

**BOARD OF TRUSTEES
UNIVERSITY AFFAIRS COMMITTEE
Delores E. Crawford, Chair
David C. Deibel, Vice Chair
All Trustees are Members**

**Wednesday, November 30, 2016
9:30 a.m. or immediately following
previous meeting**

**Tod Hall
Board Meeting Room**

AGENDA

- A. Disposition of Minutes for Meeting Held September 6, 2016**
- B. Old Business**
- C. Committee Items**

1. University Affairs Discussion Item

a. Litigation Update

Holly Jacobs, Vice President and General Counsel, will provide a summary of litigation, personnel, and collective bargaining concerning YSU.

2. Consent Agenda Item*

**Tab C.2.a. *a. Resolution to Modify Employee Files Policy, 3356-7-39
(Previous Policy Number 7019.01)
Kevin Reynolds, Chief Human Resources Officer, will report.**

**Tab C.2.b. *b. Resolution to Modify Employee Assistance Program Policy, 3356-7-51
(Previous Policy Number 7026.01)
Kevin Reynolds, Chief Human Resources Officer, will report.**

3. University Affairs Action Items

**Tab C.3.a. a. Resolution to Rescind Domestic Partners Benefits Policy, 3356-7-49
(Previous Policy Number 7025.01)
Kevin Reynolds, Chief Human Resources Officer, will report.**

*Items listed under the Consent Agenda require Board approval; however they may be presented without discussion as these items include only non-substantive changes.

- Tab C.3.b.** **b. Resolution to Modify University Policies Referencing Domestic Partner Benefits**
Kevin Reynolds, Chief Human Resources Officer, will report.
- Tab C.3.c.** **c. Resolution to Modify Drug-Free Environment Policy, 3356-7-20**
(Previous Policy Number 7006.01)
Cynthia Kravitz, Director of Equal Opportunity and Policy Development, will report.
- Tab C.3.d.** **d. Resolution to Approve Overtime for FLSA Salaried Non-Exempt Employees**
Policy, 3356-7-52
Holly Jacobs, Vice President and General Counsel, will report.
- Tab C.3.e.** **e. Resolution to Ratify Personnel Actions**
University policies require that the Chief Human Resources Officer provide a summary of appointments, promotions, and other personnel actions for faculty and professional/administrative staff, for May 1, 2016, through October 15, 2016. Personnel actions for faculty and professional/administrative staff are contingent upon approval of the Board of Trustees.
Kevin Reynolds, Chief Human Resources Officer, will report.

4. Intercollegiate Athletics Discussion Items

- Tab C.4.a.** **a. Report on the Educational Outcome of Student-Athletes**
Ron Strollo, Executive Director of Athletics, will report.
- Tab C.4.b.** **b. Report of the Academic Progress Rate (APR) Figures**
Ronald Strollo, Executive Director of Athletics, will report.
- Tab C.4.c.** **c. Report on the Average Cumulative GPA's by Term**
Ronald Strollo, Executive Director of Athletics, will report.
- Tab C.4.d.** **d. Report on the Number of Athletes by Academic Major**
Ronald Strollo, Executive Director of Athletics, will report.

5. Intercollegiate Athletics Action Item

- Tab C.5.a.** **a. Resolution to Ratify Personnel Actions**
University policies require that the Chief Human Resources Officer provide a summary of appointments, promotions, and other personnel actions for intercollegiate athletics staff and coaching positions, for April 1, 2016, through October 15, 2016. Personnel actions for intercollegiate athletics staff and coaching are contingent upon approval of the Board of Trustees.
Kevin Reynolds, Chief Human Resources Officer, and Ron Strollo, Executive Director of Athletics, will report.

D. New Business

E. Adjournment

Explanation of Modifications to *University Policy*:

3356-7-39 Employee Files

(Previous Policy Number 7019.01)

This policy was reviewed as a part of the regular five year cycle. As currently written, this policy is largely up-to-date and, therefore, contains only minor changes. The attached redline version illustrates the changes made to the policy.

Board of Trustees Meeting

December 1, 2016

YR 2017-

**RESOLUTION TO MODIFY
EMPLOYEE FILES POLICY, 3356-7-39
(PREVIOUS POLICY NUMBER 7019.01)**

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, the Employee Files policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Employee Files, policy number 3356-7-39 (Previous Policy Number 7019.01), shown as Exhibit __ attached hereto. A copy of the policy indicating changes to be made is also attached.

3356-7-39 Employee files.

Previous Policy Number: 7019.01
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for ~~Finance and Administration~~
Legal Affairs and Human Resources
Revision History: May 2000; March 2011; December 2016
Board Committee: ~~Internal~~ University Affairs
Effective Date: ~~March 18, 2011~~ December 1, 2016
Next Review: 20~~16~~21

- (A) Policy statement. The university shall establish and maintain such employee files as necessary in accordance with state and federal laws and applicable collective bargaining agreements. The office of human resources is the sole repository of the official employee personnel files and, as such, maintains a file for each full-time member of the faculty and full-time and part-time members of the professional/administrative and classified civil service staffs. The chief human resources officer serves as the custodian of these official files.
- (B) Procedures.
- (1) Employees may examine their own file **by appointment** during regular business hours.
 - (2) Employees may place into their file a written statement commenting on or disagreeing with any document contained in the file.
 - (3) Employees will receive a copy of each document placed in their file by others at the time it is placed in the file.
 - (4) The office of human resources maintains a log of all **non-university employees** ~~persons~~ accessing these files. This office will notify employees and the appropriate bargaining unit when a non-university employee has accessed their file.
 - (5) Periodically, the president, or designee, shall identify a person or persons to conduct an unannounced spot check of the official

employee personnel files and provide a written report of the findings.

- (6) Information contained in these files will be used in a manner appropriate to the normal operation of the university and may be reported to the appropriate state or federal agency as required by law.
- (7) Employee files are subject to Ohio's public records law.
- (8) All files maintained are periodically examined for the purpose of purging the files of material no longer appropriate for retention.

3356-7-39 Employee files.

Previous Policy Number: 7019.01
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs and Human Resources
Revision History: May 2000; March 2011; December 2016
Board Committee: University Affairs
Effective Date: December 1, 2016
Next Review: 2021

- (A) Policy statement. The university shall establish and maintain such employee files as necessary in accordance with state and federal laws and applicable collective bargaining agreements. The office of human resources is the sole repository of the official employee personnel files and, as such, maintains a file for each full-time member of the faculty and full-time and part-time members of the professional/administrative and classified civil service staffs. The chief human resources officer serves as the custodian of these official files.
- (B) Procedures.
- (1) Employees may examine their own file by appointment during regular business hours.
 - (2) Employees may place into their file a written statement commenting on or disagreeing with any document contained in the file.
 - (3) Employees will receive a copy of each document placed in their file by others at the time it is placed in the file.
 - (4) The office of human resources maintains a log of all non-university employees accessing these files. This office will notify employees and the appropriate bargaining unit when a non-university employee has accessed their file.
 - (5) Periodically, the president, or designee, shall identify a person or persons to conduct an unannounced spot check of the official

employee personnel files and provide a written report of the findings.

- (6) Information contained in these files will be used in a manner appropriate to the normal operation of the university and may be reported to the appropriate state or federal agency as required by law.
- (7) Employee files are subject to Ohio's public records law.
- (8) All files maintained are periodically examined for the purpose of purging the files of material no longer appropriate for retention.



Explanation of Modifications to *University Policy*:

**3356-7-51 Employee Assistance Program
(Previous Policy Number 7026.01)**

This policy was reviewed as a part of the regular five year cycle. As currently written, this policy is largely up-to-date and, therefore, contains only minor changes. The attached redline version illustrates the changes made to the policy.

**Board of Trustees Meeting
December 1, 2016
YR 2017-**

**RESOLUTION TO MODIFY
EMPLOYEE ASSISTANCE PROGRAM POLICY, 3356-7-51
(PREVIOUS POLICY NUMBER 7026.01)**

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, the Employee Assistance Program policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Employee Assistance Program, policy number 3356-7-51 (Previous Policy Number 7026.01), shown as Exhibit __ attached hereto. A copy of the policy indicating changes to be made is also attached.

3356-7-51 Employee assistance program.

