



An Operating Unit Of Mercer University

# MERCER ENGINEERING RESEARCH CENTER EMPLOYEE HANDBOOK

**MERCER ENGINEERING RESEARCH CENTER (MERC)  
EMPLOYEE HANDBOOK**

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# 1. INTRODUCTION

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## A LETTER FROM THE PRESIDENT

I wish to extend greetings to all employees of the University. To the experienced members of the community, I express appreciation for your contributions; and to you who are just now joining us, I offer a sincere welcome to the Mercer family.

No job at Mercer is unimportant or unrelated to the University's pursuit of its purpose, and the successful achievement of its mission depends upon the dedicated performance of each one who serves here. Mercer also has much to give to you, and I hope you will take full advantage of the opportunities for education and enrichment available on campus.

If the University receives from us the best we can give and we fully share in what it has to offer, Mercer will be, for all of us, a happy and rewarding place to work.

*William D. Underwood*

## ABOUT THIS HANDBOOK

The purpose of this Handbook is to provide you with information about the Mercer Engineering Research Center of The Corporation of Mercer University and its policies. Please read it carefully and retain it for future reference. The policies described in this Handbook are subject to change. From time to time, you may receive updated information concerning changes in policy. Should you have any questions concerning any policies, please ask your supervisor or the MERC Director of Operations.

This Handbook is not a contract guaranteeing employment for any specific duration. Although we hope that your employment relationship with MERC will be long-term, either you, MERC or the University may terminate this relationship at any time, for any reason, with or without cause or notice.

## MERCER HISTORICAL SKETCH

Mercer University began life in 1833, with an enrollment of 39 students in the tiny village of Penfield in Green County, Georgia. It was not then called Mercer University, but Mercer Institute, and it was not coed, but a school for boys and young men.

The University, a faith based institution, is named for Jesse Mercer (1769-1841), a distinguished Baptist clergyman and a pioneer in Christian education in Georgia.

Mercer became a university in 1839, just six years after its beginning, even though it had only 95 college and preparatory students that first year in its elevated status. In 1871, after nearly 40 years of struggle to survive in a rural community, Mercer moved to Macon, about 70 miles away. The growth that would bring the University into the ranks of outstanding private universities had begun.

The University employs approximately 1,341 employees and has a total enrollment of over 7,300 students, with campuses in Macon and Atlanta and educational centers throughout Georgia. Mercer is a comprehensive university, comprised of the following colleges and schools:

- The College of Liberal Arts in Macon, the oldest and largest school and the traditional heart of the University;
- The Walter F. George School of Law, Macon, established in 1871;
- The College of Pharmacy and Health Sciences, Atlanta, which was founded in 1903 and became a part of Mercer in 1959;
- The School of Medicine, Macon, which accepted its first students in 1982 and graduated its first class in 1986;
- The Eugene W. Stetson School of Business and Economics, established as separate schools in Macon (1984) and Atlanta (1983) and now a unified school with undergraduate education centered in Macon and graduate education centered in Atlanta;
- The School of Engineering, Macon, established in 1984;
- The Mercer Engineering Research Center (MERC), Warner Robins, established in 1987 to initiate development of a nationally-recognized research organization within Mercer University;
- The Tift College of Education, established in 1995, has educational centers in Macon and other cities in Georgia;
- The McAfee School of Theology, Atlanta, established in 1996, offers the master of divinity degree;
- The Georgia Baptist College of Nursing of Mercer University, Atlanta, which was founded in 1901 and became a part of Mercer in 2001;
- The College of Continuing and Professional Studies, established in 2003; and

- The Townsend School of Music, Macon, established in 2006.

## **MISSION/UNIVERSITY GOALS**

### *The Mission of the University:*

Mercer University is a faith based institution of higher learning that seeks to achieve excellence and scholarly discipline in the field of liberal learning and professional knowledge. The University is guided by the historic principles of religious and intellectual freedom, while affirming religious and moral values that arise from the Judaeo-Christian understanding of the world.

### *Statement of University Goals:*

- To offer undergraduate, graduate and professional programs based upon a strong liberal arts foundation.
- To support a highly-qualified faculty that is student and teaching oriented and is engaged in scholarly, research and professional activities.
- To foster independent and critical thinking and a continuing interest in learning.
- To foster intellectual and spiritual freedom in an environment that encourages tolerance, compassion, understanding and responsibility.
- To offer a variety of intellectual, cultural, recreational and spiritual activities designed to enlarge capacity for improved judgment and moral, ethical and spiritual growth.
- To encourage the enrollment of qualified persons from diverse backgrounds and situations.
- To contribute campus resources in partnership with other institutions and agencies to improve the educational, social and economic development of the community.

### *The Mission of The Mercer Engineering Research Center (MERC):*

MERC is an operating unit of the University devoted to the performance of sponsored engineering research for governmental, industrial, and commercial markets through the use of engineers and scientists, students, faculty, and support staff. A concentrated effort is made to involve MERC in the engineering academic process and vice versa and to pursue joint proposal efforts to enhance the discovery and utilization of knowledge to solve real problems.

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## 2. EMPLOYMENT POLICIES

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### **EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION** *(Revised 8/24/11)*

Mercer University is committed to a policy of equal opportunity in employment without regard to race, color, national origin, disability, veteran status, sex, sexual orientation, genetic information, age, or religion (except in limited circumstances where religious preference is both permitted by law and deemed appropriate as a matter of University policy). This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, transfer, leaves of absence, compensation and training programs.

In addition, as a federal contractor, the University has adopted an Affirmative Action Plan in accordance with applicable legal requirements. This plan is reviewed and updated annually. Employees and applicants may access, upon request, the full affirmative action plan.

Mercer University will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Mercer University prohibits any form of unlawful employee harassment based on race, color, national origin, disability, veteran status, sex, sexual orientation, genetic information, age or religion. For additional information with respect to sexual harassment, see Section 5 of this Handbook.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the Equal Opportunity Officer/Title IX Coordinator, the supervisor of the person behaving objectionably, or for sexual violence/sexual harassment with the Office of Civil Rights. Employees can raise concerns and make reports without fear of reprisal, harassment, intimidation, threats, coercion or discrimination.

Mercer University maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates and to respond to any specific complaints applicants or employees file with the Mercer University's equal employment opportunity office. The Associate Vice President for Human Resources [1400 Coleman Avenue, phone (478) 301-2786] is the Equal Opportunity/Affirmative Action Officer/Title IX Coordinator and is responsible for monitoring and coordinating compliance with this policy and applicable laws and regulations, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Executive Order 11246, and other federal and state laws. Grievance procedures for complaints of discrimination by non-faculty employees are described in Section 5 of this Handbook.

## THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

### OVERVIEW:

The HIPAA Law is a regulatory requirement imposed on Healthcare organizations and other organizations that hold medical information. The Law is designed to protect patients' rights and to create the standardization of healthcare information. The Law regarding Healthcare Payment, Treatment, or Healthcare Operations is outlined as the Rules for Administrative Simplification.

The Law became effective in 1996, but the implementation of the Law has been rolled out into regulations since 2002.

