



AMERICAN UNIVERSITY
WASHINGTON, D C

STAFF PERSONNEL POLICIES
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1.0 FOREWORD

1.1 MISSION OF THE UNIVERSITY*

The mission of American University is to conduct teaching and research designed to preserve and extend human knowledge. The university is a complex organization engaged in many different types of activities. It charges persons with a variety of professional and technical backgrounds – individually and collectively – with diverse responsibilities. Each person plays a distinct and important role in helping American University to achieve its goals.

1.2 PURPOSE OF THE MANUAL*

This policy guide contains statements of staff human resources policies and procedures. It is designed to be a working guide for supervisory and staff personnel in the day-to-day administration of the university's human resource program. Its purpose is to increase understanding of policy, and to ensure uniformity in human resource administration. This policy guide, however, does not constitute an express or implied contract in whole or in part.

Every staff member is responsible for following these applicable policies. Every supervisor of staff personnel is responsible for carrying out these applicable policies in a consistent and impartial manner. Staff members carry out the mission of the university by performing their assigned duties with high professional standards. In addition, they must conduct themselves as responsible and cooperative members of the university community. The fulfillment of these expectations is a condition of continued employment.

The university encourages responsible and productive working relationships and respect for the personal integrity and growth of all staff members.

Copies of this publication and the Faculty/Staff Benefits Manual are available to all staff members on request in human resources. In addition, new full-time staff members will receive orientation materials at the time of employment.

Every staff member can support the university's human resource program by letting human resources know whenever problems arise. They also can help by suggesting improvements in the administration of these policies and procedures.

*Policy also applies to part-time staff

1.3 AFFIRMATIVE ACTION*

American University is an Equal Employment Opportunity/Affirmative Action employer. University policy mandates affirmative action in every employment action. These include recruiting, providing training and development opportunity, and encouraging upward mobility for members of minority groups and women.

1.4 CHANGES/REVISIONS*

American University reserves the right to add, amend, or delete any policy or procedure stated herein at any time without previous notice.

*Policy also applies to part-time staff

2.0 EMPLOYMENT POLICIES

2.1 DEFINITION OF FULL-TIME EMPLOYMENT

At American University, a full-time staff employee is one who is appointed to a position which is formally identified as an authorized full-time position in the personnel budget of the employing office and is scheduled to work at least 28 hours a week for more than three consecutive months.

A person who meets these requirements is a full-time employee. Only full-time employees are entitled to the benefits and privileges of regular employment, regardless of the nature of the duties performed or the number of hours worked per week.

2.2 DEFINITION OF PART-TIME EMPLOYMENT*

A part-time employee is one who is not assigned to a full-time position in the personnel budget and works fewer than 28 hours per week or works any number of hours per week for three consecutive months or less. Part-time employees are not entitled to the benefits and privileges of full-time staff except as required by law or provided specifically in writing by university policy.

Part-time staff members are appointed by the issue of a Human Resources Action Form and approved by human resources. A Human Resources Action Form should be used to separate employees who leave before their designated end date.

Regular part-time appointments require yearly renewal. Renewals are implemented by routine completion of the Human Resources Action Form.

2.3 IMMIGRATION AND NATURALIZATION SERVICE REQUIREMENTS*

An I-9 (Employment Eligibility Verification) Form must be completed for all employees hired by the university and must accompany the Human Resources Action Form.

2.4 AFFIRMATIVE ACTION REPORT

The hiring supervisor must complete an Affirmative Action Report for all full-time employees hired by the university. The supervisor must send the report to human resources along with a Human Resources Action Form.

*Policy also applies to part-time staff

2.5 EMPLOYMENT OF FAMILY MEMBERS*

University policy requires that all personnel decisions be made on their merits, uninfluenced by personal relationships. Therefore, all members of the staff must avoid personal involvement in decisions concerning those who are relatives, or those with whom they have a personal living relationship. A “relative” is a person who is related, such as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half-brother, half-sister, or any person an individual has responsibility to support as a dependent.

As a general principle, individuals who are relatives, or who have a personal living relationship, should not be in a reporting relationship to one another. They also should not influence the employment status of one another in any way. Specifically, no staff member who directs or approves personnel actions may appoint, employ, promote, advance (either as to position or pay) any other person within the university who is a relative of, or who is in a personal living relationship with, the staff member. Moreover, staff members who advocate, or seek to advocate, on behalf of relatives, must avoid conflicts of interest.

2.6 EMPLOYMENT OF STUDENTS*

Students of American University employed by the university are subject to the applicable definitions and limitations noted above, with the following exceptions. AU students may be employed for 28 hours or more per week, for up to 4 months during the summer (May 1 – August 31) without being considered a full-time employee. International students with F-1 or J-1 visa status may be employed for a maximum appointment period of four months according to the following schedule:

Fall Semester = September 1 – December 31

Spring Semester = January 1 – April 30

Summer Semester = May 1 – August 31

Each semester these students must complete an International Student Employment Form. The form must be authorized by the Intercultural Student and Scholar Services office and returned to human resources. Authorization to work may be granted for a maximum of 20 hours a week during fall and spring semesters and for full-time during practical training or vacation periods (e.g., winter break, and summer sessions).

*Policy also applies to part-time staff

The policies above may differ for foreign students in other visa categories (for example, J-2, G-4) whose work authorization is granted directly by the U.S. Immigration and Naturalization Service. For those students, the appointment limits will be identified on the Human Resources Action Form and will require completion of a new I-9.

2.7 CATEGORIES OF POSITIONS

For purposes of determining specific applications of these policies, regular staff positions have been categorized as follows:

Executive staff positions are assistant provosts, vice provosts, vice presidents, principal academic deans, and other administrators expressly designated by the provost or the president of the university. Executive staff positions are exempt from the university staff personnel employment, classification, promotion, and separation procedures, except provisions relating to Affirmative Action – Equal Employment Opportunity (e.g., posting or publishing position openings and advising the human resource office before recruitment begins). Executive staff are also exempt from the overtime provisions of the Fair Labor Standards Act.

Senior staff members manage a substantial academic or administrative program and usually report to an executive, or they are expressly designated as senior staff by the vice president of finance and treasurer. Senior staff positions are exempt from university staff personnel employment, promotion, and separation procedures, except provisions relating to Affirmative Action – Equal Employment Opportunity (e.g., posting or publishing position openings and notifying human resources before recruitment begins). Senior staff are also exempt from the overtime provisions of the Fair Labor Standards Act.

Administrative/professional staff positions require a professional level of training or administrative responsibilities. Administrative/professional positions are subject to the university's staff personnel policies and procedures for employment, classification, promotion, and separation. Administrative/professional staff members are exempt from the overtime provisions of the Fair Labor Standards Act.

Clerical, secretarial, technical, skilled craft and service positions involve operational duties in university offices, laboratories, and physical plant. They are subject to the university's staff personnel policies and procedures for employment, classification, promotion, and separation. Staff members in these groups are subject to the overtime provisions of the Fair Labor Standards Act.

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Exempt and non-exempt status is determined by human resources on the basis of detailed descriptions of individual positions, and by regulations published by the United States Department of Labor governing the administration of the Fair Labor Standards Act.

2.8 JOB POSTING

All regular staff vacancies will be listed for at least four working days before any recommendation to hire is made. Open positions are listed on the human resources website and in human resources.

With the agreement of human resources, the posting requirement may be waived where it is proposed to hire an individual clearly functioning in an “understudy” capacity to the previous incumbent.

2.9 PROMOTIONS, TRANSFERS, AND DEMOTIONS

Staff members should use their abilities to their greatest benefit. Therefore, vacancies may be filled by promotion, transfer, or demotion whenever it is in the best interest of the university and the individual.

A staff member becomes eligible for promotion or transfer after satisfactory completion of a probationary period. Staff members may apply for promotion or transfer by submitting an Internal Application Form to human resources. At that time, the staff member should schedule an appointment with a representative of human resources to discuss possible promotion and transfer opportunities.

The university recommends that a staff member tell the current supervisor of his or her intentions when applying for a promotion or transfer. However, staff members are not required to notify their supervisors when filing such an application.

Whenever possible, qualified transfer or promotional candidates, or recent employees, whose positions were eliminated due to reorganization or lack of funds, will receive preferential consideration. However, all hiring processes should be conducted within the guidelines of the university’s commitment to equal employment opportunity and affirmative action.

When a transfer or promotion occurs, the current and new supervisors should discuss and agree upon the timing of the move. Normally, the university requires a two-week period. Promoted or transferred staff members must serve a probationary period in their new position.

*Policy also applies to part-time staff

2.10 UNIVERSITY-INITIATED TRANSFER AND DEMOTIONS

At any time, a dean, director, or department head may transfer a staff member from one position to another at the same classification band within the same office or department, providing the staff member meets the qualifications required by the new position. The university also reserves the right to transfer any member of its regular staff to another office or department. In either case, an employee will not be expected to undertake duties for which he or she is not qualified, and whenever possible will be given at least a week's notice of the impending change. Employees transferred at the request of the university will not serve in probationary status in the new position. The employment of a staff member who is not willing to accept such a change may be terminated.

An employee may be demoted when:

- he or she would otherwise be laid off because the position is being abolished by reason of lack of work, lack of funds, or other organizational changes;
- another employee returns from authorized leave status. When this occurs, every effort will be made to place the demoted staff member back into a position at the same level as the one from which he or she was demoted. If an appropriate vacancy does not exist, the services of the staff member will be terminated and his or her name will be placed on a priority re-employment list;
- an employee's service is not satisfactory. If a promoted staff member does not meet departmental standards in the higher classification or new position, he or she may be demoted without prejudice to a position with the same classification band as the position held before promotion, if such a vacancy exists. If an appropriate vacancy does not exist, the services of the staff member will be terminated and his or her name will be placed on a priority re-employment list;
- an employee voluntarily requests demotion.

When a demotion is being considered because of inadequate performance, the affected staff member must receive adequate notice as to the reasons why such action might become necessary. Sufficient advice must be given to provide the staff member with reasonable opportunity to meet the performance standards. This advice should be in writing, with a copy to the staff member's personnel file in human resources.

*Policy also applies to part-time staff

Demotion actions, like any other personnel action thought to be adverse by the staff member, may be grieved through the university's staff complaint policy and procedure. A demoted employee may be required to serve a probationary period in the new position.

2.11 TERMS OF SERVICE

Full-time staff members serve a probationary period of four months. During the probationary period, a staff member may be removed from his or her position at any time for any reason without prior notice. Staff members will also serve a probationary period when transferred or promoted to a new position.

At the end of the probationary period, or at any time after three weeks of employment, an initial performance review conference between the staff member and his or her supervisor should be held. As a result of this conference, one of three actions will be taken:

- probation is concluded and regular status in the position is granted;
- probation is extended for four months (only one extension may be granted);
- the staff member is removed from the position.

A completed Probation Form must be sent to human resources at the end of probation in order for the appropriate action to be taken. If this form is not received by the probation expiration date, the employee's probation is automatically completed.

During an extended probationary period, a staff member removed from a position is entitled to two weeks notice of termination (or pay in lieu of notice). Termination during the probation period may not be appealed or grieved.

After the completion of a probationary period, regular classified staff members are appointed on a continuing basis subject to the provisions for termination of appointment contained in the chapter entitled "Termination." They also become eligible for promotion, annual performance-based pay increases, and transfer.

2.12 PAYMENT OF SALARIES*

Staff members appointed to positions exempt from the Fair Labor Standards Act are paid on the last working day of each month for work performed during that month. Members of the non-exempt staff are paid every other Friday for work performed during the pay period ending two weeks prior to the pay date. All non-exempt staff members are

*Policy also applies to part-time staff

certified for payment on a Time and Attendance Form. The form must be filed with human resources by the date shown on the time sheet.

Checks are distributed through the university mail service. Human resources, on written request, will arrange direct deposit each pay period to a designated bank.

In order to pay all employees fairly, no salary or pay advances will be issued.

2.13 EEO POLICIES*

American University has adopted a formal affirmative action plan. This plan imposes certain responsibilities on all staff members involved in the employment process, some of which are referred to in this manual. Actions affecting the employment status of staff personnel must be coordinated through Human Resources.

All appointments are subject to the approval of authorized university officials. A regular appointment does not become effective until all required written approvals are obtained.

2.14 AFFIRMATIVE ACTION PROGRAM POLICY*

The University maintains an affirmative action program in compliance with the law to promote equal employment opportunity access for all persons, including women, minorities, individuals with a disability, and veterans. Such access is based on individual merit and performance. Contrary to popular belief, the affirmative action plan does not contain quotas or make other employment decisions based on an individual's protected status. Rather, the affirmative action plan is a management tool to identify obstacles that might prohibit certain groups of individuals from receiving fair consideration and to produce applicant pools of diverse and qualified individuals from which to select employees. The University assesses the effectiveness of the affirmative action program through internal monitoring and reporting systems and updates it on an ongoing basis. If warranted, adjustments are made to recruiting strategies and other related programs and policies to ensure that all applicants and employees receive fair consideration and treatment in all employment decisions.

