidance regarding how the employee might improve or maintain the expected performance in the future. The performance evaluation should include a meeting between the evaluating supervisor and the Unclassified professional. In the spirit of continuous improvement for the Unclassified professional, the meeting should further elaborate upon the written evaluation, explore goals for the future, provide an opportunity to ask questions, and offer clear recommendations for how to address any articulated deficiencies.

#### **.080 Conflict of Interest Form**

For more information, see Union policy 4655, Conflict of Interest.

#### **.090 Additional Pay**

Additional pay options for Unclassified professionals are available for unique purposes that do not fit within the traditional scope of pay.

- **Overload Payment** – Additional compensation for extra work above normal full-time duties of an Unclassified professional. This is normally limited to ten consecutive pay periods. Payments must be approved by the Executive Director and based on available funding.

- **Quality Bonus Payments** – Additional compensation for extraordinary work performance and may be instituted for an Unclassified professional's accomplishments, at the discretion of the Executive Director and based on available funding.

#### **.100 Separations/Terminations**

- **Resignations/Retirements** - An Unclassified professional wishing to resign or retire from employment in good standing will file with the Executive Director and Assistant Director/Human Resources and Business Management, at least four weeks before the employee's last day of work, a letter of resignation stating the effective date and the reason for leaving. The Assistant Director/Human Resources and Business Management is responsible for providing written acceptance of the resignation or retirement to the Unclassified professional. If the Unclassified professional fails to provide the written notice, a statement concerning such failure will be inserted in the employee's personnel file.
- **End of Temporary Appointment** – An Unclassified professional's temporary appointment may be ended at any time during employment.

#### **.110 Questions**

Questions should be directed to the human resource department at (785) 532-6577.

**4600 Employment – Unclassified Professional Specific****4655 Conflict of Interest**

(Reference university handbook, appendix S: Kansas State University Policy on Conflict of Interest, Conflict of Time Commitment, Consulting and other Employment. The K-State Student Union follows the university's policy to the extent applicable.)

*(Revised 7/1/2021)*

- .010 General Principles
- .020 Conflict of Time Commitment
- .030 Conflict of Interest
- .035 Other Consulting Outside the Union
- .040 Other Employment
- .050 Reporting Requirements
- .060 Annual Reporting
- .090 Sanctions
- .100 Questions

**.010 General Principles**

The goal of this policy is to manage real or apparent conflicts of interest. A system of self disclosure is maintained by Kansas State University for all K-State Student Union Unclassified employees, since conflicts of interest and time commitment must be dealt with on a case by case basis. Discussion, disclosure, and negotiation generally can resolve disputes related to conflict of interest and time commitment.

**.020 Conflict of Time Commitment**

(a) Attempts to balance Union responsibilities with external activities (such as, but not limited to, consulting or public service) can result in real or apparent conflicts regarding commitment of time and effort. Whenever an Unclassified employee's external activities exceed reasonable time limits, or whenever an Unclassified employee's primary professional responsibility is not to the Union, a conflict of time commitment exists.

(b) Conflicts of commitment usually involve issues of time allocation. Unclassified employees owe their primary professional responsibility to the Union, and their primary commitment of time and intellectual effort must be to the mission of the Union. Unclassified employees should maintain a presence commensurate with their employment. The specific responsibilities, position requirements, employment obligations and professional activities that constitute an appropriate and primary commitment of time may differ per unclassified position, but said responsibilities, requirements, obligations and activities should be initially premised on a general understanding of full-time commitment for full-time Unclassified employees of the Union. Exceptions must be justified and shown to enhance the Union's mission and must be approved in advance by the Executive Director.

**.030 Conflict of Interest**

(a) A conflict of interest occurs when there is a divergence between an individual's private, personal relationships or interests and his or her professional obligations to the Union such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined or substantially influenced by considerations of personal benefit, gain or advantage.

(b) Whether a conflict of interest or the appearance of one exists depends on the situation, not on the character or actions of the individual, and must be determined objectively on a case by case basis. The

appearance of a conflict of interest can be as damaging or detrimental as an actual conflict and thus, for purposes of this policy, apparent conflicts are treated the same as actual conflicts.

(c) Situations involving potential conflicts of interest must be addressed. It is not appropriate for an individual's actions or decisions made in the course of his or her Union activities to be determined or substantially influenced by considerations of personal financial gain. Such behavior calls into question the professional objectivity and ethics of the individual and it also reflects negatively on the Union. All Union employees should conduct their affairs in ways that will not compromise the integrity of the Union.

(d) Except in purely incidental and minor ways, Union resources, including but not limited to facilities, materials, personnel, or equipment shall not be used in external activities unless prior written approval has been received from the Executive Director. Such permission shall be granted only when the use of Union resources is determined to further the mission of the Union. When such permission is granted, the employee shall decide to reimburse the Union for materials, facilities or services used in the external activity.

(e) Proprietary or other information confidential to the Union shall not be used in external activities unless prior written approval has been received from the Executive Director or designee.

(f) Unclassified employees shall not involve other Union employees in their external activities if such involvement is in any way coerced or in any way conflicts with the involved participants' required commitment of time to the Union.

### **.035 Other Consulting Outside the Union**

For Unclassified employees, the Union permits, and indeed encourages, a limited amount of consulting activity outside the Unclassified employee's reasonably construed total professional responsibilities of employment by and for the Union, on subjects that are within the employee's area of professional expertise, provided such activity: (a) further develops the Unclassified employee in a professional sense or serves the community, state, or nation in an area related to their professional expertise; (b) does not interfere with the Unclassified employee's service to the Union; and (c) is consistent with the objectives of the Union. Without prior written approval, Unclassified employees shall not have significant outside managerial responsibilities, nor act as principal investigators, on sponsored projects that could be conducted at the Union but instead are submitted and managed through another organization.

### **.040 Other Employment**

All Unclassified employees of the Union must give their full professional effort to their Union duties and assignments. It is, therefore, considered inappropriate to engage in gainful employment outside the Union that is incompatible with Union commitments. It is inappropriate to transact business for personal gain unrelated to the Union from one's Union office, or at times when it might interfere with commitments to the Union. Participation in conferences, workshops and seminars does not usually constitute consulting or outside employment. However, organizing, operating, or participating in such meetings for profit may be construed as consulting or outside employment as defined in this policy.

### **.050 Reporting Requirements**

- **Annual Reporting of Consulting Arrangements, Significant Financial or Managerial Interests, and Outside Employment:** As part of the annual employment contract process, all Unclassified employees shall disclose to the university whether they or members of their immediate family (spouse and dependent children), personal household, or associate entities (e.g., corporations, partnerships or trusts in which they have a significant interest) have consulting arrangements, significant financial or managerial interests, or employment in an outside entity. This report and information shall be provided to the university no less than once a year. For purposes of the policy,

significant financial or managerial interests (or significant financial or other interests) means all holdings greater than \$5,000 or more than 5% ownership in a company. Failure to timely submit the required reporting form to the university may result in discipline in accordance with Union procedures. When the university determines that the information submitted indicates that an actual or apparent conflict of time commitment or conflict of interest does or may exist, the university may require that the Unclassified employee submit additional information and explanation regarding that conflict.

- **Ongoing Duty to Report Consulting Arrangements, Significant Financial or Managerial Interests, and Outside Employment As They Occur:** In addition to the annual report that Unclassified employees are required to make, all Unclassified employees shall disclose any current or prospective situations that may raise questions of conflict of time commitment or conflict of interest, as soon as such situations become known. Such reports shall be made to the Executive Director.
- **Prior Approval for Consulting and Other Employment Outside the Union:** Unclassified employees shall inform the Executive Director of all consulting activities and employment outside the Union for which the employee is compensated. The Unclassified employee shall report in writing the proposed arrangements, and secure approval prior to engaging in consulting activities or other employment. The report shall indicate the extent and nature of the consulting activities or employment, the amount of time to be spent, including travel time, and the amount of time expected to be spent on all such outside consulting activities or employment during a fiscal year.
- **Disposition of Reports:** All required reports shall be used for the determination of whether an individual is in compliance with this policy.
- **Use of Union and/or University Name:** The name of the Union or the university may never be used as an endorsement of an Unclassified employee's external activities or by any outside entity for any purpose without expressed and advance written approval of the Executive Director. Unclassified employees may list their Union affiliation in professional articles they author or edit and in connection with professional workshops they conduct or presentations they make without securing approval.

### **.060 Annual Reporting**

Annual reporting is done on the Annual Declaration and Disclosure Form. For access instructions and tutorials, go to <http://www.k-state.edu/conflict/forms/>. The Annual Declaration and Disclosure Form is to be completed every year at the same time as the annual contract is signed for Unclassified employees, and updated as necessary.

### **.090 Sanctions**

In the event that an Unclassified employee fails to comply with this policy, he or she may be subject to sanctions up to and including dismissal for cause.

### **.100 Questions**

Questions should be directed to the director's office at (785) 532-6591.

## **4700 Employment – Student Employee Specific**

### **4720 Hourly Employment**

*(Revised 7/1/2021)*

- .010 General
- .020 Eligibility
- .030 Employment Eligibility
- .040 Recruitment Procedures
- .050 Federal Insurance Contributions Act Tax - FICA (Social Security Tax)
- .060 Workers' Compensation and Unemployment Compensation
- .070 Work Week and Pay Period
- .080 Maximum Hours of Work
- .090 Wage Rates
- .100 New Employee Orientation
- .110 Federal College Work Study Program (CWSP)
- .120 Performance Reviews
- .130 Disciplinary Action
- .140 Attendance Guidelines
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- .160 Questions

#### **.010 General**

Hourly student employees include both undergraduate and graduate students who are employed on an hourly basis. Hourly student employees also include the students employed under the Federal College Work Study Program (CWSP). Please note that there are some special limitations and procedures for the CWSP hourly student employees set forth in some of the following paragraphs.

#### **.020 Eligibility**

To be eligible for employment as an hourly student employee, a person must be at least 16 years old (at least 18 years old for employment in the maintenance department). Student employees must be enrolled at K-State in no fewer than six credit hours during the fall or spring semester. For employment during the summer (from start of summer semester registration through the day before the fall semester begins) the person must: 1) have been enrolled in no fewer than 6 hours in the past spring semester or 2) be pre-enrolled in the upcoming fall semester in no fewer than 6 hours or 3) be enrolled in the summer semester for any number of credit hours or 4) be admitted to study in the upcoming fall semester. Students with an F1 or J1 visa may only be employed during the summer semester if 1) they have been enrolled in no fewer than six credit hours in the previous spring semester or 2) are enrolled in any number of hours in the summer semester. The exact beginning and ending dates of each semester and how these dates relate to student employment are routinely published by K-State's Human Capital Services. Students who were not enrolled for the previous fall semester and who enroll for the spring semester may begin work effective the first day of the pay period in which the spring semester begins.

"Career professional" employees are not eligible for employment as hourly student employees. This includes those whose primary duty consists of the performance of services requiring knowledge of an advanced type; whose work requires the consistent exercise of discretion and judgment in its performance; and whose work is predominantly intellectual and varied in character. In addition,

employees who must be licensed by a governmental entity to perform a certain function (with the exception of a valid driver's license) has the status of a career employee and thus not eligible for employment as an hourly student worker. An alternate employment relationship must be utilized such as a temporary employment.

*Non-University Student Employment:* The Union may hire a high school student, age 16 or older, or a student enrolled at another college or university. When attempting to fill a vacant student position, every effort should be made to hire a student enrolled at K-State. During the school year, the person must be enrolled in high school or in a post-secondary program. During the summer months, the person must have been enrolled in the previous spring semester.

### **.030 Employment Eligibility**

Before a Union Support Staff can be hired and placed on the payroll, the employee must first provide verification of employment eligibility. The human resource department is required to physically examine the required documentation and complete Form I-9. New hires are not able to work until required documentation has been submitted to the human resource department. Employment authorization is not required in the case of promotions, transfers or demotions. The verification process is also not required when an individual is rehired with a valid Form I-9 on file, but the previously completed Form I-9 must be reviewed to determine continued work eligibility. The Form I-9 is valid for a period of three years for rehire purposes. If documentation used for the previously completed Form I-9 has expired, the employee must provide unexpired documentation.

### **.040 Recruitment Procedures**

The Union is an equal employment opportunity/affirmative action employer. The Union actively seeks diversity among its employees. Federal and state legislation prohibits discrimination on the basis of race, religion, color, national origin, ancestry, sex, age, disability, and veteran status.

For each student position (or group of positions that are essentially alike) a job title and brief description stating the duties to be performed should be established. All student positions should be advertised and all students should be given an equal opportunity to apply. The human resource department will publicize student jobs by one or more methods: Listing vacancy with K-State's Career and Employment Services; send email announcements to student employees; Union website; social media; and other appropriate forms of communication with students.