The regulations of the HIPAA Law cover the following areas of healthcare:

- Privacy of Health Related Information
- Standardization of Electronic Billing Transactions and Code Sets
- Standardization of Healthcare Identifiers
  - Plan
  - Employer (Plan Sponsor)
  - Provider
  - Patient
- Security of Healthcare Facilities and Healthcare Information
  - Physical
  - Electronic

HIPAA is a regulatory requirement, and Mercer University mandates that all Health activities and Health (Medical) information be in compliance. All employees, staff, faculty, and students who use, hold or come in contact with Medical information need to be trained in the HIPAA Law and the Mercer HIPAA Policies and Procedures.

Any questions about HIPAA or Mercer's HIPAA Policies and Procedures need to be directed to the Mercer HIPAA Privacy Officer, Jim Calhoun.

### PROCEDURE:

The physical protection of Protected Health Information (PHI), which is information that is identifiable and contains health status, treatment, diagnosis, or other sensitive health information of a specific individual, is critical and is required by Mercer University under its HIPAA Policies. PHI must be physically secured in such a manner as to prevent unauthorized access. Guidelines for maintaining physical security include but are not limited to the following:

- Each organization will designate faculty, staff, and students that have a need to know; the list of authorized individuals will be kept on file with the University HIPAA Privacy Officer.
- All PHI will be stored in locking file cabinets with access limited to those with proper authorization. Locking file cabinets should be uniquely keyed.
- All PHI will be stored in locking file cabinets in locations secured by locks during times when authorized personnel are not in the area.

- All PHI that is outside of the file cabinets during normal operations will be kept confidential and from the view of unauthorized individuals.
- All file folders or documents that contain PHI will be secured when all authorized personnel leave the work area.
- All computer screens containing PHI will have timeouts and screen savers installed that protect the viewing of the information by unauthorized personnel. Computer screens will be oriented in a manner that prevents unauthorized individuals from accessing PHI.
- When PHI is removed from a secured area, it will be transferred in a format that maintains its confidentiality. This can be accomplished by securing data in closed envelopes, folders, boxes, etc. This information must be kept from casual view.

These guidelines are to be considered the minimum required by all schools, colleges, departments, or programs. If necessary, more stringent procedures may be initiated.

### **COMMUNICATIONS GUIDELINES:**

#### ***Purpose:***

To provide guidelines on how to handle Protected Health Information that is provided by an individual (student, staff, faculty) to another individual for decision purposes. This guideline is to protect both the individual and Mercer University from the errant disclosure of Protected Health Information.

#### ***Definition:***

**Protected Health Information (PHI):** Information that is covered under the Health Insurance Portability and Accountability Regulations (HIPAA) regarding privacy. The PHI consists of information regarding treatment, diagnosis, medication, or procedures that can be specifically identified to an individual through oral, written, or electronic communication.

#### ***Policy:***

The following are the policies that govern the HIPAA Communications Guidelines:

- **Receiver's Responsibility:** According to HIPAA law, the providing of Protected Health Information by the individual is considered confidential in a one on one basis. Therefore, there is no issue with receiving this information. The HIPAA Confidentiality and Privacy requirement is based on what one does with the information received. The communication of this information is restricted and does need to comply with HIPAA Regulations. It is advised not to communicate this information.
- **Communication of Protected Health Information:** If communication of the information received is required to perform work or accommodation for an individual, then the receiver should contact the University HIPAA Privacy Officer for instruction on proper HIPAA compliant communication of the Protected Health Information.
- **HIPAA Privacy Baseline:** All identified Protected Health Information needs to be kept secure, private, confidential and communication of this information needs to follow all established Mercer University HIPAA Policies and Procedures.

The best course of action is to not solicit nor receive any medical or health related information about an individual that could be interpreted or assumed to be Protected Health Information.

## **RESTRICTIONS ON EMPLOYMENT**

### **A. Employment of Relatives**

MERC permits the employment of qualified relatives of employees only as long as such employment does not, in the opinion of the University, create actual or perceived conflicts of interest. Relatives shall not be employed in regular positions in the same department, where one has direct or ultimate administrative responsibility over the other. That is, no employee is permitted to work in a regular position within the "chain of command" of a relative such that one relative's work responsibilities, salary, or career progress could be influenced by the other relative. If employment of a relative is proposed, the recommendation of the department head must be accompanied by a written justification of the need for employment of the relative and approved by the Associate Vice President for Human Resources.

### **B. Employment of Minors**

Federal law prohibits the hiring of persons under the age of 16 years for most occupations. In the case of hazardous occupations, this limit is 18 years. The employment of all persons under the age of 18 years must be in compliance with applicable law and approved by the Associate Vice President for Human Resources.

### **C. Employment of Students**

All students shall be paid on an hourly basis at a rate established and approved by the Executive Director of MERC.

## **OUTSIDE EMPLOYMENT**

An employee's full-time job at MERC is expected to be his or her primary occupation. Outside employment is not permitted where, in the opinion of the University or MERC, the outside job creates an actual or perceived conflict of interest or brings discredit to the University or MERC. However, outside employment is allowed if it does not interfere and/or compete with the individual's MERC responsibilities and if it is approved in advance by the employee's supervisor and the MERC Executive Director. Failure to obtain prior approval will be grounds for immediate termination. No MERC funds or facilities may be used in outside employment without prior approval and appropriate payment or reimbursement to MERC.

## **CATEGORIES OF EMPLOYMENT (Revised 9/19/11)**

For purposes of personnel administration, including eligibility for overtime and employee benefits, MERC categorizes its employees as follows:

**A. Full-time Regular Employees:** Employees hired to work a minimum of forty (40) hours a week on a regular basis. Such employees may be "exempt" or "nonexempt" and may or may not be "classified employees" as defined below.

**B. Part-time Employees:** Part-time employees may be "exempt" or "nonexempt" as defined below. There are two categories of part-time employees:

**Regular Part-Time Employees --** Employees hired to work less than thirty (30) hours a week on a regular basis, but who work at least 1,000 hours per service year. Employees in this category are sometimes referred to as **category I employees**.

**Temporary Part-Time Employees --** Employees hired to work less than 1,000 hours per service year, including those who work an irregular schedule or varied hours. Employees in this category are sometimes referred to as category II employees.

**C. Temporary Employees:** Employees engaged to work full-time or part-time on the University's payroll with the understanding that their employment will be terminated no later than upon completion of a specific assignment. Temporary assignments are for durations of six months or less. Such employees may be "exempt" or "nonexempt" as defined below. (Note that employees hired from temporary employment agencies for specific assignments are employees of the respective agency and not of the University.)

**D. Student Employees:** Persons currently enrolled in high school, Mercer University, or any other higher educational institution on a full-time basis who work for the University in some capacity. Student employees must coordinate their employment with the MERC Operations Directorate. Their hours of employment are limited; they are not eligible for benefits, and service as a student employee is not credited for purposes of benefits or seniority if the student employee is subsequently employed as a regular employee.