2.15 DISCRIMINATION AND SEXUAL HARASSMENT POLICY*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Discrimination and Sexual Harassment Policy.

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2.16 AMERICANS WITH DISABILITIES ACT POLICY*

American University supports the policies of the Americans with Disabilities Act and is completely committed to treating all applicants and employees with disabilities in accordance with the requirements of that statute. The university judges individuals by their abilities, not their disabilities, and seeks to give full and equal employment opportunities to all persons capable of performing successfully in the university's positions. American University will provide reasonable accommodations to any qualified persons with disabilities who require them, and urges employees and applicants who may be disabled and require accommodation to advise the university of their particular needs. Information concerning individuals' disabilities is considered confidential and their need for accommodation will be handled with the utmost discretion.

When considering a requested accommodation, American University will require medical certification or information from a health care professional concerning the requested accommodation. Medical certification or other information may be requested at the time of the initial request or at any time thereafter, for the purpose of determining whether the individual still meets the definition of a disabled person or whether an accommodation is still necessary.

Employees and applicants who want to request a reasonable accommodation should contact human resources employee relations, extension 2607. Any staff employee or applicant who believes that they may have been discriminated against based on their disability should refer to the Discrimination and Sexual Harassment complaint procedures. Employees or applicants may also contact the Assistance Vice President of Human Resources to appeal reasonable accommodation decisions.

American University is firmly committed to the principle of equal employment opportunity. The university recognizes that the implementation of such a policy requires constant effort and supervision. Every necessary step will be taken to guarantee that this commitment is honored in principle and in practice.

2.17 REPORTING SUSPECTED MISCONDUCT (WHISTLEBLOWER POLICY)*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Whistleblower Policy.

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3.0 PERSONNEL RECORDS

3.1 RECORDS MANAGEMENT*

Official personnel records of all employees are maintained in human resources. This office must be notified of all employee status changes. Address changes should be reported to human resources on a Personal Data Change Form. Each employee is responsible for making sure that his or her records are current. Employees are entitled to inspect their official records in human resources. The university prohibits disclosure of official personnel records to third parties without the expressed written consent of the staff member, except:

- when the records are ordered to be produced by court order, required by law, or within the scope of a lawful subpoena;
- when disclosed to university officials performing work for the university under proper authorization;
- to protect health, safety or property; or,
- to protect the legal interests of the university.

3.2 REFERENCES*

All requests for salary verification on current or past employees must be made in writing to human resources and accompanied by a letter of release from the employee. References may be given by the employee's department (or former department) only if authorized in writing by the employee.

*Policy also applies to part-time staff

4.0 HOURS OF WORK

4.1 UNIVERSITY SCHEDULE*

The university operates 24 hours a day throughout the year. However, the work schedule of the university is closely linked to the academic calendar. The beginning of each semester is a period of high demand upon the university's faculty and staff. An academic calendar is posted well in advance of each year for planning and scheduling purposes.

Classes are in session from early morning to late evening, as well as on weekends. Because of the long hours during which the university operates, some offices must remain open to provide necessary services during periods when other offices are closed. Therefore, staff members should be prepared to adjust their working schedules to best meet the needs of the university.

4.2 WORK SCHEDULES OF EMPLOYEES

All employees are expected to report for duty on time and to work the full number of hours each day required by the terms of their jobs. The schedules of individual offices, and of employees in those offices, are determined by the needs of the university.

Most employees work seven hours a day, Monday through Friday (a total of 35 hours a week), from 9:00 a.m. to 5:00 p.m. with one hour for lunch. They are expected to make themselves available for additional hours (including weekends) when required. Several offices, as determined by human resources, assign employees to a forty-hour workweek because of continuous operations or contractual requirements.

4.3 FLEX WORK ARRANGEMENT

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Flex Work Arrangement Policy.

4.4 PARTICIPATION IN EDUCATIONAL ACTIVITIES

A member of the staff may be employed in a teaching capacity that is not part of the position assignment. Such teaching assignments should not be undertaken during the employee's normal working hours. The approval of the provost is required before a staff member can be appointed to a teaching assignment. This approval is required each semester that the employee teaches. If, under special circumstances, an employee is authorized to teach a course during regular working hours, the time away from the office must be charged against earned leave unless the time lost is made up within the same workweek.

*Policy also applies to part-time staff

Attendance at programs offered through human resources is considered part of the position assignment, and is not charged against earned leave. However, employees should obtain approval from their supervisors before planning to attend.

4.5 ATTENDANCE AT UNIVERSITY CLASSES

Employees of American University receive a highly valuable benefit in the form of remitted tuition. Educational benefits must be used in a manner that does not interfere with the operation of the university's offices and programs. Accordingly, employees are not permitted to take courses during their normal working hours. Normal working hours are defined by an employee's department head based on the unit's mission and the requirements of the position.

Exceptions to this rule are limited to a narrow set of circumstances and are available only to those employees admitted to degree and certificate programs. An employee may request an exception for a given course if it is required by the degree program and unavailable at any time other than normal working hours.

Employees must request an exception from this rule by completing the Educational Benefits Exception Form. The employee's immediate supervisor will review the request. If the supervisor supports the request and is satisfied that the required conditions are met, he or she will recommend it for approval to the unit executive. The unit executive will determine whether the request will be granted. The employee will be provided a written response to the request. Employees who are granted an exception to this rule will charge the lost time to annual leave.

Supervisors will notify human resources each time an exception is granted by providing human resources with the original Educational Benefits Exception Form.

Notwithstanding exceptions granted according to this policy, employees are reminded that if a conflict occurs between work and a class, work takes precedence.

4.6 CONFLICT OF INTEREST*

A conflict of interest occurs when there is a conflict or an appearance of conflict between an employee's private, financial, or business activities and the requirements of the position he or she occupies at the university. Such conflicts are prohibited.

The university permits a full-time staff member whose on-campus performance is otherwise satisfactory to use his or her accrued annual leave on outside consulting, provided that such activity does not diminish the staff member's total contribution to the university.

*Policy also applies to part-time staff

4.7 UNIVERSITY FACILITY AND PERSONNEL OPERATING STATUS
(EMERGENCY CLOSING/CANCELLATION PROCEDURES,
EMERGENCY MANAGEMENT AND CONTINUITY OF
OPERATIONS PLAN, DEPARTMENTAL EMERGENCY OPERATING
PLANS*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Emergency Management and Continuity of Operations Plan.

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5.0 COMPENSATION PROGRAM

5.1 PROGRAM OBJECTIVES

American University's staff compensation program administrative guidelines serve as a framework for achieving the following key program objectives. The compensation program:

- attracts and retains highly qualified employees who contribute to the organization's success;
- is market-based;
- is internally fair regardless of gender, race, or ethnic background;
- recognizes individual achievement;
- is linked to the university's performance management program; and,
- is easy to understand and simple to administer.

Inherent in these principles is a desire to encourage and reward staff for acquiring and applying their knowledge, skills and abilities, and contributing to the ongoing success of the organization.

5.2 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

Human resources is responsible for ongoing administration and maintenance of the compensation program. Managers and supervisors are responsible for day-to-day implementation and communication of the program, with assistance provided by human resources, as necessary.

Human resources will review the program on an annual basis and recommend appropriate updates to ensure the program's integrity. As the program is updated, written communications will be distributed, as required.

Human resources has the ultimate accountability for maintaining the compensation structure. However, many decisions will be made in conjunction with managers and supervisors, such as:

- recommendations in compensation bands necessitated by changes in compensation levels in the market over time are made by human resources;
- the proper placement of new positions, or positions whose responsibilities have changed within the compensation structure is the responsibility of managers and supervisors with assistance from human resources; and,

*Policy also applies to part-time staff

- the establishment of new positions or changes in position descriptions and titles should be reviewed with human resources and approved by the appropriate division leader or vice president.

5.3 ELEMENTS OF THE COMPENSATION STRUCTURE

Establishing a set of compensation bands is the first step in developing a systematic approach to administering salaries for American University. This set of bands is termed the compensation structure.

The compensation structure at American University consists of seven bands. The number is sufficient to support the compensation levels required for the hierarchy of positions, as well as to allow for job differentiation. Compensation bands overlap, allowing for an individual who is at the maximum of a band in a relatively lower band to have a compensation level at or above an individual who is near the minimum of a higher band, if appropriate. All American University full-time staff positions are placed into compensation bands based on:

- salaries paid to positions with similar responsibilities in the competitive marketplace; and,
- each position's impact at American University, both absolute and relative to other positions.

A compensation band facilitates control over fixed compensation expenses, aids in planning and budgeting, and provides for compensation growth for an employee commensurate with performance. American University's bands have been divided into three zones to enable the university to consider individual performance and experience in managing an employee's compensation progression.

Salaries within the first zone of a compensation band are usually reflective of employees who are still learning their jobs. These employees may have been newly hired with minimal prior work experience, newly promoted, or require performance improvement. An employee's progression through the first third of the compensation band will depend upon individual performance versus expectations.

Salaries within the second zone of a compensation band are usually reflective of employees whose job performance fully meets/sometimes exceeds expectations. These employees will tend to be fully experienced and trained in their position responsibilities.

*Policy also applies to part-time staff

Salaries within the third zone of a compensation band are usually reflective of employees who consistently exceed performance expectations, have exceptional skill sets or knowledge, or jobs that are in high demand in the marketplace.

Each compensation band has a minimum and maximum compensation level. The minimum represents the minimum compensation amount that American University would expect to pay an employee whose position is assigned to the band. There is a practical limit to the economic value of any job, beyond which annual compensation increases are generally not given. This limit is the maximum compensation level of the compensation band. Where an individual's compensation equals or exceeds the maximum compensation for their present position, the opportunity for continued progress lies primarily in promotion.

Generally, no compensation adjustments will occur for those salaries that are at or above the maximum are termed red circle unless:

- the individual is promoted to a position in a higher band; or,
- adjustments to the compensation band structure bring the individual's compensation below the new maximum.

5.4 PLACEMENT OF POSITIONS WITHIN THE COMPENSATION STRUCTURE

The process of determining compensation bands for positions involves the following steps:

- a position description is prepared to document current information on position purpose, key responsibilities, knowledge/skill requirements and scope of accountabilities;
- for jobs commonly found in the market, American University uses available published compensation surveys to identify base compensation levels for positions with comparable responsibilities in the competitive market;
- American University also considers internal equity, i.e., both the absolute and relative value/worth of each position. This involves a comparison of position responsibilities, knowledge/skill requirements, and scope of accountabilities to establish a position hierarchy that reflects how American University values positions;
- the results of the review of market base compensation levels and internal equity are used to determine a compensation band for a position;

*Policy also applies to part-time staff

- when a new position is created or a position has a significant change in responsibilities, the supervisor needs to update or prepare a position description. Human resources representatives will then work with the supervisor to determine a compensation band based on a review of market base compensation levels and internal equity. A position with additional responsibilities will not necessarily warrant a new band, as the widths of the bands should allow for significant job growth.

5.5 OVERVIEW OF SALARY DECISION-MAKING PROCESS

American University management makes three types of compensation decisions. The first is the decision upon hiring a new employee. The second (and most frequent) concerns performance based salary increases by which an employee is rewarded for performance in a given position over a period of time. The third type is an increase that accompanies either a promotion to recognize the different responsibilities of the new position, or an “in-band” increase to recognize job growth.

No type of compensation increase should be considered automatic. The decision must be made on an individual basis. It should be justified by the employee’s progress and achievements and by positioning of the employee’s compensation within the band.

Salary Decision – Time of Hire

The compensation decision at the time of hire is important. It often is the major factor in an applicant’s decision to accept the position. In addition, the compensation offer has a continuing impact on the employee’s future compensation while with the university and on the university’s employee relations as a whole. Before making a salary offer, the hiring manager should work with human resources to:

- identify the individuals currently in the same position or similar positions within the band who fully meet/sometimes exceed expectations for the position;
- evaluate the new employee’s qualifications for the position against these incumbents. The qualifications important to determining salary will vary from job to job. The following are types of individual qualifications that will be important in many jobs at American University – amount of directly related job experience, amount of any related education, award of any necessary or preferred certifications. We would expect that individuals whose achievements are less than fully competent incumbents should be offered salaries in the first zone. Similarly, individuals with substantially

*Policy also applies to part-time staff

greater achievements than fully competent incumbents will be offered salaries at the high end of the second zone or in the low end of the third zone;

- consider whether the salary to be offered provides the individual with the opportunity to move appropriately through the band. Remember that employees at the maximum salary in the band will generally receive increases only through promotion into a job in a higher band or through changes in band maximums.

Special recruiting situations are those in which market conditions make it necessary to offer starting salaries that are higher than recommended guidelines. Human resources needs to coordinate a response to these situations on a case-by-case basis.

On the rare occasion that a manager wishes to hire in the third zone of the appropriate band, the approval of the provost or the appropriate vice president is required.