Previous Policy Number: 7026.01 (new)
Responsible Division/Office: ~~Finance and Administration~~/Human Resources
Responsible Officer: ~~Vice President for Legal Affairs~~~~P for Finance and Administration~~Human Resources
Revision History: June 2010; December 2016
Board Committee: ~~Internal~~University Affairs
Effective Date: ~~June 11, 2010~~**December 1, 2016**
Next Review: ~~2015~~21

- (A) Policy statement. ~~The Youngstown state~~ university (university) is committed to employment practices that promote the health and welfare of its employees. Through its various fringe benefits packages, it offers employees incentives to pursue additional education; to take advantage of events, activities and performances offered; and to otherwise enhance each employee's standard of living.
- (B) Definition. The university employee assistance program ("~~EAP~~") consists of services designed to:
- (1) Maximize employee functioning on the job and in personal matters, and
 - (2) Assist employee clients in identifying and resolving personal concerns, including, but not limited to, health, marital, family, financial, alcohol, drug, legal, emotional stress, or other personal issues that may affect job performance.
- (C) Parameters.
- (1) ~~The Youngstown state~~ university's ("~~YSU~~")-employee assistance program is designed to provide confidential access to professional services such as problem assessment, short-term counseling, and referral to appropriate community and private services.

- (2) The EAP is available to all full-time benefits eligible employees of ~~YSU~~ the university and eligible family members as defined by the agreement with the provider.
 - (3) The office of human resources will make available to supervisors and employees information about referral and participation in the employee assistance program.
 - (4) Members of bargaining units should refer to their collective bargaining agreements.
- (D) Procedures. Services of the EAP may be initiated in any one of the following ways:
- (1) Employee self-referral: Eligible employees of the university may self-refer for confidential EAP services.
 - (2) Supervisory referral for voluntary participation: Supervisors may recommend that an employee participate in the EAP. The office of human resources will not disclose any information regarding EAP participation without written consent of the employee.
 - (3) Supervisor referral for mandatory participation: Employees who exhibit a documented pattern of deteriorating job performance or behavior that could result in termination can be referred by the supervisor to the office of human resources for mandatory participation in the EAP.

3356-7-51 Employee assistance program.

Previous Policy Number: 7026.01 (new)
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs and Human Resources
Revision History: June 2010; December 2016
Board Committee: University Affairs
Effective Date: December 1, 2016
Next Review: 2021

- (A) Policy statement. Youngstown state university (university) is committed to employment practices that promote the health and welfare of its employees. Through its various fringe benefits packages, it offers employees incentives to pursue additional education; to take advantage of events, activities and performances offered; and to otherwise enhance each employee's standard of living.
- (B) Definition. The university employee assistance program (EAP) consists of services designed to:
- (1) Maximize employee functioning on the job and in personal matters, and
 - (2) Assist employee clients in identifying and resolving personal concerns, including, but not limited to, health, marital, family, financial, alcohol, drug, legal, emotional stress, or other personal issues that may affect job performance.
- (C) Parameters.
- (1) The university's employee assistance program is designed to provide confidential access to professional services such as problem assessment, short-term counseling, and referral to appropriate community and private services.
 - (2) The EAP is available to all full-time benefits eligible employees of the university and eligible family members as defined by the agreement with the provider.

- (3) The office of human resources will make available to supervisors and employees information about referral and participation in the employee assistance program.
 - (4) Members of bargaining units should refer to their collective bargaining agreements.
- (D) Procedures. Services of the EAP may be initiated in any one of the following ways:
- (1) Employee self-referral: Eligible employees of the university may self-refer for confidential EAP services.
 - (2) Supervisory referral for voluntary participation: Supervisors may recommend that an employee participate in the EAP. The office of human resources will not disclose any information regarding EAP participation without written consent of the employee.
 - (3) Supervisor referral for mandatory participation: Employees who exhibit a documented pattern of deteriorating job performance or behavior that could result in termination can be referred by the supervisor to the office of human resources for mandatory participation in the EAP.



Explanation to Rescind *University Policy*:

3356-7-49 Domestic Partners Benefits

(Previous Policy Number 7025.01)

This policy is being recommended for rescission because the U.S. Supreme Court in Obergefell v. Hodges gave same-sex couples the right to marry in all 50 states. The University's policies will now be aligned with this ruling. Previously, same-sex domestic partners were given the same or similar benefits as married couples because they did not have the legal right to marry. The University will now provide all legally married couples the same benefits.

Board of Trustees Meeting

December 1, 2016

YR 2017-

**RESOLUTION TO RESCIND
DOMESTIC PARTNERS BENEFITS POLICY, 3356-7-49
(PREVIOUS POLICY NUMBER 7025.01)**

WHEREAS, University Policies are being reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby rescind the University Policy governing Domestic Partners Benefits, policy number 3356-7-49 (Previous Policy Number 7025.01), shown as Exhibit __, attached hereto.

RESCINDED

3356-7-49 Domestic partners benefits.

Previous Policy Number: 7025.01
Responsible Division/Office: Finance and Administration/Human Resources
Responsible Officer: VP for Finance and Administration
Revision History: October 2004; December 2012
Board Committee: University Affairs
Effective Date: December 14, 2012
Next Review: 2017

- (A) Policy statement. The university is committed to the recruitment and retention of a highly qualified and diverse workforce and to providing a competitive compensation package that demonstrates economic fairness and equity. The board of trustees authorizes benefits to be offered to domestic partners of eligible employees.
- (B) Parameters. For purposes of this policy, a domestic partnership is defined as a long-term, committed and personal relationship that meets all of the criteria described in Youngstown state university's "Affidavit of Domestic Partnership." Documentation may be required to verify that the criteria are met. The information provided on the completed affidavit will be used by the university for the sole purpose of determining eligibility for same sex domestic partner benefits. A dependent child of an eligible same sex domestic partner is defined as a child who is claimed as a dependent on the same sex domestic partner's most recent income tax return and will qualify in the current year for dependency tax status.
- (C) Procedures. An employee desiring health or tuition remission benefits for a same sex domestic partner will need to complete an "Affidavit of Domestic Partnership." Benefit-eligible employees will then be able to add their same sex domestic partner on the health coverage by completing an "Employee Application/Change Form" during open enrollment or within thirty days of life event. Forms must be completed and sent to the office of human resources. Employees may also request tuition remission benefits for their same sex domestic partner by applying online and submitting their affidavit to the office of human resources.



Explanation of Modifications to *University Policy*:

Six (6) University Policies Referencing Domestic Partner Benefits have been modified to remove the reference to same-sex domestic partners. In the past, YSU has offered employee benefits to same-sex domestic partners, including medical insurance, tuition fee remission, and leave benefits. YSU offered the coverage and benefits to ensure equity for same-sex couples, who could not legally marry. The U.S. Supreme Court in Obergefell v. Hodges gave same-sex couples the right to marry in all 50 states. The University's policies will now be aligned with this ruling.

- 1. Sick Leave Accrual, Use and Conversion, Excluded Professional/ Administrative and Excluded Classified Staff Policy, 3356-7-13
(Previous Policy Number 7002.09)**
- 2. Maternity/Parental Leave – Paid Leave, Excluded Professional/Administrative Staff Policy, 3356-7-14
(Previous Policy Number 7002.10)**
- 3. Bereavement Leave, Exempt Professional/Administrative Staff and Department Chairpersons Policy, 3356-7-15
(Previous Policy Number 7002.11)**
- 4. Employee Health Insurance Programs Policy, 3356-7-22
(Previous Policy Number 7008.01)**
- 5. Nepotism and Potential Conflicts in Employment Situations Policy, 3356-7-26
(Previous Policy Number 7013.01)**
- 6. Fringe Benefits, Excluded Professional/Administrative Employees Fee Remission Program Policy, 3356-7-31
(Previous Policy Number 7015.01)**

**RESOLUTION TO MODIFY
UNIVERSITY POLICIES REFERENCING
DOMESTIC PARTNER BENEFITS**

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, each of the below policies have been modified as a result of a change in the law that allows same sex marriage and therefore, the policies have eliminated the reference to domestic partners and have been formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the following University Policies, shown as Exhibit __ attached hereto. A copy of the policies indicating changes to be made is also attached.