**E. Nonexempt Employees:** Employees are required to be paid overtime at the rate of time and one half (i.e. one and one-half times) their regular rate of pay for all hours worked beyond forty work hours in a work week, exclusive of paid absences and in accordance with applicable federal wage and hour laws.

**F. Exempt Employees:** Employees who are not required to be paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond forty work hours in a workweek. Exempt employees may be required to work greater than forty work hours per week, commonly referred to as extended work week (EWW), and compensation will be straight hourly pay. Executives, professional employees, and certain employees in administrative positions are typically exempt.

**G. Classified Employees:** Employees whose positions are included in the University's classification system. In general, all full-time regular employees are classified employees except certain administrative and professional positions. Classified employees may be "exempt" or "nonexempt" as defined above.

## **ORIENTATION**

During the first few days of employment, your supervisor, the MERC Operations Directorate, and/or Human Resources will provide you with information regarding basic University and MERC policies, affirmative action plans, benefit programs, and other information to acquaint you with your job, MERC and the University. You will also be asked to complete all necessary paperwork at this time, such as benefit plan enrollment forms, beneficiary designation forms, and appropriate federal and state tax forms.

We encourage you to ask any questions you may have during this orientation so that you will understand all the policies and benefits that affect and govern your employment relationship with the University and MERC.

## **PROBATIONARY PERIOD**

If you are a new employee or a part-time employee moving to regular full-time position, the first 90 work days of your employment are considered a probationary (or introductory) period. During this period, you are not eligible for transfer or promotion to another position outside of your department. You may be terminated or you may choose to resign at any time during this period, without advance notice or cause. Before the probationary period ends, your supervisor will evaluate your performance and make a specific recommendation as to whether your employment should be continued beyond the probationary period. In certain circumstances, such as when there has been a change of supervisors or when there have been apparent deficiencies in your performance, the probationary period may be extended for an additional 90 work days. The successful completion of this probationary or introductory period should not be construed as creating a contract or as guaranteeing employment for any specific duration or as establishing a "just cause" standard for termination.

Continuing employees may be placed in a probationary status at any time during the employment period, in an effort to enforce performance standards or work rules. In such cases, the employee will be given written notification of the reason for the probation and the length of the probationary period.

## **PROMOTION AND TRANSFER OPPORTUNITIES**

The University and MERC provide opportunities for internal transfers and promotions. Vacancies below the University senior management level are normally posted on designated bulletin boards throughout the University and MERC so that interested employees may apply.

Employees interested in transfer or promotional opportunities should apply through Mercer's online application system and provide an updated resume or application form. In cases where the position may be filled by a transfer or promotion, the updated resume is not necessary, but the employee must notify the supervisor of his or her interest in the position in order to be considered. Employees applying for transfer or promotional opportunities outside of their department should notify their supervisor of their candidacy for a vacancy once they have been advised they will be interviewed. The employee must notify the supervisor if he or she is selected for the vacancy. Because of SACS standards, any promotional opportunity where a college degree is required, the employee must have a degree conferred from an accredited college or university.

Employees who are on probation are not eligible for transfer or promotion.

Employees who are transferring or receiving a promotion must provide 10 working days' advance notice unless both the current and prospective supervisors agree to waive this requirement. For administrative and professional positions, at least 30 days' notice should be given to the current supervisor.

## **REDUCTION OF THE WORK FORCE**

When, because of budgetary reductions, reorganization, lack of contract coverage, or for other reasons it becomes necessary or advisable to reduce the number of personnel, the following policies will normally apply:

- (a) In each division designated for reductions, probationary and temporary employees will normally be terminated first, provided the employees retained are considered qualified to perform the required duties and responsibilities (including any additional duties and responsibilities reasonably necessitated by the reduction in personnel).
- (b) Factors considered in determining which employees should be retained and which should be terminated will include performance records, attendance records, productivity, length of service, and importance of duties and responsibilities.
- (c) Affected employees will generally be given an appropriate notice in advance of lay-off or termination or severance pay in lieu of notice. Regular full-time classified employees, if not given 10 working days' notice, will be provided same in severance pay. Regular full-time professional employees will normally be provided one week of pay for each completed year of full-time service at MERC up to a maximum of eight weeks.
- (d) If there is insufficient contract coverage, but additional contract coverage is anticipated within 60 days, employees may be provided the following options:

**1. Layoff:** If selected, the termination procedures described above will apply and all benefits will cease upon termination. In the event the employee desires to be considered for re-employment, he/she will have to undergo the formal selection process as required by the University. No credit for service will be allowed, except those required by ERISA, for purposes of determining benefit eligibility or accruals.

**2. Leave without pay:** If selected, the employee may elect to use any accrued vacation to offset the leave without pay. Based upon the availability of financial resources of MERC, MERC may continue to pay the employer's share of the medical, disability, and life insurance premiums (provided the employee wishes to continue paying their portion of the cost of such insurance, as applicable) for those full-time employees who have such coverage as of the date of the reduction for a period not to exceed 60 days (two monthly premium cycles).

If sufficient contract funding is not received within the 60-day period, the affected employees may elect termination in accordance with the procedures described above, or may continue leave without pay for a period not to exceed one year, inclusive of the sixty days and upon mutual agreement between the employee and the Mercer Engineering Research Center.

For those employees electing leave without pay, MERC will make every effort to restore such employees to their original positions or to positions with equivalent pay and benefits when additional contract funding is received.

## RESIGNATION OR TERMINATION OF EMPLOYMENT

An employee may resign at any time during the employment period. Employees are urged to notify their supervisor at least 10 working days in advance of their intended termination date. Professional staff are urged to give at least 30 days' advance notice. A written letter of resignation shall be provided to the MERC Director of Operations with a copy to the supervisor.

As mentioned elsewhere in this Handbook, classified, professional and other non-faculty employment relationships at the University and MERC are on an at-will basis. Thus, although the University hopes that its relationships with employees are long-term and mutually rewarding, the University reserves the right to terminate the employment relationship at any time. The following guidelines will normally apply to the termination of non-faculty employees:

- (a) **Classified employees** may be terminated during the initial probationary (introductory) period for any reason and without advance notice. After completion of the probationary period, a classified employee may be terminated upon the recommendation of the supervisor and approval of the MERC Executive Director and the Associate Vice President for Human Resources. Where the termination is because of performance deficiencies or improper employee behavior, normally corrective measures or disciplinary action short of termination may have been imposed before termination is approved. See Section 5 of this Handbook for more information on performance and employee conduct guidelines.
- (b) **Administrative and Professional employees** may be terminated at any time without advance notice, although reasonable advance notice or severance pay is normally given unless the reason for the termination is serious misconduct. See Reduction of the Workforce (c) in this section of the Handbook for more on severance pay.

The Georgia Department of Labor requires the completion of a separation notice (Form DOL-800) for all employees, both full-time and part-time, who resign or are terminated. The notice is completed by the MERC Operations Directorate, with the assistance of the Associate Vice President for Human Resources, and the original is given to the employee at the time of separation.