Performance-Based Salary Increase Guidelines

Performance-based salary increases are awarded to an employee based on the individual's performance as demonstrated by the achievement of their expected outcomes and demonstration of competencies, an individual's skill set, the position of the individual's compensation within the band, and the departmental budget allocated for increases. Performance-based increases are effective September 1 of each year. To be eligible for a performance-based salary increase, the staff member must have been hired, transferred, or promoted into the position prior to May 1.

Staff who are on Leave Without Pay, Leave of Absence, continuous FMLA, short or long-term disability, and military leave are not considered to be actively at work. If a staff member is not actively at work on the date that an increase in their annual salary would otherwise have occurred (generally September 1), this increase will go into effect on the date that staff member returns to work.

The process for determining a performance-based salary increase has four steps:

- a manager determines whether an individual's pay should be in the first zone, second zone, or third zone of the salary band based on three factors: (1) the person's skill set; (2) the achievement of expected outcomes during past performance period; and (3) the demonstration of competencies during past performance period. Managers utilize the assessment columns of the performance management worksheet that was completed during the year-

*Policy also applies to part-time staff

in-review discussion to make this determination. [Section Six, Performance Management](#), describes this program in detail.

- a manager reviews the individual's performance and pay relative to peers and benchmark data available for positions in their units and determines a target annualized salary for the staff member.
- utilizing the departmental budget available for performance-based increases, a manager determines the performance-based increase as a flat dollar amount. The manager may need to modify increases to stay within budget. Managers may wish to create multi-year plans in situations where it will take time to raise a staff member's salary to the targeted amount. Multi-year plans are not communicated to staff since the implementation of the plan is not a guarantee. A variety of factors may change including a department's budget and the staff member's performance.
- a manager follows the approval process in place in their department to finalize the performance-based salary increases.

If an employee's compensation is at or above the maximum of the assigned compensation band, that employee will generally not receive a performance-based salary increase.

Evaluating and Reviewing Performance

Please refer to [Section Six](#) for information about the performance management program. Generally, managers will assess a staff member's performance once a year prior to performance-based salary increases.

Exceptions to Policy

On rare occasions, it may be necessary to make decisions that differ from performance-based salary increase guidelines. Human resources will work with the appropriate supervisor in responding to these situations on a case-by-case basis.

Promotional Increase/Job Growth Decisions

A promotion results when a person moves to a position that is in a higher compensation band and assumes increased scope and responsibility. In some situations, a person may move to a position in the same compensation band and assume increased scope and responsibility. These situations are also considered promotions and may result in a salary adjustment.

*Policy also applies to part-time staff

When an employee is promoted to a new position, the compensation will be reviewed, and consideration will be given to a promotional compensation increase. Promotional increases should result in a new salary for the employee that is at least equal to the compensation band minimum of the band to which he or she has been promoted. Typically, promotional increases will result in a new compensation that is within the first third of the compensation band to which the employee has been promoted.

Job growth occurs when an individual is operating in their same position at a significantly higher level of responsibility or complexity. Increases for job growth typically occur within the current pay band.

5.6 SPECIAL SALARY ACTIONS

The following is a description of compensation administration guidelines in connection with special compensation actions:

Moving to a Position in a Lower Band – If an employee chooses or is required to take a position in a lower compensation band and the employee’s compensation is at or above the maximum of the band for the new position, the employee will generally not be eligible for a performance-based salary increase until adjustments to the compensation structure result in the employee’s compensation being below the band maximum.

Compensation for Additional Responsibilities – If an employee assumes a temporary assignment of substantial additional responsibilities or the duties of a higher paid position that exceeds 30 days, he or she may receive a temporary salary increase (stipend) of 10%. Temporary assignments of this nature may not exceed one year.

5.7 COMPENSATION FOR HOURS IN EXCESS OF NORMAL WORK SCHEDULE *

Non-exempt employees subject to the Fair Labor Standards Act will be paid at the base hourly rate for work up to and including 40 hours a week. Work in excess of 40 hours a week (usually defined as going from Saturday through Friday) will be paid at one and one-half times the base hourly rate.

In general, all work exceeding the employee’s regularly scheduled hours must be explicitly approved in advance by the employee’s supervisor.

The Federal Fair Labor Standards Act requires that all hours worked must be recorded on the Time and Attendance Form (Biweekly Time Sheet) in the week in which the work was performed. That Act also prohibits the accrual or awarding of compensatory leave

*Policy also applies to part-time staff

(comp time) instead of recording and paying for actual hours worked exceeding a non-exempt employee's normal work schedule.

For employees doing two or more jobs paying different base hourly rates, human resources computes overtime as follows: Divide the employee's total earnings for the week, exclusive of any extra premium for overtime, by the number of hours worked. Add 50 percent to this average hourly rate for each overtime hour worked.

Employees who are paid monthly (both full-time and part-time) are exempt from the overtime provisions of the Fair Labor Standards Act. They do not receive additional pay for working overtime.

Under extraordinary circumstances, and with advance approval of the provost or the appropriate vice president, administrative and professional staff members may be paid for additional services that are clearly separate from the duties normally associated with their positions. If the special assignment must be completed during the normal working hours of the regular position, the supervisor should be prepared to verify that the responsibilities of the principal position are being met.

5.8 DEDUCTIONS FROM EXEMPT EMPLOYEES' PAY

American University is fully committed to complying with its obligations under the Fair Labor Standards Act, now and in the future. Therefore, it is our policy not to make deductions from the salary of an exempt employee except for reasons permitted by law.

American University may make deductions from an exempt employee's salary for the following reasons: (1) the employee is absent for one or more full days for personal reasons and does not have accrued paid leave; (2) the employee is absent for one or more full days due to sickness or disability and does not have accrued paid leave under American University's sickness or disability plan; (3) as a penalty imposed in good faith for infractions of safety rules of major significance; (4) the employee takes unpaid leave under the Family and Medical Leave Act (FMLA). In the circumstances of (3) and (4) either partial day or full day deductions may be made.

If an exempt employee believes that an improper deduction has been made from his or her pay, the employee should immediately contact their direct supervisor or employee relations (extension 2607), who will promptly and fully investigate the situation. If American University determines that the deduction was improper for any reason, American University will reimburse the employee and take steps to ensure that such improper deductions do not reoccur.

*Policy also applies to part-time staff

5.9 MAINTENANCE OF THE COMPENSATION STRUCTURE

Human resources will conduct an annual review of the compensation administration program. The review will include an assessment of progress toward implementing intended policies in the current year, as well as an analysis of American University's compensation band positioning versus designated competitive markets. When appropriate, compensation bands will be adjusted to reflect competitive pay practices.

5.10 COMMUNICATION OF SALARY INFORMATION

Nothing in this document should be construed as implying a contractual obligation between American University and any of its employees. The concept of employment at will applies to American University and its employees. American University has the right to change its policies with or without notice.

5.11 RELOCATION REIMBURSEMENT

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Relocation Reimbursement Policy

*Policy also applies to part-time staff

6.0 PERFORMANCE MANAGEMENT

The university maintains a performance management program for staff that is designed to:

- stimulate dynamic goal-setting throughout the university;
- ensure alignment of department goals with the university's strategic plan;
- reinforce the behaviors needed to support the university's future direction; and,
- create better communication and relationships between managers and employees.

Effective performance management programs extend through a full year. Performance appraisals are an important step in the process, but are not the only step. American University's performance management program includes three distinct phases – planning, managing, and appraising.

6.1 PLANNING PERFORMANCE

The performance management cycle begins with the planning phase. Before individual planning can begin however, university, division and department planning take place. University, division, and department goals, which are typically developed during departmental retreats held during the summer, are communicated to staff members. This is an important step in the performance management program because each individual staff member utilizes the division/department goals to develop their performance expectations for the performance period. This cascade of goals encourages staff members and managers to identify ways for each staff member to best contribute to the attainment of the department goals. The departmental goals support the achievement of division goals that in turn support the achievement of university goals. Through this process staff members understand where the university is, where it is headed, and what must happen both at the department level and the individual level to support the university's goals.

Once the department goals are communicated, a staff member and manager collaborate to identify the staff member's performance expectations during a planning discussion. Both manager and staff member prepare for this discussion.

*Policy also applies to part-time staff

Establishing Performance Expectations: Expected Outcomes and Competencies

Performance expectations are made up of expected outcomes, the “whats” or results an individual is expected to achieve, and competencies, the “hows” or behaviors that will make a staff member effective in achieving their expected outcomes.

Each staff member identifies 3-5 expected outcomes that:

- support a department goal;
- will result from the successful performance of the activities in one’s job; and,
- is SMART (specific, measurable, aggressive yet achievable, realistic, and tied to a timetable).

Each staff member identifies 3-5 competencies that:

- are job-related;
- are observable; and,
- support the achievement of the expected outcomes. Competencies are selected from the competency dictionary that provides a common frame of reference for staff.

Expected outcomes and competencies are recorded on the performance management worksheet. In addition tracking sources are identified and recorded for each expected outcome and competency. Managers use the tracking sources to evaluate and provide feedback to staff members about the achievement of expected outcomes and demonstration of competencies. Sources can include written material, third-party reports, manager observations, and self-reports. Finally, during the planning discussion, managers and staff set a date to conduct a mid-year feedback session, one formal mid-year meeting in which progress towards performance expectations is discussed.

6.2 MANAGING PERFORMANCE

After performance expectations are established, a staff member works during the performance period to achieve them. The managing phase is characterized by frequent two-way communication between the staff member and manager to discuss progress and identify difficulties that might stand in the way of achieving performance expectations. Managers and staff use this time to revise or update performance expectations as needed.

*Policy also applies to part-time staff

During the managing phase, one formal mid-year feedback session is required. The meeting should take place halfway through the performance year. Managers and staff members come prepared to discuss progress towards the planned expected outcomes and competencies. Progress reports and feedback gathered during formal and informal discussions are recorded on the performance management worksheet.

6.3 APPRAISING PERFORMANCE

A year-in-review discussion is conducted at the end of the performance period and provides an opportunity for managers and staff to look at the past year, and use actual results to plan for the next year. During the year-in-review discussion, managers and staff compare actual outcomes and demonstration of competencies to planned expectations.

Staff members and managers prepare for the discussion by compiling the tracking sources data gathered throughout the year. The manager meets with his or her manager to get input on the staff member's performance and to share assessments.

During the meeting each expected outcome and competency is discussed. Managers share their assessments of performance with the staff member. Each expected outcome is assessed as:

- planned
- less than planned
- more than planned

Each competency is assessed as:

- developing
- demonstrating

There is no overall performance rating.

At the end of the discussion, the manager documents the content of the discussion on the performance management worksheet, signs the document, obtains the staff member's signature, and sends the original performance worksheet to human resources for inclusion in the employee's personnel file.

The year-in-review discussion concludes the performance management cycle and triggers the beginning of the planning cycle for the next performance period.

*Policy also applies to part-time staff

Demonstrating the Baseline Requirements: Performance Improvement Plans

Through the performance management program, the university has established baseline requirements that all staff are expected to consistently demonstrate. The definitions and behavioral indicators for these baseline requirements are located in the competency dictionary which is provided to all staff.

AU is committed to providing all staff with the opportunity to improve their performance in order to continue successful employment at the university. In the event a staff member fails to consistently demonstrate the baseline requirements established for all staff, or fails to meet performance expectations, or demonstrate the skills and functions required by their position, a manager may elect to place that individual on a performance improvement plan. This is a short term plan that determines clear milestones for improvement of work performance within a specified period of time - usually four to eight weeks. Performance improvement plans may be implemented independently or, if necessary, in conjunction with disciplinary action. Communication of a performance improvement plan may replace any warning step under the disciplinary policy. Failure to meet the milestones established by the performance improvement plan and maintain acceptable performance will result in termination of employment.

Managers with questions regarding performance improvement plans or seeking guidance in the design and implementation of such a plan should contact the employee relations team in human resources.

6.4 REWARDING PERFORMANCE: LINKING PAY AND PERFORMANCE

The primary factor in determining pay increase decisions for staff is the achievement of expected outcomes and demonstration of competencies. [Section Five, Compensation Program](#), describes this link in greater detail.

6.5 ROLES AND RESPONSIBILITIES

Several groups are responsible for ensuring the use of the performance management program in their units. Those responsible and their duties are defined in this section.

The provost and university vice presidents are responsible for ensuring that the program principles, steps and tools are utilized in their division. They are responsible for ensuring that the goals of the division are cascaded to their respective departments and that the performance cycle is completed for each of their direct reports. The provost and vice

*Policy also applies to part-time staff

presidents are responsible for assessing the performance of each department in their division and each direct report at year-end.

Deans and department heads are responsible for ensuring that the program principles, steps and tools are utilized in their department and that performance planning, management and assessment occur for each staff member in their department. They are responsible for ensuring that the goals of the department are cascaded to their respective units and that the performance cycle is completed for each of their direct reports. The deans and department heads are responsible for kicking-off the planning, managing and assessing stages of the performance management cycle in their departments. They assess the performance of each unit in their department and direct report at year-end. In smaller departments, deans and department heads may review the performance plans and assessments for each staff member in their unit.