1. **Sick Leave Accrual, Use and Conversion, Excluded Professional/ Administrative and Excluded Classified Staff Policy, 3356-7-13
(Previous Policy Number 7002.09)**
2. **Maternity/Parental Leave – Paid Leave, Excluded Professional/ Administrative Staff Policy, 3356-7-15
(Previous Policy Number 7002.10)**
3. **Bereavement Leave, Exempt Professional/Administrative Staff and Department Chairpersons Policy, 3356-7-15
(Previous Policy Number 7002.11)**
4. **Employee Health Insurance Programs Policy, 3356-7-22
(Previous Policy Number 7008.01)**
5. **Nepotism and Potential Conflicts in Employment Situations Policy, 3356-7-26
(Previous Policy Number 7013.01)**
6. **Fringe Benefits, Excluded Professional/Administrative Employees Fee Remission Program Policy, 3356-7-31
(Previous Policy Number 7015.01)**

**3356-7-13 Sick leave accrual, use and conversion, excluded professional/
administrative and excluded classified staff.**

Previous Policy Number: 7002.09
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for ~~Finance~~Legal Affairs and
~~Administration~~Human Resources
Revision History: January 1999; November 2009; October 2011;
June 2012; **December 2016**
Board Committee: University Affairs
Effective Date: ~~June 13, 2012~~**December 1, 2016**
Next Review: ~~2017~~**21**

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. Through its leave programs, it provides for and encourages preventive health care; physical, emotional, and mental well-being; professional growth and development; and civic responsibility.
- (B) Parameters.
- (1) Professional/administrative and classified staff who are excluded from a bargaining unit earn fifteen days of sick leave per year. Said sick leave is accrued at the rate of five hours per semi-monthly pay period for excluded professional/administrative staff and 4.6 hours per biweekly pay period for excluded classified staff.
 - (2) Professional/administrative and classified staff who are excluded from a bargaining unit may utilize up to four days of accrued but unused sick leave per fiscal year for personal reasons not necessarily associated with an illness or injury to the employee or an immediate family member.
 - (3) Sick leave may be accumulated without limit provided the employee remains in an active pay status at the university.
 - (4) Sick leave may be utilized for personal illness, injury or exposure to a contagious disease which could be communicated to other

employees, and visits to, or treatments by, medical providers that cannot be scheduled outside the employee's normal work hours.

- (5) Sick leave may also be utilized for an illness in the employee's immediate family ~~and/or same-sex domestic partner~~ when the employee's presence is reasonably necessary for the health and welfare of the affected family member.
 - (6) Paid sick leave shall be used concurrently with Family and Medical Leave Act ("FMLA") in accordance with rule 3356-7-05 of the Administrative Code.
 - (7) At the time of retirement, excluded professional/administrative staff that have completed ten or more years of active service or a combination of active university service, together with other state of Ohio units as specified by law, shall receive payment for one-fourth of the unused sick leave days up to a maximum of fifty days. Payment is based on the rate of pay at the time of retirement. Such payment will be made only once to an employee. After the employee accepts the payment, all remaining sick leave credit accrued will be eliminated. (Please see section 21.5 of the association of classified employees agreement regarding sick leave for excluded classified employees.)
 - (8) A retired employee who returns to university service may accrue and use sick leave as before, but cannot receive a second sick leave conversion payment.
 - (9) Sick leave conversion does not apply to any termination or separation other than retirement.
 - (10) Employees covered by collective bargaining should refer to their respective labor agreement.
- (C) Procedures.
- (1) Employees utilizing sick leave should notify their immediate supervisor as soon as possible regarding the necessity to utilize sick leave. To the extent such is possible, sick leave used for personal reasons is to be scheduled in advance.

- (2) Employees are required to complete the appropriate sick leave form in advance of the leave, when possible or immediately upon return to work.
- (3) Employees will forward the completed form to their immediate supervisor for approval/disapproval.
- (4) The supervisor reviews and approves/disapproves the leave and forwards it to the office of human resources for processing and records retention.

**3356-7-13 Sick leave accrual, use and conversion, excluded professional/
administrative and excluded classified staff.**

Previous Policy Number: 7002.09
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs and Human
Resources
Revision History: January 1999; November 2009; October 2011;
June 2012; December 2016
Board Committee: University Affairs
Effective Date: December 1, 2016
Next Review: 2021

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. Through its leave programs, it provides for and encourages preventive health care; physical, emotional, and mental well-being; professional growth and development; and civic responsibility.
- (B) Parameters.
- (1) Professional/administrative and classified staff who are excluded from a bargaining unit earn fifteen days of sick leave per year. Said sick leave is accrued at the rate of five hours per semi-monthly pay period for excluded professional/administrative staff and 4.6 hours per biweekly pay period for excluded classified staff.
 - (2) Professional/administrative and classified staff who are excluded from a bargaining unit may utilize up to four days of accrued but unused sick leave per fiscal year for personal reasons not necessarily associated with an illness or injury to the employee or an immediate family member.
 - (3) Sick leave may be accumulated without limit provided the employee remains in an active pay status at the university.
 - (4) Sick leave may be utilized for personal illness, injury or exposure to a contagious disease which could be communicated to other

employees, and visits to, or treatments by, medical providers that cannot be scheduled outside the employee's normal work hours.

- (5) Sick leave may also be utilized for an illness in the employee's immediate family when the employee's presence is reasonably necessary for the health and welfare of the affected family member.
 - (6) Paid sick leave shall be used concurrently with Family and Medical Leave Act ("FMLA") in accordance with rule 3356-7-05 of the Administrative Code.
 - (7) At the time of retirement, excluded professional/administrative staff that have completed ten or more years of active service or a combination of active university service, together with other state of Ohio units as specified by law, shall receive payment for one-fourth of the unused sick leave days up to a maximum of fifty days. Payment is based on the rate of pay at the time of retirement. Such payment will be made only once to an employee. After the employee accepts the payment, all remaining sick leave credit accrued will be eliminated. (Please see section 21.5 of the association of classified employees agreement regarding sick leave for excluded classified employees.)
 - (8) A retired employee who returns to university service may accrue and use sick leave as before, but cannot receive a second sick leave conversion payment.
 - (9) Sick leave conversion does not apply to any termination or separation other than retirement.
 - (10) Employees covered by collective bargaining should refer to their respective labor agreement.
- (C) Procedures.
- (1) Employees utilizing sick leave should notify their immediate supervisor as soon as possible regarding the necessity to utilize sick leave. To the extent such is possible; sick leave used for personal reasons is to be scheduled in advance.

- (2) Employees are required to complete the appropriate sick leave form in advance of the leave, when possible or immediately upon return to work.
- (3) Employees will forward the completed form to their immediate supervisor for approval/disapproval.
- (4) The supervisor reviews and approves/disapproves the leave and forwards it to the office of human resources for processing and records retention.

3356-7-14 Maternity/parental leave – paid leave, excluded professional/ administrative staff.

Previous Policy Number: 7002.10
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs ~~Finance~~ and
~~Administration~~ Human Resources
Revision History: April 2008; April 2012; December 2016
Board Committee: University Affairs
Effective Date: ~~June 13, 2012~~ December 1, 2016
Next Review: 201721

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. The university understands that supporting employees as they balance career, childbirth and family life benefits both the employee and the university. The policy allows for a specified period of paid leave following the birth or adoption of a child.
- (B) Purpose. Under the provisions of this policy, the university will provide paid leave, at the employees current salary for up to six workweeks or two hundred forty hours, for pregnancy-related medical reasons, childbirth, and/or to care for and bond with a newborn or newly adopted child.
- (C) Parameters.
- (1) Maternity/parental leave runs concurrently with the unpaid leave benefits provided in accordance with the Leave of Absence, Family Medical Leave Act (“FMLA”), (rule 3356-7-05 of the Administrative Code), and with the unpaid leave benefits provided in the “Leave of absence without pay, extended childcare, excluded professional/administrative staff” (rule 3356-7-06 of the Administrative Code).
- (D) Definitions.
- (1) “Paid maternity leave” means a period of paid leave for up to six workweeks or two hundred forty hours for birth and adoptive mothers following the birth or adoption of a child. This paid leave

is also available to birth mothers for pregnancy-related medical issues.

- (2) “Paid parental leave” means three workweeks or one hundred twenty hours of paid leave for a biological/adoptive father ~~or same sex domestic partner~~ to care for and bond with a newborn/adopted child. This leave must be used within six months following the birth or adoption of a child. This leave may be scheduled on an intermittent basis with the approval of the supervisor and the chief human resources officer.
 - (3) “Adoption expense payment” means the payment of two thousand dollars for adoption expenses. Such payment may be requested upon approval of the adoption. An employee who adopts a child may elect to receive the adoption expense payment in lieu of receiving the paid maternity and parental leave.
 - (4) Paid parental leave also means three workweeks or one hundred twenty hours of paid leave following the maternity leave for mothers to care for and bond with the child. This leave must be used consecutively with maternity leave.
- (E) Procedures.
- (1) Paid maternity and parental leave shall be used prior to using sick leave, which may be used to extend the period of paid leave, but which also runs concurrently with unpaid leave in accordance with family medical leave (rule 3356-7-05 of the Administrative Code) or childcare leave (rule 3356-7-06 of the Administrative Code).
 - (2) Only one paid maternity and/or parental leave benefit is available per employee, per birth or adoption event. The number of children born, i.e., multiple births, or adopted during the same event does not increase the length of the paid leave.
 - (3) This paid leave benefit is based upon one hundred per cent full time equivalent (“FTE”) and is prorated in accordance with the employee’s percentage of FTE status.
 - (4) This policy applies only to employees who have completed at least one year of service prior to the date that paid maternity or parental

leave is to commence. Employees who attain one year of service while on leave for the purpose of a birth or adoption of a child will be eligible for a pro-rated portion of the paid maternity and/or parental leave.