## PERSONNEL FILES

The University and MERC maintain personnel files on each employee. These files contain documentation regarding all aspects of the employee's employment with the University, such as applications for employment, resumes, references, position assignments, performance evaluations, disciplinary warning notices, and correspondence. Employees have a right to review their files within normal business hours. No records shall be removed from the employee's file. If a copy of a file or part of a file is requested, the employee will be charged a reasonable fee.

To ensure that your personnel file is up to date, you should notify the MERC Operations Directorate of any changes in your name, address, telephone number, marital status, number of

dependents, beneficiary designations, individuals to notify in case of an emergency, and so forth, as soon as such changes occur.

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## **3. COMPENSATION POLICIES**

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### **WORK HOURS**

The normal work week for full-time employees is 40 hours. You will be informed of your normal working hours and days. The work week for an employee or group of employees cannot be changed without the approval of the immediate supervisor. Employees are expected to report to work on time daily and to remain on the job throughout their regular working hours, unless prior notification is provided to the supervisor.

### **TIME RECORDS**

In order to comply with applicable laws requiring records to be maintained of hours worked, MERC requires employees to record the hours of time worked for each week in MERC's official Time Tracker system. The employee's time shall be completed electronically, the form printed, signed by the employee and forwarded to the supervisor. After reviewing the form and resolving any discrepancies, the supervisor must sign the form and forward it to the MERC Operations Directorate.

It is imperative that your actual hours worked and paid absences are recorded accurately. Falsification of a time record is a breach of University policy and is grounds for immediate termination.

### **PAY PROCEDURES**

Employees are normally paid on a bi-weekly basis every other Friday. The payroll period for such employees begins every other Thursday at 12:01 a.m. and ends every other Wednesday at midnight. All required deductions (such as for federal and state taxes) and all authorized voluntary deductions will be withheld automatically from your pay. Paychecks or stubs are generally sent to a designated departmental representative for distribution to individual employees.

Employees may authorize direct deposit of their paychecks to their personal bank accounts. Information on direct deposit procedures and authorization forms are available in the MERC Operations Directorate.

Please review your paycheck for errors. If you find a mistake or have questions, please contact your supervisor immediately. If necessary, the MERC Operations Directorate may be consulted to answer questions and to correct any errors.

## **OVERTIME**

Non-exempt employees may be required to work overtime when the need arises. When overtime is necessary, supervisors will attempt whenever possible to provide reasonable advance notice to the affected employees. Overtime work must be authorized in advance by the appropriate supervisor and the Director of Operations. All overtime up to and including 40 total hours worked in a work week will be compensated at the employee's regular hourly rate of pay. All overtime in excess of 40 work hours (exclusive of paid absence) in a work week will be compensated at one and one-half times the employee's regular hourly rate of pay.

When overtime hours have been worked, they must be recorded on the employee's time record form for each work week. The supervisor must obtain approval in advance for overtime through the Director of Operations, because most contracts require prior written authorization through procurement.

Compensation for overtime is paid on the employee's regular payday.

## **EXTENDED WORK WEEK**

Professional employees may be required to work an extended work week when the need arises and with prior approval at the appropriate Director level. Pay for extended work week will be straight hourly pay.

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## 4. PAID ABSENCE BENEFITS

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### VACATION

Because we recognize the importance of vacation time in providing the opportunity for rest, recreation and personal activities, the University grants paid vacations to its regular full-time employees and regular part-time employees defined as Category I (see Section 2 of this Handbook). The amount of vacation to which you are entitled depends on your category of employment.

**A. Full-time and Category I classified employees** accrue vacation leave each year, beginning with their date of employment, as follows (accrual is a ratio to the percentage of time worked):

#### Length of Service & Annual Accrual Rates

0 - 5 Years	=	10 days
6 - 10 Years	=	12 days
11 - 15 Years	=	15 days
Over 15 Years	=	18 days

Category I, regular part-time employees accrue vacation in a ratio proportionate to their percentage of time worked. Vacation leave does not accrue during an unpaid leave of absence.

Vacation may be taken as time accrues at any point during the year and may be taken as weekly periods or as individual days or portions of days as long as the periods chosen meet with the supervisor's approval. Whenever possible, you should submit a vacation request to your supervisor at least two weeks prior to the date you wish your vacation to begin.

You are encouraged to take earned vacation annually. The maximum amount of accrued vacation time that may be carried over is the amount earned in a two-year period. No payments will be made in lieu of taking vacation, except for accrued unused vacation at the time of termination.

If a holiday is observed or special days are designated as non-duty days for all employees, such time will not be charged against accrued vacation.

Vacation leave will be used to subsidize sick leave or bereavement leave upon exhaustion of accrued sick leave.

Time away from work must be charged to either sick leave, if appropriate, or vacation. Unpaid leave will only be designated after all accrued leave is exhausted.

**B. Full-time regular administrative, professional and other non-faculty, employees** accrue vacation leave each year as follows:

Length of Service & Annual Accrual Rates

0 - 5 Years	=	15 days
6 - 10 Years	=	18 days
Over 10 Years	=	22 days

Such employees are encouraged and expected to use vacation time in the year it is earned. 36 working days (288 hours) is the maximum amount of vacation time that may be available to the employee at any time. Adjustments to delete any excess vacation accrual above 288 hours will be made on an annual basis. No payments will be made in lieu of taking vacation except for accrued unused vacation at the time of resignation or termination, which will be paid based on proration of the year worked.

Vacation leave will be used to subsidize sick leave or bereavement leave upon exhaustion of accrued sick leave.

Time away from work must be charged to either sick leave, if appropriate, or vacation. Unpaid leave will only be designated after all accrued leave is exhausted.

**C. MERC Director Level, to include the positions of Chief Scientist and Senior Advisors:**

0 thru 10 years	=	20 days
Over 10 years	=	22 days

Vacation leave will be used to subsidize sick leave or bereavement leave upon exhaustion of accrued sick leave.

Time away from work must be charged to either sick leave, if appropriate, or vacation. Unpaid leave will only be designated after all accrued leave is exhausted.

### HOLIDAYS

The University usually provides paid time off for holidays to all full-time regular employees. MERC, in keeping with Federal Government holidays recognizes different holidays from the University:

- |                          |                                  |
|--------------------------|----------------------------------|
| * New Year's Day         | * Veteran's Day                  |
| * Martin Luther King Day | * Thanksgiving Day               |
| * President's Day        | * Day following Thanksgiving Day |
| * Memorial Day           | * Christmas Eve                  |
| * Independence Day       | * Christmas Day                  |
| * Labor Day              | * New Year's Eve                 |
| * Columbus Day           |                                  |

Regular and temporary part-time employees are eligible for holiday pay only if they are normally scheduled to work and for the number of hours scheduled. A schedule must be on file in the MERC Operations Directorate for the employee to be eligible for holiday pay. Temporary and student employees are not eligible for holiday pay.

Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday.

**In order to be eligible to receive holiday pay, you must be in a pay status and you may not take unpaid leave preceding or following the holiday.** Part-time employees will be paid in accordance with their schedule on file in the MERC Operations Directorate.