Directors, managers and supervisors are responsible for utilizing the program steps and tools in their units to plan, manage and assess the performance of each staff member. They are responsible for ensuring that the goals of the department are cascaded to each staff member in their unit. Directors and managers review the performance plans and assessments for each staff member in their unit and assess the performance of each staff member at year-end.

The Assistance Vice President of Human Resources is responsible for the design and implementation of the performance management program in accordance with the general management philosophy of the university. The executive director is responsible for kicking-off the annual performance planning and assessment cycles and for developing and delivering strategies aimed at continually communicating, educating, gathering feedback and refining the program as necessary to meet the needs of the university. The executive director is responsible for reviewing the program to ensure fair and consistent application in accordance with the university EEO policies.

*Policy also applies to part-time staff

7.0 DISCIPLINARY POLICY

American University follows a progressive disciplinary policy. Understanding and accepting of these policies are implied in accepting employment.

Disciplinary action can take one of four forms: oral warning, written warning, suspension, or dismissal. The degree of disciplinary action is based on the nature of the offense.

If disciplinary action is taken beyond a verbal warning, that action will be explained in detail in a written record which will be sent to human resources for inclusion in the employee's official personnel file.

If no additional disciplinary actions are recorded after two years, the written record of disciplinary action will be removed. However, when the disciplinary action is for a violation of the discrimination or harassment policies, as well as for certain Level III violations, the written record of the disciplinary action may remain on file beyond two years.

Supervisors are required to take disciplinary action when established procedures are not followed, or when rules of conduct are ignored to the disadvantage of a working unit or the university. These guidelines have been set up to prevent misunderstandings when such occasions arise. It is the university's intention to be fair and uniform in the handling of these matters. However, these procedures should not be interpreted as constituting an employment contract.

At the discretion of the supervisor, a performance improvement plan may be implemented as part of the progressive discipline process. Communication of a performance improvement plan may take the place of any warning step in the process. See [Section Six: Performance Management](#).

In general, the disciplinary process should proceed as follows for offenses at each level.

Level I Offense:

- (1) Oral Warning, (2) Written Warning, (3) Final Written Warning, (4) Dismissal.

*Policy also applies to part-time staff

Level II Offense:

- (1) Written Warning, (2) Final Written Warning, (3) Dismissal.

Level III Offense:

- (1) Immediate Dismissal. A lesser penalty may be imposed if the supervisor thinks it more appropriate.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions that may result in disciplinary action up to and including termination of employment.

Level I

- stopping work, loitering, or leaving office during working hours without permission;
- creating or contributing to unsanitary conditions;
- willful violation of safety rules;
- repeated tardiness;
- unexcused absenteeism;
- failure to turn in time sheets in a timely and accurate manner;
- neglect, waste, and mishandling of equipment or supplies;
- interference with other staff members;
- failure to report accidents which occur in performance of job;
- distribution of literature, or solicitation for any cause without permission;
- failure to obey a reasonable order from a supervisor.

Level II

- sleeping during work hours;
- personal conduct detrimental to others;
- horseplay, threatening, or coercing fellow workers while working on university property, on university business, or attending a university function;

*Policy also applies to part-time staff

- obscene and abusive language, malicious gossip;
- reckless, careless, or slipshod work;
- irregular attendance (defined as two unexcused absences within a three-month period);
- unprofessional behavior or conduct.

Level III

- stealing;
- falsification of records or misrepresentation of information;
- fighting, committing or threatening to commit an act of physical violence;
- refusing a direct order(s) from a supervisor after the supervisor explains the consequences for continued refusal of that order;
- deliberate destruction or abuse of university property;
- willfully accessing personnel, student, medical or other confidential records without authorization;
- violation of the university's discrimination policies;
- excessive absenteeism (defined as five unexcused absences within any six-month period);
- refusal to cooperate or interfere with an internal investigation;
- working under the influence of alcoholic beverages; unlawful possession or use of illegal or controlled substances;
- failure to demonstrate baseline performance requirements or meet the requirements of a performance improvement plan;
- other serious misconduct.

*Policy also applies to part-time staff

8.0 TERMINATION

8.1 SEPARATION POLICIES

These policies are not intended to constitute a contract of employment, or to confer any additional employment rights. Employment may be terminated at any time and for any reason by either the employee or the university.

Termination of regular staff appointments may occur as outlined below. All separations must be processed through the human resources, even for those whose terminal appointments have ended. Be sure to consult the *Faculty/Staff Benefits Manual* for information about discontinuation of leave and other benefits.

Voluntary Separation

In cases of voluntary resignation or retirement, notice equivalent to the length of one pay period is normally expected. A letter of resignation must be sent to the supervisor with a copy to human resources. During this period, the employee is required to schedule an exit interview with human resources. Separating employees must complete a Separation Clearance Form by their last day of work. Salary will be paid through the effective date of the resignation or retirement. Payment will be made for annual leave accrued as of the effective date of separation. See the [Annual Leave Policy](#).

Job abandonment is defined as three or more consecutive days of absence from work without notice of intent to return having been provided to the immediate supervisor. It may be considered a voluntary separation. No severance pay is due for job abandonment.

Death

In the case of the death of an employee, the employee's supervisor should contact human resources.

Long-term Disability

If the university determines that the incumbent is unable to perform the responsibilities of the position by reason of long-term disability, the employee may be separated under provisions of the *Faculty/Staff Benefits Manual*.

*Policy also applies to part-time staff

Separation While on Probation

During the probationary period, a staff member may be removed from his or her position at any time, for any reason, and without prior notice. During an extended probationary period, a staff member removed from a position is entitled to two weeks notice of termination, or pay in lieu of notice.

Involuntary Separation for Cause

After an employee's probationary period has been completed, involuntary separation for cause may be necessary. An involuntary separation for cause includes: the inability, failure, or refusal of the employee to maintain satisfactory performance of the responsibilities of the position; conduct which directly and substantially impairs the effectiveness of the employee in the performance of his or her responsibilities; conduct which directly and substantially impairs the effectiveness of university operations.

8.2 SUPERVISOR'S RESPONSIBILITIES

Each supervisor should foresee the possibility of a need to remove for cause when the adequacy of the employee's performance is in question. It is the supervisor's responsibility to give the employee full and timely notice of the problem, and to make full effort, with the assistance of human resources, to help the employee to maintain or recover his or her effectiveness or to find a more suitable position.

If the supervisor is unable to prove such efforts in a case in which anticipation was reasonably possible, the involuntary separation decision may be reversed. There may also be certain situations requiring involuntary separation where such anticipation is not possible. Nevertheless, all involuntary separations must be discussed with human resources before the employee is notified. Except for certain Level III offenses, the supervisor must have issued a final warning to the employee before termination may be considered, or have communicated a performance improvement plan in place of a final written warning.

The supervisor, after consulting with human resources and the department head, may file the Notice of Separation Form. Human resources will review the action and, if the separation follows policy, approve the form. The signatures of the department head and the appropriate vice president or executive reporting to the provost must also be obtained on the form before the employee is separated. The signature of the Vice President of Finance & Treasurer is required only for the separation of employees who report directly to the Vice President of Finance & Treasurer. A statement of reasons for the action must accompany the Notice of Separation.

*Policy also applies to part-time staff

A staff member who is on probation may be removed from his or her position at any time, for any reason, and without prior notice. A Notice of Separation and Human Resources Action Form must be completed to bring about the separation. However, human resources and department executive signatures are not necessary for probationary employees.

8.3 NOTICE REQUIREMENTS

Except in cases of serious misconduct, the supervisor either must notify the employee at least two weeks before the effective date of separation or pay the employee for two weeks in lieu of notice. The separation conference may be held at the work site with the supervisor and department head present or in human resources with a human resources representative and supervisor present. At the time of notice of separation or at any time in the notice period, the supervisor may relieve the employee from the performance of the duties of the position or change the assignment to other duties. The employee will be paid his or her salary through the effective date of the separation and for annual leave accrued.

If an employee is removed for cause which requires immediate separation from the position, the termination of employment may be made effective immediately without a requirement of severance pay or a notice period. In such a case, salary will cease with payment only of previous salary due and accrued annual leave.

8.4 APPEALS OF SEPARATION

An employee may file a written appeal to the Staff Personnel Review Board (SPRB) through the Executive Director of Human Resources. This appeal must state the basis of the complaint on which it is being filed and must state the remedy sought. The appeal must be filed within two weeks of the effective date of separation. Request for Appeal Forms are available to employees in human resources.

The Staff Personnel Review Board, upon receipt of this request, may appoint a Hearing Panel to hear the issues of fact relating to the appeal of the separation action. The Hearing Panel will present a written summary of its process and findings to the Staff Personnel Review Board, which will then prepare and transmit its conclusions and recommendations to the Vice President of Finance & Treasurer. The decision of the Vice President of Finance & Treasurer will be final and concludes the appeal.

8.5 REORGANIZATION/TERMINATION OF UNIVERSITY FUNDING

In the case of abolition of a position by reorganization or by termination of funding, a written plan and justification must be submitted by the executive in charge of the unit, through the Executive Director of Human Resources, to the University Counsel, and then to

*Policy also applies to part-time staff

the President to support the personnel actions being taken. The university will give written notice at least thirty days prior to the effective date of separation, with payment of salary through that date and with further payment for annual leave accrued as of that date. Involuntary terminations due to reorganization or by termination of funding are not subject to appeal under terms of this chapter, but may be appealed directly to the appropriate vice president or Executive Director of Human Resources with the possibility of further appeal to the Vice President for Finance & Treasurer.

8.6 EXTERNALLY FUNDED POSITIONS – TERMINAL APPOINTMENTS

In cases of externally funded positions, the university will give written notice at least 30 days prior to the effective date of termination of funding. When an employee's term of appointment has ended as specified on the Human Resources Action Form, payment ceases automatically unless that appointment is renewed. A request for personnel action stating either formal separation or renewal of appointment must be submitted. The university will not pay for accrued annual leave beyond the specified termination date. In cases where positions have been funded by external agencies, it may be necessary to use all or some of the 30-day period as annual leave because leave cannot be paid as additional time in these cases.

8.7 SEVERANCE PAY PLAN FOR STAFF

Eligibility

Any staff employee may be eligible for severance pay benefits if terminated by or separated at the request of the university and if not terminated for cause, disability, or death. Executives and senior staff members have no probationary period and are therefore eligible for severance pay at any time. For others, eligibility begins after successful completion of the probationary period for the individual's first full-time position at the university. Later probation in other positions do not count towards length of service until successfully completed. Periods of voluntary unpaid leave do not count towards service.

Severance Amount

The cash benefit is subject to income tax, FICA contributions, and retirement plan and other benefit contributions for the span of time equivalent to the negotiated payout period (normally the period of time equivalent to the benefit). The amount is determined according to regular pay for the periods listed below. The maximum benefit is six months of salary.

*Policy also applies to part-time staff

Time Period	Executive	Senior Staff	Other Exempt	Supervisor Non-Exempt	Other Non- Exempt
Probation to 1 year	6 months	3 months	2 weeks	2 weeks	2 weeks
2nd year	6 months	4 months	2 weeks	2 weeks	2 weeks
3rd year	6 months	5 months	3 weeks	3 weeks	2 weeks
4th year	6 months	6 months	1 month	3 weeks	2 weeks
5th year	6 months	6 months	1 mo/1 wk	1 month	2 weeks
6th year	6 months	6 months	1 mo/2 wk	1 mo/1 wk	1 month
7th year	6 months	6 months	1 mo/3 wk	1 mo/2 wk	1 mo/1 wk
8th year	6 months	6 months	2 months	1 mo/3 wk	1 mo/2 wk

After the eighth year, all employee groups other than executives and senior staff, earn one week of severance benefit for each year of active service. The maximum benefit of six months is reached in each of the categories after:

Time Period	Executive	Senior Staff	Other Exempt	Supervisor Non-Exempt	Other Non-Exempt
Service	Immediate	4 years	23 years	24 years	25 years

8.8 DEFINITION OF SUPERVISORY NON-EXEMPT

Supervisory non-exempt level employees are supervisors in non-exempt level positions who have direct supervisory responsibility over at least one full-time employee for hiring, probation, performance, and termination decisions.

*Policy also applies to part-time staff

9.0 COMPLAINT POLICY AND PROCEDURE

9.1 PURPOSE*

These policies and procedures provide a forum for staff members to express their complaints. They apply to all matters affecting a staff member's relationship to the university, except for discrimination complaints, reasonable accommodation appeals, and involuntary separation. Procedures for these complaints are in the [Employment Policies in Section Two](#) of this manual. Appeal procedures for involuntary separation are in [Section Eight, Termination](#). Appeal procedures for disability reasonable accommodation matters are in the [Americans with Disabilities Act Policy](#). Appeal procedures for discrimination complaint determinations are described in the [Discrimination and Sexual Harassment Policy section](#). Retaliation against anyone who files a complaint, who supports or assists an individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis for a separate complaint under this policy.