### **.050 Federal Insurance Contributions Act Tax (Social Security Tax)**

According to Internal Revenue Service regulations, hourly student employees are exempt from the payment of social security and Medicare taxes (commonly referred to as FICA tax) during the academic year under the following conditions:

- The hourly student must be enrolled in at least six undergraduate and/or graduate semester hours at K-State during a fall or spring semester or three undergraduate or graduate credit hours during the summer semester and regularly attending classes.
- The student's employment must be incidental to his/her course of study. The tax exemption will not apply if the appointment is considered to be an individual's primary activity at the university. Therefore, at no time will a student qualify for the exemption if the student works more than 30 hours per week.
- Non-university student employees are always subject to social security and Medicare taxes.

If a student does not meet these criteria, then a portion of their gross wages must be withheld for social security and Medicare taxes, and the Union must pay an additional portion. Non-resident alien student employees with F-1 or J-1 visas are usually exempt from social security and Medicare taxes.

### **.060 Workers' Compensation and Unemployment Compensation**

Hourly Union student employees are covered by Workers' Compensation and Unemployment Compensation coverage.

### **.070 Work Week and Pay Period**

The work week for hourly student employees begins at 12:01 a.m. Sunday and ends at 12:00 midnight Saturday. The pay period for hourly student employees begins at 12:01 a.m. Sunday and ends at 12:00 midnight on the second following Saturday. The normal pay date is Friday, two weeks after the end of the pay period. All student employees must clock in and out using the Union's electronic timekeeping system. A *Time and Leave* document will be produced at the end of each pay period. This document must be signed by the student in ink, approved by the supervisor, and retained by human resources. Time documents must be retained for at least five years. If changes have been made to the time document, the employee must initial the changes even if they make the changes. The supervisor must also initial the changes.

If a student employee is unavailable to sign the Time and Leave document due to resignation, termination, extended school break, etc., the supervisor should indicate "Signature unavailable" on the employee signature line.

### **.080 Maximum Hours of Work**

To be exempt from FICA (see .040 Federal Insurance Contributions Act Tax) all K-State students working at the Union, except for F-1 or J-1 visa holders, are limited during the academic year to 30 hours of work during calendar weeks when classes or final exams are in session three full days or more and to 40 hours during all other weeks. During the summer semester all students (including F-1 & J-1 students) are limited to 30 hours per week while enrolled in four or more credit hours and to 40 hours during other weeks. When a student is employed in more than one Union department concurrently, or work for the Union and for the university concurrently, the sum of hours worked in all departments on campus may not exceed 30 hours per week.

#### Exceptions for International Students:

According to immigration regulations, K-State students working at the Union who hold an F-1 or J-1 visa are limited during the academic year, excluding student recesses, to 20 hours of work per week. When a student is employed in more than one Union department concurrently, or work for the Union and for the university concurrently, the sum of hours worked in all departments on campus may not exceed 20 hours of work per week.

### **.090 Wage Rates**

The Union's minimum wage rate for hourly student employees follows the federal minimum wage regulation. There is no maximum wage rate. Student positions are not eligible for shift differential or other premium pay. Any changes to a student employee's hourly rate of pay must be effective at the beginning of a pay period only.

The hourly rate for student positions is based on factors such as:

- The range and complexity of duties;

- The knowledge and skill requirements;
- Equity, including salary relationships with other student employees within the Union;
- Longevity, merit, and recruitment difficulty.

### **.100 New Employee Orientation**

New student hires are not eligible to work until they have completed the necessary paperwork and New Employee Orientation with Union human resources; there are no exceptions. Hourly student employees remain active in the Human Resource Information System (HRIS) until terminated or until such time as the employee no longer meets the eligibility for employment as an hourly student employee and is terminated by the human resource department.

### **.110 Federal College Work Study Program (CWSP)**

The regular Federal College Work Study Program (CWSP) is a federally subsidized program to promote part-time employment of financially eligible students. The financial aid program is administered by the K-State Student Financial Assistance Office. The program provides federal funds up to a maximum of 75% of the CWSP hourly student wages. The Union provides at least 25% matching funds and 20% of their total CWSP payroll to help pay the administrative costs of the program. Most hourly student positions at the Union are eligible to be filled by a student with CWSP eligibility, and funded accordingly. Non-Resident Alien student employees are not eligible for CWSP. Eligibility for CWSP is determined by the K-State Student Financial Assistance Office.

### **.120 Performance Reviews**

The performance review serves to provide feedback to the student on the strengths and weaknesses of job performance in relation to Union expectations. Students are evaluated twice yearly – in April and November. Reviews are required for all student and part-time employees. During the new employee orientation process, student employees are advised of the performance review process.

The performance review has three distinct scoring categories:

1. **Superior Performer** - Clearly and consistently demonstrates extraordinary accomplishment in all areas of responsibility. The employee serves as an exemplary role model and mentor. *Only a small percentage of employees will achieve this level of performance.*
2. **Successful Performer** - Performance consistently meets and frequently exceeds the requirements of the position. The employee continually performs at a steady and expected level and serves as a role model. *The majority of employees will perform at this level.*
3. **Under Performer** - Performance needs improvement and fails to meet minimum expectations for this role. *Immediate and sustained improvement is expected. Failure to improve is subject to disciplinary action, up to and including termination of employment.*

### **.130 Disciplinary Action**

Disciplinary action for student employees is the same as the Union's disciplinary action process for Union Support Staff. For information, refer to policy 4470 – Disciplinary Action.

### **.140 Attendance Guidelines**

Attendance guidelines for student employees are the same as the Union's attendance guidelines for Union Support Staff. For information, refer to policy 4480.

**.150 Background Checks**

Felony, misdemeanor and registered sexual offender status criminal background check procedures do not apply to hourly K-State student employee positions.

**.160 Questions**

Questions should be referred to the human resource department at (785) 532-6577.

## **4800 Employee Benefits**

### **4810 Retirement Plan Types**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Mandatory 403(b) Retirement Savings Plan
  - .030 Voluntary 403(b) Retirement Savings Plan
  - .040 Post Retirement Return to Work
  - .050 Questions
- 

#### **.010 Introduction**

Contributions to retirement plans are directed by applicable federal laws including Internal Revenue Code (IRC); Kansas laws, policies, and regulations; Kansas Board of Regents policies; and, in some cases, personal choices.

Specific criteria for participation as well as relevant statutes, regulations, and policies are discussed within the plan. Benefits eligibility is required: Unclassified employees must have a regular employment contract and work at least 1,000 hours per year. Union Support Staff must be in a non-temporary position working at least 1,000 hours per year.

#### **.020 Mandatory 403(b) Retirement Savings Plan**

The Mandatory Retirement Plan (“Plan”) is a defined contribution IRC 403(b) retirement plan. Contributions are made by payroll deduction on a pre-tax basis and are taxed when distributed except that distributions may be exempt from State of Kansas income tax in accordance with the Kansas Tax Notices listed:

- K.S.A. 74-4925 through 74-4927a
- K.S.A. 76-746
- K.A.R. 88-12-1 through 88-12-8
- Kansas Tax Notice 05-05
- KBOR Mandatory Retirement Plan Document
- KBOR Polices and Procedure Manual

#### **A. Eligibility**

Union Support Staff and Unclassified employees participate in the mandatory retirement plan immediately upon meeting one of the eligibility criteria:

- Following one year of benefits-eligible service; or
- Upon documentation of participation in a mandatory retirement plan at an institution of higher education within the U.S. for 365 consecutive days within the past five years, provided that the Documentation of Service is submitted to the human resource department within 90 days of hire.

Newly hired Union Support Staff and Unclassified employees who meet any of the criteria for waiving the one-year waiting period should contact the human resource department concerning the waiver.

**B. Participation**

An eligible Unclassified employee contributes 5.5% of their gross salary and the Union contributes an amount equal to 8.5% of the employee's gross salary. Contributions are invested as the employee directs from among the investment options provided under the plan.

An eligible Union Support Staff employee contributes 4.0% of their gross salary and the Union contributes an amount equal to 4.0% of the employee's gross salary. Contributions are invested as the employee directs from among the investment options provided under the plan.

Contributions are pre-taxed through payroll deduction. Any employee who does not select investment options prior to the end of the pay period in which eligibility is confirmed will have the contributions invested in the default fund designated as the age-specific lifecycle fund.

When an employee participating in the plan is called to active military duty and is then on military leave without pay, contributions to the plan are suspended. Upon the employee's return to payroll, the employee will be given the option to pay the employee portion of retirement contributions which would have been made if the employee had been in pay status rather than on unpaid military leave. If the employee chooses to pay the employee contributions, the Union will pay the employer contributions.

**C. Provider**

The retirement plan provider for the Union is TIAA. The retirement plan advisor for the Union is Qualified Plan Advisors (QPA).

**D. Access to Mandatory Retirement Funds**

An active employee cannot access mandatory retirement funds. Fund access is dependent upon termination of Union employment. Movement from a benefits-eligible position to a non-benefits-eligible position (i.e., temporary employment, student employment) does not allow access to retirement funds.

After terminating employment, the former employee may:

- Leave the funds with the retirement provider;
- Transfer the funds to another retirement plan account;
- Withdraw the funds through a lump sum or systematic withdrawals; or
- Use a combination of these options over time.

To initiate a withdrawal or transfer of funds after termination, the participant must complete the withdrawal or transfer form provided by the plan provider. Plan authorization for the withdrawal or transfer is provided by the Assistant Director/Human Resources and Business Management.

The mandatory retirement plan does not include a loan provision.

**E. Special Distributions**

Participants in the plan who have a Qualified Domestic Relations Order (QDRO) that will impact any of their retirement plan assets are obligated to inform the plan provider.

**F. Age Eligibility**

There is no mandatory retirement age. For purposes of eligibility for certain statutory retirement benefits, retirement may be no earlier than the 55th birthday. Employees who retire between ages of 55-59 must have ten years of service in a benefits-eligible position. There is no minimum service requirement at

age 60 or older. The retiree will work directly with the plan provider to explore retirement income distribution options.

### **.030 Voluntary 403(b) Retirement Savings Plan**

The Union maintains a 403(b) voluntary retirement savings plan. Through this plan, pre-tax and/or after-tax employee contributions are made through payroll deduction to qualifying accounts. The Union does not contribute to this plan.

#### **A. Eligibility for Voluntary Plan**

Immediately upon employment, any employee in a benefits-eligible position at the Union is eligible to contribute to the voluntary 403(b) retirement savings account as long as that person has not already made the maximum annual contribution to this plan either at the Union or through contributions with any other employer. The employee is responsible for confirming contributions with any employer other than the Union.

#### **B. Participation in Voluntary Plan**

The maximum amount of voluntary contributions to this plan cannot exceed the applicable federal limit for the calendar year. The amount is established under Internal Revenue Code Section 402(g)(1)(B), increased by any approved cost of living adjustments. Special catch-up contribution limits may also be available to participants, based on the employee's age and years of service.

Contributions are made through payroll deduction on a pre-tax or after-tax basis or may be made as a combination of pre- and after-tax amounts. The minimum contribution is \$10 per pay period or a percentage of gross pay, not less than one percent, which would produce a minimum of \$10 per pay period. An eligible employee may start, change, or stop contributions at any time. No contributions are made when the employee is on leave without pay status.

#### **C. Voluntary Plan Provider**

TIAA is the Union's voluntary plan provider. The retirement plan advisor for the Union is Qualified Plan Advisors (QPA).

#### **D. Access to Voluntary Plan Funds**

Fund access is dependent upon termination of Union employment, upon the participant reaching 59½ years of age, or upon the participant being approved for long-term disability benefits.

Upon meeting one of the above criteria, the participant may:

- Leave the funds with the retirement provider;
- Transfer the funds to another retirement plan account;
- Withdraw the funds through a lump sum or systematic withdrawals, subject to federal and state taxation laws and regulations; or
- Use a combination of these options over time.

#### **E. Special Distributions from Voluntary Plan**

When allowed, a loan may be taken from voluntary 403(b) funds if the employee has not defaulted on any previous 403(b) loan. The loan amount is limited to one-half of the account balance or \$50,000, whichever amount is lower. To initiate the loan process, the participant must complete the loan application form provided by the plan provider.

Voluntary pre-tax 403(b) funds may be available for hardship withdrawal for defined reasons:

- Tax-deductible medical expenses incurred by participant, participant's spouse or dependent(s)
- Purchase or construction of principal residence (excluding mortgage payments)
- Payment of college tuition, related educational fees, and room and board expenses for participant or participant's spouse, children, or dependents
- Payment to prevent eviction from participant's principal residence or foreclosure on the mortgage of participant's principal residence
- Payments for burial or funeral expenses for participant's deceased spouse, children or dependents
- Tax-deductible casualty expenses for repair of damage to participant's principal residence

To request a hardship withdrawal, the participant must complete the application form provided by plan provider. When a hardship withdrawal is approved, the participant's contribution to the voluntary 403(b) retirement plan must be stopped for six months and a new payroll deduction authorization must be submitted to Union human resources.

Participants in the plan who have a Qualified Domestic Relations Order (QDRO) that will impact any of their retirement plan assets are obligated to inform the plan provider.