## **MEDICAL AND FAMILY LEAVE POLICIES (Revised 4/29/09)**

The University recognizes that inability to work because of illness or injury or because of pressing family needs may cause hardship to employees. In an effort to accommodate employees' medical and family leave needs, the University provides paid and unpaid leaves for eligible employees, as follows:

### **A. Paid Sick Leave**

Paid sick leave may be granted for any of the following reasons, upon approval of the employee's supervisor:

1. Illness or injury: including work related events;
2. Medical or dental treatment or consultation;
3. Pregnancy or pregnancy-related medical conditions; or
4. Illness, injury or disability of a member of the employee's immediate family requiring the employee's presence.

**Full-time regular employees** accrue paid sick days at the rate of one working day per calendar month of service. Category I part-time employees accrue paid sick days in a ratio proportionate to their percentage of time worked. Category II part-time employees and temporary employees are not eligible for paid sick leave.

Eligible employees may carry over unused sick days from year to year, up to a maximum of 90 days, to ensure that such days are available in the event of a long-term illness. However, no employee is paid for accrued unused sick days at the time of termination. Paid sick leave may not be used for reasons other than those listed above. If an illness extends beyond the employee's accrued sick leave, the employee's pay will continue for the period of any accrued vacation.

Longer-term illnesses are covered under the leave policies described below and may be covered under the long-term disability insurance benefit plan.

## **B. Family and Medical Leave Act - (FMLA) Leave**

In accordance with the Family and Medical Leave Act of 1993 and applicable regulations, the University provides up to 12 work weeks of FMLA leave each year to eligible employees for any of the following reasons:

1. For the birth of the employee's child and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter or parent with a serious health condition;
4. For a serious health condition that makes the employee unable to perform the functions of the job;
5. To take leave because of any qualifying exigency as defined by the Department of Labor arising out of the fact that the spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings; or
6. To take up to 26 weeks of leave during a single 12-month period to care for a spouse, son, daughter, parent or next of kin, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this use, a covered service member is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves.

For this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

You are eligible for FMLA leave if you have at least 12 months of service at Mercer and if you have worked at least 1250 hours during the 12-month period preceding the start of the leave.

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the University's normal absence notification procedure. Employees must provide sufficient information for the University to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the University if the requested leave is for a reason for which FMLA leave was

previously taken or certified. If the leave is for a serious health condition, you will be required to provide a Certification of Health Care Provider. Notification forms and forms for obtaining medical certification are available in Human Resources. Failure to provide the certification when requested will result in disciplinary action up to and including termination.

The University will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice provided will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, the University will provide a reason for the ineligibility.

FMLA leave is unpaid leave. Any accrued paid leave (paid sick leave or vacation) must be used first, but paid leave will not count against the 12-week FMLA entitlement. During periods of FMLA leave, the University will maintain your coverage under the University's group health plan under the same terms and conditions as if you were not on leave. You must continue to pay any share of health plan premiums you would have paid, either by prepayment or at the same time as payments would have been due. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Under certain circumstances, FMLA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (by reducing the employee's usual working hours per work week or work day). During intermittent leave, employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Where the leave is because of a birth, adoption or foster care placement, an employee may take intermittent or reduced schedule leave only if the supervisor and Associate Vice President for Human Resources agree. Where the leave is because of a serious health condition, an employee may take intermittent or reduced schedule leave only when medically necessary, and in such a case the employee may be required to transfer to an alternative position which better accommodates recurring periods of leave. During this intermittent leave, the use of any accrual of vacation and sick leave which is related to the FMLA condition will count as FMLA leave.

Employees on FMLA leave may be required to report periodically on their status and intent to return to work, and recertification of medical conditions may be requested at reasonable intervals.

Upon return from FMLA leave, most employees will be restored to their original positions or to equivalent positions with equivalent pay, benefits and other employment terms. Where the leave was because of the employee's serious health condition, the employee will be required to present certification from the health care provider that the employee is able to resume work.

In compliance with the law, the University will not interfere with, restrain, or deny the exercise of any right provided under FMLA, nor will the University discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Any concerns regarding FMLA issues should be directed to the Associate Vice President for Human Resources. However, an employee may also file a complaint with the U.S. Department of Labor or may file a private lawsuit.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical

leave rights.

### **C. Additional Unpaid Medical Leave**

Full-time regular employees and Category I part-time employees who have completed at least ten years of service at Mercer may request additional unpaid medical leaves of absence. The total period of absence (including paid leave and FMLA leave) may not exceed one year. If the leave request is granted, the employee may continue coverage under the University's group health plan upon payment of the total costs of such coverage. MERC will endeavor to place employees returning from leave in their former positions or in positions comparable in status and pay, subject to budgetary restrictions, MERC's need to fill vacancies, and the ability of MERC to find qualified temporary replacements.

### **D. Bereavement Leave**

Sick leave may also be approved for bereavement purposes. Up to five days may be approved for immediate family members (spouse, child or parent) and up to three for the bereavement of extended family members (siblings and grandparents). Accrued vacation may be taken for absences in excess of these described limitations.

## **MILITARY LEAVE**

### **Reserve Duty**

Regular full-time employees will be paid while engaged in the performance of military reserve duty and while going to and from such duty during normal working hours. The maximum length of military reserve leave with pay is eighteen (18) eight-hour workdays in a rolling 12-month period. The rolling 12-month period is measured backward from the first date an employee uses the military leave.

### **Active Duty**

Notwithstanding the paid reserve duty military leave limitation of eighteen (18) days set forth above, in the event that the employee is called up to active military duty, the employee shall be paid his or her salary for a period not to exceed thirty (30) days in any one fiscal year, and not exceeding 30 days in any one continuous period of such active duty service. At the expiration of paid military leave, at the employee's discretion, he or she may use accrued annual leave to cover unpaid military leave absences.

Employees returning from active military duty will be rehired in accordance with applicable federal and state laws pertaining to re-employment rights. Personal leave without pay may be granted for a period not to exceed one (1) year. Under federal law, individuals returning from up to five (5) year's active duty *may* have certain re-employment rights for a period of time.

An employee's request for a military leave of absence must be accompanied by a written copy of orders placing the employee on active duty. The employee must supply a copy of their orders to the Director of Operations prior to their leave. These orders are to be forwarded to the Human Resources Department for inclusion in the employee's personnel file. The employee's

department must also submit a Payroll Action Form documenting the anticipated dates of absence with orders attached.

### **JURY AND WITNESS DUTY LEAVE**

When an employee is summoned to jury duty or subpoenaed to appear as a witness in a court action in which neither the University nor the employee is a party, MERC will continue to pay the employee's regular salary. You are responsible for notifying your supervisor and respective Director of impending jury or witness duty immediately upon receipt of the notice to serve. In any case where jury duty is expected to extend beyond two weeks, the employee should contact his or her supervisor and the Director of Operations to make special arrangements for extended leave (with pay). MERC will make no attempt to have your service on a jury postponed except where MERC conditions necessitate such action. If an employee is temporarily relieved of jury duty on any given day but is still subject to subpoena, the employee shall return to work for the remainder of the day unless the court directs otherwise.