9.2 POLICY*

Clear and open channels for the expression of employee complaints are basic principles of sound employee relations. Because employees do on occasion differ with supervisors on important questions, the university has provided subordinates with a mechanism for appealing the action or decision of a superior to a higher level within the organization, without fear of retaliation.

Each staff member is responsible for using this procedure in a timely manner whenever there are unanswered questions or problems which adversely affect any aspect of the employment relationship. A complaint should be initiated within ten working days of the circumstances which gave rise to the complaint. Staff members are counseled to avoid discussing specific problems with members of the university community other than their supervisor or human resources before making use of this procedure.

Members of human resources are available to any staff member for consultation and advice about how to resolve problems or file a complaint. They are also available to act as an intermediary to assist in problem resolution. All conversations between human resources staff and the staff member may be considered confidential.

9.3 INFORMAL PROCEDURE*

The first step is to report the complaint to the employee's immediate supervisor or the supervisor's immediate supervisor. The staff member should discuss the situation, explain the nature of the problem, and then suggest a solution, if he or she has one. If it is a group

*Policy also applies to part-time staff

problem, one or more staff members should represent the group in advising the appropriate party. Every effort should be made to resolve the problem at this stage. If a satisfactory solution is not reached, the staff member may proceed to the formal procedure.

9.4 FORMAL PROCEDURE*

The formal procedure should be used if the informal procedure fails to produce a satisfactory solution. The staff member may use the following formal procedure without fear of retaliation.

Formal complaints must be filed within 30 calendar days of the event. No more than ten working days should elapse between steps or between the bringing of the complaint and the response of each step. Steps I, II, and III may be abbreviated to only one or two steps, depending on the reporting level of the complainant.

Step I*

The staff member submits a complaint in writing to the supervisor, with a copy to the Assistant Vice President of Human Resources. The supervisor responds in writing to the staff member, with a copy to the Assistant Vice President of Human Resources. If the staff member is dissatisfied with the response, he or she may proceed to the next step. If the complaint concerns alleged discrimination or denial of equal employment opportunity, the staff member may initiate the complaint with the Assistant Vice President of Human Resources.

Step II*

The staff member forwards to the supervisor's immediate supervisor a written statement explaining why the first supervisor's response is not satisfactory, along with a copy of that response and the original complaint. The supervisor's immediate supervisor also responds in writing. If the staff member is dissatisfied with the response, he or she may proceed to Step III.

Step III*

The staff member refers the entire matter, in writing, for review by the executive responsible for the office. The staff member's statement should indicate why the outcome of Step II was not satisfactory and should be accompanied by copies of all previous correspondence and pertinent documents. The reviewing executive may make whatever further investigation he or she thinks necessary in an attempt to resolve the matter. He or she will then prepare a written decision for the complainant and all parties to the complaint.

*Policy also applies to part-time staff

This is the final step in the internal complaint procedures. The decision of the reviewing executive is final.

10.0 PERSONAL USE OF UNIVERSITY SUPPLIES, EQUIPMENT, FACILITIES*

University supplies, equipment, and facilities are for the sole use of the academic and business purposes of the university. Any personal use of university supplies, equipment, or facilities must be approved in writing by the employee's supervisor and the director or department head.

Staff members should consult with their supervisor when in doubt about the use of university supplies, equipment, or facilities.

Violation of this policy may result in disciplinary action up to and including dismissal.

11.0 POLICIES ON HEALTH AND WELLNESS

11.1 FACULTY AND STAFF ASSISTANCE PROGRAM (FSAP)

American University has a sincere interest in the well-being and productivity of its employees and believes that problems, with early identification and professional treatment, may be resolved. Therefore, the university has implemented a Faculty and Staff Assistance Program (FSAP).

The purpose of the FSAP is to assist all full-time employees and members of their immediate families with professional counseling on any of a broad range of human problems. Such problems may include:

- health, physical, or emotional problems;
- alcohol or other substance abuse problems;
- financial or legal problems;
- workplace problems.

The FSAP achieves its purpose through provision of:

- assessment and referral to prescreened community resources;
- short term counseling (up to and including six sessions);
- follow-up contact to assure that assistance received has been effective;

*Policy also applies to part-time staff

- education;
- consultation with managers.

There are no fees for the use of FSAP services. However, the university does not assume financial responsibility for any other counseling, treatment, hospitalization, or other fees. These are to be the responsibility of the employee or family member where not covered by medical/hospitalization insurance.

How an Employee May Use the FSAP

Employees are responsible for maintaining work performance and standards of conduct. They are encouraged to use the FSAP voluntarily, on a confidential basis, if they suspect they have a problem, whether or not it is adversely influencing their productivity.

Those individuals who voluntarily access FSAP services, but wish to maintain their privacy, should make appointments on their own time. Others wishing to have release time to participate in the FSAP during usual work hours should have advance approval from their managers. Manager-referred employees will receive the same counseling services as self-referred employees. Employees are not exempt from existing work policies while participating in the FSAP. Follow-up interviews are scheduled at appropriate times.

Family problems may also require consultation or counseling. Family members are encouraged to contact the FSAP if they desire to use its services.

Managers' Responsibilities

Managers are responsible to assess and evaluate work expectations for employees. They should advise employees of any deficiencies in performance, document examples of those behaviors, and allow time for remediation.

If it is determined that usual managerial approaches are not bringing about improved performance and it is suspected that personal problems may be the cause, the manager is encouraged to:

- discuss the situation with an FSAP staff representative;
- offer the employee referral to the FSAP (this referral should be written as well as oral);
- refrain from trying to diagnose the nature of the problem;

*Policy also applies to part-time staff

- continue to monitor performance. If improvement in performance does not take place, appropriate administrative action must be taken.

Managers should also encourage employees who have problems that do not as yet interfere with work performance to seek assistance on their own by contacting the FSAP Director's office.

Participation in the FSAP will not jeopardize the employee's job security, reputation, career advancement, or future employment.

Confidentiality

All client information is held in strict confidence in accordance with the Privacy Act of 1974 and the Rehabilitation Act of 1973. Identification of particular employees and the nature and extent of their problems is communicated only with written consent of the employees. Similarly, in cases of managerial referral, information is not given to the participating employee's manager without written consent from the employee.

FSAP case records are maintained in a secure place and coded in such a manner as to minimize any possibility of compromise. The maintenance of FSAP records is distinct from all other employee records.

FSAP staff representatives must operate in conformance to federal, state, and local laws in obtaining or disclosing information.

Information may be released without written consent in certain cases of medical emergency, harm to self or others, child abuse, criminal activity, or other cases required by law. Employees will be advised of this action.

Participation in the FSAP

Participation in the FSAP will not require or result in special regulations, privileges, or exemption from standard university policies and procedures that apply to work performance requirements. The FSAP is not intended to be a substitute for or a precondition for, the administrative action process when managers decide that administrative action is warranted.

11.2 EMERGENCY LOAN FUND

American University can provide emergency loans to faculty and staff at no interest with repayment of the loan amount through scheduled paycheck deductions. The loans will

*Policy also applies to part-time staff

be initiated through the Faculty/Staff Assistance Program (FSAP), approved by the Executive Director of Human Resources, and administered by the payroll office.

The Emergency Loan Fund is intended to assist university full-time faculty and staff who have urgent financial needs. Examples of such emergency needs are as follows:

- food or shelter (mortgage or rent, groceries, utilities)
- health/illness care (critical surgery, medical procedures, medications)
- vehicle repairs (vehicle is essential for work transportation)
- death of immediate family member (money is needed for transportation to funeral out of state)

Eligibility

Faculty and staff who apply for an emergency loan must meet the following eligibility requirements:

- hold full-time budgeted positions;
- be employed at American University for at least six months, and successfully completed the probationary period for those positions;
- successfully meet performance standards, and are expected to continue their employment at American University;
- successfully completed the application procedure; and,
- have not exceeded the One Thousand Dollars and No Cents (\$1,000.00) per calendar year limitation, and have no outstanding loan balance for at least one year from the date of full repayment of previous loan.

Restrictions on Loan Amount

An employee may apply for one loan only up to One Thousand Dollars and No Cents (\$1,000.00). Employees will not be able to apply for a second loan until one year from the date of full repayment of any previous loan.

Employees will have up to a maximum of twelve (12) months in which to repay any amount borrowed from the HR Loan Fund. The time for repayment will be calculated from the date on which the loan monies are released to the applicant. Under no circumstances will an employee be allowed to borrow from the loan fund until one year has passed since full repayment of any previous loan.

*Policy also applies to part-time staff

All loans must be made payable to both the employee and the vendor/creditor. No funds will be made payable to the employee only. Stop payments initiated by the employee will not be processed once the employee has received the check.

The loan can be fully prepaid, at any time, without penalty. In the event that the employee becomes disabled or injured, or leaves the employ of American University for any reason prior to repayment, he or she will remain fully liable for the full amount of the loan and, further authorizes American University to deduct any amounts outstanding hereunder from his or her paycheck. In the event that he or she leaves the employ of American University, any amounts outstanding under the terms of the agreement will immediately become due and payable to the American University HR Emergency Loan Fund. American University may garnish the remaining balance from the employee's wages he or she may earn at any future place of employment, if necessary, in order to satisfy the terms of this Note. The employee further agrees to pay all costs which may be incurred in the collection of the Note in the event of his or her default in repayment according to the above terms, including, without limitation, reasonable attorney's fees.

Procedure

Each employee who requests an emergency loan must:

- schedule an appointment with the FSAP Director;
- complete an Emergency Loan Fund Application Form, including the Department Head Verification section;
- submit the Application and Verification, plus documentation of the financial need to the FSAP Director. Documentation must include: name, full address, and telephone number of the vendor or creditor, the item or service for which the charges are made, the exact amount due and the due date; and,
- complete an Emergency Loan Fund Contract.

Based on the stated criteria, the FSAP Director will determine the borrower's eligibility and will review the documentation of financial need. Upon recommendation of the FSAP Director, loan contracts are forwarded to the Assistant Vice President of Human Resources for approval. Upon approval, the contract is forwarded to the payroll office for processing. Employees will collect their checks personally at the FSAP office.

*Policy also applies to part-time staff

Confidentiality

All information provided as part of the FSAP loan application process is confidential and will not be shared, disseminated or used for any purpose other than determining the applicant's eligibility to participate in the AU Emergency Loan Program, or in collecting the balance of loans due in the event the employee leaves American University.

11.3 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) POLICY AND GUIDELINES*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Acquired Immune Deficiency Syndrome (AIDS) Policy and Guidelines.

11.4 ALCOHOL AND DRUG ABUSE POLICY*

American University is committed to maintaining a workplace free from illegal drugs and alcohol or drug abuse. The abuse of alcohol and the use of illegal drugs by members of the American University community are incompatible with the goals of the institution. In order to further the university's commitment to provide a healthy and productive educational environment, and in compliance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Work Force rules promulgated by the Department of Defense and other agencies, the university has established the following policy on alcohol and other drugs.

As a condition of employment, university employees agree to abide by the terms of this policy and to notify their supervisor of any criminal drug conviction no later than five (5) working days after the conviction. For the purposes of this policy "employee" refers to all full-time faculty and staff, adjunct faculty, and part-time staff.

Employee Misconduct*

Employee misconduct related to alcohol or other drug abuse will not be tolerated. Violation of the university's Alcohol and Drug Abuse Policy or the Guidelines for Serving Alcohol at University Events will result in appropriate disciplinary action in accordance with university policies. Such disciplinary action may include termination of employment and referral for legal prosecution.

Obvious examples of prohibited conduct include, but are not limited to, the following:

*Policy also applies to part-time staff

- The unauthorized use, possession, manufacture, distribution, dispensation, or sale of alcohol, drugs, or drug paraphernalia on university premises, on university business, in university-supplied vehicles, during the employee's work hours, or during university sponsored activities. For the purposes of this policy, "drugs" include marijuana, cocaine, opiates, PCP, amphetamines, and any other controlled substances. Unauthorized possession includes on an employee's person, as well as storage in a locker, desk, university supplied or personal vehicle, or any other repository on university premises or while on university business.
- Coming to work, or performing any job duties while impaired by alcohol or drugs on university premises, in university-supplied vehicles, in any location while on university business, or during university sponsored activities.
- The possession, use, manufacture, distribution, dispensation or sale of alcohol or drugs off university premises that may adversely affect the individual's work performance, his or her own or others' safety at work, or the university's reputation in the community.
- Failure to adhere to the requirements of any drug treatment or counseling program in which the employee is enrolled.
- Conviction under any criminal drug statute for a violation occurring in the workplace or in another location while on university business or during university sponsored activities, or conviction under any criminal drug statute under circumstances that adversely affect the university's reputation in the community.
- Failure to notify the university of any conviction, within five (5) days of the conviction, under any criminal drug statute for a violation occurring in the workplace, on university premises, on university business, in university supplied vehicles, during employee's work hours, or during university sponsored activities.
- Deliberate failure to comply with the requirements of law or federal rules and regulations under the university's Alcohol and Drug Abuse Policy, or refusal or failure to follow reasonable instructions issued by a supervisor implementing this policy.