#### **.040 Post-Retirement Return to Work**

IRS rulings and case law confirm that access to retirement funds requires a bona fide separation from service. Consequently, rehiring a retiree must be in the best interest of the Union and within the bounds of this policy. The retiree may not be rehired into the same position with job duties and job title identical to those which he/she held before retirement. Any rehire is subject to the normal Union recruitment approval process. In addition, the Executive Director must approve the initial rehire of all retirees prior to allowing the retiree to work.

**Mandatory Retirement Plan Participants** - A retiree who participated in the mandatory retirement plan may be rehired no earlier than 60 calendar days after the retirement date. Access to retirement funds will be dependent upon the prevailing retirement provider policy.

#### **.050 Questions**

Questions should be directed to the Assistant Director/Human Resources and Business Management at (785) 532-6577.

**4800 Employee Benefits****4815 Retiree Benefits**

*(New 7/1/2021)*

- .010 Introduction
- .020 Group Health, Dental and Vision Insurance
- .030 Vacation Leave Payout
- .040 Sick Leave Payout
- .050 Holiday Compensatory Time Payout
- .060 Life Insurance
- .070 Other Benefits at Retirement
- .080 Questions

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**.010 Introduction**

Successful retirement planning will convert potentially complex decisions into a manageable process. Employees must notify the Assistant Director/Human Resources and Business Management of their impending retirement.

**.020 Group Health, Dental and Vision Insurance**

Retirees in good standing with the Union who were eligible for dental and vision insurance with the Union upon retirement have the option to retain such insurance plans through the Union's group insurance plans until such time as the retiree terminates the insurance; death; or the Union determines to eliminate the retiree benefit. Should the Union elect to terminate benefits, retirees active in the plans at the time of plan terminations will be informed of such in writing, at least thirty (30) days prior to benefit terminations.

Retirees are not eligible to access group health insurance through the Union upon retirement, except whereby an employee is eligible under COBRA. A retiree who waives participation prior to their actual retirement date forfeits participation/re-enrollment access at a later date. An employee must elect to continue their dental and/or vision coverage through the Union prior to retirement. Retirees who are participating in employee-only coverage for dental and vision insurance at the time of retirement may not add a spouse and/or dependent(s) to the plan. If the retiree is currently enrolled in spouse/dependent plan coverage, the retiree may elect to continue the same plan as they were enrolled in prior to retirement. Should the retiree's coverage be terminated for any reason, the retiree's spouse and/or dependent(s) may not remain on the plan. Retirees are responsible to pay the total annual premium portion in full to the Union. Failure to pay may result in termination of insurance for the retiree and render them ineligible to participate/re-enroll at a later date.

**.030 Vacation Leave Payout**

A retiring employee will be paid for accumulated vacation leave at the time of retirement to a maximum of 240 hours at the employee's regular hourly rate of pay. This payment is included in the employee's final Union paycheck.

**.040 Sick Leave Payout**

Payment for part of an employee's sick leave balance will be paid at retirement only when these conditions are met:

<b>Years of Service</b>	<b>Sick Leave Balance (in hours)</b>	<b>Hours Paid</b>
8 or more	800	240
15 or more	1,000	360
25 or more	1,200	480

The payout is calculated using the employee's hourly wage rate at the time of retirement and included in the retiree's final paycheck from the Union.

#### **.050 Holiday Compensatory Time Payout**

Any accumulated holiday compensatory time is paid at retirement.

#### **.060 Life Insurance**

Any life insurance plans in place when an employee retires may be continued according to the coverage limitations of the applicable policy. Additional information is available from the human resource department.

#### **.070 Other Benefits at Retirement**

Retirees are eligible to retain their K-State Wildcat ID card and to use all services which require the card. Contact the ID Center for more information. Other benefits (i.e., reduced rates for campus events, access to recreation facilities, etc.) may be available to retirees. Questions concerning such retirement benefits should be directed to the human resource department.

#### **.080 Questions**

Questions should be referred to the human resource department at (785) 532-6577.

## **4800 Employee Benefits**

### **4820 Insurance Programs**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Eligibility for Participation
  - .030 Group Health, Dental and Vision Insurance
  - .040 Life Insurance
  - .050 Supplemental Life Insurance
  - .060 Unemployment Insurance
  - .070 Questions
- 

#### **.010 Introduction**

The K-State Student Union provides benefits-eligible employees with insurance and related programs as part of their total compensation package. Some of these programs are inherent with a benefits-eligible employee's position and others are optional at the election of the employee. The composition and enrollment periods for these programs change from time to time. Therefore, it is prudent for all employees to stay informed concerning the current status of these programs.

#### **.020 Eligibility for Participation**

Eligibility for participation in these programs is dependent upon the employee employment status:

- Unclassified Employees (exempt and non-exempt) – Employed to a full-time (1.0 FTE) regular position are benefits-eligible.
- Union Support Staff (exempt and non-exempt) – Employed to a full-time (1.0 FTE) regular position are benefits-eligible.
- Part-Time/Student Employees Part-time and student employees are not employed to a full-time regular position and are not benefits-eligible.

The Union offers health insurance to full time employees. Under the Health Care Reform Act, full time employees are those clearly scheduled to work 30+ hours per workweek on a regular, consistent basis. The Union offers insurance to all employees classified as full time over a 12 month measurement period.

#### **.030 Group Health, Dental and Vision Insurance**

The type of health insurance program available is based upon the negotiation between the insurance provider(s) and the Union. Generally, these include such programs as: medical; dental; pharmaceutical; vision; and mental health. This may vary from year to year as programs are renegotiated. Participation in any of these health care programs is optional for the employee.

Student employees, graduate assistants, and temporary employees are not eligible to participate in the health insurance program as long as they do not average working 30 hours per workweek. Benefits-eligible employees who work an average of 30 or more hours in a workweek may enroll in the health insurance program at the following times:

- No later than the first 31 calendar days of date of hire; or
- During the annual open enrollment period; or
- Within 31 calendar days of a status change as defined by the insurance plan standards and applicable laws.

Once eligibility requirements are met, all benefits-eligible employees must select health insurance or waive health insurance coverage within 31 calendar days by properly completing a Group Health Insurance Enrollment Form. All Group Health Insurance Enrollment Forms must be completed in full, including the employee's signature, date and attachment of appropriate supporting documents. If a benefits-eligible employee does not elect to enroll in the group health insurance program, a Group Health Insurance Enrollment Waiver Form must be completed and signed by the employee.

Benefits-eligible employees may elect coverage for: themselves; themselves and spouse; themselves and child(ren); or full family. The employee pays for participation in this program through semi-monthly payroll deductions of pre-tax or after-tax premiums. The Union contributes additional amounts, depending on the type of enrollment and budgetary considerations.

The Union and the insurance providers reserve the right to request documentation to support proof of relationship, dependency, and/or residency. A social security number (SSN) is required for any dependent over 60 days of age.

### **Eligibility**

A newly hired eligible employee becomes eligible for group health insurance coverage on the first day of the following month of hire.

During the annual open enrollment period each calendar year, the human resource department furnishes information to benefits-eligible employees concerning changes that will be effective the next plan year. Employees will be advised of the election options available to them during the open enrollment period. Employees will receive a Summary of Benefits Coverage during the open enrollment period. Employees on either voluntary or involuntary Leave Without Pay (LWOP) may be permitted to continue their group health insurance coverage during the LWOP period. The human resource department will furnish information to the employee concerning continuation options.

An employee on Leave Without Pay under the Family and Medical Leave Act (FMLA) provisions is allowed to continue their group health insurance coverage under the same conditions and at the same level of employee and employer contributions as would have been provided if the employee had been continuously employed. Employees on FMLA leave will be subject to any change in group health insurance plans or benefits that affect all employees. Employees on FMLA leave will be given notice of the opportunity to change plans or benefits that are available to all employees.

### **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) allows certain individuals the right to continue health insurance coverage upon separation of employment. Employees and their dependents who lose health insurance coverage under the Union group health insurance program have the right to elect to continue coverage by paying the premiums themselves. The type of continuation is based upon the medical, dental, and/or vision care programs the employee was enrolled in at the time of their employment. If an employee goes on leave without pay and then terminates employment and the employee does not continue group health insurance coverage during the leave without pay period, that employee and any dependents would not be eligible for COBRA continuation because they were not participating in the group health insurance program at the time of the leave without pay.

Group health insurance coverage is discontinued at the end of the month in which the employee separates from the Union.

The Union will honor, to the extent possible, the provisions of a Qualified Medical Child Support Order (QMCHO), issued by a district court after July 1, 1994, that does not violate the provisions of the group health insurance program. It will be assumed that the child(ren) will meet the definition of dependent for group health insurance purposes.

The human resources department is responsible for administering the group health insurance program to the following extent:

- Enrolling newly eligible employees;
- Changing program participation based upon qualifying events;
- Terminating coverage;
- Deducting premiums from employee's paycheck;
- Collecting premium payments from employees, as necessary.

#### **.040 Life Insurance**

The Union has basic term life insurance. Upon the death of an employee, the life insurance provides the employee's named beneficiary 150% of the employee's annual base-rate of compensation. Basic term life insurance will be reduced by 35% for an insured who attain age 65; will reduce an additional 25% of the original amount of insurance at age 70; will further reduce 15% of the original amount of the insurance at age 75; and will terminate when the insured retires.

An employee who terminates their employment due to resignation or retirement, has the right to convert all or a portion of the life insurance benefit from term insurance to an individual life insurance policy without submitting proof of insurability. This conversion option must be elected within 31 calendar days of termination of employment. The insurance underwriter will notify the employee as to the premium amounts, payment methods, etc. The human resource department will provide the employee with the conversion document upon resignation or retirement.

The life insurance benefit program premiums are paid for by the Union and underwritten by the life insurance company.

Coverage may be extended for up to three months for an insured who qualifies for a leave of absence under the Family and Medical Leave Act, providing appropriate documentation is submitted to the human resource department.

#### **.050 Supplemental Life Insurance**

The Teachers and Employees Association (TEA) offers a supplemental term life insurance plan to benefits-eligible Union employees. Benefits-eligible employees may enroll in TEA term life insurance coverage, if elected within 31 days of their hire date, without proof of insurability. Applications submitted at any other times will require proof of insurability. The premium is based upon employee age, amount of coverage selected, and whether or not spouse and children coverage is selected.

This group term life insurance plan includes conversion privileges. Conversion privileges means that upon resignation of employment, the member has the privilege of converting this term life insurance plan into an individual, whole life policy. Upon retirement, the member has the privilege of continuing this life insurance plan through TEA; however, the face value of the insurance is reduced.

**.060 Unemployment Insurance**

Unemployment insurance is an insurance program that provides temporary, monetary benefits to qualified unemployed workers. Unemployed workers must meet specific eligibility requirements in order to receive unemployment benefits. The Union participates in this program.

The Kansas Employment Security Law was enacted to provide some income during limited unemployment of those individuals who are unemployed due to conditions in the economy or labor market and through no fault of their own. Unemployment insurance pays benefits to qualified unemployed workers until they are recalled by the employer; until they find a job for which they are reasonably suited in terms of training, experience, and wages; or until they reach the maximum benefit payable. More information can be found at <https://www.getkansasbenefits.gov/Home.aspx>.

**.070 Questions**

Questions should be addressed to the human resource department at (785) 532-6577.

**4800 Employee Benefits****4825 Workers' Compensation Insurance***(Revised 7/1/2021)*

- .010 Introduction
  - .020 Responding to an Accident, Illness, or Injury
  - .030 Reporting an Accident, Illness, or Injury Free from Retaliation
  - .040 Medical Treatment
  - .050 Post-Incident Drug and Alcohol Testing
  - .060 Random and Probable Cause Testing
  - .070 Post-Incident Drug and Alcohol Testing Methods
  - .080 Consent or Refusal to Consent to Post-Incident Drug and Alcohol Testing
  - .090 Disability Compensation Due to Work-Related Injury
  - .100 Workers' Compensation as it Relates to the Family and Medical Leave Act
  - .110 Return to Work
  - .120 Reporting Fraud/Abuse
  - .130 Record Keeping
  - .140 Questions
- 

**.010 Introduction**

Employees of the K-State Student Union are provided protection under the Workers' Compensation Act. This policy does not supersede any state or federal requirements.

When an employee has an accident, illness, or injury that is job-related, the employee may be eligible for Workers' Compensation benefits. The Union pays 100% of the Workers' Compensation insurance premium. Employee eligibility and benefits are in accordance with federal and state Workers' Compensation laws. The Union's contracted Workers' Compensation insurance company is responsible for determining compensability and providing benefits contained within the Workers' Compensation Act.

Refer to the poster, *Workers' Compensation Rights and Responsibilities* (K-WC 40-A) posted on the official Union employee bulletin board and on the Kansas Department of Labor website at <http://www.dol.ks.gov/WorkComp/Default.aspx>.