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# 5. EMPLOYEE CONDUCT

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## ABSENTEEISM AND TARDINESS

Employees are required to report for work and to be prepared for duty in accordance with their Schedule of Work on file in the Operations Directorate. If you expect to be absent or tardy, you should notify your supervisor before the work period begins whenever possible, but you must notify your supervisor or Director within one hour after the work period has begun unless you are granted an authorized medical leave (see the policies earlier in this Handbook).

Absenteeism or tardiness that is unexcused or excessive may be grounds for disciplinary action, including dismissal.

## GUIDELINES FOR APPROPRIATE CONDUCT (Revised 8/3/11)

As an employee of the University and MERC, you are expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of integrity at all times. Whether you are on duty or off, your conduct reflects on Mercer University and the Mercer Engineering Research Center. You are, therefore, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that are considered inappropriate and may lead to termination for University employees include, but are not limited to, the following:

1. Falsifying employment or other University and MERC records, including time cards or time sheets.
2. Violating the University's nondiscrimination and/or sexual harassment policy.
3. Soliciting or accepting money and/or gratuities from students or vendors or soliciting MERC business for personal contract work.
4. Excessive absenteeism or tardiness.
5. Excessive, unnecessary or unauthorized use of University or MERC supplies or equipment, especially for personal purposes.
6. Reporting to work with prohibited substances or alcohol in your system is prohibited.
7. Violating the University's drug-free workplace and campus program (described later in this Handbook).
8. Fighting or using obscene, abusive, or threatening language or gestures.
9. Theft of property from co-workers, students or the University.
10. Unauthorized possession of firearms, weapons of any kind, or explosives on University or MERC premises or while on University or MERC business.
11. Disregarding safety, fire, traffic or parking rules.
12. Smoking in an unauthorized area.
13. Insubordination.
14. Willful failure to perform assigned duties or to follow instructions.

15. Lending or permitting the duplication of MERC keys to an unauthorized person.
16. Manipulation of computer data banks by causing false input or removal of computer data.
17. Gambling or conducting games of chance on University or MERC premises.
18. Conviction of a felony.

Should your performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of MERC, based on violations of the above or of any other University or MERC policies, rules or regulations, you will be subject to disciplinary action, up to and including dismissal.

## **PERFORMANCE EVALUATIONS**

All employees are evaluated on a periodic basis by their supervisors. The purpose of the evaluation is to appraise the performance of the employee, provide opportunities to improve performance, improve communication between the supervisor and employee, identify superior and inferior performance, and identify training needs and opportunities for development of the employee.

Newly-hired classified employees are evaluated just prior to the completion of the probationary (introductory) period. Such evaluations include specific recommendations for either continued employment or for termination.

Performance Appraisal/Development forms are made available to each department. After completing the form, the supervisor will discuss its contents with the employee, and the employee should acknowledge the discussion by signing the form. The employee may, within five working days, note objections to the evaluation on the form or in a separate memorandum. Both the evaluation and any objections noted by the employee become part of the employee's personnel file. Once the employee has signed the completed form, no changes, additions or deletions will be made without the employee's knowledge.

## **GRIEVANCE PROCEDURES**

The University has established the following grievance procedures in an effort to resolve complaints by MERC employees:

1. These procedures apply to all complaints by MERC employees alleging violation of University policies prohibiting discrimination in employment on the basis of race, color, national origin, disability, veteran status, sex, sexual orientation, age or religion (except in limited circumstances where religious preference is both permitted by law and deemed appropriate as a matter of University policy). This procedure is intended to provide the grievance procedure required under Title IX, Section 504 and similar Federal laws and regulations prohibiting discrimination in employment. These procedures also apply to other complaints by employees involving adverse employment actions, including actions with respect to salary, fringe benefits, workload and work assignment. Any complaint must be brought by an individual and shall not be brought on behalf of a class.

2. This procedure is designed to be used only after full consultation and informal negotiation or mediation have failed to produce an acceptable resolution of the complaint. Employees who believe they have been discriminated against in violation of the University's policy of equal employment opportunity should contact the Equal Opportunity Officer (see Section 2 of this Handbook). The Equal Opportunity Officer will discuss the matter with the employee's supervisor and/or with the supervisor's supervisor, as he/she deems appropriate, in an attempt to resolve the matter informally. The Equal Opportunity Officer may involve an external mediator in an effort to reach a resolution on which the parties can agree. In cases not alleging discrimination, the complaining employee should contact his or her supervisor in an effort to resolve the matter informally.
3. After a period of informal discussion, but within 90 days after the occurrence of the action complained of, an employee who wishes to invoke the formal grievance procedure shall file a written complaint with the Associate V.P. for Human Resources.
4. The complaint shall identify the complainant and the respondent and shall describe the action complained of and the desired remedy. The respondent will generally be the individual responsible for the complained of action. In questionable cases, the Associate V.P. for Human Resources will designate the respondent. Upon receipt of the complaint, the Associate V.P. for Human Resources shall promptly send copies to the respondent and to the Director of Operations or MERC's Executive Director.
5. Within 30 days of receipt of a copy of the written complaint, the respondent shall submit to the Associate V.P. for Human Resources a written answer to the complaint. The Associate V.P. for Human Resources shall promptly send copies of the answer to the complainant and the Director of Operations or MERC's Executive Director.
6. Within 30 days of receipt of the written answer, unless the complainant withdraws the complaint, a grievance committee shall be selected. Arrangements for such selection shall be made by the Associate V.P. for Human Resources. The grievance committee shall consist of three employees who have not been involved in the grievance. The manner of selection of the committee shall be as follows:
  - (a) One member shall be selected by the complainant;
  - (b) One member shall be selected by the respective director or MERC's Executive Director;
  - (c) The third member, who shall chair the committee, shall be selected by the two members selected in steps (a) and (b) above.
7. The grievance committee shall receive copies of the complaint and answer and shall have broad power, in its discretion, to request additional evidence, to conduct personal interviews with the parties to the grievance and with witnesses, and/or to hold a hearing on the matter. Any hearing shall be conducted by the chair under informal procedures. The parties may be assisted in preparation for any hearing by legal counsel of their choice or by other advisors within the University; but in order to preserve the informal, non-judicial nature of these procedures, legal representation shall not be allowed at any hearings that may be conducted.
8. The grievance committee and the parties shall not discuss information of a private or confidential nature obtained in the course of these procedures. Any such disclosure, except where required by law, shall be grounds for disciplinary action.

9. The grievance committee shall prepare a written report of its findings and recommendations within 30 days of its receipt of the complaint and answer unless more time is reasonably required by either party or by the committee. The report shall be sent to the Associate V.P. for Human Resources, the complainant, the respondent, and the Director of Operations or MERC's Executive Director.
10. Within 30 days of receipt of the committee's report of findings and recommendations, the Associate V.P. for Human Resources shall make a decision accepting, rejecting or modifying the committee's findings or recommendations. The decision shall be communicated in writing to the individuals who received the committee's report.
11. Either the complainant or the respondent shall have 10 days after receipt of the decision to request review by the President. Any such request shall be in writing and shall be submitted to the President, who shall make a decision within 30 days of receipt of the request. The President's decision is final.