- (5) When the use of paid maternity or parental leave is anticipated, the employee shall provide notice to his or her supervisor and to the chief human resources officer as far in advance as possible. The employee shall also submit an application for leave form at that time with anticipated dates of leave.
- ~~(6) If the paid leave is to be used by a same-sex domestic partner, the employee shall ensure that the "Affidavit of Domestic Partner" is on file in the office of human resources.~~
- ~~(76)~~ The university will maintain all group insurance benefits for a full-time employee who is on approved maternity or parental leave. The employee will continue to pay his or her portion of the insurance benefit contribution.
- ~~(87)~~ Employees on paid maternity or parental leave continue to accrue sick and vacation leave.
- ~~(98)~~ Employees on paid maternity or parental leave are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of maternity or parental leave and paid as such.

3356-7-14 Maternity/parental leave – paid leave, excluded professional/administrative staff.

Previous Policy Number: 7002.10
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs and Human Resources
Revision History: April 2008; April 2012; December 2016
Board Committee: University Affairs
Effective Date: December 1, 2016
Next Review: 2021

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. The university understands that supporting employees as they balance career, childbirth and family life benefits both the employee and the university. The policy allows for a specified period of paid leave following the birth or adoption of a child.
- (B) Purpose. Under the provisions of this policy, the university will provide paid leave, at the employees current salary for up to six workweeks or two hundred forty hours, for pregnancy-related medical reasons, childbirth, and/or to care for and bond with a newborn or newly adopted child.
- (C) Parameters.
- (1) Maternity/parental leave runs concurrently with the unpaid leave benefits provided in accordance with the Leave of Absence, Family Medical Leave Act (“FMLA”), (rule 3356-7-05 of the Administrative Code), and with the unpaid leave benefits provided in the “Leave of absence without pay, extended childcare, excluded professional/administrative staff” (rule 3356-7-06 of the Administrative Code).
- (D) Definitions.
- (1) “Paid maternity leave” means a period of paid leave for up to six workweeks or two hundred forty hours for birth and adoptive mothers following the birth or adoption of a child. This paid leave

is also available to birth mothers for pregnancy-related medical issues.

- (2) "Paid parental leave" means three workweeks or one hundred twenty hours of paid leave for a biological/adoptive father to care for and bond with a newborn/adopted child. This leave must be used within six months following the birth or adoption of a child. This leave may be scheduled on an intermittent basis with the approval of the supervisor and the chief human resources officer.
 - (3) "Adoption expense payment" means the payment of two thousand dollars for adoption expenses. Such payment may be requested upon approval of the adoption. An employee who adopts a child may elect to receive the adoption expense payment in lieu of receiving the paid maternity and parental leave.
 - (4) Paid parental leave also means three workweeks or one hundred twenty hours of paid leave following the maternity leave for mothers to care for and bond with the child. This leave must be used consecutively with maternity leave.
- (E) Procedures.
- (1) Paid maternity and parental leave shall be used prior to using sick leave, which may be used to extend the period of paid leave, but which also runs concurrently with unpaid leave in accordance with family medical leave (rule 3356-7-05 of the Administrative Code) or childcare leave (rule 3356-7-06 of the Administrative Code).
 - (2) Only one paid maternity and/or parental leave benefit is available per employee, per birth or adoption event. The number of children born, i.e., multiple births, or adopted during the same event does not increase the length of the paid leave.
 - (3) This paid leave benefit is based upon one hundred per cent full time equivalent ("FTE") and is prorated in accordance with the employee's percentage of FTE status.
 - (4) This policy applies only to employees who have completed at least one year of service prior to the date that paid maternity or parental leave is to commence. Employees who attain one year of service

while on leave for the purpose of a birth or adoption of a child will be eligible for a pro-rated portion of the paid maternity and/or parental leave.

- (5) When the use of paid maternity or parental leave is anticipated, the employee shall provide notice to his or her supervisor and to the chief human resources officer as far in advance as possible. The employee shall also submit an application for leave form at that time with anticipated dates of leave.
- (6) The university will maintain all group insurance benefits for a full-time employee who is on approved maternity or parental leave. The employee will continue to pay his or her portion of the insurance benefit contribution.
- (7) Employees on paid maternity or parental leave continue to accrue sick and vacation leave.
- (8) Employees on paid maternity or parental leave are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of maternity or parental leave and paid as such.

3356-7-15 Bereavement leave, exempt professional/administrative staff and department chairpersons.

Previous Policy Number: 7002.11
Responsible Division/Office: Human Resources
Responsible Officer: ~~Vice President of Legal Affairs and General Counsel~~ Human Resources
Revision History: March 2010; March 2015; **December 2016**
Board Committee: University Affairs
Effective Date: ~~March 11, 2015~~ **December 1, 2016**
Next Review: ~~2020~~ **2021**

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. Through its leave programs, it provides for and encourages preventive health care; physical, emotional, and mental well-being; professional growth and development; and civic responsibility.
- (B) Parameters.
- (1) Up to four consecutive days of paid bereavement leave will be granted to members of the exempt professional administrative staff and academic department chairpersons upon the death of a member of his/her immediate family.
 - (2) As used in this policy, “immediate family” is defined as the employee’s spouse, ~~qualifying domestic partner (as defined in rule 3356-7-49 of the Administrative Code)~~, children (including stillborn condition), daughters-in-law, sons-in-law, grandchildren, parents, parents-in-law, grandparents, spouse’s grandparents, brothers, sisters, brothers-in-law, sisters-in-law, or legal guardian.
 - (3) Members of exempt professional administrative staff and academic department chairpersons may use one day of bereavement leave upon the death of the employee’s aunt or uncle.
 - (4) Employees covered by collective bargaining should refer to their respective labor agreement.

(C) Procedures.

- (1) Employees utilizing bereavement leave should notify their immediate supervisor as soon as possible.
- (2) Employees will complete the appropriate leave form in advance of the leave, when possible, or upon return to work.
- (3) Employees will forward the completed form to their immediate supervisor for their approval.
- (4) Supervisors may require reasonable proof to verify the request for bereavement leave.
- (5) The supervisor reviews and signs the form and forwards it to the office of human resources, where the official leave files are maintained.

3356-7-15 Bereavement leave, exempt professional/administrative staff and department chairpersons.

Previous Policy Number: 7002.11
Responsible Division/Office: Human Resources
Responsible Officer: Vice President of Legal Affairs and Human Resources
Revision History: March 2010; March 2015; December 2016
Board Committee: University Affairs
Effective Date: December 1, 2016
Next Review: 2021

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. Through its leave programs, it provides for and encourages preventive health care; physical, emotional, and mental well-being; professional growth and development; and civic responsibility.
- (B) Parameters.
- (1) Up to four consecutive days of paid bereavement leave will be granted to members of the exempt professional administrative staff and academic department chairpersons upon the death of a member of his/her immediate family.
 - (2) As used in this policy, “immediate family” is defined as the employee’s spouse, children (including stillborn condition), daughters-in-law, sons-in-law, grandchildren, parents, parents-in-law, grandparents, spouse’s grandparents, brothers, sisters, brothers-in-law, sisters-in-law, or legal guardian.
 - (3) Members of exempt professional administrative staff and academic department chairpersons may use one day of bereavement leave upon the death of the employee’s aunt or uncle.
 - (4) Employees covered by collective bargaining should refer to their respective labor agreement.
- (C) Procedures.

- (1) Employees utilizing bereavement leave should notify their immediate supervisor as soon as possible.
- (2) Employees will complete the appropriate leave form in advance of the leave, when possible, or upon return to work.
- (3) Employees will forward the completed form to their immediate supervisor for their approval.
- (4) Supervisors may require reasonable proof to verify the request for bereavement leave.
- (5) The supervisor reviews and signs the form and forwards it to the office of human resources, where the official leave files are maintained.

3356-7-22 Employee health insurance programs.