**.020 Responding to an Accident, Illness, or Injury**

Reporting accidents/injuries/illnesses — Work related accidents, injuries, or occupational diseases must be reported for all employees injured while performing the duties of their employment, regardless of where the situation occurred. When an employee has sustained an employment-related accident, illness or injury, the employee will contact their immediate supervisor, department head, or the human resource department immediately. All on-the-job accidents, injuries and illnesses must be reported to the supervisor within 24 hours. Any supervisor who hears or knows of an accident, illness or injury should inquire directly of the employee and make the necessary report.

**.030 Reporting an Accident, Illness, or Injury Free From Retaliation**

No employee shall be deterred or discouraged from reporting an accident, injury or illness of themselves or any other employee with fear of retaliation.

**.040 Medical Treatment**

The human resource department will provide the employee with authorization and instructions on where to seek medical treatment, if needed. (The employee will be referred to an authorized medical facility. If immediate medical treatment is necessary, prior authorization is not necessary. Emergency medical services should be contacted by calling 911.

The employee may elect to see their own medical professional, however per Kansas law, the Workers' Compensation insurance carrier is only obligated to pay the first \$500.00 of any charges from an unauthorized medical professional. The employee will be responsible for payment of any charges not covered by the Workers' Compensation insurance carrier for unauthorized treatment.

Once treatment has been received, the employee must report back to the Assistant Director/Human Resources and Business Management with any information related to the necessity of ongoing treatment and/or work restrictions necessary. It is the employee's responsibility to keep the Assistant Director/Human Resources and Business Management apprised of any changes in treatment or work restrictions.

**.050 Post-Incident Drug and Alcohol Testing**

The Union is committed to providing a safe work environment for all employees. Because the use of illegal drugs and alcoholic beverages by any employee could potentially endanger the physical safety of themselves, fellow employees, and guests of the Union, the Union may require a drug and/or alcohol test be performed on any employee who is directly or indirectly involved in certain incidents which may occur when the employee is on duty. This procedure applies to all employees of the Union, regardless of position, and will include temporary, part-time, and student employees.

**A.) Situations Warranting Testing**

The following situations may warrant testing:

- When an employee is injured while working and the injury is such that it requires time away from the employee's normally scheduled shift for more than two consecutive shifts and/or requires professional medical care;
- When an employee caused an injury to any other individual involved in the incident in which the other individual requires medical care (i.e. the causing employee may be tested if their actions resulted in the injury of another person.);
- When there is a reasonable possibility that drug use by the injured employee was a contributing factor to the reported injury or illness;
- Where the department head and Assistant Director/Human Resources and Business Management, or designees, agree that the facts of the incident/accident indicate there is probable cause to believe the employee may have been under the influence or impaired at the time of the injury or illness due to drugs and/or alcohol, and the probable cause has been documented as such. Documentation should occur within 2 hours of notification of the incident/accident.

Appropriate use of prescription medication is not prohibited. However, it is illegal for any employee to take prescription medication that is not prescribed to them. Union employees may not report to work

under the influence of alcohol, medication, or any illegal drug which impairs the employee to do his/her job or may endanger others.

For injuries requiring immediate outside medical attention, testing may be conducted at the initial visit. If immediate medical attention is not required, testing may be conducted at the time of the first outside medical treatment.

#### **.060 Random and Probable Cause Testing**

The Union will not authorize random drug and/or alcohol testing to any employee, nor will the Union authorize probable cause testing if no incident or injury precipitated the desire for probable cause testing.

#### **.070 Post-Incident Drug and Alcohol Testing Methods**

**A.) Testing for Drugs:** An 8-panel drug screen will be performed to test for drugs. A positive drug test means that drugs were detected. Should an employee test positive for drugs, the employee will have the opportunity to confirm the legal use of any prescribed medication that may have caused the positive test result. This is generally done with confirmation provided directly by the prescribing physician, medical facility, or pharmacist. A positive drug test for which legal use cannot be confirmed will be considered under the influence and the employee will be subject to disciplinary action, up to and including termination.

The 8-panel drug screen tests for the following:

1. Marijuana (THC)
2. Cocaine (COC)
3. Amphetamine (AMP)
4. Methamphetamine (METH)
5. Benzodiazepine (BZO)
6. Morphine/Opiates (MOR)
7. Phencyclidine (PCP)
8. Barbiturates (BAR)

**B.) Testing for Alcohol:** A Breath Alcohol Test (BAT) will be used to test for alcohol. Should an employee's test results indicate an alcohol level at .04% or more, they will be considered under the influence of alcohol and is subject to disciplinary action, up to and including termination.

#### **.080 Consent or Refusal to Consent to Post-Incident Drug and Alcohol Testing**

An employee who refuses to cooperate with post-incident alcohol and/or drug testing may be immediately suspended from duty and subject to disciplinary action, up to and including termination, pending an investigation.

#### **.090 Disability Compensation Due to Work-Related Injury**

A claims adjustor/investigator from the Workers' Compensation insurance carrier will review the employee's claim. If the claim is determined to be compensable and the injured employee's medical restrictions cannot be accommodated by the Union, the injured employee may be entitled to disability benefits. The employee is not entitled to benefits for the first week they are off work, unless they are off work three consecutive weeks. Thereafter, payments shall be made in a sum equal to 66 2/3% of the employee's gross average weekly wage, not to exceed the maximum benefit provisions of the Workers' Compensation Act. Reimbursement for travel to obtain authorized medical treatment is payable at a mileage rate set by the Workers' Compensation Act, including round trips that exceed five miles.

### Compensated Time Off for Treatment

The time away from work for an employee to receive the initial evaluation and care and treatment for a job-related injury or illness under the Workers' Compensation program is not chargeable to the employee's accrued leave credits. However, any time away from work after the initial evaluation, to include care and treatment and follow up appointments, is charged to the employee's accrued leave credits in the following order: Sick, Vacation, Holiday Compensatory Time, Discretionary Day, Leave Without Pay.

Employees who are awarded Workers' Compensation pay are granted use of accumulated leave to pay the difference between their regular pay and the Workers' Compensation pay. Normally, leave credits are used in the following order until exhausted: Sick, Vacation, Holiday Compensatory Time, Discretionary Day.

### **.100 Workers' Compensation as it Relates to the Family and Medical Leave Act**

If the work-related injury for which the employee is receiving Workers' Compensation benefits meets the criteria of a "serious health condition", the time that the employee is off work (i.e. the time covered by Workers' Compensation and any accrued leave) will be counted as part of the employee's 12-work week FMLA leave entitlement.

### **.110 Return to Work**

The Assistant Director/Human Resources and Business Management shall be contacted by the employee prior to returning to work from a job-related accident, illness or injury to ensure a smooth transition and to discuss any accommodations that may be necessary.

### **.120 Reporting Fraud and Abuse**

The Workers' Compensation Act contains penalties for acts of fraud and/or abuse. Anyone suspected of making false reports of working for another employer while drawing disability benefits, or otherwise abusing the Workers' Compensation system, are to be reported immediately by calling 1-800-613-0014.

### **.130 Record Keeping**

All records that contain employee medical and health information is filed in the human resources department in a secure location apart from other personnel files and accessible only by those authorized in accordance with applicable laws.

### **.140 Questions**

For questions, contact the human resource department at (785) 532-6577.

**4800 Employee Benefits**  
**4850 Employee Assistance Program (EAP)**

*(Revised 7/1/2021)*

- .010 General Information
  - .020 Purpose
  - .030 Policy
  - .040 Types of Referrals
  - .050 Guidelines
  - .060 Confidentiality
  - .070 Exception of Confidentiality
  - .080 Responsibilities
  - .090 Procedures
  - .100 Questions
- 

**.010 General Information**

The K-State Student Union is interested in the health and well-being of its most valued resource – its employees. It is in the best interest of both the employees and the Union to aid those with personal problems including alcohol and chemical abuse or dependency, mental or emotional illnesses, family and work relationships, and/or other conditions which may adversely affect job performance.

While it is recognized that the personal life of employees is their own, it is also recognized that numerous problems encountered by employees often result in poor and unacceptable job performance. It is the desire of the Union to *help* rather than merely discipline employees whose job performance deterioration is caused by such problems. The goal is to retain valued employees who may be facing personal problems, to stop job performance deterioration before it results in either disciplinary action or termination of employment, and maintain a workforce which is efficient, proficient and effective.

This policy is not intended to supplant the normal disciplinary action process as detailed in policy 4470.

**.020 Purpose**

The Employee Assistance Program (EAP) is an education, intervention and referral service to help employees get in touch with their personal problems and concerns. The purpose of the Employee Assistance Program is to provide skilled behavioral health professionals to assist benefits-eligible employees in developing lifestyles that are physically, mentally, and emotionally healthy.

The Union offers the Employee Assistance Program to benefits-eligible employees and their immediate families. This program believes the best approach to employee productivity is to encourage wellness and promote efficiency by utilizing programs which contribute to the well-being of its members.

### **.030 Policy**

The Employee Assistance Program is where employees may access counseling and related services in order to find resolutions to existing problems. The EAP is designed to assist in:

- Providing assessment, referral, follow-up, and monitoring for employees who are experiencing personal problems;
- Motivating employees and their family members to seek help;
- Directing employees toward appropriate resources for assistance;
- Assisting management and supervisory personnel at all levels in determining whether a referral is appropriate when an employee's performance declines or he/she has not responded to corrective discipline;
- Assisting management in fitness-for-duty situations; and
- Developing preventive techniques.

### **.040 Types of Referrals**

Referral to the EAP will be (1) Self-Referral; (2) Supervisor Suggested Referral; or (3) Supervisor Mandated Referral.

1. **Self-Referral** – The Union encourages employees to take the responsibility to seek assistance in preventing the development of health or personal problems which may affect his/her job performance. This is a voluntary referral.
2. **Supervisor Suggested Referral** – If a supervisor feels an employee needs help with a problem, the supervisor may suggest the employee contact the EAP for assistance. As in self-referrals, this is a voluntary referral. The EAP is also available to consult with management in determining when a referral should be recommended to an employee.
3. **Supervisor Mandated Referral** – Mandated referral to the EAP should be based on unsatisfactory job performance. Supervisors must work in cooperation with the Union Assistant Director/Human Resources and Business Management in cases of a mandatory referral. When an employee is directed to use the EAP as a condition of employment, he/she must comply with the referral. Additionally, the employee must fully cooperate and participate in all prescribed services, counseling, and/or rehabilitation. For additional information regarding a mandatory EAP referral, see policy 4470.

### **.050 Guidelines**

Employees with problems that potentially may affect their job performance are encouraged to contact the Employee Assistance Program provider or the Union Assistant Director/Human Resources and Business Management.

Participation in the Employee Assistance Program does not negate appropriate disciplinary action. Neither participation nor non-participation in the Employee Assistance Program will in itself have any effect on decisions concerning an individual's employment status. Participation in the EAP will not jeopardize an employee's job security, promotional opportunities, or reputation. The key element to continued employment is satisfactory job performance.

### **.060 Confidentiality**

1. **Records** – All records created by the EAP staff are maintained by the EAP and are kept confidential in accordance with applicable laws. EAP records are not shared with the Union and **will not** become part of the employee's personnel file.

2. **Self-Referrals** – When an employee self refers, Union management will be contacted only upon written request and authorization by the employee.
3. **Supervisor Suggested Referral** – If an employee uses the EAP based upon a suggested referral by his/her supervisor, the employee may authorize the EAP to inform the supervisor if the employee kept the appointment and if the employee is following through with recommended services, counseling, and/or rehabilitation.
4. **Supervisor Mandated Referral** – In cases of a mandated referral, the EAP will inform the Assistant Director/Human Resources and Business Management if the employee kept the appointment. Additionally, with the authorization of the employee, the EAP will inform the Assistant Director/Human Resources and Business Management if the employee has complied and met the requirements of the EAP referral for evaluation, diagnosis and the resulting referral for services, counseling, or and/rehabilitation.

### **.070 Exception of Confidentiality**

The EAP may disclose information communicated by an employee if required by subpoena to testify in a Court of law or before an administrative body concerning the matters communicated.

### **.080 Responsibilities**

The Assistant Director/Human Resources and Business Management is responsible for:

- Promoting the Employee Assistance Program;
- Educating eligible employees about the program;
- Training supervisors/managers on proper utilization of EAP services;
- Preparing budgetary input in support of the Employee Assistance Program.

Supervisors play a key role in the EAP process by monitoring job performance and initiating corrective action when it is substandard. Through the EAP, the supervisor gains techniques with which to deal with job performance. Because of their place in the Union organizational structure they also represent a unique referral source in the EAP process. Supervisors are not diagnosticians or therapists; their role pertains only to job performance.

### **.090 Procedures**

The initial intake assessment process will be at no cost to the benefits-eligible employee provided the employee utilizes the Union's designated EAP providers. Employees are financially responsible for any costs incurred in undertaking treatment or counseling beyond the assessment process. The Union's health insurance program *may* provide payment or reimbursement for *some* of the services.