Improper use of prescription medication is a violation of this policy. Employees are expected to notify their supervisor if they are taking any prescribed medication that may adversely impact their job performance. Employees should keep all prescription medication

*Policy also applies to part-time staff

in its original container bearing a label that shows drug identity; date of prescription, and name of the prescribing physician.

The university reserves the right to test any employee reasonably believed to be under the influence of drugs or alcohol while on the job.

In addition, any employee who serves or provides alcoholic beverages in his or her official capacity is subject to the Guidelines for Serving Alcohol at University Events. These guidelines should be reviewed by all employees hosting in their official capacities social events attended by students if alcoholic beverages will be served.

Government Grants and Contracts*

Employees of American University engaged in government grants and contracts may be subject to additional drug-free workplace compliance requirements where required by government grant, contract, or law. These requirements may include, but are not limited to, drug and alcohol testing.

Alcohol and Drug Abuse*

The university provides a Faculty Staff Assistance Program (FSAP) for its faculty and staff experiencing problems with alcohol or drugs. Faculty or staff members are encouraged to contact the FSAP for help. Employees who voluntarily disclose their abuse of alcohol or use of illegal drugs to their supervisor prior to an arrest for an alcohol or drug-related offense will be referred to the Faculty Staff Assistance Program (FSAP) for assistance and further referral for treatment.

Additionally, depending upon the nature of their position, an employee's retention may be conditioned upon satisfactory completion of a treatment program. Such an employee may be required to provide proof of compliance with their treatment program throughout the course of the program. Such proof of compliance may include, but is not limited to, satisfactory results on random drug/alcohol testing. These provisions do not affect any disciplinary action for criminal conviction or alcohol/drug-related misconduct on the job. The employee's job may be restructured during that time period.

Cooperation with Law Enforcement Authorities*

American University cooperates fully with law enforcement authorities. Violations of policies which are also violations of federal or local law will be referred to the appropriate

*Policy also applies to part-time staff

agencies. In such situations, cases may proceed concurrently at the university and in the criminal justice system as necessary.

Criminal Sanctions*

In addition to the criminal sanctions described below, employees convicted of drug-related offenses are subject to civil penalties. Such penalties may include suspension or revocation of professional and occupational licenses, restriction from public employment for up to five (5) years, and denial of retirement benefits. Workers' compensation benefits will also be denied in certain instances where alcohol or other drugs are a cause of injury.

District of Columbia Law*

District of Columbia law prohibits the purchase or possession of alcohol by a person under the age of 21, or the furnishing of alcohol to such a person. Purposefully misrepresenting age, possession or presentation of fraudulent identification for the purpose of procuring alcohol is also prohibited. Additionally, driving under the influence of alcohol or other drugs is illegal. The punishment for these offenses may include imprisonment, payment of a fine, mandatory treatment and education programs, community service, and mandatory loss of one's driver's license.

Under District of Columbia law, it is a crime to knowingly or intentionally manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance or drug paraphernalia. A conviction under local laws may result in imprisonment, a fine or both. The length of prison term and the amount of the fine depend upon the particular type of controlled substances involved. Subsequent convictions and violations involving distribution to minors carry increased penalties up to twice the usual sanctions.

Federal Law*

Federal laws prohibit possession, use, distribution, manufacture or dispensing controlled substances. As required by federal regulations, charts accompanying this policy detail federal penalties for drug trafficking and possession of a Controlled Substance. See [Table 1 "Federal Trafficking Penalties for Schedules I, II, III, IV, and V \(except Marijuana\)"](#) and [Table 2 "Federal Trafficking Penalties for Marijuana, Hashish, and Hashish Oil, Schedule I Substances."](#) Both tables were retrieved April 24, 2013, from <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

*Policy also applies to part-time staff

Counseling and Treatment Resources*

American University has a sincere interest in the well-being and productivity of its employees and believes that substance abuse problems, with early identification and professional treatment, may be resolved. The university provides a Faculty and Staff Assistance Program (FSAP) for its staff and faculty which is available to assist employees with substance abuse problems. For a detailed description of the FSAP, please see [Section 11.1, Faculty and Staff Assistance Program](#).

In addition, a variety of counseling services and treatment centers are available throughout the District of Columbia metropolitan area for anyone experiencing problems related to substance abuse. Although most counseling and treatment centers charge for their services, some programs are free of charge. FSAP maintains a list of available alcohol and other drug counseling services and treatment centers. Employees are encouraged to avail themselves of the FSAP counselor's referral sources and assistance to identify the services or programs which most closely meet their specific needs.

For a listing of additional on-campus and off-campus resources please see the Student Handbook: Section VIII. Alcohol and Other Drugs. Employees are encouraged to avail themselves of these resources and contact human resources for more information.

Health Risks*

The following information on health risks is from "What Works: Schools Without Drugs," U.S. Department of Education (1992) detailing the possible effects and health risks associated with alcohol consumption.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of

*Policy also applies to part-time staff

large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Controlled Substances*

Cannabis (Marijuana, Hashish). The use of marijuana may impair or reduce short term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

Hallucinogens. Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

Cocaine/Crack. Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

Amphetamines. Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

Heroin. Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

For further information, download [Drugs of Abuse 2011 Edition, A DEA Resource Guide](http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf) at http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf, for additional possible effects and health risks associated with the use of illicit drugs and controlled substances.

*Policy also applies to part-time staff

Contact Persons*

For additional information regarding:

- health risks or counseling and treatment resources, contact the Faculty Staff Assistance Program;
- university policies on alcohol and other drugs as they pertain to employees, contact employee relations .

11.5 GUIDELINES FOR SERVING ALCOHOL AT UNIVERSITY EVENTS*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Alcohol Service at University Events Guidelines.

11.6 UNIVERSITY SANCTIONS FOR VIOLATION OF ALCOHOL AND DRUG ABUSE POLICY*

Violation of the university's Alcohol and Drug Abuse Policy may result in disciplinary action, including discharge, in accordance with university policies.

In addition to any disciplinary action, the university, through its FSAP, may refer the employee to a treatment and counseling program for alcohol or drug abuse. Employees referred to such a program by the university must immediately cease any alcohol or drug abuse, and must comply with all conditions of the treatment and counseling program. The FSAP shall determine whether an employee it has referred for treatment and counseling should be temporarily reassigned to another position.

For employees working on any federal grant or contract, the university is required by federal law to notify the federal government contracting agency within ten days after learning of an employee's criminal drug statute conviction in the workplace.

11.7 SMOKING POLICY*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Smoking Policy.

*Policy also applies to part-time staff

12.0 LEAVE POLICIES

12.1 ANNUAL LEAVE

The university endeavors, through its arrangements for earned leave, to provide its regular full-time staff with the opportunity to absent themselves from their duties for reasonable periods of time without loss of pay, for vacation purposes and to attend to personal affairs. Annual leave must be approved in advance by the employee's supervisor and must be taken at times when it will not interfere with the ongoing work of the office to which the employee is assigned. Part-time employees do not accrue annual leave.

No more than 15 days of earned annual leave may be carried forward beyond the end of the fiscal year (April 30th). The number of hours in a day of carry-over is standardized based on employment classification and the number of hours worked per week. Annual leave is not accrued while a staff member is on leave without pay or short term disability. Staff members receiving Workers' Compensation Benefits, however, will continue to accrue annual leave.

At an employee's effective date of separation, annual leave is converted to terminal pay and reimbursed to the employee. Leave is not accrued on annual leave converted to terminal pay. Holiday pay is not provided for holidays that fall after the last actual working day. The effective date of separation may not be extended beyond the last actual working day (see "[Voluntary Separation](#)" section under [Separation Policies, Termination](#)).

Administrators/Staff with Faculty Rank

Administrators/staff with faculty rank who are contracted on a 12-month basis do not accrue annual leave. Four weeks of leave are granted each fiscal year, to be taken when conflicts with duties will be minimal; no leave is carried over into the new fiscal year. Deans of the colleges approve and administer leave for administrators/staff with faculty rank.

Senior Staff and Administrative/Professional Staff

Senior staff and administrative/professional staff who were hired on or after May 1, 1995, earn annual leave at the same rate as clerical, secretarial, technical, skilled craft & service staff (see chart below). Employees in this category hired before May 1, 1995, earn 21 days of annual leave during each year of service. Leave is accrued for each month worked at a rate commensurate with the standardized work week for that individual. Employees beginning active service in this category prior to the 15th of the month will accrue leave for the entire month; those separating after the 15th of the month will accrue leave for that

*Policy also applies to part-time staff

month. Any employee in this class who is entering a status in which no leave is accruable (e.g., leave without pay) will be subject to the same guidelines as outlined above.

When a member of one of these employment categories plans to be absent, he or she must make arrangements with the appropriate supervisor so that another person, who will be present during the absence, will be fully informed about the work status and be able to speak authoritatively in an emergency.

Each individual must complete a leave report for the preceding month and return it to human resources by the due date indicated on it. Failure to do so will result in the paycheck being held in human resources until the leave report has been submitted.

Clerical, Secretarial, Technical and Service Staff

A member of the clerical, secretarial, technical or service staff earns annual leave in accordance with the following schedule:

Service Years one and two:	12 working days a year
Service Years three and four:	15 working days a year
Service Years five +:	21 working days a year

Leave is accrued for each hour worked at a rate commensurate with the standardized workday for the individual. Earned leave with pay must be recorded on the time and attendance report in periods of no less than one-quarter hour. The time and attendance report must be completed, signed, and returned to human resources by 4:00 p.m., by the due date indicated on it. Failure to do so will result in the paycheck being withheld in human resources until the time and attendance report has been submitted. Staff members who leave the university voluntarily or as a result of reorganization and return within one/three years continue to accrue annual leave at their prior rate.

12.2 SICK LEAVE*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Accrued Sick and Safe Leave Policy.

*Policy also applies to part-time staff

12.3 EMPLOYEE TRANSFERS: LEAVE STATUS

An employee transferring to a position in another department will be eligible for all leave earned prior to the effective date of the change. When it is not possible to take accrued leave before the change, the new employing unit must assume responsibility for all earned leave at the university.

12.4 LEAVE POLICIES FOR RESEARCH AND SPECIAL PROJECTS

Leave policies in some university-operated research or similar projects financed by non-university funds, or areas where other policies have been predetermined, may vary from those described here. In such cases, the policies will be announced in writing and will apply to all project employees.

12.5 MATERNITY LEAVE

Absences for childbirth are covered by the same provisions as other medical conditions (see Faculty/Staff Benefits Manual).

12.6 WORKPLACE ASSISTANCE FOR NURSING MOTHERS*

In accordance with the law, the university provides nursing mothers with reasonable break times and a private area to express milk as needed for nursing a child for up to one year after the child's birth. Please contact human resources if you need assistance locating an appropriate space or need assistance with this policy.

12.7 BEREAVEMENT LEAVE

In the event of death in his or her immediate family, with supervisor's prior approval, a full-time employee will be permitted to be absent with pay for up to three working days without drawing upon leave. For the purposes of this leave plan, the university defines "immediate family" to include, but not be limited to the employee's parent, spouse, domestic partner, grandparent, child, sibling, or parent or sibling of the employee's spouse or domestic partner.

12.8 JURY DUTY

Absence with pay to perform summoned jury duty, or to appear in court as a subpoenaed witness, will not be charged against earned leave provided official documentation indicating the reasons and the period for the absence is submitted.

*Policy also applies to part-time staff

12.9 MILITARY LEAVE*

A staff member who spends not more than 15 calendar days during a calendar year in active duty training with Military Reserve or National Guard components of the Armed Forces of the United States will be granted a paid leave absence for such training when documented with appropriate time and attendance sheet.

A faculty member or staff member who is called to active Military Reserve or National Guard duty will be placed on military leave of absence. The faculty or staff member must give advance or written notice unless precluded by military necessity or such notice is unreasonable or impossible. For periods of active duty of 31 days or more, the returning employee must provide documentation, upon request, that establishes length of and character of the service and timeliness of the application for reemployment. All National Guard and Reserve members are encouraged to provide a copy of orders or other type of documentation as soon as available and if possible before the commencement of military duty.

An employee on military leave will not receive pay from the university but may elect to continue to participate in the benefits plans. The benefits office will notify individuals about the procedures for benefits continuation.

A full-time staff member who has accrued annual leave may elect to take that leave and delay the effective date of the military leave. While a staff member is receiving accrued leave, benefits remain active. Some restrictions may apply to these benefits as they coordinate with military benefits.

An employee who is released from active duty under honorable conditions and applies for reinstatement within the required time period will be reinstated into the position previously held or into another position that is of like seniority, status and pay, provided the employee is qualified to perform the duties of the position.

The period an individual has to make an application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. Reservists who serve more than 30 days but less than 181 days must submit an oral or written application for reemployment to human resources within 14 days of release of service. For service of more than 180 days, an application for reemployment must be made within 90 days of release of service. If there is reasonable certainty that an employee would have received a promotion and/or a salary increase during

*Policy also applies to part-time staff

the period of military service, that employee may be rehired at the higher position and/or pay level. Similarly, if an employee would have been demoted, or received a reduction in pay, that employee may be rehired at the lower level. The purpose of this reemployment policy is to ensure that employees are not penalized for taking military leave. Individual situations are normally reviewed on a case-by-case basis.