Previous Policy Number: 7008.01
Responsible Division/Office: ~~Finance and Administration~~/Human Resources
Responsible Officer: Vice President for ~~Finance~~- Legal Affairs and
~~Administration~~ Human Resources
Revision History: March 1998; December 2011; June 2015; **December 2016**
Board Committee: University Affairs
Effective Date: ~~June 17, 2015~~**December 1, 2016**
Next review: ~~2021~~

- (A) Policy statement. The board of trustees authorizes all of the university's employee health care insurance programs. This policy is intended to authorize participation in the medical, prescription drug, dental and vision plan options for professional/administrative and other non-bargaining employees of the university.
- (B) Health care advisory committee. A health care advisory committee ("HCAC") with representation from all bargaining units and non-bargaining employees from each of the university divisions is established in accordance with the HCAC September 2011 policy and guidelines. The charge of the committee is to review and assess existing medical, dental, prescription drug, and vision benefit plan options and other cost-controlling measures.
- (C) Plan design and benefit levels.
- (1) Bargaining unit employees are eligible for medical, dental, prescription drug, and vision coverage in accordance with the applicable collective bargaining agreement.
 - (2) Eligible employees who are not covered by a collective bargaining agreement are eligible for medical, dental, prescription drug, and vision coverage as identified in the "Benefits" section of the website for the office of human resources at <http://web.yasu.edu/hr/>.
- (D) Premium sharing.

- (1) Bargaining unit employees who choose to enroll in the medical, prescription drug, dental or vision plan will be required to contribute toward the cost of coverage in accordance with the applicable collective bargaining agreement.
 - (2) Eligible employees who are not covered by a collective bargaining agreement and who choose to enroll in the university's health insurance plans will be required to share in the cost of coverage as follows:
 - a) Employees will contribute, via payroll deduction, an aggregate of fifteen per cent of the funding level. Funding rates will be established for three tiers: the employee only, employee plus one dependent, and family (employee plus two or more dependents) contracts. A flat percentage of salary that is required for funding level to be reached will be identified each July first.
 - b) Notwithstanding the foregoing formula, employees shall pay no more or no less than the following percentages of the funding rates effective July 1, 2015:
 - (i) Minimum of ten per cent, and
 - (ii) Maximum of twenty per cent.
 - (3) Payments shall be deducted in equal amounts from each eligible participant's semimonthly paychecks.
- (E) Working spouse/coordination of benefits.
- (1) As a condition of eligibility for coverage under the university's group medical and/or prescription drug plan (referred to as "university coverage"), if an employee's spouse is eligible for group medical and/or prescription coverage which is sponsored, maintained and/or provided by the spouse's current employer, former employer (if retirees), or business for self-employed individuals other than sole proprietors, collectively or individually, (referred to as "employer coverage"), the spouse must enroll for at least single coverage in his/her employer coverage unless he/she is entitled to medicare. The use of the word "spouse" in this policy

refers to a ~~traditional legal spouse, as well as a same-sex domestic partner.~~ **traditional legal spouse.**

For purposes of this section, in instances where the spouse's employer makes no monetary contribution for employer coverage, such plans will not be considered to be employer coverage. This is intended to apply to situations in which the spouse is a current employee in a business but not to situations in which the spouse is a business owner, including partner of a company and/or firm, is a self-employed individual (other than a sole proprietor) in a business, or a retiree in a group medical and/or prescription drug insurance plan.

- (2) The requirement of paragraph (E)(1) of this rule does not apply to any spouse who works less than twenty-five hours per week and is required to pay more than fifty per cent of the single premium funding rate or three hundred dollars per month, whichever is greater, in order to participate in employer coverage.
 - (3) An employee's spouse who fails to enroll in employer coverage, as outlined above, shall be ineligible for university coverage.
 - (4) Upon the spouse's enrollment in employer coverage, that coverage will become the primary plan and the university coverage will become the secondary plan, according to the primary plan's coordination of benefits and participation rules. Notwithstanding the foregoing, in the event the spouse is a medicare beneficiary and medicare is secondary to the university coverage and primary to the spouse's employer coverage, the university coverage will be the primary coverage. Sections 3902.11 and 3902.14 of the Revised Code shall govern the implementation and interpretation of these coordination of benefits rules.
- (F) Upon becoming eligible, the employee's spouse must enroll in employer coverage unless he/she is exempt from this requirement in accordance with the exemptions stated in this policy.
- (G) All employees choosing to enroll, whose spouse participates in the university's group medical and/or prescription drug insurance coverage, shall, upon request, complete and submit to the plan a written certification verifying whether his/her spouse is eligible for and enrolled in employer coverage. If any employee fails to complete and submit the certification

form during the annual certification process, such employee's spouse will be removed immediately from university coverage. Any information not completed or provided on the certification form may be requested from the employee.

- (H) If an employee submits false material information or fails to timely advise the plan via the chief human resources officer of a change in the eligibility of the employee's spouse for employer coverage within thirty days of notification of such eligibility, and such false information or failure results in the provision of university coverage to which the employee's spouse is not entitled, the employee's spouse will be disenrolled from university coverage. Such disenrollment may be retroactive to the date as of which the employee's spouse became ineligible for plan coverage, as determined by the administrator for the university coverage.

The administrator shall provide at least thirty days advance written notice of any proposed retroactive disenrollment. In the event of retroactive disenrollment, the employee will be personally liable to the applicable university coverage for reimbursement of benefits and expenses, including attorney's fees and costs incurred by the university coverage as a result of the false information or failure. Additionally, if the employee submits false information in this context, the employee may be subject to disciplinary action up to and including termination of employment.

- (I) The details of the working spouse limitations and coordination of benefits requirements are available upon request from the human resource office.
- (J) For purposes of salary deduction toward insurance premium cost sharing, families in which both spouses/~~domestic partners~~ are employed by the university have the option either to be treated as only one employee, employee plus one or family coverage, or to select individual coverage and for each to pay the single salary share for premium.
- (K) If one spouse/~~domestic partner~~ works for the university and the other does not, the children remain on the university insurance. If both spouses/~~domestic partners~~ work for the university and choose employee plus one or family coverage, the higher paid employee pays for the employee plus one or family coverage.
- (L) An employee may opt out of health insurance benefits (medical, prescription drug, dental and/or vision) coverage upon submission of

sufficient evidence, in accordance with the provisions of this rule, of such coverage from another source.

3356-7-22 Employee health insurance programs.

Previous Policy Number: 7008.01
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs and Human Resources
Revision History: March 1998; December 2011; June 2015; December 2016
Board Committee: University Affairs
Effective Date: December 1, 2106
Next review: 2021

- (A) Policy statement. The board of trustees authorizes all of the university's employee health care insurance programs. This policy is intended to authorize participation in the medical, prescription drug, dental and vision plan options for professional/administrative and other non-bargaining employees of the university.
- (B) Health care advisory committee. A health care advisory committee ("HCAC") with representation from all bargaining units and non-bargaining employees from each of the university divisions is established in accordance with the HCAC September 2011 policy and guidelines. The charge of the committee is to review and assess existing medical, dental, prescription drug, and vision benefit plan options and other cost-controlling measures.
- (C) Plan design and benefit levels.
 - (1) Bargaining unit employees are eligible for medical, dental, prescription drug, and vision coverage in accordance with the applicable collective bargaining agreement.
 - (2) Eligible employees who are not covered by a collective bargaining agreement are eligible for medical, dental, prescription drug, and vision coverage as identified in the "Benefits" section of the website for the office of human resources at <http://web.yasu.edu/hr/>.
- (D) Premium sharing.

- (1) Bargaining unit employees who choose to enroll in the medical, prescription drug, dental or vision plan will be required to contribute toward the cost of coverage in accordance with the applicable collective bargaining agreement.
 - (2) Eligible employees who are not covered by a collective bargaining agreement and who choose to enroll in the university's health insurance plans will be required to share in the cost of coverage as follows:
 - a) Employees will contribute, via payroll deduction, an aggregate of fifteen per cent of the funding level. Funding rates will be established for three tiers: the employee only, employee plus one dependent and family (employee plus two or more dependents) contracts. A flat percentage of salary that is required for funding level to be reached will be identified each July first.
 - b) Notwithstanding the foregoing formula, employees shall pay no more or no less than the following percentages of the funding rates effective July 1, 2015:
 - (i) Minimum of ten per cent, and
 - (ii) Maximum of twenty per cent.
 - (3) Payments shall be deducted in equal amounts from each eligible participant's semimonthly paychecks.
- (E) Working spouse/coordination of benefits.
- (1) As a condition of eligibility for coverage under the university's group medical and/or prescription drug plan (referred to as "university coverage"), if an employee's spouse is eligible for group medical and/or prescription coverage which is sponsored, maintained and/or provided by the spouse's current employer, former employer (if retirees), or business for self-employed individuals other than sole proprietors, collectively or individually, (referred to as "employer coverage"), the spouse must enroll for at least single coverage in his/her employer coverage unless he/she is entitled to medicare. The use of the word "spouse" in this policy refers to a legal spouse.