The Union will make every effort to provide the employee with an appropriate leave of absence for treatment and/or rehabilitation arranged through the Employee Assistance Program. Accrued sick leave will be granted for treatment and/or rehabilitation on the same basis as for other health concerns. Vacation or discretionary leave, or leave without pay may be used if sick leave is not available.

### **.100 Questions**

Questions should be addressed to the human resource department at (785) 532-6577.

## **4800 Employee Benefits**

### **4860 Leave (Time-Off), Holidays, and Other Absences**

*(Revised 7/1/2021)*

- .010 Introduction
- .020 Accrued Leave
  - Sick Leave
  - Vacation Leave
- .030 Holidays
  - Designated Holidays
  - Discretionary Day
- .040 Special Purpose Leaves
  - Suspension
  - Administrative Leave
  - Disaster Service Volunteer Leave
  - Funeral/Bereavement Leave
  - Inclement Weather Leave
  - Voting Privileges
  - Shared Leave
  - Jury Duty
  - Leave Without Pay (LWOP)
  - Parental Leave
- .050 Military Leave (for non-FMLA absences)
  - Full-Time Military Active Duty — Other Than Training Purposes
  - Military Leave for Reserve Component and National Guard Duty
  - Military Leave for Kansas National Guard
- .060 Recordkeeping for Leave
- .070 Reporting Leave
- .080 Questions and Forms

#### **.010 Introduction**

Employee leaves and absences are defined and administered by applicable Federal and State laws, regulations, and policies:

- Department of Labor, Family and Medical Leave Act Provisions
- Policy 4086, Hours of Work, Overtime and Overtime Pay
- Executive Orders from the Governor of Kansas

#### **.020 Accrued Leave**

Accrued leaves are those categories of leave programs in which a specified amount of leave is added to each benefits-eligible employee's leave balance during each pay period. All benefits-eligible employees earn vacation leave and sick leave. The amount of leave accrued per pay period is dependent upon the number of hours in pay status (hours worked and paid leave).

#### **Sick Leave**

Sick leave may be used for the following reasons only:

- Illness or disability of the employee and for personal medical, psychiatric or dental appointments, including pregnancy and childbirth.
- Illness or disability of the employee's family member and for appointments with a family member if the employee's presence is necessary, such as for minor children.
- Legal quarantine of the employee.
- Adoption of a child by an employee or initial placement of a foster child in the home, when the initial placement reasonably requires the employee to be absent from work.

A family member is defined as any person related to the employee by blood, marriage, or adoption and any minor residing in the employee's residence as members of the employee's household because of court proceedings. Family member also includes "Other qualified adult," defined as an individual with a committed personal relationship with an employee and who lives in such employee's household.

### **Sick Leave Accrual**

Benefits-eligible employees accrue sick leave as shown in the chart appropriate to employment classification and overtime-eligibility status. Sick leave continues to accrue throughout eligible employment without any limit being applied. Sick leave hours earned by an employee during a biweekly pay period are accrued by the employee for use on the first day of the following pay period. Sick leave cannot be used before it is accrued.

<i>Union Support Staff Sick Leave Accrual</i>	
<b>Hours per Pay Period In Pay Status</b>	<b>Sick Leave Hours Earned</b>
0-7	0.0
8-15	0.4
16-23	0.8
24-31	1.2
32-39	1.6
40-47	2.0
48-55	2.4
56-63	2.8
64-71	3.2
72-79	3.6
80	3.7

<i>Unclassified Staff Sick Leave Accrual</i>	
<b>% of Time In Pay Status</b>	<b>Sick Leave Hours Earned</b>
0	0
>0%	3.7

### **Use of Sick Leave**

A non-exempt employee uses sick leave in quarter-hour increments. An exempt employee uses leave in one-half or full-day increments, but in no less than four-hour increments as determined by the regular work schedule. For example, an exempt employee working 10-hour days would report four hours for a half-day leave. Hours taken do not need to be taken consecutively during a day to total one-half day.

If a supervisor has evidence an employee cannot perform the employee's regular duties because of illness or disability, the supervisor may require the employee to leave work and use sick leave, after discussion with the Assistant Director/Human Resources and Business Management. Upon exhaustion of sick leave, the employee is to use any accumulated vacation leave. If the employee has exhausted all sick and vacation leave, the Assistant Director/Human Resources and Business Management may grant leave without pay.

A supervisor may deny the request of an exempt employee for time away from work for less than a half day or may require the employee to be away from work and use a half day or full day of sick leave if it is in the best interest of the department or for repeated absences of less than one-half day.

The human resource department will require an employee to provide a medical provider's release before an employee who has been on sick leave for five or more days is allowed to return to work.

An employee who is awarded Workers' Compensation may use accumulated sick leave to supplement the difference between Workers' Compensation payment and the employee's regular pay, if the employee has accrued sick leave.

### **Payment for Sick Leave (Resignations and Retirements)**

Unused sick leave is not paid to employees due to resignation or involuntary termination. Payment for unused sick leave occurs only at an employee's retirement, based on years of service and amount accrued, as indicated:

***Sick Leave Payment Due to Retirement***

<b>Years of Service</b>	<b>Leave Balance (in hours)</b>	<b>Hours Paid</b>
8 or more	800	240
15 or more	1000	360
25 or more	1200	480

**Vacation Leave**

Vacation leave allows an eligible employee to remain in pay status while being away from work for unrestricted reasons.

**Vacation Leave Accrual**

Benefits-eligible employees earn vacation leave as indicated in the following chart.

<b><i>Vacation Leave Accrual</i></b>	
<b>Hours in Pay Status</b>	<b>Hours Earned</b>
0-9	0
10-19	1.0
20-29	2.0
30-39	3.0
40-49	4.0
50-59	5.0
60-69	6.0
70-79	7.0
80	8.0

Benefits-eligible employees will earn vacation leave the first and second bi-weekly pay periods during the first 11 months of the fiscal year (July — June). Vacation leave earned will not exceed 176 hours per fiscal year. The maximum balance limit of vacation leave accrual is 304 hours, after which leave will not be accrued. Employees do not earn vacation leave while not in pay status.

### **Vacation Leave Use**

Use of vacation leave is subject to pre-approval with the supervisor. Requests must be submitted by completing an electronic leave request, available in the staff center of the Union's website. Vacation leave requests for more than two weeks consecutively must have department head pre-approval.

A non-exempt employee uses leave in quarter-hour increments. An exempt employee uses leave in one-half or full-day increments, whether the hours are taken consecutively or over the course of a day.

If an employee or member of the employee's family becomes ill while the employee is on vacation leave so that the employee is deprived of all or a significant portion of the vacation due to the illness, the supervisor or department head can approve changing the vacation leave to sick leave at the employee's request.

A supervisor may deny the request of an exempt employee for time away from work for less than one-half day or may require the employee to use a half day or full day of vacation leave if it is in the best interest of the department or for repeated absences of less than one-half day.

An employee who is awarded Workers' Compensation will use accumulated vacation leave to supplement the difference between Workers' Compensation payment and the employee's regular pay after sick leave has been exhausted.

### **Payment for Unused Vacation Leave**

Payment for unused vacation leave may be made at the employee's voluntary separation from benefits-eligible employment up to a maximum of 176 hours for non-retirement eligible separations. Employees who are involuntarily separated from Union employment are not eligible for payment of unused vacation leave. Employees who meet the criteria for retirement will be paid for unused vacation hours to a limit of 240 hours. Employees who separate from service and are re-employed will not have forfeited vacation hours reinstated.

### **.030 Holidays**

#### **Designated Holidays**

The Union recognizes the following legal holidays:

- New Year's Day
- Martin Luther King Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day\*
- Thanksgiving Day
- Christmas Day

The Union may be closed on the above holidays except Veteran's Day.

Benefits-eligible employees who earn vacation leave and are eligible for overtime pay who work on a holiday earn holiday compensatory time at the rate of time and one-half of the employee's regular hourly wage. Unclassified employees who earn vacation leave and are not eligible for overtime pay who work on a holiday earn holiday compensatory time credit at straight time.

Each full-time employee who works a nonstandard workweek will receive the same number of holidays in a calendar year as employees whose regular work schedule is Monday through Friday.

Designated holiday dates are announced annually. Holidays falling on a Saturday or Sunday are generally observed on the preceding Friday or following Monday, respectively. A legal holiday occurring within the period of an employee's approved vacation or sick leave is not charged against any accrued vacation or sick leave.

If a legal holiday precedes or follows the day of the officially observed holiday, benefits-eligible employees will receive holiday credit for only one of the two days if required to work on both days. If the number of hours worked on the two days are not the same, the employee will receive holiday compensation for the day on which the employee worked the greater number of hours.

*Employees on LWOP* - An employee who is on leave without pay (LWOP) for any portion of the last working day before or immediately after a holiday will not receive holiday credit.

*Terminating employees* - Any employee whose last workday before terminating employment (whether voluntary or involuntary) is the day before a regularly scheduled holiday will not receive holiday credit for that holiday.

### **Discretionary Day**

A discretionary day gives benefits-eligible employees an additional day off to use as desired. The procedures below apply to any discretionary day authorized:

- This day is available to employees who accrue vacation leave after 6 months of continuous employment.
- Each benefits-eligible employee receives 8.0 discretionary day hours. All hours for a discretionary day must be taken on the same day and within the year it was awarded.
- Discretionary days do not carry over to the next calendar year.
- The discretionary day is not paid out at termination, resignation, or retirement.

### **.040 Special Purpose Leaves**

Special purpose leaves include those situations which arise without anticipation or which cannot be planned/scheduled by an employee. Special purpose leaves are not accrued.

### **Suspension (With or Without Pay)**

The purpose of a suspension is to provide the Executive Director, department head, and Assistant Director/Human Resources and Business Management, critical time to consult additional resources (i.e. legal counsel, Employee Assistance Program, etc.) in determining the best course of action with respect to the employee's continued unacceptable performance and/or behavior. Only the Executive Director has the authority to impose a suspension for personnel issues when doing so is in the best interest of the Union.

### **Administrative Leave**

Only the Executive Director has the authority to impose administrative leave (with or without pay) for personnel issues, dangerous or unsafe work conditions, or for other circumstances that necessitate employee time off.

An employee who is authorized to attend a workshop, seminar, or convention is considered to be working (not on administrative leave) and documentation for these absences is determined by the department head. Standard policies for hours worked apply.

### **Disaster Service Volunteer Leave**

Leave with pay may be authorized for any employee who is a certified disaster service volunteer when all of these conditions are met:

- The employee is requested in writing by the American Red Cross to provide disaster services;
- The disaster is designated by the American Red Cross to be Level II or greater;
- The disaster occurs in Kansas or in a state contiguous to Kansas.

Disaster volunteer leave is limited to 20 working days within a 12-month period that begins on the first day the disaster volunteer leave is used. An employee on disaster volunteer leave as an American Red Cross volunteer is not considered an employee of the Union for Workers' Compensation insurance purposes.

### **Funeral/Bereavement Leave**

Employees may be granted a maximum of six (6) working days as paid leave for bereavement, in order to arrange for and to attend the funeral services of a close relative.

Close relatives are defined as spouse, child, mother, father, brother, sister, foster parents, step parents, step children, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, and grandchildren, unmarried domestic partner, or any relative or legal guardian residing in the household.

One (1) day is allowed in the case of death of extended family (i.e. aunt or uncle of the employee or employee's spouse, cousin of the employee or employee's spouse, niece or nephew of the employee or employee's spouse). Vacation or discretionary leave should be requested for bereavement of friends and non-relatives. The department head may require verification of the need for the leave (i.e. copy of the obituary, etc.).

### **Inclement Weather Leave**

Inclement weather leave occurs only when declared by the K-State President or designee, or the Governor of Kansas. Weather conditions warranting this declaration are severe enough to close or substantially reduce the Union's schedule and operation.

### **Voting Privileges**

Polling locations are generally open 7 a.m. - 7 p.m., allowing employees to vote without affecting work hours. For those who live in other counties, accommodations should be made for those who need to arrive at work a bit late or leave a bit early to make it to the polls. If an employee cannot get to the polls outside of work hours, time should be allowed to go vote without reporting leave. If the poll hours are different, then time should be adjusted accordingly if necessary. The Union will provide time off work to vote unless the polls are open for two hours before or after the employee's work shift. The total time off allowed is two hours, less the time the polls are open before or after work. The Union may specify the particular time when the employee may be absent as long as that time is not during a regular meal break.

### **Shared Leave**

Shared leave is an optional medical leave program for benefits-eligible employees who are experiencing a physical or mental health condition that is serious, extreme, or life threatening and

who have exhausted their accrued leave balances. In some circumstances, leave may be requested to care for a family member experiencing a serious, extreme, or life-threatening health condition if that diagnosis and the inability to perform daily living activities unassisted is substantiated by a medical professional. For purposes of this program only, "family member" means a person related to the employee by blood, marriage or adoption; and a minor residing in the employee's residence as a result of court proceedings.