In case of a faculty member on military leave, personnel actions will be processed on a case-by-case basis, after consultation with the Dean of Academic Affairs. The relevant processes are resumed when the faculty member returns to the university.

Reemployment rights do not apply to employees who occupy a position that is limited to a specific time period or project. Employees on grants or contracts fall into this category. However, the university will make an effort to reemploy individuals in this situation.

Upon reinstatement, reservists are entitled to enroll in the insurance programs they maintained before taking a military leave of absence. The period of time that an individual was on active duty service will be included as service time at the university in determining any benefits that use length of service as a determinant in the amount of the benefit.

Reservists who are reinstated are offered job protection for a period of time based on the length of service. Reservists who are reemployed cannot be discharged, without cause, from employment within one year after the date of reemployment if the person's period of service before reemployment was more than 180 days. If the person's period of service was more than 30 days but less than 181 days before reemployment, the person may not be discharged, without cause, within 180 days after the date of reemployment.

This policy does not apply to state call-ups for National Guard for disaster relief, riots or circumstances other than call to active duty. Faculty or staff should contact human resources in these situations.

12.10 LEAVE WITHOUT PAY

In unusual circumstances, a specified period of leave without pay may be granted by a supervisor with the approval of the department head. A full-time staff member granted leave without pay does not earn annual or sick leave while in that status.

When it can be shown to be in the best interests of the university, a staff member may be granted a "University Leave of Absence" without pay for a period up to one year from the last day of active service. This form of leave without pay does not guarantee re-

*Policy also applies to part-time staff

employment; however, the employee may continue group insurance benefits by paying the full cost.

12.11 OTHER LEAVE

Any approved paid absence not covered by one of the leave types described herein may be charged to annual leave.

12.12 HOLIDAY LEAVE

The university recognizes 12-13 paid holidays each fiscal year. Official university holidays for which staff receive holiday pay include: Martin Luther King, Jr. Day, U.S. Presidential Inauguration Day (every four years), Memorial Day, July 4th, Labor Day, Thanksgiving Day and Day After, and the week between Christmas and New Year's. Please refer to the Holiday schedule on the human resources website for the specific days the university is closed each year.

University designated holidays may not be converted to terminal pay (see [Section 12.1, Annual Leave](#)).

12.13 LEAVE SHARE

The purpose of the leave share program is to establish a system for staff to donate or receive annual leave during a serious medical emergency. The leave sharing program works in conjunction with the university's short term disability policy and may be used to satisfy the waiting period for short term disability. This program does not alter the short term disability or the Family Medical Leave policy.

Definitions

- *Leave transfer* is a voluntary transfer of annual leave balance from one employee to the annual leave account of another employee.
- *Leave donor* is a staff member whose written request for the transfer of their annual leave to the annual leave account of a leave recipient has been approved by human resources.
- *Leave recipient* is a current staff member affected by a serious medical emergency for whom human resources sends out a request for leave share donations from one or more leave donors.
- *Serious medical emergency* is an acute medical condition of the staff member whereby the absence is expected to result in a financial hardship to the

*Policy also applies to part-time staff

employee because of the unavailability of annual or sick leave. Certain medical conditions are excluded from eligibility for this benefit including, but not limited to, any occupationally related accident or illness for which workers' compensation benefits have been awarded, intentionally self-inflicted injuries, elective cosmetic procedures, or injuries occurring in the course of committing a felony or assault. Employees are also ineligible to use leave-sharing benefits if the medical emergency is to care for an ill family member or during the period of any disciplinary suspensions.

Eligibility

To be eligible for donated leave, a leave recipient must have completed six months of full-time employment and qualify for short term disability.

Leave Recipient Application and Approval

Application for use of the leave sharing benefit is made in conjunction with applications for short term disability and family and medical leave. Staff members should contact human resources for a determination of eligibility for FMLA and short term disability. To become a leave recipient the staff member must have exhausted, or plan to exhaust, all annual and sick leave and be approved for short term disability.

For medical conditions resulting in an absence or an expected absence of longer than two weeks, employees must complete a short term disability application. At that time, the staff member will have the opportunity to receive leave donations to cover the waiting period for short term disability (currently 15 calendar days). In no case shall the donated leave exceed the waiting period of the short term disability period.

Human resources will contact all departments through the university's email system to publicize anonymously a need for leave donations. The name of the leave recipient will not be released in this announcement.

Leave recipients will receive salary continuation based on their full-time salary immediately preceding the commencement of their medical leave. Payments will be made through regular payroll processing. Leave benefits will be subject to all payroll taxes and other payroll deductions.

*Policy also applies to part-time staff

Leave Donor Application and Approval

A staff member may submit a voluntary written request that a specified number of their accrued annual leave hours be transferred from their annual leave account to the annual leave account of a specified leave recipient.

The maximum amount of annual leave that a staff member may donate is limited to the leave donor's accrued annual leave balance. The minimum amount of annual leave that a staff member may donate is limited to seven hours.

Termination of Medical Emergency

The leave recipient will keep human resources advised of the status of the medical emergency through the short term disability process. In no case shall the donated leave exceed the approved medical emergency or the waiting period for the short term disability period, whichever is shorter.

Termination of the leave share benefit is determined by the status of the amount of leave donated to the leave recipient and not necessarily by the employee's medical condition or ability to return to work.

Unused leave donated for a specific leave recipient will be returned to the leave donor only if the Leave Donor Authorization has not yet been processed.

Leave donations are intended to be given freely, without promise of benefit and not under intimidation, coercion or threat of reprisal for failure to make the donation.

Leave recipients shall be required to reimburse leave hours donated to them if compensation is received from another source for the same period of time the employee received donated leave hours, such as worker's compensation benefits; or if human resources determines that abuse has occurred. The leave recipient may be required to repay all donated leave, and or may be subject to disciplinary action in accordance with AU's program. If repayment is required, leave payment shall be made at the current rate of the recipient, not the donor.

The university reserves the right to revise or eliminate this program as necessary.

12.14 PRIVILEGES FOR FORMER EMPLOYEES

A member of the regular staff who terminated employment voluntarily, or as a result of position elimination due to reorganization or funding termination, and who is reemployed

*Policy also applies to part-time staff

in a full-time position at the university within three years of the date of separation, will be entitled to earn annual leave at the rate that is appropriate for the total length of his or her previous full-time service to the university commencing on the reappointment date.

13.0 FAMILY AND MEDICAL LEAVES (FMLA) POLICIES *

The university offers faculty and staff members the opportunity to take unpaid leave for specific family or medical related issues and military-service related events, in compliance with the District of Columbia Family and Medical Leave Act of 1990, as amended, and the Federal Family and Medical Leave Act of 1993, as amended. Family Leave refers to leave taken under specific circumstances that relate to family events. Service Member Leave refers to leave taken for a qualifying exigency or to care for a covered service member. Medical Leave refers to leave taken due to a serious health condition of the faculty or staff member. Collectively, leave under this policy will be referred to as FMLA Leave.

Eligibility*

In general, faculty and staff are eligible for FMLA Leave if they meet certain length of service and number of hours worked requirements:

Length of service: under the Federal and D.C. laws, a faculty/staff member must have worked at the university for a period totaling 12 months. Under the D.C. law, the 12-month period must be without a break in employment.

Hours of work: under the D.C. law, the faculty/staff member must have worked at least 1,000 hours during the 12-month period immediately preceding the request for leave. Under the Federal law, the faculty/staff member must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave itself. Only hours actually worked are counted toward the requirement, excluding paid or unpaid leave such as annual and sick leave.

However, all periods of absence from work due to covered service under the Uniformed Services Employment and Reemployment Rights Act are counted in the length of service and hours of work when calculating a faculty or staff member's eligibility for FMLA leave.

Applying for FMLA Leave*

When the need for FMLA Leave is known, such as for an expected birth of a child, or a planned medical treatment, faculty and staff must submit an application and supporting documentation at least 30 days in advance of the requested effective date of leave. Faculty

*Policy also applies to part-time staff

and staff members should inform their supervisors/department chairs of their request for leave as soon as possible, and should work with human resources to review the process.

When the need for leave is not known, faculty and staff must complete the application for leave as soon as possible. Staff must use annual leave or leave without pay until the FMLA Leave application is approved.

Length of Leave*

Length of leaves for the various types of FMLA Leave is a complicated issue due to different rules between Federal and District of Columbia laws. The amount of leave is explained in the three sections below on Family Leave, Service Member Leave, and Medical Leave. In general, under Federal FMLA law, faculty and staff are limited to a total of 12 workweeks of leave (26 workweeks in the case of leave to care for a covered service member) during any 12-month period. Under D.C. FMLA law, faculty and staff are limited to a total of 16 workweeks of Family Leave and 16 workweeks of Medical Leave during any 24-month period. In addition, D.C. and Federal FMLA Leave run concurrently with each other. In evaluating the length of eligible leave, the faculty or staff member will receive the maximum leave allowed under both laws.

13.1 FMLA FAMILY LEAVE*

Definitions*

Family Leave*

Eligible faculty and staff members may take unpaid Family Leave for the following reasons:

- the birth of the faculty or staff member's child (leave must be taken within 12 months after birth); or
- the placement of a child with the faculty or staff member for adoption or foster care (leave must be taken within 12 months after the placement); or
- the placement of a child with the faculty or staff member for whom the faculty or staff member permanently assumes and discharges parental responsibility (leave must be taken within 12 months after that placement) (under D.C. Law only); or
- the care of a family member who has a serious health condition.

*Policy also applies to part-time staff

Serious Health Condition*

A serious health condition for Family Leave is defined as a physical or mental illness, or an injury or impairment, which requires inpatient care or continuing treatment by a health care provider.

Family Member for Family Leave*

A family member under DC law includes:

- a person related by blood, legal custody, or marriage; or
- a child for whom the faculty/staff member permanently assumes and discharges parental responsibility; or
- a person with whom the faculty or staff members shares or has shared within the last year a mutual residence and maintains a committed relationship.

A family member under Federal law includes a faculty/staff member's spouse, son, daughter, or parent.

Length of Family Leave*

Under D.C. law, up to 16 workweeks of unpaid Federal Family Leave may be taken during a 24-month period. The 12 workweeks of unpaid FMLA leave in any 12-month period, to which faculty and staff are entitled under Federal law, will run concurrently with the 16 workweeks entitlement under D.C. law. A rolling 24-month or 12-month, as applicable, period measured backward from the date a faculty/staff member uses any Family Leave will be used to calculate the amount of leave a faculty/staff member is eligible for in any given 24-month or 12-month period. This means that each time a faculty/staff member takes Family Leave; the remaining leave entitlement would be any balance of the 16 or 12 weeks that have not been used during the prior 24 or 12 months.

Two family members, who work in the same office and have the same or interrelated duties, may only take a combined total of 16 or 12 weeks of Family Leave.

When medically necessary, a faculty/staff member can take Family Leave for the care of an ill family member intermittently. Intermittent means leave that is taken to accommodate conditions requiring periodic absence for medical appointments or treatments. Alternatively, with the approval of the faculty/staff member's supervisor/department chair and the human resources office, the leave may be taken on a

*Policy also applies to part-time staff

reduced-schedule basis. A reduced-leave schedule is a change in the faculty/staff member's schedule over a period of several weeks or months, normally from full-time to part-time.

Coordination of Family Leave with Paid Leave*

Family Leave is unpaid leave. However, staff may substitute annual leave for their Family Leave. These days will count towards the total leave entitlement under local and Federal laws. Staff may use sick leave for Family Leave as stated in the Accrued Sick and Safe Leave Policy on the University Policies page at <http://www.american.edu/policies/>. Unless using paid leave, staff members on Family Leave do not receive paid holidays.

Faculty do not accrue paid leave. Faculty should consult with their dean and department chair regarding pay while on Family Leave.

13.2 FEDERAL FMLA FAMILY LEAVE FOR A QUALIFYING EXIGENCY AND CARE FOR AN INJURED SERVICE MEMBER*

Qualifying Exigency*

Faculty and staff members may use leave for a Qualifying Exigency if their spouse, child or parent is:

- serving in the Regular Armed Forces and being deployed to a foreign country;
- serving in the Reserves (members of the National Guard and Reserves) during deployment with the Armed Forces to a foreign country under a call of order to active duty in support of a contingency operation;
- Qualifying Exigencies include: (1) short-notice deployment, (2) military events and activities, (3) child care and school activities, (4) parental care, (5) financial and legal arrangements, (6) counseling, (7) rest and recuperation, (8) post-deployment activities, and (9) additional activities that arise out of active duty, provided that AU and the faculty or staff member agree, including agreement on timing and duration of the leave.

Military Caregiver Leave*

Eligible faculty and staff members may take leave to care for a covered service member if the covered service member is their spouse, child, parent or "next of kin" (nearest blood relative).