For purposes of this section, in instances where the spouse's employer makes no monetary contribution for employer coverage, such plans will not be considered to be employer coverage. This is intended to apply to situations in which the spouse is a current employee in a business but not to situations in which the spouse is a business owner, including partner of a company and/or firm, is a self-employed individual (other than a sole proprietor) in a business, or a retiree in a group medical and/or prescription drug insurance plan.

- (2) The requirement of paragraph (E)(1) of this rule does not apply to any spouse who works less than twenty-five hours per week and is required to pay more than fifty per cent of the single premium funding rate or three hundred dollars per month, whichever is greater, in order to participate in employer coverage.
 - (3) An employee's spouse who fails to enroll in employer coverage, as outlined above, shall be ineligible for university coverage.
 - (4) Upon the spouse's enrollment in employer coverage, that coverage will become the primary plan and the university coverage will become the secondary plan, according to the primary plan's coordination of benefits and participation rules. Notwithstanding the foregoing, in the event the spouse is a medicare beneficiary and medicare is secondary to the university coverage and primary to the spouse's employer coverage, the university coverage will be the primary coverage. Sections 3902.11 and 3902.14 of the Revised Code shall govern the implementation and interpretation of these coordination of benefits rules.
- (F) Upon becoming eligible, the employee's spouse must enroll in employer coverage unless he/she is exempt from this requirement in accordance with the exemptions stated in this policy.
- (G) All employees choosing to enroll, whose spouse participates in the university's group medical and/or prescription drug insurance coverage, shall, upon request, complete and submit to the plan a written certification verifying whether his/her spouse is eligible for and enrolled in employer coverage. If any employee fails to complete and submit the certification form during the annual certification process, such employee's spouse will be removed immediately from university coverage. Any information not

completed or provided on the certification form may be requested from the employee.

- (H) If an employee submits false material information or fails to timely advise the plan via the chief human resources officer of a change in the eligibility of the employee's spouse for employer coverage within thirty days of notification of such eligibility, and such false information or failure results in the provision of university coverage to which the employee's spouse is not entitled, the employee's spouse will be disenrolled from university coverage. Such disenrollment may be retroactive to the date as of which the employee's spouse became ineligible for plan coverage, as determined by the administrator for the university coverage.

The administrator shall provide at least thirty days advance written notice of any proposed retroactive disenrollment. In the event of retroactive disenrollment, the employee will be personally liable to the applicable university coverage for reimbursement of benefits and expenses, including attorney's fees and costs incurred by the university coverage as a result of the false information or failure. Additionally, if the employee submits false information in this context, the employee may be subject to disciplinary action up to and including termination of employment.

- (I) The details of the working spouse limitations and coordination of benefits requirements are available upon request from the human resource office.
- (J) For purposes of salary deduction toward insurance premium cost sharing, families in which both spouses are employed by the university have the option either to be treated as only one employee, employee plus one or family coverage, or to select individual coverage and for each to pay the single salary share for premium.
- (K) If one spouse works for the university and the other does not, the children remain on the university insurance. If both spouses work for the university and choose employee plus one or family coverage, the higher paid employee pays for the employee plus one or family coverage.
- (L) An employee may opt out of health insurance benefits (medical, prescription drug, dental and/or vision) coverage upon submission of sufficient evidence, in accordance with the provisions of this rule, of such coverage from another source.

3356-7-26 Nepotism and potential conflicts in employment situations.

Previous Policy Number: 7013.01
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs and
Human Resources
Revision History: December 1998; December 2010; June 2016;
[December 2016](#)
Board Committee: University Affairs
Effective Date: ~~June 15, 2016~~ [December 1, 2016](#)
Next Review: 2021

- (A) Policy statement. The university fosters an environment in which all individuals are treated with mutual respect and trust. Employment practices are designed to ensure fair and equitable treatment for all employees, as well as creating confidence in the integrity of the hiring process. Employment practices that may provide unfair advantage, real or perceived, because of personal relationships or positions of influence are prohibited. Employees may not authorize, or use the authority or influence of their position to authorize, any of the employment practices as defined herein for the benefit of a family member or business associate.
- (B) Definitions.
- (1) Nepotism is the practice of applying favoritism, without regard to merit, through authority or influence by someone in a position of power or authority toward family members or other for whom the employee has a relationship or is legally responsible. Favoritism is shown by giving preferential treatment in any employment practice to family members as defined in this policy.
 - (2) Employment practices include: the ability or power to effectively hire, transfer, suspend, lay off, recall, promote, discharge; assign or reassign duties; reward, discipline, or influence grievances/appeals.
 - (3) Family members are defined as: parents, grandparents, children of any age, grandchildren, spouse, or siblings (regardless of where these family members reside) and anyone to whom he or she is related by blood or marriage (aunts, uncles, nieces, nephews,

cousins, and in-laws) and who is also residing in the same household with the employee. ~~Family members include domestic partners and family members, as defined herein, of a domestic partner.~~

- (4) University officials include: members of the board of trustees, executive officers, administrative officers, and other employees in a position to in any way affect employment practices.
 - (5) Business associate includes: any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples would be partners in a partnership, co-owners of a business, an outside employer, and co-members of an LLC.
- (C) Parameters.
- (1) Employment practices are fundamentally based on the fulfillment of appropriate qualifications and performance standards. Thus, while there is no prohibition of family members and business associates being employed simultaneously at the university, there are restrictions as to whether an employee may authorize employment practices that directly affect another family member or business associate.
 - (2) Division (A)(1) of section 2921.42 of the Revised Code provides that no public (university) official shall knowingly authorize or employ the authority or influence of his/her office to secure authorization of any public contract in which he/she, a family member, or any business associates has an interest. Violation of this section may constitute a felony.
 - (3) University officials have the responsibility to exercise their control, influence, or authority in a manner that maintains confidence in the integrity of the university's administrative and personnel decision-making. This responsibility includes avoiding the appearance of a conflict of interest between personal and university interests (see rule 3356-7-01 of the Administrative Code).

- (4) University officials shall not attempt to influence an employment practice that directly affects a family member or business associate.
 - (5) Normally the university will not hire, transfer, promote, or employ family members in such capacity in which they would directly supervise or be in a position to initiate or participate in institutional decisions involving direct benefit to a family member. However, should that occur, the conflict must be disclosed and the university should determine the action steps to be taken to manage the conflict. The employee should apprise the supervisor and in consultation with the appropriate dean/vice president and chief of human resources officer, resolve the situation and avoid the conflict.
 - (6) If a relationship develops during the course of employment that would create a conflict, the appropriate supervisor, in consultation with the appropriate dean/vice president and the chief human resources officer, will confer with the individuals involved to resolve the situation and avoid the conflict.
 - (7) In rare and unusual situations when it is determined to be in the best interest of the university, exceptions may be made. Such exceptions are to be made through the provost or appropriate vice president and with the approval of the president.
- (D) Procedures.
- (1) The university requires full disclosure of any relationship as defined above at the time of application or at any time that such a relationship might occur during the course of employment.
 - (2) Employees maintain an obligation to ensure that all employment practices are based on appropriate professional qualifications and performance standards.
 - (3) If there is any indication, real or perceived, that employment practices may be contrary to these parameters or procedures, it is the responsibility of the employee to bring the situation to the attention of the immediate supervisor.

- (4) Upon receiving notification of such possible influence, the immediate supervisor and appropriate dean/vice president will consult with the chief human resources officer.
- (5) An employee who violates this policy may be subject to disciplinary action and the employment practice may be reversed.

cousins, and in-laws) and who is also residing in the same household with the employee.

- (4) University officials include: members of the board of trustees, executive officers, administrative officers, and other employees in a position to in any way affect employment practices.
- (5) Business associate includes: any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples would be partners in a partnership, co-owners of a business, an outside employer, and co-members of an LLC.

(C) Parameters.

- (1) Employment practices are fundamentally based on the fulfillment of appropriate qualifications and performance standards. Thus, while there is no prohibition of family members and business associates being employed simultaneously at the university, there are restrictions as to whether an employee may authorize employment practices that directly affect another family member or business associate.
- (2) Division (A)(1) of section 2921.42 of the Revised Code provides that no public (university) official shall knowingly authorize or employ the authority or influence of his/her office to secure authorization of any public contract in which he/she, a family member, or any business associates has an interest. Violation of this section may constitute a felony.
- (3) University officials have the responsibility to exercise their control, influence, or authority in a manner that maintains confidence in the integrity of the university's administrative and personnel decision-making. This responsibility includes avoiding the appearance of a conflict of interest between personal and university interests (see rule 3356-7-01 of the Administrative Code).
- (4) University officials shall not attempt to influence an employment practice that directly affects a family member or business associate.