The standard for determining conditions that are serious, extreme, or life threatening is stringent. Qualifying medical conditions do not include routine and planned surgeries, routine pregnancy and delivery, anxiety and depression (unless hospitalization is required in treatment), broken bones, or chronic diseases or conditions.

Additional criterion includes the exhaustion of all accrued leave, an application and review process by the Executive Director and Assistant Director/Human Resources and Business Management, and satisfactory work performance and attendance. If approved, shared leave covers only the duration of the medical condition for which it was granted, up to a maximum of six months. Shared leave can be awarded retroactively up to two pay periods if circumstances are warranted.

### **Eligibility for Shared Leave**

Any benefits-eligible employee with at least six months of continuous service to the Union may apply for shared leave for conditions defined in this policy.

An employee with a current or pending Workers' Compensation claim is not eligible for shared leave for the same medical condition. An employee approved for long-term disability is no longer eligible for shared leave. Shared leave may be denied if the Executive Director and Assistant Director/Human Resources and Business Management determine that the requesting employee has a documented history of leave abuse or unsatisfactory work attendance.

Once an application is approved, the awarding of leave is dependent upon availability of leave donated by other employees.

Shared leave covers only the duration of the medical condition, up to a maximum of six months, for which the leave was approved and cannot be awarded twice for the same condition. Shared leave cannot be used intermittently or on a reduced work schedule except during the thirty days following an employee's return to work after an approved shared leave absence, and then only for follow-up care that is directly related to the initial condition.

### **Application for Shared Leave**

A benefits-eligible employee requesting shared leave must submit a *Shared Leave Request* form to the Assistant Director/Human Resources and Business Management. The request must include complete medical information from a health care provider.

The Executive Director and Assistant Director/Human Resources and Business Management will consider the completed application. Applicants will be notified of approval or denial in writing.

### **Pay and Benefits for Shared Leave Recipient**

Shared leave is paid at the employee's current rate of pay. An employee receiving shared leave is considered to be in pay status and will continue to receive benefits equal to those received prior to the start of shared leave. Any vacation and sick leave accrued during each pay period must be exhausted before shared leave hours are used. Once an employee has returned to work for at least 20 days, the shared leave awarded but not yet used will be deleted and therefore, unavailable to the employee except as described above.

### **Shared Leave - Human Resources Responsibilities**

When shared leave is approved, the notification will include the number of hours donated. Shared leave may be applied retroactively for a maximum of two pay periods preceding the date of approval.

### **Shared Leave Donations**

Shared leave donations can be made only to an employee who is already approved for shared leave. Donations are made on a *Shared Leave Donation* form and submitted to the Assistant Director/Human Resources and Business Management. All donations are anonymous. These conditions apply to all shared leave donations:

- Both Union Support Staff and Unclassified employees may donate sick leave and/or vacation leave. The donor's vacation leave balance must be 80 hours or more after a donation of vacation leave; the donor's sick leave balance must be 480 hours or more after a donation of sick leave. These balances are not required when the donor is terminating employment with the Union.
- Shared leave awarded but not used by an employee will be returned to the donor(s) on a pro-rated basis if the donor(s) is still employed in a benefits-eligible position at the Union.

### **Jury Duty**

Each benefits-eligible employee will be granted leave with pay for required jury duty in order to comply with a subpoena as a witness or juror before the Kansas Human Rights Commission, the U.S. Equal Employment Opportunity Commission, or a court, legislative committee, or other public body, except for appearances which involve an employee, either as defendant or plaintiff, in a personal matter. In such cases involving a personal matter, accrued vacation leave, holiday compensatory leave, discretionary day, or leave without pay (LWOP) may be used. The length of time off for jury duty will be determined by the human resource department, using the following factors as guidelines: (1) actual hearing/court time, (2) location of hearing/court, and (3) employee's residence location in relationship to the hearing/court location. The human resource department may require documentation to support this determination. The employee may retain any amount paid to the employee for their jury duty services.

### **Leave Without Pay (LWOP)**

Justified leave from work and when the employee receives no Union compensation constitutes leave without pay. This leave may be for any of these purposes:

- Illness, disability, pregnancy, childbirth, miscarriage, abortion, and recovery;
- Adoption of a child by the employee;
- Initial placement of a foster child in the employee's home;

- Care for a family member with a serious health condition;
- Other good and sufficient reason deemed by the Executive Director to be in the best interest of the Union.

#### Approval

Leave without pay must be approved in advance by the department head and Assistant Director/Human Resources and Business Management.

With approval from the Assistant Director/Human Resources and Business Management, an employee on leave without pay may return to work on an earlier date than originally scheduled. If terminating a leave without pay approval is in the best interest of the Union, the Assistant Director/Human Resources and Business Management may give one-week written notice to the employee that the leave without pay will be terminated. An employee's failure to return to work at the end of a justified leave without pay or upon notice of termination of the justified leave will be considered a voluntary resignation of employment. The employee will forfeit payout of any accrued benefit leave.

When a Union Support Staff returns to work following an approved leave without pay that the leave has been terminated, the employee will be returned to a position in the same class as the position which the employee held at the time the leave was granted or in another class in the same pay grade for which the employee meets the qualifications.

#### Misuse

An employee's need for leave without pay due to exhaustion of accrued leave because of excessive/habitual use of leave (defined as two or more occurrences of unexcused absence in a 30-day period) is not permitted and will result in disciplinary action.

#### Unclassified Staff - Leave Without Pay

Length - A leave without pay for up to six months may be granted by the Executive Director when such leave is judged to be in the best interest of the Union. Leave without pay will not be considered a break in service.

Procedures - Employees must request and get approval from the Executive Director in advance. Employees must submit in writing, reasons and length of time for requesting leave without pay. The Executive Director will notify the Assistant Director/Human Resources and Business Management of the decision.

#### Union Support Staff - Leave Without Pay

Eligibility - Any full-time Union Support Staff may be considered for leave without pay. All accrued leave must be exhausted before LWOP can be approved.

Family members are persons related to the employee by blood, marriage, or adoption, and minors residing in the employee's home as a result of court proceedings pursuant to the Kansas Code for Care of Children or the Kansas Juvenile Offenders Code.

The Assistant Director/Human Resources and Business Management may require a physician's statement to document illness or disability cited as the reason for leave without pay.

Length - A Union Support Staff may be granted leave without pay for a period not to exceed six months.

Procedures - Employees must request and get approval from the department head in advance. Employees must submit in writing, reasons and length of time for requesting leave without pay. The department head will notify the Assistant Director/Human Resources and Business Management of the decision.

### **Parental Leave**

The parental leave program allows benefits-eligible employees paid time off for welcoming a new child into their home. Parental leave provides up to six weeks of paid time off for purposes of bonding with and caring for the child.

### **Eligibility**

Any benefits-eligible employee who has been continuously employed with the Union in a full-time position for at least twelve months immediately preceding the qualifying event is eligible.

For parental leave provisions in this policy subsection,

- a. "parent" is defined as a biological or adoptive father or mother.
- b. "qualifying event" is defined as birth or placement of a child(ren) for adoption (up to 6 years of age) occurring after July 1, 2019.

### **Benefit**

Paid parental leave under this policy shall be at 100% of the eligible employee's regular rate of pay. While using paid parental leave, employees continue to accrue vacation and sick leave, as well as all other regular benefits in accordance with Union policies.

For purposes of this policy:

- Each parent designated as the primary caregiver shall receive up to six weeks of paid parental leave and,
- Each parent who is designated as the secondary caregiver shall receive up to three weeks of paid parental leave.

Each eligible employee is responsible for designating their own caregiver status.

Paid parental leave must be taken within the 12 weeks immediately following the date of birth or date of placement for adoption of a child.

If both parents are employees eligible for paid parental leave, and both intend to take paid parental leave, then one employee must be designated the primary caregiver and one employee must be designated the secondary caregiver. In such instances, the paid parental leave may be taken concurrently, consecutively, or at different times within the 12-week period immediately following the qualifying event.

An employee may take parental leave intermittently or on a reduced leave schedule only with written pre-approval by the department head.

Paid parental leave awarded is not increased by the birth or adoption of multiples (twins, triplets, etc.).

Paid parental leave only applies during periods when the employee is in pay status for a current position with the Union. Official and observed holidays do not count against paid parental leave. Employees on paid parental leave when an official or observed holiday occurs will be paid for the observed holiday and the parental leave time will not be deducted for that holiday leave time.

Employees may be permitted to take other types of leave (i.e., sick and vacation) in addition to the six or three weeks of paid parental leave.

Paid parental leave under this policy is not transferrable and cannot be donated through the Union's shared leave program or in any other way. Any amount of paid parental leave not utilized by the eligible employee in the 12-week period immediately following the date of birth or date of placement for adoption of a child is automatically forfeited.

### **Procedure**

- a. Employees will communicate with the human resource department regarding the need for parental leave and inform the department of their plan to utilize the paid leave in writing.
- b. Parental leave will be reported in the Union's electronic timekeeping system.
- c. Employees will communicate their return to work date with their supervisor.

### **Parental Leave and the Family Medical Leave Act**

The Union's Family Medical Leave policy provides for up to 12 weeks of time off (including both paid and unpaid leave) for an employee following the birth or adoption of a child. Parental leave will be counted towards the employee's FMLA leave entitlement, if applicable. For more information regarding the Family and Medical Leave Act, see Union policy 4865.

### **.050 Military Leave (for Non-FMLA Absences)**

The Federal Uniformed Services Employment and Reemployment Rights Act (USERRA), codified at 38 U.S.C. 4301 et seq. provides enhanced leave rights and job protections for employees absent for military duty. Union employees who are called to full-time active duty or who must fulfill Reserve or National Guard training requirements are eligible for leave benefits described in this section. Military leave provisions include military leave with and without pay.

The request for military leave should be made as soon as possible under the circumstances of the order. The employee must submit a copy of the military order or duty document to the Assistant Director/Human Resources and Business Management. Military leave not requested as prescribed in this policy will not be approved unless the employee provides satisfactory evidence of extenuating circumstances to the Assistant Director/Human Resources and Business Management.

Each benefits-eligible employee will be granted military leave without pay or, at the employee's request, granted accrued vacation leave for induction, entrance, or examination into a Reserve or National Guard unit. Upon completion of the induction, entrance, or examination, the employee is to return to work.

Military leave is included in the employee's length of service. No paid leave will be earned or accrued while on military leave without pay.

For purposes of this policy, any reference to the military Reserve of the United States is considered to include members of the National Guard.

### **Full-Time Military Active Duty — Other Than Training Purposes**

Benefits-eligible employees who enlist or are drafted into the Armed Forces of the United States or employees who are Reservists and members of the National Guard who are activated to duty will be granted military leave without pay upon the employee's notice of a military order requiring active duty for other than training purposes. The employee must notify the Assistant Director/Human Resources and Business Management of the military order requiring active duty as soon as possible. An employee on military leave without pay must apply for permission to return to work within 90 days after receiving a discharge (under honorable conditions) from the active military service or from hospitalization due to injuries or illness sustained while on active duty.

The following re-employment provisions apply:

- If the employee is qualified to perform the duties of the former position, the employee will be restored to that position or to a similar position with like status and salary; or
- If the employee is not qualified to perform the duties of the former position by reason of disability sustained during military service but is qualified to perform duties of any other position, the employee will be offered employment in the same position comparable in status and salary to the former position; or
- In the case of a Union Support Staff, if the Union's circumstances have so changed as to make it unreasonable to offer the person a position under (1) or (2) above, an appeal may be made to the Executive Director for appropriate placement.

Reenlistment or continuation of active duty beyond the time prescribed will be considered a voluntary resignation from military leave status and from employment at the Union.

Military leave will be counted as part of the employee's length of service. Sick leave, vacation leave and holiday credit will not be earned or accrued during a period of military leave without pay.

### **Military Leave for Reserve Component and National Guard Duty**

Benefits-eligible employees who are members of a Reserve or National Guard component of the military service of the United States are granted a maximum of 15 working days of military leave with pay for (active duty) annual training within each 12-month period beginning January 1 and ending December 31. Active duty in excess of 15 working days within the 12-month period will be charged as leave without pay or, at the employee's request, to accrued vacation leave.

For monthly drill activities (inactive duty), employees who are members of a Reserve or National Guard component of the military will be granted leave without pay, or at the employee's request, accrued vacation leave for this period of service. Most drill activities occur on weekends and this provision would generally apply only to those whose regular work schedule includes weekends.

Upon each employee's release from a period of active or inactive duty or upon discharge from hospitalization or convalescence from illness or injury incurred or aggravated by the military duty, each employee will be permitted, if qualified, to return to a position with status and pay similar to that which the employee would have had if the employee had not been absent for military purposes.

If the employee is no longer qualified to perform the duties of the position because of disability sustained during the military duty but is qualified to perform the duties of any other position, the employee will be offered employment in a position comparable to the former position in status and pay.