## **POLICY PROHIBITING SEXUAL HARASSMENT** **(Revised 8/9/11)**

The University and MERC are committed to maintaining an environment in which the dignity and worth of all members of the institutional community are respected. Sexual harassment harms the environment the University seeks to maintain and is unequivocally prohibited. Moreover, sexual harassment/sexual violence is a form of sex discrimination and violates Federal laws, including Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and further amendments. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the following definition.

### **Definition**

Sexual harassment and sexual violence is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity; or
- (b) submission to or rejection of such conduct is used as a basis for an academic, employment or placement decision affecting the individual; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creates an intimidating, hostile, or offensive environment for working or learning.

### **Examples**

Examples of conduct prohibited by this policy include, but are not limited to:

- (a) persistent, unwelcome flirtation, advances or propositions of a sexual nature;

- (b) repeated insults, jokes, anecdotes or gestures that are commonly considered by people of a specific sex to be demeaning to that sex;
- (c) repeated, unwelcome comments of a sexual nature about an individual's body or clothing or about sexual activity or speculations about previous sexual experience;
- (d) unnecessary and unwelcome touching, such as patting, pinching, hugging or repeated brushing against an individual's body;
- (e) direct or implied threats that submission to or rejection of requests for sexual favors will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation; and
- (f) unwarranted use of sexually suggestive materials.

### **Responsibilities**

All members of the University and MERC community are responsible for ensuring that their conduct does not sexually harass any other member of the University community whether on University or MERC premises, or any off campus location. This same responsibility extends to employees of third parties doing business with the University or MERC or on University or MERC premises and to campus visitors.

University and MERC managers have the further responsibility of preventing and eliminating sexual harassment within the areas they oversee. If MERC managers and employees know sexual harassment is occurring, receive a complaint of sexual harassment or sexual violence, or obtain other information indicating possible sexual harassment, they must take immediate steps to ensure the problem is addressed, even if the problem or alleged problem is not within their area of oversight by reporting the behavior of concern to the appropriate authority charged with investigating such concerns.

### **Consensual Relationships**

In order to promote professionalism between members of the MERC community and to create an environment of trust and respect for one another, romantic and consensual relationships are discouraged, especially between individuals when one has direct influence or authority over the other.

Where a power differential exists, it may be exceedingly difficult to defend against a charge of sexual harassment on the grounds that the relationship was consensual. In internal proceedings, the University generally will be unsympathetic to a defense based on consent when the facts establish that the accused had the power to affect the complainant's employment status or future prospects.

Even genuinely consensual relationships between supervisors and supervisees may be problematic. For example, they may result in favoritism or perceptions of favoritism that adversely affect the work environment. Therefore, any type of consensual relationship within MERC is strongly discouraged. Consensual relationships involving a power differential, therefore, may violate University policy and equal opportunity law.

## **Counseling, Advice and Informal Resolution**

In many instances, informal discussion and mediation can be useful in resolving perceived instances of sexual harassment. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

Problems, questions and grievances may be discussed with the Associate Vice President for Human Resources/Equal Opportunity Officer/Title IX Coordinator at Mercer University or the Office of Civil Rights (see Section 2 of this Handbook). The role of the supervisor at this point is to counsel the complainant about sources of further assistance, including the Equal Opportunity Officer/Title IX Coordinator and others who may be designated to help resolve the problem informally. Once a supervisor has been advised of a perceived instance of sexual harassment, the supervisor should notify the Associate Vice President for Human Resources. Alternatively, the employee may ask the Associate Vice President for Human Resources/Equal Opportunity Officer/Title IX Coordinator to meet with the person causing the problem. In other cases, it may be necessary to arrange for a change in work assignment or for a re-evaluation of the employee's work.

At any time during this informal process the complainant has the right to end the informal process at any time and begin the formal grievance complaint process. In cases involving allegations of sexual assault, mediation will not be used to resolve such complaints. Throughout the advising and informal resolution process, the information provided by the complaining employee will ordinarily be held in confidence unless and until the employee agrees that another party or parties must be informed to facilitate a solution. The employee's identity will not be revealed to the person against whom the complaint is made without the consent of the employee.

## **Formal Grievance Procedures**

Any employee who believes he or she has been subjected to sexual harassment/sexual violence may file a formal complaint with any member of the Discrimination and Harassment Prevention Board or the Associate Vice President of Human Resources/Equal Opportunity Officer/Title IX Coordinator, either initially or after having sought informal resolution as described above, with the possible outcome of disciplinary action against the accused. Requests for confidentiality regarding name or other identifiable information of the complainant may not be possible and will be weighed against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations. The complaint will be investigated and resolved in accordance with the Grievance Procedure described earlier in this Handbook.

## **POLICY PROHIBITING OTHER DISCRIMINATORY HARASSMENT**

Harassment on the basis of race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion constitutes discrimination in employment and as such violates the University's equal opportunity policy as well as federal and state laws.

## Definition

Harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion, or that of his or her relatives, friends or associates, and that:

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- (b) has the purpose or effect of unreasonably interfering with an individual's work performance;  
or
- (c) otherwise adversely affects an individual's employment opportunities.

## Examples

Examples of conduct prohibited by this policy include, but are not limited to:

- (a) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion; and
- (b) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion and that is placed on walls, bulletin boards, or elsewhere on University premises or is circulated in the workplace.

The standard for determining whether conduct relating to race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion is sufficiently severe or pervasive to create a hostile or abusive work environment is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile or abusive. This standard includes consideration of the perspective of persons of the alleged victim's race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion.

The responsibilities of members of the University community to prevent and eliminate harassment on these bases; the procedures for counseling, advice and informal resolution; and formal grievance procedures are the same as those described above under the Policy Prohibiting Sexual Harassment.

## **DRUG-FREE WORKPLACE AND CAMPUS POLICY (Revised 3/1/11)**

Mercer University and MERC share the widespread national concern with the serious threat to health, safety and welfare posed by the unlawful use of drugs and the abuse of alcohol, especially in the workplace and on college campuses. As a matter of University policy, growing out of the University's historic mission and character, and in keeping with applicable Federal and State laws,

the University has adopted and is implementing a program to provide a drug-free workplace and campus for all its students and employees and to prevent the illicit use of drugs and abuse of alcohol.

The unlawful possession, use, distribution, dispensing or manufacture of illicit drugs or alcohol at any time on any University or MERC property or as part of any University or MERC-sponsored activity is absolutely prohibited.

As a condition of employment at MERC, all employees must abide by these standards of conduct, and disciplinary sanctions will be imposed for violation. Among the sanctions that may be imposed are: reprimand, probation, suspension, expulsion or termination of employment, and referral for prosecution. Ordinarily the sanctions for drug-related violations will be suspension or termination of employment. However, in the University's sole discretion, an employee may be permitted to continue in employment if he or she satisfactorily participated in an approved rehabilitation program.