- (5) Normally the university will not hire, transfer, promote, or employ family members in such capacity in which they would directly supervise or be in a position to initiate or participate in institutional decisions involving direct benefit to a family member. However, should that occur, the conflict must be disclosed and the university should determine the action steps to be taken to manage the conflict. The employee should apprise the supervisor and in consultation with the appropriate dean/vice president and chief of human resources officer, resolve the situation and avoid the conflict.
 - (6) If a relationship develops during the course of employment that would create a conflict, the appropriate supervisor, in consultation with the appropriate dean/vice president and the chief human resources officer, will confer with the individuals involved to resolve the situation and avoid the conflict.
 - (7) In rare and unusual situations when it is determined to be in the best interest of the university, exceptions may be made. Such exceptions are to be made through the provost or appropriate vice president and with the approval of the president.
- (D) Procedures.
- (1) The university requires full disclosure of any relationship as defined above at the time of application or at any time that such a relationship might occur during the course of employment.
 - (2) Employees maintain an obligation to ensure that all employment practices are based on appropriate professional qualifications and performance standards.
 - (3) If there is any indication, real or perceived, that employment practices may be contrary to these parameters or procedures, it is the responsibility of the employee to bring the situation to the attention of the immediate supervisor.
 - (4) Upon receiving notification of such possible influence, the immediate supervisor and appropriate dean/vice president will consult with the chief human resources officer.

- (5) An employee who violates this policy may be subject to disciplinary action and the employment practice may be reversed.

3356-7-31 Fringe benefits, excluded professional/administrative employees fee remission program.

Previous Policy Number: 7015.01
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for ~~Finance~~Legal Affairs and
~~Administration~~ Human Resources
Revision History: December 1998; September 2001;
December 2010; February 2012; December 2016
Board Committee: University Affairs
Effective Date: ~~June 13, 2012~~December 1, 2016
Next Review: 201721

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. Through its various fringe benefits packages, it offers employees incentives to pursue additional education, to take advantage of events, activities and performances offered, and to otherwise enhance each employee's standard of living.
- (1) Tuition or fee remission eligibility. University employees are eligible to be granted remission of instructional and general fees at the university, including out-of-state fees, where applicable. Dependent children and spouses/~~same-sex domestic partners~~ are eligible to be granted remission of instructional fees at the university, including out-of-state instructional fees, where applicable. Children, for purposes of this policy, are the biological children, legally adopted children, stepchildren, or children for which the employee has been granted a legal guardianship. Details of the fee remission program may be found at https://cfweb.cc.yosu.edu/finaid/Fee_Remission/app_remission.cfm.
- (B) Parameters.
- (1) The employee will be required to produce sufficient documentation as requested by the university, such as copies of marriage licenses, birth certificates, and certificates of adoption or legal guardianship to assist the university in determining that the child or spouse, ~~or same-sex domestic partner~~ is eligible for fee remission. Employees

must also complete the university's application/affidavit in order to receive tuition remission.

- (2) Instructional and general fees remission for up to eighteen semester hours per academic year and six semester hours each summer session are available to full-time and .75 full-time equivalent ("FTE") employees.
- (3) Instructional fee remission is available for spouses ~~and same-sex domestic partners (signed affidavit required)~~ of full-time and .75 FTE employees.
- (4) Instructional fee remission is available for full-time and .75 FTE employees' dependent children to the end of the academic year during which the dependent child reaches age twenty-five.
- (5) Instructional and general fees remission are available for former full-time and .75 FTE employees who are retired, their spouses, and dependent children (to the end of the academic year during which the dependent reaches age twenty-five).
- (6) Dependent children of an employee who dies are eligible for fee remission of instructional and general fees until they reach the end of the academic year during which the dependent child reaches age twenty-five.
- (7) A surviving spouse of an employee who dies is eligible for remission of instructional and general fees as long as the spouse remains unmarried. A stepchild of an employee who dies is eligible for fee remission only as long as the surviving spouse of the deceased employee remains unmarried.
- (8) A part-time employee whose appointment equals at least .5 FTE, but is less than .75 FTE, receives remission of one-half of the instructional and general fees for up to six semester hours during the fiscal year of employment.
- (9) Fee remission is available to eligible employees enrolling in classes bearing Youngstown state university credit (including classes audited).

(C) Procedures.

- (1) Enrollment in classes is restricted to times that do not interfere with the performance of an employee's assigned duties and responsibilities. Supervisors may make exceptions to this restriction provided that there is no adverse impact on the operational needs of the work unit and arrangements have been made for the employee to make up any missed work time. An employee wishing to enroll in a university class that is offered during normal work hours must initiate a discussion and obtain approval of the matter from their appropriate department chairperson or department/unit supervisor well in advance of the class registration period.
- (2) If the discussion results in a decision that such enrollment will not interfere with the performance of assigned duties and responsibilities, the employee may proceed to register for the class. The employee and supervisor shall come to a written understanding as to how the employee will attend class and work his/her required number of hours.
- (3) Employees are required to complete a tuition remission form and forward it to the office of human resources prior to taking advantage of the fee remission benefit for each academic term. Tuition remission forms are available on the office of human resources website or from the office of financial aid and scholarships.
- (4) The office of human resources will certify eligibility of the applicant and forward the form to the office of financial aid and scholarships for processing.
- (5) Employees covered by collective bargaining should refer to their respective agreement.

3356-7-31 Fringe benefits, excluded professional/administrative employees fee remission program.

Previous Policy Number: 7015.01
Responsible Division/Office: Human Resources
Responsible Officer: Vice President for Legal Affairs and Human Resources
Revision History: December 1998; September 2001; December 2010; February 2012; December 2016
Board Committee: University Affairs
Effective Date: December 1, 2016
Next Review: 2021

- (A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. Through its various fringe benefits packages, it offers employees incentives to pursue additional education, to take advantage of events, activities and performances offered, and to otherwise enhance each employee's standard of living.
- (1) Tuition or fee remission eligibility. University employees are eligible to be granted remission of instructional and general fees at the university, including out-of-state fees, where applicable. Dependent children and spouses are eligible to be granted remission of instructional fees at the university, including out-of-state instructional fees, where applicable. Children, for purposes of this policy, are the biological children, legally adopted children, stepchildren, or children for which the employee has been granted a legal guardianship. Details of the fee remission program may be found at https://cfweb.cc.yosu.edu/finaid/Fee_Remission/app_remission.cfm.
- (B) Parameters.
- (1) The employee will be required to produce sufficient documentation as requested by the university, such as copies of marriage licenses, birth certificates, and certificates of adoption or legal guardianship to assist the university in determining that the child or spouse is eligible for fee remission. Employees must also complete the

university's application/affidavit in order to receive tuition remission.

- (2) Instructional and general fees remission for up to eighteen semester hours per academic year and six semester hours each summer session are available to full-time and .75 full-time equivalent ("FTE") employees.
 - (3) Instructional fee remission is available for spouses of full-time and .75 FTE employees.
 - (4) Instructional fee remission is available for full-time and .75 FTE employees' dependent children to the end of the academic year during which the dependent child reaches age twenty-five.
 - (5) Instructional and general fees remission are available for former full-time and .75 FTE employees who are retired, their spouses, and dependent children (to the end of the academic year during which the dependent reaches age twenty-five).
 - (6) Dependent children of an employee who dies are eligible for fee remission of instructional and general fees until they reach the end of the academic year during which the dependent child reaches age twenty-five.
 - (7) A surviving spouse of an employee who dies is eligible for remission of instructional and general fees as long as the spouse remains unmarried. A stepchild of an employee who dies is eligible for fee remission only as long as the surviving spouse of the deceased employee remains unmarried.
 - (8) A part-time employee whose appointment equals at least .5 FTE, but is less than .75 FTE, receives remission of one-half of the instructional and general fees for up to six semester hours during the fiscal year of employment.
 - (9) Fee remission is available to eligible employees enrolling in classes bearing Youngstown state university credit (including classes audited).
- (C) Procedures.