When returning from a period of inactive or active military duty, the employee will report for work as follows:

<b>Period of Duty-Calendar Days</b>	<b>Return to Work Following Release From Duty</b>
1-30 days	First full, regularly scheduled day after release
31-180 days	Within 14 days of release
181+ days	Within 90 days of release

These periods may be extended to no more than two years from the date of release from military duty to accommodate a period of hospitalization or convalescence resulting from a service-connected injury or illness. To the extent practical, the employee will inform the Assistant Director/Human Resources and Business Management of any change in the date on which the employee is anticipated to return to work. The Assistant Director/Human Resources and Business Management may require the employee to provide documentation from the commanding officer of the date on which the employee is released from military duty or from the health care provider of the reasons the employee will not be able to return to work following the employee's release from military duty.

### **Military Leave for Kansas or State National Guard - For guard members who are called to service by the Kansas Governor**

Each benefits-eligible employee who is a member of the Kansas or State National Guard will be granted military leave with pay for the duration of any official call to state emergency duty. Military leave without pay or, at the employee's request, accrued vacation leave may be granted for the duration of any other type of state military duty performed. The employee is to provide a copy of the appropriate state military order to the Assistant Director/Human Resources and Business Management.

Each employee who is called or ordered to active duty by the State of Kansas National Guard will be returned to a job that is comparable to the job that the employee held at the time the employee was called to duty.

#### **.060 Recordkeeping for Leave**

The human resource department will maintain records for the type of leave taken.

#### **.070 Reporting Leave**

Employees are responsible for timely submission of leave requests to the department head.

#### **.080 Questions and Forms**

To address questions and receive forms contact the human resource department at (785) 532-6577.

**4800 Employee Benefits**  
**4865 Family and Medical Leave Act (FMLA)**

(Revised 7/1/2021)

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**.010 Introduction**

Medical leave includes any event that qualifies under the sick leave provisions, as identified in policy 4860. Leave records that contain employee medical and health information is filed in the human resources department in a secure location apart from other personnel files and accessible only by those authorized in accordance with applicable laws.

**.020 Family and Medical Leave Act (FMLA)**

Family and medical leave is defined and administered by the United States Department of Labor, Family and Medical Leave Act (FMLA) provisions. The law entitles eligible employees to take unpaid, job-protected leave for eligible family and medical reasons. It also entitles eligible employees to health insurance coverage under the same terms and conditions that the employee had prior to taking FMLA leave.

This policy was developed to outline both the employee's and the Union's rights and obligations under FMLA and state law. Any changes to federal or state law related to FMLA, supersedes this policy. Refer to the poster, *Employee Rights and Responsibilities under the Family and Medical Leave Act* posted on the official Union employee bulletin board and on the Department of Labor website at <http://www.dol.gov/>.

**Eligibility**

Eligibility for leave under FMLA is determined as follows:

- The employee has been employed by the Union for at least twelve months prior to commencement of leave; and

- The employee has worked for the Union at least 1,250 hours during the twelve months immediately preceding the date leave begins. Only hours actually worked will be counted toward the 1,250 hours requirement. Leave of any kind, whether paid or unpaid, does not count toward the 1,250 hours worked. The twelve months of employment does not have to be consecutive. Any previous employment with the Union counts toward establishing FMLA eligibility.

### **Qualifying Leaves**

An eligible employee may be granted up to 12 workweeks of unpaid, job-protected leave (to include health insurance continuation) during any 12-month period for the following reasons:

- The birth of the employee's child or placement of a child with the employee for adoption or foster care, and care of the child upon birth or placement in the employee's home (must be taken within twelve months following birth or placement);
- The care of an employee's spouse, son, daughter, or parent, who has a serious health condition;
- The serious health condition of the employee that makes the employee unable to perform the functions of the employee's position;
- To address certain qualifying exigencies related to a spouse, son, daughter, or parent who is on covered active duty, or who has been notified of an impending call or order to covered active duty;
- Employees who are a spouse, son, daughter, parent, or next of kin of a covered service member may also be eligible for up to 26 weeks of leave in a single 12-month period to care for a covered service member who has a serious injury or illness incurred or aggravated in the line of duty that may render the service member medically unfit to perform his or her own duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Leave may also be used to care for veterans undergoing treatment, recuperation, or therapy for a military related injury or illness, as long as the veteran was a member of the Armed Forces, National Guard, or Reserves within 5 years of requiring care.

Absences attributable to incapacity qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

### **Measurement of Entitled Leave**

The 12-month period will be based on a rolling calendar year, measured from the date an employee first uses any FMLA leave. Entitlement for eligible employees who work less than full-time will be prorated. For example, an employee who normally works 30 hours per week will use one week of FMLA entitlement for every 30 hours of FMLA leave. Each eligible employee is entitled to take up to 12 workweeks of his or her normal workweeks per year.

Spouses of employees also employed by the Union are limited to a combined total of 12 workweeks for the birth and care of a newborn child, placement of a child for adoption or foster

care, or to care for a parent who has a serious health condition. Leave for birth and subsequent care or placement for adoption/foster care must conclude within 12 months of the birth or placement.

### **Exhaustion of Accrued Leave**

Union employees are required to use any and all accrued paid leave toward the twelve workweeks of FMLA leave to which they are entitled. Sick leave accrual will be used until exhausted. Discretionary leave, compensable leave (to include inclement weather and holiday) and vacation leave, in the order listed will be utilized once sick leave is exhausted.

### **Request for, Notice, and Designation of Leave**

Employees must consult with the Assistant Director/Human Resources and Business Management when requesting leave for a qualifying event involving them or a family member. Leave for FMLA purposes should be requested 30 days in advance for the birth or placement of a child. For other FMLA requests, two weeks' notice, or as soon as reasonable, is required.

Employees must provide sufficient information to the Assistant Director/Human Resources and Business Management that is requested to determine whether the leave request is for a qualifying event as defined by the FMLA. Such information may include documentation of diagnosis, hospitalization, or inability to perform functions of the job. Privacy of medical information in accordance with applicable laws will be observed. Documentation will also be required for leave taken when the employee or employee's qualifying family member is under continuing care of a health care provider.

FMLA-qualifying leave an employee uses, with or without pay, is counted against the FMLA leave entitlement, even if the employee does not request leave under FMLA. This includes time away from work under the Workers' Compensation program, and the disability waiting period, if the serious health condition qualifies as FMLA leave. The Union may designate leave as FMLA leave even if the employee does not request it if the circumstances qualify for FMLA. When requesting FMLA leave, employees must give as much advance notice as practical and, when possible, at least thirty (30) days' notice. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment during times that do not disrupt departmental operations. All requests for FMLA leave will be made to the Assistant Director/Human Resources and Business Management.

### **Intermittent or Reduced Leave**

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek or hours per workday. There must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Intermittent or reduced leave will be subject to prior approval by the department head.

When an employee is granted intermittent leave or reduced leave, the employee may be required to accept a temporary transfer to an available alternate position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave

than does the employee's regular position. Transfer to an alternate position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave.

### **Medical Certification**

Employees requesting FMLA leave due to their serious health condition or the serious health condition of the employee's spouse, son, daughter, or parent, or next-of-kin for military related leave, will be required to provide medical certification by a health care provider. Additionally, the Assistant Director/Human Resources and Business Management may require periodic medical certification during any FMLA leave and may designate health care providers to furnish second and third opinions at the Union's expense. The Assistant Director/Human Resources and Business Management may require an employee on FMLA leave to submit medical certification that the employee is able to return to work following FMLA leave.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members will be maintained as confidential medical records in separate files/records from the usual personnel files, in accordance with applicable laws except that:

- Supervisors and department heads may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;
- First aid and safety personnel may be informed if the employee's physical or medical condition might require emergency treatment; and
- Documents may be presented to litigation as required.

### **Health Insurance Continuation**

An employee accessing group health insurance through the Union prior to the FMLA leave may continue to access the same insurance during FMLA leave, even if the FMLA leave is without pay (LWOP). In a LWOP situation, the human resource department will notify the employee of premiums due for continued health insurance coverage, if applicable. In some situations, the business services department may recover premiums paid on behalf of an employee on FMLA leave when the employee fails to return to work following FMLA leave.

Employees on FMLA leave will be subject to any change in group health insurance plans or benefits that affect all benefits-eligible employees. Employees on FMLA leave will be given notice of any opportunity to change plans or benefits that is available to all benefits-eligible employees.

### **Job Restoration**

Upon return from FMLA leave, an employee will be returned to the position held prior to the FMLA leave or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to prior to using FMLA leave. Accrual of employee leave benefits will occur only in those pay periods during which the employee was on paid leave.

There may be situations when an employee on FMLA cannot return to work after leave. For example, termination of employment may occur during or after leave if while an employee is on leave there is a layoff, reduction in force, or other cause supporting termination, so long as that event would have occurred if the employee were actively working. Similarly, termination of

employment may occur if following leave, the employee is unable to perform the essential functions of the position, with or without reasonable accommodation(s).

### **.030 FMLA Definitions**

**"Family Member"** means an employee's spouse, son, daughter, or parent, as defined below:

- Spouse: A husband or wife as defined or recognized under federal law.
- Parent: A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents "in law."
- Son or daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.
- In Loco Parentis: Those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee.
- "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care; or
  - b. Continuing treatment by a health care provider, which is defined as a period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves: (a) treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral, by a health care provider; or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider; or
  - c. Any period of incapacity due to pregnancy, or for prenatal care; or
  - d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which (a) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.); or
  - e. A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease; or
  - f. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident

or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal diseases, etc., are examples of conditions that do not meet the definition of a serious health condition. Restorative dental or plastic surgery, after an injury or removal of cancerous growths, are serious health conditions provided all of the other conditions of the FMLA regulation are met. Allergies or mental illness resulting from stress may be serious health conditions, but only if all the other conditions are met.

Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

**Treatment:** For purposes of this section, treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

**Health Care Providers:**

- Doctors of medicine or osteopathy;
- Podiatrists, dentists, clinical psychologists, psychiatrists, optometrists, and chiropractors (limited to subluxation correction);
- Nurse practitioners, nurse-midwives and clinical social workers who are performing within the scope of their practice as defined under state law;
- Christian Science practitioners; and
- Any health care provider recognized by the employer or accepted by the group health care plan.

**Covered Active Duty:** The duty of a covered service member during deployment to a foreign country. This term, as applied to members of the reserve component of the Armed Services, will mean covered active duty as defined by federal law.

**Covered Service Member:** A member of the Armed Forces, including a member of the National 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, or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious

injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**Qualifying Exigencies:** This relates to the active or impending duty of covered service member, including attending certain military events, arranging or providing for alternative child care or school, addressing certain financial and legal arrangements, addressing issues arising from short-term deployment, attending certain counseling sessions, and attending post-deployment reintegration briefings.

**In Pay Status:** This includes time worked and time off work but for which the employee is compensated because of a holiday or use of any kind of leave with pay. In pay status does not include leave without pay (LWOP).

**Workweek:** Seven consecutive 24-hour periods.

#### **.040 FMLA Record Keeping**

The human resource department is required to make, keep, and preserve FMLA records in accordance with the recordkeeping requirements of the Fair Labor Standards Act (FLSA). FMLA records will be kept for no less than three years and make them available to Department of Labor representatives upon request. Records and documents relating to medical certifications, recertifications or medical histories of employees or employee's family members are required to be maintained as confidential medical records in separate files from the usual personnel files.

Documentation required for FMLA recordkeeping include:

- Dates of FMLA leave taken by eligible employees. Leave must be designated in records as FMLA leave.
- Hours of FMLA leave taken by eligible employees, if leave is taken in increments of less than one full day.
- Copies of employee notices of leave furnished to the Union.
- Copies of all written notices given to employees as required under FMLA.
- Records of disputes between the Assistant Director/Human Resources and Business Management and the employee regarding FMLA.

#### **.050 FMLA Suspicion of Need**

If a supervisor or department head suspects that an employee is absent from work for an FMLA-qualifying reason, they must notify the Assistant Director/Human Resources and Business Management immediately. The Assistant Director/Human Resources and Business Management, or designee, will contact the employee regarding the absence and determine whether the absence qualifies under FMLA guidelines.

#### **.060 Questions and Forms**

For questions, contact the human resource department at (785) 532-6577. Forms for use in shared leave or FMLA absences are available in the human resource department. All forms related to FMLA can be found at the United States Department of Labor website at <http://www.dol.gov/whd/fmla/>.

**4800 Employee Benefits****4870 Educational Scholarship for Dependents and Student Employees***(Revised 7/1/2021)*

.010 Introduction

.020 Eligibility

.030 Questions

**.010 Introduction**

The K-State Student Union values continuing education. The Union provides scholarships to dependents and student employees who are properly enrolled in any curriculum at Kansas State University. Scholarships are granted pending the availability of funds.

**.020 Eligibility**

Dependents of Union auxiliary service employees as well as dependents of temporary employees or students studying abroad are not eligible for Union scholarship assistance.