Covered service member means: (1) a current 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

*Policy also applies to part-time staff

disability retired list, for a serious injury or illness, or (2) a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran is an individual: (1) who was a member of the Armed Forces (including a member of the National Guard or Reserves), (2) was discharged or released under conditions other than dishonorable, and (3) was discharged within the five-year period before the eligible employee first takes military caregiver leave to care for the veteran.

Serious Injury or Illness*

For current members of the Armed Forces, serious illness or injury is defined as a condition incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating.

For covered veterans, a serious injury or illness means an injury or illness that was incurred or aggravated in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became and veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or
2. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Length of Service Member Leave*

For a Qualifying Exigency leave, eligible faculty and staff may take up to 12 weeks of leave in any 12-month period. The 12 workweeks include all FMLA Leave taken by eligible faculty and staff during the 12-month period. For military caregiver leave, eligible faculty and staff may take up to 26 weeks of leave during a single 12-month period. The 26 workweeks include all FMLA leave taken by eligible faculty and staff members during the 12-month

*Policy also applies to part-time staff

period. The 26-week period may be further limited if eligible faculty and staff members are spouses and who both need leave to care for an injured service member.

Coordination of Service Member Leave with Paid Leave*

Service member leave is unpaid leave. However, staff members may substitute annual leave for their service member leave. These days will count towards the 12 weeks allowed for a Qualifying Exigency or 26 weeks of leave allowed for care of a covered service member. Staff may use sick leave for service member leave as permitted by the Accrued Sick and Safe Leave Policy on the University Policies page at <http://www.american.edu/policies/>. Unless using paid leave, staff members on service member leave do not receive paid holidays.

Faculty do not accrue paid leave. Faculty should consult with their dean and department chair regarding pay while on Family Leave.

13.3 FMLA MEDICAL LEAVE*

Definitions*

Medical Leave*

Faculty or staff members who are unable to perform their job responsibilities due to a “serious health condition” can take unpaid Medical Leave. The university’s Short Term Disability benefits will run concurrently with Medical Leave for faculty and staff eligible for Short Term Disability.

Serious Health Condition*

A serious health condition for Family Leave and Medical Leave is defined as a physical or mental illness, or an injury or impairment, which requires inpatient care or continuing treatment by a health care provider.

Length of Medical Leave*

Under D.C. law, up to 16 workweeks of unpaid Medical Leave may be taken during a 24-month period. The 12 workweeks of unpaid FMLA leave in any 12-month period, to which faculty/staff members are entitled under Federal law, will run concurrently with the 16 workweeks under D.C. law. A rolling 24-month or 12-month period, as applicable, measured backward from the date an faculty/staff member uses any Family and Medical Leave will be used to calculate the amount of leave a faculty/staff member is eligible for in any given 24-month or 12-month period. This means that each time an faculty/staff member

*Policy also applies to part-time staff

takes medical leave; the remaining leave entitlement would be any balance of the 16 or 12 weeks that have not been used during the prior 24 or 12 months.

When medically necessary, a faculty/staff member can take Medical Leave intermittently. Intermittent means leave that is taken to accommodate conditions requiring periodic absence for medical appointments or treatments. Alternatively, the leave may be taken on a reduced schedule basis. A reduced leave schedule is a change in the staff member's schedule over a period of several weeks or months, normally from full-time to part-time. Consent of the supervisor and human resources is necessary before a faculty/staff member may begin a reduced work schedule as an alternative to intermittent medical leave.

Coordination of Medical Leave with Paid Leave*

Medical Leave is unpaid leave. However, staff may substitute accrued sick leave for their Medical Leave. Staff may also substitute accrued annual leave for Medical Leave, with permission of their department and human resources. These days will count towards the total leave entitlement under local and Federal laws. Unless using paid leave, staff on Medical Leave do not receive paid holidays.

Faculty do not accrue paid leave. Faculty should consult with their dean and department chair regarding pay while on Family Leave.

13.4 OTHER PROVISIONS RELATED TO FMLA LEAVE*

Transfer to a Temporary Position*

Where recurring periods of leave are required, the university may transfer a faculty or staff member temporarily to an available position for which the person is qualified which has an equivalent pay and benefits, and which better accommodates recurring periods of leave than the regular employment position.

Extension of Benefits*

Group health insurance benefits may be continued throughout the leave without pay if the faculty/staff member continues to pay his/her portion of the premiums. All other benefits cease while a faculty/staff member is on unpaid leave unless they elect to continue certain benefits through human resources and the faculty/staff member agrees to assume their full cost. Educational benefits may continue if the faculty/staff member certifies his/her intention to return to full-time active status immediately for at least 30 days after the leave has ended and agrees in writing to reimburse the university if he/she does not return to work.

*Policy also applies to part-time staff

Return to Work*

Upon return to work from FMLA Leave, faculty/staff members will be restored to either their original or an equivalent position (unless one of the exceptions in the law applies). Faculty and staff do not accrue employment benefits during a Family or Medical Leave. In order to return to work from Medical Leave, the university may require a “fitness-for-duty” certification from the faculty/staff member’s medical provider. American University reserves the right to obtain additional medical opinions at the university’s expense prior to permitting the faculty/staff member to return to work.

Temporary Replacement of Faculty and Staff*

A department may temporarily replace faculty and staff on FMLA Leave. Lapsed department salary may be used to cover the temporary replacement. Normal budgetary channels should be followed to determine funding requirements.

Certification of Serious Health Condition, Qualifying Exigency, and Serious Injury or Illness of Covered Service Member*

In General*

Faculty and staff must provide complete and sufficient medical or military documentation in support of a request for FMLA Leave. Failure to provide such documentation may result in the denial or delay of FMLA. The university may seek a second or third opinion of medical documentation, and may also request reasonable updates of supporting documentation. The faculty/staff member may also be required to provide documentation of the familial relationship to support Service Member leave.

The university will promptly notify the faculty/staff member in writing if the faculty/staff member is eligible for FMLA and, if so, whether the requested leave will be counted as FMLA leave. In certain circumstances the university may designate an absence as FMLA even if the faculty/staff member did not request FMLA.

Serious Health Condition*

A faculty/staff member wishing to take leave because of the faculty/staff member’s own serious health condition or that of a family member must provide human resources with timely certification of that condition by the treating health care provider. This certification must include:

1. the date on which the serious health condition began;

*Policy also applies to part-time staff

2. the probable duration of the condition;
3. appropriate medical facts regarding the condition; and
4. as appropriate, a statement that the faculty/staff member is needed to care for a family member (along with an estimate of the time required), or that the faculty/staff member is unable to perform his or her expected functions at work.

In the case of intermittent or reduced schedule leave due to the faculty/staff member's own serious health condition, the certification must specify the medical necessity for intermittent or reduced schedule leave and the expected duration of the intermittent or reduced schedule leave. In the case of intermittent leave to care for a family member with a serious health condition, the certification must state that the intermittent or reduced schedule leave is necessary or will assist in the family member's recovery, and must state the expected duration and schedule of the intermittent or reduced schedule leave. If the intermittent or reduced schedule leave is for planned medical treatment, the certification must state the dates on which that treatment is expected and the duration of the treatment. Failure to provide the required certification may result in the denial or delay of leave. Please contact human resources for details and to obtain a medical certification form.

Qualifying Exigency and Serious Injury or Illness of Covered Service Member*

The university will require certification of the qualifying exigency and the serious injury or illness of the covered Service Member for FMLA leave. Failure to provide the required certification may result in the denial or delay of leave. Please contact human resources for details and to obtain medical certification form.

No Retaliation or Interference*

The university will not discriminate or retaliate against a faculty/staff member who exercises his or her rights under the FMLA, or otherwise interfere with those rights.

Interpretation of Policy*

The provisions of this policy are intended to comply with the D.C. and Federal family and Medical Leave laws and regulations and do not grant rights less than or greater than required by law. To the extent that this policy is ambiguous or contradicts the laws or regulations, the language of the laws or regulations will prevail.

*Policy also applies to part-time staff

TABLE 1 *

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p>First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Any Drug Product Containing Gamma Hydroxybutyric Acid				
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<p>First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Any Amount Of All Schedule V Drugs		<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

*Policy also applies to part-time staff

TABLE 2*

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>1 to 49 marijuana plants</p>	
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

*Policy also applies to part-time staff

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APPENDIX A – DATES OF LAST POLICY REVISIONS

Policy Description		Last Revised
1.0	Foreword	
1.1	Mission of the University	
1.2	Purpose of the Manual	
1.3	Affirmative Action	
1.4	Changes/Revisions	
2.0	Employment Policies	
2.1	Definition of Full-time Employment	
2.2	Definition of Part-time Employment	
2.3	Immigration and Naturalization Service Requirements	
2.4	Affirmative Action Report	
2.5	Employment of Family Members	
2.6	Employment of Students	
2.7	Categories of Positions	
2.8	Job Posting	
2.9	Promotions, Transfers, and Demotions	
2.10	University-Initiated Transfer and Demotions	
2.11	Terms of Service	07/13
2.12	Payment of Salaries	
2.13	EEO Policies	
2.14	Affirmative Action Program Policy	07/13
2.15	Discrimination and Sexual Harassment Policy	07/99
2.16	Americans with Disabilities Act Policy	07/13
2.17	Reporting Suspected Misconduct (Whistleblower Policy)	06/06
3.0	Personnel Records	
3.1	Records Management	
3.2	References	
4.0	Hours of Work	
4.1	University Schedule	
4.2	Work Schedule of Employees	
4.3	Flex Work Arrangement	
4.4	Participation in Educational Activities	
4.5	Attendance at University Classes	

Policy sections that do not have dates in the “Last Revised” column have not been revised since 1999.

*Policy also applies to part-time staff

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4.6	Conflict of Interest	
4.7	University Facility and Personnel Operating Status (Emergency Closing/Cancellation Procedures, Emergency Management and Continuity of Operations Plan, Departmental Emergency Operating Plans)	04/10
5.0	Compensation Program	05/05
5.1	Program Objectives	05/05
5.2	Responsibility for Program Administration	05/05
5.3	Elements of the Compensation Structure	05/05
5.4	Placement of Positions within the Compensation Structure	05/05
5.5	Overview of Salary Decision-Making Process	07/13
5.6	Special Salary Actions	05/05
5.7	Compensation for Hours in Excess of Normal Work Schedule	05/05
5.8	Deductions from Exempt Employees' Pay	05/05
5.9	Maintenance of the Compensation Structure	05/05
5.10	Communication of Salary Information	05/05
5.11	Relocation Reimbursement	05/09
6.0	Performance Management	05/05
6.1	Planning Performance	05/05
6.2	Managing Performance	05/05
6.3	Appraising Performance	05/05
6.4	Rewarding Performance: Linking Pay and Performance	05/05
6.5	Roles and Responsibilities	05/05
7.0	Disciplinary Policy	07/13
8.0	Termination	10/12
8.1	Separation Policies	10/12
8.2	Supervisor's Responsibilities	10/12
8.3	Notice Requirements	10/12
8.4	Appeals of Separation	10/12
8.5	Reorganization/Termination of University Funding	10/12
8.6	Externally Funded Positions – Terminal Appointments	10/12
8.7	Severance Pay Plan for Staff	10/12
8.8	Definition of Supervisory Non-exempt	10/12
9.0	Complaint Policy and Procedure	10/12
9.1	Purpose	07/13
9.2	Policy	10/12

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9.3	Informal Procedure	10/12
9.4	Formal Procedure	10/12
10.0	Personal Use of University Supplies, Equipment, Facilities	07/13
11.0	Policies on Health and Wellness	
11.1	Faculty and Staff Assistance Program (FSAP)	01/99
11.2	Emergency Loan Fund	
11.3	Acquired Immune Deficiency Syndrome (AIDS) Policy and Guidelines	
11.4	Alcohol and Drug Abuse Policy	05/05
11.5	Guidelines for Serving Alcohol at University Events	05/05
11.6	University Sanctions for Violations of Alcohol and Drug Abuse Policy	05/05
11.7	Smoking Policy	05/05
12.0	Leave Policies	
12.1	Annual Leave	05/05
12.2	Sick Leave	05/08
12.3	Employee Transfers: Leave Status	
12.4	Leave Policies for Research and Special Projects	
12.5	Maternity Leave	
12.6	Workplace Assistance for Nursing Mothers	07/13
12.7	Bereavement Leave	04/00
12.8	Jury Duty	
12.9	Military Leave	09/01
12.1	Leave Without Pay	
12.1	Other Leave	
12.1	Holiday Leave	07/13
12.1	Leave Share	
12.1	Privileges for Former Employees	
13.0	Family and Medical Leaves (FMLA) Policies	
13.1	FMLA Family Leave	
13.2	Federal FMLA Family Leave for a Qualifying Exigency and Care for and Injured Service Member	
13.3	FMLA Medical Leave	
13.4	Other Provisions Related to FMLA Leave	
	Table 1	04/13
	Table 2	04/13

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