- (1) Enrollment in classes is restricted to times that do not interfere with the performance of an employee's assigned duties and responsibilities. Supervisors may make exceptions to this restriction provided that there is no adverse impact on the operational needs of the work unit and arrangements have been made for the employee to make up any missed work time. An employee wishing to enroll in a university class that is offered during normal work hours must initiate a discussion and obtain approval of the matter from their appropriate department chairperson or department/unit supervisor well in advance of the class registration period.
- (2) If the discussion results in a decision that such enrollment will not interfere with the performance of assigned duties and responsibilities, the employee may proceed to register for the class. The employee and supervisor shall come to a written understanding as to how the employee will attend class and work his/her required number of hours.
- (3) Employees are required to complete a tuition remission form and forward it to the office of human resources prior to taking advantage of the fee remission benefit for each academic term. Tuition remission forms are available on the office of human resources website or from the office of financial aid and scholarships.
- (4) The office of human resources will certify eligibility of the applicant and forward the form to the office of financial aid and scholarships for processing.
- (5) Employees covered by collective bargaining should refer to their respective agreement.



Explanation of Modifications to *University Policy*:

**3356-7-20 Drug-Free Environment
(Previous Policy Number 7006.01)**

This policy was modified to acknowledge that while Ohio House Bill 523 authorizes marijuana use for medical purposes, Youngstown State University as a recipient of federal funds must still comply with the Federal Controlled Substance Act which labels marijuana as highly addictive/with no medical value and prohibits its use.

**Board of Trustees Meeting
December 1, 2016
YR 2017-**

**RESOLUTION TO MODIFY
DRUG-FREE ENVIRONMENT POLICY, 3356-7-20
(PREVIOUS POLICY NUMBER 7006.01)**

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, the Drug-Free Environment policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Drug-Free Environment, policy number 3356-7-20 (Previous Policy Number 7006.01), shown as Exhibit __ attached hereto. A copy of the policy indicating changes to be made is also attached.

3356-7-20 Drug-free environment.

Previous Policy Number: 7006.01
Responsible Division/Office: Human Resources
Responsible Officer: **Vice President** for Legal Affairs and Human Resources
Revision History: September 1998; December 2010; September 2015; **December 2016**
Board Committee: University Affairs
Effective Date: ~~September 24, 2015~~ **December 1, 2016**
Next Review: 2020

- (A) Policy statement. Youngstown state university (“university”) is committed to creating a safe and healthy environment for its employees, **students and visitors**. The university prohibits the unlawful manufacture, distribution, dispensation, possession, sale or use of illegal drugs, controlled substances, intoxicants, and alcohol by any student, employee, organization (including student organizations), volunteer or visitor on university premises, at any location where university business is being conducted, as part of any university activity, in a university vehicle, or in the workplace. Employees are prohibited from working and from operating any university vehicle or equipment while under the influence of alcohol or non-prescribed controlled substances. Employees using prescribed or over-the-counter medication are prohibited from operating university vehicles or equipment at any time when their ability to do so might be impaired by the medication. No passenger in a university vehicle may consume alcoholic beverages or use non-prescribed controlled substances while in the vehicle
- (B) Purpose. This policy is designed to create and maintain an environment which sustains the general health and well-being of students, employees, and visitors and to comply with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The authorized use of alcohol on university premises is governed by university policy 3356-5-10, “Alcoholic beverages on campus.”
- (C) Scope. This policy applies to all students, interns, faculty, employees (including student employees), volunteers, university visitors, third parties, (unless otherwise noted) and any individual or organization using university

premises or engaged in a university activity or program whether on or off campus.

As a recipient of federal funding, such as student financial aid and federal grants and contracts for research, the university is required to follow federal law including the Controlled Substances Act (CSA) (21 U.S.C, Chapter 13). The CSA prohibits the manufacture, dispensation, possession, use, or distribution of marijuana in any form on any university-owned property, in the conduct of university business or as part of any university activity. On September 8, 2016, Ohio law allowed certain activities related to the possession and use of medical marijuana. However, using and possessing marijuana, including medically prescribed marijuana, continues to be prohibited by and a violation of the CSA and university policy.

This prohibition applies even when the possession and use would be legal under the laws of Ohio. As a result, those with medical marijuana prescriptions/cards are not permitted to use medical marijuana on campus, in the conduct of university business or as part of any university activity. Sanctions for students and employees who are found to be in possession of or using marijuana include suspension, expulsion, and/or termination of employment.

This prohibition does not extend to research related to marijuana that is approved by:

1. The Agency for Health Care Research and Quality;
2. The National Institutes of Health;
3. The National Academy of Sciences;
4. The centers for Medicare and Medicaid services;
5. The United States Department of Defense;
6. The Centers for Disease Control and Prevention;
7. The United States Department of Veterans' Affairs;
8. The Drug Enforcement Administration;
9. The Food and Drug Administration;
10. Any board recognized by the National Institutes of Health for the purpose of evaluating the medical value of health care services.

Students who are legally authorized Ohio medical marijuana users and are living in university owned or managed housing, may submit a letter with supporting documentation to the associate vice-president for student experience asking to be released from their university housing and dining obligations.

(D) Definitions.

- (1) “University premise.” Any building or land (including parking lots) owned, leased or used by the university including any site at which an employee is to perform work for the University.
- (2) “University vehicle or equipment.” Any vehicle or equipment owned, leased, or operated by the university.
- (3) “Controlled substances.” Include and are not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and any chemical compound added to federal or state regulations and denoted as a controlled substance.
- (4) “Illegal drugs.” A substance whose use or possession is controlled by federal or state law but is not being used or possessed under the supervision of a licensed health care professional.
- (5) “Intoxicant.” Any substance which can induce a condition of diminished mental and/or physical ability, excitement, irrational behavior or other physiological effects.
- (6) “Random testing.” Drug or alcohol testing that is conducted on employees chosen by random selection.
- (7) “Reasonable suspicion testing.” Testing based on specific, objective observations concerning the appearance, behavior, speech, or body odors of an employee including but not limited to slurred speech; dilated or pinpoint pupils; drowsiness or sleepiness; unusual or rapid changes in mood; unexplained work errors; impaired manual dexterity, coordination, or ability to reason; diversion of medications or upon verification of a drug or alcohol-related conviction; and self-disclosure of selling or taking drugs or alcohol.
- (8) “Refusal to consent.” Obstructing the collection or testing process; submitting an altered, adulterated, or substitute sample; failing to appear for a scheduled test; refusing to complete the requested testing forms; failing to promptly provide specimen(s) for testing when directed to do so and without a valid medical basis for the failure.

(E) Guidelines.

- (1) All faculty, staff, volunteers, and student employees are required to report known or suspected violations of this policy to their supervisor, manager, or an appropriate administrator.
 - (2) This policy is subject to all applicable collective bargaining agreements and state law; however, no employee or bargaining unit may be exempted from application of this policy.
 - (3) Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided by an employee or volunteer shall be kept confidential to the extent required by law and maintained in files separate from personnel files. Such records and information may only be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding.
 - (4) Voluntary submission for treatment of substance abuse problems will not subject employees or volunteers to disciplinary action or sanctions; however, submission for treatment shall not serve as a substitute for disciplinary action or sanction under this or any other university policy.
 - (5) Any employee, volunteer, or visitor who observes an individual unlawfully manufacturing, distributing, dispensing, using or possessing alcohol or possessing controlled substances on university premises shall be reported immediately to the university police. Off-site university programs or activities should contact campus police, security and/or local law enforcement.
- (F) Procedures.
- (1) Consistent with this policy, the office of human resources shall:
 - (a) Develop procedures for the implementation and monitoring of drug and alcohol testing program which may include contracting with outside entities to provide testing services;

- (b) Inform all employees of the drug-free environment policy upon employment and ensure that the policy is accessible to all- employees on the human resources website;
 - (c) Provide access to training for supervisors and managers; and
 - (d) Provide information on resources available through the university's employee assistance program ("EAP").
- (2) Consistent with this policy, the office of student experience shall:
- (a) Annually inform students of the university's drug-free environment policy;
 - (b) Provide alcohol and drug abuse awareness programing for students.
- (3) Drug/alcohol testing.
- (a) Pre-employment testing. Applicants for specific safety-related and other designated positions at the university will be drug/alcohol tested after receiving a final offer of employment and prior to beginning work. Applicants will be notified at the time of application that testing for drugs is a requirement of the employment process. Offers of employment are contingent on successfully passing a drug/alcohol test.
 - (b) Random testing. Performed for safety-related and other designated positions as required by law and pursuant to individual agreements. Employees in this group are subject to random testing as a condition of continued employment.
 - (c) Ordered testing. With the approval of the office of human resources, departments or units within the university can establish testing standards that are more rigorous than outlined in this policy (such testing is typically required by federal regulations, licensure boards, and other legal or regulatory entities).
 - (d) Reasonable suspicion testing.