Applicants must meet all of the following requirements:

- Dependent or student employee must be properly enrolled at Kansas State University in any curriculum for a minimum of 3 credit hours;
- The dependent or student employee must maintain a minimum cumulative GPA of 3.0, based on a 4.0 scale;
- Be either a child or legal dependent of a benefits-eligible employee; or, a student employee working an average of 10 hours per week for the Union;
- Be employed by the K-State Student Union for at least 30 days;
- Be currently and consistently working for the Union in the fall and spring semester of the scholarship;
- The Union employee must be in good standing with supervisor. (Performance reviews will be considered in the eligibility process.)

Employees must submit a *K-State Student Union Scholarship Application* to the director's office by specified deadlines. A dependent scholarship application will be made available to all benefits-eligible and student employees. Scholarship recipients will be selected by the Union Scholarship Selection Committee.

Student employee scholarship winners will receive \$250 for the fall semester and \$250 for the spring semester (if the student employee continues to meet the requirements of .020, above). Dependent scholarship winners will receive \$500 for the fall semester and \$500 for the spring semester (if the dependent and student continues to meet the requirements of .020, above). The scholarship will be issued in the form of a Union gift card to be used for purchases in the K-State Campus Store and/or Cat Tech.

**.040 Questions**

Questions should be directed to the Executive Assistant at (785) 532-6591.

**4800 Employee Benefits**  
**4880 Training and Development**

*(Revised 7/1/2021)*

- .010 Support of Union Mission
- .020 Participation
- .030 Training Approval
- .040 Required Training
- .050 K-State Training Opportunities
- .060 Support for Training and Development Activities
- .070 Accommodation
- .080 Questions or Comments

**.010 Support of Union Mission**

In support of the Union's mission, the human resource department strives to:

- Identify shared training needs and develop strategies to meet them;
- Provide workshops, and other developmental activities that address those needs;
- Customize training and development activities for requesting departments; and
- Collaborate with the university community as appropriate.

**.020 Participation**

All employees may participate in human resource training programs, provided the employee's supervisor approves and enrollment is open. The human resource department sometimes restricts participation based on the intended audience and the instructional format. Employees are required to attend mandatory trainings when scheduled. Time spent attending such programs/trainings is paid work time.

**.030 Training Approval**

For training that is not mandatory, employees are required to obtain prior approval from their supervisor prior to attending any program or training.

**.040 Required Training**

*New Employee Orientation* - The human resource department will conduct orientation for all new hires. On the job, the supervisor orients each new employee, providing information about job responsibilities and aspects of the workplace. New employee paperwork is required to be completed before the employee starts work at the Union. New employee orientation and onboarding is required for each new hire.

*Supervisory Training* – The human resource department conducts supervisory training on several topics. Supervisors are required to attend supervisor trainings. Supervisors are highly encouraged to seek out relevant supervisory training at K-State. Supervisory training is considered work time.

**.050 K-State Training Opportunities**

K-State's Human Capital Services and other university departments offer a variety of seminars and workshops. Union employee participation in relevant position-related trainings on campus is

highly encouraged. Employees must seek approval from supervisor prior to attending any training. Training is considered work time.

#### **.060 Support for Training and Development Activities**

The Union encourages and supports continuous professional learning activities in the following ways:

- Paid leave to participate in approved training and development events which relate to the employee's position at the Union;
- Travel, accommodation, and costs associated with learning activities;
- Campus-wide workshops, seminars and presentations;
- Educational scholarship assistance (for student employees); and
- Dependent scholarship assistance.

#### **.070 Accommodation**

Any employee requesting a reasonable accommodation to participate in training activities should contact the human resource department prior to the training to make their request.

#### **.080 Questions or Comments**

Questions should be referred to the human resource department at (785) 532-6577.

**4800 Employee Benefits****4881 Tuition Assistance for Kansas State University Courses**

*(New 7/1/2021)*

.010 Introduction

.020 Eligibility

.030 Award Details

.040 Additional Considerations

.050 Application for Assistance

.060 Payment of Award

.070 Questions

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**.010 Introduction**

The K-State Student Union values continuing education for its employees and provides tuition assistance for classes taken through Kansas State University. Tuition assistance is considered for any course of study and is not dependent upon applicability to the employee's position held at the Union.

**.020 Eligibility**

Only K-State Student Union employees are eligible for tuition assistance. Employees in full-time, benefits eligible positions who have been employed for at least one year are eligible for consideration. Employees must meet the performance expectations of their position with no disciplinary actions within the previous twelve (12) months. Applicants must meet all eligibility requirements for the entirety of the semester for which tuition assistance is sought. Employees on leave without pay (LWOP) are not eligible to participate in the tuition assistance program. An employee on LWOP and previously approved for tuition assistance is subject to revocation for the semester for which the absence occurred.

**.030 Award Details**

The award is exclusively for courses taken through, and billed by, Kansas State University. Tuition assistance does not apply to courses taken through and/or billed by a third party. The maximum award amount will not exceed the value of three (3) credit hours at the in-state, on-campus tuition rate per semester for undergraduate or graduate level courses each semester. The award covers tuition only. Any fees associated with a course, e.g. campus fees, online course fees, etc. are the responsibility of the employee.

The award is dependent upon funding availability. In the event eligible applications exceed award funding, individual employment longevity and position performance may be considering factors in determining award priority. Assistance approvals are valid for the immediate semester only.

**.040 Additional Considerations**

Time away from an employee's regular work schedule to attend class(s) is not part of the program. Time away from work is solely dependent upon department head approval and if approved, may be revoked at any time based on Union and department needs, employee performance, and/or disciplinary concerns.

**.050 Application for Assistance**

An application for assistance must be submitted to the Union human resources department no later than twenty (20) days prior to the beginning of the requesting semester. The application must be completed in its entirety to be considered.

If approved, proof of the successful completion of a course must be submitted within forty-five (45) days after class completion. Employees failing to provide proof of completion are responsible for reimbursing the cost of tuition to the Union. "Successful completion" means a minimum grade of no less than "C" for undergraduate courses and "B" for graduate courses is required (certification of completion is required for a non-graded course).

The *Application for Tuition Assistance* will be made available to all employees with instructions. Eligible employees may apply for tuition assistance for each semester they are requesting the assistance.

**.060 Payment of Award**

Approved tuition assistance will be made directly to the university. Employees approved for assistance will be disqualified if they give notice of their voluntary termination before the assistance check is processed.

**.070 Questions**

Questions may be directed to the human resources department at (785) 532-6577.

## **4800 Employee Benefits**

### **4882 Payment for Business-Related Travel Expenses**

(New 7/1/2021)

- .010 Introduction
  - .020 General Information
  - .030 Transportation Expense
  - .040 Mileage Reimbursement for Use of a Privately-Owned Vehicle
  - .050 Use of a Union-Owned Vehicle
  - .060 Reimbursable Expenses in Using a Union-Owned Vehicle
  - .070 Meals and Lodging
  - .080 Questions
- 

#### **.010 Introduction**

Union employees may be required to travel in fulfilling their duties or in attending seminars or other professional or educational activities benefiting the Union. Employees are expected to charge business-related travel on a Union corporate credit card whenever feasible. The Union may reimburse employees, within prescribed limitations, for necessary travel expenses incurred when the use of a corporate credit card is not a viable option.

Employees are reimbursed for allowable travel expenses incurred by submitting a *Travel Expense Report* with supporting documentation to the Comptroller. The employee is responsible for detailing the travel and expenses and attaching all receipts and supporting documentation.

#### **.020 General Information**

**Travel Authorization.** All employees must complete a *Request to Travel* form and receive authorization from the department head prior to travel. Once approved by the department head, the *Request to Travel* form should be submitted to the Comptroller.

**Safe Operation of Union-Owned Vehicles by Employees.** Employees operating a privately-owned or Union-owned vehicle are responsible for operating the vehicle in a safe and prudent manner and in accordance with all applicable federal, state, and local traffic laws. Fines assessed for traffic citations or other violations of applicable traffic law are the responsibility of the employee and are not reimbursable. Cellular devices are prohibited from use while an employee is operating a vehicle.

If an accident occurs involving a privately-owned or Union-owned vehicle being used for Union business, the following action should be taken:

1. The accident should be immediately reported to the Highway Patrol or other law enforcement agency.
2. Statements should not be made to anyone except law enforcement officers, representatives of the Union's insurance company, or Union officials.
3. Identifying information of other parties involved in the accident should be obtained.

4. Operator should immediately notify the employee's department head of the accident and the location of any damaged vehicle. If the employee is unable to do so, the first employee having knowledge of the accident should notify the department head within 24 hours. The department head, in turn, will notify the Comptroller.
5. Whenever safe and reasonable, pictures should be taken to document any vehicle damage as a result of an accident. Pictures should be forwarded to the Comptroller for insurance purposes.

### **.030 Transportation Expense**

Employees will use Union-owned vehicles on official business whenever possible. The use of privately-owned vehicles on official business when Union transportation is available requires department head approval.

Transportation expenses incurred by employees are not reimbursable in the following situations: (1) Additional transportation expenses incurred as a result of an employee residing in a city or town outside of Manhattan or otherwise incurred because of an employee's choice of residence are not reimbursable (2) Transportation expenses incurred when traveling between the Union and the employee's residence are not reimbursable.

In authorizing employee travel, the department head should approve the most economical or advantageous mode of travel and made by the most direct route.

### **.040 Mileage Reimbursement for Use of a Privately-Owned Vehicle**

**Mileage reimbursement rates.** When the use of Union-owned transportation is not feasible and with department head approval, employees who travel by privately-owned vehicles may be reimbursed for allowable miles traveled at a rate fixed and established by the Internal Revenue Service. Current mileage: <https://www.irs.gov/tax-professionals/standard-mileage-rates>.

Reimbursement rates are considered to cover all costs associated with the use of the privately-owned vehicle including but not limited to gasoline, oil, tires, repairs, insurance (including uninsured losses, and insurance deductibles resulting from damage to the privately-owned vehicle), license fees, depreciation costs, and expenses of any type.

**Exception to the mileage reimbursement rates.** Exception to the mileage reimbursement rates may be made when a mode of transportation is available and less costly than transportation by a privately-owned vehicle. Mileage reimbursement is limited to the cost of the other mode of transportation.

When travel begins, an employee may be reimbursed for mileage from the employee's residence or the Union to the destination, whichever is less. Upon return, an employee may be reimbursed for mileage from the last point of business to either the employee's residence or the Union, whichever is less.

Parking fees and tolls for roads and bridges are reimbursable to the employee as a result of using a privately-owned vehicle.

**.050 Use of a Union-Owned Vehicle**

An employee must possess a valid driver's license to operate a Union-owned vehicle. Additionally, the employee must provide the business services office a copy of their valid driver's license to be maintained on file.

**.060 Reimbursable Expenses in Using a Union-Owned Vehicle**

Employees are expected to utilize a Union corporate credit card for all work-related expenses incurred related to Union-owned vehicles. Employees may be reimbursed for gasoline and parking fees only when the use of a Union corporate credit card is not an option. Parking fees are reimbursable to the employee as a result of using a Union-owned vehicle. Union-owned vehicles are equipped with an electronic K-TAG to be used on the Kansas turnpike.

Receipts verifying expenditures should be submitted with the *Travel Expense Report* to the Comptroller. Receipts are not required for unattended tollbooths or parking meters.

**.070 Meals and Lodging**

During the course of Union business, employees are required to pay for meals and lodging with a Union corporate credit card. A daily allowance (per diem) to employees to cover travel-related business expenses is not permitted.

The Union will not pay travel, meals, and lodging expenses to an employee if the Union is not requiring the employee to undertake the travel. The Union shall not pay for any meals for an employee if the cost of meals is included in the cost of a registration fee or other fees or charges paid by the Union for the employee.

**.080 Questions**

Questions should be directed to the Comptroller at (785) 532-6575.

**4800 Employee Benefits**  
**4890 Employee Achievement Award**

*(Revised 7/1/2021)*

- .010 Introduction
  - .020 Eligibility
  - .030 Selection Process
  - .040 Distribution
  - .050 Questions
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**.010 Introduction**

The purpose of this award is to recognize an outstanding K-State Student Union student and non-student employee. Each award recipient will be awarded \$500 and a plaque.

**.020 Eligibility**

Recipients of this award must either be:

- A Union student employee currently enrolled in any curriculum at K-State for a minimum of 6 credit hours; or
- A Union Support Staff non-student employee.

Recipients must be in good standing in their jobs with a successful performance evaluation on file and no disciplinary actions at the time of nomination.

Exempt employees are not eligible for an Employee Achievement Award.

**.030 Selection Process**

The final choice of the award recipient(s) will be made by the Union's Senior Team. Nominations will take place each semester and selection will be made in the fall and spring of each year. Generally, only one student and one Union Support Staff non-student employee may receive the Employee Achievement Award each semester.

**.040 Distribution**

The human resource department is charged with coordination of the Employee Achievement Award and distribution of award funds.

**.050 Questions**

Questions should be directed to the human resource department at (785) 532-6577.