Nothing in this policy is intended to affect the procedural rights of employees under existing grievance or review procedures. However, once the University has determined, after reasonable inquiry, that a violation of this policy has occurred, the employee may be subject to immediate suspension without pay pending the conclusion of such procedures. If no existing procedures are in place for an alleged violation by a particular employee, the University will adapt other review procedures so as to ensure the individual the opportunity for a fair review, including the right to be heard.

Any employee convicted of any drug-related criminal statute must notify the Associate Vice President for Human Resources, in writing, no later than 5 days after such conviction regardless of where the offense occurred. This is because under Federal and State laws, the University must notify Federal agencies of drug-related convictions of employees involved in work under a grant or contract. However, a criminal conviction shall not be necessary to find that an employee has violated these standards of conduct, and the University need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

The complete Drug-Free Workplace and Campus Policy is available, and copies are distributed annually to employees in accordance with Federal law.

### **TOBACCO-FREE POLICY (Revised 6/20/11)**

Mercer University and MERC are committed to the health and well-being of the members of its student body, faculty and staff. The University not only has a vested interest in the vitality of its students and those who administer and operate the University's programs of education, research, and service, but also wishes to promote the advancement of health in general and the maintenance of a healthy environment. The University and its medical, nursing, and pharmacy and health sciences schools, moreover, have substantial commitments to health-related research and teaching.

The Surgeon General of the United States has determined that cigarette smoking is the largest preventable cause of illness and premature death in the United States; it is associated annually with the unnecessary deaths of thousands of Americans. Research findings now indicate

that users of smokeless tobacco and non-smokers who are regularly exposed to tobacco smoke are also at increased risk.

In response to these considerations, the University and MERC have adopted as their goal that of achieving an environment as close to tobacco-free as possible. The following guidelines are designed to achieve a relatively tobacco-free environment on the Mercer campuses and MERC:

- Smoking is prohibited in all indoor locations. All buildings on all campuses and MERC are tobacco-free.
- Smoking is prohibited within 25 feet of all building entrances, air intakes, and windows.
- Residence hall public spaces (lobbies, hallways, lounges, recreation areas, restrooms) and rooms are tobacco-free.
- Use of smokeless tobacco products is prohibited in all university facilities, except in individual residence hall rooms and apartments.

It is the responsibility of each member of the Mercer community and MERC to observe this Tobacco-Free Policy and these guidelines. This policy relies on the thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. Individuals who are smoking inside a building must be directed to the outdoors. Visitors must observe this Tobacco-Free Policy. Department heads, building stewards, and sponsors/hosts of University and MERC events are responsible for visitors' compliance with the University's Tobacco-Free Policy. The University and MERC expect a good faith, common sense, and courteous approach by students and employees in resolving conflicts within the requirements of this policy.

Violation of policies should be reported to Student Affairs for students and Human Resources for employees.

## **SOLICITATION AND DISTRIBUTION OF LITERATURE**

In the interest of maintaining a proper work environment and preventing interference with work and inconvenience to others, the University and MERC regulate solicitation and distribution of literature on its campuses and work locations.

For purposes of this policy, solicitation includes (1) soliciting business of any type, including the selling of products or services; (2) soliciting funds, including debt collection, or political or petitionary support of any kind; and (3) conducting opinion, investigatory or other types of surveys or polls. Distribution includes posting, placing on cars, stuffing University mailboxes, handing out or otherwise distributing any type of literature, pamphlets, product samples or other materials.

**By non-employees:** Unauthorized solicitation or distribution for any purposes on the University's or MERC's property by non-employees is prohibited. Normal business contacts by authorized sales representatives are not prohibited.

**By employees:** Solicitation by University or MERC employees in working areas during the working time of either the person soliciting or the person being solicited is prohibited. Distribution by employees of materials unrelated to work performance is not permitted in working areas of the University or MERC at any time. Solicitation and distribution during non-working time in non-working areas (e.g. cafeterias, break rooms and similar areas) are permitted.

Banners and posters which announce events of interest to students and employees may be displayed in designated areas at MERC with the approval of the MERC Director of Operations. Individuals who have approval to put up banners and posters must take them down at a designated time agreed upon when approval is granted.

## **CRIME AWARENESS AND SECURITY**

Mercer University and MERC place a high priority on keeping its campus and work locations safe for its students, employees and visitors. The Mercer Police Department has primary responsibility for the security of the campus. Mercer Police officers are all certified by the Georgia Peace Officer Standards and Training Council as having met the qualifications and training requirements for police officers in Georgia, and they are authorized to exercise law enforcement powers, including the power of arrest, on the campus and immediately surrounding areas.

More information on campus security policies, crime prevention programs, and campus crime statistics is provided and distributed annually in a Crime Awareness and Campus Security Report for each campus and is available in the Human Resources Office and Mercer Police Office.

MERC's facility requires controlled access. All security procedures shall be adhered to by all MERC and University employees and all visitors. Violations shall result in disciplinary action to include dismissal.

## **OCCUPATIONAL SAFETY AND HEALTH PROGRAMS**

The University and MERC offer programs and plans to recognize and minimize the risks to specific employees or groups of employees who may be exposed to specific hazards while performing assigned tasks and regular duties. The Health and Safety Office offers an OSHA Hazard Communication Program, OSHA Bloodborne Pathogens Program, General Laboratory Safety Program, and other associated Occupational Health Programs which are custom designed for the various specialized work environments within MERC and the University. Employees and/or job classifications identified to have potential exposure to hazardous conditions in the workplace can receive information concerning their rights and responsibilities from the Human Resources Office and the Health & Safety Office.

## **REPORTING SUSPECTED IMPROPER CONDUCT**

In all its business practices, and particularly in its dealings with the Government, MERC and the University seek to conduct ourselves with the highest degree of integrity and honesty. Through its Internal Audit Department and through external audits, the University periodically reviews its business practices, policies, procedures and internal controls for compliance with standards of business ethics and with the special requirements of Government contracting.

Any employee who suspects that improper or illegal conduct or any other irregularities have occurred, especially in connection with Government contracts, is expected and encouraged to promptly report such concerns so that the matter may be investigated and corrective action taken where appropriate. Such reports may be made to your supervisor or the Director of Operations, who will refer the matter to the Internal Auditor for investigation, or you may report suspected

improper conduct directly to the Internal Auditor, using a Confidential Hotline (Phone: 478-301-4636). The University will not discharge or otherwise retaliate against any employee for disclosing information to appropriate University or Government officials which the employee reasonably believes evidences a violation of any Federal law or regulation relating to Federal contract procurement, charges to the Government, or the subject matter of Federal contracts.

### **GIFTS AND GRATUITIES**

Mercer University requires all employees to act with integrity and good judgment and to recognize that accepting personal gifts from current or prospective vendors may cause legitimate concerns about a conflict of interest. In order to avoid a perceived conflict of interest, at no time should an officer or employee of Mercer University solicit or accept any gift, gratuity, or offer of entertainment having a value in excess of \$25 from any individual or company that is doing, or seeking to do, business with the University.